



## **Oneida Business Committee**

**Executive Session**  
**8:30 AM Monday, November 25, 2019**  
**Executive Conference Room, 2nd floor, Norbert Hill Center**

**Regular Meeting**  
**8:30 AM Tuesday, November 26, 2019**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

### **Agenda**

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*Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://oneida-nsn.gov/government/business-committee/agendas-packets/). Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.*

#### **I. CALL TO ORDER**

#### **II. OPENING**

- A. Special recognition of Jamozzy Skenandore**  
Sponsor: David P. Jordan, Councilman

#### **III. ADOPT THE AGENDA**

#### **IV. OATH OF OFFICE**

- A. Oneida Police Department - Michael Pecore**  
Sponsor: Sandra Reveles, Chair/Oneida Police Department
- B. Oneida Police Commission - Lois Strong**  
Sponsor: Lisa Summers, Secretary
- C. Oneida Nation Arts Board - Xavier Horkman**  
Sponsor: Lisa Summers, Secretary
- D. Oneida Youth Leadership Institute Board - Paul K. Ninham**  
Sponsor: Lisa Summers, Secretary

**V. MINUTES**

- A. Approve the November 13, 2019, regular Business Committee meeting minutes**  
Sponsor: Lisa Summers, Secretary

**VI. RESOLUTIONS**

- A. Adopt resolution entitled Office of Special Trustee – Sign Off Authority**  
Sponsor: Debra Danforth, Chair/Oneida Trust Enrollment Committee
- B. Adopt resolution entitled Support H.R. Bill 3467 Remove the Stain Act**  
Sponsor: Lisa Summers, Secretary
- C. Adopt resolution entitled CY 2020 County Tribal Law Enforcement Grant - Brown County**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission
- D. Adopt resolution entitled CY 2020 County Tribal Law Enforcement Grant - Outagamie County**  
Sponsor: Sandra Reveles, Chair/Oneida Police Commission

**VII. STANDING COMMITTEES****A. FINANCE COMMITTEE**

- 1. Accept the November 4, 2019, regular Finance Committee meeting minutes**  
Sponsor: Trish King, Treasurer
- 2. Accept the November 18, 2019, regular Finance Committee meeting minutes**  
Sponsor: Trish King, Treasurer

**B. LEGISLATIVE OPERATING COMMITTEE**

- 1. Accept the November 6, 2019, regular Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
- 2. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda**  
Sponsor: David P. Jordan, Councilman

**C. QUALITY OF LIFE COMMITTEE**

- 1. Accept the September 12, 2019, regular Quality of Life Committee meeting minutes**  
Sponsor: Brandon Stevens, Vice-Chairman



**VIII. TRAVEL REQUESTS**

- A. Approve the travel request - Secretary Lisa Summers - North American Indigenous Games Council Working Group meeting - Hinkley, MN - January 14-18, 2020**  
Sponsor: Lisa Summers, Secretary
- B. Approve the travel request - Councilman Ernie Stevens III - Hemp Interim Final Rule-Tribal Consultation - Las Vegas, NV - December 10-12, 2019**  
Sponsor: Ernie Stevens III, Councilman

**IX. NEW BUSINESS**

- A. Approve the request for the Comprehensive Health Division to meet with WI Department of Health Services**  
Sponsor: Debbie Thundercloud, General Manager
- B. Post ten (10) vacancies - Oneida Election Board Ad Hoc Committee**  
Sponsor: Lisa Summers, Secretary
- C. Accept the Oneida Personnel Commission November 2019 update**  
Sponsor: Lisa Summers, Secretary

**X. EXECUTIVE SESSION****A. REPORTS**

- 1. Accept the Comprehensive Health FY-2019 4th quarter executive report 8:30 a.m.**  
Sponsor: Debbie Thundercloud, General Manager
- 2. Accept the Intergovernmental Affairs, Communications, and Self-Governance November 2019 report 9:00 a.m.**  
Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs
- 3. Accept the Bay Bancorporation, Inc. FY-2019 4th quarter executive report 9:30 a.m.**  
Sponsor: Jeff Bowman, President/Bay Bank
- 4. Accept the Oneida Golf Enterprise FY-2019 4th quarter executive report 10:00 a.m.**  
Sponsor: Eric McLester, Agent/OGE
- 5. Accept the Oneida ESC Group, LLC. FY-2019 4th quarter executive report 10:30 a.m.**  
Sponsor: Jacquelyn Zalim, Chair/OESC Board of Managers
- 6. Accept the Oneida Seven Generation Corporation FY-2019 4th quarter executive report 11:00 a.m.**  
Sponsor: Pete King III, Agent/OSGC

7. **Accept the Oneida Airport Hotel Corporation FY-2019 4th quarter executive report 11:30 a.m.**  
Sponsor: Robert Barton, Chair/OAHC

8. **Accept the Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel

**B. AUDIT COMMITTEE**

1. **Accept the Audit Committee FY-2019 4th quarter report**  
Sponsor: David P. Jordan, Councilman

**C. UNFINISHED BUSINESS**

1. **Accept the Emergency Mangement FY-2019 4th quarter report 1:30 p.m.**  
Sponsor: Kaylynn Gresham, Director/Emergency Management

*EXCERPT FROM NOVEMBER 13, 2019: No action was taken on this item; the deferral request was approved by consensus of the Business Committee.*

**D. NEW BUSINESS**

1. **Review proposed General Welfare Benefits Plan and determine next steps**  
Sponsor: Larry Barton, Chief Financial Officer
2. **Adopt resolution entitled Self-Governance FY 2016-2023 Multi-Year Funding Agreement between the Oneida Nation and U.S. Department of Health and Human Services on behalf of the United States of America**  
Sponsor: Jennifer Webster, Councilwoman

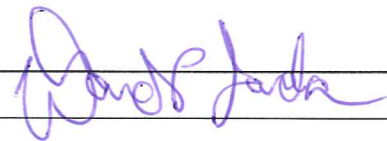
**XI. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov) pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Special recognition of Jamozzy Skenandore

**Oneida Business Committee Agenda Request****1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: 

Additional Requestor:

Additional Requestor:

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

I would like the Business Committee to recognize Jamozzy Skenandore for his golf accomplishments.

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

**Oneida Business Committee Agenda Request**

Oneida Police Department - Michael Pecore

**1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Eric Boulanger, Chief of Police  
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: \_\_\_\_\_  
Name, Title / Dept.Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Oath of Office for one new hire:

Officer:

Michael Pecore

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**Oneida Business Committee Agenda Request**

Oneida Police Commission - Lois Strong

**1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

On October 23, 2019 the Oneida Business Committee appointed Lois Strong to the Oneida Police Commission. Lois was unable to attend the Oneida Business Committee meeting on November 13, 2019, this will be the 2nd attempt to administer her oath of office.

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



Oneida Business Committee Agenda Request

Oneida Nation Arts Board - Xavier Horkman

1. Meeting Date Requested: 11 / 26 / 19

2. General Information:

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

Agenda Header: Oaths of Office

- ☐ Accept as Information only  
☒ Action - please describe:

Administer Oath of Office to Xavier Horkman for the Oneida Nation Arts Board.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract  
☐ Other:

1. 3.  
2. 4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

**Oneida Business Committee Agenda Request****6. Cover Memo:**

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

On November 13, 2019 the Oneida Business Committee appointed Xavier Horkman to the Oneida Nation Arts Board.

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

Oneida Business Committee Agenda Request

Oneida Youth Leadership Institute Board - Paul K. Ninham

1. Meeting Date Requested: 11 / 26 / 19

2. General Information:

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

Agenda Header: Oaths of Office

- ☐ Accept as Information only
- ☒ Action - please describe:

Administer Oath of Office to Paul K. Ninham for the Oneida Youth Leadership Institute Board.

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

- ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

On November 13, 2019 the Oneida Business Committee appointed Paul K. Ninham to the Oneida Youth Leadership Institute Board.

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

Approve the November 13, 2019, regular Business Committee meeting minutes

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## Business Committee Agenda Request

1. Meeting Date Requested: 11/26/19

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

**DRAFT****Oneida Business Committee**

**Executive Session**  
**8:30 AM Tuesday, November 12, 2019**  
**Executive Conference Room, 2nd floor, Norbert Hill Center**

**Regular Meeting**  
**8:30 AM Wednesday, November 13, 2019**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes**

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**EXECUTIVE SESSION**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

**Not Present:** Secretary Lisa Summers;

**Arrived at:** n/a

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Laura Laitinen-Warren, Louise Cornelius, Chad Fuss, Michele Doxtater, Geraldine Danforth, Eric McLester, Dana McLester, Scott Denny;

**REGULAR MEETING**

**Present:** Vice-Chairman Brandon Stevens, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

**Not Present:** Treasurer Trish King, Secretary Lisa Summers;

**Arrived at:** Chairman Tehassi Hill at 8:34 a.m.;

**Others present:** Jo Anne House, Larry Barton, Debbie Thundercloud, Brooke Doxtator, Bonnie Pigman, Debbie Danforth, Jeff Carlson, Chris Johnson, Eric McLester, Tommy Danforth, Earl Jordan, Joanie Buckley;

**I. CALL TO ORDER**

*Meeting called to order by Vice-Chairman Brandon Stevens at 8:34 a.m.*

*For the record: Secretary Lisa Summers is on approved travel attending the TribalNet Conference in Nashville, TN. Treasurer Trish King is on approved travel attending State-Tribal Consultations in Crandon, WI.*

*Chairman Tehassi Hill arrives at 8:34 a.m.*

**II. OPENING (00:00:30)**

*Opening provided by Councilman Daniel Guzman King.*

# DRAFT

## III. ADOPT THE AGENDA (00:01:40)

Motion by Daniel Guzman King to adopt the agenda with one (1) noted change [in item VII.B., correct number of vacancies from "one (1)" to "four (4)"], seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers  
Present: Tehassi Hill

## IV. OATH OF OFFICE (00:02:20)

*Oath of office administered by Jennifer Webster. Patricia Moore was present. Lois Strong was not present.*

- A. **Oneida Election Board - Patricia Moore**  
Sponsor: Lisa Summers, Secretary
- B. **Oneida Police Commission - Lois Strong**  
Sponsor: Lisa Summers, Secretary

*Chairman Tehassi Hill assumes the responsibilities of the Chair at 8:39 a.m.*

## V. MINUTES

- A. **Approve the October 23, 2019, regular Business Committee meeting minutes (00:05:45)**  
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the October 23, 2019, regular Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Abstained: Kirby Metoxen  
Not Present: Trish King, Lisa Summers

# DRAFT

## VI. RESOLUTIONS

**A. Adopt resolution entitled Older Americans Act, Title VI 2020-23 Grant Program (00:06:12)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Brandon Stevens to adopt resolution 11-13-19-A Older Americans Act, Title VI 2020-23 Grant Program, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**B. Adopt resolution entitled Amendment to the Creation of Acheson Education Endowment in Accordance with the Endowments Law (00:07:16)**

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Brandon Stevens to adopt resolution 11-13-19-B Amendment to the Creation of Acheson Education Endowment in Accordance with the Endowments Law, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

## VII. APPOINTMENTS

**A. Determine next steps regarding one (1) vacancy – Oneida Nation Arts Board (00:07:51)**

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to appoint Xavier Horkman to the Oneida Nation Arts Board, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**B. Determine next steps regarding four (4) vacancies – Oneida Youth Leadership Institute Board (00:08:49)**

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to appoint Paul Ninham to the Oneida Youth Leadership Institute Board, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

Motion by David P. Jordan to re-post the remaining three (3) vacancies on the Oneida Youth Leadership Institute Board, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers



# DRAFT

## VIII. STANDING COMMITTEES

### A. LEGISLATIVE OPERATING COMMITTEE

1. **Accept the October 16, 2019, regular Legislative Operating Committee meeting minutes (00:09:41)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the October 16, 2019, regular Legislative Operating Committee meeting minutes, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

## IX. TRAVEL REPORTS

- A. **Approve the travel report - Councilman Ernie Stevens III - AISES National Conference - Milwaukee, WI - October 9-13, 2019 (00:10:15)**

Sponsor: Ernie Stevens III, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Ernie Stevens III for the AISES National Conference in Milwaukee, WI - October 9-13, 2019, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

- B. **Approve the travel report - Vice-Chairman Brandon Stevens and Councilman David P. Jordan - 2019 Nation Congress of American Indians Mid Year Conference and Marketplace - Sparks, NV - June 2019; and accept the NCAI Youth Commission summary report (00:11:09)**

Sponsor: Vice-Chairman Brandon Stevens and Councilman David P. Jordan

Motion by Kirby Metoxen to approve the travel report from Vice-Chairman Brandon Stevens and Councilman David P. Jordan for the 2019 Nation Congress of American Indians Mid Year Conference and Marketplace in Sparks, NV - June 2019 and to accept the NCAI Youth Commission summary report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, Kirby Metoxen, Ernie Stevens III, Jennifer Webster

Abstained: David P. Jordan, Brandon Stevens

Not Present: Trish King, Lisa Summers

**DRAFT**

**C. Approve the travel report - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - Detroit Democratic Presidential Primary Debate - Detroit, MI - July 30-August 1, 2019 (00:14:55)**

Sponsor: Tehassi Hill, Chairman and Brandon Stevens, Vice-Chairman

Motion by Jennifer Webster to approve the travel report from Chairman Tehassi Hill and Vice-Chairman Brandon Stevens for the Detroit Democratic Presidential Primary Debate in Detroit, MI - July 30-August 1, 2019, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Abstained: Brandon Stevens  
Not Present: Trish King, Lisa Summers

**D. Approve the travel report - Vice-Chairman Brandon Stevens - Two (2) events (00:15:10)**

Sponsor: Vice-Chairman Brandon Stevens

**1. Frank LaMere Native American Presidential 2019 forum – Sioux City, IA – August 19-20, 2019**

Motion by Kirby Metoxen to approve the travel report from Vice-Chairman Brandon Stevens for the Frank LaMere Native American Presidential Forum in Sioux City, IA - August 19-20, 2019, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Abstained: Brandon Stevens  
Not Present: Trish King, Lisa Summers

**2. Dental Therapy testimony at the Senate Health Committee hearing – Madison, WI – August 21, 2019**

Motion by Kirby Metoxen to approve the travel report from Vice-Chairman Brandon Stevens for the Dental Therapy testimony at the Senate Health Committee hearing in Madison, WI - August 21, 2019, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Abstained: Brandon Stevens  
Not Present: Trish King, Lisa Summers

**DRAFT****X. TRAVEL REQUESTS****A. Approve the travel request - Vice-Chairman Brandon Stevens - 2019 Fall Haskell Board of Regents meeting - Lawrence, KS - December 10-13, 2019 (00:18:23)**

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Daniel Guzman King to approve the travel request for Vice-Chairman Brandon Stevens to attend the 2019 Fall Haskell Board of Regents meeting in Lawrence, KS - December 10-13, 2019, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Abstained: Ernie Stevens III  
Not Present: Trish King, Lisa Summers

**B. Enter e-poll results into the record regarding the approved travel request - Vice-Chairman Brandon Stevens - Kansas City NFL Stadium Visit - Kansas City, KS - October 26-28, 2019 (00:19:13)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record approved travel request for Vice-Chairman Brandon Stevens to attend the Kansas City NFL Stadium Visit in Kansas City, KS - October 26-28, 2019, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**XI. NEW BUSINESS****A. Review the Table Games (Chapter 4) Oneida Gaming Minimum Internal Controls and determine appropriate next steps (00:23:44)**

Sponsor: Mark A. Powless Sr., Chair/Oneida Gaming Commission

Motion by Brandon Stevens to accept the notice of the Oneida Gaming Minimum Internal Controls for Table Games (Chapter 4) approved by the Gaming Commission on November 5, 2019, and direct notice to the Oneida Gaming Commission there are no requested revisions under § 501.6-14(d), seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**B. CDC #09-011 Oneida Community Health Center Expansion - Approve the concept paper (01:03:47)**

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to approve the concept paper for CDC #09-011 Oneida Community Health Center Expansion, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**DRAFT****C. CDC #19-004 Amelia Cornelius Culture Park Site Improvements - Approve three (3) actions (01:08:36)**

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to approve of the CIP Package for project CDC #19-004 Amelia Cornelius Culture Park Site Improvements, to activate \$50,000 from the approved FY-2019 CIP Budget for CDC #19-004 Amelia Cornelius Culture Park Site Improvements, and to activate \$50,000 from the approved FY-2020 CIP Budget for CDC #19-004 Amelia Cornelius Culture Park Site Improvements, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**D. Approve the BIA and Oneida Nation cooperative agreement for Wildland Fire Management-Non-recurring funds - file # 2019-1092 (01:11:04)**

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to approve the BIA and Oneida Nation cooperative agreement for Wildland Fire Management-Non-recurring funds - file # 2019-1092, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**E. Approve a letter of interest and letter of support for Councilman Daniel Guzman King to serve on the Great Lakes Area Tribal Health Board, with Councilwoman Jennifer Webster as alternate (01:11:44)**

Sponsor: Tehassi Hill, Chairman

Motion by David P. Jordan to approve the letter of interest and the letter of support for Councilman Daniel Guzman King to serve on the Great Lakes Area Tribal Health Board, with Councilwoman Jennifer Webster as alternate, seconded by Brandon Stevens. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Abstained: Daniel Guzman King

Not Present: Trish King, Lisa Summers

*For the record: Councilwoman Jennifer Webster stated I just want to formally state some concerns. I didn't want to have to go there but, I just, I ask that you [Councilman Daniel Guzman King] show up for the meetings. There's been times here when you aren't showing up for meetings.*

**F. Review request regarding General Tribal Council meeting facility and determine next steps (01:14:29)**

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to direct the General Manager to assign a project manager to execute a CIP to address space for General Tribal Council meetings and other activities and to develop a financial plan to be included in the FY-2021 budget development process, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**DRAFT**

- G. Approve two (2) actions regarding the definition of "No New Employees" (01:28:55)**  
Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to approve the memorandum entitled "No New Employees Definition" and to direct the Treasurer to collaborate with the appropriate departments to communicate the memorandum, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Abstained: Daniel Guzman King  
Not Present: Trish King, Lisa Summers

- H. Research Request: Coleman-Univ. of Montana-Hemp Production - Review recommendation and determine next steps (01:42:45)**  
Sponsor: Jo Anne House, Chief Counsel

*Councilman David P. Jordan left at 10:15 a.m.*

Motion by Ernie Stevens III to approve Approve the Coleman - University of Montana - Hemp Production research request, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: David P. Jordan, Trish King, Lisa Summers

- I. Research Request: Dempsey-Univ. of Wisconsin/Madison-Stroke Risk Prevention - Review recommendation and determine next steps (01:46:26)**  
Sponsor: Debbie Thundercloud, General Manager

*Councilman David P. Jordan returned at 10:21 a.m.*

Motion by Ernie Stevens III to approve the Dempsey – Univ. of Wisconsin/Madison – Stroke Risk Prevention research request and to authorize the Chairman to sign the letter of support, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

- J. Post one (1) vacancy - Oneida Nation Arts Board (01:51:36)**  
Sponsor: Lisa Summers, Secretary

*Councilman Daniel Guzman King left at 10:24 a.m.*

Motion by David P. Jordan to post one (1) vacancy for the Oneida Nation Arts Board, seconded by Ernie Stevens III. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Daniel Guzman King, Trish King, Lisa Summers

**DRAFT****K. Re-post one (1) vacancy - Oneida Community Library Board (01:52:20)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to re-post one (1) vacancy for the Oneida Community Library Board, seconded by Ernie Stevens III. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Daniel Guzman King, Trish King, Lisa Summers

**L. Post eight (8) vacancies for alternates - Oneida Election Board (01:52:44)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to post eight (8) vacancies for alternates for the Oneida Election Board, seconded by Jennifer Webster. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Daniel Guzman King, Trish King, Lisa Summers

**M. Schedule a special Business Committee meeting on December 4, 2019, at 3:00 p.m. (01:53:40)**

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to schedule a special Business Committee meeting on December 4, 2019, at 3:00 p.m., seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Daniel Guzman King, Trish King, Lisa Summers

*Item XII.A.1. is addressed next.*

**N. Approve the amended, final Brown County 161 agreement (03:04:45)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Brandon Stevens to add item "Approve the amended, final Brown County 161 agreement" to the agenda, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

Motion by David P. Jordan to the amendments to the Brown County 161 agreement, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

*Item XIV. is addressed next.*

# DRAFT

## XII. REPORTS

### A. OPERATIONAL

#### 1. Accept the Housing Service Group FY-2019 4th quarter report (01:54:50)

*Vice-Chairman Brandon Stevens left at 10:32 a.m.*

Motion by David P. Jordan to accept the Housing Service Group FY-2019 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster  
Not Present: Daniel Guzman King, Trish King, Brandon Stevens, Lisa Summers

#### 2. Accept the Health Care Service Group FY-2019 4th quarter report (02:01:40)

*Councilman Daniel Guzman King returned at 10:36 a.m.*

*Vice-Chairman Brandon Stevens returned at 10:37 a.m.*

*Councilman Ernie Stevens III left at 10:38 a.m.*

Motion by David P. Jordan to accept the Health Care Service Group FY-2019 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Trish King, Ernie Stevens III, Lisa Summers

#### 3. Accept the Government Administration Service Group FY-2019 4th quarter report (02:06:11)

Motion by Brandon Stevens to accept the Government Administration Service Group FY-2019 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster  
Not Present: Trish King, Ernie Stevens III, Lisa Summers

*Councilman Ernie Stevens III returned at 10:40 a.m.*

#### 4. Accept the Planning, Zoning and Development Service Group FY-2019 4th quarter report (02:08:05)

Motion by Jennifer Webster to accept the Planning, Zoning and Development Service Group FY-2019 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers



**DRAFT****5. Accept the Education and Literacy Service Group FY-2019 4th quarter report (02:11:40)**

Motion by David P. Jordan to accept the Education and Literacy Service Group FY-2019 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**6. Accept the Human Services Service Group FY-2019 4th quarter report (02:12:40)**

Motion by Jennifer Webster to accept the Human Services Service Group FY-2019 4th quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

*Item XIII.A.1. is addressed next.*

**7. Accept the Protection and Preservation of Oneida Culture and Language Service Group FY-2019 4th quarter report (02:24:37)**

Motion by Jennifer Webster to accept the Protection and Preservation of Oneida Culture and Language Service Group FY-2019 4th quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**8. Accept the Public Safety Service Group FY-2019 4th quarter report (02:31:56)**

Motion by Jennifer Webster to accept the Public Safety Service Group FY-2019 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**9. Accept the Economic Enterprises Service Group FY-2019 4th quarter report (02:35:48)**

Motion by David P. Jordan to accept the Economic Enterprises Service Group FY-2019 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers

**10. Accept the Protection and Preservation of Natural Resources Service Group FY-2019 4th quarter report (02:49:20)**

Motion by Ernie Stevens III to accept the Protection and Preservation of Natural Resources Service Group FY-2019 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster  
Not Present: Trish King, Lisa Summers



**DRAFT****11. Accept the Building and Property Maintenance Service Group FY-2019 4th quarter report (02:55:50)**

Motion by Ernie Stevens III to accept the Building and Property Maintenance Service Group FY-2019 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**12. Accept the Utilities, Wells, Wastewater and Septic Service Group FY-2019 4th quarter report (03:00:45)**

Motion by Jennifer Webster to accept the Utilities, Wells, Wastewater and Septic Service Group FY-2019 4th quarter report, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

*Item XI.N. is addressed next.*

**XIII. EXECUTIVE SESSION****A. REPORTS****1. Accept Gaming General Manager FY-2019 4th quarter executive report (02:16:41)**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Brandon Stevens to accept the Gaming General Manager FY-2019 4th quarter executive report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**2. Accept the Retail Enterprise FY-2019 4th quarter executive report (02:17:09)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by David P. Jordan to accept the Retail Enterprise FY-2019 4th quarter executive report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**3. Accept the Human Resource 2019 4th quarter executive report (02:17:40)**

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by David P. Jordan to accept the Human Resource 2019 4th quarter executive report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**DRAFT****4. Defer the Emergency Mangement FY-2019 4th quarter report to the November 26, 2019, regular Business Committee meeting agenda**

Sponsor: Kaylynn Gresham, Director/Emergency Management

*No action was taken on this item; the deferral request was approved by consensus of the Business Committee.*

**5. Accept the Comprehensive Housing FY-2019 4th quarter executive report (02:17:55)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Kirby Metoxen to accept the Comprehensive Housing FY-2019 4th quarter executive report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**6. Accept the Environmental, Health, Safety & Land FY-2019 4th quarter executive report (02:18:15)**

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to accept the Environmental, Health, Safety & Land FY-2019 4th quarter executive report, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**7. Accept the Public Works FY-2019 4th quarter report (02:18:40)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the Public Works FY-2019 4th quarter report, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**8. Accept the Chief Counsel report (02:18:50)**

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to accept the Chief Counsel report dated November 8, 2019, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

Motion by Brandon Stevens to approve the response to the letter dated October 22, 2019, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**DRAFT****B. STANDING ITEMS****1. ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION****a. Accept the Thornberry Creek LPGA Classic September/October/November 2019 report (02:19:20)**

Motion by David P. Jordan to reject the Thornberry Creek LPGA Classic September/October/November 2019 report, to request the actual numbers, and to request an updated report to include actual ticket sales, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**C. UNFINISHED BUSINESS****1. Determine next steps regarding long-term recommendations for Oneida Golf Enterprise financial needs and loans (02:20:21)**

Sponsor: Eric McLester, Business Compliance Analyst

Motion by David P. Jordan to support the recommendation from the Chief Financial Officer and the Business Compliance Analyst regarding OGE Revolving Loan Credit Agreement in memorandum dated November 12, 2019, seconded by Kirby Metoxen. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Opposed: Daniel Guzman King

Not Present: Trish King, Lisa Summers

Motion by David P. Jordan to accept FY-2021 and FY-2022 Oneida Golf Enterprise financial needs as information, noting the Business Compliance Analyst will be responsible to ensure the appropriate amounts are requested when the Nation's budgets are developed, seconded by Brandon Stevens. Motion carried:

Ayes: David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Opposed: Daniel Guzman King

Not Present: Trish King, Lisa Summers

**D. NEW BUSINESS****1. Accept the Kemper Sports 2020 business plan as information (02:21:59)**

Sponsor: Eric McLester, Business Compliance Analyst

Motion by Jennifer Webster to accept the Kemper Sports 2020 business plan as information, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

# DRAFT

**2. Accept the Detroit Democratic Presidential Primary Debate talking points for the record (02:22:20)**

Sponsor: Tehassi Hill, Chairman and Brandon Stevens, Vice-Chairman

Motion by Jennifer Webster to accept the Detroit Democratic Presidential Primary Debate talking points for the record, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**3. Review application(s) for one (1) vacancy – Oneida Nation Arts Board (02:22:40)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to accept the discussion [regarding the Oneida Nation Arts Board application(s)] as information, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

**4. Review application(s) for four (4) vacancies – Oneida Youth Leadership Institute Board (02:23:39)**

Sponsor: Lisa Summers, Secretary

*Roll call for the record:*

*Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Councilwoman Jennifer Webster;*

*Not Present: Treasurer Trish King; Secretary Lisa Summers;*

Motion by Jennifer Webster to accept the discussion [regarding the Oneida Youth Leadership Institute Board application(s)] as information, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

Motion by David P. Jordan to recess at 10:56 a.m. until 1:30 p.m., seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

*Meeting called to order by Chairman Tehassi Hill at 1:34 p.m.*

*Item XII.A.7. is addressed next.*

# ***DRAFT***

## **XIV. ADJOURN (03:08:00)**

Motion by David P. Jordan to adjourn at 2:18 p.m., seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Trish King, Lisa Summers

Minutes prepared by Lisa Liggins, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

**Oneida Business Committee Agenda Request**  
Adopt resolution entitled Office of Special Trustee – Sign Off Authority

**1. Meeting Date Requested:** 11 / 26 / 19

**2. General Information:**

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

Agenda Header: 

Resolutions

☐ Accept as Information only

☒ Action - please describe:

Please adopt BC Resolution titled "Office of Special Trustee - Sign Off Authority". This replaces BC Resolution # 02-27-19-E.

**3. Supporting Materials**

☐ Report ☒ Resolution ☐ Contract

☒ Other:

1. 

Proposed BC Resolutions for Adoption

3. 

OTEC 10/22/19 Regular Mtg Minutes-redacted

2. 

Statement of Effect from LRO

4. 

BC Resolution #02-27-19-E

☒ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison: 

Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Primary Requestor/Submitter: 

Keith Doxtator, Oneida Trust Enrollment Director

  
Your Name, Title / Dept. or Tribal Member



Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

On September 26, 2019 the Oneida Trust Enrollment Committee elected new officers which means all custodians and Oneida Trust Fund Money Managers required an updated list of individuals authorized to receive Oneida Trust information, provide investment instructions and initiate disbursements. The Bureau of Indian Affairs - Office of Special Trustee is one of those custodians and requires an updated list of authorized individuals to be established through Tribal resolution.

I respectfully request the Oneida Business Committee to adopt the attached BC Resolution titled "Office of Special Trustee - Sign Off Authority". This Resolution would replace BC Resolution # 02-27-19-E. This standard resolution requires updating when new Oneida Business Committee and/or Oneida Trust Enrollment Committee officers are elected.

Please find attached to this request:

1. Proposed BC Resolutions for Adoption (requesting adoption)
2. Statement of Effect from LRO
3. OTEC 10/22/19 Regular Mtg Minutes-redacted
4. BC Resolution #02-27-19-E (for reference)

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_

### Office of Special Trustee – Sign Off Authority

**WHEREAS,** the Oneida Nation (formerly known as the Oneida Tribe of Indians of Wisconsin) is a federally recognized government and Treaty Tribe recognized by the law of the United States and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation, and

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

**WHEREAS,** the Office of Special Trustee for American Indians has requested the Oneida Nation to determine who is officially authorized to instruct Office of Trust Funds Management to disburse funds and to make investments for the Oneida Nation, and

**WHEREAS,** the Office of Special Trustee requested the authorized officials be approved by Tribal Resolution;

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee approves the following individuals to receive information on accounts managed by the Office of Special Trustee, to initiate disbursements, or to provide investment consultation based on the signatures below:

Tribal officials **Authorized to Receive Oneida Trust Fund Information:**

Name (Print)	Signature	Title	Election Date	Term
Tehassi Hill		Tribal Chairman	July 2017	3 yrs
Brandon Yellowbird-Stevens		Tribal Vice-Chairman	July 2017	3 yrs
Lisa Summers		Tribal Secretary	July 2017	3 yrs
Patricia King		Tribal Treasurer	July 2017	3 yrs
Daniel Guzman King		Oneida Business Committee Member	July 2017	3 yrs
David P. Jordan		Oneida Business Committee Member	July 2017	3 yrs



BC Resolution # \_\_\_\_\_  
Office of Special Trustee – Sign Off Authority  
Page 2 of 3

Kirby Metoxen		Oneida Business Committee Member & Oneida Trust Enrollment Committee Member	July 2017	3 yrs
Ernie Stevens III		Oneida Business Committee Member	July 2017	3 yrs
Jennifer Webster		Oneida Business Committee Member	July 2017	3 yrs
Debra Danforth		Oneida Trust Enrollment Chairwoman	July 2018	3 yrs
Barbara “Bobbi” Webster		Oneida Trust Enrollment Vice-Chairwoman	July 2017	3 yrs
Geraldine Danforth		Oneida Trust Enrollment Secretary	July 2018	3 yrs
Norbert Hill Jr.		Oneida Trust Enrollment Committee Member	July 2019	3 yrs
Loretta V. Metoxen		Oneida Trust Enrollment Committee Member	July 2019	3 yrs
Pamela Ninham		Oneida Trust Enrollment Committee Member	July 2019	3 yrs
Lisa Liggins		Oneida Trust Enrollment Committee Member	July 2018	3 yrs
Elaine Skenandore-Cornelius		Oneida Trust Enrollment Committee Member	July 2017	3 yrs
Keith Doxtator		Oneida Trust Enrollment Director	N/A	N/A
Brent Truttmann		Financial Analyst	N/A	N/A

Tribal officials **Authorized to Provide Investment Instructions** (Oneida Trust Enrollment Committee Resolution Supporting Instruction Required):

Name (Print)	Signature	Title	Election Date	Term
Debra Danforth		Oneida Trust Enrollment Chairwoman	July 2018	3 yrs
Barbara “Bobbi” Webster		Oneida Trust Enrollment Vice-Chairwoman	July 2017	3 yrs

Geraldine Danforth		Oneida Trust Enrollment Secretary	July 2018	3 yrs
Keith Doxtator		Trust Enrollment Director	N/A	N/A
Brent Truttmann		Financial Analyst	N/A	N/A

Tribal officials **Authorized to Initiate Disbursements** (Oneida Trust Enrollment Committee Resolution Supporting Instruction Required):

Name (Print)	Signature	Title	Election Date	Term
Debra Danforth		Oneida Trust Enrollment Chairwoman	July 2018	3 yrs
Barbara “Bobbi” Webster		Oneida Trust Enrollment Vice-Chairwoman	July 2017	3 yrs
Geraldine Danforth		Oneida Trust Enrollment Secretary	July 2018	3 yrs
Keith Doxtator		Trust Enrollment Director	N/A	N/A
Brent Truttmann		Financial Analyst	N/A	N/A



Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



### **Statement of Effect**

#### *Office of Special Trustee – Sign Off Authority*

#### **Summary**

This resolution amends resolution BC-02-27-19-E titled, *Office of Special Trustee – Sign Off Authority*, by updating the list of officials who are authorized to: (1) receive Oneida Trust Fund information; (2) instruct the Office of Trust Funds Management to disburse funds on behalf of the Nation; and/or (3) instruct the Office of Trust Funds Management to make investments on behalf of the Nation.

*Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office*

*Date: November 7, 2019*

#### **Analysis by the Legislative Reference Office**

Per request of the Office of Special Trustee for American Indians, the Nation is to identify, through adoption of a resolution, who is officially authorized to instruct the Office of Trust Funds Management to disburse funds and to make investments on behalf of the Nation. In February of 2019, the Nation identified, through adoption of resolution BC-02-27-19-E, which of its officials were authorized to receive Oneida Trust Fund information, to provide investment instructions and/or to initiate disbursements.

This resolution amends resolution BC-02-27-19-E. Specifically, it amends the list of officials who are granted authority to receive Oneida Trust Fund information, to instruct the Office of Trust Funds Management to disburse funds on behalf of the Nation and/or to instruct the Office of Trust Funds Management to make investments on behalf of the Nation.

#### **Conclusion**

Adoption of this resolution would not conflict with any of the Nation's laws.

Regular Trust Enrollment Committee Minutes  
22 October 2019  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. [REDACTED]

[REDACTED]

D. OST Resolution: Sign-Off Authority – Brent Truttmann  
10-22-19 – Status Update – **Request to Approve and Forward to OBC for Adoption**

[REDACTED]

Loretta Metoxen motioned to approve resolution and forward to BC for adoption pending legal review. Seconded by Pamela Ninham. Motion carried unanimously.

E. [REDACTED]

[REDACTED]



# Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

## BC Resolution # 02-27-19-E Office of Special Trustee - Sign Off Authority

- WHEREAS,** the Oneida Nation (formerly known as the Oneida Tribe of Indians of Wisconsin) is a federally recognized government and Treaty Tribe recognized by the law of the United States and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation, and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section I of the Oneida Constitution by the Oneida General Tribal Council, and
- WHEREAS,** the Office of Special Trustee for American Indians has requested the Oneida Nation to determine who is officially authorized to instruct Office of Trust Funds Management to disburse funds and to make investments for the Oneida Nation, and
- WHEREAS,** the Office of Special Trustee requested the authorized officials to be approved by Tribal Resolution;


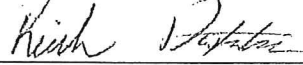

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee approves the following officials to instruct the Office of Trust Funds Management to disburse funds and to make investments for the Oneida Nation:

**The following individuals are recognized by Tribal Resolution to conduct Business with the Office of Trust Funds Management.**

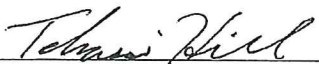
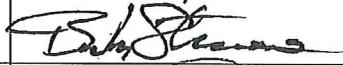

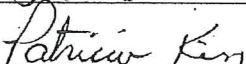
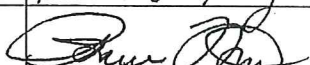
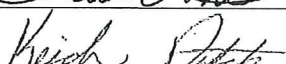
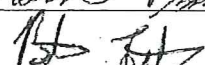
### Tribal officials Authorized to Receive Oneida Trust Fund Information:

Name (Print)	Signature	Title	Election Date	Term
Tehassi Hill		Tribal Chairman	July 2017	3 yrs
Brandon Yellowbird-Stevens		Tribal Vice-Chairman	July 2017	3 yrs
Lisa Summers		Tribal Secretary	July 2017	3 yrs
Patricia King		Tribal Treasurer	July 2017	3 yrs
Barbara "Bobbi" Webster		Trust Enrollment Chairwoman	July 2017	3 yrs
Debra Danforth		Trust Enrollment Vice-Chairwoman	July 2018	3 yrs
Geraldine Danforth		Trust Enrollment Secretary	July 2018	3 yrs

**Tribal Officials Authorized to Provide Investment Instructions:**

Name (Print)	Signature	Title	Election Date	Term
Barbara "Bobbi" Webster		Trust Enrollment Chairwoman	July 2017	3 yrs
Keith Doxtator		Trust Enrollment Director	N/A	N/A
Brent Truttmann		Financial Analyst	N/A	N/A

**Tribal Officials Authorized to Initiate Disbursements** (one from the Business Committee and one from the Trust Enrollment Committee required):

Name (Print)	Signature	Title	Election Date	Term
Tehassi Hill		Tribal Chairman	July 2017	3 yrs
Brandon Yellowbird-Stevens		Tribal Vice-Chairman	July 2017	3 yrs
Lisa Summers		Tribal Secretary	July 2017	3 yrs
Patricia King		Tribal Treasurer	July 2017	3 yrs
Barbara "Bobbi" Webster		Trust Enrollment Chairwoman	July 2017	3 yrs
Keith Doxtator		Trust Enrollment Director	N/A	N/A
Brent Truttmann		Financial Analyst	N/A	N/A

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 27<sup>th</sup> day of February, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
Lisa Summers, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

**Adopt resolution entitled Support H.R. Bill 3467 Remove the Stain Act**

**1. Meeting Date Requested:** 11 / 27 / 19

## 2. General Information:

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

--

Agenda Header: Resolutions

## Resolutions

☐ Accept as Information only

☒ Action - please describe:

The Business Committee's adoption of resolution "Support H.R. Bill 3467 Remove the Stain".

### 3. Supporting Materials

☐ Report      ☒ Resolution      ☐ Contract☐ Other:

1. \_\_\_\_\_

3.

2.

4.

☒ Business Committee signature required

#### 4. Budget Information

☐ Budgeted - Tribal Contribution      ☐ Budgeted - Grant Funded      ☐ Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Secretary

Lisa Summers, Secretary

Primary Requestor/Submitter: Simone Ninham, Executive Assistant / Office of Secretary Summers, OBC

---

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The Business Committee was asked by Oneida veterans to support this bill and the Business Committee was presented a recommendation by Intergovernmental Affairs for support. On November 13, the Business Committee supported the recommendation from Intergovernmental Affairs to support the bill. I am respectfully requesting the Business Committee to adopt the resolution.

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



I

116TH CONGRESS  
1ST SESSION

# H. R. 3467

To rescind each Medal of Honor awarded for acts at Wounded Knee Creek  
on December 29, 1890, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2019

Mr. HECK (for himself, Mr. COOK, Ms. HAALAND, Ms. DAVIDS of Kansas, Mr. KILDEE, and Mr. LUJÁN) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To rescind each Medal of Honor awarded for acts at Wounded Knee Creek on December 29, 1890, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Remove the Stain  
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Medal of Honor is the highest military  
9 award of the United States.

1           (2) Congress found that to earn the Medal of  
2           Honor “the deed of the person . . . must be so out-  
3           standing that it clearly distinguishes his gallantry  
4           beyond the call of duty from lesser forms of brav-  
5           ery”.

6           (3) The actions of Medal of Honor recipients  
7           inspire bravery in those currently serving in the  
8           Armed Forces and those who will come to serve in  
9           the future.

10          (4) Those listed on the Medal of Honor Roll  
11          have come to exemplify the best traits of members  
12          of the Armed Forces, a long and proud lineage of  
13          those who went beyond the call of service to the  
14          United States of America.

15          (5) To date the Medal of Honor has been  
16          awarded only 3,522 times, including only 145 times  
17          for the Korean War, 126 times in World War I, 23  
18          times during the Global War on Terror, and 20  
19          times for the massacre at Wounded Knee.

20          (6) The Medal of Honor is awarded in the  
21          name of Congress.

22          (7) As found in Senate Concurring Resolution  
23          153 of the 101st Congress, on December 29, 1890  
24          the 7th Cavalry of the United States engaged a trib-  
25          al community “resulting in the tragic death and in-

1 jury of approximately 350–375 Indian men, women,  
2 and children” led by Lakota Chief Spotted Elk of  
3 the Miniconjou band at “Cankpe’ Opi Wakpa” or  
4 “Wounded Knee Creek”.

5 (8) This engagement became known as the  
6 “Wounded Knee Massacre”, and took place between  
7 unarmed Native Americans and soldiers, heavily  
8 armed with standard issue army rifles as well as  
9 four “Hotchkiss guns” with five 37 mm barrels ca-  
10 pable of firing 43 rounds per minute.

11 (9) Nearly two-thirds of the Native Americans  
12 killed during the Massacre were unarmed women  
13 and children who were participating in a ceremony  
14 to restore their traditional homelands prior to the  
15 arrival of European settlers.

16 (10) Poor tactical emplacement of the soldiers  
17 meant that most of the casualties suffered by the  
18 United States troops were inflicted by friendly fire.

19 (11) On January 1st, 1891, Major General Nel-  
20 son A. Miles, Commander of the Division of Mis-  
21 souri, telegraphed Major General John M. Schofield,  
22 Commander-in-Chief of the Army notifying him that  
23 “[I]t is stated that the disposition of four hundred  
24 soldiers and four pieces of artillery was fatally defec-  
25 tive and large number of soldiers were killed and

1 wounded by the fire from their own ranks and a very  
2 large number of women and children were killed in  
3 addition to the Indian men”.

4 (12) The United States awarded 20 Medals of  
5 Honor to soldiers of the U.S. 7th Cavalry following  
6 their participation in the Wounded Knee Massacre.

7 (13) In 2001, the Cheyenne River Sioux Tribe,  
8 a member Tribe of the Great Sioux Nation, upon in-  
9 formation provided by Lakota elders and by vet-  
10 erans, passed Tribal Council Resolution No. 132–01,  
11 requesting that the Federal Government revoke the  
12 Medals of Honor from the soldiers of the United  
13 States Army, 7th Cavalry issued following the mas-  
14 sacre of unarmed men, women, children, and elderly  
15 of the Great Sioux Nation on December 29, 1890,  
16 on Tribal Lands near Wounded Knee Creek.

17 (14) The National Congress of American Indi-  
18 ans requested in a 2007 Resolution that the Con-  
19 gress “renounce the issuance of said medals, and/or  
20 to proclaim that the medals are null and void, given  
21 the atrocities committed upon unarmed men, women,  
22 children and elderly of the Great Sioux Nation”.

23 (15) General Miles contemporaneously stated  
24 that a “[w]holesale massacre occurred and I have

1 never heard of a more brutal, cold-blooded massacre  
2 than that at Wounded Knee”.

3 (16) Allowing any Medal of Honor, the United  
4 States highest and most prestigious military decora-  
5 tion, to recognize a member of the Armed Forces for  
6 distinguished service for participating in the mas-  
7 sacre of hundreds of unarmed Native Americans is  
8 a disservice to the integrity of the United States and  
9 its citizens, and impinges on the integrity of the  
10 award and those who have earned the Medal since.

11 **SEC. 3. RESCISSION OF MEDALS OF HONOR AWARDED FOR**  
12 **ACTS AT WOUNDED KNEE CREEK ON DECEM-**  
13 **BER 29, 1890.**

14 (a) IN GENERAL.—Each Medal of Honor awarded for  
15 acts at Wounded Knee Creek, Lakota Pine Ridge Indian  
16 Reservation, South Dakota, on December 29, 1890, is re-  
17 scinded.

18 (b) MEDAL OF HONOR ROLL.—The Secretary con-  
19 cerned shall remove the name of each individual awarded  
20 a Medal of Honor for acts described in subsection (a) from  
21 the Army, Navy, Air Force, and Coast Guard Medal of  
22 Honor Roll maintained under section 1134a of title 10,  
23 United States Code.

6

1       (c) RETURN OF MEDAL NOT REQUIRED.—No person  
2 may be required to return to the Federal Government a  
3 Medal of Honor rescinded under subsection (a).

4       (d) NO DENIAL OF BENEFITS.—This Act shall not  
5 be construed to deny any individual any benefit from the  
6 Federal Government.

○

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Support H.R. Bill 3467 Remove the Stain Act

- 1
- 2
- 3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 4 recognized by the laws of the United States of America; and
- 5
- 6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 7
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 10
- 11 **WHEREAS,** we adopt this resolution in support of the H.R. Bill 3467, otherwise known as "Remove the
- 12 Stain" Act, which would officially rescind 20 Medals of Honor originally awarded to
- 13 members of the U.S. 7<sup>th</sup> Cavalry for their actions stemming from the Wounded Creek
- 14 Massacre; and
- 15
- 16 **WHEREAS,** on December 29, 1890, around 350-375 unarmed Lakota men, women, and children were
- 17 killed in a massacre committed by the U.S. 7<sup>th</sup> Cavalry while participating in a ceremony
- 18 intended to restore their traditional homelands of Cankpe' Opi Wakpa, or Wounded Knee
- 19 Creek, to their pre-settler state; and
- 20
- 21 **WHEREAS,** the Medal of Honor is the highest military award of the United States, awarded sparingly
- 22 and only to the bravest of the brave, and there are members of the Oneida Nation who
- 23 have received this significant honor reflecting acknowledgement of their actions on behalf
- 24 of the United States in carrying out their duties to protect others, avert harm, rescue injured,
- 25 and similar heroic actions; and
- 26
- 27 **WHEREAS,** the atrocities committed in this tragedy are unbecoming of the social and moral constraints
- 28 of humanity, do not reflect the honor and dignity of the United States or any of its military
- 29 branches, and are certainly not actions consistent with the award of a Medal of Honor; and
- 30
- 31 **WHEREAS,** it is actions like these that have contributed to the long-lasting effects of historical trauma
- 32 experienced amongst tribal communities for generations, whether experienced through the
- 33 individual Native Nation or through the community of Native Nations; and
- 34
- 35 **WHEREAS,** one of the Oneida Business Committee's priorities, evidenced in its long standing mission,
- 36 vision and values, and an inherent part of our culture and history, is the promotion of the
- 37 importance of Yethiya?tahni-látse? -making us strong physically, emotionally, mentally,
- 38 and spiritually- this bill provides an opportunity to right the wrongs of history and contributes
- 39 to correcting the historical inaccuracies captured in much of United States history
- 40 surrounding Indigenous Peoples;
- 41

BC Resolution # \_\_\_\_\_  
Support H.R. Bill 3467 Remove the Stain Act  
Page 2 of 2

42 **NOW THEREFORE BE IT RESOLVED**, that the Oneida Business Committee, on behalf of the Oneida  
43 Nation, its members, and all veterans of the Oneida Nation, supports H.R. Bill 3467: Remove the Stain Act  
44 and encourages its adoption into law.



Adopt resolution entitled **CY 2020 County Tribal Law Enforcement Grant - Brown County**  
**Oneida Business Committee Agenda Request**

**1. Meeting Date Requested:** 11 / 27 / 19

**2. General Information:**

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approval of resolution that authorizes and supports the submission of a grant application to the State of Wisconsin - Department of Justice for the CY 2020 County Tribal Law Enforcement grant.

**3. Supporting Materials**

☐ Report ☒ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

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

Additional Requestor:   
 Name, Title / Dept.

Additional Requestor:   
 Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The State of Wisconsin - Department of Justice requires an approved, signed resolution by the governing body as part of the grant application guidelines.

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

**GRANT PROPOSAL AUTHORIZATION FORM**

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

**Form instructions:** Double click on the grey area; a drop down called "form field option box" box will appear. In the "items drop-down list" click on which one you want; then click on the "up" arrow move it to the top and click on ok. In the reporting area: Double click on the box you want to put an "x" in. A "check box form field" box will appear, in "under default value" click on "checked" then ok.

**PROGRAM INFORMATION**

<b>Department:</b> <i>Police</i>	<b>Division/Non-Division:</b> <i>Non-division</i>	
<b>Program:</b> <i>N/A</i>	<b>Program Accountant:</b> <i>Elyshia Smith</i>	
<b>Person Responsible for Proposal Development:</b> <i>April Skenandore</i>		<b>Phone:</b> <i>869-6684</i>
<b>Person Responsible for Grant Administration:</b> <i>Eric Boulanger</i>		<b>Phone:</b> <i>869-2239</i>
<b>Project Title:</b> <i>2020 County Tribal Grant - Brown</i>		

**GRANT INFORMATION**

<b>Name of Funding Source:</b> <i>Wisconsin Department of Justice</i>		<b>Type (pick one):</b> <i>State</i>
<b>Title of Grant:</b> <i>County-Tribal Law Enforcement Assistance-2020 Brown</i>		<b>CFDA No:</b>
<b>Application Deadline:</b> <i>11/30/19</i>		<b>Grant Amount:</b> <i>\$17,343</i>
<b>Project Period:</b> <i>1/1/20-12/31/20</i>	<b>Budget Period:</b> <i>FY 20 &amp; FY 21</i>	<b>Project Type (pick one):</b> <i>New</i>
<b>Match Requested (% or \$):</b>		<b>Match Type (pick one):</b> <i>None</i>
<b>Is a Tribal resolution required? If yes, please notify Grants Office immediately.</b> <i>YES</i>		
<b>Will this grant create a:</b> <i>New position No Committee No Commission No Board No</i>		
<b>Will this grant fund an existing position?</b> <i>No</i> <b>Name of Position(s):</b>		
<b>If YES, attach draft job description for all grant funded positions. PLEASE NOTE: Position/employee will be phased out when grant funding ends.</b>		

**Project Proposal Summary (must answer all these questions):** The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information: Our department's purpose is rooted in improving the safety and quality of life in our community, developing partnerships and relationships, enforcing the law, and continuing to carry out and succeed with our community service programs. To ensure the most efficient, safest, and effective delivery of public safety services to meet our community's needs and to improve our community policing skills, our goal is to address our most current law enforcement necessities. State funding for 2020 will help us fill our financial gap. Funding will allow for the replacement of outdated squad equipment and will allow for basic equipment needs of the officers.

List any capital expenditures (cap ex), technology expenses & CIP purchases (NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.):

**Vendors:** Verified that Vendors contracted with are **NOT** suspended/debarred: Yes ☒ No ☐ NA ☐  
\*Prior to entering into contracts with vendors, they will be cross referenced at [www.sam.gov](http://www.sam.gov) to ensure the vendors are not suspended or debarred.

**Reporting:** Quarterly ☐ Semi-Annually ☐ Yearly ☒ Narrative ☐ Financial ☐

---

### SIGNATURES

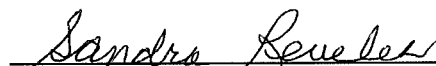
Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.



11/12/19  
Date

1. Supervisor Signature

SIGNATURE VERIFIES & APPROVES MATCH



11/12/19  
Date

2. Division/Non-Division Director Signature

SIGNATURE APPROVES GRANT PROJECT & MATCH

3. Grants Office Signature

Date

FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 12/19/16

GO-001

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # Leave this line blank CY 2020 County Tribal Law Enforcement Grant – Brown County

**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation has determined that the overall goal is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Police Department was established and whose mission is to...*"Serve the community, within the Oneida Reservation boundaries, by helping build a stronger, safer community through police protection and services while instilling a sense of unity and treating all with respect, dignity and compassion"*; and

**WHEREAS,** the purpose of the Oneida Police Department is to improve the safety and quality of life in our community, develop partnerships and relationships, enforcing the law and continuing to carry out and succeed with our community service programs. To ensure the most efficient, safest, and effective delivery of public safety services to meet our community's needs and to improve our policing skills, our goal is to address our most current law enforcement necessities; and

**WHEREAS,** the Oneida Nation encourages the collaborative effort between the Oneida Police Department and other local law enforcement agencies, such as the Brown County Sheriff's Department to continue to provide joint community policing efforts for our community and members; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation authorizes and supports the submission of a grant application to the State of Wisconsin / Department of Justice for the CY 2020 County Tribal Law Enforcement Grant in the amount of \$17,343.

**GRANT SYNOPSIS**

**GRANT:** CY 2020 County Tribal Law Enforcement – Brown County  
State of Wisconsin – Department of Justice

**PROGRAM:** Oneida Police Department

**PROGRAM DIRECTOR:** Eric Boulanger, Chief of Police

**MATCH:** None

**SUMMARY:** This funding will allow for the replacement of outdated squad equipment and basic equipment needs of the officers.

Adopt resolution entitled **CY 2020 County Tribal Law Enforcement Grant - Outagamie County**  
**Oneida Business Committee Agenda Request**

**1. Meeting Date Requested:** 11 / 27 / 19

**2. General Information:**

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approval of resolution that authorizes and supports the submission of a grant application to the State of Wisconsin - Department of Justice for the CY 2020 County Tribal Law Enforcement grant.

**3. Supporting Materials**

☐ Report ☒ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

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

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The State of Wisconsin - Department of Justice requires an approved, signed resolution by the governing body as part of the grant application guidelines.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
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**PROGRAM INFORMATION**

<b>Department:</b> <i>Police</i>	<b>Division/Non-Division:</b> <i>Non-division</i>	
<b>Program:</b> <i>N/A</i>	<b>Program Accountant:</b> <i>Elyshia Smith</i>	
<b>Person Responsible for Proposal Development:</b> <i>April Skenandore</i>		<b>Phone:</b> <i>869-6684</i>
<b>Person Responsible for Grant Administration:</b> <i>Eric Boulanger</i>		<b>Phone:</b> <i>869-2239</i>
<b>Project Title:</b> <i>2020 County Tribal Grant - Outagamie</i>		

**GRANT INFORMATION**

<b>Name of Funding Source:</b> <i>Wisconsin Department of Justice</i>		<b>Type (pick one):</b> <i>State</i>
<b>Title of Grant:</b> <i>County-Tribal Law Enforcement Assistance-2020 Outagamie</i>		<b>CFDA No:</b>
<b>Application Deadline:</b> <i>11/30/19</i>		<b>Grant Amount:</b> <i>\$15,656</i>
<b>Project Period:</b> <i>1/1/20-12/31/20</i>	<b>Budget Period:</b> <i>FY 20 &amp; FY 21</i>	<b>Project Type (pick one):</b> <i>New</i>
<b>Match Requested (% or \$):</b>		<b>Match Type (pick one):</b> <i>None</i>
<b>Is a Tribal resolution required? If yes, please notify Grants Office immediately.</b> <i>YES</i>		
<b>Will this grant create a:</b> <i>New position No Committee No Commission No Board No</i>		
<b>Will this grant fund an existing position?</b> <i>No</i> <b>Name of Position(s):</b>		
<b>If YES, attach draft job description for all grant funded positions. PLEASE NOTE: Position/employee will be phased out when grant funding ends.</b>		

**Project Proposal Summary (must answer all these questions):** The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information: Our department's purpose is rooted in improving the safety and quality of life in our community, developing partnerships and relationships, enforcing the law, and continuing to carry out and succeed with our community service programs. To ensure the most efficient, safest, and effective delivery of public safety services to meet our community's needs and to improve our community policing skills, our goal is to address our most current law enforcement necessities. State funding for 2020 will help us fill our financial gap and will allow for the replacement of outdated squad equipment, uniforms/supplies, continued maintenance agreements on equipment and software and supplies for community programs.

List any capital expenditures (cap ex), technology expenses & CIP purchases (**NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.**):

**Vendors:** Verified that Vendors contracted with are **NOT** suspended/debarred: Yes ☒ No ☐ NA ☐

*\*Prior to entering into contracts with vendors, they will be cross referenced at [www.sam.gov](http://www.sam.gov) to ensure the vendors are not suspended or debarred.*

**Reporting:** Quarterly ☐ Semi-Annually ☐ Yearly ☒ Narrative ☐ Financial ☐

---

### SIGNATURES

**Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.**

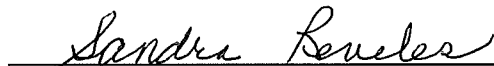


11/12/19

1. Supervisor Signature

Date

SIGNATURE VERIFIES & APPROVES MATCH



11/12/19

2. Division/Non-Division Director Signature

Date

SIGNATURE APPROVES GRANT PROJECT & MATCH

3. Grants Office Signature

Date

FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 12/19/16

GO-001

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution # Leave this line blank**  
**CY 2020 County Tribal Law Enforcement Grant – Outagamie County**

**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation has determined that the overall goal is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Police Department was established and whose mission is to...*"Serve the community, within the Oneida Reservation boundaries, by helping build a stronger, safer community through police protection and services while instilling a sense of unity and treating all with respect, dignity and compassion"*; and

**WHEREAS,** the purpose of the Oneida Police Department is to improve the safety and quality of life in our community, develop partnerships and relationships, enforcing the law and continuing to carry out and succeed with our community service programs. To ensure the most efficient, safest, and effective delivery of public safety services to meet our community's needs and to improve our policing skills, our goal is to address our most current law enforcement necessities; and

**WHEREAS,** the Oneida Nation encourages the collaborative effort between the Oneida Police Department and other local law enforcement agencies, such as the Outagamie County Sheriff's Department to continue to provide joint community policing efforts for our community and members; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation authorizes and supports the submission of a grant application to the State of Wisconsin / Department of Justice for the CY 2020 County Tribal Law Enforcement Grant in the amount of \$15,656.

**GRANT SYNOPSIS**

**GRANT:** CY 2020 County Tribal Law Enforcement – Outagamie County  
State of Wisconsin – Department of Justice

**PROGRAM:** Oneida Police Department

**PROGRAM DIRECTOR:** Eric Boulanger, Chief of Police

**MATCH:** None

**SUMMARY:** This funding will allow for the replacement of outdated squad equipment, uniforms/supplies, continued maintenance agreements on equipment and software and supplies for community programs.

Accept the November 2019 Business Committee Meeting Minutes

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 11 / 26 / 19

## 2. General Information:

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

Agenda Header:

☒ Accept as Information only

☐ Action - please describe:

BC to accept the Finance Committee Meeting Minutes of Nov. 4, 2019

## 3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

## 4. Budget Information

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.

***INTERNAL MEMO***

**TO:** Finance Committee

**FR:** Denise J. Vigue, Executive Assistant

**DT:** 11/5/19

**RE:** E-Poll Results - FC Meeting Minutes of Nov. 4, 2019

---

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of November 4, 2019. The E-Poll and minutes were sent out yesterday and the E-Poll was concluded today. The results of the completed E-Poll are as follows:

**E-POLL RESULTS:**

There was a Majority of 5 FC members voting to approve the Nov. 4, 2019 Finance Committee Meeting Minutes. FC Members voting included: Chad Fuss, Jennifer Webster, Larry Barton, Daniel Guzman King, *and* Patrick Stensloff.

These Finance Committee Minutes of Nov. 4, 2019 will be placed on the next Finance Committee agenda of Nov. 18, 2019 to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for Council acceptance.

E-Polls of the Finance Committee meeting minutes is part of the FC By-Laws and approval conducted per the FC SOP's on Electronic Voting.



## FINANCE COMMITTEE

### FC REGULAR MEETING

NOV. 4, 2019 ▪ Time: 9:00 A.M.

BC Executive Conference Room

### REGULAR MEETING MINUTES

#### FC REGULAR MEETING:

Patricia King, Treasurer/FC Chair

Jennifer Webster, BC Council Member

Chad Fuss, Gaming AGM; GGM Alt.

Larry Barton, CFO/FC Vice-Chair

Daniel Guzman King, BC Council Member

Patrick Stensloff, Purchasing Director

**UNEXCUSED:** Shirley Barber, FC Elder Member

**OTHERS PRESENT:** Jason W. Doxtator, Lucy Neville, Dave Cluckey, David Emerson, Henri Cornelius, Tim Skenandore, Linda Jenkins, Sharon Mousseau, Jennifer Hill-Kelly, Rosa Laster, Michelle Danforth and Denise J. Vigue taking Minutes

**I. CALL TO ORDER:** The FC Regular Meeting was called to order by the FC Chair at 9:01 A.M.

**II. APPROVAL OF AGENDA:** NOVEMBER 4, 2019

Motion by Jennifer Webster to approve the Nov. 4, 2019 FC Meeting Agenda with seven (7) ADD On's under the Community Fund. Seconded by Chad Fuss. Motion carried unanimously.

**III. APPROVAL OF MINUTES:** OCTOBER 14, 2019 (Approved via E-Poll on 10/15/19):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Oct. 15, 2019 approving the Oct. 14, 2019 Finance Committee Meeting Minutes. Seconded by Patrick Stensloff. Motion carried unanimously.

#### IV. TABLED BUSINESS:

Motion by Larry Barton to remove the following item from the table for discussion. Seconded by Jennifer Webster. Motion carried unanimously.

**1. FY20 Blanket PO - BayCom, Inc -Maintenance**

Amount: \$89,610.16

Dave Cluckey, MIS Administration

Dave was present and explained this maintenance request, includes the annual licensing fee and this supports the Business Units and buildings; this also includes some equipment if needed.

Motion by Larry Barton to approve the FY20 Blanket Purchase Order for BayCom, Inc for maintenance in the amount of \$89,610.16. Seconded by Daniel Guzman-King. Motion carried unanimously.

Motion by Jennifer Webster to remove the following item from the table for discussion. Seconded by Larry Barton. Motion carried unanimously.

**2. FY20 Blanket PO Increase – Access Inc -54 One Stop**

Amount: \$1,922.

Jason Doxtator, MIS

Jason explained they previously brought up the blanket for all Retail areas except the 54 One Stop; increase is to include this area and it is for uninterrupted power in the case of an outage.

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order Increase with Access Inc in the amount of \$1,922.00. Seconded by Larry Barton. Motion carried unanimously.

## **V. CAPITAL EXPENDITURES:**

### **1. IGT – (8) Trial Games**

Amount: \$142,232.

David Emerson, Gaming – Slots

David explained these are games they received on trial last July, they are doing very well and now with the FY20 budget passed they want to purchase; vendor also offers free upgrades as needed. these are games at the Main Casino.

Motion by Jennifer Webster to approve the request for IGT (8) Trial Games purchase in the amount of \$142,232.00. Seconded by Patrick Stensloff. Motion carried unanimously.

## **VI. COMMUNITY FUND:**

### **REPORTS:**

#### **1. Community Fund Monthly Report for November 2019**

Denise J. Vigue, Finance

Motion by Jennifer Webster to accept the Community Fund report for November 2019. Seconded by Patrick Stensloff. Motion carried unanimously.

### **REQUESTS:**

#### **1. Air Force Gymnastics Academy class fees**

Amount: \$360.

Requester: Eliza Skenandore for son, Anthony

Motion by Jennifer Webster to approve from the Community Fund the Air Force Gymnastics Academy class fees for the son of the requester in the amount of \$360.00. Seconded by Patrick Stensloff. Motion carried unanimously.

#### **2. Southwest Youth Basketball Organization team fees**

Amount: \$125.

Requester: Luther Laster for son, Mason

Motion by Larry Barton to approve from the Community Fund the Southwest Youth Basketball Organization team fees for the son of the requester in the amount of \$125.00. Seconded by Chad Fuss. Motion carried unanimously.

#### **3. One Wisconsin Volleyball Club fees**

Amount: \$500.

Requester: Reva Danforth for daughter, Lilliani

Motion by Patrick Stensloff to approve from the Community Fund the One Wisconsin Volleyball Club fees for the daughter of the requester in the amount of \$500.00. Seconded by Jennifer Webster. Motion carried unanimously.

#### **4. Southwest Girls Youth Basketball team fees**

Amount: \$90.

Requester: Kateri Danforth for daughter, Mataya

Motion by Jennifer Webster to approve from the Community Fund the Southwest Girls Youth Basketball team fees for the daughter of the requester in the amount of \$90.00. Seconded by Patrick Stensloff. Motion carried unanimously.



**5. Green Bay Elite Cheer class fees**

Amount: \$500.

Requester: Amanda Danforth for daughter, Karmyn

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

**6. Madeline Graves Gymnastics Lessons**

Amount: \$500.

Requestor: Barbara Swift for daughter, Victoria

Motion by Jennifer Webster to approve from the Community Fund the Madeline Graves Gymnastics lessons for the daughter of the requester in the amount of \$500.00. Seconded by Chad Fuss. Motion carried unanimously.

**7. YMCA Gymnastics & Little Yogi's class fees**

Amount: \$85.50

Requester: Margaret VandenHeuvel for son, Jack

Motion by Larry Barton to approve from the Community Fund the YMCA class fees for the two sons of the requester in the amount of \$85.50 each and the Driveway Dreamers fees for the son of the requester in the amount of \$64.50. Seconded by Patrick Stensloff. Motion carried unanimously.

**8. YMCA Gymnastics & Little Yogi's class fees**

Amount: \$85.50

Requester: Margaret VandenHeuvel for son, Sawyer

- See Motion in Community Fund request #7.

**9. Driveway Dreamers Basketball Registration**

Amount: \$64.50

Requester: Margaret VandenHeuvel for son, Gage

- See Motion in Community Fund request #7.

**10. F.I.R.E. Fitness class fees**

Amount: \$445.50

Requester: Chad Metoxen

Motion by Jennifer Webster to approve from the Community Fund the F.I.R.E. Fitness class fees for the requester in the amount of \$445.50. Seconded by Larry Barton. Motion carried unanimously.

**11. 2020 FBMI Missions Trip -Japan-registration**

Amount: \$500.

Requester: Rebecca Schommer for son, Joshua

Motion by Larry Barton to approve from the Community Fund the 2020 FBMI Missions Trip -Japan-registration and non-travel related costs for the son of the requester in the amount of \$500.00. Seconded by Daniel Guzman-King. Motion carried unanimously.

**12. 2020 FBMI Missions Trip -Japan-registration**

Amount: \$500.

Requester: Rebecca Schommer

Motion by Larry Barton to approve from the Community Fund the 2020 FBMI Missions Trip -Japan-registration and non-travel related costs for the requester in the amount of \$500.00. Seconded by Daniel Guzman-King. Motion carried unanimously.

**13. STARZ Gymnastics Academy class fees**

Amount: \$500.

Requester: Jolina Silva for daughter, Lavinia

Motion by Jennifer Webster to approve from the Community Fund the STARZ Gymnastics Academy class fees for the daughter of the requester in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

**14. Kroc Center Gymnastics class fees**

Amount: \$500.

Requester: Tabitha Hill for daughter, Ruthee

Motion by Jennifer Webster to approve from the Community Fund the Kroc Center Gymnastics class fees for the daughter of the requester in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

**15. LRO Chili & Corn Soup Fundraiser**

Amount: 4 Cases

Requester: Jennifer Falck

Motion by Chad Fuss to approve from the Community Fund the Coca-Cola Product request for 4 cases of product for the LRO Chili & Corn Soup Fundraiser. Seconded by Patrick Stensloff. Motion carried unanimously.

**16. One WI Volleyball registration fees**

Amount: \$500.

Requester: David De Leon for daughter, Dulcinea

Motion by Larry Barton to approve from the Community Fund the One Wisconsin Volleyball Club fees for the daughter of the requester in the amount of \$500.00. Seconded by Jennifer Webster. Motion carried unanimously.

**17. Southwest Girls Youth Basketball team fees**

Amount: \$100.

Requester: Lesley Ness for daughter, Millyana

Motion by Larry Barton to approve from the Community Fund the Southwest Girls Youth Basketball team fees for the daughter of the requester in the amount of \$90.00. Seconded by Patrick Stensloff. Motion carried unanimously.

**18. American Jr. Golf Association Registration**

Amount: \$459.

Requester: Jennifer Hill Kelly for daughter, Sadie

Motion by Jennifer Webster to approve from the Community Fund the American Jr. Golf Association registration fees for the daughter of the requester in the amount of \$459.00. Seconded by Patrick Stensloff. Motion carried unanimously.

**19. ADD On: YMCA Swim Class Registration**

Amount: \$500.

Requester: K &amp; J Zacarias Skenandore for daughter, Yutlanatahuhsatate

Motion by Larry Barton to approve from the Community Fund the YMCA Swim class registration fees for the two daughters of the requester in the amount of \$500.00 each. Seconded by Jennifer Webster. Motion carried unanimously.

**20. ADD On: YMCA Swim Class Registration**

Amount: \$500.

Requester: K &amp; J Zacarias Skenandore for daughter, Yeyewate

- SEE Motion in CF Request #19.

- 21. ADD On: Askren Wrestling Academy registration** Amount: \$500.  
Requester: Brandy John for son, Dion

Motion by Jennifer Webster to approve from the Community Fund the Askren Wrestling Academy registration fees for the son of the requester in the amount of \$500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 22. ADD On: YMCA Gymnastics & Basketball fees** Amount: \$164.  
Requester: Constance Danforth for daughter, Lenna

Motion by Jennifer Webster to approve from the Community Fund the YMCA fees for the three children of the requester in the amounts as requested. Seconded by Chad Fuss. Motion carried unanimously.

- 23. ADD On: YMCA Gymnastics class fees** Amount: \$97.  
Requester: Constance Danforth for daughter, Taneal

- SEE Motion in CF Request #22.

- 24. ADD On: YMCA Football & Mini Ninjas class fees** Amount: \$58.  
Requester: Constance Danforth for son, Niles

- SEE Motion in CF Request #22.

- 25. ADD On: ONHS Basketball Team fundraiser** Amount: \$750.  
Requester: Luther Laster

Motion by Larry Barton to approve from the Community Fund the ONHS Basketball Team fundraiser for the requester in the amount of \$750.00 and 10 Cases of Product, provided the requestor provide a Product Request Form and itemized food list. Seconded by Daniel Guzman-King. Motion carried unanimously.

## VII. NEW BUSINESS:

- 1. FY20 Blanket PO – Vertiv Services, Inc.** Amount: \$90,000.  
Timothy Skenandore, Gaming – Facilities

Tim was present and explained this is year two of a three-year contract; this is for backup for the power if there is an outage; there was a discussion to combine like services like this across the Nation in 2021; Time noted that the contract can be amended if needed.

Motion by Larry Barton to approve the FY20 Blanket Purchase Order with Vertiv Services, Inc. in the amount of \$90,000.00. Seconded by Patrick Stensloff. Motion carried unanimously.

Motion by Larry Barton to ask requester to work with other departments to combine these services for 2021 so one single contract can be brought forward. Seconded by Jennifer Webster. Motion carried unanimously.

- 2. FY20 Blanket PO – Lords Dental Lab** Amount: \$96,000.  
Henrietta Cornelius, OCHC – Dental

Henrietta was present and provided details of this sole source contract; there are other labs they use but this is the only vendor that supplies multiple services that Dental needs.

Motion by Patrick Stensloff to approve the FY20 Blanket Purchase Order with Lords Dental Lab in the amount of \$96,000.00. Seconded by Daniel Guzman-King. Motion carried unanimously.

**3. Willis Towers Watson – Contract Amendment**

Amount: \$82,000.

Lucy Neville, Gaming – Employee Services

Lucy explained this amendment is to have this vendor complete their market study to ID gaps in wages and to provide competitive wage recommendations; there was a discussion on HRD review of information and if they approve knowing other areas of the Nation will not be included if there are changes; Lucy will get a letter of support from HRD and send to the FC.

Motion by Patrick Stensloff to approve the Willis Towers Watson Contract Amendment in the amount of \$82,000.00. Seconded by Larry Barton. Motion carried unanimously.

**4. Amerind Risk Mgmt.-Insurance**

Amount: \$147,526.

Dana McLester, Comp. Housing Division

Don explained this is for mandatory insurance coverage of all income based residential units and other buildings that fall under the federal grant funds; FC asked him to remind area to get their annual insurance for the rest of housing in soon and not wait until the end of the year.

Motion by Patrick Stensloff to approve the Amerind Risk Management Insurance Premium payment in the amount of \$147,526.00. Seconded by Jennifer Webster. Motion carried unanimously.

**5. FY20 Blanket PO – Reinhart Foods**

Amount: \$210,000.

Sharon Mousseau, Oneida Tribal Schools

Sharon explained this will be covered by the DPI grant and is a sole source; she requested quotes from other vendors and only received this one; there was a discussion on getting all the areas that purchase food together to again combine like services for maximum cost savings; requester also should contact the granting agency to get a written approval of sole source & send to the FC.

Motion by Larry Barton to approve the FY20 Blanket Purchase Order with Reinhart Foods in the amount of \$210,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

**6. Axon Enterprises, Inc.-Body Worn Cameras**

Amount: \$51,315.

Eric Boulanger, Oneida Police Department

April noted the current equipment serviced by company that went out of business, this vendor took over and will be able to provide new equipment and service it; this is year one of a 5-year agreement; next year will also combine tasers and squad cameras. This is from a grant fund so will also need a letter from granting agency with approval of sole-source use & send it to the FC.

Motion by Larry Barton to approve the Axon Enterprises, Inc purchase in the amount of \$51,315.00 contingent upon receiving a notice from the granting agency of their approval of this as a sole-source. Seconded by Patrick Stensloff. Motion carried unanimously.

**7. Brown County Treasurer**

Amount: \$67,953.

Eric Boulanger, Oneida Police Department

April explained this is for the use of radio communications from Brown County; OPD current utilizes communications from Outagamie County, but they have some no coverage areas which creates problems; partial funded from grant and the rest with tribal contribution.

Motion by Jennifer Webster to approve the Brown County Treasurer payment in the amount of \$67,953.00. Seconded by Larry Barton. Motion carried unanimously.

**8. Bally Technologies – Annual Maintenance**

Amount: \$820,000.

Don DeChamps, Gam-MIS

Chad noted this contract has been in place since 2009 and is the maintenance cost for all the software and updates of new software.

Motion by Patrick Stensloff to approve the Annual Maintenance costs with Bally Technologies in the amount of \$820,000.00. Seconded by Larry Barton. Motion carried unanimously.

**VIII. EXECUTIVE SESSION:** None**IX. FOLLOW UP:** None**X. FOR INFORMATION ONLY:** None**XI. ADJOURN:** Motion by Patrick Stensloff to adjourn. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:13 A.M.

Minutes transcribed by:

Denise J. Vigue, Executive Assistant to the CFO

& Finance Committee Contact/Recording Secretary

*Finance Committee Approval Date of Minutes via E-Poll:* November 5, 2019

Accept the November 18, 2019 Regular Finance Committee meeting minutes

## Oneida Business Committee Agenda Request

**1. Meeting Date Requested:** 11 / 26 / 19

**2. General Information:**

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

Agenda Header:

☒ Accept as Information only

☐ Action - please describe:

BC to accept the Finance Committee Meeting Minutes of Nov. 18, 2019

**3. Supporting Materials**

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

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

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.

***INTERNAL MEMO***

**TO:** Finance Committee

**FR:** Denise J. Vigue, Executive Assistant

**DT:** 11/19/19

**RE:** E-Poll Results - FC Meeting Minutes of Nov. 18, 2019

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An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of November 18, 2019. The E-Poll and minutes were sent out yesterday and the E-Poll was concluded today. The results of the completed E-Poll are as follows:

**E-POLL RESULTS:**

There was a Majority of 4 FC members voting to approve the Nov. 18, 2019 Finance Committee Meeting Minutes. FC Members voting included: Larry Barton, Chad Fuss, Daniel Guzman King, and Patrick Stensloff.

These Finance Committee Minutes of Nov. 18, 2019 will be placed on the next Finance Committee agenda of Dec. 2, 2019 to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for Council acceptance.

E-Polls of the Finance Committee meeting minutes is part of the FC By-Laws and approval conducted per the FC SOP's on Electronic Voting.



## FINANCE COMMITTEE

### FC REGULAR MEETING

Nov. 18, 2019 ▪ Time: 9:00 A.M.  
BC Executive Conference Room

### FC WORK MEETING

Nov. 18, 2019 ▪ Time: 10:30-11:00 A.M.  
BC Executive Conference Room

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### REGULAR MEETING MINUTES

#### FC WORK MEETING:

Patricia King, FC Chair/Treasurer

Daniel Guzman King, BC Council Member

Patrick Stensloff, Purchasing Director

Larry Barton, FC Vice-Chair/CFO

Chad Fuss, AGGM-Gaming (GGM-Gaming, Alt.)

**EXCUSED:** Jennifer Webster, BC Council Member and Shirley Barber, FC Elder Member

**OTHERS PRESENT:** Denise J. Vigue taking notes

#### FC REGULAR MEETING:

Patricia King, FC Chair/Treasurer

Daniel Guzman King, BC Council Member

Patrick Stensloff, Purchasing Director

Larry Barton, FC Vice-Chair/CFO

Chad Fuss, AGGM-Gaming (GGM-Gaming, Alt.)

**EXCUSED:** Jennifer Webster, BC Council Member and Shirley Barber, FC Elder Member

**OTHERS PRESENT:** Julia McLester, Edward Metoxen, Paul Witek, David Emerson, Michele Doxtator and Denise J. Vigue taking Minutes

**I. CALL TO ORDER:** The Regular FC Meeting was called to order by the FC Chair at 9:00 A.M.

**II. APPROVAL OF AGENDA:** NOVEMBER 18, 2019

Motion by Chad Fuss to approve the Finance Committee meeting agenda of NOVEMBER. 18, 2019 with one ADD On request under Donations. Seconded by Larry Barton. Motion carried unanimously.

**III. APPROVE E-POLL OF MINUTES:** NOVEMBER 4, 2019 (Approved via E-Poll on 11/5/19):

Motion by Patrick Stensloff to ratify the FC E-Poll action taken on Nov. 5, 2019 approving the Nov. 4, 2019 Finance Committee Meeting Minutes. Seconded by Daniel Guzman King. Motion carried unanimously.

**IV. APPROVE SPECIAL E-POLL:** NOVEMBER 5, 2019 (Approved on 11/6/19):

**1. FC Procedural Exception for Cap Ex Carryover from FY19 to FY20**

Michelle M. Danforth-Anderson, Big Bear Media-Print Operations

Motion by Chad Fuss to ratify the FC Special E-Poll action taken on Nov. 6, 2019 approving the FC Procedural Exception for Cap Ex Carryover from FY19 to FY20. Seconded by Daniel Guzman King. Motion carried unanimously.



**V. TABLED BUSINESS: NONE****VI. CAPITAL EXPENDITURES:**

- 1. Aristocrat – (16) Slot Machines w/extras** Amount: \$302,560.  
David Emerson, Gaming – Slots Dept.

David was present and described their annual purchase of slot machines done at this time to take advantage of large discounts; most machines to go in Main Casino and West Mason Street Casino; this is also their annual purge of older and obsolete machines currently on the floor.

Motion by Patrick Stensloff to approve the Gaming Capital Expenditures #1 Through #6 in the amounts as requested. Seconded by Daniel Guzman King. Motion carried unanimously.

- 2. Incredible Technologies – (5) Slot Machines w/extras** Amount: \$194,218.40  
David Emerson, Gaming – Slots Dept.

- See Motion in Capital Expenditure Request #1.

- 3. IGT – (17) Slot Machines w/discounts** Amount: \$353,158.  
David Emerson, Gaming – Slots Dept.

- See Motion in Capital Expenditure Request #1.

- 4. Everi – (10) Slot Machines w/extras** Amount: \$183,205.  
David Emerson, Gaming – Slots Dept.

- See Motion in Capital Expenditure Request #1.

- 5. Aruze – (8) Slot Games w/extras & discounts** Amount: \$154,360.  
David Emerson, Gaming – Slots Dept.

- See Motion in Capital Expenditure Request #1.

- 6. Aruze – (6) Slot Games w/extras & discounts** Amount: \$115,870.  
David Emerson, Gaming – Slots Dept.

- See Motion in Capital Expenditure Request #1.

**VII. DONATIONS:****REPORT:**

- 1. DONATION Report for November 2019**  
Denise J. Vigue, Finance

Motion by Patrick Stensloff to accept the November 2019 Finance Committee Donation Report. Seconded by Chad Fuss. Motion carried unanimously.

**REQUESTS:**

- 1. Oneida United Methodist Church** Amount: \$2,500.  
Requester: Raquel Hill, OUMC member

Motion by Larry Barton to approve from Finance Committee's Donation line the Oneida United Methodist Church request in the amount of \$2,500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 2. End Domestic Abuse WI-WI Coalition Against DV** Amount: \$2,500.  
Requester: Patti Seger, Executive Director

Julia McLester was present and is a member of the board; she discussed with the FC the work she does at the Wise Women Gathering Place; End Domestic Abuse WI provides them with training and technical assistance; they also provide this to all the nations and agencies in Wisconsin; they also provide free legal assistance to victims of abuse.

Motion by Larry Barton to approve from the Finance Committee's Donation line the End Domestic Abuse WI-WI Coalition Against Domestic Violence request in the amount of \$2,500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 3. Greater GB Foundation-Shop with a Cop-Oneida** Amount: \$2,500.  
Requester: Officer Edward M. Metoxen, OPD-DARE Prog.

Officer Metoxen was present and described Oneida's involvement for over 20 years with the Shop with a Cop Program; 80 percent from Oneida are volunteers and OPD finds this a helpful for the youth in our community to have a positive experience with the police; other partners include TV 26 and Wal-Mart.

Motion by Chad Fuss to approve from Finance Committee's Donation line the Greater GB Foundation-Shop with a Cop-Oneida request in the amount of \$2,500.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 4. ADD ON: Yankton Sioux Nation – Flooding Emergency** Amount: \$5,000.  
Requester: Melinda J. Danforth, Intergovernmental Affairs

No one present to discuss this request; The FC noted this is more a governmental type of activity; currently not part of the FC Donation SOP's; Trish stated she would work with the BC to add an emergency assistance category for other nations into the BC Special funds; the FC would need to make a procedural exception to approve this request; it was suggested to split funding assistance between the FC, the BC and Legislative Affairs.

Motion by Larry Barton to allow for a procedural exception to the FC's Donation SOP's to approve from the Finance Committee Donation line the request in the amount of \$1,500 and to refer request to the BC and Legislative Affairs to also provide funding if possible, from their budgets. Seconded by Chad Fuss. Motion carried unanimously.

## VIII. NEW BUSINESS:

- 1. FY20 Blanket PO – Oneida Gens Lease-Travel Center** Amount: \$180,000.  
Michele Doxtator, Retail Enterprises

Michele explained this is the lease payment for three years; this is the second extension of the lease; there was a slight increase.

Motion by Chad Fuss to approve the FY20 Blanket Purchase Order for the lease space for Retail at the Travel Center in the amount of \$180,000.00. Seconded by Larry Barton. Motion carried unanimously.

- 2. FY20 Blanket PO – IGT (28) Theme Conversions** Amount: \$55,982.  
David Emerson, Gaming-Slots Dept.

Dave noted this is for software and comes out of their operating budget, normally an FYI request for transparency, but cost of Purchase Order is over the threshold amount and requires FC approval.

Motion by Patrick Stensloff to approve the FY20 Blanket Purchase Order for twenty-eight slot machine theme conversions in the amount of \$55,982.00. Seconded by Daniel Guzman King. Motion carried unanimously.

**3. Gable Company – Change Order #1**

Amount: \$35,454.

Paul Witek, Engineering Dept.

Paul was present and explained this is for the revisions with the West Mason Street Casino's exterior enhancement project; issues with design and code; change order costs are within the project budget.

Motion by Patrick Stensloff to approve the Change Order #1 with the Gable Company in the amount of \$35,454.00 for project #16-005. Seconded by Larry Barton. Motion carried unanimously.

**4. Mission Support Services Contract**

Amount: \$162,400.

Paul Witek, Engineering Dept.

This is for the Archiquette Building's façade replacement project to keep it weather tight; the current artwork will be saved, removed and replaced back on; they did send out six bids with only two responses.

Motion by Chad Fuss to approve the Mission Support Services contract for project #19-005 in the amount of \$162,400.00. Seconded by Patrick Stensloff. Motion carried unanimously.

**5. Investment Updates: Northern Trust & Four Fires**

Terry Cornelius, CFA-Finance

Terry was present and reviewed both the Northern Trust and the Four Fires investment summary reports for the period ending September 30, 2019; one of the summaries was misnamed on the agenda and has been corrected in the minutes.

Terry reviewed the Northern Trust summary that included a brief look at each of the Nations' investment managers performance including by month, by three months, year to date (as of 9/30/19); fiscal year to date; 5 year and since inception earnings. Although for this time period the market performance overall was very bad, each manager, because of their defensive nature was either aligned with or slightly outperformed their indices. There was a discussion about socially responsible investing, particularly with the international investments; the CFA and CFO are reviewing our investment SOP's now to see how to incorporate language for this for the future. The fixed income managers had a slower rate of return, again because of the market conditions, but were aligned with their indices as such; we have a diversified portfolio with about 67 percent in equities, the rest in paper to balance out earnings and to mitigate losses.

Terry also reviewed the RIC Management Report prepared by Donohoe who is the managing partner for the Four Fires investment in Washington, D.C.; he quickly recapped how ownership is structured with Oneida being one of four tribes partnering in this investment; the four combined make up 46.8 percent ownership, with Oneida's portion at 11 percent; our initial 3 million investment has been returned in dividends and now is making money for the Nation. The report indicates that the hotel did very well for 2019 and the executive summary indicates out-performance of their budget and earnings holding steady; one challenge was with the increase in taxes from a recent assessment, and the property will enlist another firm to see if that can be reassessed for a lesser amount; the other challenge is the recent refinancing of the property and the amount of debt still on the books. Although unlikely, if the bank were to call in the debt, Oneida would be liable for 11% of the 47 million owed; Terry has been reaching out to the managing partner to find out their plan to pay down this debt and is still awaiting their response.

Motion by Chad Fuss to accept the investment update from Northern Trust for the period ending Sept. 30, 2019. Seconded by Patrick Stensloff. Larry Barton abstained. Motion carried.

Motion by Chad Fuss to accept the investment update from Four Fires for the period ending Sept. 30, 2019. Seconded by Daniel Guzman King. Larry Barton abstained. Motion carried.

**IX. EXECUTIVE SESSION:** NONE

**X. FOLLOW UP:** NONE

**XI. OTHER:**

**1. Finance Committee's Fourth Quarter Report to the BC**

Denise J. Vigue, Finance

Motion by Chad Fuss to accept the Finance Committee's Fourth Quarter Report for FY2019 to the Business Committee. Seconded by Patrick Stensloff. Motion carried unanimously.

**XII. FOR INFORMATION ONLY:** NONE

**XIII. ADJOURN:** Motion by Patrick Stensloff to adjourn. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:25 A.M.

Minutes taken & transcribed by:

Denise Vigue, Executive Assistant to the CFO

& Finance Committee Contact/Recording Secretary

***Finance Committee-Approval Date of Minutes via E-Poll:*** November 19, 2019

**Oneida Business Committee Agenda Request**

Accept the November 6, 2019, regular Legislative Operating Committee meeting minutes

**1. Meeting Date Requested:** 11 / 27 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 November 06, 2019  
 9:00 a.m.

**Present:** David P. Jordan, Kirby Metoxen, Daniel Guzman King, Jennifer Webster, Ernest Stevens III

**Others Present:** Brandon Wisneski, Clorissa Santiago, Ralinda Ninham-Lamberies, Michelle Gordon, Trina Schuyler, Jameson Wilson, Leyne Orosco, Lee Cornelius.

**I. Call to Order and Approval of the Agenda**

David P. Jordan called the November 06, 2019, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

Motion by Jennifer Webster to approve the October 16, 2019, Legislative Operating Committee meeting minutes and forward to the Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

**III. Current Business**

**1. Child Support Amendments (1:04-6:11)**

Motion by Jennifer Webster to accept the public comments and public comment review memorandum and forward to a work meeting for further consideration; seconded by Ernest Stevens III. Motion carried unanimously.

**2. Indian Preference in Contracting Law Amendments (6:16-8:25)**

Motion by Ernest Stevens III to approve the draft and the legislative analysis for the Indian Preference in Contracting Law Amendments; seconded by Kirby Metoxen. Motion carried unanimously.

**IV. New Submissions**

**V. Additions**

**VI. Administrative Items**

**1. FY19 LOC Fourth Quarter Report (8:29-12:47)**

Motion by Jennifer Webster to accept the FY19 LOC Fourth Quarter Report and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.



**VII. Executive Session**

**VIII. Adjourn**

Motion by Ernest Stevens III to adjourn the November 06, 2019, Legislative Operating Committee meeting at 9:15 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.

**Oneida Business Committee Agenda Request**

Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual...

**1. Meeting Date Requested:** 11 / 26 / 19

**2. General Information:**

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Accept the Sanctions and Penalties law materials and include in the January 20, 2020, General Tribal Council meeting packet materials for the General Tribal Council's consideration.

**3. Supporting Materials**

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

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

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.



**Oneida Business Committee Agenda Request****6. Cover Memo:**

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

See attached.

Additionally, the Legislative Operating Committee will have a multimedia presentation prepared to give at the January 20, 2020, General Tribal Council meeting.

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



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



TO: General Tribal Council  
 FROM: David P. Jordan, Legislative Operating Committee Chairperson  
 DATE: January 20, 2020  
 RE: Sanctions and Penalties Law

### *Summary*

On March 17, 2019, the Legislative Operating Committee (LOC) presented a proposed Sanctions and Penalties law to the General Tribal Council (GTC). GTC was asked to consider the adoption of this Sanctions and Penalties law which would establish a set of sanctions and penalties that may be imposed upon all elected and appointed officials of the Nation for misconduct in office, including the Oneida Business Committee. During the last four (4) years the GTC has discussed sanctioning an official during at least ten (10) GTC meetings, but the requests to sanction an official have been declined often times due to the fact that the Nation lacks a law that allows for an official to be sanctioned for misconduct. After discussion on the proposed Sanctions and Penalties law, the GTC took the following actions:

- *Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.*
- *Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.*



The LOC at the Elder Congregate Meal Site for a Sanctions and Penalties law community outreach event on October 7, 2018.

### *Community Outreach Efforts*

Rather than just waiting the sixty (60) days to see if anyone came forward with input, the LOC planned and hosted many opportunities for members of the community to become more informed



about the Sanctions and Penalties law and provide input and suggestions as to what should be addressed in the law.

<b>EFFORTS FOR OUTREACH AND INPUT</b>	
<b><i>Opportunities for Input Prior to the March 17, 2019 GTC Meeting:</i></b>	
November 1, 2017	Work Meeting with all Boards, Committees, and Commissions Invited
May 3, 2018	Community Meeting Potluck
October 4, 2018	Public Meeting*
October 11, 2018	Public Comment Period Closed*
February 7, 2019	Article Published in the Kalihwisaks
February 21, 2019	Informational Video Posted on Facebook
<b><i>Opportunities for Input After the March 17, 2019 GTC Meeting:</i></b>	
July 11, 2019	Community Outreach Event held at the Radisson Hotel and Conference Center prior to GTC Meeting
July 17, 2019	Community Outreach Event held at the Norbert Hill Center
August 9, 2019	Community Outreach Event held during Oneida Veteran's Breakfast
August 15, 2019	Community Outreach Event held during Oneida Farmer's Market
August 31, 2019	First Period for Written Submissions Closed
September 19, 2019	Article Published in the Kalihwisaks
October 7, 2019	Community Outreach Event held at Elder Congregate Meal Site
October 18, 2019	Community Outreach Event held at SEOTS
October 25, 2019	Input Opportunity at Community Budget Meeting
October 31, 2019	Second Period for Written Submissions Closed
November 7, 2019	Article Published in the Kalihwisaks

\* The public meeting and public comment period are required by the Legislative Procedures Act.

*What opportunities for input did the LOC provide before March 17, 2019?*

Before providing what efforts the LOC made after the March 17, 2019, GTC directive to defer this item for GTC to have additional time to consider it and have input, it is important to note the efforts that were already made as the LOC provided various opportunities for members of the community to provide input during the development of the Sanctions and Penalties law.

***Work Meetings and Community Meetings.*** On November 1, 2017, the LOC invited all members of boards, committees, and commissions of the Nation to attend a work meeting to provide input on what the Sanctions and Penalties law should address. The LOC then held a community meeting on the proposed Law on May 3, 2018. This community meeting was a potluck style meeting where those community members in attendance shared input, questions, and concerns regarding the Law.

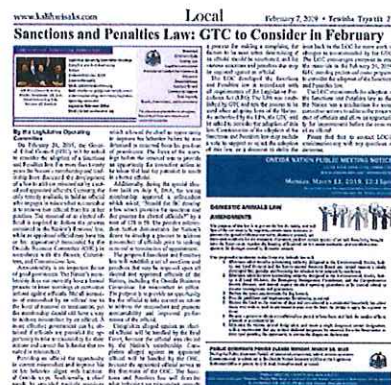
***Public Meeting and Public Comment Period.*** On October 4, 2018, the LOC held a public meeting, as required by the Legislative Procedures Act, where members of the community can provide oral testimony of views or questions on the proposed law. For those who were unable to attend the public meeting in person, the LOC held open a comment period until October 11, 2018, which is a timeframe where written comments on the Law were accepted. Notices for community



meetings and public meetings were published in the Kalihwisaks, on the Nation's website, and on Facebook.

**LOC Meeting Agendas.** The proposed Sanctions and Penalties law was on eleven (11) LOC meeting agendas prior to the March 17, 2019, GTC meeting. The LOC holds meetings on the first and third Wednesday of every month at 9:00 a.m. in the Norbert Hill Center Business Committee Conference Room and encourages members of the community to attend and participate by asking questions and/or providing input during those meetings.

**Kalihwisaks Article.** Leading up to the March 17, 2019, GTC meeting the LOC published an informational article in the February 7, 2019, Kalihwisaks edition in an effort to provide the community background on why this Law was created and information on what the Law would do. This was an effort by the LOC to encourage the community to be prepared to discuss and consider this item. The article included the LOC's email address and encouraged individuals to contact the LOC with any questions or concerns.



Article as it appeared in the February 7, 2019, Kalihwisaks edition.



Behind the scenes look at Councilman Daniel Guzman King filming the Sanctions and Penalties law informational video.

**Informational Video.** The LOC then developed an informational video that was shared on Facebook on February 21, 2019, which provided information on the purpose of the Law and included a link to the Nation's website for additional information, including "frequently asked questions." This video was viewed nearly 4,000 times.

*What opportunities for input has the LOC provided since the March 17, 2019, directive?*

Since the March 17, 2019, GTC directive to allow additional time for members of GTC to consider the Law and have input, the LOC has made many additional efforts to provide an opportunity for community engagement with the proposed Sanctions and Penalties law.



Councilman Ernest Stevens III and Councilman Daniel Guzman King conducting community outreach at the Oneida Farmer's Market.

**Community Outreach Events.** The LOC has held six (6) community outreach events. Notices for these community outreach events were published in the July 3, 2019, and September 19, 2019, Kalihwisaks editions and published on the Nation's website. At the community outreach events the LOC had informational flyers, drafts of the law, and a frequently asked questions document available for people to take and learn more. At many of the community



outreach events the LOC gave a short presentation on the Sanctions and Penalties law and had open discussion on the proposed law with those in attendance. At one (1) event the LOC even read the Sanctions and Penalties law line by line with the community member in attendance in an effort to educate, answer questions, and collect concerns. The LOC was available during these community outreach events to answer questions and collect input from community members. The community outreach events were held at the following dates and locations:

- July 11, 2019, held at the Radisson hotel and conference center prior to the GTC meeting;
- July 17, 2019, held at the Norbert Hill Center;
- August 9, 2019, held during the Oneida Veteran's Breakfast;
- August 15, 2019, held at the Oneida Farmer's Market;
- October 7, 2019, held at the Elder Congregate Meal Site; and
- October 18, 2019, held in Milwaukee at the South Eastern Oneida Tribal Services (SEOTS) building.



Councilwoman Jennifer Webster and LOC Chairman David P. Jordan at the Oneida Farmer's Market.



LOC members held a community outreach event at the SEOTS building in Milwaukee.



LOC Chairman David P. Jordan and Vice-Chairman Kirby Metoxen at Oneida Veteran's Breakfast.

***Period for Written Submissions of Comments.*** Understanding that not everyone is available to attend community outreach events in person, the LOC also allowed for written comments on the proposed Sanctions and Penalties law to be submitted from July 3, 2019, until August 31, 2019, and then from September 18, 2019, until October 31, 2019. Written submissions of comments were received from two (2) individuals.

***Kalihwisaks Articles.*** In addition to the various community outreach events, the LOC also published multiple articles in the Kalihwisaks about the proposed Sanctions and Penalties law. An article was published in the September 19, 2019, Kalihwisaks edition for the purpose of informing the community on the various outreach efforts the Legislative Operating Committee has made for the proposed Sanctions and Penalties law. Another article was then published in the November 7, 2019, Kalihwisaks edition for the purpose of informing the community why the Legislative Operating Committee is the body developing the Sanctions and Penalties law.

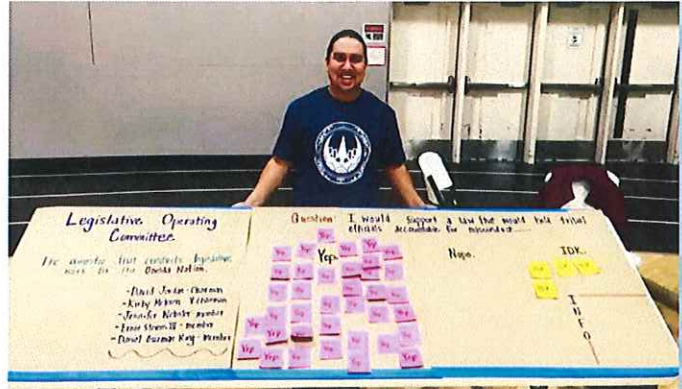
***Community Budget Meeting.*** During the October 25, 2019, Community Budget Meeting the LOC had an interactive display at the Legislative Reference Office's booth which allowed those community members in attendance to provide input by responding to the statement, "I would



support a law that would hold tribal officials accountable for misconduct.” Individuals could respond with either a “Yep,” “No,” or “IDK.” Thirty-seven (37) individuals responded with “Yep,” four (4) individuals responded with “IDK,” and no one responded with “No.”

### ***Input Received from Community Outreach Efforts***

Most of the engagement during the community outreach events that resulted from the March 17, 2019, GTC directive focused on educating the community on the purpose and provisions of the Sanctions and Penalties law and answering questions that community members may have.



Councilman Daniel Guzman King with the information collected at the Community Budget Meeting held on October 25, 2019. 37 of the 41 people who participated stated they would support a law to hold officials accountable for misconduct.

Some members of the community did take the opportunity to provide input to the LOC on issues they would like to see addressed in the law. Some of the input the LOC has received includes:

- We should eliminate every board, committee, or commission of the Nation that is not required by law or grant. We can have employees of the Nation doing the work instead of elected and appointed officials.
- We cannot fault the misconduct of boards, committees, and commissions when there is no performance outcome associated with boards, committees, and commissions, or any way to ensure that the boards, committees, and commissions are aligned with the vision of the Nation as a whole.
- Internal Audit should be delegated the authority to handle investigations of complaints of appointed officials that come before the Oneida Business Committee.
- Complaints against appointed officials should go to the Judiciary and not go to the Oneida Business Committee.
- The Sanctions and Penalties law should only address complaints against elected officials, and not address appointed officials.
- Verbal and written reprimands should be removed from the law. Political figures should be held to a higher standard and there should be zero tolerance for misconduct.
- Sanctions such as loss of stipend and mandatory participation in training should be a mandatory and immediate sanction for any misconduct.
- There should not be a timeframe for when complaints can be brought forward, you should be able to bring a complaint forward as long as that official is in office.
- To reduce frivolous complaints there should be a requirement that the complainant have standing and was the person aggrieved by the conduct of an official.

Additionally, during the March 17, 2019, GTC meeting the following input was received:

- This law allows for too many people to file a complaint resulting in the official being in court.



- Only members of the Nation should have standing to file a complaint against our officials.
- The Oneida Business Committee should not be a hearing body for appointed officials.
- The Judiciary should not be a hearing body for complaints against elected officials.

The GTC directed the LOC to provide additional time for members of the community to consider the Sanctions and Penalties law and have input but did not direct the LOC to make any changes to the proposed draft. Therefore, whether or not to defer this item back to the LOC with direction to make changes to the Law is at the discretion of the GTC.

### ***Why do we need a Sanctions and Penalties law?***

If an official of the Nation engages in misconduct, the only remedy available today to hold that official accountable is removal from office. Removal from office must be pursued in accordance with the Removal law if an elected official, or in accordance with the Boards, Committees, and Commissions law if an appointed official. Although not every instance of misconduct rises to the level of removal from office, that does not mean that we should fail to address or attempt to correct every instance of misconduct. The Nation is currently lacking a process to issue warnings, suspensions, or other corrective actions against an official for his or her misconduct.

The desire for a process to be able to better hold officials accountable for misconduct in office has been discussed within the Nation for more than twenty (20) years. From 2016 to 2019, the GTC has discussed sanctioning an official, whether through suspension or loss of stipend or wage, during at least ten (10) GTC meetings. The requests to sanction an official are often times declined due to the fact that the Nation lacks a law that allows for an official to be sanctioned for misconduct while still protecting the due process rights of that official. In November 2018 the GTC even considered a petition regarding “*Rescinding the Removal law*” for the purpose of addressing disciplinary actions such as suspensions or removals of officials through an easier process than what the Removal law provides.

Additionally, during the Special Election held on July 9, 2016, the Nation’s voting membership was asked to consider a referendum question of “*Should the BC develop a law which provides for sanctions and due process for elected officials?*” This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59), requiring this topic to come before the GTC for consideration and discussion.

Most other governments, including tribal, local, state and federal, have some sort of sanctions and penalties process for officials. Through the adoption of the Sanctions and Penalties law the GTC can close the current gap by providing a process to address the misconduct of officials and empower themselves to take action to hold officials accountable.

### ***Conclusion***

The LOC has fulfilled the March 17, 2019, GTC directive to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. The LOC fulfilled this objective by providing various opportunities for members of the community to have additional time to learn more about the Sanctions and Penalties law and provide input.

It is now up to the GTC to determine the next steps for moving this legislative item forward. Based on input that was received during the March 17, 2019, GTC meeting and subsequent outreach events the LOC is recommending that the Sanctions and Penalties law be deferred back to the LOC for revisions addressing complaints against appointed officials. Currently, the Sanctions and Penalties law is drafted so that complaints against appointed officials are handled by the Oneida Business Committee, while complaints against elected officials are handled by the Judiciary. The LOC is asking for the GTC to provide direction as to how appointed officials should be treated under the Sanctions and Penalties law.

**Requested Action**

Amend the main motion to defer the Sanctions and Penalties law back to the LOC with specific direction as to what revisions to bring back to GTC for adoption, such as either of the following:

1. Remove the process for addressing complaints against appointed officials from the Sanctions and Penalties law so that the law only addresses misconduct of elected officials.  
OR
2. Revise the Sanctions and Penalties law so that complaints against appointed officials are handled by the Judiciary and not the Oneida Business Committee.



## PHOTOGRAPHS FROM THE LEGISLATIVE OPERATING COMMITTEE'S COMMUNITY OUTREACH EVENTS



Interactive display from the Community Budget Meeting where 37 of the 41 participants stated they would support a law that held officials accountable for misconduct.



LOC at the Elder Congregate Meal Site for a Sanctions and Penalties law community outreach event on October 7, 2018.



LOC Chairman David P. Jordan and Councilwoman Jennifer Webster in Milwaukee discussing the Sanctions and Penalties law with a community member.



Councilman Ernest Stevens III and Councilman Daniel Guzman King conducting community outreach at the Oneida Farmer's Market.



LOC Chairman David P. Jordan and Vice-Chairman Kirby Metoxen conversing about the Sanctions and Penalties law with those in attendance at the Oneida Veterans Breakfast.



## PHOTOGRAPHS FROM THE LEGISLATIVE OPERATING COMMITTEE'S COMMUNITY OUTREACH EVENTS



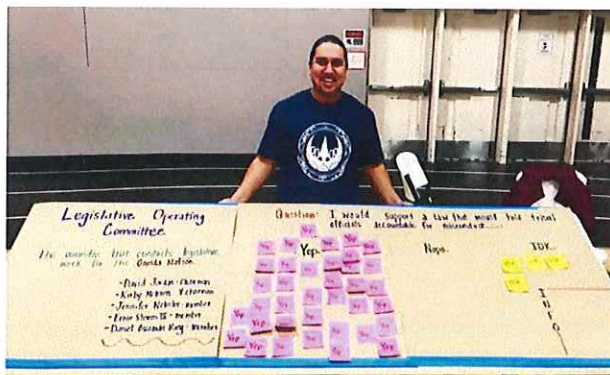
**Above:** LOC members in Milwaukee holding a community outreach event at the SEOTS building.  
**Below:** LOC's materials for the Sanctions and Penalties law outreach events.



LOC Chairman David P. Jordan and Vice-Chairman Kirby Metoxen at the Oneida Veterans Breakfast community outreach event.



LOC Vice-Chairman Kirby Metoxen presenting on the Sanctions and Penalties law at the Elder Congregate Meal Site.



**Left:** Councilman Daniel Guzman King collecting input at the Community Budget Meeting.

**Right:** LOC Chairman David P. Jordan and Councilwoman Jennifer Webster at the Oneida Farmer's Market.







Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
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TO: General Tribal Council  
FROM: David P. Jordan, Legislative Operating Committee Chairperson  
DATE: February 24, 2019  
RE: Sanctions and Penalties Law

Please find the following attached backup documentation for your consideration of the Sanctions and Penalties law:

1. Resolution: Sanctions and Penalties Law
2. Statement of Effect: Sanctions and Penalties Law
3. Sanctions and Penalties Law Legislative Analysis
4. Sanctions and Penalties Law
5. Sanctions and Penalties Law Fiscal Impact Statement
6. Sanctions and Penalties Law PowerPoint Presentation Slides

#### Overview

If an elected or appointed official of the Nation engages in misconduct while in office the only remedy available to hold the official accountable is to remove that official from his or her position. The removal of an elected official is required to follow the process contained in the Nation's Removal law, which includes a petition, a preliminary review and hearing by the Nation's Judiciary, and ultimately a determination by General Tribal Council. [1 O.C. 104]. The removal of an appointed official is governed by the Boards, Committees, and Commissions law which provides that the Oneida Business Committee can terminate the appointment of an official with a two-thirds (2/3) majority vote. [1 O.C. 105.7-4].

Other than removal or termination of appointment, the Nation does not currently have a formal process to issue warnings, reprimands, or corrective actions against elected and appointed officials. The Legislative Operating Committee recognizes that not all instances of misconduct by an elected or appointed official may rise to the level of removal or termination of appointment. The Legislative Operating Committee also determined that a more effective government can be obtained if officials are provided the opportunity to take accountability for their actions and correct the behavior that resulted in misconduct, which may result in the individual becoming a better official.

Providing an elected or appointed official the opportunity to correct misconduct and improve behavior aligns with traditional Oneida ways. The Legislative Operating Committee learned through discussions with the Cultural Heritage Department that in the past a chief would be provided three (3) warnings in hope of improving the chief's behavior before the chief was dehorned or removed from his position of prominence. The focus of the warnings before the removal of the official was to provide an opportunity for corrective action to be taken that had the potential to result in a better official before removal of that official was sought. The Legislative Operating Committee is seeking the adoption of this Sanctions and Penalties law in an effort to

provide a mechanism for utilizing corrective actions to address the misconduct of officials and allow an opportunity for growth and improvement before removal or termination of appointment.

Additionally, during the special election held on July 9, 2016, a referendum question which asked, “*Should the BC develop a law which provides for sanctions and due process for elected officials?*” was included on the ballot. This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59). This positive referendum further demonstrates the Nation’s desire to develop a process to address misconduct of officials prior to seeking removal or termination of appointment.

This resolution adopts the proposed Sanctions and Penalties law which establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official. The Sanctions and Penalties law will:

- Require an elected or appointed official of the Nation to behave in a manner that promotes the highest ethical and moral standard [1 O.C. 120.4-1];
- Subject an elected or appointed official of the Nation to sanctions and penalties for behaving in a manner that constitutes misconduct, which is defined as:
  - a violation of the Constitution or any of the Nation’s laws, policies, or rules;
  - a violation of the bylaws, standard operating procedures or other internal operating documents that govern the entity upon which the official serves;
  - a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law; and
  - any other activity that is incompatible with the high moral and ethical standards that are expected of the Nation’s officials [1 O.C. 120.4-2];
- Provide a process for filing a complaint, including:
  - who may file a complaint [1 O.C. 120.5-1];
  - when a complaint may be filed, [1 O.C. 120.5-2];
  - where a complaint may be filed [1 O.C. 120.5-4]; and
  - the necessary contents of a complaint [1 O.C. 120.5-3];
- Prohibit retaliation against any individual who makes a complaint, is a witness to a complaint, or offers testimony or evidence [1 O.C. 120.5-5];
- Require all complaints alleged against an elected or appointed official to be handled in a confidential manner [1 O.C. 120.5-7];
- Delegate the responsibility to handle complaints alleged against an appointed official to the Oneida Business Committee, due to the fact that an appointed official serves at the discretion of the Oneida Business Committee, through a process which includes:
  - The opportunity for mediation between the complainant and the official [1 O.C. 120.6-3];
  - The opportunity for the official to provide an answer to the complaint [1 O.C. 120.6-4];
  - The requirement that an Oneida Business Committee member that has a conflict of interest in a complaint brought before the Oneida Business Committee immediately recuse himself or herself and shall not participate in any portion of the complaint process [1 O.C. 120.6-5];
  - An initial review by the Oneida Business Committee to determine whether or not



- the allegation made within the complaint has merit [1 O.C. 120.6-6];
- An investigatory hearing held by the Oneida Business Committee to determine if there is enough evidence to substantiate the allegations of misconduct [1 O.C. 120.6-8];
- Deliberation and determination by the Oneida Business Committee on whether there is clear and convincing evidence that the official engaged in misconduct, and therefore appropriate sanctions and/or penalties shall be imposed [1 O.C. 120.6-9, 120.6-10];
- Delegate the responsibility to handle complaints alleged against an elected official to the Trial Court [1 O.C. 120.7-1];
- Allow for an individual to appeal the decision of the Oneida Business Committee or Trial Court to the Nation's Court of Appeals [1 O.C. 120.6-11, 120.7-4];
- Provide various sanctions and penalties that may be imposed against an elected or appointed official [1 O.C. 120.8-2];
- Provide factors to be used by the Oneida Business Committee and the Trial Court when determining the appropriate sanctions and/or penalties to impose [1 O.C. 120.8-3];
- Clarify that the imposition of sanctions or penalties does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other laws [1 O.C. 120.8-5];
- Discuss the effect of a resignation by an elected or appointed official [1 O.C. 120.9]; and
- Require that the Business Committee Support Office maintain a record of conduct in office for each elected or appointed official [1 O.C. 120.10].

The Legislative Operating Committee developed the proposed Sanctions and Penalties law through the review of various laws of the Nation, in addition to the laws of seven (7) other tribal nations. The Business Committee Support Office, Records Management Department, Human Resources Department, Cultural Heritage Department, and various boards, committees, and commissions of the Nation were consulted in the development of this law. Additionally, the Legislative Operating Committee held a community meeting on May 3, 2018, to gather input, ideas, and concerns from members of the community. Sixteen (16) people attended this community meeting and participated in the development of this law.

In accordance with the Legislative Procedures Act, a public meeting on the proposed Sanctions and Penalties law was held on October 4, 2018. Six (6) members of the community attended the public meeting with three (3) people providing oral comments. The public comment period closed on October 11, 2018. The Legislative Operating Committee received four (4) submissions of written comments during the public comment period. All sixty-four (64) public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on October 17, 2018, and October 25, 2018. Any changes made based on those comments have been incorporated into this draft. Additional information regarding the comments received during the public comment period and the Legislative Operating Committee's consideration of those comments can be found at <https://oneida-nsn.gov/government/register/public-meetings/>.

### **Requested Action**

Adopt the Resolution: Sanctions and Penalties Law.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## GTC Resolution # \_\_\_\_\_ Sanctions and Penalties Law

- 1
- 2
- 3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 4 recognized by the laws of the United States of America; and
- 5
- 6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 7
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 10
- 11 **WHEREAS,** the purpose of the Sanctions and Penalties law ("the Law") is to establish a consistent set
- 12 of sanctions and penalties that may be imposed upon elected and appointed officials of the
- 13 Nation for misconduct in office for the purpose of providing an opportunity for the official to
- 14 take corrective action to address the misconduct and promote accountability and improved
- 15 performance of the official; and
- 16
- 17 **WHEREAS,** the Law will require an elected or appointed official of the Nation to behave in a manner
- 18 that promotes the highest ethical and moral standard; and
- 19
- 20 **WHEREAS,** the Law will subject an elected or appointed official of the Nation to sanctions and penalties
- 21 for behaving in a manner that constitutes misconduct; and
- 22
- 23 **WHEREAS,** the Law will provide a process for filing a complaint alleging misconduct against an elected
- 24 or appoint official, including who may file a complaint, when to file a complaint, where a
- 25 complaint may be filed, and the necessary contents of a complaint; and
- 26
- 27 **WHEREAS,** the Law will prohibit retaliation against any individual who makes a complaint, is a witness
- 28 to a complaint, or offers testimony or evidence; and
- 29
- 30 **WHEREAS,** the Law will require all complaints alleged against an elected or appointed official to be
- 31 handled in a confidential manner; and
- 32
- 33 **WHEREAS,** the Law will delegate the responsibility to handle complaints alleged against an appointed
- 34 official to the Oneida Business Committee, due to the fact that an appointed official serves
- 35 at the discretion of the Oneida Business Committee; and
- 36
- 37 **WHEREAS,** the Law will delegate the responsibility to handle complaints alleged against an elected
- 38 official to the Judiciary - Trial Court; and
- 39
- 40 **WHEREAS,** the Law will allow an appeal of a decision of the Oneida Business Committee or Judiciary
- 41 - Trial Court to be made to the Nation's Court of Appeals; and
- 42

43 **WHEREAS,** the Law provides the various sanctions and penalties that may be imposed against an  
44 elected or appointed official, and the factors that shall be used when determining the  
45 appropriate sanctions and/or penalties to impose; and  
46

47 **WHEREAS,** the Law will clarify that the imposition of sanctions and/or penalties does not exempt an  
48 official from individual liability for the underlying misconduct, and does not limit any  
49 penalties that may be imposed in accordance with other laws; and  
50

51 **WHEREAS,** the Law will provide for the effect of a resignation by an elected or appointed official; and  
52

53 **WHEREAS,** the Law will require that the Business Committee Support Office maintain a record of  
54 conduct in office for each elected or appointed official; and  
55

56 **WHEREAS,** a public meeting on the proposed Law was held on October 4, 2018, in accordance with  
57 the Legislative Procedures Act, and the public comments were reviewed and accepted by  
58 the Legislative Operating Committee on October 17, 2018 and October 25, 2018; and  
59

60 **NOW THEREFORE BE IT RESOLVED,** that the Sanctions and Penalties law is hereby adopted and shall  
61 become effective ten (10) business days after the date of the adoption of this resolution.  
62  
63



## **Statement of Effect**

### *Sanctions and Penalties Law*

#### ***Summary***

This resolution adopts a Sanctions and Penalties law for the purpose of establishing a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: January 7, 2019*

#### ***Analysis by the Legislative Reference Office***

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts a Sanctions and Penalties law, which complies with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

This resolution adopts the proposed Sanctions and Penalties law which will establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official. The Sanctions and Penalties law will:

- Require an elected or appointed official of the Nation to behave in a manner that promotes the highest ethical and moral standard [1 O.C. 120.4-1];
- Subject an elected or appointed official of the Nation to sanctions and penalties for behaving in a manner that constitutes misconduct [1 O.C. 120.4-2];
- Provide a process for filing a complaint, including:
  - who may file a complaint [1 O.C. 120.5-1];
  - when a complaint may be filed, [1 O.C. 120.5-2];
  - where a complaint may be filed [1 O.C. 120.5-4]; and
  - the necessary contents of a complaint [1 O.C. 120.5-3];
- Prohibit retaliation against any individual who makes a complaint, is a witness to a complaint, or offers testimony or evidence complying with directives under this law [1 O.C. 120.5-5];
- Require all complaints alleged against an elected or appointed official to be handled in a confidential manner [1 O.C. 120.5-7];
- Delegate the responsibility to handle complaints alleged against an appointed official to the Oneida Business Committee, due to the fact that an appointed official serves at the



discretion of the Oneida Business Committee, through a process which includes:

- The opportunity for mediation between the complainant and official whom is the subject of the complaint [1 O.C. 120.6-3];
- The opportunity for the official who is the subject of the complaint to provide an answer to the complaint [1 O.C. 120.6-4];
- The requirement that an Oneida Business Committee member that has a conflict of interest in a complaint brought before the Oneida Business Committee immediately recuse himself or herself and shall not participate in any portion of the complaint process [1 O.C. 120.6-5];
- An initial review by the Oneida Business Committee to determine whether or not the allegation made within the complaint has merit [1 O.C. 120.6-6];
- An investigatory hearing held by the Oneida Business Committee to determine if there is enough evidence to substantiate the allegations of misconduct by clear and convincing evidence [1 O.C. 120.6-8];
- Deliberation and determination by the Oneida Business Committee on whether there is clear and convincing evidence that the official engaged in misconduct, and therefore appropriate sanctions and/or penalties shall be imposed [1 O.C. 120.6-9, 120.6-10];
- Delegate the responsibility to handle complaints alleged against an elected official to the Trial Court [1 O.C. 120.7-1];
- Allow for an individual to appeal the decision of the Oneida Business Committee or Trial Court to the Nation's Court of Appeals [1 O.C. 120.6-11, 120.7-4];
- Provide sanctions and penalties that may be imposed against an elected or appointed official [1 O.C. 120.8-2];
- Provide factors to be used when determining the appropriate sanctions and/or penalties to impose [1 O.C. 120.8-3];
- Clarify that the imposition of sanctions and/or penalties does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other laws [1 O.C. 120.8-5];
- Discuss the effect of a resignation by an elected or appointed official [1 O.C. 120.9]; and
- Require that the Business Committee Support Office maintain a record of conduct in office for each elected or appointed official [1 O.C. 120.10].

In accordance with the LPA, a public meeting on the proposed Sanctions and Penalties law was held on October 4, 2018. Six (6) members of the community attended the public meeting with three (3) people providing oral comments. The public comment period closed on October 11, 2018. The Legislative Operating Committee received four (4) submissions of written comments during the public comment period. All sixty-four (64) public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on October 17, 2018, and October 25, 2018.

The Sanctions and Penalties law will become effective ten (10) business days after the adoption of the resolution by the General Tribal Council.

### **Conclusion**

Adoption of this resolution would not conflict with any of the Nation's laws.



## SANCTIONS AND PENALTIES LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Oneida Business Committee	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	To increase accountability among elected and appointed officials of the Nation, including members of the Oneida Business Committee. This new law creates a formal complaint process and allows for corrective actions against officials who engage in misconduct.		
Purpose	To establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official <i>[see Sanctions and Penalties, 1 O.C. 120.1-1]</i> .		
Affected Entities	All elected and appointed officials of the Nation; Any individual 18 years and older who has knowledge that an official has committed misconduct; Oneida Business Committee; Judiciary Trial Court; Judiciary Court of Appeals; Business Committee Support Office. This law does not apply to the judges of the Oneida Judiciary, whose misconduct process is located within the Judiciary Law. This law does not apply to members of corporate boards.		
Affected Legislation	Rules of Civil Procedure; Rules of Appellate Procedure; Code of Ethics; Boards, Committees and Commissions Law; Garnishment Law; Per Capita Law; and any of the Nation's laws and bylaws that may be violated by an official.		
Enforcement/Due Process	Sanctions and penalties against appointed officials will be imposed by the Business Committee. Sanctions and penalties against elected officials will be imposed by the Trial Court. Officials accused of misconduct have the right to be represented by an attorney or advocate. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the investigatory hearing to answer the allegations, provide witness testimony, documents and evidence on their behalf. Complaints against officials must be proven by clear and convincing evidence.		
Public Meeting	A public meeting was held on October 4, 2018.		
Fiscal Impact	See fiscal impact statement prepared by Finance Dept. in accordance with the Legislative Procedures Act.		

### SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 A. When an official of the Nation commits misconduct while in office, there are few remedies available
- 3 for the Nation to discipline that official. Currently, appointed officials may have their appointment
- 4 terminated by the Business Committee, and elected officials may be removed in accordance with the
- 5 Removal Law. However, there may be instances of misconduct that do not rise to the level of removal.
- 6 In these cases, other remedies such as verbal reprimands, fines, or suspensions may be more
- 7 appropriate.

- 8 **B.** This law creates a formal complaint process that gives all tribal members an opportunity to file  
 9 complaints while ensuring that due process rights for those accused are protected. This law also creates  
 10 a range of potential sanctions and penalties for officials who violate the laws of the Nation or commit  
 11 other forms of misconduct.
- 12 **C.** During the Special Election held on July 9, 2016, the following referendum question was approved by  
 13 a vote of 178 to 59: “Should the BC develop a law which provides for sanctions and due process for  
 14 elected officials?” The Election Law requires the Oneida Business Committee to present referendum  
 15 questions that receive a majority vote to the General Tribal Council (GTC) for discussion and action  
 16 *[see Election Law 1 O.C. 102.12-9(c)]*.
- 17 **D.** This law will apply to elected and appointed officials of the Nation, including members of the following  
 18 entities:  
 19

ELECTED	APPOINTED
<ul style="list-style-type: none"> <li>▪ Oneida Business Committee</li> <li>▪ Oneida Election Board</li> <li>▪ Oneida Gaming Commission</li> <li>▪ Oneida Land Claims Commission</li> <li>▪ Oneida Land Commission</li> <li>▪ Oneida Nation Commission on Aging (ONCOA)</li> <li>▪ Oneida Nation School Board</li> <li>▪ Trust Enrollment Committee</li> <li>▪ GTC Legal Resource Center Advocates and Attorney</li> </ul>	<ul style="list-style-type: none"> <li>▪ Anna John Resident Centered Care Community Board (AJRCCC)</li> <li>▪ Audit Committee (1 community member seat)</li> <li>▪ Environmental Resource Board (ERB)</li> <li>▪ Finance Committee (1 community member seat)</li> <li>▪ Oneida Community Library Board</li> <li>▪ Oneida Nation Arts Board</li> <li>▪ Oneida Personnel Commission</li> <li>▪ Oneida Police Commission</li> <li>▪ Oneida Pow Wow Committee</li> <li>▪ Oneida Nation Veterans Affairs Committee (ONVAC)</li> <li>▪ Pardon and Screening Forgiveness Committee</li> <li>▪ Southeastern WI Oneida Tribal Services Advisory Board (SEOTS)</li> <li>▪ Oneida Youth Leadership Institute Board of Directors</li> </ul>

20 \*This law does not apply to members of the Judiciary or corporate entities of the Nation.

### 21 **SECTION 3. CONSULTATION AND OUTREACH**

- 22 **A.** The Rules of Civil Procedure, Rules of Appellate Procedure, Judiciary Law, Code of Ethics, Open  
 23 Meetings and Open Records Law, and the Boards, Committees and Commissions Law were reviewed  
 24 in drafting this analysis. In addition, the following laws were reviewed in drafting this analysis:
- 25 ▪ Ho Chunk Nation Code of Ethics 2 HCC 1;
  - 26 ▪ Oglala Sioux Tribe Code of Ethics Ordinance No. 08-11;
  - 27 ▪ Pokagon Band of Potawatomi Indians Ethics Code;
  - 28 ▪ Rosebud Sioux Tribal Code of Ethics Ordinance 86-04;
  - 29 ▪ Siletz Tribal Council Ethics Ordinance –Siletz Tribal Code 2.200;
  - 30 ▪ Skokomish Code of Ethics S.T.C. 1.05;
  - 31 ▪ Pit River Tribal Government Code of Conduct Section 80.
- 32 **B.** The Business Committee Support Office, Records Management Department, Human Resources  
 33 Department and representatives from the following Boards, Committees and Commissions were  
 34 consulted in the development of this law and analysis:

- 35       ▪ Anna John Resident Centered Care Community Board (AJRCCC);
- 36       ▪ Election Board;
- 37       ▪ Environmental Resource Board (ERB);
- 38       ▪ Gaming Commission;
- 39       ▪ Land Commission;
- 40       ▪ Police Commission;
- 41       ▪ Pow-wow Committee;
- 42       ▪ Trust Enrollment Committee;
- 43       ▪ Oneida Nation Veterans Affairs Committee (ONVAC).
- 44 C. A community pot-luck meeting was held on May 3, 2018 to gather community input on this law. Sixteen
- 45       (16) people attended this meeting.
- 46

## 47 **SECTION 4. PROCESS**

- 48 A. Thus far, this law has followed the process set forth in the Legislative Procedures Act (LPA).
- 49 B. The law was originally added to the Active Files List on October 15, 2014 and was carried over from
- 50       the previous term. The law was re-added to the Active Files List on September 6, 2017.
- 51 C. At the time this legislative analysis was developed, the following work meetings had been held
- 52       regarding the most recent efforts to develop this law and legislative analysis:
- 53       ▪ September 6, 2017: LOC work meeting.
- 54       ▪ November 1, 2017: LOC work meeting with representatives from the following boards, committees
- 55       and commissions: Police Commission, Trust Enrollment Committee, Election Board, Land
- 56       Commission, Oneida Gaming Commission, Pow-wow Committee. All boards, committees and
- 57       committees were invited to attend this work meeting.
- 58       ▪ December 6, 2017: LOC work meeting.
- 59       ▪ March 9, 2018: LOC work meeting.
- 60       ▪ May 3, 2018: Community pot-luck meeting with LOC, Oneida community members, BC Support
- 61       Office, and representatives from the following boards, committees and commissions: Police
- 62       Commission, ONVAC, ERB, AJRCCC, and Gaming Commission. All boards, committees and
- 63       commissions were invited to attend this meeting.
- 64       ▪ May 11, 2018: LOC work meeting.
- 65       ▪ July 9, 2018: Work meeting with BC Support Office.
- 66       ▪ August 1, 2018: LOC work meeting.
- 67       ▪ October 17, 2018: LOC work meeting.
- 68       ▪ October 25, 2018: LOC work meeting.
- 69       ▪ December 20, 2018: Work meeting with Cultural Heritage.
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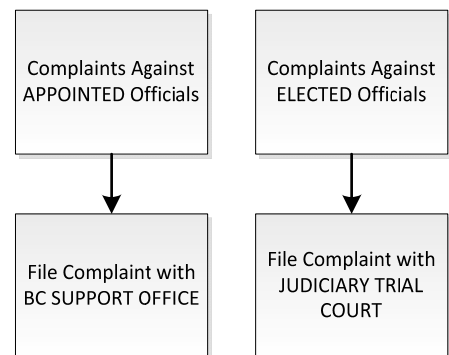
## 71 **SECTION 5. CONTENTS OF THE LEGISLATION .**

- 72 A. *What Qualifies as Misconduct.* The Oneida Nation expects elected and appointed officials to uphold
- 73       high ethical and moral standards. Officials who engage in misconduct may be subject to sanctions and
- 74       penalties. This section describes what behaviors could be considered misconduct [*see Sanctions and*
- 75       *Penalties 120.4*]. Under this law, the definition of misconduct is very broad and includes any of the
- 76       following:
- 77       ▪ Violating the Oneida Constitution or any law, policy or rule of the Oneida Nation.

- Examples include the Code of Ethics and Conflict of Interest Law.
- Violating the bylaws or standard operating procedures of the board the official serves on.
- Being convicted of a felony under federal or Wisconsin law, or being convicted of a crime elsewhere that would be considered a felony in the state of Wisconsin or the United States.
- Any other activity that does not uphold the moral and ethical standards expected of the Nation's officials.

**B. *Filing a Complaint.*** Under this law, anyone eighteen (18) years or older who believes that an official has committed misconduct can file a complaint. The person filing the complaint does not need to be an enrolled tribal member. Examples of individuals who might file complaints include community members, employees of the Nation, and fellow officials. The complaint must be filed within 90 days of when the alleged misconduct occurred or was discovered [*see Sanctions and Penalties 120.5*].

**Chart 2. Where to File Complaints**



- ***Contents of the Complaint.*** Complaints must include the following information [*see 120.5-3*]:
  - Information about the official, including the official's name and the entity they serve on.
  - Information about the alleged misconduct, including date, time, location and specific details.
  - The specific law, policy, rule or bylaw that the official violated.
  - Information about any witnesses or others with knowledge of the violation.
  - Contact information of the individual filing the complaint.
  - Supporting documents and any other information required by the Rules of Civil Procedure.
    - The Rules of Civil Procedure must be followed for complaints against elected officials, which are filed in the Trial Court. More detail on the Rules of Civil Procedure is included later in this analysis.
- ***Where to File Complaints.*** Complaints against appointed officials are filed with the Business Committee (BC) Support Office, which is currently located at the Norbert Hill Center. Complaints against elected officials are filed with the Trial Court, which is located within the Oneida Judiciary.
- ***Retaliation.*** Retaliation against someone who files a complaint or cooperates with a misconduct investigation is not allowed.
- ***Right to an Attorney or Advocate.*** Any official who has been accused of misconduct has the right to be represented by an attorney or an advocate, at their own expense.
  - ***Legal Resource Center.*** The Legal Resource Center Law established an office to provide legal advice and representation to Tribal members and employees in cases before the Judiciary.
- ***Confidentiality.*** All complaints against officials of the nation will be handled confidentially, with hearings and proceedings regarding the complaint closed to the public. Records of the hearings will be kept confidential. However, the final decision of the Business Committee or Judiciary and any sanctions and penalties imposed against an official will be public information [*see 120.5-7*].
  - ***Judiciary Law.*** The Judiciary Law states that proceedings of the court are open to the public except for peacemaking, mediation, proceedings where the judge has safety or

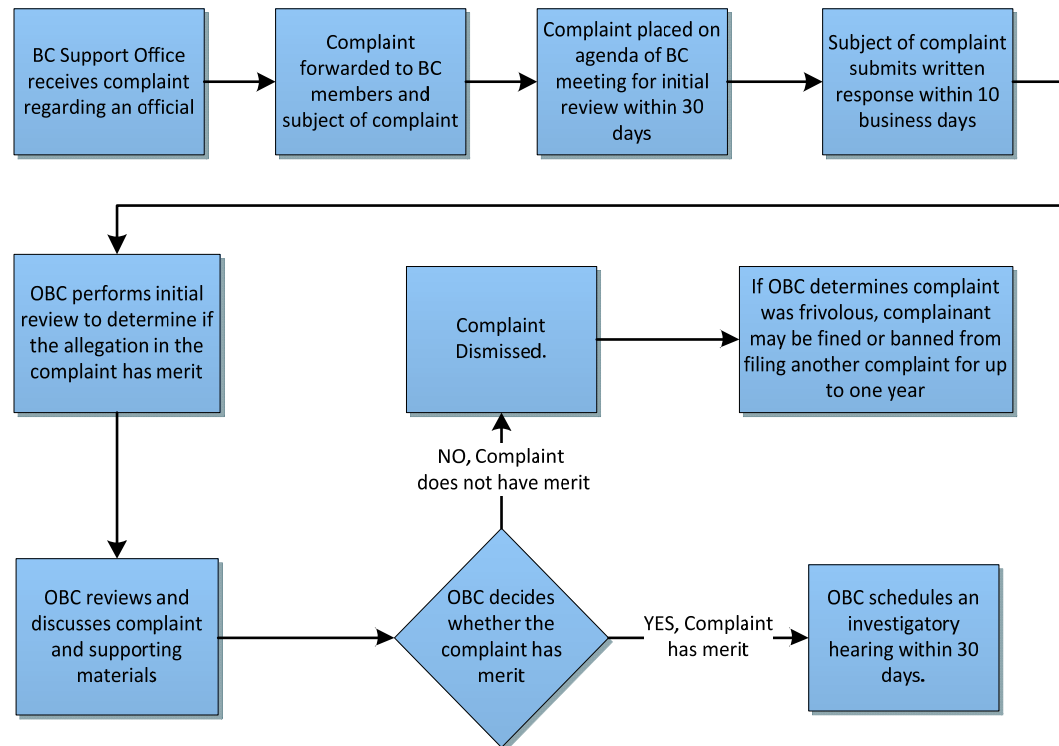
confidentiality concerns, or “if expressly prohibited by law” [see Judiciary Law 8 O.C. 801.4-4].

C. ***Complaints Against an Appointed Official.*** Complaints against an appointed official will be filed with the Business Committee (BC) Support Office. Appointed officials serve at the discretion of the Oneida Business Committee (BC), who may terminate appointments at any time by 2/3 majority vote [see *Boards, Committees Commissions 1 O.C. 105.7-4*]. The LOC has determined that because the BC is responsible for selecting and appointing officials, the BC should be responsible for holding appointed officials accountable through sanctions and penalties. The following is a description of the complaint process for appointed officials [see 120.6].

- ***Receipt of Complaint.*** When the BC Support Office receives a complaint, it will forward copies of the complaint to all members of the Oneida Business Committee (BC) for review, and to the official the complaint has been made against. The BC Support Office will place the complaint on the agenda of a Business Committee meeting within thirty (30) days.
- ***Mediation.*** The individual who filed the complaint or the official accused of misconduct may request mediation within five (5) business days of the complaint being filed. If both parties agree to mediation, the BC Support Office will schedule a meeting with a trained mediator to attempt to resolve the complaint. If the complaint is resolved by mediation, the complaint will be formally dismissed. If the complaint is not resolved, the initial review will proceed [see 120.6-3].
- ***Answer to the Complaint.*** The official who has been accused of misconduct will have ten (10) business days to respond in writing to the complaint. The official may admit to the misconduct, deny the misconduct, or provide an affirmative defense. An affirmative defense means that an official admits they committed the alleged acts, but that they were justified in doing so.
- ***Conflict of Interest & Recusal.*** If a member of the Oneida Business Committee (BC) has a conflict of interest regarding a complaint, they must recuse themselves and not participate in the review or hearings. If a member of the BC fails to recuse themselves, that member may be subject to sanctions and penalties under this law.
- ***Initial Review.*** The Oneida Business Committee (BC) will review the complaint, the official’s written response, and any documentation. The BC will discuss and decide whether the complaint has merit by majority vote. If the BC decides the complaint has merit, they will schedule an investigatory hearing. If BC decides the complaint does not have merit, the complaint will be dismissed.
  - ***Frivolous Complaints.*** If the BC decides that an individual filed a complaint that was frivolous, false, or made with malicious intent, they may fine that individual up to \$500 or ban them from filing another complaint for up to 1 year. In addition, the official the frivolous complaint was filed against may also file a civil suit in the Trial Court.



**Chart 3. Complaint Process Against Appointed Officials: Receipt and Initial Review of Complaint.**



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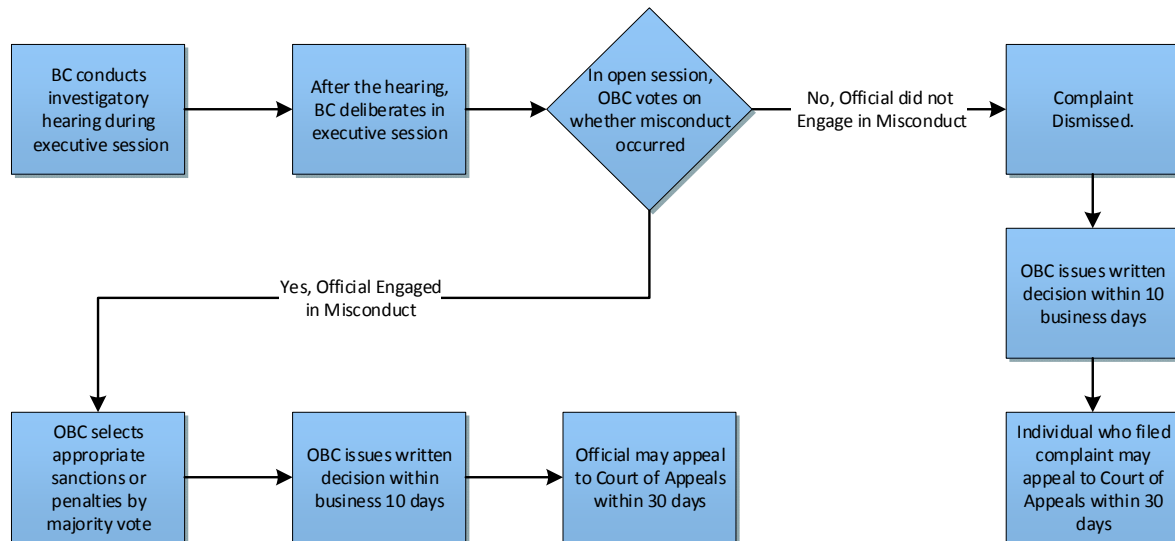
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- Investigatory Hearing. The BC will conduct an investigatory hearing during executive session of a regular or special BC meeting. During this hearing, the BC will determine whether there is enough evidence to substantiate the allegations by clear and convincing evidence.

  - Burden of Proof. The burden of proof for allegations made under this law is “clear and convincing evidence.” This is the same standard the Nation uses in misconduct cases against judges in the Oneida Judiciary [see 8 O.C. Judiciary Law 801.12-6(c)]. This means that the person filing the complaint must provide evidence “indicating that the [allegation] to be proved is highly probably or reasonably certain” [see Black’s Law Dictionary]. This is a greater burden than “preponderance of the evidence,” the standard in most civil trials, but less than evidence “beyond a reasonable doubt,” which is used for criminal trials.
  - Testimony. The BC will have the authority to call witnesses to provide testimony and physical evidence under oath. The official accused of misconduct will have the opportunity to answer allegations, provide witness testimony and evidence on their own behalf. The individual who filed the complaint will also have an opportunity to answer questions, provide witness testimony and information to support their claim. The hearing will be informal.
- Deliberation. After the investigatory hearing, the BC will remain in executive session to discuss the evidence and information provided. The BC will also discuss which sanctions and penalties to impose, if appropriate.
- Determination. During an open session of a special or regular Oneida Business Committee meeting, the BC will vote to decide whether the allegations of misconduct have been proven by clear and convincing evidence. If the BC finds that the official has engaged in misconduct, then they will also decide the appropriate sanction or penalty by majority vote. The BC must issue a

written decision within 10 days of the investigatory hearing, and provide copies of the decision to the person who made the complaint, the official accused of misconduct, and the BC Support Office.

- **Appeal.** Both the official accused of misconduct and the individual who filed the complaint have the right to appeal the decision of the Oneida Business Committee. The appeal must be filed with the Court of Appeals in accordance with the Rules of Appellate Procedure.
  - *Timeline for Appeal.* The Rules of Appellate Procedure require parties to file an appeal within thirty (30) days of the original judgment [see *Rules of Appellate Procedure*, 8 O.C. 805.5-2(a)].

**Chart 4. Complaint Process Against Appointed Officials: Investigatory Hearing & Decision**



#### **D. Complaints Against an Elected Official.**

- Complaints against elected officials, including members of the Oneida Business Committee, will be heard by the Nation's Trial Court. Because elected officials are chosen by the tribal membership, it has been determined that complaints against these officials should go to the Nation's Trial Court [see *Sanctions and Penalties* 120.7].
- All complaints must follow the Judiciary Rules of Civil Procedure. The following is a brief overview of how a civil case is processed by the Trial Court using the Rules of Civil Procedure. For full and complete information regarding the trial court process, see the Judiciary Rules of Civil of Civil Procedure.
  - *Petitioner Files a Complaint with the Trial Court and Pays Filing Fee.* The Trial Court has a standard complaint form with instructions to fill out the complaint.
    - *Complaint.* At the time this analysis was drafted, the Rules of Civil Procedure require the complaint to include the full name and address of the plaintiff and defendant, why the defendant is being sued, facts supporting each claim, why the trial court has jurisdiction, specifically what relief is sought from the defendant, and a summons [see *Oneida Judiciary Rules of Civil Procedure* 803.5-1].
    - *Filing Fee.* The Oneida Judiciary Trial Court currently charges a \$50 filing fee to file a general civil case. However, individuals may request a fee waiver from the court for the following reasons: unemployed, health/medical, or below poverty level.

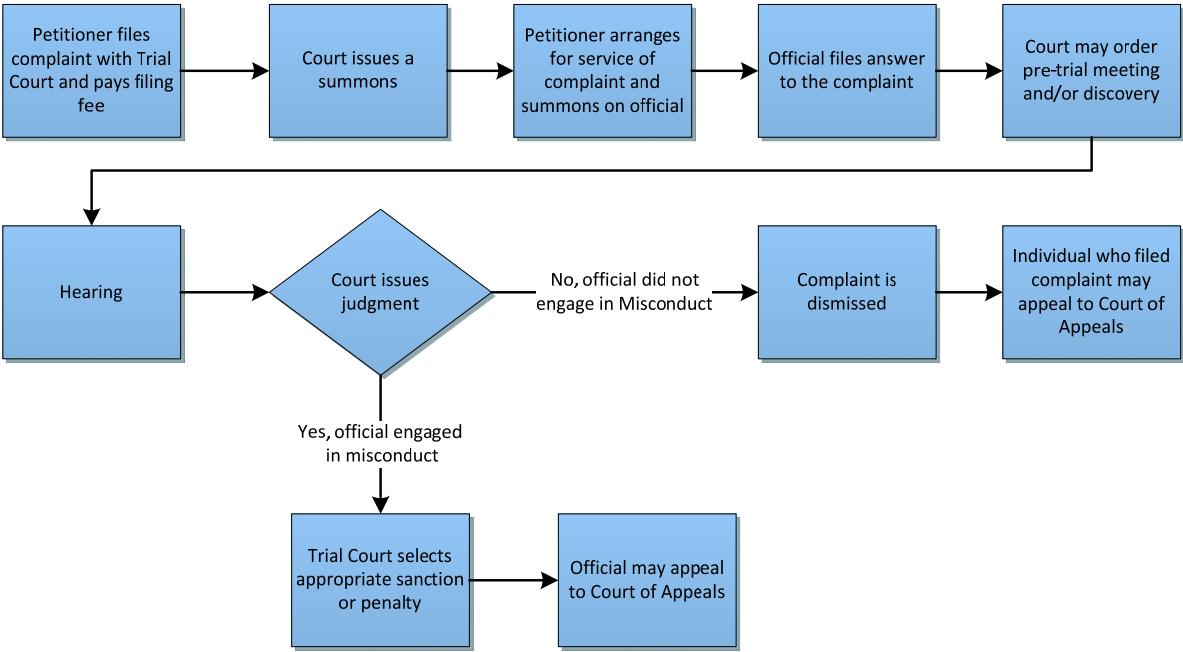


Note that this fee applies only to cases filed against elected officials. Complaints against appointed officials will be filed with the BC Support Office, which does not charge a filing fee.

- *Summons*: A summons is a document ordering a defendant to appear before a judge. The Trial Court has a standard summons form.

- *Complaint and Summons are served on official*. The complaint and summons must be delivered to the official within 30 days after the complaint is filed. In addition, for complaints against officials, notice must also be served to the Secretary's office [see 8 O.C. Rules of Civil Procedure 803.5].
- *Petitioner Files Proof of Service*. The petitioner must provide proof to the Court that the complaint and summons were delivered to the defendant within 10 days of delivery. If proof of service is not completed, then the case will be dismissed. [see Rules of Civil Procedure 803.5-3].
- *Official Files an Answer*. The official responds to the complaint by filing an answer. The official can either admit to or deny the allegations made in the complaint and provide defenses to each claim made in the complaint.
- *Pre-Trial Meeting*. A pre-trial meeting may be scheduled between the judge, petitioner and defendant. The purpose for this meeting could include preparing for the trial, creating a plan regarding discovery, or facilitating a settlement, such as peacemaking [see Rules of Civil Procedure 803.12].
- *Discovery*. The petitioner may make efforts to obtain information relevant to the case, such as documents and electronic information. The judge may place limitations on the information.
- *Hearing*. Hearings are conducted in accordance with the Rules of Civil Procedure, which may include opening statements, presentation of the parties' cases, rebuttals and closing statements [see Rules of Civil Procedure 803.38].
- *Judgment*. If the Trial Court determines by clear and convincing evidence that the official engaged in misconduct, then the Trial Court will impose sanctions and penalties that they deem appropriate.
- *Appeals*. Both the official accused of misconduct and the individual who filed the complaint have the right to appeal the decision of the Trial Court. The appeal must be filed with the Court of Appeals in accordance with the Rules of Appellate Procedure.

Chart 5. Complaint Process Against Elected Officials – Overview of Rules of Civil Procedure.



- E. Sanctions and Penalties.** This law includes a list of sanctions and penalties that may be imposed on an official for misconduct in office. The Trial Court is responsible for imposing sanctions on an elected official. The Oneida Business Committee is responsible for imposing sanctions on an appointed official. Officials may receive one or more of the following penalties. The Trial Court or BC will select whichever penalty they feel is appropriate. [see Sanctions and Penalties 120.8]
- **Conditional Penalties.** Sanctions and penalties can also be imposed on a conditional basis. For example, an official could be ordered to make a public apology and attend mandatory training, or otherwise face suspension [see 120.8-4].
  - **Failure to Comply.** If an official fails to comply with a sanction or penalty imposed against them, that official can face additional sanctions as a result of additional misconduct complaints under this law, termination of appointment, or removal in accordance with the Removal Law. An example would be an official failing to pay a fine or violating the terms of their suspension [see 120.8-6].

Chart 5. List of Potential Sanctions and Penalties

- Verbal Reprimand
- Public Apology
- Written Reprimand
- Suspension
- Restitution
- Fines
- Loss of Stipend
- Mandatory Training
- Termination of Appointment
- Removal, in accordance with Removal Law

- 285     ▪ **Verbal Reprimand.** During a BC or GTC meeting, the Nation’s chairperson will read a statement  
286     describing the official’s misconduct. The chairperson will also state that the official’s behavior was  
287     unacceptable and direct the official not to engage in misconduct again.
- 288     ▪ **Public Apology.** An official may be ordered to make a public apology at a BC or GTC meeting.  
289     The apology must include a description of the misconduct, a statement that the actions were wrong,  
290     a description of the harm caused by the misconduct, and a “clear and unambiguous” apology.
- 291     ▪ **Written Reprimand.** The Oneida Business Committee or Judiciary Trial Court may publish a  
292     written reprimand in the Nation’s official media outlets. The Nation’s official media outlets are the  
293     Oneida Nation website and the Kalihwisaks newspaper [see BC Resolution #03-22-17-B]. The  
294     written reprimand will include the same information as a verbal reprimand.
- 295     ▪ **Suspension.** The BC or Trial Court may suspend part-time officials for up to two (2) meetings.  
296     Full-time officials, such as members of the Business Committee or Gaming Commission, may be  
297     suspended for up to fifteen (15) business days. During a suspension, the official cannot attend  
298     meetings, trainings, or conferences. The official also cannot vote or perform work for the board. In  
299     addition, the official cannot earn any stipends, salary or mileage during the suspension.
  - 300         ○ **Multiple Suspensions on One Entity.** If multiple officials on the same entity are suspended  
301         at the same time, the suspensions must be imposed on a staggered basis to avoid loss of a  
302         quorum. For example, if multiple members of the Business Committee are suspended, each  
303         member will be suspended one at a time on a staggered basis [see 120.8-2(d)(3)].
- 304     ▪ **Restitution.** An official can be ordered to pay restitution, which means paying back any improperly  
305     received benefit, such as stolen money or items or replacing damaged property. The point of  
306     restitution is to make someone whole. Examples of restitution include paying back money that was  
307     improperly taken or paying to repair or replace damaged items.
- 308     ▪ **Fines.** An official can be ordered to pay a fine for each act of misconduct. Unlike restitution, a  
309     fine is a punishment. The maximum amount of each fine is \$2500.
  - 310         ○ **Fine Process.** All fines will be paid to the trial court and deposited into the Nation’s  
311         General Fund. Officials must pay their fine within 90 days after the fine is issued or upheld  
312         on final appeal. If the fine is not paid on time, the Nation may collect the money through  
313         garnishment or the official’s per capita payment.
  - 314         ○ **Community Service Alternative.** An official can complete community service to make up  
315         all or part of their fine. The rate earned for community service will be the Nation’s  
316         minimum wage, which is currently \$10.10 per hour. The Nation currently allows  
317         community service for fines issued in the Hunting, Fishing and Trapping Law [see Hunting  
318         Fishing and Trapping 406.10-5(a)].
- 319     ▪ **Loss of Stipend.** An official may lose their stipend for up to two (2) meetings. Members of  
320     appointed boards are eligible for only one meeting stipend per month, so this could amount to two  
321     month’s worth of stipends [see Boards, Committees and Commission Law 1 O.C. 105.13-3(a)].  
322     Members of elected boards may receive up to two (2) meeting stipends per month, so this could  
323     amount to one month’s worth of stipends for a board that meets twice monthly [see Boards,  
324     Committees and Commissions Law 1 O.C. 105.13-3(b)].
- 325     ▪ **Mandatory Training.** An official can be ordered to complete mandatory training program to  
326     address their behavior. Examples include anger management or sexual harassment training.

- 327       ▪ **Termination of Appointment.** The Oneida Business Committee can terminate the appointment of  
328 any appointed official at any time by 2/3 majority vote. All appointed members serve at the  
329 discretion of the BC [see *Boards, Committees and Commissions 1 O.C. 105.7-4*].
- 330       ▪ **Removal.** The Trial Court can recommend that the removal process be initiated for an official in  
331 accordance with the Removal Law. However, this would only be a recommendation. The Removal  
332 Law provides a strict process that must be followed to remove elected officials:
- 333           ○ **Removal Law Process.** In order to remove an elected official, an eligible voter must file a  
334 petition with the Secretary signed by at least 30% of the vote cast in the previous general  
335 election. For example, the number of votes cast in the 2017 general election was 1612, so  
336 the number of signatures needed to initiate removal is 484. Then, the Judiciary conducts a  
337 preliminary review to determine whether there is sufficient grounds for removal. If so, the  
338 Judiciary holds a hearing. If the Judiciary determines that sufficient grounds for removal  
339 has been proven, the findings are forwarded to the Nation's Chair, who schedules a GTC  
340 meeting. At the GTC meeting, an elected official may be removed from office after a 2/3  
341 vote [see *Removal Law 1 O.C. 104*].
- 342 **F. Factors in Determining Appropriate Sanction and/or Penalty.** The Trial Court and Oneida Business  
343 Committee may consider the following when deciding which sanction or penalty to apply [see  
344 *Sanctions and Penalties 120.8-3*].
- 345       ▪ How severe the misconduct was, whether it was intentional, and how likely the official is to repeat  
346 the misconduct.
- 347       ▪ The damage to the finances or reputation of the Nation, the entity, or any person or organization.
- 348       ▪ Whether the official has expressed remorse and is willing to take steps to correct the harm done.
- 349       ▪ Whether any prior complaints have been filed against the official. For example, is this the first  
350 complaint against the official or does it represent a pattern of behavior.
- 351 **G. Civil Liability and Criminal Prosecution.** In addition to the sanctions and penalties in this law, an  
352 official who commits misconduct may also suffer other consequences [see *Sanctions and Penalties*  
353 *120.8-4*]. These include:
- 354       ▪ Removal from office or termination of appointment.
- 355       ▪ Criminal prosecution, if the official violated a criminal law. For example, criminal charges for theft  
356 or violent acts.
- 357       ▪ Civil liability, in accordance with any applicable law of any jurisdiction. For example, a lawsuit for  
358 damages.
- 359       ▪ Any other penalties listed in another law of the Oneida Nation.
- 360           ○ For example, a violation of the Computer Resources Ordinance may result in loss of access  
361 to the Nation's computer resources [see *Computer Resources Ordinance 2 O.C. 215.9-1*].
- 362 **H. Effect of Resignation by an Official.** If an official resigns from office after a complaint has been filed,  
363 that complaint will still be investigated and sanctions and penalties may still be pursued. Resigning  
364 from office does not end or prevent an investigation [see *Sanctions and Penalties 120.9*].
- 365 **I. Record of Conduct in Office.** A record of conduct for each official will be maintained by the BC  
366 Support Office, which will include copies of complaints filed against the official, outcome of the  
367 complaints, and any sanctions and penalties the official received. This record will be maintained for at  
368 least seven (7) years [see *Sanctions and Penalties 120.10*].
- 369       ▪ **Public Access to Record of Conduct.** The record of conduct maintained by the BC Support Office  
370 will only be made available for review to the Oneida Business Committee and the Trial Court. The

purpose of the record of conduct is so that the Trial Court or Business Committee can review previous complaints against the official when determining a potential sanction or penalty [see *Sanctions and Penalties 102.5-7(c)*].

- *Public Access to BC & Trial Court Decisions.* However, the decisions of the Trial Court and Oneida Business Committee regarding a complaint against an elected official and any sanctions and penalties imposed against an official will be public information [see *Sanctions and Penalties 102.5-7(c)*].

## SECTION 6. EFFECT ON EXISTING LEGISLATION

**A. *References to the Other Laws of the Nation:*** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.

- *Rules of Civil Procedure.*
- *Rules of Appellate Procedure.*
- *Garnishment Law.*
- *Per Capita Law.*

## SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

**A. *Due Process.*** Officials accused of misconduct have the right to be represented by an attorney or advocate. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the investigatory hearing to answer the allegations, provide witness testimony, documents and evidence on their behalf. Complaints against officials must be proven by clear and convincing evidence.

## SECTION 8. ENFORCEMENT AND ACCOUNTABILITY

**A.** Sanctions and penalties against appointed officials will be imposed by the Business Committee. Sanctions and penalties against elected officials will be imposed by the Nation's Trial Court.

## SECTION 9. OTHER CONSIDERATIONS

**A. *Code of Ethics.*** Most other tribal, municipal and state governments place sanctions and penalties within their Code of Ethics law. This makes sense, as the Code of Ethics and Sanctions and Penalties are closely related. The Code of Ethics is currently on the LOC's Active Files List for potential amendments. Updating the Code of Ethics would provide clear guidance to officials, individuals filing complaints, the Business Committee and the Judiciary when they begin hearing complaints under this law.

**B. *Number of Potential Complaints.*** Since the Nation currently has no formal sanctions and penalties process, it is not possible to predict the number of complaints that may be filed against elected and appointed officials.

- *Recommendation:* Given the uncertainty regarding the number of potential complaints, the Business Committee, BC Support Office and Judiciary should be prepared to potentially process a large number of complaints upon passage of this law.

**C. *Impact of Suspension on Full-Time Officials.*** Members of the Oneida Business Committee and Oneida Gaming Commission are full-time elected officials. Therefore, suspension of these officials would impact salaries, benefits such as health insurance, and access to buildings. The Human Resources

Department reports that they have a suspension procedure in place for employees of the Nation, and that this procedure could be applied or modified for suspension of full-time officials.

- *Recommendation:* Since notifications of suspension go to the BC Support Office, it is suggested that the BC Support Office work with HRD to develop a process should suspensions of full-time BC members or Gaming Commissioners occur.

**D. Comparison to Other Nations.** Research of other tribal nations and municipalities indicate that there are many different processes for sanctions and penalties of public officials. There is not a single standard used by all tribal governments. Examples of other sanctions and penalties processes are provided for information:

**Chart 6. Sanctions and Penalties Process of other Tribal Nations**

Tribe	Where Complaints Are Filed	Who Investigates the Complaint	Who Decides the Sanction or Penalty
<b>Siletz</b>	Tribal Council*	Ad Hoc Committee or Special Advisor appointed by Tribal Council*	Tribal Council*
<b>Ho Chunk</b>	Judiciary	Judiciary	President
<b>Rosebud Sioux</b>	Ethics Commission, appointed by Tribal Council*	Ethics Commission, appointed by Tribal Council*	Tribal Council*
<b>Skokomish</b>	Ethics Officer, appointed by Tribal Council*	Ethics Officer, appointed by Tribal Council*	Chairman

*\*Note that "Tribal Council" refers to an elected body similar to the Oneida Business Committee.*

- E. Create a Standard Complaint Form.** The BC Support Office and Judiciary may want to consider drafting standard complaint forms to provide to individuals who wish to file a complaint against officials under this law. This form could include the information required under 120.5-3, instructions, and clearly state where complaints against elected officials or appointed officials must be filed. The Nation's Trial Court has a standard civil complaint packet which could be used as an example.
- F. Complaints against Judiciary.** The Judiciary Law already contains a process for reprimand, suspension and removal of judges [see Judiciary Law 8 O.C. 801.12]. Therefore, the Judiciary is not included in this law.
- G. Rules of Civil Procedure.** Complaints filed in the Judiciary Trial Court must follow the Judiciary Rules of Civil Procedure. At the time this analysis was drafted, the Judiciary Rules of Civil Procedure is on the LOC's Active Files List and may be amended in the future.
- H. Fiscal Impact.** Please refer to the fiscal impact statement for any fiscal impacts.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [see Legislative Procedures Act 1 O.C. 109.6-1].
  - A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted; who may administer a program if the legislation is enacted; who may have financial information concerning the subject matter of the legislation; or by the Finance Office, upon request of the Legislative Operating Committee [see Legislative Procedures Act 1 O.C. 109.6-1(a and b)].



**Title 1. Government and Finances - Chapter 120****SANCTIONS AND PENALTIES****Kalihwahníla'tú Okhale? Atatlihwá?thlewáhtu Kayanl'ásla***Giving strength to the issues and Forgiving oneself for the issue at hand Laws*

120.1. Purpose and Policy

120.2. Adoption, Amendment, Repeal

120.3. Definitions

120.4. Misconduct.

120.5. Filing of a Complaint

120.6. Complaint Alleged Against an Appointed Official

120.7. Complaint Alleged Against an Elected Official

120.8. Sanctions and Penalties

120.9. Effect of Resignation by an Official

120.10. Record of Conduct in Office

**120.1. Purpose and Policy**

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation for misconduct in office for the purpose of providing an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

(a) This law applies to members of the Oneida Business Committee.

(b) This law does not apply to judges of the Oneida Nation Judiciary.

(c) This law does not apply to members of corporate entities of the Nation.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected and appointed officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

120.1-3. It is the intent of the Nation that all elected and appointed officials strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by On'ayote'a'ka, which includes:

(a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.

(b) Kanolukhwásla. Compassion, caring, identity, and joy of being.

(c) Ka'nikuhli'yó. The openness of the good spirit and mind.

(d) Ka'tshatstásla. The strength of belief and vision as a People.

(e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.

(f) TwahwahtsíláyΛ. All of us are family.

(g) YukwatsístayΛ. Our fire, our spirit within each one of us.

**120.2. Adoption, Amendment, Repeal**

120.2-1. This law was adopted by the General Tribal Council by resolution GTC-\_\_-\_\_-\_\_.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

120.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**120.3. Definitions**

120.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Affirmative defense” means a fact or set of facts other than those alleged by the complainant which, if proven by the official, defeats or mitigates the consequences of the official's otherwise unlawful conduct.

(b) “Answer” means a formal written statement addressing the dispute on the merits and presents any defenses and counterclaims.

(c) “Business Committee Support Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.

(d) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding holidays recognized by the Nation.

(e) “Clear and convincing evidence” means that it is substantially more likely than not that the facts presented are true.

(f) “Complainant” means an individual who has made a complaint.

(g) “Constitution” means the Constitution and By-Laws of the Oneida Nation.

(h) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.

(i) “Entity” means a board, committee, commission, office, unincorporated agency, or other group of the Nation an individual may be appointed or elected to serve a position on, including the Oneida Business Committee.

(j) “Frivolous” means a complaint without any reasonable basis or merit, that cannot be supported by a good faith argument. Most often frivolous complaints are intended to merely harass, delay, or embarrass the opposition.

(k) “Misconduct” means wrongful, improper or unlawful conduct or behavior.

(l) “Nation” means the Oneida Nation.

(m) “Official” means any person who is elected or appointed to serve a position for the Nation, including, but not limited to, a position on a board, committee, commission, or office of the Nation, including the Oneida Business Committee.

(n) “Restitution” means compensation to an individual or entity for an injury, damage or loss.

(o) “Stipend” means the amount paid by the Oneida Nation to individuals serving on boards, committees and commissions of the Nation to offset the expenses of being a member on the board, committee or commission.

(p) “Substantiate” means to find that the complaint or allegation in the complaint is valid because there is clear and convincing evidence.

(q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

**120.4. Misconduct**

120.4-1. It shall be the obligation of every official to behave in a manner that promotes the highest ethical and moral standard. High moral and ethical standards amongst officials of the Nation is essential to the conduct of government.

120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which constitutes misconduct. Misconduct includes:

(a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;

(b) a violation of the bylaws, standard operating procedures or other internal operating documents that govern the entity upon which the official serves;



- (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law; and
- (d) any other activity that is incompatible with the high moral and ethical standards that are expected of the Nation's officials.

#### **120.5. Filing of a Complaint**

120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older, or entity, who in good faith, has knowledge or reason to believe that an official has committed misconduct, may file a written complaint.

120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred, or was discovered to have occurred, within the previous ninety (90) days.

120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall include the following information:

- (a) The name(s) of the official alleged to have committed the misconduct;
- (b) The entity or entities upon which the official serves;
- (c) The specific date(s), time(s), and location(s) of the alleged misconduct;
- (d) The specific details of the official's misconduct;
- (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated by the official;
- (f) Names of any witnesses of the alleged misconduct, or individuals who may have knowledge pertinent to the alleged misconduct;
- (g) The contact information for the person filing the complaint, which at minimum shall include the person's name, address, and telephone number;
- (h) A notarized sworn statement attesting that the information provided in and with the complaint is true, accurate, and complete to the best of the complainant's knowledge;
- (i) Any supporting documentation; and
- (j) Any other information required by the Nation's Rules of Civil Procedure if the complaint is alleging misconduct of an elected official.

120.5-4. *Where to File.*

(a) *Appointed Official.* Complaints against an appointed official shall be filed with the Business Committee Support Office.

(b) *Elected Official.* Complaints against an elected official shall be filed with the Nation's Trial Court.

120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or party or witness to a complaint is prohibited. This protection shall also be afforded to any person offering testimony or evidence or complying with directives authorized under this law. Retaliation shall include any form of adverse or punitive action by or caused by, any official.

- (a) If an individual alleges that retaliatory action has been threatened or taken based on the individual's complaint, or cooperation with directives authorized under this law, the individual may file a complaint for the retaliatory action in accordance with section 120.5 of this law.

120.5-6. Any official who is the subject of a complaint has the right to be represented by an attorney or advocate, at his or her own expense, for any actions or proceedings related to the complaint.

120.5-7. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled in a confidential manner.

(a) All hearings and/or proceedings related to a complaint shall be closed to the general public.

(b) All records of hearings and/or proceedings shall not be subject to public review or inspection. An official's record of conduct shall only be made available for review to the Oneida Business Committee and the Trial Court.

(c) *Exception.* A decision of the Trial Court or the Oneida Business Committee regarding a complaint alleged against an official, and any sanctions and/or penalties that are imposed against an official, shall be public information.

## **120.6. Complaints Alleged Against an Appointed Official**

120.6-1. Due to the fact that an appointed official serves at the discretion of the Oneida Business Committee, all complaints alleged against an appointed official shall be handled by the Oneida Business Committee.

120.6-2. *Receipt of Complaint.* Upon receiving a complaint, the Business Committee Support Office shall:

(a) immediately forward copies of the complaint, including any supporting documentation, to:

(1) all members of the Oneida Business Committee for review; and

(2) the individual who is the subject of the complaint.

(b) place the complaint on the executive session portion of the agenda of a regular or special meeting of the Oneida Business Committee for an initial review which shall occur within thirty (30) business days after the initial receipt of a complaint.

120.6-3. *Mediation.* The complainant or the official who is the subject of the complaint shall have up to five (5) business days after the initial receipt of the complaint to contact the Business Committee Support Office and request mediation.

(a) If both the complainant and the official who is the subject of the complaint agree to mediation, then the Business Committee Support Office shall schedule a mediation between the parties. The intent of this mediation meeting is to resolve the complaint prior to commencing an initial review.

(b) The Business Committee Support Office shall utilize a trained mediator to facilitate the mediation meeting. Every mediator shall have at least twenty-five (25) hours of mediation training or at least three (3) years of experience in dispute resolution.

(c) The mediation shall occur before the investigatory hearing is scheduled to take place.

(d) If a resolution is reached during mediation, the Oneida Business Committee shall be informed of the resolution before the initial review and the complaint shall be formally dismissed during the initial review.

(e) If the matter is not resolved through mediation, the initial review shall occur as prescribed by this law.

120.6-4. *Answer to the Complaint.* The individual who is the subject of the complaint shall have ten (10) business days after receiving his or her copy of the complaint, to submit to the Business Committee Support Office a written answer setting forth any admission, denial, affirmative defense, or other relevant information upon which the official intends to rely during proceedings related to the complaint.

(a) The Business Committee Support Office shall immediately forward the answer and any supporting documentation to all members of the Oneida Business Committee upon receipt from the individual who is the subject of the complaint.

120.6-5. *Conflict of Interest.* An Oneida Business Committee member that has a conflict of interest in a complaint brought before the Oneida Business Committee, shall immediately recuse himself or herself and shall not participate in any portion of the complaint process.

(a) Failure of an Oneida Business Committee member to recuse themselves due to a conflict of interest shall constitute grounds for sanctions and/or penalties.

120.6-6. *Initial Review.* The Oneida Business Committee shall perform an initial review of an allegation of misconduct on the part of an official. The purpose of the initial review shall be to determine whether the allegation made within the complaint has merit.

(a) During the initial review the Oneida Business Committee shall review the complaint and the written answer; as well as any supporting documentation.

(b) In order to determine if a complaint has merit, the Oneida Business Committee will discuss if whether assuming the facts alleged are true, said facts would support a determination of misconduct.

(c) The Oneida Business Committee shall determine, by majority vote, whether the complaint has merit.

(1) Upon a finding that the complaint has merit, the Oneida Business Committee shall schedule an investigatory hearing to consider the specific allegations identified in the complaint.

(A) The investigatory hearing shall occur within thirty (30) business days after the initial review has concluded and shall take place during the executive session portion of the agenda of a regular or special meeting of the Oneida Business Committee.

(2) Upon finding that a complaint has no merit, the Oneida Business Committee shall dismiss the complaint. The Oneida Business Committee shall send notice that the complaint was dismissed to the complainant and the official who is the subject of the complaint within five (5) business days.

(A) If the Oneida Business Committee dismisses the complaint based on a determination that the complaint was frivolous, false, or made with a malicious intent, the complainant may be subject to:

(i) a fine not to exceed five hundred dollars (\$500);

(ii) prohibition from filing another complaint for a period of time not to exceed one (1) year; and/or

(iii) a civil suit in the Nation's Trial Court brought by the official accused by the frivolous, false or malicious allegation.

120.6-7. *Notice of the Investigatory Hearing.* The Business Committee Support Office shall provide the complainant, the official who is the subject of the complaint, and any other individual compelled to attend the hearing with written notice of the date and the time of the investigatory hearing at least ten (10) business days before the investigatory hearing.

120.6-8. *Investigatory Hearing.* The purpose of the investigatory hearing is for the Oneida Business Committee to determine if there is enough evidence to substantiate the allegations of misconduct by clear and convincing evidence.

(a) When conducting an investigatory hearing, the Oneida Business Committee shall have the broadest grant of authority to compel any person or organization within the Nation to:

(1) appear at the hearing to provide testimony under oath and/or information relevant to the allegations against the official; and/or

(2) produce physical evidence that is relevant to the allegations.

(b) The Oneida Business Committee shall provide an opportunity for the official who is the subject of the complaint to answer all allegations and to provide witness testimony, documents, and other evidence on his or her own behalf.

(c) The Oneida Business Committee shall also provide the complainant the opportunity to answer questions, provide witness testimony or additional information, and/or to otherwise speak on his or her own behalf.

(d) The hearing shall be informal and conducted as the interests of justice so require, and shall be recorded by the Business Committee Support Office.

120.6-9. *Deliberation of the Oneida Business Committee.* At the conclusion of the investigatory hearing, the Oneida Business Committee shall excuse everyone from executive session for the deliberation of the Oneida Business Committee. Prior to making a final determination as to whether to substantiate the complaint, the Oneida Business Committee shall:

(a) consider all evidence and information provided, and shall have a full and complete discussion of all aspects of the complaint and answer; and

(b) have a full and complete discussion of all potential sanctions and penalties that may be imposed, if appropriate.

120.6-10. *Determination by the Oneida Business Committee.* After the investigatory hearing has concluded and the Oneida Business Committee has deliberated, the Oneida Business Committee shall in open session of a regular or special Oneida Business Committee meeting, by majority vote, declare whether the Oneida Business Committee has determined there is enough evidence to substantiate the allegations of misconduct by clear and convincing evidence.

(a) If the Oneida Business Committee finds that there is clear and convincing evidence that the official engaged in misconduct, the Oneida Business Committee shall, by majority vote, determine and impose appropriate sanctions and/or penalties.

(b) If the Oneida Business Committee does not find that there is clear and convincing evidence to support the allegations that the official engaged in misconduct, the complaint shall be dismissed.

(c) Within ten (10) business days after the investigatory hearing, the Oneida Business Committee shall issue a written decision and provide copies of the decision to:

(1) the complainant,

(2) the official who is the subject of the complaint, and

(3) the Business Committee Support Office, for recordkeeping.

120.6-11. *Appeal.* The complainant and the official who is the subject of the complaint shall both have the right to appeal the Oneida Business Committee's decision to the Court of Appeals pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Oneida Business Committee's decision may only be overturned if the Court of Appeals determines that:

(a) The findings or penalties imposed were clearly erroneous, unsupported by the record, or made on unreasonable grounds or without any proper consideration of circumstances; or

(b) Procedural irregularities occurred which prevented a fair and impartial hearing.

## **120.7. Complaints Alleged Against an Elected Official**

120.7-1. The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of elected officials. Complaints of alleged misconduct shall be filed with the Trial Court pursuant to the Nation's Rules of Civil Procedure.

120.7-2. In a civil action against an elected official for misconduct, the complainant has the burden of proving by clear and convincing evidence that the official engaged in misconduct.

120.7-3. In making a final determination, the Trial Court shall determine if there is enough evidence to substantiate the allegations of misconduct by the official by clear and convincing evidence.

(a) If the Trial Court finds that there is clear and convincing evidence that the official engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or penalties deemed appropriate in accordance with this law.

(b) If the Trial Court does not find that there is clear and convincing evidence to support the allegations that the official engaged in misconduct, the complaint shall be dismissed.

120.7-4. *Appeal*. The complainant and the official who is the subject of the complaint shall both have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial Court's decision may only be overturned if the Court of Appeals determines that:

(a) The findings or penalties imposed were clearly erroneous, unsupported by the record, or made on unreasonable grounds or without any proper consideration of circumstances; or

(b) Procedural irregularities occurred which prevented a fair and impartial hearing.

120.7-5. The Trial Court shall provide the Business Committee Support Office a copy of the complaint and the determination of the Trial Court for the official's record of conduct in office.

## **120.8. Sanctions and Penalties**

120.8-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed upon the Nation's officials for misconduct in office, in accordance with this law.

120.8-2. Sanctions and penalties may include:

(a) *Verbal Reprimand*. A verbal reprimand may be imposed on the official.

(1) The Oneida Business Committee or Trial Court shall submit written notices to both the official and to the Business Committee Support Office of the specific date, time and location of the verbal reprimand. The verbal reprimand shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

(2) To impose the verbal reprimand, the presiding Oneida Business Committee Chairperson, or another Oneida Business Committee member if the verbal reprimand is imposed against the presiding Oneida Business Committee Chairperson, shall read a statement that identifies:

(A) The Oneida Business Committee or Trial Court's findings regarding the specific actions or inaction taken by the official that were found to be misconduct;

(B) The reasons why the official's actions or inactions amounted to misconduct;

(C) A statement identifying that the misconduct violates the high standards of behavior expected of the Nation's officials and is not acceptable; and

(D) A direction to the official to refrain from engaging in future misconduct.

(b) *Public Apology*. The official may be ordered to make a public apology. The Oneida Business Committee or Trial Court shall submit written notices to both the official and to the Business Committee Support Office of the specific date, time and location of the public apology. The public apology shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting. The public apology shall:



- 312 (1) identify the specific misconduct committed by the official;  
313 (2) recognize that the official's actions or inactions were wrong;  
314 (3) identify the effects of the official's misconduct; and  
315 (4) include a clear and unambiguous apology from the official.
- 316 (c) *Written Reprimand*. A written reprimand may be imposed on the official by publication  
317 on the Nation's official media outlets, as determined by the Oneida Business Committee.  
318 The Oneida Business Committee or the Trial Court may publish a written reprimand which  
319 includes the information required for the verbal reprimand as stated in section 120.8-  
320 2(a)(2)(A)-(D).
- 321 (d) *Suspension*. An official may be suspended from performing his or her duties as an  
322 official for a period of time not to exceed two (2) meetings, or fifteen (15) business days if  
323 the official serves in a full-time capacity.
- 324 (1) During a suspension, the official shall not:
- 325 (A) attend meetings, trainings or any other event as part of the entity;  
326 (B) attend conferences or other events on behalf of, or as a representative  
327 of, the entity;  
328 (C) vote or participate in any activities of the entity;  
329 (D) perform work on behalf of the entity; or  
330 (E) be eligible for any compensation, including regular pay, stipends, or  
331 mileage reimbursement.
- 332 (2) When an official is suspended, the Oneida Business Committee or Trial Court  
333 shall submit written notices to both the official and to the Business Committee  
334 Support Office of the specific start and end date of the suspension.
- 335 (3) If a suspension is imposed on multiple officials of the same entity at one time,  
336 the Oneida Business Committee or the Trial Court shall impose the suspensions of  
337 the officials on a staggered basis to avoid an interruption of the official business  
338 and function of the entity.
- 339 (e) *Restitution*. An official may be ordered to pay restitution, which may include the  
340 repayment of any improperly received benefit, or any other payment which is intended to  
341 make another whole after suffering losses as a result of the official's misconduct.
- 342 (f) *Fines*. An official may be ordered to pay a fine not to exceed two thousand and five  
343 hundred dollars (\$2,500).
- 344 (1) Fines shall be paid to the Trial Court.
- 345 (2) Fines shall be paid within ninety (90) days after the order is issued or upheld  
346 on final appeal, whichever is later. Cash shall not be accepted for payment of fines.  
347 If the fine is not paid by this deadline, the Trial Court may seek to collect the money  
348 owed through the Nation's garnishment and/or per capita attachment process.
- 349 (3) Money received from fines shall be deposited into the General Fund.
- 350 (4) Community service may be substituted for part or all of any fine at the minimum  
351 wage rate of the Nation for each hour of community service.
- 352 (g) *Loss of Stipend*. An official may be ordered to forfeit a stipend for his or her service  
353 on an entity not to exceed two (2) meetings.
- 354 (h) *Mandatory Participation in Training*. An official may be ordered to participate in and  
355 complete a training class or program that will assist the official in addressing and  
356 improving his or her behaviors and/or actions.



- 357 (1) The mandated training class or program may address a variety of topics  
358 including, but not limited to, anger management, sexual harassment, or other  
359 sensitivity training.
- 360 (i) *Termination of Appointment.* An appointed official may have his or her appointment  
361 terminated by the Oneida Business Committee in accordance with the Nation's laws and/or  
362 policies governing boards, committees, and commissions.
- 363 (j) *Removal.* The Trial Court may recommend that the process for removing an elected  
364 official as contained in the Nation's laws and/or policies governing removal be initiated.
- 365 120.8-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining the  
366 appropriate sanction or sanctions to impose, the Oneida Business Committee or the Trial Court  
367 may consider all factors it deems relevant, including but not limited to:
- 368 (a) the seriousness or severity of the misconduct;  
369 (b) whether the conduct was intentional or not;  
370 (c) the likelihood of repetition;  
371 (d) the extent of probable damage to the finances or reputation of the Nation, the  
372 complainant, the entity, or to any other person or organization;  
373 (e) whether the official or his or her family personally profited, financially or otherwise,  
374 from the prohibited conduct;  
375 (f) the official's remorse, or  
376 (g) the official's willingness and ability to take steps to mitigate the harm caused by the  
377 violation, and  
378 (h) any prior complaints filed, including any previous sanctions and penalties imposed  
379 upon the official while serving on an entity.
- 380 120.8-4. The Oneida Business Committee and/or the Trial Court may impose a sanction and/or  
381 penalty on a conditional basis, whereas compliance with a specific sanction and/or penalty shall  
382 prevent the imposition of a more stringent or burdensome sanction and/or penalty.
- 383 120.8-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt  
384 an official from individual liability for the underlying misconduct, and does not limit any penalties  
385 that may be imposed in accordance with other applicable laws. In addition to any sanctions and  
386 penalties that may be imposed in accordance with this law, officials who commit misconduct in  
387 office may be subject to other consequences; including but not limited to:
- 388 (a) removal in accordance with the Nation's laws and/or policies governing removal, if an  
389 elected official;  
390 (b) termination of appointment by the Oneida Business Committee, if an appointed official;  
391 (c) criminal prosecution, for misconduct that also violates applicable criminal law;  
392 (d) civil liability, in accordance with the applicable law of any jurisdiction; and/or  
393 (e) penalties for specific misconduct as authorized by any other law of the Nation.
- 394 120.8-6. An official who does not comply with a sanction and/or penalty that has been imposed  
395 against him or her by either the Oneida Business Committee or Trial Court may be subject to the  
396 following:
- 397 (a) additional sanctions and/or penalties that result from a complaint of misconduct filed  
398 in accordance with this Law based on the non-compliance;  
399 (b) termination of appointment by the Oneida Business Committee in accordance with the  
400 Nation's laws and policies governing boards, committees, and commissions, if the official  
401 was appointed to his or her position; and/or  
402 (c) removal in accordance with the Nation's laws and policies governing removal, if the  
403 official was elected to his or her position.

**120.9. Effect of Resignation by an Official**

120.9-1. The resignation of an official after a complaint has been filed against the official shall not affect the status of the hearing and determination by either the Oneida Business Committee or Trial Court.

120.9-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion of the Oneida Business Committee or Trial Court.

**120.10. Record of Conduct in Office**

120.10-1. The Business Committee Support Office shall maintain a record of conduct in office for each official.

120.10-2. The record of conduct in office maintained for each official shall include, at a minimum:

- (a) a copy of each complaint filed against the official;
- (b) recording and/or transcript from any hearings and/or proceedings;
- (c) the outcome of the complaint, and
- (d) any sanctions or penalties imposed upon an official.

120.10-3. The record of conduct in office for each official shall be maintained for a period of no less than seven (7) years.

*End.*

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Adopted – GTC-\_\_-\_\_-\_\_-\_\_

# FINANCE ADMINISTRATION

## Fiscal Impact Statement



# MEMORANDUM

TO: Larry Barton, Chief Financial Officer  
 Ralinda Ninham-Lamberies, Assistant Chief Financial Officer

FROM: Rae Skenandore, Financial Management Analyst

DATE: December 27, 2018

RE: **Fiscal Impact of the Sanctions and Penalties Law**

## I. Estimated Fiscal Impact Summary

<b>Law:</b> Sanctions and Penalties Law		Draft 4
<b>Implementing Agency</b>	Oneida Business Committee Business Committee Support Office Oneida Judiciary	
<b>Estimated time to comply</b>	In compliance with the Legislative Procedure Act	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>Ten Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	None	None

## II. Background

### Legislative History

This is a new Law that was originally placed on the Legislative Operating Committee active files list on October 15, 2014. A public meeting was held on October 4, 2018.

### Summary of Content

A summary of the Law is as follows;

- A. The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties.
- B. The Law applies to all elected or appointed Boards, Committees, and Commissions.

C. This law does not apply to members of the Judiciary or corporate entities of the Nation.

D. The definition of misconduct contained in the Law includes but it not limited to the following violations of Oneida Laws, policies, rules, by-laws, SOP's, other operating documents, Federal and State Criminal or Civil law and expected moral and ethical standards.

E. Complaint Process and Requirements

1. Individuals must be over 18 years old to file a complaint.
2. Allegations must have occurred within the last 90 days.
  - a) The Law outlines the requirement for the content of the complaint and where to file
3. Prohibits retaliation
4. Allows for an attorney or advocate
5. Is held confidential until/unless a final determination and sanctions and/or penalties are imposed.
6. The process differentiates complaints against appointed official's vs elected officials.

F. Complaints against appointed officials

1. The complaint process is conducted through the Oneida Business Committee and includes the following:
  - a) Filing with the Business Committee Support Office.
    - (1) Notification requirements;
    - (2) Allowance for mediation;
    - (3) Timelines to respond;
    - (4) Recusal requirements for a conflict of interest.
  - b) An Initial review to determine a finding of merit
    - (1) An investigatory hearing shall be held within 30 days for a complaint determined to have merit.
    - (2) Where there are findings of no merit, the Business Committee shall review the complaint for a determination of frivolous, false, or malicious complaint. If found, the complainant may be subject to the following:

- (3) be fined up to five hundred dollars (\$500);
    - (4) be banned from filing a complaint for up to one year;
    - (5) be subject to a civil suit.
  - c) Investigatory hearing.
    - (1) The Oneida Business Committee shall have the broadest grant of authority to compel any person or organization within the Nation to
      - (a) appear at the hearing to provide testimony under oath and/or information relevant to the allegations against the official; and/or
      - (b) produce physical evidence that is relevant to the allegations
    - (2) Within the investigatory hearing section, the law contains criteria for deliberations, determination, and appeals.
      - (a) The standard for the complaint is “clear and convincing evidence”.
      - (b) The Oneida Business Committee determines and imposes appropriate sanctions and/or penalties.
- G. Complaints against elected officials
  - 1. Complaints are filed with the Trial Court pursuant to the Nations Rules of Civil Procedures.
  - 2. Decisions on filed complaints against elected officials may be appealed to the Court of Appeals pursuant to the Nation’s Rules of Appellate Procedure.
  - 3. Official court records must be submitted to the Business Committee Support Office.
- H. Sanctions and Penalties may include the following:
  - 1. Verbal reprimand.
  - 2. Public apology.
  - 3. Written reprimand.
  - 4. Suspension.
  - 5. Restitution.

6. Fines not to exceed two thousand five hundred dollars (\$2,500) per act of misconduct.
7. Loss of stipend.
8. Mandatory participation in training.
9. Termination of appointment.
10. Removal.

I. The Law contains the factors to be used in determining appropriate Sanctions and/or Penalty as the following:

1. the seriousness or severity of the misconduct;
2. whether the conduct was intentional or not;
3. the likelihood of repetition;
4. the extent of probable damage to the finances or reputation of the Nation, the complainant, the entity, or to any other person or organization;
5. whether the official or his or her family personally profited, financially or otherwise, from the prohibited conduct;
6. the official's remorse, or
7. the official's willingness and ability to take steps to mitigate the harm caused by the violation, and
8. any prior complaints filed, including any previous sanctions and penalties imposed upon the official while serving on an entity.

J. The Law states that the imposition of sanctions and penalties does not exempt officials from individual liability which may include but is not limited to:

1. removal in accordance with the Nation's laws and/or policies governing removal;
2. termination of appointment by the Oneida Business Committee;
3. criminal prosecution, for misconduct that also violates applicable criminal law;
4. civil liability, in accordance with the applicable law of any jurisdiction; and/or penalties for specific misconduct as authorized by any other law of the Nation.

K. Non-compliance may result in the following;

1. Additional sanctions and/or penalties.



2. Termination of appointment.
3. Removal in accordance with the Nation's laws.

*L.* Resignation does not impact the process or exempt individuals from sanctions and penalties.

*M.* Records of conduct shall be maintained by the Oneida Business Committee Support Office for no less than seven years.

### **III. Methodology and Assumptions**

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### **III. Executive Summary of Findings**

The separation of the complaint process duplicates this function within two areas of the Nation. However, aside from the additional duties, there are no other apparent startup, personnel, office, or documentation costs associated with duplicating this function with the approval of this legislation.

### **III. Financial Impact**

No fiscal impact.

### **IV. Recommendation**

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

# Sanctions and Penalties Law

Presentation to GTC by  
Legislative Operating Committee

February 24, 2019

## Why Sanctions & Penalties?

- If an official of the Nation engages in misconduct in office, there are few remedies to hold that official accountable.
  - Removal Law (if elected)
  - Termination of Appointment (if appointed)
- Not all violations rise to level of removal or termination.
- The Nation currently has no formal process to issue warnings, reprimands, or corrective actions against elected and appointed officials.
- Increased accountability and opportunity to correct behavior and become a better official.

## Cultural Background

- Great Law of Peace.
- Chief receives up to three warnings from Clan Mother.
  - Try to steer leader on the right path.
  - Opportunity to correct actions.
- After three warnings, the chief is dehorned, or removed.
- Goal is not to shame but to move forward in a good way.

## Current Landscape

- Most governments (tribal, local, state and federal) have some sort of sanctions process.
- Sanctions for officials discussed by GTC, previous Business Committees, and community as far back as 1998.
- During the Special Election held on July 9, 2016, the following referendum question was approved by a vote of 178 to 59:  
“Should the BC develop a law which provides for sanctions and due process for elected officials?”

## Development

- Research
- Work Meetings
  - Meetings w/Boards, Committees and Commissions
- Public Outreach
  - Community Potluck Meeting
  - Public Meeting

## What is Misconduct?

- Violating the Oneida Constitution or any law, policy or rule of the Nation;
  - For example, the Code of Ethics or Conflict of Interest Law
- Violating the bylaws or standard operating procedures of the entity the official serves on;
- Being convicted of a felony under federal or Wisconsin law;
- Any other activity that does not uphold the moral and ethical standards expected of the Nation's officials.

## Who Can be Sanctioned?

- Elected Officials of the Nation.
  - Including members of the Oneida Business Committee.
- Appointed Officials of the Nation.
- This law does not apply to:
  - Corporate entities of the Nation.
  - Judges of the Oneida Nation Judiciary.
    - Complaint Process for Judges located in Judiciary Law.

## Elected Officials

- Oneida Business Committee
- Oneida Election Board
- Oneida Gaming Commission
- Oneida Land Commission
- Oneida Land Claims Commission
- Oneida Nation Commission on Aging (ONCOA)
- Oneida Nation School Board
- Oneida Trust Enrollment Committee
- GTC Legal Resource Center Attorney and Advocates

## Appointed Officials

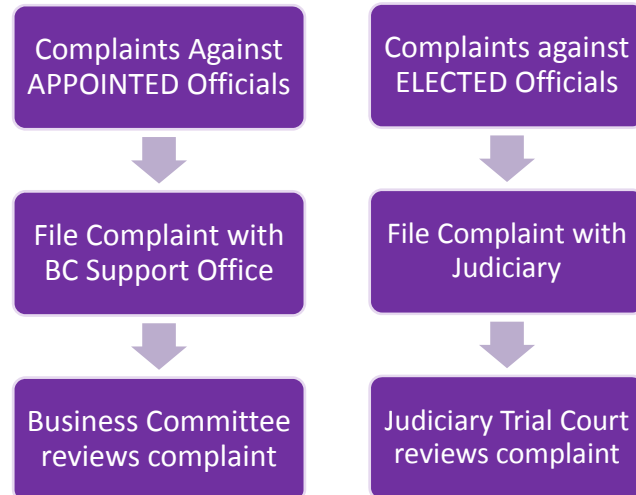
- Anna John Resident Centered Care Community Board
- Audit Committee (1 community member seat)
- Environmental Resource Board (ERB)
- Finance Committee (1 community member seat)
- Oneida Community Library Board
- Oneida Nation Arts Board
- Oneida Personnel Commission
- Oneida Police Commission
- Oneida Pow Wow Committee
- Oneida Nation Veterans Affairs Committee (ONVAC)
- Pardon and Screening Forgiveness Committee
- Southeastern WI Oneida Tribal Services Advisory Boards (SEOTS)
- Oneida Youth Leadership Institute Board of Directors

## Filing a Complaint

- **Who Can File:** Anyone 18 years and older who, in good faith, has knowledge or reason to believe that an official has committed misconduct may file a written complaint.
- **When To File:** Within 90 days of when the alleged misconduct occurred or was discovered to have occurred.
- **Where to File:**
  - Elected Officials – Judiciary Trial Court.
  - Appointed Officials – BC Support Office.



## Filing a Complaint



## Complaint Process: Elected Officials

- Complaint filed with the Nation's Judiciary Trial Court.
- Case proceeds according to Judiciary Rules of Civil Procedure:
  - Official files answer to the complaint.
  - Court may order pre-trial meeting and/or discovery.
  - Court holds a hearing.
  - Court issues judgment.
- If Trial Court finds official committed misconduct, the Trial Court selects appropriate sanction or penalty.
- Either party may appeal decision to Judiciary Court of Appeals.

## Complaint Process: Appointed Officials

- Complaint filed with BC Support Office.
- Complaint forwarded to BC Members and the Official.
- Official submits written response to complaint.
- BC performs initial review to determine if complaint has merit. If complaint has merit, BC schedules a hearing.
- BC holds investigatory hearing during executive session. After the hearing, BC deliberates.
- In open session, BC votes on whether misconduct occurred and selects appropriate sanction or penalty by majority vote.
- Either party may appeal decision to Judiciary Court of Appeals

## List of Sanctions & Penalties

- Verbal Reprimand
- Public Apology
- Written Reprimand
- Suspension
- Restitution
- Fines
- Loss of Stipend
- Mandatory Training
- Termination of Appointment
- Removal, in Accordance with Removal Law

## Additional Consequences

- Nothing in this law exempts an official from individual liability or penalties imposed in accordance with other laws.
- For example, officials who commit misconduct may be subject to other consequences, including but not limited to:
  - Criminal Prosecution, for misconduct that violates applicable criminal law.
  - Civil Liability, in accordance with applicable law.
  - Penalties for specific misconduct as authorized by any other law of the Nation.

## How is Penalty Selected?

- When imposing a sanction or penalty, the OBC or Judiciary may consider the following:
  - How severe the misconduct was, whether it was intentional, and how likely the official is to repeat the misconduct.
  - The damage to the finances or reputation of the Nation, entity, or any person or organization.
  - Whether the official has expressed remorse and is willing to take steps to correct the harm done.
  - Whether any prior complaints have been filed against the official.

## Protecting Due Process

- Officials accused of misconduct have the right to be represented by an attorney or advocate.
- Officials have the right to submit a written response to complaints against them, appear at the investigatory hearing to answer the allegations, provide witness testimony, documents and evidence on their behalf.
- Complaints against officials must be proven by clear and convincing evidence.
- Appeals to Judiciary Court of Appeals

## Requested Action

Motion to adopt the Sanction and Penalties Law Resolution

Yaw^ko

**Oneida Business Committee Agenda Request**

Accept the September 12, 2019, regular Quality of Life Committee meeting minutes

**1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



## Quality of Life Committee

Regular Meeting  
8:30 a.m. Thursday, September 12, 2019  
BC-Executive Conference Room

### Minutes

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**Present:** Daniel Guzman-King, Tehassi Hill, Kirby Metoxen, Ernest Stevens III, Brandon Yellowbird-Stevens

**Others Present:** Aliskwet Ellis, Susan House, Laura Laitinen-Warren, Deborah Thundercloud, Dr. Vir, Jameson Wilson

#### I. CALL TO ORDER AND ROLL CALL

*Meeting called to order by Ernest Stevens III at 8:36 a.m.*

#### II. APPROVAL OF THE AGENDA

Motion by Kirby Metoxen to approve the agenda, seconded by Daniel Guzman-King. Motion carried unanimously.

#### III. APPROVAL OF MEETING MINUTES

##### A. August 15, 2019 Quality of Life Meeting Minutes

Motion by Tehassi Hill to approve the August 15, 2019 Quality of Life meeting minutes, seconded by Daniel Guzman-King. Kirby Metoxen abstained. Motion carried unanimously.

#### IV. UNFINISHED BUSINESS

##### A. Approve Endowment Memos to Finance Committee

Motion by Daniel Guzman-King defer to end of the agenda, seconded by Kirby Metoxen. Motion carried unanimously.

#### V. NEW BUSINESS

##### A. Robert Wood Johnson Foundation (RWJF) Culture of Health Prize – Joanie Buckley

Motion by Kirby Metoxen for the Grand Department to apply for the Robert Wood Johnson Foundation (RWJF) Culture of Health Prize, seconded by Daniel Guzman-King. Motion carried unanimously.

##### B. October QoL Meeting Reschedule

Motion by Daniel Guzman-King defer scheduling to after the meeting, seconded by Kirby Metoxen. Motion carried unanimously.



*Brandon Yellowbird-Stevens arrives at 8:51 a.m.*

**C. Request to Rescind Sub-Team Motion – Daniel Guzman-King**

Motion by Daniel Guzman-King to rescind sub-team motion from August 15, 2019 Quality of Life meeting, seconded by Tehassi Hill. Motion carried unanimously.

**VI. REPORTS**

**A. Tribal Action Plan – Daniel Guzman-King**

Motion by Daniel Guzman-King to accept the Tribal Action Plan written and verbal update, seconded by Kirby Metoxen. Motion carried unanimously.

**B. Environmental Issues – Ernest Stevens III**

Motion by Kirby Metoxen to accept the update, seconded by Tehassi Hill. Motion carried unanimously.

**C. Zero Suicide Report – Dr. Vir**

Motion by Daniel Guzman-King to accept the verbal report, seconded by Kirby Metoxen. Motion carried unanimously.

**VII. ADJOURN**

Motion by Brandon Yellowbird-Stevens to adjourn at 10:39 a.m., seconded by Kirby Metoxen. Motion carried unanimously.

**Oneida Business Committee Travel Request**

Approve the travel request - Secretary Lisa Summers - North American Indigenous Games Council...

**1. OBC Meeting Date Requested:** 11 / 27 / 19 ☐ e-poll requested**2. General Information:**Event Name: NAIG Council-Working Group MeetingEvent Location: Hinckley, MN Attendee(s): Lisa SummersDeparture Date: 01/14/2020 Attendee(s): Return Date: 01/18/2020 Attendee(s): **3. Budget Information:**☒ Funds available in individual travel budget(s)☐ Unbudgeted☐ Grant Funded or ReimbursedCost Estimate: \$1,146.75**4. Justification:**

Describe the justification of this Travel Request:

Will need to attend the meeting as the designated Tribal Rep for Oneida.**5. Submission**Sponsor: Lisa Summers, Secretary

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

**Simone A. Ninham**

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**From:** Lisa M. Summers  
**Sent:** Thursday, November 14, 2019 9:47 AM  
**To:** Simone A. Ninham  
**Subject:** Fwd: NAIG Council - Working Group Meeting January 17th week-end

Good Morning Simone,

Here's a new task for you.

I need a travel request to Hinkley, MN for the dates identified. I'll leave the day before & come back the day after.

Just get it started & I can finish it when I get back. It will need to be on the 2nd BC this month.

Sent from my Sprint Samsung Galaxy S9.

----- Original message -----

**From:** Brian Tupper <Brian.Tupper@fcpotawatomi-nsn.gov>  
**Date:** 11/14/19 8:33 AM (GMT-06:00)  
**To:** "Lisa M. Summers" <lsummer2@oneidanation.org>, "Susan M. House" <SHOUSE@oneidanation.org>  
**Subject:** FW: NAIG Council - Working Group Meeting January 17th week-end

Would either of you be interested in attending this working group in Minnesota? I would like to remind you that as this sounds really good it all comes back to what Canada wants, Canada gets, as the US can never get enough representation to make change or out vote Canada. Canada doesn't see or understand the difference in how the US obtains money (in kind donations or gaming dollars) for games versus them getting money (Cash) from their government.

*Brian Tupper*

**Forest County Potawatomi Community**

**Recreation Manager - Stone Lake**

**North American Indigenous Games**

**Chef De Mission Team Wisconsin**

**715-478-7420 Office**

**715-889-0075 cell**

**715-478-7430 fax**

**From:** Lynn Anne Hogan <lahogan@mcpei.ca>  
**Sent:** Thursday, November 14, 2019 8:26 AM  
**To:** Rick Brant <rbrant@isparc.ca>; Lara Mussell <lmussell@isparc.ca>; Shannon Dunfield <iscadn1@gmail.com>; Jacob Hendy <iscaexecdir@gmail.com>; Ken Thomas <ken.thomas@fsin.com>; melparenteau@shaw.ca; Mel Whitesell

<mel.whitesell@sportmanitoba.ca>; ON-Dale <dale.plett@aswco.ca>; Marc Laliberte <president@iswo.ca>; francine vincent <Francine.Vincent@cssspnql.com>; Genevieve Voyer <genevieve.voyer@cssspnql.com>; Cathy Ward <cathy\_m\_ward@hotmail.com>; Levi Denny <levi4denny@hotmail.com>; Lynn-Anne Hogan <lahogan@mcpei.ca>; Jerry Wetzel <mgwetzel@gmail.com>; Todd Winters <asrcnl@nf.aibn.com>; Jacqueline Shorty <jacquieshorty@hotmail.com>; megan.cromarty@gov.yk.ca; Gael Marchand <ed@yasc.ca>; Jeff Seetenak <JSeetenak@gov.nu.ca>; Aaron Wells <aaron@ascnwt.ca>; Harold Joseph <joseph\_341@frontier.com>; bsantos@suquamish.nsn.us; Gene Dixon (dixongene@yahoo.com) <dixongene@yahoo.com>; Morgan, Virgil <vmorgan@southernute-nsn.gov>; kfrost@southernute-nsn.gov; matt roberson <Matt.Roberson@millelacsband.com>; John Neptune <john.neptune@penobscotnation.org>; Angela Soulor <asoulor@moheganmail.com>; Christine Abrams <tonseneca@aol.com>; Awhenjiosta Myers <mye3575@gmail.com>; Brian Tupper <Brian.Tupper@fcpotawatomi-nsn.gov>; Clorine Cypress <Clorine.Cypress@semtribe.com>

**Subject:** Re: NAIG Council - Working Group Meeting January 17th week-end

Hello everyone

Just a reminder to confirm your attendance if you're interested in being part of the working group that will be meeting in Minnesota from January 15th-17th. Names that I have received to date include (have I missed anyone) Matt, Mel, Francine. Unfortunately at this point, I won't be able to attend as I'll be at M2 the week before so it would be difficult to be done two weeks in a row due to my husbands work schedule.

**Additional information includes:**

**Airport:** Minneapolis St. Paul airport- (Matt is equally as close to Duluth although the flights are a bit higher)

**Hotel Transportation:** Shuttle service will take you from the airport to the hotel and back to the airport for about \$65 .

**Host Hotel:** Hinckley, Minnesota Grand Casino Hinckley

**Original Email**

As discussed in Quebec City, there is a need for a working group to get together very early in the new year to focus on the plans and documents required for the NAIG Council to operate and take us to the next phase. This includes our strategic plan, review of bylaws etc. Matt Roberson from Region 6 - Minnesota has offered to host this meeting January 15-17. Matt will also be securing the professional help that we will require in order to complete the work that needs to be done while we're there. In addition to providing the space and the professional, Matt will also be covering breakfast and helping to offset the cost of the hotel rooms. Those who wish to attend will be responsible for all meals (except breakfast), and all expenses related to travel (to and from and during). As I mentioned, Matt will help with the cost of the hotel rooms (THANK YOU MATT!!!)

If you are interested in being part of this working group, **please send me an email before November 15th.** Once we have our group in place we will confirm the arrival and departure details as well as the agenda.

Thanks everyone! This is such an exciting time for the Council!

Lynn Anne

Lynn Anne Hogan  
**Manager, Aboriginal Sport Circle**

**Mi'kmaq Confederacy of Prince Edward Island**

Office: (902) 438-2108

Cellular: (902) 786-4348

MCPEI Reception: (902) 436-5101

[lahogan@mcpei.ca](mailto:lahogan@mcpei.ca)

[www.mcpei.ca](http://www.mcpei.ca)

On Thu, Nov 7, 2019 at 3:16 PM Lynn Anne Hogan <[lahogan@mcpei.ca](mailto:lahogan@mcpei.ca)> wrote:

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**Oneida Business Committee Travel Request**

Approve the travel request - Councilman Ernie Stevens III - Hemp Interim Final Rule-Tribal Consultation -

**1. OBC Meeting Date Requested:** 11 / 26 / 19 ☐ e-poll requested**2. General Information:**Event Name: Hemp Interim Final Rule-Tribal ConsultationEvent Location: Las Vegas, Nevada Attendee(s): Ernest L. Stevens IIIDeparture Date: Dec 10, 2019 Attendee(s): Return Date: Dec 12, 2019 Attendee(s): **3. Budget Information:**☒ Funds available in individual travel budget(s)☐ Unbudgeted☐ Grant Funded or ReimbursedCost Estimate: \$1152.50**4. Justification:**

Describe the justification of this Travel Request:

This is an invite on behalf of the Office of the Secretary of the Department of Agriculture for an upcoming tribal consultation to discuss the Industrial Hemp Interim Final Rule as provided under the 2018 Farm Bill. Councilman Stevens is the Chairman of the Community Development Planning Committee (CDPC) as well as the Oneida Nation liaison for the Department of Agriculture, Trade and Consumer Protection (DATCP). Councilman Stevens was personally invited by several entities given his work locally, regionally, and nationally as an advocate and voice for tribal hemp initiatives, which includes the foundation of a national hemp coalition for legislation, trade and commerce. He is an ideal candidate to represent the Nation on behalf of Chairman Tehassi Hill.

**5. Submission**Sponsor: Ernest L. Stevens III, Councilmember

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





November 13, 2019

United States  
Department of  
Agriculture

Office of the  
Secretary

Office of Tribal  
Relations

1400 Independence  
Avenue, SW  
Room 501-A  
Whitten Bldg.  
Washington, DC  
20250

Phone # 202-205-2249  
Fax # 202-720-1058

Dear Tribal Leaders:

On behalf of the Office of the Secretary of the Department of Agriculture, I am writing to invite you to an upcoming tribal consultation to discuss the Industrial Hemp Interim Final Rule as provided under the 2018 Farm Bill.

The Secretary recognizes the importance of timely, meaningful, and substantive consultation with tribal leaders with the passage of the Agriculture Improvement Act of 2018 (H.R. 2; P.L. 115-334) hereinafter referred to as the "2018 Farm Bill" and the publication of the [Industrial Hemp Interim Final Rule](#) on October 31, 2019 in the Federal Register. The interim final rule became effective upon publication. USDA invites public comment on the interim rule and the information collection burden. [Written comments](#) may be submitted until December 30, 2019.

We would like to invite you to participate. By hearing your views, information, concerns, suggestions, and interests on this topic, it ensures that USDA better serves Indian Country and fulfills its government-to-government obligation.

The Tribal Hemp Consultation details are as follows:

Location:	Hard Rock Café 4455 Paradise Road Las Vegas, NV 89169
Date:	Wednesday December 11, 2019
Time:	5:00pm – 7:00 pm - Hemp Consultation
Room:	TBD

If you wish to attend the consultation, please send an RSVP through email to [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov) with the following information:

1. Name
2. Tribe/Organization
3. Title (i.e. chairwoman)
4. City, State
5. Phone
6. Attending December 11, 2019? (Y/N)
7. Issues you are interested in

Attached is a sample proxy letter for your reference. We encourage questions in advance of the consultation and encourage this consultation to be a meaningful conversation. We will include letters and resolutions from tribal leaders for consideration and as part of the consultation record. If you wish to submit these, please send them either by mail or through e-mail at [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov).

In the event you cannot attend and wish to send a proxy, please notify Office of



Tribal Relations (OTR) by December 2, 2019. To designate a proxy for this meeting, please copy the attached delegation form to tribal letterhead. This designation will authorize your designee, in writing, who will attend in your place and the estimated time of your absence. The delegation cannot be in perpetuity. USDA encourages that your proxy, should one be designated, be an elected tribal leader in recognition of our government-to-government relationship. You are welcome to bring program leadership and staff from your nation to the tribal consultation as observers.

This invitation, along with updates and other useful information, will be posted on the OTR website:

<https://www.usda.gov/our-agency/staff-offices/office-tribal-relations-otr>.

Please contact me at [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov) or 202-205-2249 if you have any questions or wish to submit questions to be responded to as part of the record. Thank you for your time and consideration, and I look forward to your valued discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Cullo", with a long, sweeping horizontal line extending to the right.

Diane L. Cullo  
Director, Office of Tribal Relations

**Oneida Business Committee Agenda Request**

Approve the request for the Comprehensive Health Division to meet with WI Department of Health Services

**1. Meeting Date Requested:** 11 / 27 / 19

**2. General Information:**

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

Other - request permission to meet with State

Agenda Header: New Business

☐ Accept as Information only

☒ Action - please describe:

Permission for the Comprehensive Health Division to meet with WI Department of Health Services to provide input to be incorporated into the State Health Assessment and Health Improvement Plan

**3. Supporting Materials**

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1. email from Angela Nimsgern, MPH, CPH

3.

2.

4.

☐ Business Committee signature required

**4. Budget Information**

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison: Debbie Thundercloud, General Manager

Primary Requestor/Submitter: Debbie Danforth, Division Director/Operations  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Eric Krawczyk, Community/Public Health Officer  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Wisconsin is developing the next State Health Assessment and would like participation from the Tribal communities to hear about community themes and strengths. They will identify strengths and events that will affect the health of residents for the next 5 years.

They will use the data collected to develop an improvement plan.

- 1) Save a copy of this form for your records.
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- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

**Eric R. Krawczyk**

---

**To:** Management Team  
**Cc:** Michelle Myers; Mollie V. Passon  
**Subject:** FW: State Health Officer to Executive Management Team

Hi team,

Please see email below from one of my professional colleagues. I would like to discuss this Monday at our Executive Management Team meeting.

Thank you, Eric

**From:** Nimsgern, Angela B - DHS <Angela.Nimsgern@dhs.wisconsin.gov>

**Sent:** Friday, November 15, 2019 9:42 AM

**To:** Eric R. Krawczyk <ekrawczyk@oneidanation.org>

**Subject:** State Health Officer to Executive Management Team

Hi Eric,

Great to talk with you.

We are sincerely interested in being sure that there is participation and stories from Wisconsin Tribal communities incorporated into the State Health Assessment and Health Improvement Plan. Scheduling some time at one of the Executive Management Team meetings would be great. Please let me know if there are dates that would work best for the group.

Here is some general information about the request for your conversation with the team:

**Wisconsin is developing the next State Health Assessment. We are meeting with communities to hear about community themes and strengths as well as identifying trends and events that will be affecting the health of residents for the next five years. The State Health Officer, Jeanne Ayers, would like to hear from you through conversation the issues and strengths related to the broad aspects of health in the Oneida Nation.**

Here are some details that may also be helpful to share:

Every 5 years the state conducts a health assessment and develops an improvement plan. The current plan is Healthy Wisconsin available at <https://healthy.wisconsin.gov/> We are in the midst of gathering information that will inform the next state health improvement plan. We are following a national model called Mobilizing for Action through Planning and Partnerships (MAPP). It is a model developed by the National Association of City and County Health Officials (NACCHO) and endorsed by Indian Health Services (IHS) and National Indian Health Board (NIHB). One of the benefits of using the MAPP process is getting authentic engagement of community members to inform the plan. The health assessment is not based solely on quantitative data but also qualitative information from people living in Wisconsin communities.

We discussed at the September Tribal Health Directors meeting communities hosting a conversation with us to hear about community themes and strengths as well as identifying trends and events that will be affecting the health of residents for the next five years. The types of questions we ask during the conversation are:

- What is the most important or urgent issue your community is facing right now?
- What does living your best life mean to you?
- Tell me about the quality of life in your community.

- If you could change one thing about your community or neighborhood to make it a better place to live, what would you change?
- What are some good things about your community that make life better for people who are a part of it?
- What would make it easier to make healthy choices in your community?

Please let me know if you or the group has any questions. I look forward to the opportunity!

Angela



Angela Nimsger, MPH, CPH  
*Director, Northern Region Office of Policy and Practice Alignment*  
**Wisconsin Department of Health Services**  
2187 N. Stevens Street, Suite C  
Rhineland, WI 54501-8036  
D: 715-365-2721 | C: 715-360-0306



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[healthy.wisconsin.gov](http://healthy.wisconsin.gov)

Please check the Division of Public Health's [events calendar](#) for information about upcoming public health events in Wisconsin.

\*\*\*\*\*

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

\*\*\*\*\*

Public health infrastructure is fundamental to the provision and execution of public health services at all levels. A strong infrastructure provides the capacity to prepare for and respond to both acute (emergency) and chronic (ongoing) threats to the Nation's health. Infrastructure is the foundation for planning, delivering, and evaluating public health. *Healthy People 2020*



**Oneida Business Committee Agenda Request**

Post ten (10) vacancies - Oneida Election Board Ad Hoc Committee

**1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.

**Oneida Business Committee Agenda Request****6. Cover Memo:**

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

According to the Oneida Election Board By-Laws Section 2-6. Ad Hoc Committee of the Board:

"The Board shall create an Ad Hoc Committee for the limited purpose of maintaining a pool of qualified candidates that the Board may choose from, when needed, to assist with its duties relating to GTC meetings. On or before the date of its creation, the Board shall develop a mission statement that reflects the Ad Hoc Committee's limited purpose stated herein."

The Oneida Election Board approved the Ad Hoc Committee's Mission Statement on November 14, 2019 and requested to post for ten (10) vacancies in time for the Annual GTC meeting in January.

Action requested:

Approve request to post ten (10) vacancies for the Oneida Election Board Ad Hoc Committee.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**AD HOC MISSION (Approved 11/14/2019)****Ad Hoc Committee Mission:**

*Ad Hoc Committee is established by the Oneida Nation Election Board in order to assist the Election Board with imperative voting matters that arise during the Oneida Nation General Tribal Council meetings. The Ad Hoc Committee enables the Election Board to have an adequate amount of assistance needed for effective and timely counting of votes when requested during the General Tribal Council meetings.*

**Oneida Business Committee Agenda Request**

Accept the Oneida Personnel Commission November 2019 update

**1. Meeting Date Requested:** 11 / 26 / 19**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:   
Name, Title / Dept.Additional Requestor:   
Name, Title / Dept.



TO: Oneida Business Committee  
FROM: Brooke Doxtator, Boards, Committees, and Commissions Supervisor  
DATE: November 26, 2019  
RE: Oneida Personnel Commission Progress Update

---

## BACKGROUND

On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-F titled, "Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in accordance with General Tribal Council's August 27, 2018 Directive."

This resolution formally recognized General Tribal Council's directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments. As a result, resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, was formally repealed and the Oneida Personnel Commission was formally reinstated.

Resolution BC-09-26-18-F provides details on how the Oneida Personnel Commission's responsibilities will be addressed until such time that the Oneida Personnel Commission is prepared to once again exercise its authority.

Additionally, this resolution directs the Legislative Operating Committee to provide updates on the progress of the Oneida Personnel Commission to the Oneida Business Committee on a bimonthly basis, at the second Oneida Business Committee meeting of the month. The legislative work is complete, except for changes to the bylaws. On July 24, 2019 the Oneida Business Committee moved the responsibility of the bi-monthly updates from the Legislative Operating Committee to the BC Support Office.

The Oneida Business Committee amended resolution BC-09-26-18-F on March 13, 2019, through the adoption of resolution BC-03-13-19-C in an effort to provide clarification on which entity of the Nation is providing administrative support to the Oneida Personnel Commission in regard to the grievance hearing process.

This memorandum serves as the seventh update on the progress of the Oneida Personnel Commission overall and the second update from the BC Support Office.

## ONEIDA PERSONNEL COMMISSION BYLAWS

On January 9, 2019, the Oneida Business Committee adopted amendments to the Oneida Personnel Commission Bylaws. Since then, further amendments have been prepared. The updated bylaws were presented and approved by the Oneida Business Committee on October 23, 2019.

**POSTING AND APPOINTMENTS**

On October 9, 2019 the Oneida Business Committee appointed Renee Zakhar to the Oneida Personnel Commission as the fifth member which resulted in a full Commission. They also appointed Matthew W. Denny and Gerald DeCoteau as Pro Tem members. Renee, Matthew and Gerald each took their Oath of Office on October 23, 2019. Currently there are three (3) vacancies for Pro Tem members.

**TRAINING**

The Training and Development Department from the Human Resources Area identified training for the Oneida Personnel Commission. The Commissioners need to complete six (6) different e-learning trainings prior to November 25, 2019 to gain temporary certification. The temporary certification will make them eligible to start participating in pre-screening and interviews only.

To gain full certification the Commissioners will need to take additional e-learning courses and classroom courses as they become available through HRD's quarterly training schedule. Additionally, the Judiciary – Trial Court provided the BCSO and HRD with materials to organize and set-up training for the hearing processes and procedures.

**NEXT STEPS**

1. Continue to work on filling the vacant Pro Tem positions.
2. Complete additional e-learning trainings by December 31, 2019 and the classroom trainings as they become available by HRD.
3. The newly appointed OPC (Pro Tem) members will meet with the HRD Director of Recruitment and Employment on Monday, November 25, 2019.
4. Continue working with HRD to develop SOPs and templates for the Oneida Personnel Commission.
5. Submit Bios and pictures of the Oneida Personnel Commission members to the Kalihwisaks for publication in December, in addition to posting on the website.

**Requested Action**

The report requirements have been met (i.e. bylaws are approved, there is a full Commission, and the Commission has started holding monthly meetings), therefore, were requesting the following motion be considered.

Accept the Oneida Personnel Commission November 2019 update, noting this is the final update.



