



Oneida Business Committee

Executive Session
8:30 AM Tuesday, January 07, 2020
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, January 08, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: 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

III. ADOPT THE AGENDA

IV. MINUTES

- A. **Approve the December 4 and 6, 2019, special Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary
- B. **Approve the December 11, 2019, regular Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary
- C. **Approve the December 13, 2019, special Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary

V. RESOLUTIONS

- A. **Adopt resolution entitled 2019 InterTribal Buffalo Council, Buffalo Herd Development Grant**
Sponsor: Trish King, Treasurer
- B. **Adopt resolution entitled FY2020-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) - file # 2019-1336**
Sponsor: Debbie Thundercloud, General Manager

- C. Adopt resolution entitled Community Action Board - Alzheimer and Dementia Proposed Research Project**
Sponsor: Florence Petri, Chair/Oneida Nation Commission on Aging
- D. Consider resolution entitled Amendments to the Child Support Law**
Sponsor: David P. Jordan, Councilman
- E. Enter the e-poll results into the record regarding the adopted resolution # 12-12-19-A FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application**
Sponsor: Lisa Summers, Secretary

VI. APPOINTMENTS

- A. Determine next steps regarding one (1) vacancy - Oneida Nation Arts Board**
Sponsor: Lisa Summers, Secretary
- B. Determine next steps regarding eight (8) alternate vacancies - Oneida Election Board**
Sponsor: Lisa Summers, Secretary
- C. Determine next steps regarding ten (10) ad hoc vacancies - Oneida Election Board**
Sponsor: Lisa Summers, Secretary

VII. STANDING COMMITTEES

- A. FINANCE COMMITTEE**
 - 1. Accept the December 2, 2019, regular Finance Committee meeting minutes**
Sponsor: Trish King, Treasurer
 - 2. Accept the December 16, 2019, regular Finance Committee meeting minutes**
Sponsor: Trish King, Treasurer
- B. LEGISLATIVE OPERATING COMMITTEE**
 - 1. Accept the December 18, 2019, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- C. QUALITY OF LIFE COMMITTEE**
 - 1. Accept the November 14, 2019, regular Quality of Life Committee meeting minutes**
Sponsor: Brandon Stevens, Vice-Chairman

VIII. TRAVEL REPORTS

- A. Approve the travel report - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund (IHCIF) - Arlington, VA - March 11-13, 2019**
Sponsor: Jennifer Webster, Councilwoman

- B. **Approve the travel report - Secretary Lisa Summers and Councilwoman Jennifer Webster - 2019 Self-Governance Consultation Conference - Traverse City, MI - April 1-5, 2019**
Sponsor: Jennifer Webster, Councilwoman
- C. **Approve the travel report – Councilwoman Jennifer Webster – Tribal Self Governance Advisory Committee meeting - Washington DC - July 14-16, 2019**
Sponsor: Jennifer Webster, Councilwoman
- D. **Approve the travel report - Councilwoman Jennifer Webster - 2019 Self-Governance Professionals Workshop & Strategy Session - Maricopa, AZ - September 8-13, 2019**
Sponsor: Jennifer Webster, Councilwoman
- E. **Approve the travel report - Chairman Tehassi Hill, Secretary Lisa Summers, and Councilman Daniel Guzman King - National Congress of American Indians 76th Annual Convention & Marketplace - Albuquerque, NM - October 20-24, 2019**
Sponsor: Tehassi Hill, Chairman
- F. **Approve the travel report - Councilman Ernie Stevens III - Hemp Interim Final Rule-Tribal Consultation - Las Vegas, NV - December 10-12, 2019**
Sponsor: Ernie Stevens III, Councilman

IX. TRAVEL REQUESTS

- A. **Approve the travel request in accordance with § 219.16-1 - Up to nine (9) Business Committee members - Litigation oral arguments - Chicago, IL**
Sponsor: Lisa Summers, Secretary
- B. **Enter the e-poll results into the record regarding the approved travel request for Secretary Lisa Summers to attend the Tribal Caucus Meeting in Nekoosa, WI - December 11-12, 2019**
Sponsor: Lisa Summers, Secretary

X. NEW BUSINESS

- A. **CIP # 07-009 Building Demolitions - Approve the CIP Package Amendment**
Sponsor: Debbie Thundercloud, General Manager
- B. **CDC # 04-022 Public Transit Garage - Approve two (2) actions**
Sponsor: Debbie Thundercloud, General Manager
- C. **Determine next steps regarding the 2020 Special Election**
Sponsor: Vicki Cornelius, Chair/Oneida Election Board
- D. **Approve two (2) actions regarding BC resolution # 05-08-19-B**
Sponsor: Vicki Cornelius, Chair/Oneida Election Board

- E. **Approve the memorandum of understanding addendum appendix B - Between the State of WI, Department of Children and Families, Bureau of Child Support and the Oneida Nation - file # 2019-0668**
Sponsor: Debbie Thundercloud, General Manager
- F. **Enter the e-poll results into the record regarding the transfer of UWGB Basketball Tickets and Parking Passes to Joint Marketing**
Sponsor: Lisa Summers, Secretary

XI. EXECUTIVE SESSION

A. REPORTS

- 1. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
- 2. **Accept the General Manager report**
Sponsor: Debbie Thundercloud, General Manager

B. UNFINISHED BUSINESS

1. File # 2019-CC-01

- a. **Review proposed transition plan**
Sponsor: Debbie Thundercloud, General Manager

Excerpt from December 11, 2019: Motion by Lisa Summers to defer item X.D.3. File # 2019-CC-01, subsections a. Review proposed Transition plan and b. Determine next steps regarding vacancies, to the January 8, 2020, regular Business Committee meeting agenda, seconded by Jennifer Webster. Motion carried.

Excerpt from September 25, 2019: (1) Motion by Lisa Summers to terminate the appointment of Floyd Wayne Silas Jr. on the Oneida Powwow Committee pursuant to §105.7-4 and post the vacancy, seconded by Kirby Metoxen. Motion carried. (2) Motion by David P. Jordan to direct the General Manager to amend the recommendations provided regarding file # 2019-CC-01 and to bring back a transition plan proposal no later than the December 11, 2019, regular Business Committee meeting, seconded by Lisa Summers. Motion carried.

- b. **Determine next steps regarding vacancies**
Sponsor: Lisa Summers, Secretary

Excerpt from December 11, 2019: Motion by Lisa Summers to defer item X.D.3. File # 2019-CC-01, subsections a. Review proposed Transition plan and b. Determine next steps regarding vacancies, to the January 8, 2020, regular Business Committee meeting agenda, seconded by Jennifer Webster. Motion carried.

Excerpt from October 9, 2019: Motion by Lisa Summers to defer this item to the December 11, 2019, regular Business Committee meeting, noting the General Manager will have a transition plan submitted to the Business Committee by this date, as previously directed, seconded by Kirby Metoxen. Motion carried.

C. NEW BUSINESS

1. **Review application(s) for one (1) vacancy - Oneida Nation Arts Board**
Sponsor: Lisa Summers, Secretary
2. **Review application(s) for eight (8) alternate vacancies - Oneida Election Board**
Sponsor: Lisa Summers, Secretary
3. **Review application(s) for ten (10) ad hoc vacancies - Oneida Election Board**
Sponsor: Lisa Summers, Secretary
4. **Enter the e-poll results into the record regarding the approved attorney contract - Oneida Law Office staff attorney - file # 2019-1404**
Sponsor: Lisa Summers, Secretary
5. **Enter the e-poll results into the record regarding the approved recommendation of litigation counsel, option #1, in the December 13, 2019, e-mail correspondence**
Sponsor: Lisa Summers, Secretary

XII. ADJOURN

Posted on the Oneida Nation's official website, 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/

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

Approve the December 4 and 6, 2019, special Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/20

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****Special Meeting**

3:00 PM Wednesday, December 04 and 06, 2019
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**SPECIAL MEETING**

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

Not Present: Councilman Daniel Guzman King;

Arrived at: Secretary Lisa Summers at 3:07 p.m.;

Others present: Jo Anne House, Larry Barton, Lisa Liggins;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 3:02 p.m.

For the record: Councilman Daniel Guzman King is attending the FY-2022 Bemidji Area Budget Consultation in Green Bay, WI. Secretary Lisa Summers will be a few minutes late.

II. OPENING

Opening provided by Chairman Tehassi Hill.

Secretary Lisa Summers arrived at 3:07 a.m.

III. ADOPT THE AGENDA (00:03:34)

Motion by David P. Jordan to adopt with two (2) changes [1) delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header, item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings), seconded by Jennifer Webster. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

Item VI.A. is addressed next.

DRAFT

IV. STANDING COMMITTEES

A. LEGISLATIVE OPERATING COMMITTEE

1. ~~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~~

Item deleted at the adoption of agenda.

V. NEW BUSINESS

A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings (00:19:47)

Sponsor: Tehassi Hill, Chairman

Motion by Lisa Summers to approve the request to cancel the December 26 and 27, 2019, Oneida Business Committee meetings, seconded by Ernie Stevens III. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

(00:20:21)

Motion by David P. Jordan to recess at 4:47 p.m. until Friday, December 6, 2019, at 11:30 a.m., seconded by Lisa Summers. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King

Chairman Tehassi Hill called the meeting to order at 11:32 a.m. on Friday, December 6, 2019.

Roll call for the record:

Present: Chairman Tehassi Hill; Councilman David P. Jordan; Treasurer Trish King; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers, Councilwoman Jennifer Webster;

Not Present: Councilman Daniel Guzman King; Councilman Kirby Metoxen;

Item IV.A. is re-addressed next.

DRAFT

VI. GENERAL TRIBAL COUNCIL

A. Approve notice and materials for the January 20, 2020, tentatively scheduled annual GTC meeting (00:05:07)

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to go into executive session at 3:28 p.m., seconded by Lisa Summers.
Motion carried:

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

Motion by Ernie Stevens III to come out of executive session at 4:46 p.m., seconded by David P. Jordan. Motion carried:

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

Roll call for the record:

Present: Chairman Tehassi Hill; Councilman David P. Jordan; Treasurer Trish King; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Secretary Lisa Summers; Councilwoman Jennifer Webster;
Not Present: Councilman Daniel Guzman King;

Motion by Lisa Summers to approve the notice and the annual reports including the changes noted in the Secretary's December 4, 2019, memorandum, seconded by Jennifer Webster. Motion carried:

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

Note: The meeting packet had additional changes and still needs approval.

Item V.A. is addressed next.

(00:20:54)

Motion by Brandon Stevens to go into executive session at 11:32 a.m., seconded by Jennifer Webster. Motion carried:

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

Motion by Trish King to come out of executive session at 12:20 p.m., seconded by David P. Jordan. Motion carried:

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

Motion by Lisa Summers to approve the meeting materials including the changes noted in the Secretary's December 6, 2019, memorandum, seconded by Brandon Stevens. Motion carried:

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

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VII. ADJOURN (00:21:45)

Motion by Ernie Stevens III to adjourn at 12:21 p.m., seconded by Trish King. Motion carried:

Ayes: David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Approve the December 11, 2019, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/20

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
9:30 AM Tuesday, December 10, 2019
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, December 11, 2019
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes

EXECUTIVE SESSION

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

Not Present: n/a

Arrived at: Councilman Kirby Metoxen at 9:38 a.m.;

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud, Lisa Liggins, Laura Laitinen-Warren, Eric McLester, Troy Parr, Joanie Buckley, Pat Pelky;

REGULAR MEETING

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

Not Present: Councilman Ernie Stevens III;

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Debbie Danforth, Michelle Myers, Teresa Anderson, Mercedes Dumas, Pam Clark, Carrie Blohowiak, Eric Krawczyk, Chris Johnson, Eric McLester, Celestine Jeffreys, Bonnie Pigman;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:33 a.m.

For the record: Councilman Ernie Stevens III is on approved travel attending the Hemp Interim Final Rule-Tribal Consultation in Las Vegas, NV.

II. OPENING (00:00:14)

Opening provided by Chairman Tehassi Hill.

DRAFT

A. Special Recognition for earning accreditation from the Accreditation Association for Ambulatory Health Care (00:03:41)

Sponsor: Jennifer Webster, Councilwoman

Special recognition by Councilwoman Jennifer Webster of the Comprehensive Health Division for earning accreditation from the Accreditation Association for Ambulatory Health Care; the following individuals from the Mock Survey Team and the Executive Management Team were recognized today: Henrietta Cornelius, Bill Stempski, Pamela Clark, Carrie Blohowiak, Connie Vandenberg, Sheri Forgette, Eric Krawczyk, Mercedes Dumas, Teresa Anderson, Michelle Myers, Ravinder Vir, Jeff Carlson, Dave Larson, Mari Kriescher, Mary Corneliussen, Mercie Danforth, and Debbie Danforth. Additional recognition by Secretary Lisa Summers inviting the full team/division to a recognition event in January 2020.

III. ADOPT THE AGENDA (00:11:20)

Motion by Lisa Summers to adopt the agenda with four (4) noted changes [1) under the General Tribal Council heading, add item IX.A Suspend stipends for non-reporting entities for the 2020 annual report; 2) under the General Tribal Council heading, add item IX.B Approve the amended 2020 annual General Tribal Council meeting agenda to include the 2020 General Election dates; 3) under the Executive Session heading, add item X.E.4. Adopt resolution entitled Regarding the pardon of Valerie P. Ventura; and 4) under the Executive Session heading, add item X.E.5. Adopt resolution entitled Regarding the pardon of Anthony P. Konkol], seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

IV. MINUTES

A. Approve the November 26, 2019, regular Business Committee meeting minutes (00:13:08)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the November 26, 2019, regular Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

B. Approve the November 27, 2019, quarterly reports Business Committee meeting minutes (00:13:30)

Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to approve the November 27, 2019, quarterly reports Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

DRAFT

V. RESOLUTIONS

- A. Adopt resolution entitled Amending resolution # BC 01-09-19-D Appointment of Liaison Responsibilities for Organization Entities for the 2017-2020 term of the Oneida Business Committee (00:13:52)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to adopt resolution 12-11-19-A Amending resolution # BC 01-09-19-D Appointment of Liaison Responsibilities for Organization Entities for the 2017-2020 term of the Oneida Business Committee, seconded by Brandon Stevens. Motion carried:

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

VI. STANDING COMMITTEES

A. LEGISLATIVE OPERATING COMMITTEE

- 1. Accept the November 20, 2019, regular Legislative Operating Committee meeting minutes (00:16:10)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the November 20, 2019, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

VII. TRAVEL REQUESTS

- A. Approve the travel request in accordance with §219.6-1 - Eight (8) Individuals - 2020 Special Election - Milwaukee, WI - January 24-26, 2020 (00:16:34)**

Sponsor: Vicki Cornelius, Chair/Oneida Election Board

Motion by Jennifer Webster to approve the travel request in accordance with §219.6-1 for eight (8) individuals to attend the 2020 Special Election in Milwaukee, WI - January 24-26, 2020, seconded by Lisa Summers. Motion carried:

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

DRAFT

- B. Approve the travel request - Chairman Tehassi Hill - Brackeen v. Bernhardt Arguments - New Orleans, LA - January 21-22, 2020 (00:18:03)**
Sponsor: Tehassi Hill, Chairman

Motion by Lisa Summers to approve the travel request for Chairman Tehassi Hill to attend the Brackeen v. Bernhardt Arguments in New Orleans, LA - January 21-22, 2020, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

- C. Approve the travel request - Councilwoman Jennifer Webster - Tribal Self-Governance Advisory Committee (TSGAC)/SGAC - Washington DC - January 22-24, 2020 (00:18:32)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel request for Councilwoman Jennifer Webster to attend the Tribal Self-Governance Advisory Committee (TSGAC)/SGAC in Washington DC - January 22-24, 2020, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Lisa Summers

Abstained: Jennifer Webster

Not Present: Ernie Stevens III

- D. Approve the travel request - Vice-Chairman Brandon Stevens - 6th Annual Tribal Govt E-Commerce conference: Wiring the Rez 2020 - Chandler, AZ - January 30-31, 2020 (00:18:59)**
Sponsor: Brandon Stevens, Vice-Chairman

Motion by Lisa Summers to approve the travel request for Vice-Chairman Brandon Stevens to attend the 6th Annual Tribal Govt E-Commerce conference: Wiring the Rez 2020 in Chandler, AZ - January 30-31, 2020, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Lisa Summers, Jennifer Webster

Abstained: Brandon Stevens

Not Present: Ernie Stevens III

- E. Approve the travel request - Councilman Kirby Metoxen - 2020 AIAANTA Board retreat - Palm Springs, CA - June 6-9, 2020 (00:19:37)**
Sponsor: Kirby Metoxen, Councilman

Motion by David P. Jordan to approve the travel request for Councilman Kirby Metoxen to attend the 2020 AIAANTA Board retreat in Palm Springs, CA - June 6-9, 2020, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Abstained: Kirby Metoxen

Not Present: Ernie Stevens III

DRAFT**VIII. NEW BUSINESS****A. Approve two (2) actions regarding funding for Oneida language classes in area public school districts (00:20:15)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to support the request from the Pulaski Community School District for financial support the Oneida Language Teaching Position and to defer this request to the General Manager and the Finance Committee to collaborate on the funding, seconded by Kirby Metoxen.

Motion carried:

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

B. Approve the CY2020 vacancy postings for Boards, Committees, Commissions, Corporate Boards, Standing Committees, and Other (00:30:40)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the CY2020 vacancy postings for Boards, Committees, Commissions, Corporate Boards, Standing Committees, and Other, seconded by Jennifer Webster.

Motion carried:

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

C. Re-post one (1) vacancy - Oneida Environmental Resource Board (00:31:38)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to re-post one (1) vacancy for the Oneida Environmental Resource Board, seconded by David P. Jordan. Motion carried:

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

IX. GENERAL TRIBAL COUNCIL**A. Suspend stipends for non-reporting entities for the 2020 annual report (00:32:20)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to suspend stipends for the Oneida Land Claims Commission and the Oneida Nation Arts Board in accordance with § 105.12-5 of the Boards, Committees, and Commissions law until their 2020 annual reports are accepted by the General Tribal Council, seconded by Lisa Summers. Motion carried:

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

DRAFT

B. Approve the amended 2020 annual General Tribal Council meeting agenda to include the 2020 General Election dates (00:34:50)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the amended 2020 annual General Tribal Council meeting agenda to include the 2020 General Election dates, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

X. EXECUTIVE SESSION

A. REPORTS

1. Accept the Chief Counsel report (00:36:45)

Sponsor: Jo Anne House, Chief Counsel

Motion by Brandon Stevens to accept the Chief Counsel report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

Motion by Brandon Stevens to approve a limited waiver of sovereign immunity - Brown County Public Works Department project agreement - file # 2019-1359, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

B. STANDING ITEMS

1. ONEIDA GOLF ENTERPRISE CORPORATION - LADIES PROFESSIONAL GOLF ASSOCIATION

a. Accept the Thornberry Creek LPGA Classic September/October/November 2019 report (00:37:40)

Sponsor: Eric McLester, Business Compliance Analyst

Motion by Lisa Summers to accept the Thornberry Creek LPGA Classic September/October/November 2019 report, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

DRAFT**C. AUDIT COMMITTEE**

1. **Accept the October 10, 2019, regular Audit Committee meeting minutes (00:38:07)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to accept the October 10, 2019, regular Audit Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

D. UNFINISHED BUSINESS

1. **File # ED19-013 - Accept the update and approve the recommendation (00:38:26)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Summers to accept the update and approve the recommendation regarding file # ED19-013, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

2. **Accept the Insurance Notice Gap sub-team update (00:38:51)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the Insurance Notice Gap sub-team update, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

DRAFT**3. File # 2019-CC-01****a. Review proposed transition plan (00:39:20)**

Sponsor: Debbie Thundercloud, General Manager

Excerpt from September 25, 2019: (1) Motion by Lisa Summers to terminate the appointment of Floyd Wayne Silas Jr. on the Oneida Powwow Committee pursuant to §105.7-4 and post the vacancy, seconded by Kirby Metoxen. Motion carried. (2) Motion by David P. Jordan to direct the General Manager to amend the recommendations provided regarding file # 2019-CC-01 and to bring back a transition plan proposal no later than the December 11, 2019, regular Business Committee meeting, seconded by Lisa Summers. Motion carried.

Motion by Lisa Summers to defer item X.D.3. *File # 2019-CC-01*, subsections a. *Review proposed Transition plan* and b. *Determine next steps regarding vacancies*, to the January 8, 2020, regular Business Committee meeting agenda, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

b. Determine next steps regarding vacancies (00:39:20)

Sponsor: Lisa Summers, Secretary

Excerpt from October 9, 2019: Motion by Lisa Summers to defer this item to the December 11, 2019, regular Business Committee meeting, noting the General Manager will have a transition plan submitted to the Business Committee by this date, as previously directed, seconded by Kirby Metoxen. Motion carried.

Motion by Lisa Summers to defer item X.D.3. *File # 2019-CC-01*, subsections a. *Review proposed Transition plan* and b. *Determine next steps regarding vacancies*, to the January 8, 2020, regular Business Committee meeting agenda, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

E. NEW BUSINESS**1. Discuss draft Collaborative Charter (00:39:59)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to accept the discussion regarding the draft Collaborative Charter as information, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

DRAFT**2. Discuss closeout of Professional Services Agreement - file # 2016-1035 and 2018-0178 (00:40:32); (00:43:05)**

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to defer to end of meeting, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

Item X.E.3. is addressed next.

Motion by Lisa Summers to go into executive session at 9:16 a.m., seconded by Kirby Metoxen.

Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

Motion by Lisa Summers to come out of executive session at 9:44 a.m., seconded by Kirby Metoxen.

Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

*Roll call for the record:**Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan;
Treasurer Trish King; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Secretary Lisa
Summers; Councilwoman Jennifer Webster;**Not Present: Councilman Ernie Stevens III;*

Motion by Lisa Summers to accept the memorandum dated December 4, 2019, and approve the two (2) identified actions, seconded by Brandon Stevens. Motion carried:

Ayes: David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Lisa
Summers, Jennifer WebsterAbstained: Daniel Guzman King
Not Present: Ernie Stevens III*Item XI. is addressed next.***3. Adopt resolution entitled First Amendment to the Governmental 401(k) Plan (00:41:00)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David P. Jordan to adopt resolution 12-11-19-B First Amendment to the Governmental 401(k) Plan, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Ernie Stevens III

DRAFT**4. Adopt resolution entitled Regarding Valerie P. Ventura (00:41:19)**

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to accept the Pardon and Forgiveness Screening Committee's recommendation regarding a pardon application submitted by Valerie P. Ventura and move the resolution entitled Regarding Pardon of Valerie P. Ventura to open session, seconded by Jennifer Webster. Motion carried:

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

Motion by Lisa Summers to adopt resolution 12-11-19-C Regarding Pardon of Valerie P. Ventura, seconded by Kirby Metoxen. Motion carried:

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

5. Adopt resolution entitled Regarding Anthony P. Konkol (00:42:20)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to accept the Pardon and Forgiveness Screening Committee's recommendation regarding a pardon application submitted by Anthony P. Konkol and move the resolution entitled Regarding Pardon of Anthony P. Konkol to open session, seconded by Lisa Summers. Motion carried:

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

Motion by Lisa Summers to adopt resolution 12-11-19-D Regarding Pardon of Anthony P. Konkol, seconded by David P. Jordan. Motion carried:

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

Item X.E.2. is re-addressed next.

XI. ADJOURN (00:44:10)

Motion by David P. Jordan to adjourn at 9:45 a.m., seconded by Brandon Stevens. Motion carried:

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

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Approve the December 13, 2019, special Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/19

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**

Special Meeting
9:00 AM Friday, December 13, 2019
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**SPECIAL MEETING**

Present: Chairman Tehassi Hill, Treasurer Trish King, Council members: Daniel Guzman King, David P. Jordan, Ernie Stevens III;

Not Present: Secretary Lisa Summers, Council members: Kirby Metoxen, Jennifer Webster;

Arrived at: Vice-Chairman Brandon Stevens at 9:24 a.m.;

Others present: Jo Anne House, Larry Barton, Lisa Liggins;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 9:02 a.m.

For the record: Vice-Chairman Brandon Stevens will be a few minutes late. Secretary Lisa Summers is on pre-approved vacation day. Councilman Kirby Metoxen is out on a personal day. Councilwoman Jennifer Webster is out on a pre-approved vacation day.

II. OPENING

Opening provided by Councilman Daniel Guzman King.

Chairman Tehassi Hill asked for a moment of silence for last night's passing of former Chairman Rick Hill.

III. ADOPT THE AGENDA (00:01:25)

Motion by David P. Jordan to adopt the agenda as presented, seconded by Daniel Guzman King.

Motion carried:

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

DRAFT**IV. EXECUTIVE SESSION (00:01:45)**

Motion by David P. Jordan to go into executive session at 9:05 a.m., seconded by Ernie Stevens III.
Motion carried:

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

Vice-Chairman Brandon Stevens arrived at 9:24 a.m.

Motion by David P. Jordan to come out of executive session at 9:56 a.m., seconded by Brandon Stevens. Motion carried:

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

Roll call for the record:

Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan; Treasurer Trish King; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Not Present: Councilman Kirby Metoxen; Secretary Lisa Summers; Councilwoman Jennifer Webster;

A. AUDIT COMMITTEE

- 1. Approve RSM, US LLP presentation materials to be forwarded to the January 20, 2020, tentatively scheduled annual General Tribal Council meeting (00:02:10)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to approve the RSM, US LLP presentation materials, with the noted changes, to be forwarded to the January 20, 2020, tentatively scheduled annual General Tribal Council meeting, seconded by Brandon Stevens. Motion carried:

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

- 2. Approve the September 30, 2019, year-end audited financial statements presented by RSM, US LLP (00:02:40)**

Sponsor: David P. Jordan, Councilman

Motion by Trish King to approve the September 30, 2019, year-end audited financial statements presented by RSM, US LLP, seconded by Ernie Stevens III. Motion carried:

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

Chairman Tehassi Hill recognized the hard work and dedication of the employees in Audit, Finance, Accounting, and Management who ensure our financials are represented properly and ensure funding is allocated and expended properly.

DRAFT

V. ADJOURN (00:03:45)

Motion by David P. Jordan to adjourn at 9:58 a.m., seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens,
Ernie Stevens III

Not Present: Kirby Metoxen, Lisa Summers, Jennifer Webster

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled 2019 InterTribal Buffalo Council, Buffalo Herd Development Grant

1. Meeting Date Requested: 01 / 08 / 20**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: Ralinda Ninham-Lamberies, Finance
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Donald Miller, Grant Specialist, Grants
Name, Title / Dept.Additional Requestor: Jeff Scofield, Agricultural Director, Oneida Farm
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Oneida farm annually applies for herd development support from the InterTribal Buffalo Council to promote the health and expansion of the Oneida Nations Buffalo herd. The benefits from the herd are felt in the sharing of the herds meat with the Oneida School system, the Oneida Emergency Pantry, the Elders meal site, other community events, and through sales to the community, all things that are supported in part by the annual InterTribal Buffalo Council Grant.

To apply for this supporting grant the farm is required to also submit a resolution of support that also authorizes the application.

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

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

Department: Oneida Farm	Division/Non-Division: Finance	
Program: Buffalo Herd Development	Program Accountant: Cindy Seelye	
Person Responsible for Proposal Development: Jeff Scofield		Phone: (920) 833-7952
Person Responsible for Grant Administration: Ralinda Ninham-Lamberies		Phone: (920) 869-2214 Ext. 4242
Project Title: Oneida Nation Buffalo Herd Development		

GRANT INFORMATION

Name of Funding Source: InterTribal Buffalo Council		Type (pick one): Agency
Title of Grant: 2019 Herd Development Grant		CFDA No: N/A
Application Deadline: January 17, 2020		Grant Amount: \$100,000.00
Project Period: 12 Months	Budget Period: 12 Months	Project Type (pick one): Cont.
Match Requested (% or \$): N/A		Match Type (pick one): N/A
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? No Name of Position(s):		
Will this grant fund a new position? If YES, attach draft job description for all positions in the grant.		
PLEASE NOTE: Position/employee will be phased out when grant funding ends.		

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: the purpose of this grant is to restore and support the Oneida Buffalo Herd Development Project. The support of this program will help the Oneida Nation meet nutritional goals and promote community health.

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 ☐

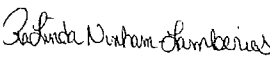
**Prior to entering into contracts with vendors, they will be cross referenced at www.sam.gov to ensure the vendors are not suspended or debarred.*


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.

 11-20-19
1. Supervisor Signature Date
SIGNATURE VERIFIES & APPROVES MATCH


 Digitally signed by RaLinda
 Ninham-Lamberies
 Date: 2019.12.03 09:10:11 -06'00'
2. Division/Non-Division Director Signature Date
SIGNATURE APPROVES GRANT PROJECT & MATCH


 Deborah Thundercloud
 2019.12.03 20:27:28
 -06'00'
3. General Manager Signature Date

 12/4/19
4. Grants Office Signature Date
FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 9/12/19

GO-001

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

2019 InterTribal Buffalo Council, Buffalo Herd Development Grant

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 Oneida Nation has determined that the overall goal of the Oneida Nation is to protect,
12 maintain and improve the standard of living and the environment in which the Oneida
13 people live; and
14

15 **WHEREAS,** the Oneida Buffalo Herd Development Project promotes food sovereignty and self-
16 sufficiency and is an integral component of the Oneida Community Integrated Food System
17 (OCIFS) because it provides high quality, hormone-free, traditional bison meat products
18 for the improved health and well-being of the Oneida Community; and
19

20 **WHEREAS,** the Oneida Nation is committed to maintaining long-term support for the Oneida Buffalo
21 Herd Development Project; and
22

23 **WHEREAS,** the Oneida Business Committee has on several occasions in the past, on behalf of the
24 Oneida Nation, expressed their support through resolutions for similar grant applications
25 and the InterTribal Buffalo Council.
26

27 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation authorizes and supports the Oneida Farm's
28 submission of a grant application to the InterTribal Buffalo Council for the purposes of restoring and
29 supporting the Oneida Buffalo Herd Development Project in a manner that is culturally, ecologically and
30 economically self-sustaining, and supportive of the Oneida Nations nutritional goals and community health.
31 The official Tribal representative to the InterTribal Buffalo Council shall be Jeff Scofield, Agricultural Director
32 and his alternate shall be Ralinda Ninham-Lamberies, Assistant Chief Financial Officer.

Oneida Business Committee Agenda Request

Adopt resolution entitled FY2020-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) - file

1. Meeting Date Requested: 01 / 08 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Approve the attached tribal transportation list. The list is based off housing needs which is the Nations priority. Other roads are based off the passer rating which identify roads with the highest priority of need (pulverize and pave, maintenance etc)

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: James Petitjean, Community Development Area Manager
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:

The Oneida Nation is eligible to receive \$1,229,070 in road funding from the BIA which represents an increase of 10.6% from 2019. 75% of the road funds are used for new infrastructure and the balance remaining is for maintaining our roads. As a side note 17 of our tribal roads have moved from a passer rating of 4 or less to 8-10 score. This shows we are using the funds responsibly to upgrade our roads. 32% of our roads have been upgraded to a high passer rating in the last 5 years.

A street sweeper is part of the funds that are eligible for funding out of the maintenance funds.

The new roads in Break Creak Village will support 36 housing units. Housing is a high priority within the nation.

The funding the Oneida Nation receives are for planning road funds, program administration, preliminary engineering, construction, construction engineering, construction management and road maintenance.

Action needed: To approve the attached 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

ONEIDA LAW OFFICE***CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT***

TO: James J. Petitjean
Engineering Department

FROM: Carl J. Artman, Staff Attorney

Use this number on future correspondence:

2019-1336**Carl J. Artman**

Digitally signed by Carl J. Artman
Date: 2019.12.12 14:28:33 -06'00'

DATE: December 12, 2019

RE: U.S. Dept of Interior-BIA Tribal Transportation
Program Agreement FY 2020

Purchasing Department Use

_____ **Contract Approved**

_____ **Contract Not Approved**

_____ *(see attached explanation)*

If you have any questions or comments regarding this review, please call 869-4327.

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*

The TTPA agreement is approved. Please note the substitution of the BIA drafted OBC resolution with a resolution drafted by this office.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

FY2020-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP)

- 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,** adequate transportation infrastructure is integral to serving local and community needs;
12 and
13
14 **WHEREAS,** the Oneida Business Committee seeks to provide adequate transportation facilities to meet
15 the needs of the Oneida Nation; and
16
17 **WHEREAS,** the Oneida Business Committee developed the 2020-2022 Oneida Nation Tribal
18 Transportation improvement plan, and it requests the Bureau of Indian affairs incorporate
19 it into the control schedule Transportation Improvement Plan as a required step to ensure
20 the Oneida Nation receives its "Tribal Shares" funding; and
21
22 **WHEREAS,** the Oneida Business Committee agrees with the needs and priorities presented in the
23 2020-2022 Oneida Nation Tribal Transportation Improvement Plan.
24
25 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee supports and adopts the
26 2020-2022 Oneida Nation Tribal Transportation Improvement Plan for the projects listed in the attached
27 CSTIP forms that were developed between the Oneida Nation and the BIA for Tribal Shares funding along
28 with corresponding 2020 TTP retained services agreement (RSA).

\$	1,299,070
----	-----------

Tribal Transportation Improvement Plan													
Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	1309	10	0.6	2020	Amelia Cornelius Cultural Park Safe Bus Drop Off	\$ 2,500	BIA/Tribe	\$ 5,000	Tribe	\$ -	Tribe		\$ 7,500
2	na	10-20	0.9	2020	Mason St Corridor New Sidewalk	\$ 10,000	BIA/Tribe	\$ 75,000	Tribe/Coop	\$ 25,000	Tribe/Coop		\$ 110,000
3	NA	NA	NA	2020	Street Sweeper Maintenance	\$ 75,000	Tribe	\$ -	Tribe				\$ 75,000
4	NA	NA	0.8	2020	Bread Creek Village New Road	\$ 10,000	Tribe	\$ 600,000		\$ 5,000			\$ 615,000
5					Silver Creek Trail	\$ -	Tribe	\$ 50,000		\$ 10,000			\$ 50,000
6	NA	NA	NA	2020	TTP Road Maintenance Crack Seal, patching for various roadways including street sweep		Tribe/Coop					\$ 300,000	\$ 300,000
7	NA	NA	NA	2020	Transportation Planning (Inventory work) (TTP Funds for Planning)		Tribe					\$ 71,570	\$ 71,570
FY20 Totals \$ 1,229,070													

Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost
1	na	NA	0.75	2021	Cattail Marsh - Green Bay New Road	\$ 100,000	Tribe	\$ 954,000	Tribe	\$ 25,000	Tribe		\$ 1,079,000
2	NA	NA	NA	2021	TTP Road Maintenance Creak seal, patching and street sweeping	\$ -	Tribe/Coop	\$ -	Tribe	\$ -	Tribe	\$ 100,000	\$ 100,000
3	NA	NA	NA	2021	Transportation Planning (TTP Funds for Planning		Tribe					\$ 50,070	\$ 50,070
FY21 Total												\$	1,229,070

Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total	
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost	
1	1307	20	0.22	2022	Minoka Hill Drive Mill and overlay	\$ 30,000	Tribe	\$ 200,000	Tribe	\$ 10,000	Tribe		\$ 240,000	
2	1307	NA	0.31	2022	Sand Hill Circle Mill and Overlay	\$ 15,000	Tribe	\$ 200,000		\$ 15,000		\$ -	\$ 230,000	
3	NA	NA	1	2022	Seminary Road - Ranch to CTH E		Tribe	\$ 509,000					\$ 509,000	
4	NA	NA	NA	2022	TTP Road Maintenance Crack Seal patching and street sweepign		Tribe/Coop					\$ 100,000	\$ 100,000	
5	NA	NA	NA	2022	TTP Planning TTP Funds for planning, Snowplow for DPW		Tribe					\$ 150,070	\$ 150,070	
FY22 Total														\$ 1,229,070
Priority	BIA Route #	Section	Project Length	Year of Constr	Road Name Location (Start and End Points) Description of Work	All Planning, Prelim Eng., Arch, Env, ROW Activities will be included as TOTAL PE costs per Project		Construction		Construction Engineering		Other	Total	
						Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Who/How Work Done	Estimated Cost	Estimated Cost	
1	NA	NA	0.1	2023	Henry Rd	\$ 25,000		\$ 160,000		\$ 25,000			\$ 210,000	
2	NA	NA	0.8	2023	Beechtree (Evergreen-Site II Area)	\$ 25,000		\$ 500,000		\$ 25,000			\$ 550,000	
3	NA	NA	0.2	2023	Park Drive	\$ 19,000		\$ 100,000		\$ 25,000			\$ 144,000	
4	NA	NA	NA	2023	TTP Road Maintenance Crack Seal Patching							\$ 100,000	\$ 100,000	
5	NA	NA	NA	2023	TTP Planning							\$ 75,000	\$ 75,000	
FY23 Totals														\$ 1,229,070

FY2020 FAST Act RFA

FY2020 REFERENCED FUNDING AGREEMENT

Pursuant to Oneida Nation's Tribal Transportation Program Agreement (A16AP00120) With the Bureau of Indian Affairs

Section 1. Authority. This Referenced Funding Agreement (RFA) is entered into by the Director, Bureau of Indian Affairs (BIA), on behalf of the Secretary of the Interior, and by the Oneida Nation's (Tribe) and together with the BIA (collectively "the Parties"), pursuant to the Tribal Transportation Program Agreement (Program Agreement) between the Parties for comprehensive transportation planning, research, design, engineering, construction, maintenance of highway, road, bridge, parkway, or transit facility programs or projects that are located on, or which provide access to, the Oneida Nation along with related program administration activities and associated transportation services authorized by Chapter 2 of Title 23, United States Code, as amended by the Fixing America's Surface Transportation Act (FAST Act) Pub. L. 114-94 (December 4, 2015), 25 C.F.R. Part 170, and in accordance with the Indian Self-Determination and Education Assistance Act (hereinafter "the ISDEAA"), Pub. L. 93-638, as amended, 25 U.S.C. § 5301 *et seq.*, including for purposes of Federal Tort Claims Act coverage, and by resolution of the Tribe's governing body. *Note: All references to the ISDEAA and Pub. L. 93-638 in the Program Agreement formerly at 25 USC § 450 et seq., have been reclassified by the House of Representatives – Office of Law Revision Counsel and now appear at 25 USC § 5301 et seq.*

Section 2. Effective Date. If the Program Agreement is in effect, this RFA is effective upon its approval and execution by authorized representatives of the Tribe and BIA, *provided that* if the Program Agreement is not yet in effect this RFA shall become effective upon approval of the Program Agreement by authorized representatives of the Tribe and BIA.

Section 3. Purpose. The purpose of this RFA is to set forth specific conditions for Fiscal Year 2020 funding under the Program Agreement, including terms that identify the specific programs, functions, services and activities (PFSAs) to be performed, the funds to be provided, the time and method of payment, and such other provisions as the Parties agree in writing, if any, as provided below.

Section 4. Activities to be Performed. The activities covered by this RFA include, but are not limited to, the following as well as those activities further detailed in the Tribe's current FHWA-approved Tribal Transportation Improvement Program (TTIP):

- Transportation Planning, including National Tribal Transportation Facility Inventory (NTTFI) updates;
- Program Administration;
- Preliminary Engineering;
- Construction;
- Construction Engineering;
- Construction Management;
- Road Maintenance as authorized by 23 U.S.C. § 202 (a)(8)(A);

- Repayment of Financing Instruments and Tribal Transportation Program (TTP) eligible costs as defined in the Tribe's Advance Construction Agreement;
- Development and negotiation of Tribal-State road maintenance agreements as authorized 23 U.S.C. § 202 (a)(8)(C);
- Other TTP-eligible activities authorized under Chapter 2 of Title 23 or 25 C.F.R. Part 170.

Section 5. Summary of Funds. The total amount and sources of funding provided under this RFA are as follows:

Prior Year Funds (If Applicable)

IRR Program Funds		
IRR Program Transportation Planning (2%)		
IRR Bridge Program Funds		
TTP Funds		
TTP Transportation Planning Funds (2%)		
TTP Safety Funds		
Tribal Transportation Facility Bridge Program Funds		
Other Prior Year Funding		
Total Prior Year Funding	\$	-

FY 2020 Tribal Transportation Program Funds and Other FHWA Funds

TTP Funds	\$	165,727.00
TTP Transportation Planning Funds (2%)	\$	3,766.00
TTP Safety Funds		
Tribal Transportation Facility Bridge Program Funds		
Other Federal Lands Highways Program Funds		
Funds Transferred Under Intergovernmental Fund Transfer Agreement		
Other Funds As Described in Attached Agreement		
Funds Retained Under Retained Services Addendum	\$	10,000.00
Total FY 2020 Funds:	\$	159,493.00

Total Amount for this RFA: **\$ 159,493.00**

Section 6. Eligibility for Additional Funding and Services. The Tribe shall be eligible for additional TTP funds on the same basis as other Indian tribes according to the statutory distribution in 23 U.S.C. § 202 (b), as well as other funds, not included in this RFA, which are made available to tribes on a competitive, formula, or other basis, including non-recurring funding. Whenever there are errors in calculations or other mistakes regarding estimates of available funding which may need to be renegotiated, both Parties agree to take action as necessary to correct such errors.

Section 7. Time and Method of Payment. Subject to the availability of funds, and the execution of this RFA by both Parties, the Director shall provide to the Tribe or its designee the funds identified in Section 5 of this RFA in a single advance payment within thirty (30) calendar days. This transfer shall be made electronically. The final amounts available in the fiscal year are subject to the determination of the Tribe's share under Article II, Section 2.B of the TTP Program Agreement.

Section 8. Other Provisions.

- A. Use of Funds Advanced. Funds advanced to the Tribe shall be used by the Tribe as permitted under 23 U.S.C. § 202 and 25 C.F.R. Part 170, other applicable laws, and for the purposes authorized under the Program Agreement. The Tribe reserves the right to reallocate funds among the eligible projects identified on its FHWA-approved Transportation Improvement Program (TIP), so long as such funds are used in accordance with Federal appropriations law. As provided in 25 C.F.R. Part 170.607, contract support costs are an eligible item out of the Tribe's Program allocation and will be included in project construction budgets prepared by the Tribe. The Tribe may apply its most current negotiated Indirect Cost Rate to the funds paid under this RFA to determine the amount of funds that may be used by the Tribe to pay eligible contract support cost expenses associated with carrying out the Program Agreement.
- B. Prior Year Indian Reservation Roads Program Funds. Any prior year Indian Reservation Roads (IRR) Program Relative Need Distribution Formula funds, IRR Program Transportation Planning funds, IRR Bridge Program funds, IRR High Priority Project funds advanced to the Tribe that were made available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59 (August 10, 2005), shall be administered in accordance with the provisions of SAFETEA-LU including, but not limited to, the restriction that only 25% of such funds may be used for eligible road maintenance activities, 25 C.F.R. Part 170 and other applicable laws. Upon the request of the Tribe, the Director shall provide technical assistance regarding, but not limited to, the administration of the SAFETEA-LU funds advanced under this RFA.
- C. Carryover. As provided in Article II, Sec. 8 of the Program Agreement or unless otherwise noted, any funds which are paid to the Tribe under this RFA which have not been expended by the Tribe at the conclusion of the Federal fiscal year shall not expire, shall remain in the custody of the Tribe and be used for the purposes authorized herein and under the Program Agreement.
- D. Buy America. As part of the requirements of Article V, Sec. 6 (c), the Tribe shall comply with the Buy America provisions of 23 U.S.C. § 313 for all TTP and other funds authorized by Chapters 1 or 2 of Title 23 and transferred under this Agreement. The Tribe may consult with the Director regarding the process for requesting a waiver of the Buy America provisions from the Secretary of Transportation under 23 U.S.C. § 313 (b).

Section 9. Amendments. Except as otherwise provided by the Program Agreement, any modification of this RFA shall be in the form of a written amendment and shall require the signatures of the authorized representatives of the Tribe and the Director.

Section 10. Retained Services. In accordance with Article IV, Section 7.B., of the Program Agreement, and upon agreement of both parties, the Director will perform the activities identified in the attached "Retained Services Addendum" (RSA), if any. The funds identified in said addendum shall be retained by the Director. Any funds retained under this RSA that are not expended by the Director as of September 1st of the respective funding year shall be obligated to the Tribe's Program Agreement prior to September 30th of that funding year.

Section 11. Notice of Availability of Additional Funds - If the Bureau of Indian Affairs receives notice of the availability of additional FY2020 funding for any purpose authorized under the Program Agreement and RFA, including the availability of unspent TTP funds, the Director shall promptly notify the Tribe regarding such funding so that the Tribe may access and apply for any funds they may be eligible to receive.

Section 12. Successor Funding Agreements - Ninety (90) days before the expiration of this RFA, the Parties shall commence negotiation of a successor RFA.

Oneida Nation

**United States Department of the Interior
Bureau of Indian Affairs**

By _____
Tehassi Hill
Chairperson

By _____
Deputy Bureau Director
Office of Indian Services

Date

Date

FY2020 RETAINED SERVICES ADDENDUM

Pursuant to Oneida Nation's Tribal Transportation Program Agreement With the Bureau of Indian Affairs for Fiscal Year 2020

This Retained Services Addendum (RSA) sets forth those services and functions to be performed by the Director pursuant to **Section 10 – Retained Services** of the Oneida Nation's 2020 Referenced Funding Agreement (RFA). This RSA shall become effective upon approval by authorized representatives of the Director and the Oneida Nation.

1. The projects and activities identified below are part of an approved Transportation Improvement Program (TIP), as governed by federal law and regulations.
2. Each of the projects and activities identified below shall be funded in the amount estimated on the aforementioned TIP.
3. The estimated amounts listed below shall be used by the BIA in performance of the services designated herein for the Tribe.
4. The BIA agrees to use professionals qualified to perform the Retained Services work.
5. The Tribe agrees the estimated costs are fair and reasonable and consents to the BIA's use of qualified personnel to perform the designated services.
6. A summary description of the scope of work follows:

Project	Services	Estimated Cost
TTP Safety, Planning & Inventory	TTP Planning and Inventory	\$ 10,000.00
Total Estimated Costs		\$ 10,000.00

In accordance with Article IV, Section 7.B., of the Tribal Transportation Program Agreement, the funds identified in this RSA shall be retained by the Director.

Agreement #A16AP00120

The Parties agree that the amount identified above is an estimate, and that the Director shall have the authority to expend more or less on each project and/or activity identified, so long as the actual costs do not exceed the total estimated amount listed above.

In the event the Director requires additional funds beyond those identified above or the Tribe requests the Director to perform additional activities this RSA shall be amended accordingly.

Finally, the Parties agree that any funds retained under this RSA that are unexpended by the Director on September 1st of the respective funding year shall be obligated to the Tribe's Program Agreement by September 30th of that funding year.

Approved:

**United States Department of the Interior
Bureau of Indian Affairs**

Todd P. Kennedy
Regional Road Engineer, Midwest Region

Date

Tammie Poitra
Regional Director, Midwest Region

Date

Approved:

Oneida Nation

Tehassi Hill
Chairperson

Date

Oneida Business Committee Agenda Request

Adopt resolution entitled Community Action Board - Alzheimer and Dementia Proposed Research Project

1. Meeting Date Requested: 01 / 08 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

ONCOA is requesting approval of BC resolution: Oneida Alzheimer's Community Action Board and Dementia Research Project 24 -- "An Intercultural Bridge Supporting Alzheimer's Disease Research in Indian Country:

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: Florence Petri, ONCOA Chairwoman
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Lois Strong, ONCOA Coordinator
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 proposed resolution attached is asking that the OBC support ONCOA's efforts in Research Project R24 Intercultural Bridge Project. The objective of the research project is to study successful collaborations that could be used to bridge the cultural gap between tribal communities and university research teams that results in an underrepresentation of American Indians in Alzheimer's and Dementia (AD) research, the goal being to stimulate AD research that includes American Indians.

The resolution is not asking for monetary contributions.

Note: The BC Support Office contacted the ONCOA Coordinator on 1/2/20 regarding this request in order to clarify the intent and determine if BC resolution # 05-08-19-A *Research Requests: Review and Approval to Conduct* applied to this request. The ONCOA Coordinator indicated that this resolution is simply to request OBC support of a project which ONCOA already supports; and it is not meant to imply consent or commitment to participate in a research project.

- 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

Lois Strong

From: Kristen M. Hooker
Sent: Thursday, December 19, 2019 4:03 PM
To: Lois Strong
Cc: Jennifer A. Falck; Rochelle A. Powless
Subject: SOE Request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lois: I have been assigned to the statement of effect request that you submitted to our office on December 18, 2019. Upon review of your statement of effect request form and the proposed resolution attached to the form, it does not appear as though a statement of effect is required for this particular resolution based on the following.

Resolution BC-08-16-95-A sets forth numerous exemptions to the requirement that all resolutions proposed for adoption by the Oneida Business Committee or the Oneida General Tribal Council be accompanied by a statement of effect developed by the Legislative Reference Office. One of the exemptions is for resolutions that are seeking support for a cause or individual.

The proposed resolution attached to your request form is asking that the OBC support ONCOA's efforts in Research Project R24 Intercultural Bridge Project. The objective of the research project is to study successful collaborations that could be used to bridge the cultural gap between tribal communities and university research teams that results in an underrepresentation of American Indians in Alzheimer's and Dementia (AD) research, the goal being to stimulate AD research that includes American Indians.

There is nothing in the documentation you submitted that indicates ONCOA is looking for the OBC to do anything other than stand behind its research efforts (e.g. the resolution is not asking for monetary contributions, for the Nation to enter into any contract, etc.). Assuming this is the case, the resolution attached to your form is exempt from the requirement that it be accompanied by a statement of effect. If, however, my assumption is incorrect, please let me know.

Have a great day and Happy Holidays.

Kristen M. Hooker
Staff Attorney
Legislative Reference Office
Oneida Nation
920-869-4411
<https://oneida-nsn.gov/government/register/>



A good mind. A good heart. A strong fire.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Community Action Board - Alzheimer and Dementia Proposed Research Project

- 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 Oneida Nation is committed to protecting its members from problems that result in or
12 exacerbate illness and disease such as Alzheimer's and Dementia (AD); and
13
14 **WHEREAS,** Despite, a decades-long mandate for inclusion, American Indians (AI) are nearly absent in
15 Alzheimer's disease and related dementias research even though data suggests that AI
16 have unique risk features; and
17
18 **WHEREAS,** one key factor impeding this participation is the existence of significant cultural differences
19 between the researchers and the AI communities; and
20
21 **WHEREAS,** the objective of this research effort would be to study successful collaborations wherein
22 tribal communities and university research teams can create an intercultural bridge that
23 can successfully bridge the two cultures; and
24
25 **WHEREAS,** the resulting Best Practice protocols from this research project could provide innovative
26 and practical guidance to research teams seeking to build intercultural bridges and help
27 stimulate AD research resulting in measurably more positive subject responses than the
28 current standard approaches.
29
30 **NOW THEREFORE BE IT RESOLVED,** that to help promote the health and success of the Oneida Elder
31 community the Oneida Business Committee will support this Oneida Nation Commission on Aging proposed
32 research project.

Oneida Business Committee Agenda Request

Consider resolution entitled Amendments to the Child Support Law

1. Meeting Date Requested: 1 / 8 / 20 **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: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Clorissa N. Santiago, LRO Staff Attorney
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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson
DATE: January 8, 2020
RE: Child Support Law Amendments

Please find the following attached backup documentation for your consideration of the proposed amendments to the Child Support law:

1. Resolution: Amendments to the Child Support Law
2. Statement of Effect: Amendments to the Child Support Law
3. Child Support Law Amendments Legislative Analysis
4. Child Support Law Amendments (Redline)
5. Child Support Law Amendments (Clean)
6. Child Support Law Amendments Fiscal Impact Statement

Overview

On March 7, 2018, the Legislative Operating Committee decided to pursue amendments to the Child Support law. The purpose of the Child Support law is to establish the legal responsibility of parents to provide financially for their children's general well-being; make support payments more equitable by ensuring consistent treatment of persons in similar circumstances; make support payments based on the real earning capability of parents; and improve the efficiency of child support establishment and enforcement. [7 O.C. 704.1-1].

This resolution adopts amendments to the Child Support law which will:

- Create a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more [7 O.C. 704.11];
- Update notice requirements and timelines for initiating an action by the Agency [7 O.C. 704.5-2], sending appointment letters for noncompliance [7 O.C. 704.12-2], sending notice of delinquency [7 O.C. 704.13-3], sending notice of enforcement action [7 O.C. 704.13-4], and sending income withholding orders [7 O.C. 704.9-3(a)];
- Clarify how the Family Court may redact addresses and identifying information from court documents to ensure safety of a party [7 O.C. 704.5-5(b)];
- Make updates to how child support obligations are calculated in certain special circumstances, such as:
 - updating the date when legal obligation for child support is incurred for a non-marital child of a serial family obligor [7 O.C. 704.8-1];
 - updating how overnights and equivalent care are calculated for shared-placement parents [7 O.C. 704.8-2];
 - updating the formula for calculating child support obligations of split-placement parents [7 O.C. 704.8-3];

- Update what constitutes a “substantial change in circumstance” that warrants a modification of a child support order [7 O.C. 704.10-2(b)];
- Repeal Child Support Rule No. 1 - Deviation from Child Support and Rule No. 2 - Enforcement Tools and move the contents of the rules into the body of the law itself; and
- Make additional updates and clarify language throughout the law.

The Legislative Operating Committee developed the proposed amendments to the Child Support law through collaboration with representatives from the Oneida Child Support Agency, Oneida Law Office, Oneida Family Court, and Oneida Police Department. The Legislative Operating Committee also reviewed various laws of the Nation, as well as seven (7) child support laws from other tribes and the State of Wisconsin.

In accordance with the Legislative Procedures Act, a public meeting on the Child Support law was held on October 17, 2019. Two (2) people provided oral comments during the public meeting. The public comment period was then held open until October 24, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on November 6, 2019. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Amendments to the Child Support Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Amendments to the Child Support 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 Child Support law ("the Law") was adopted by the Oneida Business Committee through
12 resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E,
13 BC-06-22-11-K, BC-10-10-12-C, BC-08-13-14-E, and
14
15 **WHEREAS,** the purpose of the Law is to establish the legal responsibility of parents to provide
16 financially for their children's general well-being; make support payments more equitable
17 by ensuring consistent treatment of persons in similar circumstances; make support
18 payments based on the real earning capability of parents; and improve the efficiency of
19 child support establishment and enforcement; and
20
21 **WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the
22 Oneida Child Support Agency, Oneida Family Court, Oneida Police Department, and
23 Oneida Law Office to develop the amendments to this Law; and
24
25 **WHEREAS,** the amendments to the Law create a process to suspend or modify child support orders for
26 parents incarcerated for one hundred and eighty (180) days or more; and
27
28 **WHEREAS,** the amendments to the Law update notice requirements and timelines for initiating an
29 action by the Agency, sending appointment letters for noncompliance, sending notice of
30 delinquency, sending notice of enforcement action, and sending income withholding
31 orders; and
32
33 **WHEREAS,** the amendments to the Law clarify how the Family Court may redact addresses and
34 identifying information from court documents to ensure the safety of a party; and
35
36 **WHEREAS,** the amendments to the Law make updates to how child support obligations are calculated
37 in certain special circumstances; and
38
39 **WHEREAS,** the amendments to the Law update what constitutes a "substantial change in
40 circumstance" that warrants a modification of a child support order; and
41

42 **WHEREAS,** the amendments to the Law repeal Child Support Law Rule No. 1 - Deviation from Child
43 Support and Child Support Law Rule No. 2 - Enforcement Tools and move the contents of
44 the rules into the body of the law itself; and
45

46 **WHEREAS,** the amendments to the Law make other minor drafting revisions; and
47

48 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
49 statement were completed for the amendments to the Law; and
50

51 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on October 17, 2019,
52 in accordance with the Legislative Procedures Act, and the public comment period was
53 held open until October 24, 2019; and
54

55 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public
56 comments received on November 6, 2019; and
57

58 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Child Support law are hereby adopted
59 and shall be effective on January 22, 2020.
60

61 **BE IT FINALLY RESOLVED,** that Child Support Law Rule No. 1 - Deviation from Child Support and Child
62 Support Law Rule No. 2 - Enforcement Tools are hereby repealed effective January 22, 2019.
63



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



Statement of Effect *Amendments to the Child Support Law*

Summary

This resolution adopts amendments to the Child Support law.

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

Date: December 18, 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 amendments to the Child Support law which comply 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].

The Child Support law was adopted by the Oneida Business Committee for the purpose of establishing the legal responsibility of parents to provide financially for their children’s general well-being; making support payments more equitable by ensuring consistent treatment of persons in similar circumstances; making support payments based on the real earning capability of parents; and improving the efficiency of child support establishment and enforcement. [7 O.C. 704.1-1].

The amendments to the Child Support law will:

- Create a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more [7 O.C. 704.11];
- Update notice requirements and timelines for initiating an action by the Agency [7 O.C. 704.5-2], sending appointment letters for noncompliance [7 O.C. 704.12-2], sending notice of delinquency [7 O.C. 704.13-3], sending notice of enforcement action [7 O.C. 704.13-4], and sending income withholding orders [7 O.C. 704.9-3(a)];
- Clarify how the Family Court may redact addresses and identifying information from court documents to ensure the safety of a party [7 O.C. 704.5-5(b)];
- Make updates to how child support obligations are calculated in certain special circumstances, such as:
 - updating the date when legal obligation for child support is incurred for a non-marital child of a serial family obligor [7 O.C. 704.8-1];
 - updating how overnights and equivalent care are calculated for shared-placement parents [7 O.C. 704.8-2];
 - updating the formula for calculating child support obligations of split-placement parents [7 O.C. 704.8-3]; and
- Update what constitutes a “substantial change in circumstance” that warrants a modification of a child support order [7 O.C. 704.10-2(b)].

Other additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

The resolution also repeals Child Support Rule No. 1 - Deviation from Child Support and Rule No. 2 - Enforcement Tools. The Law was amended to remove the prior reference that “any Agency requirements which would affect individuals outside the Agency and do not relate to the internal management of the Agency shall require Oneida Business Committee approval in the form of a law or rule.” [7 O.C. 704.2-6 of Law adopted through BC-08-13-14-E]. Instead, the contents of those rules have been incorporated directly into the body of the Law itself.

In accordance with the LPA, a public meeting on the proposed amendments to the Child Support law was held on October 17, 2019. Two (2) individuals provided oral comments during the public meeting. The public comment period was then held open until October 24, 2019. The Legislative Operating Committee received one (1) submission of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on November 6, 2019. Any changes made based on those comments have been incorporated into this draft.

Conclusion

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



shakoti>nuk&=lale> latiksash&ha>
They watch over the children
AMENDMENTS TO CHILD SUPPORT LAW
LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Oneida Child Support Agency	SPONSOR: David P. Jordan	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	<ul style="list-style-type: none"> ▪ To create a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more; ▪ To update notice requirements and timelines for initiating an action by the Agency, sending letters of noncompliance, sending notice of delinquency, sending notice of enforcement action, and sending income withholding orders; ▪ To clarify how the Family Court may redact addresses and identifying information from court documents to ensure safety of a party; ▪ To make updates to how child support obligations are calculated in certain special circumstances, such as: <ul style="list-style-type: none"> ○ updating how overnights and equivalent care are calculated for shared-placement parents; ○ updating the formula for calculating child support obligations of split-placement parents; ○ updating the date when legal obligation for child support is incurred for a non-marital child of a serial family obligor; ▪ To update what constitutes a “substantial change in circumstance” that warrants a modification of a child support order; ▪ To repeal Child Support Rule #1 Deviation from Child Support and Rule #2 Enforcement Tools and move the contents of the rules into the body of the law itself; ▪ To make additional updates and clarify language throughout the law. 		
Purpose	The purpose of this law is to establish the legal responsibility of parents to provide financially for their children’s general well-being; make support payments more equitable by ensuring consistent treatment of persons in similar circumstances; make support payments based on the real earning capability of parents; and improve efficiency of child support establishment and enforcement [7 O.C. 704.1-1].		
Affected Entities	Oneida Child Support Agency, Oneida Family Court, Oneida Court of Appeals, Oneida license-issuing agencies such as Oneida Licensing and Oneida Conservation, and any individuals with child support cases that fall under the jurisdiction of the Oneida Family Court [7 O.C. 704.4].		
Public Meeting	A public meeting was held on October 17, 2019.		
Fiscal Impact	A fiscal impact statement was prepared by the Finance Dept. on December 6, 2019.		

What Is Child Support?

“When parents separate, they still have shared rights and responsibilities as to their children. The most basic of these responsibilities is supporting their children so they have food, clothing, shelter and health care. Child support is a payment made by one parent to another for the support of a child. The amount of the payment is based on a percentage, determined by law, of the paying parent’s income.” *Source: Oneida Child Support Agency FAQ.*

“Child support is the financial support paid by parents to support a child or children of whom they do not have full custody. Child support can be entered into voluntarily, by court order or by an administrative agency (the process depends on the state or tribe). The noncustodial parent or obligor—the parent who does not have primary care, custody, or control of the child or children—often has an obligation to the custodial parent or obligee—the parent who has primary care, custody and control of the child or children.” *Source: National Association of State Legislatures (NCSL).*

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 gave tribal nations the authority to establish child support agencies. Wisconsin (WI) Statute 801.54 allows WI circuit courts to transfer civil actions to tribal courts in matters where tribal nations have concurrent jurisdiction, such as child support cases.
- B. The Oneida Child Support Agency was established by the Oneida Business Committee on June 20, 2007. Oneida Nation’s application for a child support services grant was approved by the U.S. Department of Health and Human Services on April 4, 2008.
- C. The Oneida Nation’s Child Support law was first adopted by emergency amendment on June 30, 2008 and permanently adopted on June 24, 2009 by the Oneida Business Committee. It was most recently amended on August 13, 2014.
- D. At the end of 2008, the Oneida Child Support Agency had 482 cases. As of 2018, the Oneida Child Support Agency now handles over 3,050 cases and has completed case transfers from Brown and Outagamie counties.
- E. On February 28, 2018, the Oneida Child Support Agency submitted a request to amend the Oneida Child Support law. The LOC added the Child Support Law amendments to the Active Files List on March 7, 2018. Since that time, the LOC has worked with Child Support Agency to review the law and develop potential amendments.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of this law and legislative analysis: Oneida Child Support Agency, Oneida Law Office, Oneida Police Department, and Oneida Judiciary Family Court.
- B. The following laws were reviewed in the drafting of this analysis: Administrative Rulemaking law; Paternity law; Per Capita law; Oneida Judiciary Rules of Civil Procedure; Rules of Appellate Procedure; Workers Compensation law; Garnishment law; Family Court law; Family Court Rules; Per Capita law; Children’s Code; Divorce, Annulment and Legal Separation; Child Custody, Placement and Visitation law. In addition, the following laws from other tribal nations and the state of Wisconsin were reviewed:
 - Ho Chunk Nation - Child Support Code 4HCC7
 - Forest County Potawatomi - Child Support Law
 - Lac Du Flambeau - Child Support Law Ch 31

- Menominee Nation – Financial Support of Children Law
 - Stockbridge Munsee Child Support Law
 - White Earth Child Support Act
 - State of Wisconsin Child Support Administrative Enforcement – Chapters DCF 150 & 152.
- C. In addition, the following documents or articles were reviewed in the drafting of this analysis:
- Child Support Enforcement: Tribal Programs – Congressional Research Service Report. July 5, 2016.
 - Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs, Federal Register, Volume 81, Number 244. December 20, 2016.
 - Child Support Final Rule Fact Sheet: Flexibility, Efficiency and Modernization in Child Support Enforcement Programs. Office of Child Support Enforcement, Administration for Children and Families, Dept. of Health and Human Services. January 5, 2017. DCL-17-01.

SECTION 4. PROCESS

- A. Thus far, amendments to this law have followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was added to the Active Files List on March 7, 2018.
- C. A public meeting was held on October 17, 2019. The public comment period was held open until October 24, 2019.
- C. At the time this legislative analysis was developed, a total of twenty-seven (27) work meetings were held regarding the development of this law and legislative analysis, including twenty-one (21) work meetings with the Oneida Child Support Agency:
- April 5, 2018: Work meeting with Child Support.
 - April 18, 2018: Work meeting with LOC.
 - May 17, 2018: Work meeting with Child Support.
 - June 8, 2018: Work meeting with Child Support.
 - June 22, 2018: Work meeting with Child Support.
 - July 13, 2018: Work meeting with Child Support.
 - August 9, 2018: Work meeting with Child Support, Family Court and Oneida Police Department.
 - August 17, 2018: Work meeting with Child Support.
 - September 18, 2018: Work meeting with Child Support.
 - October 12, 2018: Work meeting with Child Support.
 - October 26, 2018: Work meeting with Child Support.
 - October 31, 2018: Work meeting with LOC and Child Support.
 - November 9, 2018: Work meeting with Child Support.
 - December 6, 2018: Work meeting with Child Support.
 - December 10, 2018: Work meeting with Child Support and Oneida Police Department.
 - December 19, 2018: Work meeting with LOC.
 - January 4, 2019: Work meeting with Child Support.
 - February 1, 2019: Work meeting with Child Support.
 - March 3, 2019: Work meeting with Child Support.
 - April 4, 2019: Work meeting with Child Support.
 - April 30, 2019: Work meeting with Child Support.
 - May 16, 2019: Work meeting with Child Support & Law Office.
 - July 17, 2019: Work meeting with LOC.
 - July 18, 2019: Work meeting with LOC.
 - July 25, 2019: Work meeting with LOC.
 - August 21, 2019: Work meeting with LOC and Child Support.
 - November 6, 2019: Work meeting with LOC.

SECTION 5. CONTENTS OF THE LEGISLATION

The following provides a summary of the changes proposed in the amendments to the Child Support Law:

- A. *Moving Child Support Rules into the Law.*** The Child Support Law currently includes two (2) rules: Rule #1 Deviation from Child Support and Rule #2 Enforcement Tools. Both rules became effective June 24, 2009, prior the adoption of the Nation's Administrative Rulemaking law [1 O.C. 106]. The proposed amendments delete the rules and move the contents of both Rule #1 and Rule #2 into the body of the law itself.
- *Rule #1 Deviation from Child Support.* The information from Rule #1 Deviation from Child Support, unless otherwise noted in this analysis, has been moved to the following sections:
 - 704.7 Determining Child Support Obligation
 - 704.8 Determining the Child Support Obligation in Special Circumstances
 - 704.9 Child Support Order
 - *Rule #2 Enforcement Tools.* The information from Rule #2 Enforcement Tools, unless otherwise noted in this analysis, has been moved to the following sections:
 - 704.12 Compliance Plan
 - 704.13 Enforcement of an Order
 - 704.14 Alternative Payment Plans
 - 704.15 Administrative Enforcement Action
 - 704.16 Family Court Contempt Action
 - *Deleted Examples.* Rule #1 contained example calculations and scenarios to illustrate how to determine child support in special circumstances. These examples have been deleted. Such examples could be provided in a separate document or worksheet by the Agency.
- B. *Notice for Initiation of Action by Oneida Child Support Agency.***
- *Requesting Services.* When the Oneida Child Support Agency receives an application or referral for services, the Agency is required to send notice to the non-custodial parent. The non-custodial parent is the parent who does not hold primary care, custody or control of the child.
 - *Current Notice Requirements.* Within five (5) business days of receiving a referral or application, the Agency is currently required to send two (2) letters to the non-custodial parent before initiating a hearing in the Family Court. The purpose of the letters is to request information and attempt to negotiate a stipulation, or voluntary agreement, between the parents. If the non-custodial parent does not respond to the letters, then the Agency will initiate a hearing in the Family Court.
 - *Changes to Notice Requirements.* [7 O.C. 704.5-2].
 - *Meeting with Custodial Parent Prior to Sending Notice.* The Agency will now be required to meet with the custodial parent (the parent who has primary custody of the child) within thirty (30) days of receiving a referral or application. Only after meeting with the custodial parent will the Agency send the notice letter to the non-custodial parent.
 - *Effect.* This change reflects the Agency's current practice. The Agency reports that most child support cases begin as referrals from other agencies rather than an application from the custodial parent. The Agency reports that meeting with the custodial parent first ensures that the Agency has the information it needs before contacting the non-custodial parent and/or initiating an action.
 - *Deadline for Agency to Send Letter.* The Agency will now have seven (7) business days rather than five (5) business days to send the Letter of Request for Support and Financial Disclosure form to the non-custodial parent.
 - *Number of Letters.* Rather than sending two (2) letters, the Agency is now only required to send one (1) letter before initiating a hearing. This will allow for child support hearings to be scheduled more quickly. Rather than waiting at least fifteen (15) days as the law currently requires, the Agency can now request a hearing after ten (10) days.

Chart 1. Current Notice Requirements – Initiating an Action by Child Support Agency.

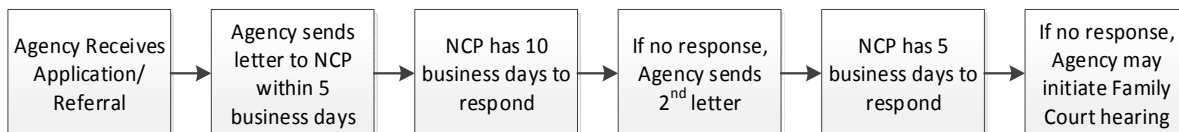
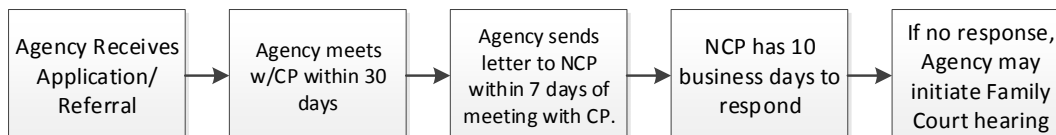


Chart 2. Proposed Notice Requirements – Initiating an Action by Child Support Agency.



*CP = Custodial Parent. NCP = Non-Custodial Parent.

C. Requirements of the Petition. If the parents do not enter into a voluntary agreement, then a petition to establish child support may be filed with the Family Court. Currently, the petition only requires the name, date of birth and address of the petitioner and respondent and a separate form with the child's identifying information. These new amendments require more detailed information to be included on the petition. This was added at the request of the Child Support Agency to reflect current petition forms [7 O.C. 704.5-5(a)].

- **New Information Required on Petition:** Name, date of birth, address and tribal affiliation of the petitioner and respondent; with whom the child currently resides; when and how paternity was established; information regarding other children of the parties and the child support obligation for those children; information about any state or tribal benefits either party receives; whether any other action to determine child support is pending or has been entered by another court; financial information such as the parties' income; the relief the petitioner is requesting; and a separate confidential form that includes the child's identifying information.

D. Nondisclosure of Information in Protected Cases. A new provision has been added giving the Family Court judge authority to limit access to the child or party's address or other identifying information [7 O.C. 704.5-5(b)(1)(B)].

- **Limiting Address or Identifying Information.** The Family Court may limit disclosure if the health, safety or liberty of a child or party would be unreasonably put at risk. This change was made to address safety concerns for individuals who do not wish to have their address included in court documents.

E. Child Support Hearings.

- **Factual Determinations at Hearings.** Currently, factual determinations made at child support hearings are limited to "the income and expense information necessary to determine the appropriate level of support" in accordance with the law. These amendments remove this limitation. Now, factual determinations at child support hearings shall include, "but not be limited to," income and expense information [7 O.C. 704.6-1].

- **Effect.** The Family Court may make factual determinations on issues other than income and expenses during a Child Support hearing. This is an expansion of the Family Court's authority during these particular hearings.

- **Closed Hearings and Records for Child Support Cases.** The current Child Support law already states that Child Support Hearings in the Family Court are closed to anyone other than those necessary to the action or proceeding. A new provision has been added stating that the records of child support proceedings will also be kept confidential [7 O.C. 704.6-6].

- 179 ○ *Confidential Case Records*. Records may only be viewed by the parties, legal guardians,
180 the parties' attorney or advocate, guardian ad litem, Judges and staff assigned to the case,
181 and those with written authorization from a party to view the material in the record.
182 ○ *Existing Law*. The Nation's Rules of Civil Procedure already state: "At the request of any
183 party or on its own motion, the Court may seal any part of a case file, preventing public
184 disclosure. A file or part of a file may only be sealed where the safety of a party, witness
185 or other individual may be in jeopardy if the material is not placed under seal" [8 O.C.
186 803.32-2(b)(3)]. Now, rather than being optional, the court will automatically keep records
187 of child support cases confidential.
- 188 **F. *Authority of Family Court to Order Parent to Search for a Job or Participate in Job Training***
189 ***Program***. Typically, a child support order is based on a percentage of a parent's income. When a
190 parent's income is less than their earning capacity or unknown, the court may "impute," or "estimate"
191 the parent's earning capacity based on available evidence.
- 192 ■ *Order Parent to Search for Job or Participate in Job Training*. For these cases, a new provision
193 has been added allowing the Family Court to order a parent to search for a job or participate in a
194 work experience or job training program [7 O.C. 704.7-4(b)].
- 195 ■ *Comparison to WI*. This language is similar to updates made to Wisconsin (WI) regulations utilized
196 by county child support agencies. However, unlike WI, Oneida's Family Court may order a job
197 search or job training program "in addition to" imputed income, rather than as "an alternative" to.
- 198 **G. *Formula for Determining Child Support Obligations When the Child Receives Social Security***
199 ***Benefits***. The Nation's current Child Support law includes a provision to account for a child's social
200 security benefits when calculating a parent's child support obligation.
- 201 ■ *Updates to Formula*. These amendments add a new formula to specifically address shared-
202 placement parents whose child receives social security benefits. The intent of this new formula is
203 to ensure that Child Support orders accurately take this income into account in these unique cases
204 [7 O.C. 704.7-6(a)].
- 205 ■ *Comparison to WI*. This updated formula mirrors recent updates to Wisconsin regulations.
- 206 **H. *Claiming Children for Tax Purposes***. A provision from Child Support Rule #1 regarding the
207 "dependency exemption" for federal tax purposes [1.3-7] is deleted. The dependency exemption was
208 eliminated by Congress as a result of the Tax Cuts and Jobs Act of 2017, also known as the "tax reform
209 bill." In its place, these amendments add a new provision regarding claiming children for tax purposes
210 [7 O.C. 704.7-7].
- 211 ■ *New provision*. This new provision gives the Family Court authority to address who may claim a
212 child for tax purposes. It also gives the Family Court authority to accept a stipulation entered into
213 by the parties regarding children and taxes. This change was recommended by the Family Court
214 and Child Support Agency Attorney.
- 215 **I. *Determining Child Support for Serial Family Obligor***. When one parent has multiple children in
216 separate families, that parent is known as a "serial family obligor." In these cases, the court must
217 determine the order of the parent's child support obligations, because the order determines how much
218 support is owed for each child.
- 219 ■ *New Date for Non-Marital Children*. For a non-marital child, the legal obligation for child support
220 will now be incurred on the date that paternity was legally established rather than the date that the
221 child support order is entered [7 O.C. 704.8-1(b)(2)]. This change was recommended by the
222 Agency to reflect their current practice and mirror Wisconsin regulations.
- 223 **J. *Determining Child Support for Shared-Placement Parents***.
- 224 ■ *Changes to Overnights and Equivalent Care*. At the recommendation of the Agency, changes have
225 been made to how overnights and periods of equivalent care calculated. These changes now give
226 more consideration to periods of time a parent cares for the child that is not technically an overnight,
227 but where the court determines that a parent is still assuming basic support costs that are equivalent

to what a parent would spend to care for that child overnight. These changes are consistent with updates to Wisconsin regulations [7 O.C. 704.3-1(o) and 704.8-2(a)(1)].

- *Effect.* The number of overnights and periods of equivalent care are important in determining the percentage of time each parent is caring for the child. That information is one of the factors used by the Court to determine the amount of child support ordered for shared placement parents.
- *Change in Variable Costs.* A new provision has been added that states that a change in the child's variable costs will not, in and of itself, be considered a "substantial change in circumstances" to justify a modification of a child support order. These changes are consistent with updates to Wisconsin regulations [7 O.C. 704.8-2(b)(7)].
 - *What are Variable Costs?* "Variable costs" are the reasonable costs above basic support costs incurred by or on behalf of a child, such as the cost of child care, tuition, special needs or other activities [7 O.C. 704.3(mm)].
 - *Effect.* In other words, a change to a child's variable costs (such as child care) will not, by itself, justify modifying the amount of a child support order. Ultimately, the decision as to whether a change in circumstances justify modification of an order will be up to the Family Court.

K. *Determining Child Support Obligations of Split-Placement Parents.* The formula for calculating child support obligation for a split-placement parent has been clarified. The split-placement formula may be applied when parents have two (2) or more children and each parent has placement of at least one, but not all, of the children.

- *Change to Formula.* The Agency reported that the wording of the formula in the current rule [1.4-3] is unclear, resulting in different interpretations of how to calculate support in these cases. These changes were recommended by the Agency to clarify the formula so that support is calculated correctly and uniformly. [7 O.C. 704.8-3(b)].

L. *Expression of Ordered Support.* The Child Support amount must be expressed as a fixed sum. This means that the child support order must include the specific dollar amount the parent is required to pay. [7 O.C. 704.9-1].

- *Option to Agree to Percentage Deleted.* Previously, parents had the option to agree to a percentage of the obligor's income instead of a specific dollar amount if both parties agreed through a stipulation. This option has been deleted. Oneida Child Support Agency reports that ordering a specific dollar amount is the standard practice for child support orders.
- *Modifying an Order.* If the fixed sum in the child support order needs to be modified due to a change in circumstances (for example, a change in income), the parties may request to modify the child support order in accordance with the process included in this law [7 O.C. 704.10].

M. *How to Send Income-Withholding Orders.* After an order to withhold income has been issued, the Child Support Agency is required to send a copy of the order to the obligor's payor (typically their employer) within three (3) business days. This notifies the payor to start withholding a portion of the obligor's income for child support.

- *Method for Sending Orders.* Previously, the law stated the order could be sent "by any business method acceptable to the payor" and that the order is binding upon notice through service by personal delivery or certified mail. Now the order can be sent "by mail, fax or electronic means." [7 O.C. 704.9-3(a)].
- *Comparison to Other Agencies.* Agencies in the state of Wisconsin send income withholding notices by mail, fax or through the Electronic Income Withholding system known as "e-IWO."

N. *Non-Cash Payment Options.* The current law states that non-cash payment options may be used to satisfy part or all of a child support order if both parties and the Family Court agree to allow non-cash payments. Examples of non-cash payments include clothing, groceries, child care, deer/venison, wood, transportation and skilled trades and services. The list of non-cash options has been updated to add "gift cards" at the recommendation of the Child Support Agency [7 O.C. 704.9-9(b)].

- 278 ▪ *Comparison.* The Agency reports that tribal nations, such as Oneida, have the option to issue non-
279 cash support orders while county agencies in Wisconsin cannot.
- 280 **O. *Modification of Child Support Order.*** The language in this section has been clarified at the request of
281 the Agency to clearly state when and how a modification of a child support order may occur. There are
282 two ways that a Child Support order may be modified: [7 O.C. 704.10-2].
- 283 ▪ *Modification Sought by Agency.* Every two (2) years, the Oneida Child Support Agency will
284 conduct a review of each child support order. If there is a substantial change in circumstances, the
285 Agency will request an order from the Family Court to modify the child support order.
- 286 ○ *Comparison to WI.* WI Child Support agencies review child support orders every 33
287 months. Oneida Child Support Agency reviews more often in an effort to ensure accurate
288 child support orders.
- 289 ▪ *Modification Sought by Parties.* In addition to the two-year reviews automatically conducted by
290 the Agency, either parent may file a motion for modification of a child support order at any time if
291 there has been a substantial change in circumstances.
- 292 **P. *Substantial Change in Circumstance.*** In order to modify a child support order, there must be a
293 “substantial change in circumstance.” The law includes several examples of what qualifies as a
294 substantial change of circumstance, including a “significant change in finances” [7 O.C. 704.10-2].
- 295 ▪ *Change to “Significant Change in Finances.”*
- 296 ○ *Current Definition.* The current law states that “a significant change in finances” that
297 would lead to a change in child support is “more than fifteen percent (15%) or fifty dollars
298 (\$50.00) per month.”
- 299 ○ *Proposed Definition.* In the amendments, this has been changed to “more than fifteen
300 percent (15%) and fifty dollars (\$50.00) per month.” [704.10-2(b) and 704.3-1(oo)].
- 301 ▪ *Effect.* This change sets a higher threshold to modify a child support order. This means that small
302 changes in finances that do not meet both thresholds will not justify changing a child support order.
303 This change was requested by the Oneida Child Support Agency.
- 304 **Q. *Modification of Child Support for Incarcerated Parent.*** A new section regarding incarcerated parents
305 has been added to the law. This new provision allows for the temporary suspension or modification of
306 a child support order for an incarcerated parent who has been sentenced to at least one hundred and
307 eighty (180) days in jail or prison. In other words, the incarcerated parent will not be required to make
308 child support payments (or may make smaller child support payments) while they are serving time in
309 jail or prison [7 O.C. 704.11].
- 310 ▪ ***Who Qualifies for Modification of Child Support Order?*** An obligor who has been sentenced to
311 180 days or more in jail or prison. The obligor must notify the Agency of his or her incarceration.
312 The obligor’s income level while incarcerated will determine whether the order is suspended or
313 modified [7 O.C. 704.11-1]:
- 314 ○ *Temporary Suspension:* If the obligor has an income of less than \$200 dollars per month,
315 the Child Support order may be temporarily suspended.
- 316 ○ *Temporary Modification:* If the obligor has an income of \$200 per month or more, the
317 Child Support order may be temporarily modified based on the obligor’s income.
- 318 • *Example:* An obligor who continues to receive large per capita payments while
319 incarcerated or who participates in a work release program.
- 320 ○ *Exceptions.* Child Support orders will not be suspended for individuals incarcerated for the
321 following crimes, regardless of the length of sentence or monthly income:
- 322 • Felony failure to pay support;
- 323 • Crime against a child; or
- 324 • Crime against the obligee (i.e., the other parent).
- 325 ○ *Past Due Arrears.* Past due child support debt or arrears will not be suspended or reduced
326 without stipulation (agreement) by both parties. In other words, incarceration does not wipe
327 out any previous child support debt incurred before being sentenced to jail or prison.

Why Modify Child Support Orders for Incarcerated Parents?

Incarcerated parents have little or no ability to earn income during their sentence. This results in accumulation of high levels of child support debt. The Office of Child Support Enforcement (OFCSE) reports that incarcerated parents leave prison with an average of \$20,000 or more in unpaid child support with no means to pay upon release. “This accumulated child support debt is rarely paid.”

The goal of child support is to increase consistent child support payments for children by setting realistic orders based on the parent’s ability to pay. OFCSE reports that “setting and modifying realistic child support obligations for incarcerated parents can improve their ability to provide consistent support for their children upon release from prison... Formerly incarcerated parents will be more likely to meet their child support obligations, benefitting their children by improving child support compliance and reliability.”

In addition, setting realistic child support orders may also reduce “underground employment activity” and increase contact between children and their parents. According to the Office of Child Support Enforcement, “children do not benefit when their parents engage in a cycle of nonpayment, underground income generation, and re-incarceration.”

On December 20, 2016, the OFCSE issued federal rule AT-16-06, “Flexibility, Efficiency, and Modernization in Child Support Enforcement Actions,” which created a standard process for the suspension or modification of child support orders for incarcerated parents. Since then, child support agencies and courts nationwide have implemented this rule.

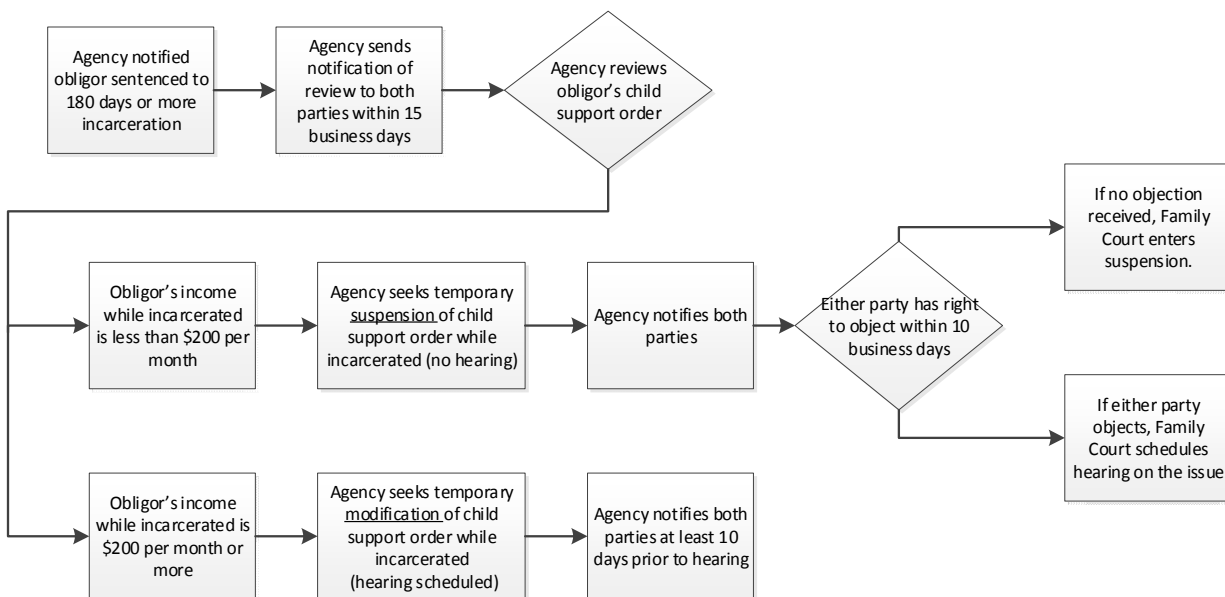
The Oneida Family Court already modifies child support orders for incarcerated parents. The Oneida Child Support Agency supports incorporating this process into Oneida Nation’s Child Support Law. The intent of adding a standard process to the Nation’s Child Support law is to ensure that all incarcerated parents and impacted parties are treated uniformly.

Source: Final Rule Fact Sheets: Flexibility, Efficiency and Modernization in Child Support Enforcement Programs. Office of Child Support Enforcement, Administration for Children and Families, U.S. Dept. of Health and Human Services. January 5, 2017. DCL-17-01. https://www.acf.hhs.gov/sites/default/files/programs/css/fem_final_rule_incarceration.pdf

- **What is the Process to Suspend or Modify the Order?** The Agency will use the following process to suspend or modify child support orders for incarcerated obligors:
 - *Notice to Both Parties.* Within fifteen (15) business days of receiving verification of the obligor’s incarceration, the Agency will send notice to both parties informing them of the obligor’s right to have his or her child support obligation reviewed, and the Agency’s intent to review the order [7 O.C. 704.11-2].
 - *Agency Review.* The agency will review the incarcerated obligor’s child support order and determine whether the obligor’s monthly income is less than or greater than \$200 per month while incarcerated [7 O.C. 704.11-3].
 - *Suspension of Order by Agency.* If the obligor is sentenced to 180 days or greater with an income of less than \$200 per month, the Agency will file a motion and order to suspend with the Family Court without a request for a hearing [7 O.C. 704.11-4].

- *Notice & Right to Object.* Notice shall be sent to all parties. Either party may file written objection with the Family Court within ten (10) business days. If no objection is received, the Family Court will enter the order as proposed. If an objection is received, the Family Court will hold a hearing on the issue.
- *Modification of Order by Agency.* If the obligor is sentenced to 180 days or greater with an income of \$200 per month or more, the Agency will file a motion with the Family Court to modify the child support order [7 O.C. 704.11-5].
 - *Notice & Right to Object.* The Family Court will schedule a hearing and the Agency will provide notice to all parties at least ten (10) business days prior to the hearing.

Chart 3. Modifying or Suspending Child Support Order for Incarcerated Parent



- ***How is the Original Child Support Order Reinstated after the Incarcerated Parent is Released?*** Sixty (60) days after the obligor is released from jail or prison, the original child support order prior to the individual's incarceration will be reinstated by the Agency. [7 O.C. 704.11-8].
 - ***What Happens if the Obligor's Probation or Extended Supervision is Revoked?*** If the obligor is released from incarceration and is later sentenced to another one hundred and eighty (180) days or more in jail or prison, the Agency will use the provisions of this section to determine if another suspension or modification of the child support order is appropriate [7 O.C. 704.11-9].
- R. Compliance Plans.** At any point when the Agency believes an obligor is or may become non-compliant with their child support payments, the Agency can work with the obligor to develop a compliance plan.
- ***Purpose of Compliance Plan.*** The purpose of a compliance plan is to address barriers to making regular payments so that a parent can once again make regular payments and meet their child support obligations [7 O.C. 704.12].
 - ***Components of Compliance Plan.*** A compliance plan may include requirements to participate in employment and training programs, social service and mental health services, physical and learning disability programs, tribal traditions and customs, and family counseling. The agency may suspend enforcement actions if the party successfully completes the compliance plan. Failure to complete the compliance plan will result in enforcement action [7 O.C. 704.12-2(c)].

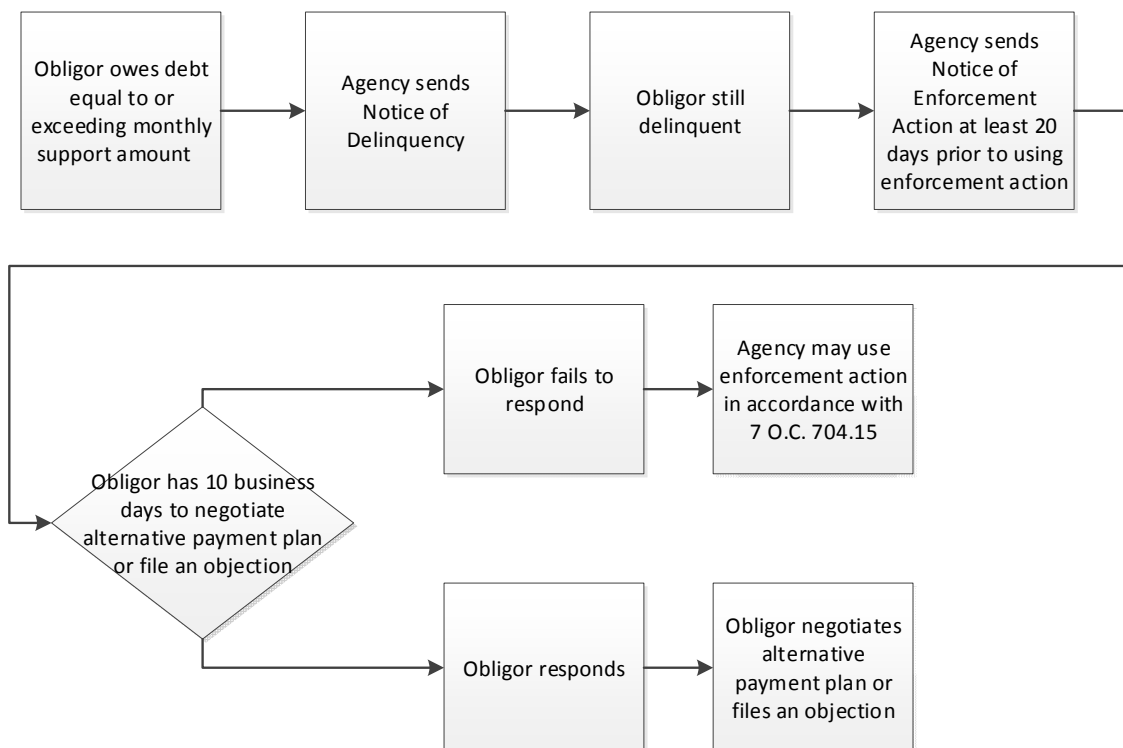
- *New Components.* These amendments add parenting programs and “any other programs deemed necessary” to the list of acceptable programs that can be included in a compliance plan. The intent is to increase flexibility for the Oneida Child Support Agency to address unique needs of each obligor.
- *Changes to Timelines and Notice Letters.* The following changes have been made to more accurately reflect the Child Support Agency’s practices regarding notices and timelines for initiating compliance plans [7 O.C. 704.12].

Chart 4. Notice and Timelines for Compliance Plans.

	Current Law	Proposed Amendments
<i>When is first letter sent?</i>	Within five (5) days of learning of the obligor’s failure to pay.	At any time deemed appropriate, but at least thirty (30) days prior to initiating any enforcement action.
<i>How many days to respond to first letter?</i>	Five (5) days.	Five (5) days.
<i>Agency required to send a 2nd letter?</i>	Yes, agency must send a 2 nd letter regarding the compliance plan.	No, agency not required to send a 2 nd letter regarding the compliance plan.

- S. *Notice of Delinquency and Notice of Enforcement.*** When an obligor fails to make their ordered child support payments, the Agency is required to send notices to the obligor informing them that they are delinquent. The Oneida Child Support Agency uses a state software system known as “KIDS” to monitor child support payments and arrears. This system allows the Agency to track and send notices to delinquent obligors. The Agency suggested the following changes to the notices to more accurately reflect their practices and ensure compliance:
- *Notice of Delinquency:* The Agency will send this notice to an obligor in the event that the obligor owes a debt equal to or exceeding the monthly amount. In other words, if the obligor is a month behind on their payments. This notice will include the total amount of the delinquency and the enforcement action that may be taken if they do not pay [7 O.C. 704.13-3].
 - *Notice of Enforcement Action.* The Agency will send this notice after the “Notice of Delinquency” and at least twenty (20) days prior to an enforcement action being used against an obligor. This notice is more detailed, and will include the total amount of the delinquency, the enforcement action that may be taken, notice that the obligor may request to negotiate an alternative payment plan within ten (10) business days in order to stay an enforcement action, and notice that the obligor has ten (10) business days to file an objection [7 O.C. 704.13-4].
 - *Use of Mail for Notices.* The Agency is required to send notices to the last known-mailing address provided by the obligor. If notice to that address is returned undeliverable, the Agency must send notice to the current employer’s mailing address provided by the obligor. If that notice is also returned, the Agency is then required to use all resources available to identify the obligor’s current mailing address before they can proceed with an enforcement action [7 O.C. 704.13-5].
 - *Time frame.* Currently, Agency must spend at least sixty (60) days attempting to identify an obligor’s current mailing address before they can proceed with an enforcement action [2.4-3 in Rule #2]. These amendments shorten this timeframe to thirty (30) days. This means that the Agency will be able to use enforcement actions more quickly in cases where the obligor’s address cannot be determined.

Chart 5. Notice of Delinquency & Notice of Enforcement Prior to Enforcement Action.

**T. Alternative Payment Plans.**

- *Obligors with Cases in Multiple Jurisdictions.* A provision in the law regarding obligors that negotiate alternative payment plans in other jurisdictions (i.e., other County or Tribal child support agencies) has been deleted. This provision informs the reader of requirements of other agencies. The Law Office advises that this is unnecessary within the law and can be incorporated into the Child Support Agency's internal processes [2.9-10 in Rule #2].
- *Amount of Payment Required to Suspend Enforcement Action.* Currently, the law states that if an obligor makes a "full" arrears payment, an administrative enforcement action will be suspended. This has been changed to "an arrears payment agreeable to the Agency." The Agency does not require a "full" arrears payment, as this may be tens of thousands of dollars. The Agency may suspend enforcement action in cases where partial payments are made and may work with obligors in arrears to establish alternative payment plans [7 O.C. 704.14-6(a)].

U. Administrative Enforcement Actions. The current Child Support law already contains enforcement actions the Agency has the authority to use if the obligor is at least one (1) month delinquent in paying his or her child support obligations. These current enforcement actions are listed below, with any changes noted: [7 O.C. 704.15].

- *Liens.* The Agency will place the obligor on the lien docket if the obligor owes a debt equal to or exceeding the monthly amount due or five hundred (\$500) dollars, whichever is greater [7 O.C. 704.15-2].
- *Seizure of Property.* The Agency has the authority to seizure property, including accounts and personal property. The Agency may initiate account seizure if the lien amount in the obligor's case equal or exceeds 300% of the monthly amount due or one thousand dollars (\$1000), whichever is greater. The Agency may initiate seizure of personal property if the lien amount equals or exceeds 600% of the monthly amount due [7 O.C. 704.15-3].

- 442 ▪ *Attachment of Per Capita Payments.* The Agency may initiate the attachment or seizure of per
- 443 capita payments of members of the Nation in accordance with the Nation's Per Capita law [7 O.C.
- 444 704.15-4].
- 445 ▪ *License Suspension.* The Agency may initiate the suspension or denial of both state and Oneida
- 446 issued licenses if there is a lien against an obligor that equals or exceeds 300% of the monthly
- 447 amount due or one thousand dollars (\$1000), whichever is greater [7 O.C. 704.15-5].
- 448 ○ *Types of licenses:* The types of licenses that the Agency may initiate suspension or denial
- 449 of include, but are not limited to, vendor, professional, occupational, hunting, fishing,
- 450 recreational and/or motor vehicle licenses.
- 451 ○ *Change to License Suspension as Last Resort:* A provision stating that "suspension of an
- 452 occupational and/or motor vehicle license shall be pursued only as a last resort" has been
- 453 deleted [2-7(2)(a) in Rule #2]. This will give the Agency the ability to pursue license
- 454 suspension more readily.
- 455 ▪ *Lump-Sum Pension Payments, Judgments and Settlement Intercepts.* Once an obligor has been
- 456 placed on the lien docket, the Agency may initiate the intercept of lump-sum pension payments,
- 457 judgments and/or settlements [7 O.C. 704.15-6].
- 458 ▪ *Tax and Lottery Intercepts.* The Agency may coordinate with federal or state agencies to enforce a
- 459 child support order through tax or lottery intercept [7 O.C. 704.15-7].
- 460 ▪ *Passport Denial.* If a federal tax intercept is in place and the obligor owes \$2500 or more in arrears,
- 461 an obligor may be denied a passport [7 O.C. 704.15-8].
- 462 ○ *Change to Threshold.* The threshold for denying a passport has been lowered from \$5,000
- 463 to \$2,500 to be consistent with recent changes to this threshold by the federal government.
- 464 This allows this enforcement tool to be used more readily.
- 465 ▪ *Denial of State Issued Grants and Loans.*
- 466 ○ *Deleted Provision.* A provision stating that Wisconsin state agencies may deny state-issued
- 467 grants and loans has been deleted. The Law Office recommended deleting this item as it
- 468 was unnecessary, as it is informing the reader of what the State of Wisconsin, not Oneida
- 469 Nation, may do [2.5-6 in Rule #2].
- 470 V. **Contempt.** In addition to the administrative actions listed above, the current child Support Law also
- 471 gives the Family Court authority to order certain enforcement actions. An obligor who disobeys a lawful
- 472 child support order will be subject to punishment for contempt of court. A definition for "contempt"
- 473 has been added, which means "a willful disregard of the authority of the court or disobedience to its
- 474 lawful orders" [7 O.C. 704.3-1(j)]. The following enforcement actions already appear in the current
- 475 law but have now been moved under the "Contempt" section. The intent is to clarify that the obligor
- 476 must first be found in contempt by the Family Court before the court can proceed with the following
- 477 enforcement actions:
- 478 ▪ *Community Service.* The Family Court may order an obligor to perform community service [7 O.C.
- 479 704.16-2(a)].
- 480 ▪ *Fines.* An obligor found in contempt of court may be fined no more than \$1,000 per act of contempt,
- 481 not to exceed \$5,000 in total [7 O.C. 704.16-2(b)].
- 482 ▪ *Incarceration.* The Family Court may order an obligor to be incarcerated. Before a jail sentence is
- 483 imposed, the Family Court may provide other conditions that require a certain amount of money
- 484 be paid or action be taken for an obligor to avoid incarceration [7 O.C. 704.16-2(c)].
- 485 ○ *Current Practice.* The current law allows for the Family Court to order an obligor to be
- 486 incarcerated. However, in practice, the Family Court has never sentenced an obligor to jail
- 487 because the Oneida Nation has no jail and does not have agreements in place with other
- 488 jails to house individuals sentenced under this law. For more information see Section 9
- 489 "Other Considerations."
- 490 ▪ *Criminal Non-Support.* A criminal non-support action may be initiated, in the appropriate county,
- 491 against an obligor who has the ability to pay child support and willfully or intentionally failed to

pay. The Agency reports that criminal non-support is rarely used in Brown and Outagamie counties [7 O.C. 704.16-2(d)].

- *Bonds and Other Guarantees.* The Family Court may order an obligor to provide a bond or guarantee if income withholding is not applicable or practical [7 O.C. 704.16-2(e)].
- *Claims Against Estates.* The Family Court may approve a claim for past and future support against an obligor's estate or issue a restraining order against an estate that an obligor is set to inherit [7 O.C. 704.16-2(f)].

W. Minor Drafting Changes. Minor drafting and formatting changes have been made throughout the law for clarity.

SECTION 6. RELATED LEGISLATION

A. References to Other Laws. The following laws of the Nation are referenced in the Child Support law. These amendments do not conflict with any of the referenced laws.

- *Per Capita law.* The Child Support Agency may initiate the attachment or/seizure of per capita payments of members of the Nation in accordance with the Per Capita law [7 O.C. 704.15-4].
- *Oneida Judiciary Rules of Civil Procedure.* The Family Court may utilize discovery procedures and contempt powers as authorized by any law, policy, or rule of the Nation to obtain information relevant to the establishment or enforcement of child support [7 O.C. 704.6-2].
- *Rules of Appellate Procedure.* A party may appeal a Family Court decision, other than the decision of the Family Court in regard to administrative enforcement action, to the Nation's Court of Appeals within thirty (30) calendar days after the date the Family Court made the decision. The review of the Court of Appeals shall be based on the record and original decision of the Family Court [7 O.C. 704.18].

B. Other Laws that Reference Child Support. The following laws of the Nation reference child support. These amendments do not conflict with any of the referenced laws, except for one potential discrepancy in the Family Court law.

- *Family Court law.* The Family Court law states that proceedings of the Court shall be closed to the public, except that divorce, child support and post-divorce matters may be attended by members of the general public. However, in any case where the presiding Judge determines that there are safety or confidentiality concerns, the Judge may exclude from the proceedings all individuals not necessarily present as parties of witnesses [8 O.C. 806.4-3].
 - *Comparison to Child Support law.* The Family Court law states that child support matters may be attended by members of the general public, unless the presiding judge determines that there are safety or confidentiality concerns. However, the current Child Support law (and the proposed amendments) state that Child Support proceedings shall be closed to any person other than those necessary to the action or proceeding [7 O.C. 704.6-5 in current Child Support law]. The Family Court law was adopted by the OBC on May 8th, 2013, while the current Child Support law was adopted more recently, on August 13, 2014.
 - *Current Practice.* The Family Court reports that child support hearings are currently closed in accordance with the Child Support law.
 - *Conclusion:* In reviewing amendments to this law, the LOC has expressed that they wish to protect the privacy of matters involving children. Given the inconsistent language between the two laws, the LOC may wish to amend the Family Court law to match the hearing provisions in the Child Support law and the Family Court's current practice. Since the Family Court law is not currently on the LOC's Active Files List, the LOC could direct the Legislative Reference Office to make note of this discrepancy the next time the Family Court law comes up for amendments.
- *Family Court Rules.*

- *Family Court Rule #5 – Paternity Procedure.* If genetic testing results establish an alleged father as the biological father, the Family Court may address the issue of Child Support at a final paternity hearing [8 O.C. 807].
- *Family Court Rule #12 – Foreign Child Support orders.* Requests, motions or petitions seeking recognition and enforcement of a foreign child support order is governed by this rule when filed under the Nation’s Child Support Law or Garnishment law. The rule outlines the process for sending notice of the filing, filing objections, requesting a hearing, and authenticating the foreign order [8 O.C. 807].
- *Workers Compensation Law.* Workers compensation awards are subject to child support income withholding and other remedies available for the support of a child support order. The maximum amount that may be withheld is one-half of the compensation award. [2 O.C 203.7-4].
- *Garnishment Law.*
 - *Garnishment Amount.* In calculating the amount of the garnishment per pay period, the judge may not include amounts garnished pursuant to child support orders when calculating twenty (20%) of the debtor’s disposable earnings [2 O.C. 205.5-6(c)(1) and 205.6-4(a)(2)].
 - *Recognition and Enforcement of Child Support Orders.* The Judiciary shall recognize and enforce child support orders against any employee, provided that the order has been issued from a court of competent jurisdiction. [2 O.C. 204.7].
- *Paternity Law.* The Paternity law outlines the process to establish paternity of Oneida children and other children in order to protect the best interest of these children. The duties and responsibilities of the Child Support Agency in the establishment of paternity through order of the Oneida Family Court are outlined in the Paternity law. The Child Support Agency, when required by federal law, may file a petition requesting the court to establish paternity or other related orders. The Child Support Agency may also assist a party who is filing a petition to establish the paternity of a child [see 7 O.C. 703.6].
 - *Commencing a Custody Proceeding.* A child custody proceeding is commenced by a parent by filing a petition to: (a) seek custody of a child, (b) establish the paternity of a child; (c) establish a child support order...” [see 7 O.C. 705.6-1]
 - *Peacemaking and Mediation.* Child support shall not be considered during mediation unless child support is directly related to the legal custody or physical placement of the child and the parties agree, in writing, to consider child support. [see 7 O.C. 705.7-3(b)].
- *Per Capita Law.* Per capita payments may be attached for child support arrears ordered by a court of competent jurisdiction, such as the Oneida Family Court. The Per Capita law includes a process for how child support attachments are handled by the Agency and Trust Enrollment Department. [1 O.C. 123.4-9(a)(1) and 1 O.C. 123.4-9(c)].
- *Children’s Code.* At the time this analysis was drafted, the Nation’s Children’s Code was not scheduled to become effective until October 1, 2019.
 - *Indian Child Welfare Department Duties.* One of the duties of the Indian Child Welfare Department is to enter into memorandums of understanding and/or agreements with appropriate departments, including the Oneida Child Support Agency, in order to carry out the provisions of the Children’s Code. [7 O.C. 708.7-2(e)].
 - *Referrals to Oneida Child Support.* The Family Court or Indian Child Welfare Department may refer matters to the Oneida Child Support Agency at any time. [7 O.C. 708.13-3 & 13-4].
 - *Indian Child Welfare Disposition Report.* If the ICW Department recommends out-of-home placement, the ICW Department must include in its disposition report a recommendation as to whether the Family Court should establish child support obligation for the parents. [7 O.C. 708.21-2(b)].
 - *Termination of Parental Rights.* The Family Court may dismiss a petition if it finds the evidence does not warrant the termination of parental rights or if the Court finds that a

parent is attempting to voluntarily terminate their parental rights for the sole purpose of avoiding a child support obligation. [7 O.C. 708.40-2(a)].

▪ ***Divorce, Annulment and Legal Separation.***

○ ***Petitions.*** Petitions for divorce, annulment or legal separation must state whether the parties have entered into any written agreement as to child support, and if so, the written agreement must be attached [7 O.C. 702.5-1(g)].

○ ***Legal Separation and Divorce.*** After an action for an annulment, legal separation or divorce is initiated, the Family Court shall make any necessary temporary order concerning child support. Final orders concerning child support shall be made at the time the annulment, legal separation or divorce is granted. [7 O.C. 702.8-4].

▪ ***Child Custody, Placement and Visitation.***

○ ***Commencement of Proceeding.*** A child custody proceeding may be commenced under the Child Custody, Placement and Visitation play by a parent filing a petition to seek custody of a child, establish the paternity of a child, or establish a child support order. [7 O.C. 705.6-1].

○ ***Mediation.*** If parties agree to mediation under the Child Custody, Placement and Visitation law, child support shall not be considered during mediation unless child support is directly related to legal custody or physical placement of the child and the parties agree, in writing, to consider child support. [7 O.C. 705.7-3(b)].

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

A. ***New Rights and Privileges for Incarcerated Parents.*** Parents sentenced to incarceration for greater than one hundred and eighty (180) days will now have the right to have their child support orders modified or suspended under certain circumstances. Parties have the right to object to modification or suspension of an order and request a hearing on the matter [7 O.C. 704.11].

SECTION 8. ENFORCEMENT AND ACCOUNTABILITY

A. ***Enforcement Tools.*** Under the current Child Support law, the Oneida Child Support Agency and Oneida Family Court have a number of administrative and judicial enforcement tools to enforce child support orders. These include:

- ***Administrative (Agency) Enforcement Tools:*** Liens, Seizure of Property including account seizure and personal property, attachment of per capita payments, license suspension, pension, judgment and settlement intercepts, tax and lottery intercepts and passport denial [7 O.C. 704.15].
- ***Judicial Enforcement Tools:*** Bonds and other guarantees, claims against estates, contempt, community service, incarceration and criminal non-support [7 O.C. 704.16].

SECTION 9. OTHER CONSIDERATIONS

A. ***Child Support Collection Rates by Agency.*** The following provides examples of collection rates for country and tribal child support agencies as of July 2018:

Chart 6. Child Support Collection Rates by Agency:

County or Tribal Agency	Court Cases with Current Support Ordered	Court Cases with Current Support Payments	Collection Rate
Oneida Nation	937	471	50.27%
Lac du Flambeau	256	78	30.47%
Menominee Nation	493	229	46.45%

Ashland County	622	375	60.29%
Brown County	6169	4545	73.67%
Calumet County	1019	828	81.26%
Ho Chunk Nation	145	130	89.66%

Source: Oneida Child Support Agency, August 2018.

- B. *Repeal of Child Support Rules No. 1 and 2.*** Child Support Law Rule No. 1 – Deviation from Child Support and Child Support Law Rule No. 2 – Enforcement Tools have now been incorporated into the body of the law itself. Therefore, the two rules will be repealed upon adoption of these amendments as they will become redundant.
- *Conclusion:* The repeal of the Child Support Law Rules No. 1 and No. 2 is included in the adopting resolution for these amendments.
- C. *Paternity Law.*** During the development of these amendments, the Oneida Child Support Agency noted that updates to the Nation’s Paternity law may be needed. The establishment of paternity is an important step in setting child support orders. The Nation’s Paternity law was last amended by the Oneida Business Committee in 2014.
- *Recommendation:* If the Oneida Child Support Agency wishes to request amendments to the Paternity law, it is recommended that the agency submit an Active Files Request to the LOC.
- D. *Potential Enforcement Tools Considered and Not Added.*** During the development of these amendments, the LOC and Child Support Agency researched potential new enforcement tools to increase collection of child support orders. After reviewing the research and feedback from departments, the LOC decided not to move forward with adding these new tools to the law. The potential enforcement tools considered included:
- *Immobilization of Vehicles.* Authorizing the Family Court or Child Support Agency to direct Oneida Police Department to place a “boot” or “wheel lock” on an obligor’s vehicle to immobilize it. The obligor would then have to contact the Agency to make a payment or negotiate a plan to have the “boot” removed.
 - *“Pocket Pulls.”* Ordering an obligor to empty his or her pockets while in Oneida Nation’s court.
 - *“Till Taps.”* Seizing money from an obligor’s business if it is located on the Reservation.
- E. *Incarceration.*** The current Child Support law already allows the Family Court to sentence parents who are delinquent in their child support payments to jail time. However, this authority has never been used by the Family Court. This is because, unlike Wisconsin counties or other tribal nations, the Oneida Nation does not have any jail facilities. The Agency reports that delinquent obligors with cases in the Oneida Child Support system are aware that, unlike other courts, Oneida Nation’s Family Court cannot send them to jail for failing to pay their child support.
- *Incarceration as a Tool to Encourage Compliance.* While the goal of the Child Support Agency is not to send anyone to jail, the threat of jail time may motivate obligors to make payments in the most egregious of cases. For example, cases where a parent is known to be earning money on a cash basis and all previous attempts to compel payments or negotiate an agreement have failed. In these cases, delinquent obligors could be ordered to make a partial payment or meet with the Child Support Agency to develop an alternative payment plan or else be sentenced to jail [7 O.C. 704.16-2(c)].
 - *Agreement for Housing Inmates:* The Family Court reports that it will not sentence individuals to jail without an agreement in place with another jail to house our inmates. Therefore, in order for the Family Court to use incarceration as an enforcement tool, agreements must be developed between the Nation and Brown and/or Outagamie counties to utilize their jail facilities. The Agency is aware of examples of other Wisconsin tribes establishing similar agreements with other counties. The Oneida Business Committee previously established a workgroup including Intergovernmental Affairs and the Law Office to explore potential agreements with Brown and Outagamie counties.

- 676 ▪ *Conclusion:* The current Child Support law already authorizes the Family Court to use incarceration
677 as an enforcement tool in Child Support cases. However, this feature of the law cannot be used
678 unless an agreement is developed between the Nation and Brown and/or Outagamie County to
679 utilize their jail facilities. Whether to pursue such an agreement is policy decision for the the Oneida
680 Business Committee.
681

Title 7. Children, Elders and Family - Chapter 704**CHILD SUPPORT****shakoti'nukú·lale? latiksashúha?***They watch over the children***CHILD SUPPORT**

704.1. Purpose and Policy	704.10. Modification of a Child Support Order
704.2. Adoption, Amendment, Repeal, Other Laws and Agency Rules	704.11. Modification of a Child Support Order for an Incarcerated Parent Full Faith and Credit for Foreign Child Support Orders
704.3. Definitions	704.12. Compliance Plan Right of Appeal
704.4. Jurisdiction	704.13. Enforcement of an Order
704.5. Initiating an Action for Child Support Orders	704.14. Alternative Payment Plans
704.6. Child Support Hearing Procedures	704.15. Administrative Enforcement Action
704.7. Determining the Child Support Obligation Determination	704.16. Family Court Contempt Enforcement Action
704.8. Determining the Child Support Obligation in Special Circumstances Content and Effect of Order	704.17. Full Faith and Credit for Foreign Child Support Orders
704.9. Enforcement of Child Support Order	704.18. Right of Appeal

704.1. Purpose and Policy704.1-1. *Purpose.* The purposes of this law ~~are~~**is** to:

- (a) Establish the legal responsibility of parents to provide financially for their children's general well-being;
- (b) Make support payments more equitable by ensuring consistent treatment of persons in similar circumstances;
- (c) Make support payments based on the real earning capability of parents; and
- (d) Improve the efficiency of child support establishment and enforcement.

704.1-2. *Policy.* It is the policy of this law to:

- (a) establish an adequate standard of support for children whose paternity has been established or acknowledged;
- (b) encourage the use of ~~voluntary agreements~~ **stipulations** to resolve disputes over child support obligations; ~~and~~
- (c) limit the use and disclosure of personal information received or maintained by the **Nation's** Family Court ~~and/or~~ the Oneida ~~Tribe~~ **Nation** Child Support Agency in order to protect the privacy rights of all parties and children who are involved in proceedings or actions under this law.

704.2. Adoption, Amendment, Repeal, ~~Other Laws and Agency Rules~~704.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E, BC-06-22-11-K, BC-10-10-12-C, ~~and BC-08-13-14-E, and BC-~~ - - - .704.2-2. This law may be amended ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act or repealed~~ by the Oneida Business Committee or the Oneida General Tribal Council **pursuant to the procedures set out in the Legislative Procedures Act.**

704.2-3. 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.

704.2-4. In the event of a conflict between a provision of this law and a provision of another law, ~~ordinance, policy, regulation, rule, resolution, or motion~~, the provisions of this law shall control.

~~Provided that, nothing in this law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.~~

704.2-5. This law is adopted under authority of the Constitution of the Oneida ~~Tribe of~~ Nation ~~Indians of Wisconsin.~~

~~704.2-6. Any Agency requirements which would affect individuals outside the Agency and do not relate to the internal management of the Agency shall require Oneida Business Committee approval in the form of a law or rule.~~

704.3. Definitions

704.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Administrative enforcement action” means enforcement actions taken by the Oneida Nation Child Support Agency authorized by federal regulations which are taken to enforce a child support order without obtaining an order from the Family Court.

(b) “Agency” ~~shall mean~~ means the Oneida ~~Nation Tribe~~ Nation Child Support Agency established to administer and supervise the ~~Nation’s Tribe’s~~ Nation’s child support enforcement program.

(c) “Alternative payment plan” or “plan” means a negotiated agreement between the Agency and an obligor, or an order set by the Family Court, to establish terms and conditions for the payment of arrears.

(d) “Basic support costs” means food, shelter, clothing, transportation, personal care, and incidental recreational costs.

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

(f) “Child” ~~shall mean~~ means a biological natural or adopted child of the obligor under the age of eighteen (18), or any person who is less than nineteen (19) years old if he or she is pursuing a high school diploma or its equivalent from an accredited course of instruction.

(g) “Child support” means the total financial obligation a parent has towards his or her child as established through judicial and/or administrative processes.

(h) “Child Support Obligation of Low-Income Payers Schedule” means the Wisconsin Department of Children and Families Child Support Obligation of Low-Income Payers at the Federal Poverty Guidelines, found in DCF 150 Appendix C.

(i) “Child support order” ~~shall mean~~ means a judgment of the Family Court or a court of competent jurisdiction ordering payment of child support which provides monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

~~(e) “Clerk” shall mean the designated clerk in the Family Court who is identified to carry out certain provisions in this law.~~

(j) “Contempt” means a willful disregard of the authority of a court or disobedience to its lawful orders.

(k) “Current six (6) month treasury bill rate” means the yield of a U.S. government security with a term of six (6) months.

(l) “Custodial parent” ~~shall mean~~ means the parent who exercises physical custody of the child pursuant to a custody order, on the basis of agreement between the parents or in the absence of one parent. A legal guardian with primary physical custody of the child or children and standing in the position of the parent shall have the same rights to child support as a custodial parent.

(m) “Employer” ~~shall mean means~~ any individual, business, government, institution, or other entity paying wages to one or more employees.

(n) “Equity” means the fair market value of property minus the liens on that property with priority over the child support lien.

(o) “Equivalent care” means a period of time during which the parent cares for the child that is not overnight, but is determined by the court to require the parent to assume the basic support costs that are substantially equivalent to what the parent would spend to care for the child overnight. Blocks of time with the child of at least six (6) hours may be considered the equivalent of a half-day if a meal is provided during that time period. Two (2) half-day blocks may be considered the equivalent of an overnight.

(p) “Family Court” ~~shall mean means~~ the ~~judicial arm branch~~ of the ~~Tribe-Nation’s~~ Judiciary that is designated to handle all matters ~~under this Law~~ related to the family and/or children.

(q) “Gross income” ~~shall mean means~~ any form of payment due to an individual regardless of source, including, but not limited to:

- (1) Salary and wages, including overtime pay;
- (2) Interest and investment income;
- (3) Social Security disability and old age insurance benefits under 42 U.S.C. §401 to 433;
- (4) Net proceeds resulting from worker’s compensation or other personal injury awards intended to replace income;
- (5) Unemployment insurance;
- (6) Income continuation benefits;
- (7) Voluntary deferred compensation and ~~voluntary~~ employee contributions to the following: employee benefit plan, profit-sharing, pension or retirement account;
- (8) Military allowances and veterans disability compensation benefits;
- (9) Undistributed income of a corporation or any partnership in which the parent has an ownership interest sufficient to individually exercise control or to access the earnings of the business, unless the income included is an asset;
- (10) Per capita distribution payments;
- (11) Lease or rental income;
- (12) Prizes over one thousand dollars (\$1,000); and
- (13) All other income, whether taxable or not, except that gross income does not include any of the following:
 - (A) Child support;
 - (B) Foster care payments;
 - (C) Kinship care payments;
 - (D) Public assistance benefits, except that child care subsidy payments shall be considered income to a child care provider;
 - (E) Food stamps;
 - (F) Public assistance or financial hardship payments paid by a county or a ~~tribe-Nation~~;
 - (G) Supplemental Security Income under 42 U.S.C. §1381 to 1383(f) and state supplemental payments; or
 - (H) Payments made for social services.

(r) “Guardian ad litem” means a person appointed by the Family Court to appear at any peacemaking, mediation, or hearing and tasked with representing the best interest of the person appointed for.

- (s) “Immediate family member” means an individual’s husband, wife, mother, father, step-mother, step-father, son, daughter, step-son, step-daughter, brother, sister, step-brother, step-sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained through legal adoption.
- (t) “Income withholding” means the process whereby a court order, Family Court order, or voluntary wage assignment directs an employer, bank, or agent holding monies or property of an obligor, to make payments or deliver property to satisfy a child support obligation.
- (u) “Intact family” means a family in which the child or children and the obligor reside in the same household and the obligor shares his or her income directly with the child or children and has a legal obligation to support the child or children.
- (v) “Legally incompetent adult” ~~shall mean~~ means a person at least eighteen (18) years old who has been declared incompetent by a court of competent jurisdiction because he or she is temporarily or permanently impaired to the extent that the person lacks sufficient understanding to make or communicate responsible personal decisions.
- (w) “Lien amount” means the difference between the monthly amount of support due and the arrears in a case.
- (x) “Lien docket” means the registry kept by the State of Wisconsin containing the names of people who owe past-due child support.
- (y) “Low-income obligor” means an obligor for whom the Family Court uses the monthly support amount provided in the schedule in ~~Appendix A~~ the Child Support Obligation of Low-Income Payers Schedule based on the Family Court’s determination that the obligor’s total economic circumstances limit his or her ability to pay support at ~~the level provided under 704.7-2(a)~~ standard percentages and the obligor’s income is at a level set forth in the schedule in ~~Appendix A~~ the Child Support Obligation of Low-Income Payers Schedule.
- (z) “Marital child” means a child born during the marriage of his or her parents. In addition, if the father and mother of a non-marital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother were terminated before either of these circumstances, the child becomes a marital child and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. The children of all marriages declared void under the law are nevertheless marital children.
- (aa) “Monthly ~~i~~ncome” ~~shall mean~~ means the obligor’s annual gross income or, if applicable, the obligor’s annual income modified for business expenses; plus the obligor’s annual income imputed based on earning capacity; plus the obligor’s annual income imputed from assets; divided by twelve (12).
- (bb) “Nation” means the Oneida Nation.
- (cc) “Non-~~c~~ustodial ~~p~~arent” ~~shall mean~~ means the parent of a child who does not hold primary care, custody and/or control of a child.
- (dd) “Non-legally responsible relative” means a ~~relative~~ person connected with a child by blood, marriage, or adoption who assumes responsibility for the care of a child without legal custody, but is not in violation of a court order. ~~A “Non-legally responsible relative” does not include a relative who has physical custody of a child during a court-ordered visitation period.~~
- (ee) “Obligee” ~~shall mean~~ means the person or entity to whom child support is owed.

(ff) “Obligor” ~~shall mean~~ means the person who is obliged to pay child support to the obligee.

(gg) “Ownership interest” means any personal financial interest.

(hh) “Parent” means the biological ~~natural~~ or adoptive parent of the child.

(ii) “Payor” ~~shall mean~~ means a person or entity with a legal obligation, as an employer, buyer of goods, debtor, or otherwise, to pay an obligor.

~~(r) “Relative” means any person connected with a child by blood, marriage or adoption.~~

(jj) “Reservation” ~~shall mean~~ means all lands within the exterior boundaries of the Reservation of the Oneida ~~Nation~~ Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(kk) “Serial family obligor” means an obligor with an existing legal obligation for child support who incurs an additional legal obligation for child support in a subsequent family as a result of a child support order.

(ll) “Shared-placement obligor” means a parent who has an ordered period of placement of at least twenty-five percent (25%), is ordered by the Family Court to assume the child’s basic support costs in proportion to the time that the parent has placement of the child and is determined to owe a greater support amount than the other parent.

(mm) “Split-placement obligor” means an obligor who has two (2) or more children and who has physical placement of one (1) or more children but not all of the children.

(nn) “Stipulation” means a voluntary agreement between parties concerning some relebatn point.

~~(mmoo)~~ “Substantial change of income” means the obligor has a significant change in his or her finances that would lead to a change in child support of more than fifteen percent (15%) and fifty dollars (\$50.00) per month.

~~(napp)~~ “Variable costs” means the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to, the cost of child care, tuition, a child’s special needs, and other activities that involve substantial cost.

~~(oqq)~~ “Threshold” means an amount, expressed as either a percentage of the monthly amount due, a fixed dollar amount, or both, that the lien amount must equal or exceed before an administrative enforcement action may be used to enforce a child support order.

~~(t) “Tribe” or “Tribal” shall mean the Oneida Tribe of Indians of Wisconsin.~~

~~(u) “Wage Withholding” shall mean the process whereby a court order, Family Court order or voluntary wage assignment directs an employer, bank or agent holding monies or property of an obligor, to make payments or deliver property to satisfy a child support obligation.~~

704.4. Jurisdiction

704.4-1. The Family Court has jurisdiction over any action brought under this law.

704.4-2. Personal Jurisdiction. Personal jurisdiction over an individual under this law may be established where one party or a child of the parties is any of the following:

(a) a member of the ~~Tribe; or~~ Nation;

(b) a resident of the Reservation who is also a member of an Indian tribe, band or community which is recognized by a State or the federal government;

(c) a resident of the Reservation who is also the biological parent of ~~a~~ the child that is enrolled or is eligible for enrollment with the ~~Tribe~~ Nation; ~~or~~

(d) an individual who consents to the jurisdiction of the Family Court by one (1) of the following means:

(1) Filing an action with the Family Court-;

(2) Knowingly and voluntarily giving written consent to the jurisdiction of the Family Court-;

(3) Entering a notice of appearance before the Family Court in an action without concurrently preserving the defense of lack of personal jurisdiction or filing a motion to dismiss for lack of personal jurisdiction within thirty (30) days of entering the notice of appearance-; or

(4) Appearing in an action before the Family Court without asserting the defense of lack of personal jurisdiction.

704.4-~~23~~. Personal jurisdiction over the other party may be established using any method provided by law, including long-arm jurisdiction procedures as provided for in Section 201 of the Uniform Interstate Family Support Act as referred to in 42 ~~USC Section~~ U.S.C. §666.

704.4-~~34~~. *Transfer of Cases from Other Courts*. If personal jurisdiction over the parties has been established under ~~704.4-1 or 704.4-2~~ this law, the Family Court has jurisdiction over any action transferred to the Family Court from any court of competent jurisdiction.

704.5. Initiating an Action for Child Support-Orders

704.5-1. Every parent has a duty to support each and every child of that parent. A child support order may be obtained from the Family Court by either submitting a voluntary agreement to the Family Court for approval or by filing a petition for child support with the Family Court.

(a) If a party to the action is a minor or is a legally incompetent adult, the Family Court may appoint a guardian ad litem to represent such party in the action, ~~in accordance with section 705.8 of the Child Custody, Placement and Visitation law.~~

~~704.5-2. A party may request the services of the Agency or may be referred to the Agency from an entitlement program.~~

704.5-2. Initiation of Action by the Agency. For assistance in initiating a child support order ~~A~~a party may request the services of the Agency or may be referred to the Agency from an entitlement program.

(a) Within ~~thirty five (530) business~~ days of receiving a completed application for services or a referral, the Agency shall ~~send the non-~~ meet with the custodial parent ~~a Letter of Request for Support and Financial Disclosure form.~~

(b) Within seven (7) business days of the meeting with the custodial parent, the Agency shall send a Letter of Request for Support and Financial Disclosure form to the non-custodial parent.

~~(c) If the non-custodial parent fails to respond to or take action on the Letter within ten (10) business days, a second Letter of Request for Support and Financial Disclosure form shall be sent.~~

~~(e) If the non-custodial parent fails to respond to or take action on the second Letter within five (5~~ within ten (10) business days, ~~the custodial parent, or the Agency when required by federal law,~~ may initiate a hearing in accordance with this law.

(d) If the non-custodial parent responds within the required time period after receiving a Letter of Request for Support and Financial Disclosure form, the parties shall attempt to enter into a stipulation~~voluntary agreement~~.

704.5-3. Initiation of Action by a Party Not the Agency. Any of the following individuals may initiate an action for the establishment of child support at any time by filing a petition with the Family Court:

- ~~(1a)~~ a custodial parent;
- ~~(2b)~~ a child's mother;
- ~~(3c)~~ a child's father;
- ~~(4d)~~ a child's guardian ad litem;
- ~~(5e)~~ a child's non-legally responsible relative; or
- ~~(6f)~~ a legally incompetent adult's guardian ad litem; or

704.5-34. ~~Voluntary Agreement~~ Stipulation. ~~(a)~~ The parties may enter into a stipulation ~~voluntary agreement~~ at any time as to the level of the child support obligation.

~~(a)~~ The Agency shall assist parties in reaching a stipulation ~~voluntary agreement~~ upon request or when the parties are referred to the Agency by an entitlement program. Parties may also submit a stipulation ~~voluntary agreement~~ to the Family Court for approval without the Agency's assistance.

~~(b)~~ In order for a stipulation ~~voluntary agreement~~ to be valid the following conditions shall be met:

- (1) The stipulation ~~agreement~~ shall be in writing, signed, and notarized;
- (2) If the parties deviate from the percentage standards, the stipulation ~~agreement~~ shall state the amount of support that would have been ordered by the percentage standards and the reasons for deviating from the percentage standards;
- (3) All parties shall sign the stipulation ~~agreement~~ free of duress and coercion; and
- (4) The Family Court shall make written findings that the stipulation ~~agreement~~ is appropriate, using the criteria for deviating from standard percentages ~~under 704.7-3~~ as a guideline, if applicable.

~~(c)~~ After the stipulation ~~agreement~~ is approved and filed by the Family Court, it shall have the same force and effect as an order issued by the Family Court. The obligation of the obligor to pay child support shall commence on the date specified in the stipulation ~~agreement~~, but no later than the date the agreement is approved and filed by the Family Court.

704.5-45. ~~Initiating a Hearing~~ Petition to Establish Child Support. If the parties do not enter into a stipulation ~~voluntary agreement~~, then ~~any of the following may initiate an action for the establishment of a petition to establish~~ child support by filing a petition may be filed with the Family Court.

- ~~(a)~~ a custodial parent;
- ~~(b)~~ a child's ~~natural~~ mother;
- ~~(c)~~ a child's father;
- ~~(d)~~ a child's guardian ad litem;
- ~~(e)~~ a child's non-legally responsible relative;
- ~~(f)~~ a legally incompetent adult's guardian ad litem; or
- ~~(g)~~ the Agency when required by federal law.

704.5-5. Petition. The petition to establish child support may be filed as a separate proceeding or in connection with a petition for child custody. ~~The petition to establish child support shall include the following:~~

~~(a)~~ Requirements of the Petition. The petition to establish child support shall include the following:

- ~~(1)~~ The name, date of birth, ~~and address,~~ and tribal affiliation of the petitioner, ~~and~~ respondent, and child for whom support is requested;
- ~~(+A)~~ If the address of the respondent is unknown, other ~~Tribal~~ departments of the Nation shall cooperate with the Family Court, at the Family Court's request, to provide the Family Court with the respondent's address. Any

such Family Court requests shall be made in such a way which protects the privacy rights of all parties and children who are involved in proceedings or actions under this law.

(2) With whom the child currently resides;

(3) When and how paternity was established;

(4) Name and date of birth of other children of the parties, and the child support obligation for those children, if applicable;

(5) Whether either party is receiving state or tribal benefits, and if so, what benefits;

(6) Whether any other action to determine child support has been commenced or is pending in a court of another jurisdiction and whether a child support order has been entered by another court;

(7) Financial information such as the parties' income;

(8) The relief the petitioner is requesting, which shall include, but is not limited to, establishment of support, request for support back to date of filing, and/or any other relief the court may deem just and equitable;

(b2) Confidential Petition Addendum. The confidential petition addendum is a separate form which has the parties and the child's name, date of birth and social security number. This form shall be kept separate from the petition and shall be maintained in a confidential file. The form shall be available only to the parties, ~~their~~ the parties' attorneys or advocates, the Agency, or any person authorized by the Family Court to have access to the form.

(b) Nondisclosure of Information in Protected Cases. Upon a finding, which may be made ex parte, that the health, safety or welfare of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, the Family Court shall order that the address of the child or party, or other identifying information, not be disclosed in a pleading or other document filed in a proceeding under this law.

~~704.5-6-~~(c) Hearing Date. Upon receipt of a petition, the Family Court shall schedule a hearing to determine child support to be held at a time after the filing of the petition and consistent with the manner of service.

~~704.5-7-~~(d) Notice Summons. All parties shall be notified of the petition and of all hearings, and shall be given an opportunity to be heard.

(1) Service of the Summons. The summons, which ~~N~~notifies the initiation ~~of~~ an action shall be served by certified mail (return receipt requested) or in person within fifteen (15) calendar days after the petition is filed with the Family Court. ~~All mailing of notice~~ The summons shall include the Family Court clerk's return address, with a notice request to file an answer to that address. ~~Subsequent~~ Any notice after the summons shall be served by first-class mail to the recently verified last-known address of the party.

~~(a)~~A) Certified mail. Certified mail sent to a party's most recently verified last-known address but returned because it was unclaimed or refused shall constitute constructive service. Certified mail returned for other reasons shall require service by other methods pursuant to the Oneida Judiciary Rules of Civil Procedure.

(bB) Publication. When a responding party cannot be found for personal service after diligent attempts and attempts to serve the responding party by certified mail have failed, the petitioner ~~shall~~ may ask the Family Court to direct the Agency to provide use service by publication. ~~If the request is~~

364 ~~granted, the Agency~~ The publication shall ~~be publish the petition~~ in the
365 ~~Kalihwisaks Nation's newspaper~~ or a newspaper of general circulation in
366 the county of residence of the respondent, if known. ~~The P~~publication shall
367 be designated as a Legal Notice and any confidential information shall be
368 redacted.

369 (1i) If service by publication is ~~used~~permitted and there is
370 insufficient time for notice and answer pursuant to this ~~L~~law, the
371 Family Court shall re-schedule the hearing appropriately and may
372 permit extended time deadlines for default orders and for hearings
373 in order to provide for fair notice and opportunity for the party to
374 respond.

375 ~~704.5-8~~ (2) Requirements of the Summons and Petition. The summons to be served
376 on the respondent(s), along with the petition, shall include the following notice, in
377 addition to providing a time, place, and date for appearance:

378 (a1) That if he or she chooses not to appear at the hearing or enter a defense
379 to the petition challenging the authority of the Family Court to hear the
380 matter by the date of the hearing, the hearing shall proceed on the basis of
381 the petitioner's evidence;

382 (b2) That a child support order may require the ~~respondent~~person found to
383 be the obligor to pay child support until the child reaches eighteen (18) years
384 of age or until the child graduates from high school, or its equivalent, up to
385 age nineteen (19);

386 (c3) That the ~~respondent's~~ person found to be the obligor may have his or
387 her license(s) ~~may be~~ suspended or denied for failure to pay child support,
388 in addition to other enforcement actions;

389 (d4) That the ~~respondent's~~ person found to be the obligor's employer or
390 others with evidence of ~~the respondent's~~ his or her income may be
391 subpoenaed to provide the Family Court with records of his or her earnings;

392 (e5) That if the ~~respondent~~ person found to be the obligor is unemployed,
393 ~~he or she will~~ it shall still be ~~imputed to be~~ determind that he or she is able
394 to provide some degree of child support and an order of support ~~will~~shall
395 be calculated according to this law unless the Family Court makes written
396 findings ordering otherwise; and

397 (f6) That any answer to the petition shall be filed with the Family Court
398 within twenty (20) calendar days of the date of service of the petition, and
399 a copy served on the other party.

400 ~~704.5-9~~ (e) Answers. Answers shall be filed with the Family Court and served on the
401 petitioner within twenty (20) calendar days of the date of service of the petition in
402 accordance with the Nation's laws and policies governing civil procedure.

403 ~~704.5-10~~ (f) Subpoenas. Upon request of either party, the Family Court shall issue
404 subpoenas to any person in possession of relevant information to appear or produce
405 documents to the Family Court. Failure to comply with such a subpoena may be punishable
406 as contempt.

407 ~~704.5-11. Temporary Orders.~~ At any time after a child's parentage has been established, the
408 Family Court may make a temporary order for the payment of child support and the child's health
409 care expenses. Before making a temporary order, the Family Court shall consider those factors
410 that the Family Court is required to consider when granting a final child support order. If the
411 Family Court makes a temporary child support order that deviates from the amount of support that

~~would be required by using the percentage standard, the requirements of section 704.7-38 shall be complied with.~~

704.6. Child Support Hearing Procedures

704.6-1. The factual determinations made at a hearing shall include, but is not ~~be~~ limited to, the income and expense information necessary to determine the appropriate level of support according to this law.

704.6-2. The Family Court may utilize discovery procedures and contempt powers, as authorized by any Tribal ~~law~~, policy, or rule of the Nation to obtain information relevant to the establishment or enforcement of child support. These procedures may include the following:

(a) Issue subpoenas requiring necessary and relevant parties to appear in person and provide testimony;

(b) Issue subpoenas requiring the production of evidence;

(c) Obtain information about property or assets to assess its value or funding source for lien or seizure actions;

(d) Obtain information about the income of any party to the action-; and/or

(e) Issue contempt findings for failure to comply with the lawful order of the Family Court.

704.6-3. Both parties have the right to representation by an attorney and/or advocate at his or her ~~their~~ own expense. The Tribal Nation shall not be required to pay for any fees and/or expenses incurred by any party in connection with proceedings under this law.

704.6-4. Temporary Orders. At any time after a child's parentage has been established, the Family Court may make a temporary order for the payment of child support and the child's health care expenses. Before making a temporary order, the Family Court shall consider these all factors that the Family Court is required to consider when granting a final child support order. If the Family Court makes a temporary child support order that deviates from the amount of support that would be required by using the percentage standard, the requirements of section 704.7-38 shall be complied with.

704.6-~~45~~. *Default.* If the respondent fails to appear at the hearing upon a showing of valid service and the petitioner presents evidence of the obligation by the absent party, a child support order shall be entered pursuant to the evidence.

704.6-~~56~~. *Hearings and Records Closed.* Child ~~S~~support proceedings shall be closed to any person other than those necessary to the action or proceeding. Records of child support cases shall remain confidential and shall only be viewed by the parties, the legal guardian of a party who is a minor, the parties' attorney or advocate, guardian ad litem, Judges and staff assigned to the case, and those other persons who first obtain a written release from a party to view material contained in the record.

704.7. Determining the Child Support Determination Obligation

704.7-1. ~~Except as provided elsewhere in this law, T~~he Family Court shall determine child support payments by using the percentage standards established in section 704.7-2 of this law, except as provided elsewhere in this law. The obligor's monthly income shall be considered in determining his or her child support obligation.

704.7-2. *Percentage Standards to Determine the Amount of Child Support.*

(a) The following percentages shall be applied to the portion of an obligor's monthly income available for child support that is less than seven thousand dollars (\$7,000-);

(1) seventeen percent (17%) for one (1) child;

(2) twenty-five percent (25%) for two (2) children;

- 459 (3) twenty-nine percent (29%) for three (3) children;
 460 (4) thirty-one percent (31%) for four (4) children; and
 461 (5) thirty-four percent (34%) for five (5) or more children.
- 462 (b) The following percentages shall be applied to the portion of an obligor's monthly
 463 income available for child support that is greater than or equal to seven thousand dollars
 464 (\$7,000) and less than or equal to twelve thousand five hundred dollars (\$12,500):
 465 (1) fourteen percent (14%) for one (1) child;
 466 (2) twenty percent (20%) for two (2) children;
 467 (3) twenty-three percent (23%) for three (3) children;
 468 (4) twenty-five percent (25%) for four (4) children; and
 469 (5) twenty-seven percent (27%) for five (5) or more children.
- 470 (c) The following percentages shall be applied to the portion of an obligor's monthly
 471 income available for child support that is greater than twelve thousand five hundred dollars
 472 (\$12,500):
 473 (1) ten percent (10%) for one (1) child;
 474 (2) fifteen percent (15%) for two (2) children;
 475 (3) seventeen percent (17%) for three (3) children;
 476 (4) nineteen percent (19%) for four (4) children; and
 477 (5) twenty percent (20%) for five (5) or more children.

478 704.7-3. 4.3-1. Determining Income Modified for Business Expenses. In determining a parent's
 479 monthly income, the Family Court may adjust a parent's-gross income as follows:

- 480 (a) Adding wages paid to dependent household members.
 481 (b) Adding undistributed income that the Family Court determines is not reasonably
 482 necessary for the growth of the business. The parent shall have the burden of proof to show
 483 that any undistributed income is reasonably necessary for the growth of the business.
 484 (c) Reducing gross income by the business expenses that the Family Court determines are
 485 reasonably necessary for the production of that income or operation of the business and
 486 that may differ from the determination of allowable business expenses for tax purposes.

487 704.7-4. Determining Income Imputed Based on Earning Capacity. When a parent's income is
 488 less than the parent's earning capacity or is unknown, the Family Court may impute income to the
 489 parent at an amount that represents the parent's ability to earn.

- 490 (a) The parent's ability to earn may be based on the parent's:
 491 (1) education, training, and recent work experience;
 492 (2) earnings during previous periods;
 493 (3) current physical and mental health;
 494 (4) history of child care responsibilities as the parent with primary physical
 495 placement; and
 496 (5) the availability of work in or near the obligor's community.
- 497 (b) If evidence is presented that due diligence has been exercised to ascertain information
 498 on the parent's actual income or ability to earn and that information is unavailable, the
 499 Family Court may impute to the parent the income that a person would earn by working
 500 thirty-five (35) hours per week for the federal minimum hourly wage under 29 USC 206
 501 (a)(1). In addition to imputed income, the Family Court may order the parent to search for
 502 a job or participate in a work experience and job training program.
- 503 (c) If a parent has gross income or income modified for business expenses below his or
 504 her earning capacity, the income imputed based on earning capacity shall be the difference
 505 between the parent's earning capacity and the parent's gross income or income modified
 506 for business expenses.

507 704.7-5. *Determining Income Imputed from Assets.*

508 (a) The Family Court may impute a reasonable earning potential to a parent's assets if the
509 Family Court finds both of the following:

510 (1) The parent has ownership and control over any real or personal property,
511 including but not limited to, life insurance, cash and deposit accounts, stocks and
512 bonds, business interests, net proceeds resulting from worker's compensation or
513 other personal injury awards not intended to replace income, and cash and corporate
514 income in a corporation in which the obligor has an ownership interest sufficient to
515 individually exercise control and the cash or corporate income is not included as
516 gross income.

517 (2) The parent's assets are underproductive and at least one (1) of the following
518 applies:

519 (A) The parent has diverted income into assets to avoid paying child
520 support.

521 (B) Income from the parent's assets is necessary to maintain the child or
522 children at the standard of living they would have had if they were living
523 with both parents.

524 (b) The Family Court shall impute income to assets by multiplying the total net value of
525 the assets by the current six (6) month treasury bill rate or any other rate that the Family
526 Court determines is reasonable and subtracting the actual income from the assets that were
527 included as gross income.

528 704.7-6. *Adjustment for Child's Social Security Benefits.* The Family Court may ~~include~~ consider
529 benefits received by a child under 42 U.S.C. §402(d) based on a parent's entitlement to federal
530 disability or old-age insurance benefits under 42 U.S.C. §401 to 433 ~~in the parent's gross income~~
531 and adjust an obligor's child support obligation by subtracting the amount of the child's benefit.
532 In no case may this adjustment require the obligee to reimburse the obligor for any portion of the
533 child's benefit. If the obligor is receiving the child's benefit, the support amount is either the
534 percentage standard applied to the obligor's income or the amount of the child's benefit, whichever
535 is greater.

536 (a) *Determining the Child Support Obligations of Shared-Placement Parent when the*
537 *Child Receives Social Security Benefits.* If the shared-placement guidelines under section
538 704.8-2 apply, the child's benefit is split between the parents in proportion to the amount
539 of time the child spends with each parent. Add the proportion of the child's benefit that
540 represents the proportion of time the child spends with the parent not receiving the benefit
541 to the support obligation of the parent who is receiving the child's benefit. Child support
542 shall be determined as follows:

543 (1) Determine each parent's monthly income available for child support under
544 section 704.7-2. If a parent has one (1) or more previous child support obligations,
545 determine the parent's monthly income available for child support adjusted for the
546 previous obligations as provided in section 704.8-1. Include the parent's federal
547 disability or old age insurance benefits under 42 U.S.C. §401 to 433 in that parent's
548 income, but do not include the child's benefit under 42 U.S.C. §402 (d) in either
549 parent's income.

550 (2) Multiply each parent's monthly income available for child support by the
551 appropriate percentage standard under section 704.7-2.

552 (3) Multiply each amount determined under section 704.7-6(a)(2) by one hundred
553 and fifty percent (150%).

(4) Multiply the amount determined for each parent in section 704.7-6(a)(3) by the proportion of time that the child spends with the other parent.

(5) Multiply the amount of the child's benefit by the proportion of the time the child spends with the parent who is not receiving the child's benefit.

(6) Add the amount in section 704.7-6(a)(5) to the child support obligation calculated in section 704.7-6(a)(4) for the parent who is receiving the child's benefit.

(7) Offset the resulting amounts against each other. The parent with the greater child support obligation is the shared-placement obligor. The shared-placement obligor shall pay either the greater of the amount determined in this subsection or the amount determined using the appropriate percentage standard under section 704.7-2.

704.7-7. Claiming Children for Tax Purposes. The Family Court may address who may claim the child for tax purposes or accept a stipulation entered into by the parties regarding children and taxes.

704.7-38. Deviation from ~~Standard Factors~~ the Percentage Standards. Upon request by a party, the Family Court may modify the amount of child support payments determined by the percentage standards if, after considering the following factors, the Family Court finds by the greater weight of the credible evidence that use of the percentage standards is unfair to the child or to any of the parties:

- (a) The financial resources of the child;
- (b) The financial resources of both parents;
- (c) Maintenance received by either party;
- (d) The needs of each party in order to support himself or herself at a level equal to or greater than ~~that~~ the federal poverty line as established under 42 U.S.C. §9902 (2);
- (e) The needs of any person, other than the child, whom either party is legally obligated to support;
- (f) The standard of living the child would have enjoyed if his or her parents were living together;
- (g) The desirability that the custodial parent remain in the home as a full-time parent;
- (h) The cost of day care if the ~~eustodian~~ custodial parent works outside the home, or the value of custodial services performed by the ~~eustodian~~ custodial parent if the ~~eustodian~~ custodial parent remains in the home;
- (i) The award of substantial periods of physical placement to both parents;
- (j) Extraordinary travel expenses incurred in exercising the right to periods of physical placement;
- (k) The physical, mental, and emotional health needs of the child, including any costs for health insurance;
- (l) The child's educational needs;
- (m) The tax consequences to each party;
- (n) The best interests of the child;
- (o) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community; and
- (p) Any other factors which the Family Court in each case determines are relevant.

~~Cross-reference: See also Rule CS-1 CHILD SUPPORT PERCENTAGE OF INCOME STANDARD.~~

704.7-59. Past-due and Arrears obligations.

- (a) A party may request payment of arrears or past-due child support as follows:

- (1) In an action ~~pursuant to Chapter 703, Paternity,~~ regarding paternity, back to the date of birth of the child or date of application, whichever is later;
- (2) In a child support establishment or modification pursuant to this law, back to the date of application, review, or referral; or
- (3) In an establishment or modification of placement pursuant to ~~Chapter 702 or Chapter 705,~~ an action regarding divorce, annulment and legal separation or child custody, placement, and visitation, back to the date of filing, or as otherwise ordered by the Family Court.

(b) ~~An~~ A payment for arrears or a past-due payment shall be set based on the amount due and the income available to pay current support.

(c) Once current child support is ended in any manner prescribed by law, child support shall continue to be paid at the same rate, until all arrears or past due child support is paid in full.

704.8. Determining the Child Support Obligation in Special Circumstances ~~Content and Effect of Order~~

704.8-1. ~~1.4-1.~~ Determining the Child Support Obligation of a Serial-Family Obligor.

(a) *Applicability.* This subsection applies only if the additional support obligation incurred by the obligor is the result of a child support order and the support obligation being calculated is for children from a subsequent family or subsequent paternity judgment or acknowledgment. An obligor may not use the provisions of this section as a basis for seeking modification of an existing order based on a subsequently incurred legal obligation for child support.

(b) *Determination.* For a serial-family obligor, the child support obligation incurred for a marital or non-marital child in a subsequent family as a result of a child support order may be determined as follows:

- (1) Determine the obligor's monthly income.
- (2) Determine the order of the obligor's legal obligations for child support by listing them according to the date each obligation is incurred.
 - (A) For a marital child, the legal obligation for child support is incurred on the child's date of birth.
 - (B) For a non-marital child, the legal obligation for child support is incurred on the date of the child support order that paternity is legally established.
 - (C) For a non-marital paternal child in an intact family, it is incurred on the date of adoption or the date of the filing of an acknowledgement of paternity that paternity is legally established.
 - (D) For a non-marital maternal child in an intact family, it is incurred on the child's date of birth.

(3) Determine the first child support obligation as follows:

- (a) If the obligor is subject to an existing support order for that legal obligation, except a shared-placement order, the support for that obligation is the monthly amount of that order; or
- (b) If the obligor is in an intact family, has primary placement of another child, or is subject to a shared-placement order, the support is determined by multiplying the appropriate percentage for that number of children by the obligor's monthly income.

- 647 (4) Adjust the monthly income by subtracting the support for the first legal
648 obligation ~~under (3)~~ from the obligor's monthly income ~~under (1)~~.;
- 649 (5) Determine the second child support obligation as follows:
- 650 (a) If the obligor is subject to an existing support order for that legal
651 obligation, except a shared-placement order, the support for that obligation
652 is the monthly amount of that order; or
- 653 (b) If the obligor is in an intact family or is subject to a shared-placement
654 order, the support is determined by multiplying the appropriate percentage
655 for that number of children by the obligor's monthly income.;
- 656 (6) Adjust the monthly income a second time by subtracting the support for the
657 second legal obligation ~~determined under (5)~~ from the first adjusted monthly
658 income ~~under (4)~~.;
- 659 (7) Repeat the procedure ~~under (5) and (6)~~ for determining the child support
660 obligation and adjusting the monthly income for each additional legal obligation
661 for child support the serial family obligor has incurred.;
- 662 (8) Multiply the appropriate percentage for the number of children subject to the
663 new order by the final adjusted monthly income ~~determined in either (6) or (7)~~ to
664 determine the new child support obligation.
- 665 704.8-2. ~~1.4-2.~~ *Determining the Child Support Obligations of Shared-Placement Parents.*
- 666 (a) *Applicability.* The shared-placement formula may be applied when both of the
667 following conditions are met:
- 668 (1) Both parents have periods of placement of at least twenty-five percent (25%)
669 or ninety-two (92) days a year. ~~When calculating periods of placement based on~~
670 ~~equivalent care, the total number of overnights may exceed three hundred and sixty-~~
671 ~~five (365).~~ The period of placement for each parent shall be determined by
672 calculating the number of overnights or equivalent care ordered to be provided by
673 the parent and dividing that number by ~~365~~, ~~the total number of overnights in a~~
674 ~~year.~~ The combined periods of placement for both parents shall equal ~~one hundred~~
675 ~~percent (100%)~~.
- 676 (2) Each parent is ordered by the Family Court to assume the child's basic support
677 costs in proportion to the time that the parent has placement of the child.
- 678 (b) *Determination.* The child support obligations for parents who meet the requirements
679 ~~of (a) for the shared-placement formula~~ may be determined as follows:
- 680 (1) Determine each parent's monthly income.
- 681 (A) In determining whether to impute income based on earning capacity
682 for an unemployed parent or a parent employed less than full time ~~under~~
683 ~~1.3-2~~, the Family Court shall consider benefits to the child of having a
684 parent remain in the home during periods of placement and the additional
685 variable day care costs that would be incurred if the parent worked more.
- 686 (2) Multiply each parent's monthly income by the appropriate percentage standard
687 ~~under 704.7~~.
- 688 (3) Multiply each amount determined under (2) section 704.8-2(b)(2) by ~~one~~
689 ~~hundred and fifty percent (150%)~~.
- 690 (4) Multiply the amount determined for each parent under ~~(3)~~ section 704.8-2(b)(3)
691 by the proportion of the time that the child spends with the other parent to determine
692 each parent's child support obligation.
- 693 (5) Offset resulting amounts under ~~(4)~~ section 704.8-2(b)(4) against each other.
694 The parent with a greater child support obligation is the shared-placement obligor.

The shared-placement obligor shall pay the lesser of the amount determined under this section or the amount determined using the appropriate percentage standard ~~under 704.7~~. If the shared-placement obligor is also a low-income obligor, the child support obligation may be the lesser of the amount determined under ~~this section or under 1.4.4~~ the shared placement determination or the low-income determination.

(6) In addition to the child support obligation determined under ~~(5)~~ section 704.8-2(b)(5), the Family Court shall assign responsibility for payment of the child's variable costs in proportion to each parent's share of physical placement, with due consideration to a disparity in the parents' incomes.

(A) The Family Court shall direct the manner of payment of a variable cost order to be either between the parents or from a parent to a third-party service provider.

(B) The Family Court shall not direct payment of variable costs to be made to the Agency or the Agency's designee, except as incorporated in the ~~fixed sum or percentage expressed~~ child support order.

(7) A change in the child's variable costs shall not in and of itself be considered a substantial change in circumstances sufficient to justify a modification of a judgment or order under section 704.10.

704.8-3. ~~1.4.3.~~ *Determining the Child Support Obligations of Split-Placement Parents.*

(a) *Applicability.* The split-placement formula may be applied when ~~For parents who have two (2) or more children and each parent has placement of one (1) or more but not all of the children, the child support obligations may be determined as follows:~~

(b) *Determination.* The child support obligation for a split-placement parent may be determined as follows:

~~(a1)~~ Determine each parent's monthly income.

~~(b2)~~ Multiply each parent's monthly income by the appropriate percentage for the number of children placed with the other parent to determine each parent's child support obligation. Determine the appropriate percentage standard for the number of total children.

(3) Divide the appropriate percentage standard for the number of total children by the total number of children.

(4) Multiply the number calculated in section 704.8-3(b)(3) by the number of children placed with each parent.

(5) Multiply each parent's monthly income by the number calculated in 704.8-3(b)(4) based on the number of children placed with the other parent to determine each parent's child support obligation; and

~~(e6)~~ Offset resulting amounts under ~~(b)~~ section 704.8-3(b)(5) against each other.

The parent with a greater child support obligation is the split-placement obligor.

704.8-4. ~~1.4.4.~~ *Determining the Child Support Obligation of a Low-Income Obligor.*

(a) *Applicability.* If an ~~the~~ obligor's total economic circumstances limit his or her ability to pay support at the level determined ~~under 704.7~~ by the standard percentage standards, then the low-income obligor standards found in the Child Support Obligation of Low-Income Payers Schedule may be used.

(b) *Determination.* The Family Court may use the monthly support amount provided in the ~~schedule in Appendix A~~ Child Support Obligation of Low-Income Payers Schedule as the support amount for an obligor with a monthly income at a level set forth in the schedule

~~if the obligor's total economic circumstances limit his or her ability to pay support at the level determined under 704.7.~~

~~(1) If an obligor's monthly income is below the lowest income level in Appendix A the Child Support Obligation of Low-Income Payers Schedule, the Family Court may set an order at an amount appropriate for the obligor's total economic circumstances. This amount may be lower than the lowest support amount in Appendix A the Child Support Obligation of Low-Income Payers Schedule. (b) The Agency shall revise the schedule in Appendix A at least once every four (4) years. The revision shall be based on changes in the federal poverty guidelines since the schedule was last revised.~~

~~704.8-1. The child support order shall provide for immediate wage withholding. An order to withhold income shall be binding against future payors upon actual notice of the order through service by personal delivery or certified mail upon the payor. Wages shall not be subject to withholding only where:~~

~~(a) One of the parties demonstrates and the Family Court finds that there is good cause not to require wage withholding due to one of the following:~~

~~(1) There is an error in the amount of current or overdue support; or~~

~~(2) The identity of the obligor is mistaken.~~

~~(b) The parties reach a written agreement which provides for an alternative arrangement and is approved by the Family Court.~~

~~704.8-2. The Family Court may require a party, or both parties, to utilize the services available to him or her to obtain and maintain regular employment and/or job training.~~

~~704.8-3. Support Order Notice Requirements. Each order for child support shall include an order that the obligor and obligee notify the Agency of any change of address or name change within ten (10) business days of such change. Each order for child support shall also include an order that the obligor notify the Agency and the obligee of any change of employer or substantial change of income within ten (10) business days of the change. A "substantial change of income" means the obligor has a significant change in his or her finances that would lead to a change in child support of either more than fifteen percent (15%) or fifty dollars (\$50.00) per month. An order under this section is enforceable as contempt.~~

~~704.8-4. Collection and Distribution of Child Support. The Agency shall collect and distribute child support monies pursuant to regulations set forth in the Social Security Act 45 CFR 309.115.~~

704.9. Child Support Order Enforcement of Order

~~704.9-1. 1.3-5. Expression of Ordered Support. The child support amount shall be expressed as a fixed sum unless the parties have stipulated to expressing the amount as a percentage of the obligor's income and the stipulation requirements of Chapter 704 are satisfied.~~

~~704.9-42. Interest on Arrears. The Tribe Nation shall not charge a party an obligor ordered to pay child support interest on any arrears.~~

~~704.9-23. Income Wage Withholding. The child support order shall provide for immediate wage income withholding.~~

~~(a) A copy of the Family Court's wage-income withholding order shall be sent by the Agency to a payor within three (3) business days of the entry of the order of the Family Court by any business method acceptable to the payor mail, fax, or electronic means.~~

~~(b) An order to withhold income shall be binding against future payors upon actual notice of the income withholding order through service notice by mail, fax, or electronic means. personal delivery or certified mail upon the payor.~~

- (c) Income wages shall not be subject to withholding only where:
- (a1) One of the parties demonstrates, and the Family Court finds, that there is good cause not to require income wage withholding due to one of the following:
- (1A) There is an error in the amount of current or overdue support; or
- (2B) The identity of the obligor is mistaken.
- (b2) The parties reach a written agreement which provides for an alternative arrangement that is approved by the Family Court.
- (bd) No payor shall refuse to honor ~~a wage~~ an income withholding order executed pursuant to this law. A payor shall begin withholding income immediately after ~~notice~~ service of a ~~wage-an income~~ withholding order made pursuant to this law. Within five (5) business days after the payor pays the obligor, the payor shall send the amount withheld to the Agency-Wisconsin Support Collections Trust Fund.
- (ee) A payor shall be liable for one hundred percent (100%) of the child support order, or the amount of money that should have been withheld from the obligor's earnings, whichever is the lesser amount, if the payor:
- (1) Fails or refuses, after being ~~noticed of served with~~ an income withholding order, to deduct or promptly remit the amounts of money required in the order; ~~or~~
- (2) Fails or refuses to submit an answer to the notice of ~~wage-income~~ withholding after being ~~noticed served~~; or
- (3) Is unwilling to comply with the other requirements of this law.
- (df) A payor shall not discharge from employment, refuse to employ, or otherwise take disciplinary action against any obligor solely because he or she is subject to ~~wage-income~~ withholding.
- (1) When the Family Court finds that a payor has taken any of these actions, the payor shall be liable for a civil penalty. Any payor who violates any provision of this paragraph shall be liable in a civil action for reasonable damages suffered by an obligor as a result of the violation, and an obligor discharged or demoted in violation of this paragraph shall be entitled to be reinstated to his or her former position.
- (2) The statute of limitations for actions under this section shall be one (1) year.
- (eg) A payor who repeatedly fails to comply with ~~a wage~~ an income withholding order as required by this law may be subject to a fine, not to exceed five hundred dollars (\$500), or have its Oneida vendor license revoked or suspended, if applicable, until compliance with this law is assured.
- (1) The vendor license issuing agency shall comply with the Family Court order to revoke or suspend a vendor license.
- (fh) If ~~wage income~~ withholding is inapplicable, ineffective or insufficient to ensure payment of child support, the Family Court may require the obligor to establish an account for the purpose of transferring child support payments.
- (gi) The total amount withheld under an income withholding order shall not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. §1673(b)).
- (hj) Non-Indian off-reservation payors shall be subject to income withholding under 28 U.S.C. §1738B.
- 704.9-4. 704.8-2. Conditions of the Order. The Family Court may require a party, or both parties, to use the services available to him or her to obtain and maintain regular employment and/or job training.
- 704.9-5. Support Order Notice Requirements. Each order for child support shall include:

~~(a) An order that the obligor and obligee notify the Agency of any change of address or name change within ten (10) business days of such change; and~~
~~(b) Each order for child support shall also include a~~ An order that the obligor notify the Agency and the obligee of any change of employer or substantial change of income within ten (10) business days of the change. A “substantial change of income” means the obligor has a significant change in his or her finances that would lead to a change in child support of either more than fifteen percent (15%) or fifty dollars (\$50.00) per month. An order under this section is enforceable as contempt.

704.9-6. Enforcement of Order. A child support order under this section is enforceable as contempt.

704.9-7. Collection and Distribution of Child Support. The Agency shall collect and distribute child support monies pursuant to regulations set forth in the Social Security Act 45 CFR 309.115.

704.9-8. Trust. The Family Court may protect and promote the best interests of the minor children by setting aside a portion of the child support that either party is ordered to pay in a separate fund or trust for the support, education, and welfare of such children.

704.9-9. Non-Cash Payments.

(a) Non-cash payments may be used to satisfy part or all of a child support order if the parties and the Family Court agree to allow non-cash payments. Non-cash payments shall not be used to fulfill arrears. If non-cash payments are allowed, the order shall:

- (1) state the specific dollar amount of the support obligation;
- (2) state the maximum amount (in dollars) of non-cash payment that the obligee will accept;
- (3) describe the type(s) of non-cash payment that is permitted;
- (4) provide that non-cash payment cannot be used to satisfy assigned child support obligations.

(b) When both parents are in agreement that non-cash payments may be used to satisfy a child support obligation, the non-cash payment may include, but is not limited, to the following:

- (1) Clothing;
- (2) Groceries;
- (3) Child Care;
- (4) Deer/Venison;
- (5) Wood;
- (6) Transportation;
- (7) Skilled trades or services, such as car repairs, lawn care and snow removal;
- and/or
- (8) Gift cards.

(c) When a non-cash payment is used to satisfy part or all of a child support order, the obligor and obligee shall submit any forms required by the Agency within the month that the non-cash payment is made. If there are less than five (5) business days left in the month when a non-cash payment is made, the obligor and obligee have five (5) business days to submit any required forms to the Agency. The Agency shall be responsible for applying the non-cash payment towards the child support order during the appropriate month.

704.9-3. In the event that an obligor is at least one (1) month delinquent in paying his or her child support obligation, he or she may be subject to the following enforcement actions:

- (a) increase in amount of wages withheld
- (b) placement on lien docket;
- (c) credit bureau reporting;

- ~~(d) intercept of income and/or other payments;~~
- ~~(e) seizure of personal property;~~
- ~~(f) suspension of licenses;~~
- ~~(g) denial of passport;~~
- ~~(h) commitment to jail;~~
- ~~(i) charge of contempt;~~
- ~~(j) referral for criminal charges;~~
- ~~(k) any other enforcement action included in this law or in a rule that is established under this law.~~

~~Cross reference: See also Rule CS 2 ENFORCEMENT TOOLS.~~

704.10. Modification of a Child Support Order

704.10-1. Review of the Child Support Order. Every two (2) years, the Agency shall conduct a review of the child support order. The Agency shall notify the non-custodial parent, custodial parent, and any interested party that a review of their child support order ~~will~~ shall be conducted.

704.10-2. Modification of Child Support Sought by the Agency. ~~After the two (2) year review is conducted by the Agency, the Agency shall seek an order to modify the child support obligation if there is a substantial change in circumstances,~~ unless otherwise stipulated by the parties ~~an order to update the child support obligation will be sought by the Agency if there is a substantial change in circumstances.~~ A substantial change in circumstance ~~means~~ includes, but is not limited to:

- (a) the child's placement is changed;
- (b) either parent or the child has a significant change in his or her finances that would lead to a change in child support of ~~either~~ more than fifteen percent (15%) ~~or~~ and fifty dollars (\$50.00) per month;
- (c) the obligee is receiving public assistance benefits and is required to have a current support order in place;
- (d) it has been twenty-four (24) months since the date of the last child support order or revision to the child support order, unless the child support amount is expressed as a percentage; or
- (e) a change has occurred and if the current circumstances had been in place at the time the order was issued, a significantly different order would have been issued.

704.10-~~23~~. Modification of Child Support Sought by the Parties. Either party, not including the Agency, may file a motion for a modification of a child support order at any time based upon a substantial change of circumstances supported by affidavit.

- (a) Such motion shall state why the previous decision should be prospectively modified.
- (b) The motion and affidavit shall be served by the moving party on the responding party by first-class mail to the recently verified last-known address, or by any method provided by law.
- (c) A hearing date shall be scheduled no sooner than ten (10) calendar days after the date of service.

704.10-~~34~~. An obligor shall not raise a substantial change in circumstances as a reason not to pay a past due reward current child support order or arrears. If a child support ~~award~~ order becomes unjust due to a substantial change in circumstances of the obligor, the obligor has the duty to file a petition or motion with the Family Court for a ~~changed award~~ modification to the child support order at that time. ~~He or she may not raise that change in circumstances as a reason not to pay a past due award.~~

~~704.10-4. A change in the percentages shall constitute a substantial change in circumstances and shall justify prospective modification of a child support order.~~

704.11. Modification of a Child Support Order for an Incarcerated Parent ~~Full Faith and Credit for Foreign Child Support Orders~~

704.11-1. In the event an obligor is incarcerated for one hundred and eighty (180) days or more, the obligor shall have the right to have the Agency review his or her child support order to determine if modification or suspension of the child support order is appropriate. The obligor shall notice the Agency of his or her incarceration.

(a) An ordered child support obligation shall be suspended for an incarcerated obligor who has been sentenced to one hundred and eighty (180) days or more and has an income of less than two hundred dollars (\$200) per month.

(b) If while incarcerated the obligor's income is two hundred dollars (\$200) or more per month the Agency shall review the order and seek temporary modification of the child support order based on the incarcerated obligor's income, if necessary.

(c) Child support obligations shall not be suspended or modified for an obligor who is incarcerated for a criminal offense which includes:

(1) felony failure to pay support;

(2) a crime against a child; and/or

(3) a crime against the obligee.

(d) Past due child support related debt and/or arrears shall not be suspended or reduced as a result of the obligor's incarceration without stipulation by the parties.

704.11-2. Notification of Review. Within fifteen (15) business days of the receipt by the Agency of verification of the obligor's incarceration, the Agency shall send out a letter to the parties of the case informing them of the obligor's right to have his or her child support obligation reviewed, and of the Agency's intent to review the current child support order.

704.11-3. Agency Review of Order. The Agency shall review the obligor's child support order and make one of the following determinations:

(a) that the obligor's income while incarcerated is two hundred dollars (\$200) or more per month, and the Agency shall seek temporary modification of the obligor's child support order based on the incarcerated obligor's income, if necessary; or

(b) that the obligor's income while incarcerated is less than two hundred dollars (\$200) per month, and the Agency shall seek temporary suspension of the obligor's child support order while incarcerated.

704.11-4. Suspension of Order by the Agency. If the Agency determines the obligor's income is less than two hundred dollars (\$200) per month while incarcerated, the Agency shall file with the Family Court a Motion and Order to Suspend without a request for a hearing with notice to all parties that the child support order shall be suspended.

(a) Either party shall have the right to object to the suspension of the order within ten (10) business days of the date of the notice by filing such objection with the Family Court and providing a copy of the objection to the Agency.

(b) If no objection to the suspension is received, the Family Court shall enter the order as proposed.

(c) Upon receipt of an objection from either party, the Family Court shall schedule a hearing on the issue.

704.11-5. *Modification of Order by the Agency.* If the Agency determines the obligor's income is two hundred dollars (\$200) per month or more while incarcerated, the Agency shall file with the Family Court a Motion to Modify.

(a) The Family Court shall schedule a hearing on the motion. The Agency shall provide notice to all parties with the proposed modification to the child support order by first class mail at least ten (10) business days prior to the hearing.

704.11-6. *Modification of the Order by the Incarcerated Parent.* The incarcerated parent may seek modification of his or her own child support order by filing a motion to modify with the Family Court in accordance with section 704.10-3.

704.11-7. If during the term of incarceration, the Agency receives notification of a change in the obligor's employment and/or income, the Agency shall review the obligor's order and determine if the obligor's income is two hundred dollars (\$200) or more per month, and whether it is necessary to temporarily modify or suspend the obligor's child support order.

(a) If the Agency determines that suspension of the obligor's order is necessary, then the procedure for filing a Motion and Order to Suspend without a request for a hearing described in section 704.11-4 shall be followed.

(b) If the Agency determines that modification of the obligor's order is necessary, then the procedure for filing a Motion to Modify described in section 704.11-5 shall be followed.

704.11-8. *Reinstatement of Prior Order.* Sixty (60) days after the obligor's release from incarceration, the child support order shall be administratively reinstated by the Agency to the previous child support order in effect before the suspension or modification of the order based on the obligor's incarceration.

(a) The Agency shall send notice to both parties of the obligor's release from incarceration and the intent of the Agency to reinstate the original order.

~~704.11-1. Properly issued child support orders, and judgments or decrees of other Indian tribes, tribal organizations and states, that relate to child support shall be recognized and modified in accordance with the requirements under the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738B.~~

~~704.11-2. A foreign order is authenticated by reasonable proof that the document tendered to the Family Court is a true copy of the foreign order as it is recorded in the agency or court of the issuing jurisdiction. An authentication stamp issued by a court clerk or custodian of records, or a court seal, is sufficient evidence of authenticity.~~

~~704.11-3. Unless defects in jurisdiction are apparent on the face of the foreign order, the person contesting enforcement of the order has the burden of showing the order is not valid. Upon a failure to respond to notice of the order and to timely contest it, the Family Court shall enforce it as a Family Court order.~~

~~704.11-4. If a foreign order is brought before the Family Court solely for an interpretation of the terms of the order, and the order has been recognized and given full faith and credit by the Family Court, the Family Court shall interpret the order by applying the law of the forum that issued the foreign order.~~

704.12. Compliance Plan-Right of Appeal

~~704.12-1. 2.3-1. The Agency shall attempt to meet with a party who is found to be subject to enforcement action as soon as possible by sending a Letter of Non-Compliance within five (5) business days of being informed of a party's failure to either pay support as ordered or to meet a required obligation or action. If at any time an obligor is, or may become, non-compliant with his~~

or her child support order by failing to pay support as ordered or meeting a required obligation or action, the Agency shall meet with the obligor to develop a compliance plan.

704.12-2. An Appointment Letter may be sent by the Agency at any time deemed appropriate, but the Agency shall send out the Appointment Letter at least thirty (30) days prior to the initiation of any enforcement action.

(a) The Letter of Non-Compliance shall set out the conditions the party has failed to comply with, outline the enforcement actions that may be taken, and request the party meet with the Agency to discuss barriers to payment and how to avoid future enforcement action.

(b) If the party does not respond to the Letter within five (5) business days after receipt of the letter, the Agency shall send a second Letter.

(c) If the party fails to respond to the second Letter within five (5) business days after receipt of the letter, the Agency may proceed with appropriate enforcement action.

(d) If the party obligor responds to the Letter, the Agency shall interview the party to determine the reasons and barriers for the non-compliance and create a compliance plan. The compliance plan may include an increase in payment and/or any activity that is necessary to ensure assist in payment, including programs that focus on:

(1) Employment and training;

(2) Social service and mental health;

(3) Physical and learning disabilities;

(4) Tribal traditions and customs;

(5) Family counseling and parenting; and

(6) Any other program deemed necessary.

(e) If the party successfully completes the terms of the compliance plan, no further enforcement action is necessary. However, if the party fails to complete the compliance plan, the Agency shall proceed with appropriate enforcement action.

704.12-1. Any enforcement action implemented by the Agency may, within thirty (30) calendar days after the date that the action is enforced, be appealed to the Family Court. The decision of the Family Court shall be final.

704.12-2. If the Family Court conducts a hearing under this law, a party may, within thirty (30) calendar days after the date that the Family Court makes a decision, appeal that decision to the Court of Appeals of the Judiciary. The appellate body review shall be based on the record and the original decision of the Family Court.

704.13. Enforcement of an Order

704.13-1. An obligor may be subject to enforcement actions when the obligor is at least one (1) month delinquent in paying his or her child support obligation. Enforcement actions may include administrative enforcement action by the Agency and enforcement action by the Family Court.

(a) An obligor shall be provided with notice of an enforcement action of at least thirty (30) days before an enforcement action is used, unless another timeline is specified.

(b) An enforcement action shall be stayed and/or suspended after notice is given to the obligor if the obligor pays the debt in full or enters into, and maintains, an alternative payment plan and/or a compliance plan with the Agency.

704.13-2. ~~704.9-1.~~ Agency Responsibilities in the Enforcement of an Order. The Agency shall have the following responsibilities in the enforcement of an order:

(a) Track and document the progress of an obligor who is under an enforcement action;

(b) Take additional enforcement action when an obligor fails to comply with a previous enforcement action;

(c) Document the reasons why an enforcement action is not taken, when such action would have been appropriate under the circumstances; and

(d) Assist in Rerefunding amounts that were improperly withheld, terminate income withholding when appropriate, and allocate amounts across multiple cases.

704.13-3. ~~2.4-2~~ Notice to the Obligor of Delinquency. In the event that an obligor owes a debt equal to or exceeding the monthly amount due, the Agency shall send a notice of delinquency to the obligor. ~~(a)~~ The notice of delinquency shall inform the obligor of the following:

~~(1) The dates that the delinquency accrued;~~

~~(2a) The total amount of the delinquency; and~~

~~(3) Any prior agreement or showing of good cause to not wage withhold may be terminated and the obligor may be subject to wage withholding;~~

~~(4b) The enforcement action that may be taken as a result of the delinquency.~~

~~(5) The obligor may request, in writing to the Agency, to negotiate an alternative payment plan with the Agency within ten (10) business days after the service of notice in order to stay any enforcement action;~~

~~(6) The obligor has ten (10) business days after the service of the notice of delinquency to file an objection with the Agency presenting good cause why an arrears payment or other enforcement action should not be implemented. The only allowable objections are:~~

~~(A) There is an error in the amount of current or overdue support; or~~

~~(B) The identity of the obligor is mistaken.~~

704.13-4. Notice to the Obligor of Enforcement Action. After the obligor has been noticed of his or her delinquency, and at least twenty (20) days prior to an enforcement being used against an obligor, the Agency shall send a notice of enforcement action to the obligor.

(a) The notice of enforcement action shall inform the obligor of the following:

(1) The total amount of the delinquency;

(2) The enforcement action that may be taken as a result of the delinquency;

(3) The obligor may request, in writing to the Agency, to negotiate an alternative payment plan with the Agency within ten (10) business days after the notice in order to stay any enforcement action;

(4) The obligor has ten (10) business days after the notice of enforcement action to file an objection with the Agency presenting good cause why an arrears payment or other enforcement action should not be implemented. The only allowable objections are:

(A) There is an error in the amount of current or overdue support; or

(B) The identity of the obligor is mistaken.

(b) If the obligor does not file an objection or request to negotiate an alternative payment plan:

(1) the enforcement action shall be taken; and/or

(2) an income wage withholding order, or revised order if one is already in place, shall be imposed on the payor. No more than an additional twenty percent (20%) of the current support payment order can be withheld to satisfy the delinquency provided that the total amount withheld does not exceed forty percent (40%) of the obligor's monthly income.

(c) If a permissible objection is filed, the obligor shall be entitled to a hearing before any enforcement action is taken.

704.13-5. ~~2.4-3~~ Use of Mail for Notices. The Agency shall send notices related to the delinquency of an obligor and enforcement of a child support order by mail to the last-known mailing address provided by the obligor.

(a) If the notice is returned, the Agency shall send notice to the obligor using the current employer mailing address provided by the obligor.

(b) If the notice to the obligor mailed to the obligor's employer is returned, the Agency shall use all appropriate tribal, federal, state and local resources to ascertain an obligor's current mailing address.

(c) If those resources are used for a period of ~~sixty~~ thirty (630) days and a verified mailing address has not been identified, the Agency may proceed with the administrative enforcement action.

704.13-6. ~~2.4-4~~ Notice to the Obligee of Enforcement Proceedings. The Agency shall provide written notice to the obligee when an enforcement action has been initiated against the obligor or when the obligor requests a hearing and the hearing has been scheduled. The notice to the obligee shall be sent at the same time notice is sent to the obligor.

704.13-7. ~~2.4-5~~ Notice to Individuals Other Than the Obligor with a Recorded Ownership Interest in Property. The Agency shall provide notice related to the seizure of property to any individual, other than the obligor, with a recorded ownership interest in property subject to seizure. The individual may request a hearing for a determination of the proportion of the value of the property that is attributable to his or her net contribution to the property. The hearing shall be requested within thirty (30) days after the notice was received by the individual.

704.14. Alternative Payment Plans

704.14-1. ~~2.9-1~~ Applicability of Alternative Payment Plans. When an obligor is subject to administrative enforcement action, he or she may negotiate an alternative payment plan with the Agency.

704.14-2. ~~2.9-2~~ Negotiation of an Alternative Payment Plan After Receiving Notice of an Enforcement Action.

(a) In order to negotiate an alternative payment plan, an obligor shall submit a written request to the Agency.

(1) A written request to negotiate an alternative payment plan received by the Agency within ten (10) business days after the date of notice shall stay any administrative enforcement action.

(2) If a written request to negotiate an alternative payment plan is received by the Agency more than ten (10) business days after the date of notice, administrative enforcement action may be taken, ~~as long as the requirements of 2.9-3 and 2.9-4 are met.~~

(3) If the Agency agrees to negotiate an alternative payment plan after the ten (10) business days after the date of notice, the Agency and obligor may agree to stay or suspend the administrative enforcement action.

(b) An obligor may negotiate a plan with the Agency to have a license ~~suspension lifted issued or renewed after it has been restricted, limited, suspended or refused.~~

(c) ~~Hearings for Negotiations of an Alternative Payment Plan.~~ The obligor may submit a written request for a hearing ~~on the reasonableness of the plan within ten (10) business days after the terms of the plan are agreed upon~~ with the Family Court regarding negotiations of an alternative payment plan in the following circumstances:

(1) The obligor and the Agency have agreed to terms of a plan, but the obligor wants the Family Court to consider the reasonableness of the plan due to a substantial change of circumstances since the plan was agreed to by the Agency and the obligor.

(A) The ~~the~~ obligor may submit ~~this~~ a written request for a hearing on the reasonableness of the plan within ten (10) business days after the terms of the plan are agreed upon.

(2) ~~If the Agency and the obligor~~ The obligor and the Agency are unable to reach agreement on the terms of a plan ~~a hearing may be conducted~~.

(A) The Family Court may order a plan by setting conditions and/or payments in the amounts and at the times it considers reasonable.

(d) ~~2.9-5. Proceeding with Administrative Enforcement Actions.~~ The Agency may continue with the administrative enforcement action if:

(1a) the obligor and the Agency are unable to negotiate a plan;

(2b) the Family Court determines that the plan is not reasonable; and/or

(3e) the Family Court does not order a plan.

~~704.14-3. 2.9-6~~ *Disclosure of Income and Assets.* The request to negotiate a plan shall include an agreement by the obligor to provide the Agency with a full disclosure of income and assets available. The obligor shall provide complete income and assets information to the Agency within five (5) business days of the request to negotiate a plan.

~~704.14-4. 2.9-7~~ *Terms of an Alternative Payment Plan.*

(a) An alternative payment plan may include a lump-sum payment, or periodic payments on the arrears, or both, subject to the following standards:

(1) The sum of any periodic payment established under the plan and any other payment of support ordered by the Family Court, when subtracted from the obligor's gross income, may not leave the obligor below ~~one hundred percent~~ (100%) of the poverty line established under 42 U.S.C. §9902 (2) unless the obligor agrees otherwise.

(2) When establishing an alternative payment plan, the Agency shall consider the factors used by the Family Court in determining whether the use of the percentage standard is unfair to the child or any of the parties.

(b) Periodic payments under the plan may be made through income withholding in amounts in addition to the amount ordered in the child support order that is in effect.

~~704.14-5. 2.9-3.~~ *Staying Administrative Enforcement Actions.* Administrative enforcement actions shall be stayed by the Agency while the obligor and the Agency are negotiating a plan, or, if a hearing is requested ~~because an agreement cannot be reached or the reasonableness of the plan is questioned~~, until the Family Court determination has been made. To stay an administrative enforcement action means the following:

(a) The obligor shall not be certified for denial, nonrenewal, restriction, or suspension of ~~professional, occupational, fishing, recreational, motor vehicle and/or Oneida-issued~~ ~~Licenses~~ ~~any State or Oneida-issued licenses~~;

(b) Any frozen financial accounts shall remain frozen and shall not be seized; and

(c) Personal property that has been seized shall not be sold.

~~704.14-6. 2.9-4.~~ *Suspension of Administrative Enforcement Actions.*

(a) When a plan has been negotiated between the obligor and the Agency, or the Family Court has determined that a plan is reasonable or has ordered a plan, the Agency shall suspend administrative enforcement actions as long as the obligor complies with the plan

or requests a hearing because of a substantial change in circumstances which makes the plan unreasonable.

(b) If an obligor makes an ~~full~~ arrears payment agreeable to the Agency, the administrative enforcement action shall be suspended.

~~704.14-7. 2.9-8. Default on an Alternative Payment Plan.~~ In the event that the obligor defaults on the plan, the Agency shall notify the obligor in writing that an administrative enforcement action shall be implemented unless the ~~child support~~ lien is paid in full.

~~704.14-8. 2.9-9. Renegotiation of an Alternative Payment Plan.~~ After the entry of an alternative payment plan, the plan may be renegotiated upon the written request of the obligor or Agency if the requesting party can show a substantial change in circumstances. A substantial change in circumstances includes any of the following:

(a) A change in the obligor's income or assets, including the sale or purchase of real or personal property;

(b) A change in the obligor's earning capacity; and/or

(c) Any other factor that the Agency determines is relevant.

~~2.9-10. Obligors with Cases in Multiple Jurisdictions:~~

~~(a) When multiple child support agencies initiate administrative enforcement actions against the same obligor, and the obligor negotiates an alternative payment plan with one of the agencies, the plan does not preclude any other child support agency from proceeding with its administrative enforcement action.~~

~~(b) If a child support agency which has a lien against property of an obligor negotiates an alternative payment plan with the obligor, the agency may receive proceeds from the sale of the obligor's personal property under the lien including, but not limited to, proceeds from administrative enforcement actions taken by other child support agencies.~~

704.15. Administrative Enforcement Action

~~704.15-1. The Agency shall have the authority to use administrative enforcement actions to enforce a child support order without obtaining an order from the Family Court in the event that an obligor is at least one (1) month delinquent in paying his or her child support obligations.~~

~~704.15-2. 2.5-1 Liens.~~ The Agency shall have an obligor placed on the lien docket if the obligor owes a debt in one or more of the obligor's cases equal to or exceeding the monthly amount due or ~~five hundred dollars (\$500.00)~~, whichever is greater.

(a) ~~2.5-2 Lien Amount.~~ The lien amount on the lien docket shall equal the sum of lien amounts from the cases in which the lien amount meets or exceeds the lien threshold.

(b) ~~2.5-3 Filing Date.~~ The filing date on the lien docket is the date that a lien is first docketed and delivered to the register of deeds. The filing date is the effective date of the lien. The effective date does not change if the lien amount is adjusted up or down within five (5) years after the date that the lien is first docketed.

(c) ~~2.5-4 Lien Priority.~~ The child support lien shall have priority over all other liens on property except:

(1) ~~tax and special assessment liens;~~

(2) ~~purchase money mortgages;~~

(3) ~~construction liens;~~

(4) ~~environmental liens;~~

(5) ~~liens that are filed or recorded before the child support lien becomes effective;~~
and

(6) ~~any other lien given priority under the law.~~

- (d) ~~(a)~~ Property subject to a lien includes personal property in which the obligor has a recorded ownership interest.
- (e) *Effect on a Good Faith Purchaser.* ~~(b)~~ A child support lien is not effective against a good faith purchaser of titled personal property unless the lien is recorded on the title.
- (f) 2.5-5 Credit Bureau Reporting. The Agency may report the total amount of an obligor's liens to the credit bureau, so long as the lien is fully enforceable and the case is not barred from credit bureau reporting.
- 2.5-6. Denial of State-issued Grants and Loans. Wisconsin state agencies may deny grants and loans to an obligor who is placed on the lien docket. These grants and loans include student loans and higher education grants, as well as mortgage loans from the Wisconsin Housing and Economic Development Authority (WHEDA).
- (g) *Agency Lien Responsibilities.* 2.5-7 The Agency shall, ~~either on its own or in conjunction with the State,~~ be responsible for:
- (a1) updating the lien docket periodically;
 - (b2) providing a copy of the lien docket to the appropriate register of deeds;
 - (e3) responding to inquiries concerning information recorded on the lien docket;
 - (d4) ensuring the satisfaction of a lien is recorded on the lien docket;
 - (e5) renewing a lien if the lien amount equals or exceeds the lien threshold at the end of the five (5) year effective period;
 - (1A) When a lien is renewed, the date on which the lien is renewed shall become the effective date of the lien, and a new five (5) year period shall commence.
 - (f6) sending the obligor a notice when a lien has been renewed; and
 - (g7) developing procedures for releasing a lien and releasing specific property from a lien.
- (h) 2.5-8 Financial Record Review.
- (a1) An obligor may request a financial record review; ~~in writing to the Agency~~ within ten (10) business days of the date of notice of a lien, to determine the correctness of the financial records in a case. ~~The request shall be made in writing to the Agency.~~
 - (b2) Upon receiving a request for a financial record review, the Agency shall, at no charge to the obligor, provide the obligor with:
 - (1A) all relevant financial records;
 - (2B) information explaining how to interpret the records; and
 - (3C) a form the obligor may use to identify any alleged errors in the records.
 - (e3) Within twenty (20) days after receiving the relevant financial records, the obligor may:
 - (1A) request a meeting with the Agency to review the financial records and to discuss any alleged errors; and/or
 - (2B) provide a statement of alleged error on the documents.
 - (Ai) The Agency shall review the records to determine whether the alleged error is correct and provide a written determination within sixty (60) days after the obligor's request for a financial record review is received as to whether the lien against the obligor is in the correct amount.
 - (d4) The Agency may proceed with the lien if:

1301 (1A) the obligor does not request a meeting with the Agency or provide a
1302 statement of alleged error within twenty (20) days after receiving the
1303 financial records; or
1304 (2B) no errors are found in the financial records of the case; or
1305 (3C) the arrears exceed the required threshold amount after any errors in
1306 the financial records are corrected.

1307 704.15-3. Seizure of Property. 2.6-1. When seizing property. The Agency shall have the authority
1308 to seize property, whether an account or personal property, of an obligor. The Agency shall
1309 presume that an obligor's equity or ownership in the property is an equal pro-rata share of the
1310 equity or ownership based on the number of individuals with a recorded ownership interest in the
1311 property.

1312 (a) 2.6-2 Account Seizure. Once a lien is placed against an obligor, the Agency may initiate
1313 an account seizure if there is a lien against an obligor and the lien amount in the obligor's
1314 case equals or exceeds three hundred percent (300%) of the monthly amount due in the
1315 order, or one thousand dollars (\$1,000), whichever is greater.

1316 (a1) The Agency may not issue a notice of seizure unless the sum of the funds in
1317 all of the obligor's financial accounts, minus expected seizure fees and any early
1318 withdrawal penalty, exceeds five hundred dollars (\$500). The first five hundred
1319 dollars (\$500) of each account shall not be frozen and/or seized.

1320 (b2) The notice issued by the Agency shall instruct the financial institution of the
1321 following:

1322 (1A) The maximum amount frozen in an account may not exceed the
1323 amount specified by the Agency in the notice.

1324 (2B) The maximum amount frozen in an account may not exceed the
1325 obligor's ownership interest.

1326 (3C) A financial institution is not liable for encumbering or surrendering
1327 any assets held by the financial institution in response to instructions from
1328 the Agency for the purpose of enforcing a child support order.

1329 (b) 2.6-3 Seizure of Personal Property-Other than Financial Accounts. In addition to the
1330 requirements under (a) and (b) below, Once a lien is placed against an obligor, the Agency
1331 may initiate the seizure of personal property if there is a lien against an obligor and the lien
1332 amount equals or exceeds six hundred percent (600%) of the monthly amount due in the
1333 order. Upon issuance of a written order of execution, non-exempt personal property may
1334 be seized and sold in a reasonable manner after notice to the owner in payment of a child
1335 support obligation that has been adjudicated delinquent by the Family Court. Ceremonial
1336 or religious property and real property are exempt from such writs of execution

1337 (a1) Personal Property. The Agency may seize personal property if the obligor's
1338 equity in the property, minus expected seizure fees, exceeds five hundred dollars
1339 (\$500) per item total.

1340 (b) The Tribe's "Disposition of Excess Tribal Property Policy" shall not apply to
1341 any property seized under this law.

1342 (2) Ceremonial or religious property and/or real property are exempt and shall not
1343 be seized by the Agency.

1344 (3) Process for Seizing Property. The Agency shall follow the following process
1345 for seizing personal property:

1346 (A) The Agency shall notify the obligor of the intent to request the Family
1347 Court to issue an order of execution for the seizure of property.

(B) The Agency shall request the Family Court to grant a written order of execution for the seizure of property. The Agency shall provide the Family Court an affidavit that notice of this request has been provided to the obligor.

(C) Upon issuance of a written order of execution by the Family Court, non-exempt personal property may be seized and sold in a reasonable manner.

704.15-4. Attachment of Per Capita Payments. The Agency may initiate the attachment and/or seizure of per capita payments of ~~tribal~~ members of the Nation in accordance with applicable laws of the Nation.

704.15-5. 2.7-2 License Suspension. ~~(a)~~ The Agency may initiate the suspension or denial of occupational, fishing, recreational, motor vehicle and/or Oneida issued licenses both State and Oneida issued licenses if there is a lien against an obligor that equals or exceeds three hundred percent (300%) of the monthly amount due in the child support order, or one thousand dollars (\$1000), whichever is greater.

~~(a)~~ The types of State or Oneida issued licenses that the Agency may initiate the suspension or denial of include, but are not limited to, vendor, professional, occupational, hunting, fishing, recreational, and/or motor vehicle licenses.

~~(b)~~ ~~Suspension of an occupational and/or motor vehicle license shall be pursued only as a last resort and~~ the Agency shall not initiate the suspension of an occupational and/or motor vehicle license~~(s)~~ if:

(1) there is an order in place that prohibits the suspension of the license~~(s)~~;

(2) the obligor has filed for bankruptcy; or

(3) action has already been taken to suspend the license.

~~(bc)~~ When an Oneida-issued license is suspended, that suspension shall be binding on and given effect by the license issuing agencies. Orders affecting licenses issued by other governmental agencies shall be sent to such agencies for enforcement.

704.15-6. Intercept of Lump-Sum Pension Payments, Judgments, and Settlements ~~Intercepts.~~ Once an obligor has been placed on the lien docket the Agency may initiate the intercept of lump-sum pension payments, judgments and/or settlements ~~when an obligor has been placed on the lien docket.~~

(a) When initiating the intercept of lump-sum pension payments, judgments and/or settlements, the Agency shall specify in the notice that the amount withheld from the lump-sum pension payment, judgment or settlement may not exceed the obligor's ownership interest in the payment.

704.15-7. Tax and Lottery Intercepts. The Agency may coordinate with a federal or state agency in order to enforce a child support order through a tax and/or lottery intercept. Once an obligor has been notified that his or her tax refund and/or lottery winnings may be intercepted, that notice is valid until all arrears are paid in full.

(a) Federal Tax Intercept. The Agency may certify a federal tax intercept when the requirements pertaining to federal tax intercept contained in an agreement between the State and the Nation have been met.

(b) Wisconsin State Tax and/or Lottery Intercept. The Agency may certify a Wisconsin state tax intercept and/or a Wisconsin state lottery intercept, when the lottery winnings are one thousand dollars (\$1,000) or more, when the following requirements are met:

(1) The arrears shall be at least one hundred and fifty dollars (\$150);

(2) The arrears shall be at least thirty (30) days old; and

(3) The arrears shall be for a minor child or a child who has reached the age of eighteen (18) within the last twenty (20) year.

~~(e) Wisconsin Lottery Intercept. When a case is certified for Wisconsin state tax intercept, it shall also be automatically certified for Wisconsin lottery intercept for lottery winnings of one thousand dollars (\$1,000) or more.~~

704.15-8. 2.7-5 *Passport Denial.* If a federal tax intercept is in place and the obligor owes ~~five~~ **two thousand five hundred** dollars (~~\$25,500~~**\$25,500**) or more in arrears, an obligor may be denied a passport. The arrears must meet the criteria for federal tax intercept in order for passport denial to be used as an enforcement tool. An obligor shall be removed from the passport denial list if:

(a) The federal tax intercept certification amount is zero (0);

(b) The obligor makes a lump-sum payment and/or negotiates a payment plan with the Agency;

(c) The obligor has to travel abroad because of a life-or-death situation involving an immediate family member, ~~such as the obligor's parent, guardian, step parent, child, stepchild, grandparent, sibling, step sibling, aunt, uncle or spouse;~~ or

(d) The obligor was denied a passport in error.

704.16. Family Court Contempt Enforcement Action

704.16-1. 2.8-1 If the Agency does not have the authority to conduct the appropriate enforcement action, or the obligor is unresponsive to the enforcement actions being imposed by the Agency, ~~the case shall be referred to the~~ **Agency shall file a motion for contempt with the** Family Court ~~for enforcement.~~ **2.8-2** ~~During a contempt proceeding t~~The Family Court may order any of the enforcement actions the Agency is authorized to implement, **in addition to the contempt actions described in this section.** ~~In addition, the Family Court may order the following to enforce a child support order:~~

704.16-2. 2.8-2(d) *Contempt.* The Family Court may hold ~~a~~**An** obligor who ~~disobeys a~~ **fails to** comply with a lawful child support order in contempt. An obligor found to be in contempt shall be subject to **any of the folloing punishments:** ~~for contempt of court.~~

~~(a)-2.8-2(e)~~ *Community Service.* The Family Court may order an obligor to perform community service. The number of hours of work required may not exceed what would be reasonable considering the amount of arrears the obligor owes. The obligor shall be provided a written statement of the terms of the community service order and that the community service order is monitored. The order shall specify:

(1) how many hours of community service the obligor is required to complete;

(2) the time frame in which the hours must be completed;

(3) how the obligor will report his or her hours; and

(4) any other information the Family Court determines is relevant.

(b) Fines. An obligor found in contempt of court may be fined in an amount not to exceed one thousand dollars (\$1,000.00) per act of contempt and may not exceed five thousand dollars (\$5,000.00) in total. In instances of continuing contempt, each day shall constitute a separate act of contempt.

~~(c) 2.8-2(e)~~ *Incarceration.* The Family Court may order an obligor be incarcerated, ~~contingent on the agreements necessary to enable the Tribe to incarcerate individuals.~~ Before a jail sentence is imposed, the Family Court may provide other conditions that require a certain amount of money be paid or action be taken for an obligor to avoid incarceration.

(d) 2.8-3 Criminal Non-Support. A criminal non-support action may be initiated, in the appropriate county, against an obligor who has the ability to pay child support and willfully or intentionally failed to pay and the obligor knew or reasonably should have known he or she was legally obligated to provide.

(e) 2.8-2(a) Bonds and Other Guarantees. The Family Court may require an obligor to provide a surety, bond or guarantee to secure the payment of arrears, if ~~wage-income withholding~~ is not applicable, practical, or feasible to secure payment of arrears.

(f) 2.8-2(b) Claims Against Estates. ~~(1)-~~The Family Court may approve a claim for past and future support against an obligor's estate. ~~(2)-~~The Family Court may issue a restraining order against an estate from which an obligor will inherit.

704.17. Full Faith and Credit for Foreign Child Support Orders

704.~~11~~17-1. ~~Properly issued child~~ Child support orders, ~~and~~ judgments, or decrees of other Indian federally recognized tribes, ~~tribal organizations~~, and states, that relate to child support shall be recognized and modified in accordance with the requirements under the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738B.

704.~~11~~17-2. A foreign order is authenticated by reasonable proof that the document tendered to the Family Court is a true certified copy of the foreign order as it is recorded in the agency or court of the issuing jurisdiction. An authentication stamp issued by a court clerk or custodian of records, or a court seal, is sufficient evidence of authenticity.

704.~~11~~17-3. Unless defects in jurisdiction are apparent on the face of the foreign order, the person contesting enforcement of the order has the burden of showing the order is not valid. Upon a failure to respond to notice of the order and to timely contest it, the Family Court shall enforce it as an order of the Family Court ~~order~~.

704.~~11~~17-4. If a foreign order is brought before the Family Court solely for an interpretation of the terms of the order, and the order has been recognized and given full faith and credit by the Family Court, the Family Court shall interpret the order by applying the law of the forum that issued the foreign order.

704.18. Right of Appeal

704.~~128~~17-1. Appeals of Administrative Enforcement Action. Any enforcement action implemented by the Agency may be appealed to the Family Court within thirty (30) calendar days after the date that the action is enforced, ~~be appealed to the Family Court~~. The decision of the Family Court as to the Agency's administrative enforcement action shall be final and non-appealable.

704.~~128~~17-2. Appeals of Family Court Decisions. ~~If the Family Court conducts a hearing under this law a~~ A party may appeal a Family Court decision, other than the decision of the Family Court in regard to administrative enforcement action as referenced in section 704.18-1, to the Nation's Court of Appeals within thirty (30) calendar days after the date ~~that~~ the Family Court ~~makes a~~ made the decision, ~~appeal that decision to the Court of Appeals of the Judiciary~~. The ~~appellate body~~ review of the Court of Appeals shall be based on the record and the original decision of the Family Court.

End.

Emergency Adopted - BC-06-30-08-C (Expired)
Emergency Extended - BC-12-10-08-H (Expired)
Permanently Adopted- BC-06-24-09-B
Emergency Amended - BC-10-28-09-E
Amended - BC-02-24-10-G
Amended - BC-06-22-11-K

Amended - BC-10-10-12-C
Amended - BC-08-13-14-E
Amended - BC-__-__-__-__

Rule CS-1

~~DEVIATION FROM CHILD SUPPORT PERCENTAGE STANDARDS~~

1.1. Introduction	1.3. Support Orders
1.2. Definitions	1.4. Determining the Child Support Obligation in Special Circumstances

~~1.1. Introduction~~

~~1.1-1. Purpose. This rule is promulgated for the purpose of determining child support when circumstances require a deviation from the percentage standards in Chapter 704.~~

~~1.1-2. Applicability. This rule applies to any child support order or child support order modification implemented under Chapter 704.~~

~~1.1-3. Effect of Rule Change. A modification of any provision in this rule shall not in and of itself be considered a substantial change in circumstances sufficient to justify a revision of a judgment or order under Chapter 704. A modification of any provision in this rule shall apply to orders established after the effective date of the modification.~~

~~1.1-4. This rule shall be effective June 24, 2009.~~

~~1.2. Definitions~~

~~1.2-1. In this rule:~~

~~(a) "Adjusted monthly income" means the monthly income at which child support is determined for serial family obligors, which is the obligor's monthly income less the amount of any existing legal obligation for child support.~~

~~(b) "Agency" means the Oneida Tribe Child Support Agency.~~

~~(c) "Basic support costs" means food, shelter, clothing, transportation, personal care, and incidental recreational costs.~~

~~(d) "Child" means a person under the age of eighteen (18), or any person who is less than nineteen (19) years old if he or she is pursuing a high school diploma or its equivalent from an accredited course of instruction.~~

~~(e) "Child support" means the total financial obligation a parent has towards his or her child as established through judicial and/or administrative processes.~~

~~(f) "Child Support Order" means a judgment of the Family Court or a court of competent jurisdiction ordering payment of child support which provides monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, income withholding, attorneys' fees and other relief.~~

~~(g) "Current 6 month treasury bill rate" means the yield of a U.S. government security with a term of 6 months.~~

~~(h) "Dependent household member" means a person for whom a taxpayer is entitled to an exemption for the taxable year under 26 USC 151.~~

~~(i) "Family Court" shall mean the judicial arm of the Tribe that is designated to handle all matters under this Law.~~

~~(j) "Federal dependency exemption" means the deduction allowed in computing taxable income pursuant to 26 USC 151 for a child of the taxpayer who has not attained the age of nineteen (19) or who is a student.~~

1538 ~~(k) “Gross income” means any form of payment due to an individual regardless of source,~~
1539 ~~including, but not limited to:~~

1540 ~~(1) Salary and wages, including overtime pay.~~

1541 ~~(2) Interest and investment income.~~

1542 ~~(3) Social Security disability and old age insurance benefits under 42 USC 401 to~~
1543 ~~433.~~

1544 ~~(4) Net proceeds resulting from worker’s compensation or other personal injury~~
1545 ~~awards intended to replace income.~~

1546 ~~(5) Unemployment insurance.~~

1547 ~~(6) Income continuation benefits.~~

1548 ~~(7) Voluntary deferred compensation and voluntary employee contributions to the~~
1549 ~~following: employee benefit plan, profit sharing, pension or retirement account.~~

1550 ~~(8) Military allowances and veterans benefits.~~

1551 ~~(9) Undistributed income of a corporation or any partnership in which the parent~~
1552 ~~has an ownership interest sufficient to individually exercise control or to access the~~
1553 ~~earnings of the business, unless the income included is an asset.~~

1554 ~~(10) Per capita distribution payments.~~

1555 ~~(11) Lease or rental income.~~

1556 ~~(12) Prizes over \$1,000.00.~~

1557 ~~(13) All other income, whether taxable or not, except that gross income does not~~
1558 ~~include any of the following:~~

1559 ~~(A) Child support.~~

1560 ~~(B) Foster care payments.~~

1561 ~~(C) Kinship care payments.~~

1562 ~~(D) Public assistance benefits, except that child care subsidy payments shall~~
1563 ~~be considered income to a child care provider.~~

1564 ~~(E) Food stamps.~~

1565 ~~(F) Public assistance or financial hardship payments paid by a county or a~~
1566 ~~tribe.~~

1567 ~~(G) Supplemental Security Income under 42 USC 1381 to 1383(f) and state~~
1568 ~~supplemental payments.~~

1569 ~~(H) Payments made for social services.~~

1570 ~~(l) “Income imputed based on earning capacity” means the amount of income that exceeds~~
1571 ~~the parent’s actual income and represents the parent’s ability to earn, based on the parent’s~~
1572 ~~education, training and recent work experience, earnings during previous periods, current~~
1573 ~~physical and mental health, history of child care responsibilities as the parent with primary~~
1574 ~~physical placement, and the availability of work in or near the parent’s community.~~

1575 ~~(m) “Income imputed from assets” means the amount of income ascribed to assets that are~~
1576 ~~unproductive and to which income has been diverted to avoid paying child support or from~~
1577 ~~which income is necessary to maintain the child or children at the standard of living they~~
1578 ~~would have if they were living with both parents, and that exceeds the actual income from~~
1579 ~~the assets.~~

1580 ~~(n) “Income modified for business expenses” means the amount of income after adding~~
1581 ~~wages paid to dependent household members, adding undistributed income that the Family~~
1582 ~~Court determines is not reasonably necessary for the growth of the business, and~~
1583 ~~subtracting business expenses that the Family Court determines are reasonably necessary~~
1584 ~~for the production of that income or operation of the business and that may differ from the~~
1585 ~~determination of allowable business expenses for tax purposes.~~

~~(o) “Intact family” means a family in which the child or children and the obligor reside in the same household and the obligor shares his or her income directly with the child or children and has a legal obligation to support the child or children.~~

~~(p) “Low income obligor” means an obligor for whom the Family Court uses the monthly support amount provided in the schedule in Appendix A based on the Family Court’s determination that the obligor’s total economic circumstances limit his or her ability to pay support at the level provided under 704.7 2(a) and the obligor’s income is at a level set forth in the schedule in Appendix A.~~

~~(q) “Marital child” means a child born during the marriage of his or her parents. In addition, if the father and mother of a non-marital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother were terminated before either of these circumstances, the child becomes a marital child and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. The children of all marriages declared void under the law are nevertheless marital children.~~

~~(r) “Monthly income” means the obligor’s income available for child support and is the obligor’s annual gross income or, if applicable, the obligor’s annual income modified for business expenses; plus the obligor’s annual income imputed based on earning capacity; plus the obligor’s annual income imputed from assets; divided by twelve (12).~~

~~(s) “Parent” means the natural or adoptive parent of the child.~~

~~(t) “Obligee” means the person or entity to whom child support is owed.~~

~~(u) “Obligor” means the person who is obliged to pay child support to the obligee.~~

~~(v) “Serial family obligor” means an obligor with an existing legal obligation for child support who incurs an additional legal obligation for child support in a subsequent family as a result of a child support order.~~

~~(w) “Shared placement obligor” means a parent who has an ordered period of placement of at least twenty five percent (25%), is ordered by the Family Court to assume the child’s basic support costs in proportion to the time that the parent has placement of the child and is determined to owe a greater support amount than the other parent.~~

~~(x) “Split placement obligor” means a obligor who has two (2) or more children and who has physical placement of one (1) or more but not all of the children.~~

~~(y) “Variable costs” means the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to, the cost of child care, tuition, a child’s special needs, and other activities that involve substantial cost.~~

1.3. Support Orders

~~1.3-1. *Determining Income Modified for Business Expenses.* In determining a parent’s monthly income, the Family Court may adjust a parent’s gross income as follows:~~

~~(a) Adding wages paid to dependent household members.~~

~~(b) Adding undistributed income that the Family Court determines is not reasonably necessary for the growth of the business. The parent shall have the burden of proof to show that any undistributed income is reasonably necessary for the growth of the business.~~

~~(c) Reducing gross income by the business expenses that the Family Court determines are reasonably necessary for the production of that income or operation of the business and that may differ from the determination of allowable business expenses for tax purposes.~~

~~1.3-2. *Determining Income Imputed Based on Earning Capacity.* When a parent’s income is less than the parent’s earning capacity or is unknown, the Family Court may impute income to the parent at an amount that represents the parent’s ability to earn, based on the parent’s education,~~

~~training and recent work experience, earnings during previous periods, current physical and mental health, history of child care responsibilities as the parent with primary physical placement and the availability of work in or near the parent's community. If evidence is presented that due diligence has been exercised to ascertain information on the parent's actual income or ability to earn and that information is unavailable, the Family Court may impute to the parent the income that a person would earn by working thirty-five (35) hours per week for the federal minimum hourly wage under 29 USC 206 (a)(1). If a parent has gross income or income modified for business expenses below his or her earning capacity, the income imputed based on earning capacity shall be the difference between the parent's earning capacity and the parent's gross income or income modified for business expenses.~~

~~1.3.3. *Determining Income Imputed From Assets.*~~

~~(a) The Family Court may impute a reasonable earning potential to a parent's assets if the Family Court finds both of the following:~~

~~(1) The parent has ownership and control over any real or personal property, including but not limited to, life insurance, cash and deposit accounts, stocks and bonds, business interests, net proceeds resulting from worker's compensation or other personal injury awards not intended to replace income, and cash and corporate income in a corporation in which the parent has an ownership interest sufficient to individually exercise control and the cash or corporate income is not included as gross income.~~

~~(2) The parent's assets are underproductive and at least one (1) of the following applies:~~

~~(a) The parent has diverted income into assets to avoid paying child support.~~

~~(b) Income from the parent's assets is necessary to maintain the child or children at the standard of living they would have had if they were living with both parents.~~

~~(b) The Family Court shall impute income to assets by multiplying the total net value of the assets by the current 6-month treasury bill rate or any other rate that the Family Court determines is reasonable and subtracting the actual income from the assets that were included as gross income.~~

~~1.3.4. *Adjustment for Child's Social Security.* The Family Court may include benefits received by a child under 42 USC 402(d) based on a parent's entitlement to federal disability or old-age insurance benefits under 42 USC 401 to 433 in the parent's gross income and adjust a parent's child support obligation by subtracting the amount of the child's social security benefit. In no case may this adjustment require the obligee to reimburse the obligor for any portion of the child's benefit.~~

~~1.3.5. *Expression of Ordered Support.* The support amount shall be expressed as a fixed sum unless the parties have stipulated to expressing the amount as a percentage of the obligor's income and the stipulation requirements of Chapter 704 are satisfied.~~

~~1.3.6. *Trust.* The Family Court may protect and promote the best interests of the minor children by setting aside a portion of the child support that either party is ordered to pay in a separate fund or trust for the support, education, and welfare of such children.~~

~~1.3.7. *Dependency Exemption.* The Family Court may order the obligee to waive the federal dependency exemption provided that the obligee's execution of the exemption waiver is made contingent on the receipt of child support payments.~~

~~1.4. *Determining the Child Support Obligation in Special Circumstances*~~

1.4-1. Determining the Child Support Obligation of a Serial Family Obligor:

(a) Applicability. This subsection applies only if the additional child support obligation incurred by an obligor is the result of a child support order and the support obligation being calculated is for children from a subsequent family or subsequent paternity judgment or acknowledgment. An obligor may not use the provisions of this section as a basis for seeking modification of an existing order based on a subsequently incurred legal obligation for child support.

(b) Determination. For a serial family obligor, the child support obligation incurred for a marital or nonmarital child in a subsequent family as a result of a child support order may be determined as follows:

(1) Determine the obligor's monthly income;

(2) Determine the order of the obligor's legal obligations for child support by listing them according to the date each obligation is incurred. For a marital child, the legal obligation for child support is incurred on the child's date of birth. For a nonmarital child, the legal obligation for child support is incurred on the date of the child support order. For a nonmarital child in an intact family, it is incurred on the date of adoption or the date of the filing of an acknowledgement of paternity. For a nonmarital maternal child in an intact family, it is incurred on the child's date of birth;

(3) Determine the first child support obligation as follows:

(a) If the obligor is subject to an existing support order for that legal obligation, except a shared placement order, the support for that obligation is the monthly amount of that order; or

(b) If the obligor is in an intact family or is subject to a shared placement order, the support is determined by multiplying the appropriate percentage for that number of children by the obligor's monthly income;

(4) Adjust the monthly income by subtracting the support for the first legal obligation under (3) from the obligor's monthly income under (1);

(5) Determine the second child support obligation as follows:

(a) If the obligor is subject to an existing support order for that legal obligation, except a shared placement order, the support for that obligation is the monthly amount of that order; or

(b) If the obligor is in an intact family or is subject to a shared placement order, the support is determined by multiplying the appropriate percentage for that number of children by the obligor's monthly income;

(6) Adjust the monthly income a second time by subtracting the support for the second legal obligation determined under (5) from the first adjusted monthly income determined under (4);

(7) Repeat the procedure under (5) and (6) for each additional legal obligation for child support the serial family obligor has incurred;

(8) Multiply the appropriate percentage for the number of children subject to the new order by the final adjusted monthly income determined in either (6) or (7) to determine the new child support obligation.

Note: The following example shows how the child support obligation is determined for a serial family obligor whose additional child support obligation has been incurred for a subsequent family:

Assumptions:

- ~~Parent A's current monthly income is \$3000.~~
- ~~Parent A and Parent B were married, had a child in 1990 and divorced in 1991. Parent A is subject to an existing support order of \$450 per month.~~
- ~~Parent A remarries and has two children, one born in 1996 and the other in 1997, and remains an intact family.~~
- ~~Parent A was adjudicated the father in 1998 for a child born in 1995. Child support needs to be established for this child.~~

~~Order of parent A's legal obligation for child support:~~

- ~~First legal obligation: one child (1990) (divorcee)~~
- ~~Second legal obligation: 2 children (1996 and 1997) (intact family)~~
- ~~Third legal obligation: one child (1998) (paternity)~~

~~Calculation:~~

- ~~Parent A's current monthly income \$3000.~~
- ~~The first legal obligation is subject to an existing monthly support order (divorcee) \$450.~~
- ~~Adjust the monthly income \$3000 — 450~~
- ~~First adjusted monthly income \$2550~~
- ~~Determine support for the second legal obligation (intact family) \$2550 x .25 \$637.50~~
- ~~Adjust the first adjusted monthly income \$2550 — 637.50~~
- ~~Second adjusted monthly income \$1912.50~~
- ~~Determine support for the third legal obligation (paternity) \$1912.50 x .17 \$ 325.12~~

~~1.4 2. Determining the Child Support Obligations of Shared Placement Parents.~~

~~(a) The shared placement formula may be applied when both of the following conditions are met:~~

~~(1) Both parents have periods of placement of at least twenty five percent (25%) or ninety two (92) days a year. The period of placement for each parent shall be determined by calculating the number of overnights or equivalent care ordered to be provided by the parent and dividing that number by 365. The combined periods of placement for both parents shall equal 100%.~~

~~(2) Each parent is ordered by the Family Court to assume the child's basic support costs in proportion to the time that the parent has placement of the child.~~

~~(b) The child support obligations for parents who meet the requirements of (a) may be determined as follows:~~

~~(1) Determine each parent's monthly income. In determining whether to impute income based on earning capacity for an unemployed parent or a parent employed less than full time under 1.3 2, the Family Court shall consider benefits to the child of having a parent remain in the home during periods of placement and the additional variable day care costs that would be incurred if the parent worked more.~~

~~(2) Multiply each parent's monthly income by the appropriate percentage standard under 704.7.~~

~~(3) Multiply each amount determined under (2) by 150%.~~

~~(4) Multiply the amount determined for each parent under (3) by the proportion of the time that the child spends with the other parent to determine each parent's child support obligation.~~

~~(5) Offset resulting amounts under (4) against each other. The parent with a greater child support obligation is the shared placement obligor. The shared placement obligor shall pay the lesser of the amount determined under this section or the amount determined using the appropriate percentage standard under 704.7. If the shared placement obligor is also a low income obligor, the child support obligation may be the lesser of the amount determined under this section or under 1.4.4.~~

~~(6) In addition to the child support obligation determined under (5), the Family Court shall assign responsibility for payment of the child's variable costs in proportion to each parent's share of physical placement, with due consideration to a disparity in the parents' incomes. The Family Court shall direct the manner of payment of a variable cost order to be either between the parents or from a parent to a third party service provider. The Family Court shall not direct payment of variable costs to be made to the Agency or the Agency's designee, except as incorporated in the fixed sum or percentage expressed child support order.~~

~~Note: The following example shows how to calculate the child support obligations of shared placement parents:~~

- ~~• Number of children: Two~~
- ~~• Parent A: \$2,000 monthly income~~
- ~~• Ordered placement of the child for 219 days a year or 60%~~
- ~~• Parent B: \$3,000 monthly income~~

~~Ordered placement of the child for 146 days a year or 40%~~

	Parent A	Parent B
1. Monthly income	\$2,000	\$3,000
2. Monthly income X percentage standard for two children	$\$2,000 \times 25\% = \500	$\$3,000 \times 25\% = \750
3. Amount in 2. X 150%.	$\$500 \times 150\% = \750	$\$750 \times 150\% = \1125
4. Amount in 3. X the proportion of time that the child spends with the other parent	$\$750 \times 40\% = \300	$\$1125 \times 60\% = \675
5. Offset	$\$675 - \$300 = \$375$	
6. Family Court also assigns responsibility for payment of the child's variable costs.	Manner of payment is between the parents or from a parent to a third party service provider, except as incorporated in the fixed sum or percentage expressed child support order.	

~~1.4.3. Determining the Child Support Obligations of Split Placement Parents. For parents who have two (2) or more children and each parent has placement of one (1) or more but not all of the children, the child support obligations may be determined as follows:~~

~~(a) Determine each parent's monthly income.~~

~~(b) Multiply each parent's monthly income by the appropriate percentage for the number of children placed with the other parent to determine each parent's child support obligation.~~

~~(c) Offset resulting amounts under (b) against each other. The parent with a greater child support obligation is the split placement obligor.~~

~~Note: The following example shows how to calculate the amount of child support for split placement parents:~~

Assumptions:

- Parent A and B have 3 children.
- Parent A has placement of one child and Parent B has placement of 2 children.
- Parent A's monthly income is \$3,000.
- Parent B's monthly income is \$1,500.

Calculation:

- Parent A's child support obligation is $\$3,000 \times 25\% = 750$
- Parent B's child support obligation is $\$1,500 \times 17\% = 255$
- Parent A owes Parent B $750 - 255 = \$495$

1.4.4. Determining the Child Support Obligation of a Low Income Obligor.

(a) The Family Court may use the monthly support amount provided in the schedule in Appendix A as the support amount for an obligor with a monthly income at a level set forth in the schedule if the obligor's total economic circumstances limit his or her ability to pay support at the level determined under 704.7. If an obligor's monthly income is below the lowest income level in Appendix A, the Family Court may set an order at an amount appropriate for the obligor's total economic circumstances. This amount may be lower than the lowest support amount in Appendix A.

(b) The Agency shall revise the schedule in Appendix A at least once every four (4) years. The revision shall be based on changes in the federal poverty guidelines since the schedule was last revised.

Note: The schedule in Appendix A provides reduced percentage rates that may be used to determine the child support obligation for obligors with an income below approximately 125% of the federal poverty guidelines. If an obligor's monthly income is below approximately 75% of the federal poverty guidelines, the Family Court may order an amount appropriate for the obligor's total economic circumstances. For monthly income amount for child support between approximately 75% and 125% of the federal poverty guidelines, the percentage rates in the schedule gradually increase as income increases. The percentage rates used in 704.7 apply to obligors with income greater than or equal to approximately 125% of the federal poverty guidelines.

End.

Rule CS-2 ENFORCEMENT TOOLS

2.1. Purpose and Effective Date	2.6. Seizure of Property
2.2 Definition	2.7. Other Enforcement Tools
2.3. Compliance Plan	2.8. Family Court Enforcement Action
2.4. Notice of Enforcement Actions	2.9. Alternative Payment Plans
2.5. Liens	

2.1. Purpose and Effective Date

2.1-1. This rule is promulgated for the purpose of establishing the enforcement tools that may be used when an obligor is no longer paying the amount required by a child support order.

2.1-2. This rule shall be effective June 24, 2009.

2.2. Definitions

2.2-1. In this rule:

- (a) “Administrative enforcement actions” means actions authorized by federal regulations which are taken to enforce a child support order without obtaining an order from the Family Court.
- (b) “Agency” means the Oneida Tribe Child Support Agency.
- (c) “Alternative payment plan” or “plan” means a negotiated agreement between the Agency and an obligor, or an order set by the Family Court, to establish terms for the payment of arrears.
- (d) “Equity” means the fair market value of property minus the liens on that property with priority over the child support lien.
- (e) “Lien amount” means the difference between the monthly amount of support due and the arrears in a case.
- (f) “Lien docket” means the registry kept by the State of Wisconsin containing the names of people who owe past due child support.
- (g) “Monthly amount due” means the sum of court ordered provisions for periodic payments due in one (1) month, including any arrears payment.
- (h) “Obligee” means the person or entity to whom child support is owed.
- (i) “Obligor” means the person who is obliged to pay child support to the obligee.
- (j) “Ownership interest” means any personal financial interest.
- (k) “Qualified child” means an individual who is no longer a minor but who, while still a minor, was determined to be disabled under Title II or Title XVI of the Social Security Act.
- (l) “Threshold” means an amount, expressed as either a percentage of the monthly amount due, a fixed dollar amount, or both, that the lien amount must equal or exceed before an administrative enforcement action may be used to enforce a child support order.

2.3. Compliance Plan

2.3-1. The Agency shall attempt to meet with a party who is found to be subject to enforcement action as soon as possible by sending a Letter of Non-Compliance within five (5) business days of being informed of a party’s failure to either pay support as ordered or to meet a required obligation or action.

- (a) The Letter shall set out the conditions the party has failed to comply with, outline the enforcement actions that may be taken and request the party meet with the Agency.
- (b) If the party does not respond to the Letter within five (5) business days after receipt of the letter, the Agency shall send a second Letter.

~~(c) If the party fails to respond to the second Letter within five (5) business days after receipt of the letter, the Agency shall proceed with appropriate enforcement action.~~

~~(d) If the party responds to the Letter, the Agency shall interview the party to determine the reasons and barriers for the non-compliance and create a Compliance Plan. The Compliance Plan may include an increase in payment and/or any activity that is necessary to ensure payment, including programs that focus on:~~

~~(1) Employment and training;~~

~~(2) Social service and mental health;~~

~~(3) Physical and learning disabilities;~~

~~(4) Tribal traditions and customs;~~

~~(5) Family counseling.~~

~~(e) If the party successfully completes the Compliance Plan, no further enforcement action is necessary. However, if the party fails to complete the Compliance Plan, the Agency shall proceed with appropriate enforcement action.~~

2.4. Notice of Enforcement Actions

~~2.4.1. The enforcement actions in this rule may be applied when an obligor is no longer in compliance with a child support order and is not making efforts to comply with the order. An obligor shall be provided with at least thirty (30) days notice before an enforcement action is utilized, unless another time line is specified within this rule. An enforcement action shall be stayed and/or suspended after notice is given to the obligor if the obligor pays the debt in full or enters into, and maintains, an alternative payment plan.~~

~~2.4.2. Notice of Delinquency. In the event that an obligor owes a debt equal to or exceeding the monthly amount due, the Agency shall send a notice of delinquency to the obligor.~~

~~(a) The notice shall inform the obligor of the following:~~

~~(1) The dates that the delinquency accrued;~~

~~(2) The total amount of the delinquency;~~

~~(3) Any prior agreement or showing of good cause to not wage withhold may be terminated and the obligor may be subject to wage withholding;~~

~~(4) The enforcement action that may be taken as a result of the delinquency;~~

~~(5) The obligor may request, in writing to the Agency, to negotiate an alternative payment plan with the Agency within ten (10) business days after the service of notice in order to stay any enforcement action;~~

~~(6) The obligor has ten (10) business days after the service of the notice of delinquency to file an objection with the Agency presenting good cause why an arrears payment or other enforcement action should not be implemented. The only allowable objections are:~~

~~(A) There is an error in the amount of current or overdue support; or~~

~~(B) The identity of the obligor is mistaken.~~

~~(b) If the obligor does not file an objection or request to negotiate an alternative payment plan:~~

~~(1) the enforcement action shall be taken; and/or~~

~~(2) a wage withholding order, or revised order if one is already in place, shall be imposed on the payor. No more than an additional twenty percent (20%) of the current support payment order can be withheld to satisfy the delinquency provided that the total amount withheld does not exceed forty percent (40%) of the obligor's monthly income.~~

~~(c) If a permissible objection is filed, the obligor shall be entitled to a hearing before any enforcement action is taken.~~

~~2.4 3. Use of Mail. The Agency shall send notices related to the enforcement of a child support order by mail to the last known mailing address provided by the obligor. If the notice is returned, the Agency shall send notice to the obligor using the current employer mailing address provided by the obligor. If the notice to the obligor mailed to the obligor's employer is returned, the Agency shall use all appropriate tribal, federal, state and local resources to ascertain an obligor's current mailing address. If those resources are used for a period of sixty (60) days and a verified mailing address has not been identified, the Agency may proceed with the administrative enforcement action.~~

~~2.4 4. Notice to the Obligee of Enforcement Proceedings. The Agency shall provide written notice to the obligee when an enforcement action has been initiated against the obligor or when the obligor requests a hearing and the hearing has been scheduled. The notice to the obligee shall be sent at the same time notice is sent to the obligor.~~

~~2.4 5. Notice to Individuals Other Than the Obligor with a Recorded Ownership Interest in Property. The Agency shall provide notice related to the seizure of property to any individual, other than the obligor, with a recorded ownership interest in property subject to seizure. The individual may request a hearing for a determination of the proportion of the value of the property that is attributable to his or her net contribution to the property. The hearing shall be requested within thirty (30) days after the notice was received by the individual.~~

2.5. Liens

~~2.5 1. The Agency shall have an obligor placed on the lien docket if the obligor owes a debt in one or more of the obligor's cases equal to or exceeding the monthly amount due or \$500.00, whichever is greater.~~

~~2.5 2. Lien Amount. The lien amount on the lien docket shall equal the sum of lien amounts from the cases in which the lien amount meets or exceeds the lien threshold.~~

~~2.5 3. Filing Date. The filing date on the lien docket is the date that a lien is first docketed and delivered to the register of deeds. The filing date is the effective date of the lien. The effective date does not change if the lien amount is adjusted up or down within five (5) years after the date that the lien is first docketed.~~

~~2.5 4. Lien Priority. The child support lien shall have priority over all other liens on property except tax and special assessment liens, purchase money mortgages, construction liens, environmental liens, liens that are filed or recorded before the child support lien becomes effective and any other lien given priority under the law.~~

~~(a) Property subject to a lien includes personal property in which the obligor has a recorded ownership interest.~~

~~(b) A child support lien is not effective against a good faith purchaser of titled personal property unless the lien is recorded on the title.~~

~~2.5 5. Credit Bureau Reporting. The Agency may report the total amount of an obligor's liens to the credit bureau, so long as the lien is fully enforceable and the case is not barred from credit bureau reporting.~~

~~2.5 6. Denial of State issued Grants and Loans. Wisconsin state agencies may deny grants and loans to an obligor who is placed on the lien docket. These grants and loans include student loans and higher education grants, as well as mortgage loans from the Wisconsin Housing and Economic Development Authority (WHEDA).~~

~~2.5 7. The Agency shall, either on its own or in conjunction with the State, be responsible for:~~

~~(a) updating the lien docket periodically.~~

~~(b) providing a copy of the lien docket to the appropriate register of deeds;~~
~~(c) responding to inquiries concerning information recorded on the lien docket;~~
~~(d) ensuring the satisfaction of a lien is recorded on the lien docket;~~
~~(e) renewing a lien if the lien amount equals or exceeds the lien threshold at the end of the five (5) year effective period;~~

~~(1) When a lien is renewed, the date on which the lien is renewed shall become the effective date of the lien, and a new five (5) year period shall commence;~~

~~(f) sending the obligor a notice when a lien has been renewed;~~

~~(g) developing procedures for releasing a lien and releasing specific property from a lien;~~

2.5 8. Financial Record Review.

~~(a) An obligor may request a financial record review, within ten (10) business days of receiving a notice of a lien, to determine the correctness of the financial records in a case. The request shall be made in writing to the Agency;~~

~~(b) Upon receiving a request for a financial record review, the Agency shall, at no charge to the obligor, provide the obligor with:~~

~~(1) all relevant financial records;~~

~~(2) information explaining how to interpret the records;~~

~~(3) a form the obligor may use to identify any alleged errors in the records;~~

~~(c) Within twenty (20) days after receiving the relevant financial records, the obligor may:~~

~~(1) request a meeting with the Agency to review the financial records and to discuss any alleged errors;~~

~~(2) provide a statement of alleged error on the documents;~~

~~(A) The Agency shall review the records to determine whether the alleged error is correct and provide a written determination within sixty (60) days after the obligor's request for a financial record review is received as to whether the lien against the obligor is in the correct amount;~~

~~(d) The Agency may proceed with the lien if:~~

~~(1) the obligor does not request a meeting with the Agency or provide a statement of alleged error within twenty (20) days after receiving the financial records; or~~

~~(2) no errors are found in the financial records of the case; or~~

~~(3) the arrears exceed the required threshold amount after any errors in the financial records are corrected;~~

2.6. Seizure of Property

2.6 1. When seizing property, the Agency shall presume that an obligor's equity or ownership in the property, whether an account or personal property, is an equal pro-rata share of the equity or ownership based on the number of individuals with a recorded ownership interest in the property;

2.6 2. Account Seizure. The Agency may initiate an account seizure if there is a lien against an obligor and the lien amount in the obligor's case equals or exceeds 300% of the monthly amount due in the order or \$1,000, whichever is greater;

~~(a) The Agency may not issue a notice of seizure unless the sum of the funds in all of the obligor's financial accounts, minus expected seizure fees and any early withdrawal penalty, exceeds \$500. The first \$500 of each account shall not be frozen and/or seized;~~

~~(b) The notice shall instruct the financial institution of the following:~~

~~(1) The maximum amount frozen in an account may not exceed the amount specified by the Agency in the notice;~~

~~(2) The maximum amount frozen in an account may not exceed the obligor's ownership interest;~~

~~(3) A financial institution is not liable for encumbering or surrendering any assets held by the financial institution in response to instructions from the Agency for the purpose of enforcing a child support order.~~

~~2.6 3. Seizure of Personal Property Other than Financial Accounts. In addition to the requirements under (a) and (b) below, the Agency may initiate the seizure of personal property if there is a lien against an obligor and the lien amount equals or exceeds 600% of the monthly amount due in the order. Upon issuance of a written order of execution, non-exempt personal property may be seized and sold in a reasonable manner after notice to the owner in payment of a child support obligation that has been adjudicated delinquent by the Family Court. Ceremonial or religious property and real property are exempt from such writs of execution.~~

~~(a) Personal Property. The Agency may seize personal property if the obligor's equity in the property, minus expected seizure fees, exceeds \$500 per item total.~~

~~(b) The Tribe's "Disposition of Excess Tribal Property Policy" shall not apply to any property seized under this law.~~

2.7. Other Enforcement Tools.

~~2.7 1. Attachment of Per Capita Payments. The Agency may initiate the attachment and/or seizure of per capita payments of tribal members in accordance with applicable law.~~

~~2.7 2. License Suspension.~~

~~(a) The Agency may initiate the suspension or denial of occupational, fishing, recreational, motor vehicle and/or Oneida issued licenses if there is a lien against an obligor that equals or exceeds 300% of the monthly amount due in the child support order, or \$1000, whichever is greater. Suspension of an occupational and/or motor vehicle license shall be pursued only as a last resort and the Agency shall not initiate the suspension of a license(s) if:~~

~~(1) there is an order in place that prohibits the suspension of the license(s);~~

~~(2) the obligor has filed for bankruptcy; or~~

~~(3) action has already been taken to suspend the license.~~

~~(b) When an Oneida issued license is suspended, that suspension shall be binding on and given effect by the license issuing agencies. Orders affecting licenses issued by other governmental agencies shall be sent to such agencies for enforcement.~~

~~2.7 3. Intercept of Lump Sum Pension Payments, Judgments and Settlements. The Agency may initiate the intercept of lump sum pension payments, judgments and/or settlements when an obligor has been placed on the lien docket.~~

~~(a) When initiating the intercept of lump sum pension payments, judgments and/or settlements, the Agency shall specify in the notice that the amount withheld from the lump sum pension payment, judgment or settlement may not exceed the obligor's ownership interest in the payment.~~

~~2.7 4. Tax and Lottery Intercepts. The Agency may coordinate with a federal or state agency in order to enforce a child support order through a tax and/or lottery intercept. Once an obligor has been notified that his or her tax refund and/or lottery winnings may be intercepted, that notice is valid until all arrears are paid in full.~~

~~(a) Federal Tax Intercept. The Agency may certify a federal tax intercept when the requirements pertaining to federal tax intercept contained in an agreement between the State and the Tribe have been met.~~

~~(b) Wisconsin State Tax Intercept. The Agency may certify a Wisconsin state tax intercept when the following requirements are met:~~

~~(1) The arrears shall be at least one hundred fifty dollars (\$150).~~

~~(2) The arrears shall be at least thirty (30) days old.~~
~~(3) The arrears shall be for a minor child or a child who has reached the age of eighteen (18) within the last twenty (20) years.~~
~~(c) Wisconsin Lottery Intercept. When a case is certified for Wisconsin state tax intercept, it shall also be automatically certified for Wisconsin lottery intercept for lottery winnings of one thousand dollars (\$1,000) or more.~~
~~2.7-5. Passport Denial. If a federal tax intercept is in place and the obligor owes five thousand dollars (\$5,000) or more in arrears, an obligor may be denied a passport. The arrears must meet the criteria for federal tax intercept in order for passport denial to be used as an enforcement tool. An obligor shall be removed from the passport denial list if:~~
~~(a) The federal tax intercept certification amount is zero (0);~~
~~(b) The obligor makes a lump sum payment and/or negotiates a payment plan with the Agency;~~
~~(c) The obligor has to travel abroad because of a life or death situation involving an immediate family member, such as the obligor's parent, guardian, step parent, child, step-child, grandparent, sibling, step-sibling, aunt, uncle or spouse; or~~
~~(d) The obligor was denied a passport in error.~~
2.8. Family Court Enforcement Action
~~2.8-1. If the Agency does not have the authority to conduct the appropriate enforcement action, or the obligor is unresponsive to the enforcement actions being imposed by the Agency, the case shall be referred to the Family Court for enforcement.~~
~~2.8-2. The Family Court may order any of the enforcement actions the Agency is authorized to implement. In addition, the Family Court may order the following to enforce a child support order:~~
~~(a) Bonds and Other Guarantees. The Family Court may require an obligor to provide a surety, bond or guarantee to secure the payment of arrears, if wage withholding is not applicable, practical or feasible to secure payment of arrears.~~
~~(b) Claims Against Estates.~~
~~(1) The Family Court may approve a claim for past and future support against an obligor's estate.~~
~~(2) The Family Court may issue a restraining order against an estate from which an obligor will inherit.~~
~~(c) Community Service. The Family Court may order an obligor to perform community service. The number of hours of work required may not exceed what would be reasonable considering the amount of arrears the obligor owes. The obligor shall be provided a written statement of the terms of the community service order and that the community service order is monitored. The order shall specify:~~
~~(1) how many hours of community service the obligor is required to complete;~~
~~(2) the time frame in which the hours must be completed;~~
~~(3) how the obligor will report his or her hours; and~~
~~(4) any other information the Family Court determines is relevant.~~
~~(d) Contempt. An obligor who disobeys a lawful child support order shall be subject to punishment for contempt of court. An obligor found in contempt of court may be fined in an amount not to exceed one thousand dollars (\$1,000.00) per act of contempt and may not exceed five thousand dollars (\$5,000.00) in total. In instances of continuing contempt, each day shall constitute a separate act of contempt.~~
~~(e) Incarceration. The Family Court may order an obligor be incarcerated, contingent on the agreements necessary to enable the Tribe to incarcerate individuals. Before a jail~~

~~sentence is imposed, the Family Court may provide other conditions that require a certain amount of money be paid or action be taken for an obligor to avoid incarceration.~~

~~2.8-3. Criminal Non-Support. A criminal non-support action may be initiated, in the appropriate county, against an obligor who has the ability to pay child support and willfully or intentionally failed to pay and the obligor knew or reasonably should have known he or she was legally obligated to provide.~~

2.9. Alternative Payment Plans

~~2.9-1. Applicability of Alternative Payment Plans. When an obligor is subject to administrative enforcement action, he or she may negotiate an alternative payment plan with the Agency.~~

~~2.9-2. Negotiation of an Alternative Payment Plan After Receiving Notice of an Enforcement Action.~~

~~(a) In order to negotiate an alternative payment plan, an obligor shall submit a written request to the Agency. A written request to negotiate an alternative payment plan received by the Agency within ten (10) business days after the date of notice shall stay any administrative enforcement action. If a written request to negotiate an alternative payment plan is received by the Agency more than ten (10) business days after the date of notice, administrative enforcement action may be taken, as long as the requirements of 2.9-3 and 2.9-4 are met.~~

~~(b) An obligor may negotiate a plan with the Agency to have a license issued or renewed after it has been restricted, limited, suspended or refused.~~

~~(c) The obligor may submit a written request for a hearing on the reasonableness of the plan within ten (10) business days after the terms of the plan are agreed upon.~~

~~(d) If the Agency and the obligor are unable to reach agreement on the terms of a plan, a hearing may be conducted. The Family Court may order a plan by setting payments in the amounts and at the times it considers reasonable.~~

~~2.9-3. Staying Administrative Enforcement Actions. Administrative enforcement actions shall be stayed by the Agency while the obligor and the Agency are negotiating a plan, or, if a hearing is requested, until the Family Court determination has been made. To stay an administrative enforcement action means the following:~~

~~(a) The obligor shall not be certified for denial, nonrenewal, restriction, or suspension of professional, occupational, fishing, recreational, motor vehicle and/or Oneida issued licenses.~~

~~(b) Any frozen financial accounts shall remain frozen and shall not be seized.~~

~~(c) Personal property that has been seized shall not be sold.~~

~~2.9-4. Suspension of Administrative Enforcement Actions.~~

~~(a) When a plan has been negotiated between the obligor and the Agency, or the Family Court has determined that a plan is reasonable or has ordered a plan, the Agency shall suspend administrative enforcement actions as long as the obligor complies with the plan.~~

~~(b) If an obligor makes a full arrears payment, the administrative enforcement action shall be suspended.~~

~~2.9-5. Proceeding with Administrative Enforcement Actions. The Agency may continue with the administrative enforcement action if:~~

~~(a) the obligor and the Agency are unable to negotiate a plan.~~

~~(b) the Family Court determines that the plan is not reasonable.~~

~~(c) the Family Court does not order a plan.~~

~~2.9-6. Disclosure of Income and Assets. The request to negotiate a plan shall include an agreement by the obligor to provide the Agency with a full disclosure of income and assets available. The~~

~~obligor shall provide complete income and assets information to the Agency within five (5) business days of the request to negotiate a payment plan.~~

~~2.9.7. Terms of an Alternative Payment Plan.~~

~~(a) An alternative payment plan may include a lump sum payment, or periodic payments on the arrears, or both, subject to the following standards:~~

~~(1) The sum of any periodic payment established under the plan and any other payment of support ordered by the Family Court, when subtracted from the obligor's gross income, may not leave the obligor below 100% of the poverty line established under 42 USC 9902 (2) unless the obligor agrees otherwise.~~

~~(2) When establishing an alternative payment plan, the Agency shall consider the factors used by the Family Court in determining whether the use of the percentage standard is unfair to the child or any of the parties.~~

~~(b) Periodic payments under the plan may be made through wage withholding in amounts in addition to the amount ordered in the child support order that is in effect.~~

~~2.9.8. Default on an Alternative Payment Plan. In the event that the obligor defaults on the plan, the Agency shall notify the obligor in writing that an administrative enforcement action shall be implemented unless the lien is paid in full.~~

~~2.9.9. Renegotiation of an Alternative Payment Plan. After the entry of an alternative payment plan, the plan may be renegotiated upon the written request of the obligor or Agency if the requesting party can show a substantial change in circumstances. A substantial change in circumstances includes any of the following:~~

~~(a) A change in the obligor's income or assets, including the sale or purchase of real or personal property.~~

~~(b) A change in the obligor's earning capacity.~~

~~(c) Any other factor that the Agency determines is relevant.~~

~~2.9.10. Obligors with Cases in Multiple Jurisdictions.~~

~~(a) When multiple child support agencies initiate administrative enforcement actions against the same obligor, and the obligor negotiates an alternative payment plan with one of the agencies, the plan does not preclude any other child support agency from proceeding with its administrative enforcement action.~~

~~(b) If a child support agency which has a lien against property of an obligor negotiates an alternative payment plan with the obligor, the agency may receive proceeds from the sale of the obligor's personal property under the lien including, but not limited to, proceeds from administrative enforcement actions taken by other child support agencies.~~

~~End.~~

~~Emergency Adopted BC 06-30-08 C (Expired)~~

~~Emergency Extended BC 12-10-08 H (Expired)~~

~~Permanently Adopted BC 06-24-09 B~~

~~Emergency Amended BC 10-28-09 E~~

~~Amended BC 02-24-10 G~~

~~Amended BC 02-23-11 E~~

~~Amended BC 06-22-11 K~~

~~Amended BC 10-10-12 C~~

~~Amended BC 08-13-14 E~~

Title 7. Children, Elders and Family - Chapter 704
shakoti'nukú·lale? latiksashúha?
They watch over the children
CHILD SUPPORT

704.1. Purpose and Policy	704.10. Modification of a Child Support Order
704.2. Adoption, Amendment, Repeal	704.11. Modification of a Child Support Order for an Incarcerated Parent
704.3. Definitions	704.12. Compliance Plan
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704.6. Child Support Hearing Procedures	704.15. Administrative Enforcement Action
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704.8. Determining the Child Support Obligation in Special Circumstances	704.17. Full Faith and Credit for Foreign Child Support Orders
704.9. Child Support Order	704.18. Right of Appeal

704.1. Purpose and Policy

704.1-1. *Purpose.* The purpose of this law is to:

- (a) Establish the legal responsibility of parents to provide financially for their children's general well-being;
- (b) Make support payments more equitable by ensuring consistent treatment of persons in similar circumstances;
- (c) Make support payments based on the real earning capability of parents; and
- (d) Improve the efficiency of child support establishment and enforcement.

704.1-2. *Policy.* It is the policy of this law to:

- (a) establish an adequate standard of support for children whose paternity has been established or acknowledged;
- (b) encourage the use of stipulations to resolve disputes over child support obligations; and
- (c) limit the use and disclosure of personal information received or maintained by the Nation's Family Court and/or the Oneida Nation Child Support Agency in order to protect the privacy rights of all parties and children who are involved in proceedings or actions under this law.

704.2. Adoption, Amendment, Repeal

704.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E, BC-06-22-11-K, BC-10-10-12-C, BC-08-13-14-E, and BC-__-__-__-__.

704.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

704.2-3. 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.

704.2-4. 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.

704.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

704.3. Definitions

704.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Administrative enforcement action” means enforcement action taken by the Oneida Nation Child Support Agency to enforce a child support order without obtaining an order from the Family Court.

(b) “Agency” means the Oneida Nation Child Support Agency established to administer and supervise the Nation’s child support enforcement program.

(c) “Alternative payment plan” means a negotiated agreement between the Agency and an obligor, or an order set by the Family Court, to establish terms and conditions for the payment of arrears.

(d) “Basic support costs” means food, shelter, clothing, transportation, personal care, and incidental recreational costs.

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

(f) “Child” means a biological or adopted child of the obligor under the age of eighteen (18), or any person who is less than nineteen (19) years old if he or she is pursuing a high school diploma or its equivalent from an accredited course of instruction.

(g) “Child support” means the total financial obligation a parent has towards his or her child as established through judicial and/or administrative processes.

(h) “Child Support Obligation of Low-Income Payers Schedule” means the Wisconsin Department of Children and Families Child Support Obligation of Low-Income Payers at the Federal Poverty Guidelines, found in DCF 150 Appendix C.

(i) “Child support order” means a judgment of the Family Court or a court of competent jurisdiction ordering payment of child support which provides monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney’s’ fees and other relief.

(j) “Contempt” means a willful disregard of the authority of a court or disobedience to its lawful orders.

(k) “Current six (6) month treasury bill rate” means the yield of a U.S. government security with a term of six (6) months.

(l) “Custodial parent” means the parent who exercises physical custody of the child pursuant to a custody order, on the basis of agreement between the parents or in the absence of one parent. A legal guardian with primary physical custody of the child or children and standing in the position of the parent shall have the same rights to child support as a custodial parent.

(m) “Employer” means any individual, business, government, institution, or other entity paying wages to one or more employees.

(n) “Equity” means the fair market value of property minus the liens on that property with priority over the child support lien.

(o) “Equivalent care” means a period of time during which the parent cares for the child that is not overnight, but is determined by the court to require the parent to assume the basic support costs that are substantially equivalent to what the parent would spend to care for the child overnight. Blocks of time with the child of at least six (6) hours may be considered the equivalent of a half-day if a meal is provided during that time period. Two (2) half-day blocks may be considered the equivalent of an overnight.

(p) “Family Court” means the branch of the Nation’s Judiciary that is designated to handle all matters related to the family and/or children.

(q) “Gross income” means any form of payment due to an individual regardless of source, including, but not limited to:

- (1) Salary and wages, including overtime pay;
- (2) Interest and investment income;
- (3) Social Security disability and old age insurance benefits under 42 U.S.C. §401 to 433;
- (4) Net proceeds resulting from worker’s compensation or other personal injury awards intended to replace income;
- (5) Unemployment insurance;
- (6) Income continuation benefits;
- (7) Voluntary deferred compensation and employee contributions to the following: employee benefit plan, profit-sharing, pension or retirement account;
- (8) Military allowances and veterans disability compensation benefits;
- (9) Undistributed income of a corporation or any partnership in which the parent has an ownership interest sufficient to individually exercise control or to access the earnings of the business, unless the income included is an asset;
- (10) Per capita distribution payments;
- (11) Lease or rental income;
- (12) Prizes over one thousand dollars (\$1,000); and
- (13) All other income, whether taxable or not, except that gross income does not include any of the following:
 - (A) Child support;
 - (B) Foster care payments;
 - (C) Kinship care payments;
 - (D) Public assistance benefits, except that child care subsidy payments shall be considered income to a child care provider;
 - (E) Food stamps;
 - (F) Public assistance or financial hardship payments paid by a county or a Nation;
 - (G) Supplemental Security Income under 42 U.S.C. §1381 to 1383(f) and state supplemental payments; or
 - (H) Payments made for social services.

(r) “Guardian ad litem” means a person appointed by the Family Court to appear at any peacemaking, mediation, or hearing and tasked with representing the best interest of the person appointed for.

(s) “Immediate family member” means an individual’s husband, wife, mother, father, step-mother, step-father, son, daughter, step-son, step-daughter, brother, sister, step-brother, step-sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained through legal adoption.

(t) “Income withholding” means the process whereby a court order, Family Court order, or voluntary wage assignment directs an employer, bank, or agent holding monies or property of an obligor, to make payments or deliver property to satisfy a child support obligation.

- (u) “Intact family” means a family in which the child or children and the obligor reside in the same household and the obligor shares his or her income directly with the child or children and has a legal obligation to support the child or children.
- (v) “Legally incompetent adult” means a person at least eighteen (18) years old who has been declared incompetent by a court of competent jurisdiction because he or she is temporarily or permanently impaired to the extent that the person lacks sufficient understanding to make or communicate responsible personal decisions.
- (w) “Lien amount” means the difference between the monthly amount of support due and the arrears in a case.
- (x) “Lien docket” means the registry kept by the State of Wisconsin containing the names of people who owe past-due child support.
- (y) “Low-income obligor” means an obligor for whom the Family Court uses the monthly support amount provided in the schedule in the Child Support Obligation of Low-Income Payers Schedule based on the Family Court’s determination that the obligor’s total economic circumstances limit his or her ability to pay support at standard percentages and the obligor’s income is at a level set forth in the schedule in the Child Support Obligation of Low-Income Payers Schedule.
- (z) “Marital child” means a child born during the marriage of his or her parents. In addition, if the father and mother of a non-marital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother were terminated before either of these circumstances, the child becomes a marital child and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. The children of all marriages declared void under the law are nevertheless marital children.
- (aa) “Monthly income” means the obligor’s annual gross income or, if applicable, the obligor’s annual income modified for business expenses; plus the obligor’s annual income imputed based on earning capacity; plus the obligor’s annual income imputed from assets; divided by twelve (12).
- (bb) “Nation” means the Oneida Nation.
- (cc) “Non-custodial parent” means the parent of a child who does not hold primary care, custody and/or control of a child.
- (dd) “Non-legally responsible relative” means a person connected with a child by blood, marriage, or adoption who assumes responsibility for the care of a child without legal custody, but is not in violation of a court order. A non-legally responsible relative does not include a relative who has physical custody of a child during a court-ordered visitation period.
- (ee) “Obligee” means the person or entity to whom child support is owed.
- (ff) “Obligor” means the person who is obliged to pay child support to the obligee.
- (gg) “Ownership interest” means any personal financial interest.
- (hh) “Parent” means the biological or adoptive parent of the child.
- (ii) “Payor” means a person or entity with a legal obligation, as an employer, buyer of goods, debtor, or otherwise, to pay an obligor.
- (jj) “Reservation” means all lands within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (kk) “Serial family obligor” means an obligor with an existing legal obligation for child support who incurs an additional legal obligation for child support in a subsequent family as a result of a child support order.

(ll) “Shared-placement obligor” means a parent who has an ordered period of placement of at least twenty-five percent (25%), is ordered by the Family Court to assume the child’s basic support costs in proportion to the time that the parent has placement of the child and is determined to owe a greater support amount than the other parent.

(mm) “Split-placement obligor” means an obligor who has two (2) or more children and who has physical placement of one (1) or more children but not all of the children.

(nn) “Stipulation” means a voluntary agreement between parties concerning some relevant point.

(oo) “Substantial change of income” means the obligor has a significant change in his or her finances that would lead to a change in child support of more than fifteen percent (15%) and fifty dollars (\$50.00) per month.

(pp) “Variable costs” means the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to, the cost of child care, tuition, a child’s special needs, and other activities that involve substantial cost.

(qq) “Threshold” means an amount, expressed as either a percentage of the monthly amount due, a fixed dollar amount, or both, that the lien amount must equal or exceed before an administrative enforcement action may be used to enforce a child support order.

704.4. Jurisdiction

704.4-1. The Family Court has jurisdiction over any action brought under this law.

704.4-2. *Personal Jurisdiction.* Personal jurisdiction over an individual under this law may be established where one party or a child of the parties is any of the following:

(a) a member of the Nation;

(b) a resident of the Reservation who is also a member of an Indian tribe, band or community which is recognized by a State or the federal government;

(c) a resident of the Reservation who is also the biological parent of the child that is enrolled or is eligible for enrollment with the Nation; or

(d) an individual who consents to the jurisdiction of the Family Court by one (1) of the following means:

(1) Filing an action with the Family Court;

(2) Knowingly and voluntarily giving written consent to the jurisdiction of the Family Court;

(3) Entering a notice of appearance before the Family Court in an action without concurrently preserving the defense of lack of personal jurisdiction or filing a motion to dismiss for lack of personal jurisdiction within thirty (30) days of entering the notice of appearance; or

(4) Appearing in an action before the Family Court without asserting the defense of lack of personal jurisdiction.

704.4-3. Personal jurisdiction over the other party may be established using any method provided by law, including long-arm jurisdiction procedures as provided for in Section 201 of the Uniform Interstate Family Support Act as referred to in 42 U.S.C. §666.

704.4-4. *Transfer of Cases from Other Courts.* If personal jurisdiction over the parties has been established under this law, the Family Court has jurisdiction over any action transferred to the Family Court from any court of competent jurisdiction.

704.5. Initiating an Action for Child Support

704.5-1. Every parent has a duty to support each and every child of that parent. A child support order may be obtained from the Family Court by either submitting a stipulation to the Family Court for approval or by filing a petition for child support with the Family Court.

- (a) If a party to the action is a minor or is a legally incompetent adult, the Family Court may appoint a guardian ad litem to represent such party in the action.

704.5-2. *Initiation of Action by the Agency.* For assistance in initiating a child support order a party may request the services of the Agency or may be referred to the Agency from an entitlement program.

- (a) Within thirty (30) days of receiving a completed application for services or a referral, the Agency shall meet with the custodial parent.

- (b) Within seven (7) business days of the meeting with the custodial parent, the Agency shall send a Letter of Request for Support and Financial Disclosure form to the non-custodial parent.

- (c) If the non-custodial parent fails to respond to or take action on the Letter of Request for Support and Financial Disclosure form within ten (10) business days the Agency may initiate a hearing in accordance with this law.

- (d) If the non-custodial parent responds within the required time period after receiving a Letter of Request for Support and Financial Disclosure form, the parties shall attempt to enter into a stipulation.

704.5-3. *Initiation of Action by a Party Not the Agency.* Any of the following individuals may initiate an action for the establishment of child support at any time by filing a petition with the Family Court:

- (a) a custodial parent;
- (b) a child's mother;
- (c) a child's father;
- (d) a child's guardian ad litem;
- (e) a child's non-legally responsible relative; or
- (f) a legally incompetent adult's guardian ad litem.

704.5-4. *Stipulation.* The parties may enter into a stipulation at any time as to the level of the child support obligation.

- (a) The Agency shall assist parties in reaching a stipulation upon request or when the parties are referred to the Agency by an entitlement program. Parties may also submit a stipulation to the Family Court for approval without the Agency's assistance.

- (b) In order for a stipulation to be valid the following conditions shall be met:

- (1) The stipulation shall be in writing, signed, and notarized;
- (2) If the parties deviate from the percentage standards, the stipulation shall state the amount of support that would have been ordered by the percentage standards and the reasons for deviating from the percentage standards;
- (3) All parties shall sign the stipulation free of duress and coercion; and
- (4) The Family Court shall make written findings that the stipulation is appropriate, using the criteria for deviating from standard percentages as a guideline, if applicable.

- (c) After the stipulation is approved and filed by the Family Court, it shall have the same force and effect as an order issued by the Family Court. The obligation of the obligor to pay child support shall commence on the date specified in the agreement, but no later than the date the stipulation is approved and filed by the Family Court.

704.5-5. *Petition to Establish Child Support.* If the parties do not enter into a stipulation, then a petition to establish child support may be filed with the Family Court. The petition to establish child support may be filed as a separate proceeding or in connection with a petition for child custody.

(a) *Requirements of the Petition.* The petition to establish child support shall include the following:

(1) The name, date of birth, address, and tribal affiliation of the petitioner, respondent, and child for whom support is requested;

(A) If the address of the respondent is unknown, other departments of the Nation shall cooperate with the Family Court, at the Family Court's request, to provide the Family Court with the respondent's address. Any such Family Court requests shall be made in such a way which protects the privacy rights of all parties and children who are involved in proceedings or actions under this law.

(2) With whom the child currently resides;

(3) When and how paternity was established;

(4) Name and date of birth of other children of the parties, and the child support obligation for those children, if applicable;

(5) Whether either party is receiving state or tribal benefits, and if so, what benefits;

(6) Whether any other action to determine child support has been commenced or is pending in a court of another jurisdiction and whether a child support order has been entered by another court;

(7) Financial information such as the parties' income;

(8) The relief the petitioner is requesting, which shall include, but is not limited to, establishment of support, request for support back to date of filing, and/or any other relief the court may deem just and equitable;

(9) *Confidential Petition Addendum.* The confidential petition addendum is a separate form which has the parties and the child's name, date of birth and social security number. This form shall be kept separate from the petition and shall be maintained in a confidential file. The form shall be available only to the parties, the parties' attorneys or advocates, the Agency, or any person authorized by the Family Court to have access to the form.

(b) *Nondisclosure of Information in Protected Cases.* Upon a finding, which may be made ex parte, that the health, safety or welfare of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, the Family Court shall order that the address of the child or party, or other identifying information, not be disclosed in a pleading or other document filed in a proceeding under this law.

(c) *Hearing Date.* Upon receipt of a petition, the Family Court shall schedule a hearing to determine child support to be held at a time after the filing of the petition and consistent with the manner of service.

(d) *Summons.* All parties shall be notified of the petition and of all hearings, and shall be given an opportunity to be heard.

(1) *Service of the Summons.* The summons, which notices the initiation of an action, shall be served by certified mail (return receipt requested) or in person within fifteen (15) calendar days after the petition is filed with the Family Court. The summons shall include the Family Court clerk's return address, with a notice

312 to file an answer to that address. Any notice after the summons shall be served by
313 first-class mail to the recently verified last-known address of the party.

314 (A) *Certified mail.* Certified mail sent to a party's most recently verified
315 last-known address but returned because it was unclaimed or refused shall
316 constitute constructive service. Certified mail returned for other reasons
317 shall require service by other methods pursuant to the Oneida Judiciary
318 Rules of Civil Procedure.

319 (B) *Publication.* When a responding party cannot be found for personal
320 service after diligent attempts and attempts to serve the responding party by
321 certified mail have failed, the petitioner shall use service by publication.
322 The publication shall be in the Nation's newspaper or a newspaper of
323 general circulation in the county of residence of the respondent, if known.
324 The publication shall be designated as a Legal Notice and any confidential
325 information shall be redacted.

326 (i) If service by publication is used and there is insufficient time for
327 notice and answer pursuant to this law, the Family Court shall re-
328 schedule the hearing appropriately and may permit extended time
329 deadlines for default orders and for hearings in order to provide for
330 fair notice and opportunity for the party to respond.

331 (2) *Requirements of the Summons.* The summons to be served on the
332 respondent(s), along with the petition, shall include the following notice, in addition
333 to providing a time, place, and date for appearance:

334 (A) That if he or she chooses not to appear at the hearing or enter a defense
335 to the petition challenging the authority of the Family Court to hear the
336 matter by the date of the hearing, the hearing shall proceed on the basis of
337 the petitioner's evidence;

338 (B) That a child support order may require the person found to be the
339 obligor to pay child support until the child reaches eighteen (18) years of
340 age or until the child graduates from high school, or its equivalent, up to age
341 nineteen (19);

342 (C) That the person found to be the obligor may have his or her license(s)
343 suspended or denied for failure to pay child support, in addition to other
344 enforcement actions;

345 (D) That the person found to be the obligor's employer or others with
346 evidence of the his or her income may be subpoenaed to provide the Family
347 Court with records of his or her earnings;

348 (E) That if the person found to be the obligor is unemployed, it shall still
349 be determined that he or she is able to provide some degree of child support
350 and an order of support shall be calculated according to this law unless the
351 Family Court makes written findings ordering otherwise; and

352 (F) That any answer to the petition shall be filed with the Family Court
353 within twenty (20) calendar days of the date of service of the petition, and
354 a copy served on the other party.

355 (e) *Answers.* Answers shall be filed with the Family Court and served on the petitioner
356 within twenty (20) calendar days of the date of service of the petition in accordance with
357 the Nation's laws and policies governing civil procedure.

(f) *Subpoenas*. Upon request of either party, the Family Court shall issue subpoenas to any person in possession of relevant information to appear or produce documents to the Family Court. Failure to comply with such a subpoena may be punishable as contempt.

704.6. Child Support Hearing Procedures

704.6-1. The factual determinations made at a hearing shall include, but is not limited to, the income and expense information necessary to determine the appropriate level of support according to this law.

704.6-2. The Family Court may utilize discovery procedures and contempt powers, as authorized by any law, policy, or rule of the Nation to obtain information relevant to the establishment or enforcement of child support. These procedures may include the following:

(a) Issue subpoenas requiring necessary and relevant parties to appear in person and provide testimony;

(b) Issue subpoenas requiring the production of evidence;

(c) Obtain information about property or assets to assess its value or funding source for lien or seizure actions;

(d) Obtain information about the income of any party to the action; and/or

(e) Issue contempt findings for failure to comply with the lawful order of the Family Court.

704.6-3. Both parties have the right to representation by an attorney and/or advocate at his or her own expense. The Nation shall not be required to pay for any fees and/or expenses incurred by any party in connection with proceedings under this law.

704.6-4. *Temporary Orders*. At any time after a child's parentage has been established, the Family Court may make a temporary order for the payment of child support and the child's health care expenses. Before making a temporary order, the Family Court shall consider all factors that the Family Court is required to consider when granting a final child support order. If the Family Court makes a temporary child support order that deviates from the amount of support that would be required by using the percentage standard, the requirements of section 704.7-8 shall be complied with.

704.6-5. *Default*. If the respondent fails to appear at the hearing upon a showing of valid service and the petitioner presents evidence of the obligation by the absent party, a child support order shall be entered pursuant to the evidence.

704.6-6. *Hearings and Records Closed*. Child support proceedings shall be closed to any person other than those necessary to the action or proceeding. Records of child support cases shall remain confidential and shall only be viewed by the parties, the legal guardian of a party who is a minor, the parties' attorney or advocate, guardian ad litem, Judges and staff assigned to the case, and those other persons who first obtain a written release from a party to view material contained in the record.

704.7. Determining the Child Support Obligation

704.7-1. The Family Court shall determine child support payments by using the percentage standards established in section 704.7-2 of this law, except as provided elsewhere in this law. The obligor's monthly income shall be considered in determining his or her child support obligation.

704.7-2. *Percentage Standards to Determine the Amount of Child Support*.

(a) The following percentages shall be applied to the portion of an obligor's monthly income available for child support that is less than seven thousand dollars (\$7,000):

(1) seventeen percent (17%) for one (1) child;

(2) twenty-five percent (25%) for two (2) children;

- 405 (3) twenty-nine percent (29%) for three (3) children;
406 (4) thirty-one percent (31%) for four (4) children; and
407 (5) thirty-four percent (34%) for five (5) or more children.
408 (b) The following percentages shall be applied to the portion of an obligor's monthly
409 income available for child support that is greater than or equal to seven thousand dollars
410 (\$7,000) and less than or equal to twelve thousand five hundred dollars (\$12,500):
411 (1) fourteen percent (14%) for one (1) child;
412 (2) twenty percent (20%) for two (2) children;
413 (3) twenty-three percent (23%) for three (3) children;
414 (4) twenty-five percent (25%) for four (4) children; and
415 (5) twenty-seven percent (27%) for five (5) or more children.
416 (c) The following percentages shall be applied to the portion of an obligor's monthly
417 income available for child support that is greater than twelve thousand five hundred dollars
418 (\$12,500):
419 (1) ten percent (10%) for one (1) child;
420 (2) fifteen percent (15%) for two (2) children;
421 (3) seventeen percent (17%) for three (3) children;
422 (4) nineteen percent (19%) for four (4) children; and
423 (5) twenty percent (20%) for five (5) or more children.

424 704.7-3. *Determining Income Modified for Business Expenses.* In determining an parent's
425 monthly income, the Family Court may adjust an parent's gross income as follows:

- 426 (a) Adding wages paid to dependent household members.
427 (b) Adding undistributed income that the Family Court determines is not reasonably
428 necessary for the growth of the business. The parent shall have the burden of proof to show
429 that any undistributed income is reasonably necessary for the growth of the business.
430 (c) Reducing gross income by the business expenses that the Family Court determines are
431 reasonably necessary for the production of that income or operation of the business and
432 that may differ from the determination of allowable business expenses for tax purposes.

433 704.7-4. *Determining Income Imputed Based on Earning Capacity.* When a parent's income is
434 less than the parent's earning capacity or is unknown, the Family Court may impute income to the
435 parent at an amount that represents the parent's ability to earn.

- 436 (a) The parent's ability to earn may be based on the parent's:
437 (1) education, training, and recent work experience;
438 (2) earnings during previous periods;
439 (3) current physical and mental health;
440 (4) history of child care responsibilities as the parent with primary physical
441 placement; and
442 (5) the availability of work in or near the obligor's community.
443 (b) If evidence is presented that due diligence has been exercised to ascertain information
444 on the parent's actual income or ability to earn and that information is unavailable, the
445 Family Court may impute to the parent the income that a person would earn by working
446 thirty-five (35) hours per week for the federal minimum hourly wage. In addition to
447 imputed income, the Family Court may order the parent to search for a job or participate
448 in a work experience and job training program.
449 (c) If a parent has gross income or income modified for business expenses below his or
450 her earning capacity, the income imputed based on earning capacity shall be the difference
451 between the parent's earning capacity and the parent's gross income or income modified
452 for business expenses.

704.7-5. *Determining Income Imputed from Assets.*

(a) The Family Court may impute a reasonable earning potential to a parent's assets if the Family Court finds both of the following:

(1) The parent has ownership and control over any real or personal property, including but not limited to, life insurance, cash and deposit accounts, stocks and bonds, business interests, net proceeds resulting from worker's compensation or other personal injury awards not intended to replace income, and cash and corporate income in a corporation in which the obligor has an ownership interest sufficient to individually exercise control and the cash or corporate income is not included as gross income.

(2) The parent's assets are underproductive and at least one (1) of the following applies:

(A) The parent has diverted income into assets to avoid paying child support.

(B) Income from the parent's assets is necessary to maintain the child or children at the standard of living they would have had if they were living with both parents.

(b) The Family Court shall impute income to assets by multiplying the total net value of the assets by the current six (6) month treasury bill rate or any other rate that the Family Court determines is reasonable and subtracting the actual income from the assets that were included as gross income.

704.7-6. *Adjustment for Child's Social Security Benefits.* The Family Court may consider benefits received by a child under 42 U.S.C. §402(d) based on a parent's entitlement to federal disability or old-age insurance benefits under 42 U.S.C. §401 to 433 and adjust an obligor's child support obligation by subtracting the amount of the child's benefit. In no case may this adjustment require the obligee to reimburse the obligor for any portion of the child's benefit. If the obligor is receiving the child's benefit, the support amount is either the percentage standard applied to the obligor's income or the amount of the child's benefit, whichever is greater.

(a) *Determining the Child Support Obligations of Shared-Placement Parent when the Child Receives Social Security Benefits.* If the shared-placement guidelines under section 704.8-2 apply, the child's benefit is split between the parents in proportion to the amount of time the child spends with each parent. Add the proportion of the child's benefit that represents the proportion of time the child spends with the parent not receiving the benefit to the support obligation of the parent who is receiving the child's benefit. Child support shall be determined as follows:

(1) Determine each parent's monthly income available for child support under section 704.7-2. If a parent has one (1) or more previous child support obligations, determine the parent's monthly income available for child support adjusted for the previous obligations as provided in section 704.8-1. Include the parent's federal disability or old age insurance benefits under 42 U.S.C. §401 to 433 in that parent's income, but do not include the child's benefit under 42 U.S.C. §402 (d) in either parent's income.

(2) Multiply each parent's monthly income available for child support by the appropriate percentage standard under section 704.7-2.

(3) Multiply each amount determined under section 704.7-6(a)(2) by one hundred and fifty percent (150%).

(4) Multiply the amount determined for each parent in section 704.7-6(a)(3) by the proportion of time that the child spends with the other parent.

(5) Multiply the amount of the child's benefit by the proportion of the time the child spends with the parent who is not receiving the child's benefit.

(6) Add the amount in section 704.7-6(a)(5) to the child support obligation calculated in section 704.7-6(a)(4) for the parent who is receiving the child's benefit.

(7) Offset the resulting amounts against each other. The parent with the greater child support obligation is the shared-placement obligor. The shared-placement obligor shall pay either the greater of the amount determined in this subsection or the amount determined using the appropriate percentage standard under section 704.7-2.

704.7-7. *Claiming Children for Tax Purposes.* The Family Court may address who may claim the child for tax purposes or accept a stipulation entered into by the parties regarding children and taxes.

704.7-8. *Deviation from the Percentage Standards.* Upon request by a party, the Family Court may modify the amount of child support payments determined by the percentage standards if, after considering the following factors, the Family Court finds by the greater weight of the credible evidence that use of the percentage standards is unfair to the child or to any of the parties:

- (a) The financial resources of the child;
- (b) The financial resources of both parents;
- (c) Maintenance received by either party;
- (d) The needs of each party in order to support himself or herself at a level equal to or greater than the federal poverty line as established under 42 U.S.C. §9902(2);
- (e) The needs of any person, other than the child, whom either party is legally obligated to support;
- (f) The standard of living the child would have enjoyed if his or her parents were living together;
- (g) The desirability that the custodial parent remain in the home as a full-time parent;
- (h) The cost of day care if the custodial parent works outside the home, or the value of custodial services performed by the custodial parent if the custodial parent remains in the home;
- (i) The award of substantial periods of physical placement to both parents;
- (j) Extraordinary travel expenses incurred in exercising the right to periods of physical placement;
- (k) The physical, mental, and emotional health needs of the child, including any costs for health insurance;
- (l) The child's educational needs;
- (m) The tax consequences to each party;
- (n) The best interests of the child;
- (o) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community; and
- (p) Any other factors which the Family Court in each case determines are relevant.

704.7-9. *Past-due and Arrears obligations.*

- (a) A party may request payment of arrears or past-due child support as follows:
 - (1) In an action regarding paternity, back to the date of birth of the child or date of application, whichever is later;
 - (2) In a child support establishment or modification pursuant to this law, back to the date of application, review, or referral; or

- 548 (3) In an establishment or modification of placement pursuant to an action
549 regarding divorce, annulment and legal separation or child custody, placement, and
550 visitation, back to the date of filing, or as otherwise ordered by the Family Court.
551 (b) A payment for arrears or a past-due payment shall be set based on the amount due and
552 the income available to pay current support.
553 (c) Once current child support is ended in any manner prescribed by law, child support
554 shall continue to be paid at the same rate, until all arrears or past due child support is paid
555 in full.
556

557 **704.8. Determining the Child Support Obligation in Special Circumstances**

558 *704.8-1. Determining the Child Support Obligation of a Serial-Family Obligor.*

559 (a) *Applicability.* This applies only if the support obligation being calculated is for children
560 from a subsequent family or subsequent paternity judgment or acknowledgment. An
561 obligor may not use the provisions of this section as a basis for seeking modification of an
562 existing order based on a subsequently incurred legal obligation for child support.

563 (b) *Determination.* For a serial-family obligor, the child support obligation incurred for a
564 marital or non-marital child in a subsequent family as a result of a child support order may
565 be determined as follows:

- 566 (1) Determine the obligor's monthly income.
567 (2) Determine the order of the obligor's legal obligations for child support by
568 listing them according to the date each obligation is incurred.
569 (A) For a marital child, the legal obligation for child support is incurred on
570 the child's date of birth.
571 (B) For a non-marital child, the legal obligation for child support is incurred
572 on the date that paternity is legally established.
573 (C) For a non-marital paternal child in an intact family, it is incurred on the
574 date of adoption or the date that paternity is legally established.
575 (D) For a non-marital maternal child in an intact family, it is incurred on
576 the child's date of birth.
577 (3) Determine the first child support obligation as follows:
578 (A) If the obligor is subject to an existing support order for that legal
579 obligation, except a shared-placement order, the support for that obligation
580 is the monthly amount of that order; or
581 (B) If the obligor is in an intact family, has primary placement of another
582 child, or is subject to a shared-placement order, the support is determined
583 by multiplying the appropriate percentage for that number of children by
584 the obligor's monthly income.
585 (4) Adjust the monthly income by subtracting the support for the first legal
586 obligation from the obligor's monthly income.
587 (5) Determine the second child support obligation as follows:
588 (A) If the obligor is subject to an existing support order for that legal
589 obligation, except a shared-placement order, the support for that obligation
590 is the monthly amount of that order; or
591 (B) If the obligor is in an intact family or is subject to a shared-placement
592 order, the support is determined by multiplying the appropriate percentage
593 for that number of children by the obligor's monthly income.

(6) Adjust the monthly income a second time by subtracting the support for the second legal obligation from the first adjusted monthly income.

(7) Repeat the procedure for determining the child support obligation and adjusting the monthly income for each additional legal obligation for child support the serial family obligor has incurred.

(8) Multiply the appropriate percentage for the number of children subject to the new order by the final adjusted monthly income to determine the new child support obligation.

704.8-2. *Determining the Child Support Obligations of Shared-Placement Parents.*

(a) *Applicability.* The shared-placement formula may be applied when both of the following conditions are met:

(1) Both parents have periods of placement of at least twenty-five percent (25%) or ninety-two (92) days a year. When calculating periods of placement based on equivalent care, the total number of overnights may exceed three hundred and sixty-five (365). The period of placement for each parent shall be determined by calculating the number of overnights or equivalent care ordered to be provided by the parent and dividing that number by the total number of overnights in a year. The combined periods of placement for both parents shall equal one hundred percent (100%).

(2) Each parent is ordered by the Family Court to assume the child's basic support costs in proportion to the time that the parent has placement of the child.

(b) *Determination.* The child support obligations for parents who meet the requirements for the shared-placement formula may be determined as follows:

(1) Determine each parent's monthly income.

(A) In determining whether to impute income based on earning capacity for an unemployed parent or a parent employed less than full time, the Family Court shall consider benefits to the child of having a parent remain in the home during periods of placement and the additional variable day care costs that would be incurred if the parent worked more.

(2) Multiply each parent's monthly income by the appropriate percentage standard.

(3) Multiply each amount determined under section 704.8-2(b)(2) by one hundred and fifty percent (150%).

(4) Multiply the amount determined for each parent under section 704.8-2(b)(3) by the proportion of the time that the child spends with the other parent to determine each parent's child support obligation.

(5) Offset resulting amounts under section 704.8-2(b)(4) against each other. The parent with a greater child support obligation is the shared-placement obligor. The shared-placement obligor shall pay the lesser of the amount determined under this section or the amount determined using the appropriate percentage standard. If the shared-placement obligor is also a low-income obligor, the child support obligation may be the lesser of the amount determined under the shared placement determination or the low-income determination.

(6) In addition to the child support obligation determined under section 704.8-2(b)(5), the Family Court shall assign responsibility for payment of the child's variable costs in proportion to each parent's share of physical placement, with due consideration to a disparity in the parents' incomes.

(A) The Family Court shall direct the manner of payment of a variable cost order to be either between the parents or from a parent to a third-party service provider.

(B) The Family Court shall not direct payment of variable costs to be made to the Agency or the Agency's designee, except as incorporated in the child support order.

(7) A change in the child's variable costs shall not in and of itself be considered a substantial change in circumstances sufficient to justify a modification of a judgment or order under section 704.10.

704.8-3. *Determining the Child Support Obligations of Split-Placement Parents.*

(a) *Applicability.* The split-placement formula may be applied when parents have two (2) or more children and each parent has placement of one (1) or more but not all of the children.

(b) *Determination.* The child support obligation for a split-placement parent may be determined as follows:

(1) Determine each parent's monthly income.

(2) Determine the appropriate percentage standard for the number of total children.

(3) Divide the appropriate percentage standard for the number of total children by the total number of children.

(4) Multiply the number calculated in section 704.8-3(b)(3) by the number of children placed with each parent.

(5) Multiply each parent's monthly income by the number calculated in 704.8-3(b)(4) based on the number of children placed with the other parent to determine each parent's child support obligation; and

(6) Offset resulting amounts under section 704.8-3(b)(5) against each other. The parent with a greater child support obligation is the split-placement obligor.

704.8-4. *Determining the Child Support Obligation of a Low-Income Obligor.*

(a) *Applicability.* If an obligor's total economic circumstances limit his or her ability to pay support at the level determined by the standard percentage standards, then the low-income obligor standards found in the Child Support Obligation of Low-Income Payers Schedule may be used.

(b) *Determination.* The Family Court may use the monthly support amount provided in the Child Support Obligation of Low-Income Payers Schedule as the support amount for an obligor with a monthly income at a level set forth in the schedule.

(1) If an obligor's monthly income is below the lowest income level in the Child Support Obligation of Low-Income Payers Schedule, the Family Court may set an order at an amount appropriate for the obligor's total economic circumstances. This amount may be lower than the lowest support amount in the Child Support Obligation of Low-Income Payers Schedule

704.9. Child Support Order

704.9-1. *Expression of Ordered Support.* The child support amount shall be expressed as a fixed sum.

704.9-2. *Interest on Arrears.* The Nation shall not charge an obligor ordered to pay child support interest on any arrears.

704.9-3. *Income Withholding.* The child support order shall provide for immediate income withholding.

- 687 (a) A copy of the Family Court's income withholding order shall be sent by the Agency to
688 a payor within three (3) business days of the entry of the order of the Family Court by mail,
689 fax, or electronic means.
- 690 (b) An order to withhold income shall be binding against future payors upon actual notice
691 of the income withholding order through notice by mail, fax, or electronic means.
- 692 (c) Income shall not be subject to withholding only where:
- 693 (1) One of the parties demonstrates, and the Family Court finds, that there is good
694 cause not to require income withholding due to one of the following:
- 695 (A) There is an error in the amount of current or overdue support; or
696 (B) The identity of the obligor is mistaken.
- 697 (2) The parties reach a written agreement which provides for an alternative
698 arrangement that is approved by the Family Court.
- 699 (d) No payor shall refuse to honor an income withholding order executed pursuant to this
700 law. A payor shall begin withholding income immediately after notice of an income
701 withholding order made pursuant to this law. Within five (5) business days after the payor
702 pays the obligor, the payor shall send the amount withheld to the Wisconsin Support
703 Collections Trust Fund.
- 704 (e) A payor shall be liable for one hundred percent (100%) of the child support order, or
705 the amount of money that should have been withheld from the obligor's earnings,
706 whichever is the lesser amount, if the payor:
- 707 (1) Fails or refuses, after being noticed of an income withholding order, to deduct
708 or promptly remit the amounts of money required in the order;
- 709 (2) Fails or refuses to submit an answer to the notice of income withholding after
710 being noticed; or
- 711 (3) Is unwilling to comply with the other requirements of this law.
- 712 (f) A payor shall not discharge from employment, refuse to employ, or otherwise take
713 disciplinary action against any obligor solely because he or she is subject to income
714 withholding.
- 715 (1) When the Family Court finds that a payor has taken any of these actions, the
716 payor shall be liable for a civil penalty. Any payor who violates any provision of
717 this paragraph shall be liable in a civil action for reasonable damages suffered by
718 an obligor as a result of the violation, and an obligor discharged or demoted in
719 violation of this paragraph shall be entitled to be reinstated to his or her former
720 position.
- 721 (2) The statute of limitations for actions under this section shall be one (1) year.
- 722 (g) A payor who repeatedly fails to comply with an income withholding order as required
723 by this law may be subject to a fine, not to exceed five hundred dollars (\$500), or have its
724 Oneida vendor license revoked or suspended, if applicable, until compliance with this law
725 is assured.
- 726 (1) The vendor license issuing agency shall comply with the Family Court order to
727 revoke or suspend a vendor license.
- 728 (h) If income withholding is inapplicable, ineffective or insufficient to ensure payment of
729 child support, the Family Court may require the obligor to establish an account for the
730 purpose of transferring child support payments.
- 731 (i) The total amount withheld under an income withholding order shall not exceed the
732 maximum amount permitted under section 303(b) of the Consumer Credit Protection Act
733 (15 U.S.C. §1673(b)).

(j) Non-Indian off-reservation payors shall be subject to income withholding under 28 U.S.C. §1738B.

704.9-4. *Conditions of the Order.* The Family Court may require a party, or both parties, to use the services available to him or her to obtain and maintain regular employment and/or job training.

704.9-5. *Support Order Notice Requirements.* Each order for child support shall include:

(a) An order that the obligor and obligee notify the Agency of any change of address or name change within ten (10) business days of such change; and

(b) An order that the obligor notify the Agency and the obligee of any change of employer or substantial change of income within ten (10) business days of the change.

704.9-6. *Enforcement of Order.* A child support order under this section is enforceable as contempt.

704.9-7. *Collection and Distribution of Child Support.* The Agency shall collect and distribute child support monies pursuant to regulations set forth in the Social Security Act 45 CFR 309.115.

704.9-8. *Trust.* The Family Court may protect and promote the best interests of the minor children by setting aside a portion of the child support that either party is ordered to pay in a separate fund or trust for the support, education, and welfare of such children.

704.9-9. *Non-Cash Payments.*

(a) Non-cash payments may be used to satisfy part or all of a child support order if the parties and the Family Court agree to allow non-cash payments. Non-cash payments shall not be used to fulfill arrears. If non-cash payments are allowed, the order shall:

(1) state the specific dollar amount of the support obligation;

(2) state the maximum amount (in dollars) of non-cash payment that the obligee will accept;

(3) describe the type of non-cash payment that is permitted;

(4) provide that non-cash payment cannot be used to satisfy assigned child support obligations.

(b) When both parents are in agreement that non-cash payments may be used to satisfy a child support obligation, the non-cash payment may include, but is not limited, to the following:

(1) Clothing;

(2) Groceries;

(3) Child Care;

(4) Deer/Venison;

(5) Wood;

(6) Transportation;

(7) Skilled trades or services, such as car repairs, lawn care and snow removal; and/or

(8) Gift cards.

(c) When a non-cash payment is used to satisfy part or all of a child support order, the obligor and obligee shall submit any forms required by the Agency within the month that the non-cash payment is made. If there are less than five (5) business days left in the month when a non-cash payment is made, the obligor and obligee have five (5) business days to submit any required forms to the Agency. The Agency shall be responsible for applying the non-cash payment towards the child support order during the appropriate month.

704.10. Modification of a Child Support Order

704.10-1. *Review of the Child Support Order.* Every two (2) years, the Agency shall conduct a review of the child support order. The Agency shall notify the non-custodial parent, custodial parent, and any interested party that a review of their child support order shall be conducted.

704.10-2. *Modification of Child Support Sought by the Agency.* After the two (2) year review is conducted by the Agency, the Agency shall seek an order to modify the child support obligation if there is a substantial change in circumstances, unless otherwise stipulated by the parties. A substantial change in circumstances includes, but is not limited to:

- (a) the child's placement is changed;
- (b) either parent or the child has a significant change in his or her finances that would lead to a change in child support of more than fifteen percent (15%) and fifty dollars (\$50.00) per month;
- (c) the obligee is receiving public assistance benefits and is required to have a current support order in place;
- (d) it has been twenty-four (24) months since the date of the last child support order or revision to the child support order, unless the child support amount is expressed as a percentage; or
- (e) a change has occurred and if the current circumstances had been in place at the time the order was issued, a significantly different order would have been issued.

704.10-3. *Modification of Child Support Sought by the Parties.* Either party, not including the Agency, may file a motion for a modification of a child support order at any time based upon a substantial change of circumstances supported by affidavit.

- (a) Such motion shall state why the previous decision should be prospectively modified.
- (b) The motion and affidavit shall be served by the moving party on the responding party by first-class mail to the recently verified last-known address, or by any method provided by law.
- (c) A hearing date shall be scheduled no sooner than ten (10) calendar days after the date of service.

704.10-4. An obligor shall not raise a substantial change in circumstances as a reason not to pay a current child support order or arrears. If a child support order becomes unjust due to a substantial change in circumstances of the obligor, the obligor has the duty to file a petition or motion with the Family Court for a modification to the child support order at that time.

704.11. Modification of a Child Support Order for an Incarcerated Parent

704.11-1. In the event an obligor is incarcerated for one hundred and eighty (180) days or more, the obligor shall have the right to have the Agency review his or her child support order to determine if modification or suspension of the child support order is appropriate. The obligor shall notice the Agency of his or her incarceration.

- (a) An ordered child support obligation shall be suspended for an incarcerated obligor who has been sentenced to one hundred and eighty (180) days or more and has an income of less than two hundred dollars (\$200) per month.
- (b) If while incarcerated the obligor's income is two hundred dollars (\$200) or more per month the Agency shall review the order and seek temporary modification of the child support order based on the incarcerated obligor's income, if necessary.
- (c) Child support obligations shall not be suspended or modified for an obligor who is incarcerated for a criminal offense which includes:

- (1) felony failure to pay support;

826 (2) a crime against a child; and/or
827 (3) a crime against the obligee.

828 (d) Past due child support related debt and/or arrears shall not be suspended or reduced as
829 a result of the obligor's incarceration without stipulation by the parties.

830 704.11-2. *Notification of Review.* Within fifteen (15) business days of the receipt by the Agency
831 of verification of the obligor's incarceration, the Agency shall send out a letter to the parties of the
832 case informing them of the obligor's right to have his or her child support obligation reviewed,
833 and of the Agency's intent to review the current child support order.

834 704.11-3. *Agency Review of Order.* The Agency shall review the obligor's child support order
835 and make one of the following determinations:

836 (a) that the obligor's income while incarcerated is two hundred dollars (\$200) or more per
837 month, and the Agency shall seek temporary modification of the obligor's child support
838 order based on the incarcerated obligor's income, if necessary; or

839 (b) that the obligor's income while incarcerated is less than two hundred dollars (\$200)
840 per month, and the Agency shall seek temporary suspension of the obligor's child support
841 order while incarcerated.

842 704.11-4. *Suspension of Order by the Agency.* If the Agency determines the obligor's income is
843 less than two hundred dollars (\$200) per month while incarcerated, the Agency shall file with the
844 Family Court a Motion and Order to Suspend without a request for a hearing with notice to all
845 parties that the child support order shall be suspended.

846 (a) Either party shall have the right to object to the suspension of the order within ten (10)
847 business days of the date of the notice by filing such objection with the Family Court and
848 providing a copy of the objection to the Agency.

849 (b) If no objection to the suspension is received, the Family Court shall enter the order as
850 proposed.

851 (c) Upon receipt of an objection from either party, the Family Court shall schedule a
852 hearing on the issue.

853 704.11-5. *Modification of Order by the Agency.* If the Agency determines the obligor's income
854 is two hundred dollars (\$200) per month or more while incarcerated, the Agency shall file with the
855 Family Court a Motion to Modify.

856 (a) The Family Court shall schedule a hearing on the motion with the Agency providing
857 notice to all parties with the proposed modification to the child support order by first class
858 mail at least ten (10) business days prior to the hearing.

859 704.11-6. *Modification of the Order by the Incarcerated Parent.* The incarcerated parent may
860 seek modification of his or her own child support order by filing a motion to modify with the
861 Family Court in accordance with section 704.10-3.

862 704.11-7. If during the term of incarceration, the Agency receives notification of a change in the
863 obligor's employment and/or income, the Agency shall review the obligor's order and determine
864 if the obligor's income is two hundred dollars (\$200) or more per month, and whether it is
865 necessary to temporarily modify or suspend the obligor's child support order.

866 (a) If the Agency determines that suspension of the obligor's order is necessary, then the
867 procedure for filing a Motion and Order to Suspend without a request for a hearing
868 described in section 704.11-4 shall be followed.

869 (b) If the Agency determines that modification of the obligor's order is necessary, then the
870 procedure for filing a Motion to Modify described in section 704.11-5 shall be followed.

871 704.11-8. *Reinstatement of Prior Order.* Sixty (60) days after the obligor's release from
872 incarceration, the child support order shall be administratively reinstated by the Agency to the

previous child support order in effect before the suspension or modification of the order based on the obligor's incarceration.

- (a) The Agency shall send notice to both parties of the obligor's release from incarceration and the intent of the Agency to reinstate the original order.

704.12. Compliance Plan

704.12-1. If at any time the obligor is, or may become, non-compliant with his or her child support order by failing to pay support as ordered or meeting a required obligation or action, the Agency shall meet with the obligor to develop a compliance plan.

704.12-2. An Appointment Letter may be sent by the Agency at any time deemed appropriate, but the Agency shall send out the Appointment Letter at least thirty (30) days prior to the initiation of any enforcement action.

- (a) The Letter shall request the party meet with the Agency to discuss barriers to payment and how to avoid future enforcement action.

- (b) If the party does not respond to the Letter within five (5) business days after receipt of the letter, the Agency may proceed with appropriate enforcement action.

- (c) If the obligor responds to the Letter, the Agency shall interview the party to determine the reasons and barriers for the non-compliance and create a compliance plan. The compliance plan may include an increase in payment and/or any activity that is necessary to assist in payment, including programs that focus on:

- (1) Employment and training;
- (2) Social service and mental health;
- (3) Physical and learning disabilities;
- (4) Tribal traditions and customs;
- (5) Family counseling and parenting; and
- (6) Any other program deemed necessary.

- (d) If the party successfully completes the terms of the compliance plan, no further enforcement action is necessary. However, if the party fails to complete the compliance plan, the Agency shall proceed with appropriate enforcement action.

704.13. Enforcement of an Order

704.13-1. An obligor may be subject to enforcement actions when the obligor is at least one (1) month delinquent in paying his or her child support obligation. Enforcement actions may include administrative enforcement action by the Agency and enforcement action by the Family Court.

- (a) An obligor shall be provided with notice of an enforcement action of at least thirty (30) days before an enforcement action is used, unless another timeline is specified.

- (b) An enforcement action shall be stayed and/or suspended after notice is given to the obligor if the obligor pays the debt in full or enters into, and maintains, an alternative payment plan and/or a compliance plan with the Agency.

704.13-2. *Agency Responsibilities in the Enforcement of an Order.* The Agency shall have the following responsibilities in the enforcement of an order:

- (a) Track and document the progress of an obligor who is under an enforcement action;
- (b) Take additional enforcement action when an obligor fails to comply with a previous enforcement action;
- (c) Document the reasons why an enforcement action is not taken, when such action would have been appropriate under the circumstances; and

919 (d) Assist in refunding amounts that were improperly withheld, terminate income
920 withholding when appropriate, and allocate amounts across multiple cases.

921 704.13-3. *Notice to the Obligor of Delinquency.* In the event that an obligor owes a debt equal to
922 or exceeding the monthly amount due, the Agency shall send a notice of delinquency to the obligor.
923 The notice of delinquency shall inform the obligor of the following:

924 (a) The total amount of the delinquency; and
925 (b) The enforcement action that may be taken as a result of the delinquency.

926 704.13-4. *Notice to the Obligor of Enforcement Action.* After the obligor has been noticed of his
927 or her delinquency, and at least twenty (20) days prior to an enforcement being used against an
928 obligor, the Agency shall send a notice of enforcement action to the obligor.

929 (a) The notice of enforcement action shall inform the obligor of the following:

930 (1) The total amount of the delinquency;
931 (2) The enforcement action that may be taken as a result of the delinquency;
932 (3) The obligor may request, in writing to the Agency, to negotiate an alternative
933 payment plan with the Agency within ten (10) business days after the notice in order
934 to stay any enforcement action;
935 (4) The obligor has ten (10) business days after the notice of enforcement action to
936 file an objection with the Agency presenting good cause why an arrears payment
937 or other enforcement action should not be implemented. The only allowable
938 objections are:

939 (A) There is an error in the amount of current or overdue support; or
940 (B) The identity of the obligor is mistaken.

941 (b) If the obligor does not file an objection or request to negotiate an alternative payment
942 plan:

943 (1) the enforcement action shall be taken; and/or
944 (2) an income withholding order, or revised order if one is already in place, shall
945 be imposed on the payor. No more than an additional twenty percent (20%) of the
946 current support payment order can be withheld to satisfy the delinquency provided
947 that the total amount withheld does not exceed forty percent (40%) of the obligor's
948 monthly income.

949 (c) If a permissible objection is filed, the obligor shall be entitled to a hearing before any
950 enforcement action is taken.

951 704.13-5. *Use of Mail for Notices.* The Agency shall send notices related to the delinquency of
952 an obligor and enforcement of a child support order by mail to the last-known mailing address
953 provided by the obligor.

954 (a) If the notice is returned, the Agency shall send notice to the obligor using the current
955 employer mailing address provided by the obligor.

956 (b) If the notice to the obligor mailed to the obligor's employer is returned, the Agency
957 shall use all appropriate tribal, federal, state and local resources to ascertain an obligor's
958 current mailing address.

959 (c) If those resources are used for a period of thirty (30) days and a verified mailing address
960 has not been identified, the Agency may proceed with the administrative enforcement
961 action.

962 704.13-6. *Notice to the Obligatee of Enforcement Proceedings.* The Agency shall provide written
963 notice to the obligee when an enforcement action has been initiated against the obligor or when
964 the obligor requests a hearing and the hearing has been scheduled. The notice to the obligee shall
965 be sent at the same time notice is sent to the obligor.

704.13-7. *Notice to Individuals Other Than the Obligor with a Recorded Ownership Interest in Property.* The Agency shall provide notice related to the seizure of property to any individual, other than the obligor, with a recorded ownership interest in property subject to seizure. The individual may request a hearing for a determination of the proportion of the value of the property that is attributable to his or her net contribution to the property. The hearing shall be requested within thirty (30) days after the notice was received by the individual.

704.14. Alternative Payment Plans

704.14-1. *Applicability of Alternative Payment Plans.* When an obligor is subject to administrative enforcement action, he or she may negotiate an alternative payment plan with the Agency.

704.14-2. *Negotiation of an Alternative Payment Plan After Receiving Notice of an Enforcement Action.*

(a) In order to negotiate an alternative payment plan, an obligor shall submit a written request to the Agency.

(1) A written request to negotiate an alternative payment plan received by the Agency within ten (10) business days after the date of notice shall stay any administrative enforcement action.

(2) If a written request to negotiate an alternative payment plan is received by the Agency more than ten (10) business days after the date of notice, administrative enforcement action may be taken.

(3) If the Agency agrees to negotiate an alternative payment plan after the ten (10) business days after the date of notice, the Agency and obligor may agree to stay or suspend the administrative enforcement action.

(b) An obligor may negotiate a plan with the Agency to have a license suspension lifted.

(c) *Hearings for Negotiations of an Alternative Payment Plan.* The obligor may submit a written request for a hearing with the Family Court regarding negotiations of an alternative payment plan in the following circumstances:

(1) The obligor and the Agency have agreed to terms of a plan, but the obligor wants the Family Court to consider the reasonableness of the plan due to a substantial change of circumstances since the plan was agreed to by the Agency and the obligor.

(A) The obligor may submit this written request for a hearing on the reasonableness of the plan within ten (10) business days after the terms of the plan are agreed upon.

(2) The obligor and the Agency are unable to reach agreement on the terms of a plan.

(A) The Family Court may order a plan by setting conditions and/or payments in the amounts and at the times it considers reasonable.

(d) *Proceeding with Administrative Enforcement Actions.* The Agency may continue with the administrative enforcement action if:

(1) the obligor and the Agency are unable to negotiate a plan;

(2) the Family Court determines that the plan is not reasonable; and/or

(3) the Family Court does not order a plan.

704.14-3. *Disclosure of Income and Assets.* The request to negotiate a plan shall include an agreement by the obligor to provide the Agency with a full disclosure of income and assets

available. The obligor shall provide complete income and assets information to the Agency within five (5) business days of the request to negotiate a plan.

704.14-4. *Terms of an Alternative Payment Plan.*

(a) An alternative payment plan may include a lump-sum payment, or periodic payments on the arrears, or both, subject to the following standards:

(1) The sum of any periodic payment established under the plan and any other payment of support ordered by the Family Court, when subtracted from the obligor's gross income, may not leave the obligor below one hundred percent (100%) of the poverty line established under 42 U.S.C. §9902 (2) unless the obligor agrees otherwise.

(2) When establishing an alternative payment plan, the Agency shall consider the factors used by the Family Court in determining whether the use of the percentage standard is unfair to the child or any of the parties.

(b) Periodic payments under the plan may be made through income withholding in amounts in addition to the amount ordered in the child support order that is in effect.

704.14-5. *Staying Administrative Enforcement Actions.* Administrative enforcement actions shall be stayed by the Agency while the obligor and the Agency are negotiating a plan, or, if a hearing is requested because an agreement cannot be reached or the reasonableness of the plan is questioned, until the Family Court determination has been made. To stay an administrative enforcement action means the following:

(a) The obligor shall not be certified for denial, nonrenewal, restriction, or suspension of any State or Oneida-issued licenses;

(b) Any frozen financial accounts shall remain frozen and shall not be seized; and

(c) Personal property that has been seized shall not be sold.

704.14-6. *Suspension of Administrative Enforcement Actions.*

(a) When a plan has been negotiated between the obligor and the Agency, or the Family Court has determined that a plan is reasonable or has ordered a plan, the Agency shall suspend administrative enforcement actions as long as the obligor complies with the plan or requests a hearing because of a substantial change in circumstances which makes the plan unreasonable.

(b) If an obligor makes an arrears payment agreeable to the Agency, the administrative enforcement action shall be suspended.

704.14-7. *Default on an Alternative Payment Plan.* In the event that the obligor defaults on the plan, the Agency shall notify the obligor in writing that an administrative enforcement action shall be implemented unless the child support lien is paid in full.

704.14-8. *Renegotiation of an Alternative Payment Plan.* After the entry of an alternative payment plan, the plan may be renegotiated upon the written request of the obligor or Agency if the requesting party can show a substantial change in circumstances. A substantial change in circumstances includes any of the following:

(a) A change in the obligor's income or assets, including the sale or purchase of real or personal property;

(b) A change in the obligor's earning capacity; and/or

(c) Any other factor that the Agency determines is relevant.

704.15. Administrative Enforcement Action

704.15-1. The Agency shall have the authority to use administrative enforcement actions to enforce a child support order without obtaining an order from the Family Court in the event that an obligor is at least one (1) month delinquent in paying his or her child support obligations.

704.15-2. *Liens*. The Agency shall have an obligor placed on the lien docket if the obligor owes a debt in one or more of the obligor's cases equal to or exceeding the monthly amount due or five hundred dollars (\$500.00), whichever is greater.

(a) *Lien Amount*. The lien amount on the lien docket shall equal the sum of lien amounts from the cases in which the lien amount meets or exceeds the lien threshold.

(b) *Filing Date*. The filing date on the lien docket is the date that a lien is first docketed and delivered to the register of deeds. The filing date is the effective date of the lien. The effective date does not change if the lien amount is adjusted up or down within five (5) years after the date that the lien is first docketed.

(c) *Lien Priority*. The child support lien shall have priority over all other liens on property except:

- (1) tax and special assessment liens;
- (2) purchase money mortgages;
- (3) construction liens;
- (4) environmental liens;
- (5) liens that are filed or recorded before the child support lien becomes effective; and
- (6) any other lien given priority under the law.

(d) Property subject to a lien includes personal property in which the obligor has a recorded ownership interest.

(e) *Effect on a Good Faith Purchaser*. A child support lien is not effective against a good faith purchaser of titled personal property unless the lien is recorded on the title.

(f) *Credit Bureau Reporting*. The Agency may report the total amount of an obligor's liens to the credit bureau, so long as the lien is fully enforceable and the case is not barred from credit bureau reporting.

(g) *Agency Lien Responsibilities*. The Agency shall be responsible for:

- (1) updating the lien docket periodically;
- (2) providing a copy of the lien docket to the appropriate register of deeds;
- (3) responding to inquiries concerning information recorded on the lien docket;
- (4) ensuring the satisfaction of a lien is recorded on the lien docket;
- (5) renewing a lien if the lien amount equals or exceeds the lien threshold at the end of the five (5) year effective period;
 - (A) When a lien is renewed, the date on which the lien is renewed shall become the effective date of the lien, and a new five (5) year period shall commence.
- (6) sending the obligor a notice when a lien has been renewed; and
- (7) developing procedures for releasing a lien and releasing specific property from a lien.

(h) *Financial Record Review*.

- (1) An obligor may request a financial record review in writing to the Agency within ten (10) business days of the date of notice of a lien, to determine the correctness of the financial records in a case.

- 1102 (2) Upon receiving a request for a financial record review, the Agency shall, at no
1103 charge to the obligor, provide the obligor with:
- 1104 (A) all relevant financial records;
 - 1105 (B) information explaining how to interpret the records; and
 - 1106 (C) a form the obligor may use to identify any alleged errors in the records.
- 1107 (3) Within twenty (20) days after receiving the relevant financial records, the
1108 obligor may:
- 1109 (A) request a meeting with the Agency to review the financial records and
1110 to discuss any alleged errors; and/or
 - 1111 (B) provide a statement of alleged error on the documents.
 - 1112 (i) The Agency shall review the records to determine whether the
1113 alleged error is correct and provide a written determination within
1114 sixty (60) days after the obligor's request for a financial record
1115 review is received as to whether the lien against the obligor is in the
1116 correct amount.
- 1117 (4) The Agency may proceed with the lien if:
- 1118 (A) the obligor does not request a meeting with the Agency or provide a
1119 statement of alleged error within twenty (20) days after receiving the
1120 financial records;
 - 1121 (B) no errors are found in the financial records of the case; or
 - 1122 (C) the arrears exceed the required threshold amount after any errors in the
1123 financial records are corrected.

1124 704.15-3. *Seizure of Property*. The Agency shall have the authority to seize property, whether an
1125 account or personal property, of an obligor. The Agency shall presume that an obligor's equity or
1126 ownership in the property is an equal pro-rata share of the equity or ownership based on the number
1127 of individuals with a recorded ownership interest in the property.

1128 (a) *Account Seizure*. Once a lien is placed against an obligor, the Agency may initiate an
1129 account seizure if the lien amount in the obligor's case equals or exceeds three hundred
1130 percent (300%) of the monthly amount due in the order, or one thousand dollars (\$1,000),
1131 whichever is greater.

1132 (1) The Agency may not issue a notice of seizure unless the sum of the funds in all
1133 of the obligor's financial accounts, minus expected seizure fees and any early
1134 withdrawal penalty, exceeds five hundred dollars (\$500). The first five hundred
1135 dollars (\$500) of each account shall not be frozen and/or seized.

1136 (2) The notice issued by the Agency shall instruct the financial institution of the
1137 following:

1138 (A) The maximum amount frozen in an account may not exceed the amount
1139 specified by the Agency in the notice.

1140 (B) The maximum amount frozen in an account may not exceed the
1141 obligor's ownership interest.

1142 (C) A financial institution is not liable for encumbering or surrendering any
1143 assets held by the financial institution in response to instructions from the
1144 Agency for the purpose of enforcing a child support order.

1145 (b) *Seizure of Personal Property*. Once a lien is placed against an obligor, the Agency
1146 may initiate the seizure of personal property if the lien amount equals or exceeds six
1147 hundred percent (600%) of the monthly amount due in the order.

1148 (1) The Agency may seize personal property if the obligor's equity in the property,
1149 minus expected seizure fees, exceeds five hundred dollars (\$500) per item total.

(2) Ceremonial or religious property and/or real property are exempt and shall not be seized by the Agency.

(3) *Process for Seizing Property.* The Agency shall follow the following process for seizing personal property:

(A) The Agency shall notify the obligor of the intent to request the Family Court to issue an order of execution for the seizure of property.

(B) The Agency shall request the Family Court to grant a written order of execution for the seizure of property. The Agency shall provide the Family Court an affidavit that notice of this request has been provided to the obligor.

(C) Upon issuance of a written order of execution by the Family Court, non-exempt personal property may be seized and sold in a reasonable manner.

704.15-4. *Attachment of Per Capita Payments.* The Agency may initiate the attachment and/or seizure of per capita payments of members of the Nation in accordance with applicable laws of the Nation.

704.15-5. *License Suspension.* The Agency may initiate the suspension or denial of both State and Oneida issued licenses if there is a lien against an obligor that equals or exceeds three hundred percent (300%) of the monthly amount due in the child support order, or one thousand dollars (\$1000), whichever is greater.

(a) The types of State or Oneida issued licenses that the Agency may initiate the suspension or denial of include, but are not limited to, vendor, professional, occupational, hunting, fishing, recreational, and/or motor vehicle licenses.

(b) The Agency shall not initiate the suspension of an occupational and/or motor vehicle license if:

(1) there is an order in place that prohibits the suspension of the license;

(2) the obligor has filed for bankruptcy; or

(3) action has already been taken to suspend the license.

(c) When an Oneida-issued license is suspended, that suspension shall be binding on and given effect by the license issuing agencies. Orders affecting licenses issued by other governmental agencies shall be sent to such agencies for enforcement.

704.15-6. *Lump-Sum Pension Payments, Judgments, and Settlements Intercepts.* Once an obligor has been placed on the lien docket the Agency may initiate the intercept of lump-sum pension payments, judgments and/or settlements.

(a) When initiating the intercept of lump-sum pension payments, judgments and/or settlements, the Agency shall specify in the notice that the amount withheld from the lump-sum pension payment, judgment or settlement may not exceed the obligor's ownership interest in the payment.

704.15-7. *Tax and Lottery Intercepts.* The Agency may coordinate with a federal or state agency in order to enforce a child support order through a tax and/or lottery intercept. Once an obligor has been notified that his or her tax refund and/or lottery winnings may be intercepted, that notice is valid until all arrears are paid in full.

(a) *Federal Tax Intercept.* The Agency may certify a federal tax intercept when the requirements pertaining to federal tax intercept contained in an agreement between the State and the Nation have been met.

(b) *Wisconsin State Tax and/or Lottery Intercept.* The Agency may certify a Wisconsin state tax intercept and/or a Wisconsin state lottery intercept, when the lottery winnings are one thousand dollars (\$1,000) or more, when the following requirements are met:

- (1) The arrears shall be at least one hundred and fifty dollars (\$150);
(2) The arrears shall be at least thirty (30) days old; and
(3) The arrears shall be for a minor child or a child who has reached the age of eighteen (18) within the last twenty (20) year.

704.15-8. *Passport Denial*. If a federal tax intercept is in place and the obligor owes two thousand five hundred dollars (\$2,500) or more in arrears, an obligor may be denied a passport. The arrears must meet the criteria for federal tax intercept in order for passport denial to be used as an enforcement tool. An obligor shall be removed from the passport denial list if:

- (a) The federal tax intercept certification amount is zero (0);
(b) The obligor makes a lump-sum payment and/or negotiates a payment plan with the Agency;
(c) The obligor has to travel abroad because of a life-or-death situation involving an immediate family member; or
(d) The obligor was denied a passport in error.

704.16. Family Court Contempt Action

704.16-1. If the Agency does not have the authority to conduct the appropriate enforcement action, or the obligor is unresponsive to the enforcement actions being imposed by the Agency, the Agency shall file a motion for contempt with the Family Court. During a contempt proceeding the Family Court may order any of the enforcement actions the Agency is authorized to implement, in addition to the contempt actions described in this section.

704.16-2. *Contempt*. The Family Court may hold an obligor who fails to comply with a lawful child support order in contempt. An obligor found to be in contempt shall be subject to any of the following punishments:

(a) *Community Service*. The Family Court may order an obligor to perform community service. The number of hours of work required may not exceed what would be reasonable considering the amount of arrears the obligor owes. The obligor shall be provided a written statement of the terms of the community service order and that the community service order is monitored. The order shall specify:

- (1) how many hours of community service the obligor is required to complete;
(2) the time frame in which the hours must be completed;
(3) how the obligor will report his or her hours; and
(4) any other information the Family Court determines is relevant.

(b) *Fines*. An obligor found in contempt of court may be fined in an amount not to exceed one thousand dollars (\$1,000.00) per act of contempt and may not exceed five thousand dollars (\$5,000.00) in total. In instances of continuing contempt, each day shall constitute a separate act of contempt.

(c) *Incarceration*. The Family Court may order an obligor be incarcerated. Before a jail sentence is imposed, the Family Court shall provide other conditions that require a certain amount of money be paid or action be taken for an obligor to avoid incarceration.

(d) *Criminal Non-Support*. A criminal non-support action may be initiated, in the appropriate county, against an obligor who has the ability to pay child support and willfully or intentionally failed to pay and the obligor knew or reasonably should have known he or she was legally obligated to provide.

(e) *Bonds and Other Guarantees*. The Family Court may require an obligor to provide a surety, bond or guarantee to secure the payment of arrears, if income withholding is not applicable, practical, or feasible to secure payment of arrears.

(f) *Claims Against Estates.* The Family Court may approve a claim for past and future support against an obligor's estate. The Family Court may issue a restraining order against an estate from which an obligor will inherit.

704.17. Full Faith and Credit for Foreign Child Support Orders

704.17-1. Child support orders, judgments, or decrees of other federally recognized tribes, and states that relate to child support shall be recognized and modified in accordance with the requirements under the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. 1738B.

704.17-2. A foreign order is authenticated by reasonable proof that the document tendered to the Family Court is a true certified copy of the foreign order as it is recorded in the agency or court of the issuing jurisdiction. An authentication stamp issued by a court clerk or custodian of records, or a court seal, is sufficient evidence of authenticity.

704.17-3. Unless defects in jurisdiction are apparent on the face of the foreign order, the person contesting enforcement of the order has the burden of showing the order is not valid. Upon a failure to respond to notice of the order and to timely contest it, the Family Court shall enforce it as an order of the Family Court.

704.17-4. If a foreign order is brought before the Family Court solely for an interpretation of the terms of the order, and the order has been recognized and given full faith and credit by the Family Court, the Family Court shall interpret the order by applying the law of the forum that issued the foreign order.

704.18. Right of Appeal

704.18-1. *Appeals of Administrative Enforcement Action.* Any enforcement action implemented by the Agency may be appealed to the Family Court within thirty (30) calendar days after the date that the action is enforced. The decision of the Family Court as to the Agency's administrative enforcement action shall be final and non-appealable.

704.18-2. *Appeals of Family Court Decisions.* A party may appeal a Family Court decision, other than the decision of the Family Court in regard to administrative enforcement action as referenced in section 704.18-1, to the Nation's Court of Appeals within thirty (30) calendar days after the date the Family Court made the decision. The review of the Court of Appeals shall be based on the record and the original decision of the Family Court.

End.

Emergency Adopted - BC-06-30-08-C (Expired)
Emergency Extended – BC-12-10-08-H (Expired)
Permanently Adopted- BC-06-24-09-B
Emergency Amended - BC-10-28-09-E
Amended - BC-02-24-10-G
Amended - BC-06-22-11-K
Amended - BC-10-10-12-C
Amended – BC-08-13-14-E
Amended – BC-__-__-__-__

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 4, 2019

RE: **Fiscal Impact of the Amendments to the Child Support Law**

I. Estimated Fiscal Impact Summary

Law: Amendments to the Child Support Law		Draft 3
Implementing Agency	Oneida Child Support Agency Oneida Judiciary Oneida Police Department	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

II. Background

This Law was adopted by the Oneida Business Committee by resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E, BC-06-22-11-K, BC-10-10-12-C, and BC-08-13-14-E. A public meeting was held on October 17, 2019. The amendments to the legislation are the following:

- The adopted Rules were moved into the Law.
 - Calculation examples from the rules were deleted
- Notice for Initiation of Action is now delayed until the agency meets with the custodial parent which is required to occur within 30 days from a referral or application.
 - Letter of Request for Support and Financial Disclosure form to the non-custodial parent is changed from five (5) business days to seven (7) business days.
 - Number of Letters required is decreased from two (2) letters to one (1) letter before initiating a hearing.

- The required wait time for a hearing request is reduced from fifteen (15) days to ten (10) days.
- Requirements of the Petition.
 - More detailed information is required on the petition.
- A new provision has been added to limit access to identifying information
- Child Support Hearings.
 - Factual Determinations at Hearings shall include, “but not be limited to,” income and expense information.
 - Records for Child Support Cases will be kept confidential.
- Family Court Authority
 - a new provision has been added allowing the Family Court to order a parent to search for a job or participate in a work experience or job training program [7 O.C. 704.7-4(b)].
- A new formula had been added to specifically address shared placement parents whose child receives social security benefits.
- The dependency exemption was eliminated and a new provision added to give the Family Court authority to accept a stipulation entered into by the parties regarding children and taxes.
- The legal obligation for child support for non-marital children will now be incurred on the date that paternity was legally established rather than the date that the child support order is entered.
- Changes have been made to how overnights and periods of equivalent care are calculated in determining child support for shared-placement parents.
- A new provision has been added stating that a change in the child’s variable costs will not, in and of itself, be considered a “substantial change in circumstances” to justify a modification of a child support order. The decision as to modify an order is up to the Family Court.
- The formula for calculating child support obligation for a split-placement parent has been clarified.
- The option to agree to a percentage of income has been deleted. The Child Support amount must be expressed as a fixed sum.
- Child Support withholding orders now include “by mail, fax or electronic means.”
- The list of non-cash options for child support payments has been updated to add “gift cards”
- The language on how to modify a child support order has been clarified.
- The definition of a significant change in finances has been changed to more than 15% AND fifty dollars per month.
- **Modification of Child Support for Incarcerated Parent.**
 - A new section regarding incarcerated parents has been added to the Law.
 - This new provision allows for the temporary suspension or modification of a child support order for an incarcerated parent who has been sentenced to at least one hundred and eighty (180) days in jail or prison.
 - If the obligor has an income of less than \$200 dollars per month, the Child Support order may be temporarily suspended.
 - If the obligor has an income of \$200 per month or more, the Child Support order may be temporarily modified based on the obligor’s income.
 - Child Support orders will not be suspended for individuals incarcerated for the following crimes:
 - Felony failure to pay support;

- Crime against a child; or
 - Crime against the obligee (i.e., the other parent).
- Past due arrears will not be suspended or reduced.
- Compliance Plans
 - “any other programs deemed necessary” was added to the list of acceptable programs that can be included in a compliance plan.
 - Changes were made to the notice and timelines for initiating compliance plans
 - Notice of delinquency and notice of enforcement timerframes have been shortened from sixty (60) days to to thirty (30) days.
- Alternative Payment Plans
 - The section on obligors with cases in multiple jurisdiction has been removed.
 - The amount of payment required to suspend enforcement action has been changed from “full” arrears to “an arrears payment agreeable to the Agency.”
- Administrative Enforcement Actions
 - deleted “only as a last resort” from the agency’s ability to suspend an individuals occupational and/or motor vehicle license.
 - Passport denial threshold has been lowered from \$5,000 to \$2,500.
 - The provision to deny State issued grants and loans has been deleted.
- A definition for “contempt - a willful disregard of the authority of the court or disobedience to its lawful orders” has been added.

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

According to Trina Schuyler, the Child Support Director at the Oneida Nation Child Support Agency, there are no fiscal impacts for the Child Support Law amendments. There are no start-up costs, no increases in personnel, office costs or documentation costs. The Child Support Agency will be prepared to implement all changes when approved.

While not an amendment to the current law, Finance would be remiss if we did not convey the concerns specifically expressed by the Judiciary regarding the fiscal impact of the power of incarceration. Their comments are below.

“The law continues to reference incarceration (See Section 9.E. of Analysis to Draft 3 of amendments to Child Support Law). As the Oneida Nation does not have a jail, incarceration cannot be used unless there are contracts in place that would allow the Nation to utilize a jail (e.g. Brown or Outagamie County). Whether to pursue such an agreement is a policy decision for the LOC and/or Oneida Business Committee. If agreements are entered, then the future budget of the Court and/or OPD will have to account for the cost of incarceration before incarceration could be ordered. Federal law prohibits the child support agency from using their IV-D funds on expenditures for jailing of parents in Tribal IV-D cases. As these are individuals who are not paying their court ordered child support, cost recovery for the incarceration may prove to be difficult (per capita, if received, would be attached to satisfy what is likely to be a high amount of child support arrears). The future budget of OPD may have to account for jail transport. A rule addressing incarceration would have to be drafted by the Family Court to address the incarceration process”.

III. Financial Impact

The Fiscal Impact of implementing this legislation is indeterminate due to the unknown costs of exercising the power to incarcerate expressed by the Judiciary.

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 this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Enter the e-poll results into the record regarding the adopted resolution # 12-12-19-A FY 2019-2020 IDEA

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/20

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: e-poll results, request and back up

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

From: TribalSecretary
Sent: Monday, December 16, 2019 9:46 AM
To: TribalSecretary; Donald M. Miller; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Kirby W. Metoxen; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill
Cc: BC_Agenda_Requests; Brian A. Doxtator; Danelle A. Wilson; Fawn J. Billie; Jameson J. Wilson; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster; Simone A. Ninham
Subject: E-POLL RESULTS: Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application
Attachments: BCAR Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application.pdf; KM Comment.pdf; LS Comment.pdf
Importance: High

E-POLL RESULTS

The e-poll to adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application, **has been approved**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Lisa Summers, Jennifer Webster

Per section 5.2.c. of the OBC SOP "Conducting Electronic Voting (E-polls)", attached are copies of any comment by an OBC member made beyond a vote.

Lisa Liggins
 Information Management Specialist
 Business Committee Support Office (BCSO)



A good mind. A good heart. A strong life.

P.O. Box 365
 Oneida, WI 54155-0365
 oneida-nsn.gov

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Wednesday, December 11, 2019 2:49 PM
To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson

<dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>

Subject: E-POLL REQUEST: Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

Importance: High

E-POLL REQUEST

Summary:

A letter was sent to the Oneida Nation affirming that there was a funding allocation available from the Bureau of Indian Education in the amount of \$411,490 for the Tribes Early Intervention Program for children ages 0-5.

Among the required elements for the application is a BC resolution supporting and authorizing the application. As we were unable to timely obtain the necessary signatures and permissions to have this resolution request placed on the current BC agenda, and as the need for the resolution is urgent, we are requesting that an e-poll be taken to adopt this resolution as soon as possible.

Requested Action:

Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

Deadline for response:

Responses are due no later than **4:30 p.m., THURSDAY, December 12, 2019.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins
Information Management Specialist
Business Committee Support Office (BCSO)



A good mind. A good heart. A strong fire.
PO Box 365
Oneida, WI 54155-0365
Oneida-nsn.gov

From: Kirby W. Metoxen
Sent: Wednesday, December 11, 2019 3:49 PM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill
Cc: Brian A. Doxtator; Jameson J. Wilson; Simone A. Ninham; Danelle A. Wilson; Fawn J. Billie; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster
Subject: RE: E-POLL REQUEST: Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

Support

However I don't see any dates as to when this is due, sent, signed.

Kirby Metoxen

Kirby Metoxen, Councilman

kmetox@oneidanation.org

Work Phone: (920) 869-4441

Fax: (920) 869-4040



A good mind. A good heart. A strong fire.

The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify us of the erroneous transmission.

From: Lisa M. Summers
Sent: Thursday, December 12, 2019 6:11 AM
To: Kirby W. Metoxen; TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Patricia M. King; Tehassi Tasi Hill
Cc: Brian A. Doxtator; Jameson J. Wilson; Simone A. Ninham; Danelle A. Wilson; Fawn J. Billie; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster
Subject: RE: E-POLL REQUEST: Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

It is due Dec. 17. Thanks!

From: Kirby W. Metoxen <KMETOX@oneidanation.org>
Sent: Wednesday, December 11, 2019 3:49 PM
To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>
Subject: RE: E-POLL REQUEST: Adopt resolution entitled FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

Support

However I don't see any dates as to when this is due, sent, signed.

Kirby Metoxen

Kirby Metoxen, Councilman

kmetox@oneidanation.org

Work Phone: (920) 869-4441

Fax: (920) 869-4040



A good mind. A good heart. A strong fire.

The information contained in this e-mail is confidential and privileged. If you are not the intended recipient, please be advised that any use, copying, or dissemination of this information is prohibited. Please destroy this e-mail and immediately notify us of the erroneous transmission.

Oneida Business Committee Agenda Request**1. Meeting Date Requested:** ___ / ___ / ___**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: Susan House, Division Director/GSD
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Donald Miller, Grant Specialist, Grants
Name, Title / Dept.Additional Requestor: Carla Witkowski, Manager, Early Intervention/Education and Training
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The program funds are to provide services for Oneida Children ages 0-5 with recognized disabilities so that they may receive disability services as needed to promote their educational development and to provide assistance and information for the parents of those children as needed.

- 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



United States Department of the Interior
Bureau of Indian Education
Albuquerque Education Resource Center
Tribally Controlled Grant Schools
1011 Indian School Road NW, Suite 332
Albuquerque, New Mexico 87104
PH: 505-563-5237 FAX: 505-563-5281

November 14, 2019

Honorable Tehassi Hill,
Tribal Chairman
Oneida Nation of Wisconsin
P. O. Box 365
Oneida, WI 54155

Dear Chairman Hill:

The Bureau of Indian Education has received 2019-2022 Infant and Toddler allocations through the Individuals with Disabilities Education Act PL105-17 (CFDA#84.181A) for **Part C** in the amount of **\$13,400.00** and under PL 108-446 (CFDA 84.027A) **Part B** in the amount of **\$398,090.00**. The total allocation is **\$411,490.00**.

Please include the following documents as part of the Oneida Nation of Wisconsin's proposal:

- Tribal Resolution
- Statement of Work for Parts C and B
- Budget and Budget Narrative for parts C and B (allocations are noted above.)
- Current Memorandums of Understanding/Agreement (MOU/MOA) with other agencies, programs and/or schools
- If funding a position(s) in whole or in part include the position description.
- If including indirect costs; provide a copy of the Indirect Cost Negotiation Agreement

If there are any questions, please feel free to contact me at (505) 563- 5237 or Jody LeCompte-Garrison, Grant Management Specialist at (505)-563-5024. We wish you great success in our partnership to educate Indian children.

Sincerely,

Tracia (Keri) Jojola,(Acting)
Associate Deputy Director, Tribally Controlled Schools
Bureau of Indian Education

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

Department: Education and Training	Division/Non-Division: Governmental Services	
Program: Early Intervention	Program Accountant:	
Person Responsible for Proposal Development: Carla Witkowski	Phone: (920) 490-3890	
Person Responsible for Grant Administration: Jackie Smith	Phone: (920) 869-4037	
Project Title: Oneida Early Intervention Program		

GRANT INFORMATION

Name of Funding Source: Bureau of Indian Affairs		Type (pick one): New
Title of Grant: BIA Early Intervention		CFDA No: 84.181 & 84.027
Application Deadline: December 2019		Grant Amount: \$411,490.00
Project Period: 36 months	Budget Period: 36 months	Project Type (pick one): Education
Match Requested (% or \$): None		Match Type (pick one): None
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? Yes Name of Position(s): 1 Disability Coordinator; 1 Special Education Manager; 1 Speech therapist, 1 Language therapists, 1 Occupational therapist, 1 Early Childhood Special Education teacher		
Will this grant fund a new position? If YES, attach draft job description for all positions in the grant. PLEASE NOTE: Position/employee will be phased out when grant funding ends.		

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:

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 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.

Jacqueline Smith 12.13.19

Carla Wolkowski 12/3/2019

1. Supervisor Signature

Date

SIGNATURE VERIFIES & APPROVES MATCH

Sue Anasta 12-3-2019

2. Division/Non-Division Director Signature Date

SIGNATURE APPROVES GRANT PROJECT & MATCH

Deborah Thundercloud Deborah Thundercloud
2019.12.03 20:49:15
-06'00'

3. General Manager Signature

Date

[Signature] 12/4/19

4. Grants Office Signature

Date

FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 9/12/19

GO-001

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

- 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,** supporting the development of Oneida Children is an important goal of the Oneida Nation;
12 and
13
14 **WHEREAS,** it has been determined that programs supported by the *Individuals with Disabilities*
15 *Education Act* (IDEA) Early Intervention grants promote the education and development of
16 the youngest Oneida children with disabilities; and
17
18 **WHEREAS,** the Bureau of Indian Education has made an allocation available to support offering those
19 programs to these Oneida infants and toddlers during 2019-2022; and
20
21 **WHEREAS,** these funds are offered to the Oneida Nation without a required match;
22
23 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee authorizes and supports the
24 application by the Oneida Early Intervention Program for the IDEA Program funds.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 12-12-19-A FY 2019-2020 IDEA Early Intervention for Infants and Toddlers Application

- 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,** supporting the development of Oneida Children is an important goal of the Oneida Nation; and
- WHEREAS,** it has been determined that programs supported by the *Individuals with Disabilities Education Act* (IDEA) Early Intervention grants promote the education and development of the youngest Oneida children with disabilities; and
- WHEREAS,** the Bureau of Indian Education has made an allocation available to support offering those programs to these Oneida infants and toddlers during 2019-2022; and
- WHEREAS,** these funds are offered to the Oneida Nation without a required match;

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee authorizes and supports the application by the Oneida Early Intervention Program for the IDEA Program funds.

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 participated in an electronic vote (e-poll) which closed on the 12th day of December, 2019; that the forgoing resolution was duly adopted by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way. The results of the e-poll will be entered into the record at the next Oneida Business Committee scheduled on January 8, 2020.



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."

Oneida Business Committee Agenda Request

Determine next steps regarding one (1) vacancy - Oneida Nation Arts Board

1. Meeting Date Requested: 01 / 08 / 20**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:

One (1) vacancy was posted for the Oneida Nation Arts Board to complete terms ending February 28, 2022.

The application deadline was December 20, 2019 and one (1) application was received for the following applicant:

Amy L. Wilde

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint Amy L. Wilde to term ending February 28, 2022; OR
 - (a) reject the selected applicant(s) and oppose the vote**; OR
- (2) repost the vacancy(ies) in accordance with § 105.5-5. due to an insufficient number of applicants; OR
- (3) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Determine next steps regarding eight (8) alternate vacancies - Oneida Election Board

1. Meeting Date Requested: 01 / 08 / 20

2. General Information:

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

Agenda Header: Appointments

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

Determine next steps regarding eight (8) alternate vacancies - Oneida Election 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, Boards, Committees, and Commissions 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:

Eight (8) alternate vacancies were posted for the Oneida Election Board to assist with the January 25, 2020 Election activities.

The application deadline was December 27, 2019 and seven (7) application(s) were received for the following applicant(s):

Candace House
Kalene White
Clarissa Reyes
Kim Reyes
Keenan Skenandore
Terryl Wheelock
Linda Langen

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint as alternates; OR
 - (a) reject the selected applicant(s) and oppose the vote**; OR
- (2) repost the vacancy(ies) in accordance with § 105.5-5. due to an insufficient number of applicants; OR
- (3) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

Determine next steps regarding ten (10) ad hoc vacancies - Oneida Election Board

1. Meeting Date Requested: 01 / 08 / 20

2. General Information:

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

Agenda Header: Appointments

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

Determine next steps regarding ten (10) ad hoc vacancies - Oneida Election 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, Boards, Committees, and Commissions 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:

Ten (10) ad hoc vacancies were posted for the Oneida Election Board to assist with GTC Meeting activities.

The application deadline was December 27, 2019 and three (3) application(s) were received for the following applicant(s):

Candace House
Kalene White
Tonya Webster

Select action(s) provided below:

- (1) accept the selected the applicant(s) and appoint as ad hoc members; OR
 - (a) reject the selected applicant(s) and oppose the vote**; OR
- (2) repost the vacancy(ies) in accordance with § 105.5-5. due to an insufficient number of applicants; OR
- (3) request the Secretary to re-notice the vacancy(ies) in accordance with §105.7-1.(c)(2) due to ineligible, unqualified, or under qualified applicants

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

Accept the December 2, 2019, Regular Finance Committee Meeting Minutes

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 08 / 20

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 Dec. 2, 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: 12/03/19

RE: E-Poll Results - FC Meeting Minutes of Dec. 2, 2019

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of December 2, 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 Dec. 2, 2019 Finance Committee Meeting Minutes. FC Members voting included: Patrick Stensloff, Jennifer Webster, Daniel Guzman King and Chad Fuss.

These Finance Committee Minutes of Dec. 2, 2019 will be placed on the next Finance Committee agenda of Dec. 16, 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

Dec. 2, 2019 ▪ Time: 9:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC REGULAR MEETING:

Larry Barton, CFO/FC Vice-Chair

Jennifer Webster, BC Council Member

Daniel Guzman King, BC Council Member

Chad Fuss, Gaming AGM; GGM Alt.

Patrick Stensloff, Purchasing Director

EXCUSED: Patricia King, Treasurer/FC Chair and Shirley Barber, FC Elder Member,

OTHERS PRESENT: Carrie Lindsey, Jo Anne House, David Emerson, Michele Doxtator, Andrew Doxtater, James Bittorf, Carol Silva and Denise J. Vigue, taking Minutes

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

II. APPROVAL OF AGENDA: DECEMBER 2, 2019

Motion by Chad Fuss to approve the Dec. 2, 2019 FC Meeting Agenda with one LATE ADD ON in Executive Session. Seconded by Jennifer Webster. Motion carried unanimously.

III. APPROVAL OF MINUTES: NOVEMBER 18, 2019 (Approved via E-Poll on 11/19/19):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Nov. 19, 2019 approving the Nov. 18, 2019 Finance Committee Meeting Minutes. Seconded by Patrick Stensloff. Motion carried unanimously.

IV. APPROVAL OF SPECIAL FC E-POLL: NOVEMBER 21, 2019 (Approved on 11/22/19):

1. FC Approval for Treasurer to send letter to FC Elder Member

Patricia King, Treasurer /FC Chair

Motion by Chad Fuss to ratify the FC Special E-Poll action taken on Nov. 22, 2019 approving for the Treasurer to send a letter to the FC Elder Member. Seconded by Jennifer Webster. Motion carried unanimously.

V. TABLED BUSINESS: NONE

VI. CAPITAL EXPENDITURES:

1. AGS (16) Orion Slot Machines

Amount: \$297,920.

David Emerson, Gaming Slots Department

David was present and explained these four Capital Expenditure requests are part of their yearly slot machine purchases in order to take advantage of the substantial discounts; #4 is a little different, it is for leases that will be converted into sales.

Motion by Jennifer Webster to approve the Gaming Capital Expenditures #1 through #4 in the amounts as requested. Seconded by Patrick Stensloff. Motion carried unanimously.

2. **Bally (20) J43 Slot Machines** Amount: \$364,900.
David Emerson, Gaming Slots Department
- See Motion in Capital Expenditures Request #1.
3. **Konami (10) KX43 Slot Machines** Amount: \$187,991.50
David Emerson, Gaming Slots Department
- See Motion in Capital Expenditures Request #1.
4. **Konami (3) Leased Opus Slot Machines** Amount: \$59,997.
David Emerson, Gaming Slots Department
- See Motion in Capital Expenditures Request #1.

VII. COMMUNITY FUND:

REPORTS:

1. **Community Fund Monthly Report for December 2019**
Denise J. Vigue, Finance Administration Office

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

REQUESTS:

1. **Capital City Volleyball Club Fees** Amount: \$480.
Requester: Shawn Danforth for daughter, Katelyn

The first two requests show no evidence of a ten percent match (required) in the paperwork submitted, if approved it is recommended to approve minus ten percent.

Motion by Jennifer Webster to approve from the Community Fund the Capital City Volleyball Club fees for the two daughters of the requester minus ten percent in the amounts of \$432.00 and \$396.00. Seconded by Patrick Stensloff. Motion carried unanimously.

2. **Capital City Volleyball Club Fees** Amount: \$440.
Requester: Shawn Danforth for daughter, Malena

- SEE Motion in Community Fund Request #1.

3. **Green Bay Elite Cheer Class Fees** Amount: \$500.
Requester: Jesse Montoya for daughter, Nihzhonie

Motion by Jennifer Webster 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 Chad Fuss. Motion carried unanimously.

4. **New Fusion Dance Class Fees** Amount: \$500.
Requester: Andrew Doxtater for daughter, Scarlett

Motion by Jennifer Webster to approve from the Community Fund the New Fusion Dance class fees for the daughter of the requester in the amount of \$500.00. Seconded by Patrick Stensloff. Chad Fuss abstained. Motion carried.

5. One Wisconsin Volleyball Team Fees

Amount: \$500.

Requester: Sylvia Cornelius for daughter, Hannah

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

6. Impact Sports Academy Baseball Registration

Amount: \$500.

Requester: Jolene Billie for son, Jaicee

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

7. WorkSomeMore-Bitty Ballers Basketball Lessons

Amount: \$162.

Requester: Vanessa Mill for daughter, Journee

Motion by Jennifer Webster to approve from the Community Fund the Impact Sports Academy Baseball registration for the son of the requester in the amount of \$162.00. Seconded by Patrick Stensloff. Motion carried unanimously.

VIII. NEW BUSINESS:**1. FY20 Blanket PO – Data Financial**

Amount: \$212,440.32

Andrew Doxtater, Gaming Accounting

Andrew was present and explained this request is for the FY20 payment for maintenance of all gaming equipment; multiyear contract that will be concluded and renegotiated in May 2020; they are hoping to keep costs from going up too much but with all the new machines and services this may not occur; there really isn't another competitor that can match their service.

Motion by Patrick Stensloff to approve the FY20 Blanket Purchase Order with Data Financial in the amount of \$212,440.32. Seconded by Jennifer Webster. Chad Fuss abstained. Motion carried.

2. FY20 Blanket PO – Learfield Communication

Amount: \$154,500.

Michele Doxtator, Rep. Joint Marketing

This is the third year of this three-year contract for sponsoring the UWGB's men's and women's basketball games; special activities at the breaks and signage at the venue; Joint Marketing; Gaming; Radisson; Retail and Thornberry Creek Golf Course all contribute to the sponsorship; the \$154,500.00 is the total cost, asking for \$59,000.00 to cover FY20.

Motion by Patrick Stensloff to approve the FY20 Blanket Purchase Order with Learfield Communications in the amount of \$59,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

3. FY20 Blk. PO-Care 4U NEW LLC d/b/a Nurse Next Door

Amount: \$120,000.

Carrie Lindsey, Consolidated Health Services

Carrie was present to explain the this and the following five requests for services; contracts run on the calendar year, requesting PO's that will begin in January 2020; services for supporting home and rehabilitation health care of individuals with developmental or physical disabilities; traumatic brain injuries and mental illness.

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Orders for this request and the following five requests in the amounts as requested. Seconded by Patrick Stensloff. Motion carried unanimously.

- 4. FY20 Blk. PO-Cerebral Palsy Center** Amount: \$120,000.
Carrie Lindsey, Consolidated Health Service
- SEE Motion in New Business Request #3.
- 5. FY20 Blk. PO-Clarity Care** Amount: \$190,000.
Carrie Lindsey, Consolidated Health Services
- SEE Motion in New Business Request #3.
- 6. FY20 Blk. PO-Good Shepherd Services, Ltd.** Amount: \$120,000.
Carrie Lindsey, Consolidated Health Services
- SEE Motion in New Business Request #3.
- 7. FY20 Blk. PO-Helping Hands** Amount: \$300,000.
Carrie Lindsey, Consolidated Health Services
- SEE Motion in New Business Request #3.
- 8. FY20 Blk. PO-Shawano Medical Transport** Amount: \$50,000.
Carrie Lindsey, Consolidated Health Services
- SEE Motion in New Business Request #3.

IX. EXECUTIVE SESSION: This item was reviewed at the beginning of the agenda.

Motion by Chad Fuss to move into Executive Session. Seconded by Patrick Stensloff. Motion carried unanimously. Time: 9:03 A.M.

Motion by Patrick Stensloff to come out of Executive Session. Seconded by Chad Fuss. Motion carried unanimously. Time: 9:10 A.M.

1. FY20 Blanket PO Increase – Contract #2018-0942
James Bittorf, Oneida Law Office

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order Increase – Contract #2018-0492 in the amount as specified in the request. Seconded by Patrick Stensloff. Motion carried unanimously.

Motion by Chad Fuss to move into Executive Session. Seconded by Jennifer Webster. Motion carried unanimously. Time: 9:21 A.M.

Motion by Jennifer Webster to come out of Executive Session. Seconded by Daniel Guzman King. Motion carried unanimously. Time: 9:35 A.M.

2. LATE ADD ON: Wage Adjustments
Carol Silvia, Oneida Police Commission

Motion by Chad Fuss to refer this matter to the General Manager and HRD for their input and follow up. Seconded by Patrick Stensloff. Motion carried unanimously.

X. ENDOWMENTS:

- 1. Food Sovereignty Endowment**
- 2. Sovereign Sustainable Wellness Endowment**

Daniel P. Guzman, Council Member

There was a discussion on changes made to endowments/cover sheets; FC seeking input from all areas that are affected; including GM and areas over health and Tsyuhkwa before sending on for the public hearing phase.

Motion by Jennifer Webster to send endowments to the General Manager, Environmental Health & Safety Division Director, and Comprehensive Health Division Directors to provide their written input and suggestions within 30 days. Seconded by Chad Fuss. Motion carried unanimously.

XI. FOLLOW UP: None**XII. FOR INFORMATION ONLY:** None**XIII. ADJOURN:** Motion by Chad Fuss to adjourn. Seconded by Patrick Stensloff. Motion carried unanimously. Time: 10:00 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: December 3, 2019

Accept the December 16, 2019, regular Finance Committee meeting minutes

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 08 / 20

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 Dec. 16, 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: 12/16/19

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

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of December 16, 2019. The E-Poll and minutes were sent out 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 Dec. 16, 2019 Finance Committee Meeting Minutes. FC Members voting included: Larry Barton, Jennifer Webster, Daniel Guzman King, and Chad Fuss.

These Finance Committee Minutes of Dec. 16, 2019 will be placed on the next Finance Committee agenda of Dec. 30, 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; in this case on Jan 8, 2020 as the Dec. 27, 2019 BC meeting has been canceled.

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

Dec. 16, 2019 ▪ Time: 9:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC REGULAR MEETING:

Patricia King, FC Chair/Treasurer

Larry Barton, FC Vice-Chair/CFO

Jennifer Webster, BC Council Member

Daniel Guzman King, BC Council Member

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

EXCUSED: Patrick Stensloff, Purchasing Director and Shirley Barber, FC Elder Member

OTHERS PRESENT: Kevin House, Ray Olson, David Emerson 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: DECEMBER 16, 2019

Motion by Jennifer Webster to approve the Finance Committee meeting agenda of Dec. 16, 2019. Seconded by Larry Barton. Motion carried unanimously.

III. APPROVE E-POLL OF MINUTES: DECEMBER 2, 2019 (Approved via E-Poll on 12/3/19):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Dec. 3, 2019 approving the Dec. 2, 2019 Finance Committee Meeting Minutes. Seconded by Larry Barton. Motion carried unanimously.

IV. TABLED BUSINESS: NONE

V. CAPITAL EXPENDITURES:

1. Kain Energy Corp.

Amount: \$64,883.

Jacque Boyle, DPW-Facilities

Ray Olson was present to represent and explain this request for upgrade service at the Norbert Hill Center; S.A.M. search provided as a handout.

Motion by Jennifer Webster to approve the Capital Expenditure for Kain Energy Corp. in the amount of \$64,883.00. Seconded by Larry Barton. Motion carried unanimously.

2. Incredible Technologies – (6) Cabinets & Software

Amount: \$78,814.80

David Emerson, Gaming – Slots Dept.

David was present and explained they are afforded a substantial discount to use upgraded cabinets as test banks for the company; in return software is free.

Motion by Jennifer Webster to approve the Gaming Capital Expenditure with Incredible Technologies for six (6) Cabinets and Software in the amount of \$78,814.80. Seconded by Larry Barton. Motion carried unanimously.

VI. DONATIONS:**REPORT:****1. DONATION Report for December 2019**

Denise J. Vigue, Finance

Motion by Jennifer Webster to approve the December 2019 Finance Committee Donation Report.

Seconded by Chad Fuss. Motion carried unanimously.

REQUESTS: None

VII. NEW BUSINESS:**1. Milbach Construction – Change Order #2**

Amount: \$2,227.

Paul Witek, Dev. Div. – Engineering

Kevin House was present and explained this change order to finish out this project; it is for curtain rods to be installed for the Elder Village Cottages; several tenants can then move in. He provided a handout of the Legal Review.

Motion by Jennifer Webster to approve the Change Order #2 for Milbach Construction for work on the Elder Cottages in the amount of \$2,227.00. Seconded by Chad Fuss. Motion carried unanimously.

VIII. EXECUTIVE SESSION: None**IX. FOLLOW UP: NONE****X. FOR YOUR INFORMATION:****1. Interblock – Reduction on Lease Games**

David Emerson, Gaming – Slots Dept.

David explained there is no money involved and the change is a reduction of roulette wheels at the West Mason Street casino; the second FYI request is with same company and a simple language change; no cash involved.

Motion by Larry Barton to accept the information from Interblock on Lease Games reduction and the Master Equipment Agreement Amendment as FYI. Seconded by Jennifer Webster. Motion carried unanimously.

2. Interblock – Amendment to Master Equipment Agreement

David Emerson, Gaming – Slots Dept.

- See Motion in FYI #1.

XI. ADJOURN: Motion by Chad Fuss to adjourn. Seconded by Larry Barton. Motion carried unanimously. Time: 9:13 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: December 16, 2019

Oneida Business Committee Agenda Request

Accept the December 18, 2019, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 1 / 8 / 20**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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 December 18, 2019
 9:00 a.m.

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

Others Present: Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Kristen Hooker, Jennifer Falck, Rae Skenandore, Jameson Wilson, Lee Cornelius

I. Call to Order and Approval of the Agenda

David P. Jordan called the December 18, 2019, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Ernest Stevens III. Motion carried unanimously.

II. Minutes to be Approved

Motion by Kirby Metoxen to approve the December 04, 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 (:45-9:11)

Motion by Jennifer Webster to approve the adoption packet for the Child Support law amendments with correction to page 9 and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

2. Citations Law (9:12-12:30)

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

3. Vehicle Driver Certification & Fleet Management Amendments (12:33-18:57)

Motion by Kirby Metoxen to approve the public meeting packet and forward the Vehicle Driver Certification and Fleet Management law amendments to a public meeting to be held on January 16, 2020; seconded by Ernest Stevens III. Motion carried unanimously.

4. Children's Burial Fund (18:58-23:02)

Motion by Jennifer Webster to accept the draft of the Children's Burial Fund amendments and direct that a legislative analysis be completed and brought back to the January 15, 2020, Legislative Operating Committee meeting; seconded by Kirby



Metoxen. Motion carried unanimously.

5. Oneida Food Service Code Amendments (23:03-52:40)

Motion by Kirby Metoxen to approve the draft amendments to the Oneida Food Service Code and the legislative analysis and defer to a work meeting; seconded by Ernest Stevens III. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Items

1. E-poll Results: Sanctions and Penalties Law – Rescission of the December 4, 2019, LOC Action (52:41-55:03)

Motion by Jennifer Webster to enter into the record the December 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019, LOC action; seconded by Kirby Metoxen. Motion carried unanimously.

2. E-poll Results: Sanctions and Penalties Law – Approval of the Public Meeting (55:06-58:45)

Motion by Ernest Stevens III to enter into the record the December 10, 2019, E-poll results for the Sanctions and Penalties law – approval of a public meeting; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn the December 18, 2019, Legislative Operating Committee meeting at 9:59 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.

Oneida Business Committee Agenda Request

Accept the November 14, 2019, regular Quality of Life Committee meeting minutes

1. Meeting Date Requested: 1 / 08 / 20**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, November 14, 2019
BC-Executive Conference Room

Minutes

Present: Daniel Guzman-King, Kirby Metoxen, Ernest Stevens III

Not Present: Tehassi Hill, Brandon Yellowbird-Stevens

Others Present: Joanie Buckley, Melanie Burkhart, Aliskwet Ellis, Susan Exworthy, Mari Kriescher, Tina Jorgenson, James Snitky, Deborah Thundercloud, Jameson Wilson

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Ernest Stevens III at 8:33 a.m.

II. APPROVAL OF THE AGENDA

Motion by Daniel Guzman-King. to approve the agenda with the Endorsement letter from wellness council, seconded by Kirby Metoxen. Motion carried unanimously.

III. APPROVAL OF MEETING MINUTES

A. September 12, 2019 Quality of Life Meeting Minutes

Motion by Daniel Guzman-King to approve the September 12, 2019 Quality of Life meeting minutes, seconded by Kirby Metoxen. Motion carried unanimously.

IV. UNFINISHED BUSINESS

A. Approve Endowment Memos to Finance Committee

Motion by Daniel Guzman-King to approve the update as FYI, seconded by Kirby Metoxen. Motion carried unanimously.

V. NEW BUSINESS

A. Comprehensive Community Services (CCS Proposal) Presentation

Motion by Daniel Guzman-King to support to the Comprehensive Community Services (CCS) in Oneida Nation initiative and to draft a memo of support from the Quality of Life to the General Manager, Business Committee, Human Resource Department and the Finance Committee, seconded by Kirby Metoxen. Motion carried unanimously.

B. 2020 Robert Wood Johnson Foundation Culture of Health Prize - Update

Motion by Kirby Metoxen to approve the update as FYI, seconded by Daniel Guzman-King. Motion carried unanimously.

VI. REPORTS

A. Tribal Action Plan – Debbie Thundercloud

Motion by Daniel Guzman-King to accept the Tribal Action Plan update, seconded by Kirby Metoxen. Motion carried unanimously.

B. Environmental Issues – Ernest Stevens III

Motion by Daniel Guzman-King to accept the update and to direct Environmental Health & Safety to set up a work meeting to revise the Rights of Nature Proclamation and to work on a mission statement, seconded by Kirby Metoxen. Motion carried unanimously.

C. Wellness Council – Tina Jorgenson

Motion by Daniel Guzman-King to accept the Wellness Council quarterly update and have the Quality of Life Chair or Vice-Chair to sign the letter of support for the 2020 Wellness Summit, seconded by Kirby Metoxen. Motion carried unanimously.

D. Quality of Life Quarterly Report FY19 Q4

Motion by Kirby Metoxen to approve the report, seconded by Daniel Guzman-King. Motion carried unanimously.

VII. ADJOURN

Motion by Kirby Metoxen to adjourn at 11:10 a.m., seconded by Daniel Guzman-King.

Approve the travel report - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund...
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 8 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve Travel Report for Indian Health Care Improvement Fund from /11/19 -3/13/19 to
Arlington, VA

3. Supporting Materials

☒ Report ☐ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Jennifer Webster

Travel Event: IHCIF Indian Health Care Improvement Fund

Travel Location: Arlington, VA

Departure Date: 03/11/2019 Return Date: 03/13/2019

Projected Cost: 1909.00 Actual Cost: 1454.52

Date Travel was Approved by OBC: 12/12/2018

Narrative/Background:

I have been selected to serve as an alternate on behalf of the Bemidji Area on the Indian Health Care Improvement Fund (IHCIF) work group.

The workgroup charge is to continue to review the existing IHCIF formula and make recommendations for future use.

This is an important component for the Bemidji area as we are currently the lowest funded region, with our level of need funding at approximately 47%.

Bemidji area's goals are to increase the percentage in our area by advocating for change in the funding formula.

Oneida received an increase in August 2019 as reported out in Executive Session.

I have included the agenda, the org charge of Department of Health and Human Services Indian Health Service, and the original charge from IHS.

Note*

Indian Health Care Improvement Funds pay for travel expenses.

Item(s) Requiring Attention:

Click here to enter text.

Requested Action:

Approve the report

AGENDA

IHS/Tribal Indian Health Care Improvement Fund Workgroup Meeting – Phase II

March 12-13, 2019

Location: DoubleTree by Hilton Hotel Washington DC-Crystal City, 300 Army Navy Drive, Arlington, VA 22202

Conference Line: 855-447-5646; **Conference ID:** 5739011 (available for full group discussions only)

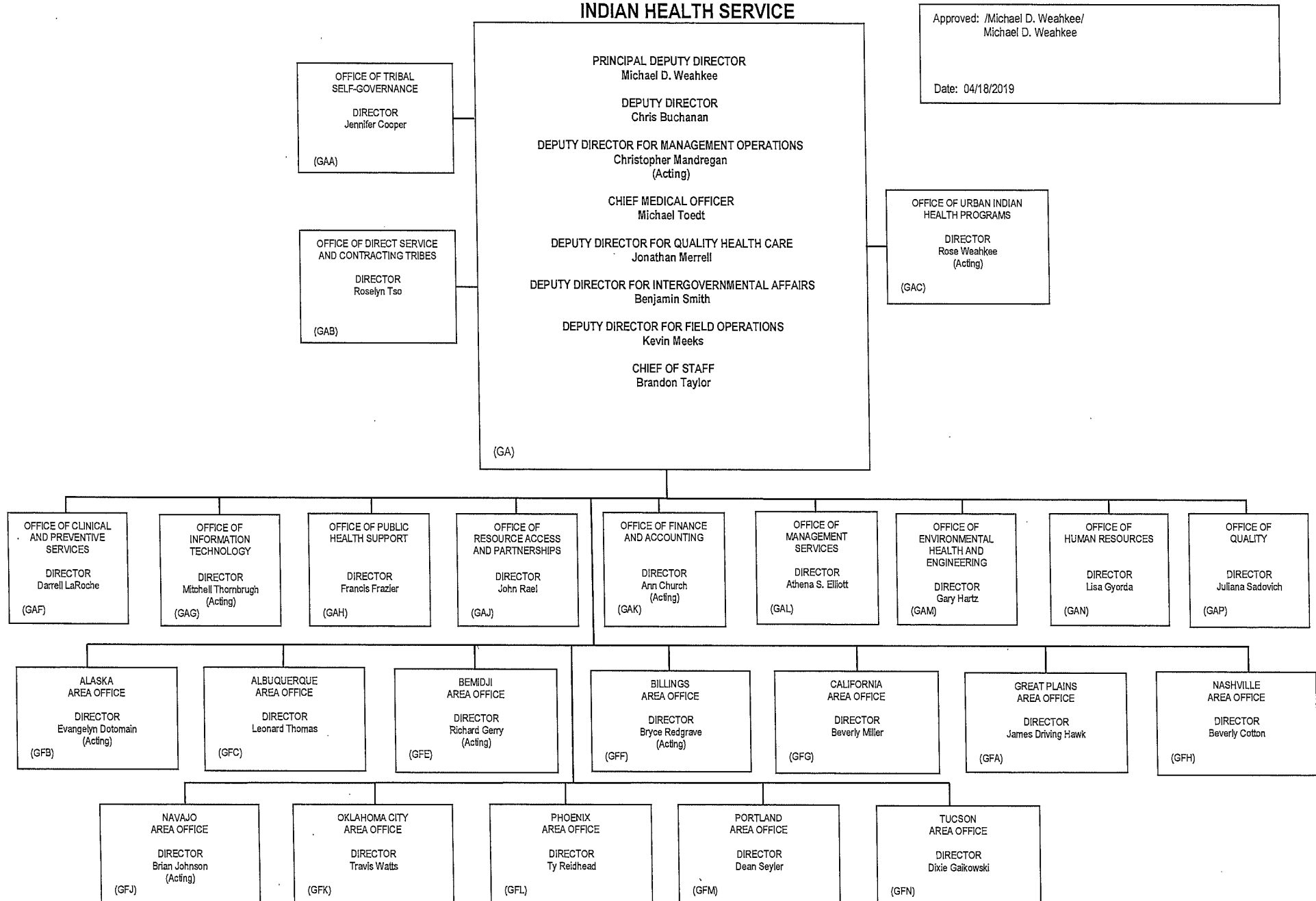
TUESDAY, MARCH 12, 2019

9:00 am	Invocation and Opening Remarks	RADM Kevin Meeks <i>Deputy Director for Field Operations Indian Health Service</i> Mr. James Roberts, Co-Chair <i>Senior Executive Liaison, Intergovernmental Affairs Alaska Native Tribal Health Consortium</i>
9:30 am	Workgroup Status Update	Elizabeth Fowler, Co-Chair <i>Executive Officer, Oklahoma City Area, IHS</i>
10:00 am	Discuss Open Formula Factors (Fractionalization & Distance)	Workgroup
10:30 am	BREAK	
10:45 am	Continue Discussion of Open Formula Factors	Workgroup
12:00 pm	LUNCH on your own	
1:30 pm	Update on IHS Data Review	Robert Pittman <i>Acting Deputy Director Office of Public Health Support, IHS</i> Cliff Wiggins <i>Consultant</i>
3:15 pm	BREAK	
3:30 pm	Phase II Discussion	Workgroup
5:00 pm	Adjourn for the day	

WEDNESDAY, MARCH 13, 2019

8:30 am	Review Previous Day	Co-Chairs
8:45 am	Alternate Resources	Workgroup
10:30 am	BREAK	
10:45 am	Finalize Recommendations	Workgroup
12:00 pm	LUNCH on your own	
1:30 pm	Finalize Recommendations	Workgroup
3:00 pm	BREAK	
3:15 pm	Identify Wrap up Actions	Co-Chairs & Workgroup
5:00 pm	Adjourn Meeting	

DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE



NOTE: THE STANDARD ADMINISTRATIVE CODE IS LOCATED IN THE LOWER LEFT HAND CORNER OF EACH BOX.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

JAN 26 2018

Indian Health Service
Rockville, MD 20857

TO: Indian Health Care Improvement Fund Workgroup

FROM: Acting Director

SUBJECT: Workgroup Charge

The Indian Health Service (IHS) Indian Health Care Improvement Fund (IHCIF) Workgroup is established to review the existing formula used to allocate appropriations to the IHCIF and make recommendations regarding the formula. The review should address the following questions:

- (1) Has the existing formula been effective in allocating IHCIF appropriations to meet the purpose of the IHCIF as stated in the Indian Health Care Improvement Act?
- (2) What effect does the current health care environment have on the formula?
- (3) Are the factors used in the IHCIF formula appropriate in light of answers to questions 1 and 2? For example, is the Federal Employees Health Benefits Program the appropriate benchmark?

The IHCIF Workgroup should plan to complete its work by June 30, 2018. This is necessary to allow Tribal Consultation to be accomplished on the final recommendations with a decision to be made by September 1, 2018. We anticipate using the results to allocate any funding increases for the IHCIF that are included in the final fiscal year 2018 appropriations.

Thank you for your interest in serving on the IHCIF Workgroup and undertaking this important work.

RADM Michael D. Weahkee, MBA, MHSA
Assistant Surgeon General, U.S. Public Health Service

Approve the travel report - Secretary Lisa Summers and Councilwoman Jennifer Webster - 2019...
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 8 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve Travel Report for Tribal Self Governance Conference from 4/1/19 - 4/5/19 to Traverse City, MI for Councilwoman Webster and Secretary Summers.

3. Supporting Materials

☒ Report ☐ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Lisa Summers Jennifer Webster

Travel Event: Tribal Self-Governance Conference

Travel Location: Traverse City, MI

Departure Date: 04/01/2019 Return Date: 04/05/2019

Projected Cost: \$ 1334.00 Actual Cost: \$1290.99

Date Travel was Approved by OBC: 01/23/2019

Narrative/Background:

Councilwoman Webster and Secretary Summers attended the Annual Tribal Self Governance Conference in Traverse City, MI April 1 - 5, 2019 (see attached agenda). Several areas were covered during this conference for both Health Care and Bureau of Indian Affairs (BIA). Additionally, Self-Governance Coordinator Candice Skenandore, along with Debbie Danforth and Dave Larsen were also in attendance as presentors. With enough representation from Oneida, most of the conference topics were covered.

Travel Costs:
LS \$1,290.99
JW \$1,135.62

Key on the Health Care side included: 105(l) leasing which includes both IHS and BIA.

- Attachment: Medicaid Pharmacy Reimbursement for Indian Health Care Providers "Potential for Using the OMB Encounter Rate"

Key on the BIA side included:

- Listing of ongoing GAO Reviews related to Indian Programs, as of March 15, 2019;

Additional Meetings

- A meeting was held with the Assistant Secretary of the Interior at which primary Oneida issues were presented and discussed. Follow up for these items has already taken place in the form of formal correspondence from Chairman Hill.

In addition to the general policy issues covered by the representatives, the team was able to go over and network on key updates for Indian Child Welfare Act litigation and funding, as well as the tribes' intervention in the Affordable Care Act decision affecting the Indian Health Care Improvement Act and the Applefest decision.

Item(s) Requiring Attention:

1. Letter to Assistant Secretary of Interior Re: a. DOI ReOrg of non-Bureau of Indian Affairs areas b. Federal Shutdown Impacts c. Applefest Litigation to ensure Solicitors are following through (complete);
2. Refer "Listing of ongoing GAO reviews related to Indian Programs, as of March 15, 2019 to Intergovernmental Affairs & Communications for review to determine Oneida's participation;
3. Continue to work with the Community Development Planning Committee and the Legislative Reference Office on an Oneida Hemp Ordinance;

Requested Action:

1. Motion to Accept the Annual Self-Governance Conference Report for April 1 - 5, 2019.
2. Accept as Information follow up by Intergovernmental Affairs & Communications to carry out the identified correspondence to the Tara Sweeny, Assistant Secretary of Interior.



Medicaid Pharmacy Reimbursement for Indian Health Care Providers: Potential for Using the OMB Encounter Rate¹

December 17, 2018 (updated)

This Tribal Self-Governance Advisory Committee (TSGAC) brief seeks to provide guidance to Tribal health programs on Medicaid reimbursement for covered outpatient drugs (CODs). Specifically, this brief discusses the potential for reimbursing Indian Health Service (IHS), Tribal, and urban Indian organization (Indian health care providers (IHC)) or I/T/U pharmacies at the Office of Management and Budget (OMB) encounter rate (aka the "OMB rate" or "IHS All-Inclusive Rate").

Background

State Medicaid programs generally reimburse pharmacies for CODs based on a two-part formula consisting of the ingredient cost of a drug and a professional dispensing fee. States have the flexibility to determine reimbursement rates, consistent with applicable statutory and regulatory requirements. These reimbursement rates require approval by the federal Centers for Medicare and Medicaid Services (CMS) through the State Plan Amendment (SPA) process.

State Medicaid programs reimburse I/T/U pharmacies using a variety of methods. Some states reimburse I/T/U pharmacies as they would any other pharmacy. In other cases, states have obtained federal approval through SPAs to reimburse I/T pharmacies for prescriptions dispensed using the encounter rate.² Reimbursing at the encounter rate has the potential to raise substantially more revenues for these I/T facilities, which typically lack adequate funding. States have set different policies on the total number of encounter rate payments that can be made on a single day for a single Medicaid beneficiary. (See Attachment 1 for a summary of Medicaid payment methodologies for reimbursing I/T or I/T/U pharmacies in states with federally recognized Tribes and Attachment 2 for two examples of Medicaid payment methodologies allowing reimbursement of multiple encounter rates to I/T pharmacies.)

Impact of New Federal Rule

On February 1, 2016, CMS issued a final rule³ that implemented provisions of the Affordable Care Act (ACA) pertaining to Medicaid reimbursement for CODs and revised other related requirements. In response to the proposed version of the rule, Tribal organizations raised concerns about losing the encounter rate at which some states reimburse I/T pharmacies. In both the final version of the rule and

¹ This brief is for informational purposes only and is not intended as legal advice. For questions on this brief, please contact Doneg McDonough, TSGAC Technical Advisor, at DonegMcD@Outlook.com.

² For a discussion of payment methodologies for urban Indian organizations (UIOs), see footnotes 5 and 6.

³ See CMS-2345-FC, "Medicaid Program, Covered Outpatient Drugs" (81 FR 5170), at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-01/pdf/2016-01274.pdf>.

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a subsequent State Health Official (SHO) Letter,⁴ CMS clarified that paying I/T pharmacies at the encounter rate satisfies the requirements of the rule. CMS also noted that any SPAs associated with the rule must comprehensively describe the payment methodology for reimbursing I/T/U pharmacies, including an indication of whether the state will use the encounter rate for I/T pharmacies.⁵

Opportunity for I/Ts

As mentioned above, the new rule does not limit the ability of state Medicaid programs to reimburse I/T pharmacies at the encounter rate. As states move to come into compliance with the rule, I/T pharmacies have the opportunity to work with states in drafting and submitting SPAs to CMS that set their Medicaid reimbursements for CODs at the encounter rate.⁶ Excerpts from three states that authorize reimbursing I/T pharmacies using the encounter rate appear below, along with a link to the full CMS approval package for each state.

- **Nebraska:** "Tribal pharmacies will be paid the federal encounter rate." [Nebraska does not pay more than one encounter rate per beneficiary per day for pharmacy services.]
<http://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/NE/NE-17-0003.pdf>.
- **North Dakota:** "All Indian Health Service, tribal and urban Indian pharmacies are paid the encounter rate by ND Medicaid regardless of their method of purchasing." [North Dakota pays one encounter rate per beneficiary per day for a single diagnosis and additional encounter rates per beneficiary per day for multiple diagnoses.]
<http://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/ND/ND-16-0011.pdf>.

⁴ See CMS, "SHO #16-001: Implementation of the Covered Outpatient Drug Final Regulation Provisions Regarding Reimbursement for Covered Outpatient Drugs in the Medicaid Program," at <https://www.medicaid.gov/federal-policy-guidance/downloads/sml/6901.pdf>.

⁵ The SHO letter reads, in part: "States that pay IHS and Tribal providers through encounter rates can continue to pay at that rate since this will satisfy the requirements in §447.518(a)(2)." In addition, in accordance with the requirements in §447.518(a)(1) of the final regulation, SPAs must comprehensively describe the payment methodology for reimbursement of drugs dispensed by 340B entities, 340B contract pharmacies, and I/T/U pharmacies, in accordance with the definition of AAC, as well as the payment methodology for how such entities are reimbursed, including stating if encounter rates will be used for IHS and Tribal providers." (page 3)

⁶ Three states (North Dakota, Oklahoma, and Wyoming) have State Plans indicating payment of the encounter rate for pharmacy services provided by UIOs, as well as I/Ts; however, these states exclude payment of the encounter rate to UIOs in their general encounter rate payment policies. (It also is worth noting that two of these states—North Dakota and Wyoming—have no UIOs). Possibly, because the regulations established by CMS-2345-FC at §447.518(a)(ii) require State Plans to "describe comprehensively the agency's payment methodology for prescription drugs, including the agency's payment methodology for drugs dispensed by ... [a]n Indian Health Service, tribal, and urban Indian pharmacy," some states added UIOs in their SPA language on payment for pharmacy services.

⁷ For other services provided by I/Ts, Nebraska pays additional encounter rates when the beneficiary 1) has to return for a distinctly different diagnosis, 2) has to return for emergency or urgent care, 3) requires pharmacy services in addition to medical or mental health services, or 4) receives both medical and mental health services.

⁸ For services provided by I/Ts generally, North Dakota pays more than one encounter rate per day when the beneficiary 1) receives more than one diagnosis, whether the payments are for the same general service category or different general service categories—which include inpatient, outpatient, pharmacy, dental, vision, and EPSDT services—or 2) receives one diagnosis, if the payments are for different general service categories.

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- **Utah:** "Covered outpatient drugs dispensed by an IHS/Tribal facility to an IHS/Tribal member are reimbursed at the encounter rate in accordance with the Utah Medicaid Indian Health Services Provider Manual." [Utah pays one encounter rate per prescriber per day, regardless of the number of prescriptions issued by the prescriber.]
<http://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/UT/UT-17-0002.pdf>

Attachments 3, 4, and 5 include snapshots of the approved SPAs.

Recent Approvals of SPAs Associated with New Rule

Since the last iteration of this memo, dated March 2, 2018, at least four additional states have received CMS approval for an SPA associated with the new rule (see summaries of the impact of these SPAs below). None of these states opted to have their Medicaid program reimburse I/T pharmacies at the encounter rate.

- **Maine:** The SPA indicated no changes to the current state Medicaid payment methodology for I/T/U pharmacies;
- **Massachusetts:** The SPA indicated that the state has no I/T/U pharmacies currently enrolled in Medicaid and would establish a specific methodology for paying these pharmacies if any enrolled in the program;
- **Mississippi:** The SPA did not indicate a Medicaid payment methodology for I/T pharmacies; and
- **New Mexico:** SPA indicated a Medicaid payment methodology for I/T pharmacies under which the state makes payments to I/T pharmacies equal to the lowest of 1) the ACA federal upper limit plus a dispensing fee; 2) the national average drug acquisition cost plus a dispensing fee; 3) the wholesaler's average cost plus 6% plus a dispensing fee; 4) the ingredient cost reported by the pharmacy plus a dispensing fee; or 5) the usual and customary charge.

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Attachment 1

State	Has Specific Payment Methodology for I/T or I/T/U Pharmacies		Has Standardized Payment Methodology for I/T or I/T/U Pharmacies		Pay at the Encounter Rate		Notes on Specific Payment Methodologies for I/T or I/T/U Pharmacies
	Yes	No	Yes	No	Yes	No	
Alabama	X						For drugs purchased through the Federal Supply Schedule (FSS), Alabama makes payments to I/T/U pharmacies not exceeding the acquisition cost, plus a professional dispensing fee.
Alaska	X						For drugs dispensed to Alaska ages 18 and older and for vaccine administration, Alaska pays I/T pharmacies at the encounter rate, the state pays no more than five encounter rates per beneficiary per day for each drug and not pay more than one encounter rate per beneficiary per day for pharmacy services. ¹
Arizona	X						For drugs dispensed to Arizona ages 18 and older and for vaccine administration, Arizona pays I/T pharmacies at the encounter rate, the state pays no more than five encounter rates per beneficiary per day for each drug and not pay more than one encounter rate per beneficiary per day for pharmacy services. ²
California	X						California makes payments to I/T/U pharmacies equal to the acquisition cost of drugs, plus a professional dispensing fee. Colorado pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for pharmacy services. ³
Colorado	X						
Connecticut			X				
Florida			X				
Idaho	X						Idaho makes payments to I/T/U pharmacies equal to the acquisition cost of drugs, plus a professional dispensing fee. Idaho pays I/T/U pharmacies at the encounter rate, regardless of their method of purchasing drugs. ⁴
Indiana	X						Idaho pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug. ⁵
Iowa	X						Iowa pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug. ⁶
Kansas	X						Kansas makes payments to I/T/U pharmacies not exceeding the acquisition cost of drugs, plus a professional dispensing fee. Kansas pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug. ⁷
Kentucky	X						Kentucky pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug. ⁸
Maine			X				Maine allows I/T facilities to obtain a separate National Provider Identification (NPI) number for the purpose of receiving fee-for-service payments for pharmacy and vaccine administration. ⁹
Massachusetts			X				
Michigan			X				
Minnesota	X						Minnesota pays I/T pharmacies at the encounter rate and pays Tribal pharmacies at the encounter rate or the applicable Federal Supply Schedule rate, at the discretion of the Tribe; the state pays one encounter rate per beneficiary per day. ¹⁰
Mississippi			X				
Montana	X						Montana pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for each drug. ¹¹
Nebraska	X						Nebraska pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for each drug. ¹²
Nevada	X						Nevada pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for each drug. ¹³
New Mexico	X						New Mexico pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for each drug. ¹⁴
New York	X						New York makes payments to I/T pharmacies equal to the acquisition cost of drugs, plus a professional dispensing fee. For drugs purchased through the FSS, New York makes payments to I/T pharmacies equal to the acquisition cost, plus a professional dispensing fee. For other purchased drugs, the state pays the standard rate. ¹⁵
North Carolina	X						North Carolina makes payments to I/T pharmacies not exceeding the actual acquisition cost of drugs, plus a professional dispensing fee. ¹⁶
North Dakota	X						North Dakota pays I/T pharmacies at the encounter rate, regardless of their method of purchasing drugs; the state pays one encounter rate per beneficiary per day for each diagnosis and additional encounter rates per beneficiary per day for multiple diagnoses. ¹⁷
Oklahoma	X						Oklahoma pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug. ¹⁸
Oregon	X						Oregon pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day for each drug, plus a professional dispensing fee. ¹⁹
Rhode Island	X						Rhode Island pays I/T pharmacies at the encounter rate, the state does not pay more than one encounter rate per beneficiary per day for each drug. ²⁰
South Carolina	X						
South Dakota	X						
Texas	X						Texas makes payments to I/T/U pharmacies equal to the actual acquisition cost of drugs, plus a professional dispensing fee. Texas pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day, regardless of the number of prescriptions issued by the prescriber. ²¹
Utah	X						Utah pays I/T pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day, regardless of the number of prescriptions issued by the prescriber. ²²
Vermont	X						
Washington	X						For drugs dispensed by Tribal Facilities (TFs) and Health Centers (HCs), Washington makes payments equal to the acquisition cost, plus a professional dispensing fee; for the state also pays Tribal HC/TFs the difference between these payments and their reasonable costs (or requires reimbursement of these payments from their reasonable costs). ²³
Wisconsin	X						For covered outpatient drugs, Wisconsin pays I/T/U pharmacies at the encounter rate, the state pays one encounter rate per beneficiary per day, with the applicable encounter rate determined by the date of service rendered on the claim. ²⁴
Wyoming	X						
TOTAL	24	11	20	10	14	21	

**TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
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Notes

¹ The final rule, issued by CMS on February 1, 2016, implemented provisions of the Affordable Care Act (ACA) pertaining to Medicaid reimbursement for covered outpatient drugs (CODs) and revised other related requirements. In response to the proposed rule, Tribal organizations raised concerns about limiting the encounter rate at which some states reimburse (I/T/U) pharmacies. In both the final version of the rule and a subsequent State Health Official (SHEO) letter, CMS clarified that paying I/T/U pharmacies at the encounter rate still fits the requirements of the rule. CMS also noted that any SPA associated with the rule must comprehensively describe the payment methodology for reimbursing I/T/U pharmacies, including an indication of whether the state will use the encounter rate for I/T/U pharmacies. In CMS-2345-FY, CMS indicated that, for states that did not already meet the new requirements, state Medicaid agencies needed to submit an SPA to come into compliance by June 30, 2017, with an effective date no later than April 1, 2017.

² For this category, "the indication that CMS has approved an SPA submitted by the state Medicaid agency to meet the new requirements under CMS-2345-FY, based on a review of the list of approved SPAs at Medicaid.gov." This indicates that CMS has not approved such an SPA but does not necessarily mean that the state is not in compliance with the new requirements.

³ The encounter rate is also known as the "OMB Rate" or "HS All-Inclusive Rate."

⁴ For children enrolled in KidsCare (OHP), Arizona pays I/T/U pharmacies based on the formula set by the pharmacy benefit manager OptumRx, not at the encounter rate. With the exception of vaccine administration, the Arizona State Plan does not specify a payment methodology for I/T/U pharmacies; the above policies appear only in the state IHS/Tribal Provider Billing Manual.

⁵ For other services provided by I/T/U, Colorado pays additional encounter rates when the beneficiary 1) receives more than one diagnosis or 2) receives one diagnosis, if the payments are for different general service categories (e.g. general practitioner and dental services).

⁶ The Connecticut State Plan, Attachment 4.19-B, section 12, indicates that the I/T/U facility in the state does not dispense CODs.

⁷ The Indiana State Plan, Attachment 4.19-B, section 1, indicates that the state has no I/T/U pharmacies currently enrolled in Medicaid.

⁸ In the Louisiana State Plan, Attachment 4.19-B, section 12a, reads, "Pharmacy services provided by the Indian Health Service (IHS) or tribal facilities shall be included in the encounter rate." However, Attachment 4.19-B, section 2d reads, "Reimbursement for filling or refilling of prescriptions is not part of the encounter rate and shall be included in the existing fee for service rate for the facility."

⁹ The Massachusetts State Plan, Attachment 4.19-B, section 1, indicates that the state has no I/T/U pharmacies currently enrolled in Medicaid and would establish a specific methodology for paying these pharmacies if any enrolled in the program.

¹⁰ For services provided by I/T/U generally, Minnesota pays additional encounter rates when the beneficiary 1) has to return for a different diagnosis or treatment; or 2) receives services in multiple categories (e.g. inpatient hospital and outpatient services).

¹¹ For other services provided by I/T/U, Nebraska pays additional encounter rates when the beneficiary 1) has to return for a distinctly different diagnosis, 2) has to return for emergency or urgent care, 3) requires pharmacy services in addition to medical or mental health services, or 4) receives both medical and mental health services.

¹² For services provided by I/T/U generally, Nevada pays as many as five encounter rates per beneficiary per facility per day; however, the state pays only one encounter rate per beneficiary per facility per day for a specific professional group (e.g., a pharmacist).

¹³ For services provided by I/T/U generally, North Dakota pays more than one encounter rate per day when the beneficiary 1) receives more than one diagnosis, whether the payments are for the same general service category or different general service categories (e.g. inpatient hospital and pharmacy services) or 2) receives one diagnosis, if the payments are for different general service categories.

¹⁴ Oregon received approval for its SPA on September 20, 2017, with an effective date of April 22, 2017. In Oregon, I/T/U pharmacies also have the option of receiving payment as a 340B entity or operating as a non-Tribal retail pharmacy and receiving the standard payment rate.

¹⁵ The Virginia State Plan, Attachment 4.19-B, section 7, indicates that the state has no I/T/U pharmacies currently enrolled in Medicaid and would establish a specific methodology for paying these pharmacies if any enrolled in the program.

¹⁶ Tribal FQHCs typically receive Medicaid payments based on a rate determined by the state using the Prospective Payment System (PPS) methodology. However, states and FQHCs have the ability to agree to use an Alternative Payment Methodology (APM). In determining Medicaid payment rates, as long as the APM rate is higher than the PPS rate, Wisconsin has adopted an APM under which the state Medicaid program reimburses Tribal FQHCs at 100% of reasonable costs. The state determines reasonable costs on a per encounter basis by ascertaining the average cost per day, per provider, per recipient at a Tribal FQHC and then makes an assessment of whether the Tribal FQHC was underpaid or overpaid based on the number of encounters multiplied by the PPS (or APM) rate less revenues. If the Tribal FQHC was underpaid, the state will issue an additional payment in the amount needed to reconcile to 100% of reasonable costs; if the Tribal FQHC was overpaid, the state will issue a recoupment in the amount needed to reconcile to 100% of reasonable costs.

¹⁷ Wyoming does not allow I/T/U pharmacies to submit claims separately for drugs dispensed as part of a clinic visit. The Wyoming Tribal Provider Manual, page 160, reads: "Prescriptions written after September 5, 2017, must be processed through the Pharmacy Point of Sale system. Any physician administered drug cannot be billed separately through the point of sale system but must go on the encounter for any office visit with the revenue code 0750." <https://hhs.wyo.gov/wp-content/uploads/2018/04/Tribal-Manual-0418-1.pdf>.

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Potential for Using the OMB Encounter Rate**

Medicaid Reimbursement for I/T/U Pharmacies in States with Federally Recognized Tribes: Source List		
State	Source(s)	Link(s)
Alabama	Alabama State Plan, Attachment 4.19-B, section 4	https://medicaid.alabama.gov/content/9.0_Resources/9.8_State_Plan.aspx
Alaska	Alaska State Plan, Attachment 4.19-B, "Prescribed Drugs" section	http://dhs.alaska.gov/Commissioner/Documents/MedicaidStatePlanPDF.SP/SP.pdf/SP.pdf
Arizona	Arizona State Plan, Attachment 4.19-B, "Specialty Rates" section; AHCCCS IHS/Tribal Provider Billing Manual, chapter 10	https://www.azahcccs.gov/PlansProviders/Downloads/IHS-TribalManual/IHS-Chap10Pharmacy.pdf
California	California State Plan, Attachment 4.19-B, Supplement 2	http://www.dhcs.ca.gov/formsandpubs/laws/Documents/Supplement_2_to_Attachment_4.19-B.pdf
Colorado	Colorado State Plan, Attachment 4.19-B, section 12a (per SPA approved on 11/19/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/CO/CO-17-0004.pdf
Connecticut	Connecticut State Plan, Attachment 4.19-B, section 12 (per SPA approved on 5/12/2018)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/CT/CT-17-0015.pdf
Florida	Florida State Plan, Attachment 4.19-B, section 4	http://ahca.myflorida.com/Medicaid/stateplan/attachment_4.19-B.pdf
Idaho	Idaho State Plan, Attachment 4.19-B, section 12a (per SPA approved on 6/21/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/ID/ID-17-0003.pdf
Indiana	Indiana State Plan, Attachment 4.19-B, "Pharmacy Services" section (per SPA approved on 7/21/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/IN/IN-17-0027.pdf
Iowa	Iowa State Plan, Attachment 4.19-B, section 9 (per SPA approved on 8/10/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/IA/IA-17-017.pdf
Kansas	Kansas State Plan, Attachment 4.19-B, section 12a (per SPA approved on 7/21/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/KS/KS-17-004.pdf
Louisiana	Louisiana State Plan, Attachment 4.19-B, sections 2d and 12a	http://dhhs.louisiana.gov/assets/Medicaid/StatePlan/Sec4/Attachment4.19BItem2d.pdf http://dhhs.louisiana.gov/assets/Medicaid/StatePlan/Sec4/Attachment4.19BItem12aPrescribedDrugs.pdf
Maine	MaineCare Benefits Manual, Chapter II, Sections 9 and 80	https://www1.maine.gov/sos/cec/nies/10/04/0101.htm
Massachusetts	Massachusetts State Plan, Attachment 4.19-B, section 1 (per SPA approved on 2/20/2018)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/MA/MA-17-006.pdf
Michigan	Michigan State Plan, Attachment 4.19-B, section 2	http://www.michiganstate.mn.us/dhs-medicaid/manuals/MichiganStatePlan/MichiganStatePlan.pdf
Minnesota	Minnesota Health Care Programs (MHCP) Provider Manual, Tribal and Federal Indian Health Services" section	http://www.dhs.state.mn.us/main/dccol2/dccol2service+GET_DYNAMIC+CONVERSION+Revisions+Selection+Method+Released+8d00cn+ameid_0000004
Mississippi	Mississippi State Plan, Attachment 4.19-B, section 12a	https://medicaid.ms.gov/wp-content/uploads/2017/05/Attachment_4.19-B.pdf
Montana	Montana State Plan, Attachment 4.19-B, section 12a (per SPA approved on 11/8/2018)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/MT/MT-18-0048.pdf

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**TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate**

Medicaid Reimbursement for I/T/U Pharmacies in States with Federally Recognized Tribes: Source List (continued)		
State	Source(s)	Link(s)
Nebraska	Nebraska State Plan, Attachment 4.19-B, sections 2d and 12a	http://dhhs.ne.gov/Medicaid/Documents/Part3.pdf
Nevada	Nevada State Plan, Attachment 4.19-B, section 12a; Nevada Medicaid Billing Guidelines, provider type 47	http://dhdp.nv.gov/unloadedFiles/dhdpnv.gov/content/Resources/AdminSupport/Manuals/MSP/Sec4/5%20-%20201202Attach%20B%20Pay%20for%20Med%20Care.pdf https://www.medicaid.nv.gov/Downloads/provider/NV_BillingGuidelines_PT47.pdf
New Mexico	New Mexico State Plan, Attachment 4.19-B, section 11 (per SPA approved on 3/20/2018)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/NM/NM-17-003.pdf
New York	New York State Plan, Attachment 4.19-B, section 4d	https://www.hcrapools.org/medicaid_state_plan/Attachment_PDF_PROD/attach_4.19b.pdf
North Carolina	North Carolina State Plan, Attachment 4.19-B, section 12	https://files.nc.gov/ncdms/documents/GetInvolved/Medicaid_Plan/NC_State_Plan_For_Medical_Assistance_Programs_2017_11.pdf
North Dakota	North Dakota State Plan, Attachment 4.19-B, sections 29 and 32 (per SPA approved on 2/14/2017)	https://www.nd.gov/dhs/services/medicaidserv/medicaid/docs/nc-2012feb10-hs-rate-tom-llc.pdf https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/ND/ND-16-0011.pdf
Oklahoma	Oklahoma State Plan, Attachment 4.19-B, "Payment for Prescribed Drugs" section	http://www.okhca.org/about.aspx?id=19741
Oregon	Oregon State Plan, Attachment 4.19-B, section 12 (per SPA approved on 9/20/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/OR/OR-17-0007.pdf
Rhode Island	Rhode Island State Plan, Attachment 4.19-B (per SPA approved on 9/20/2017)	https://www.scdhs.gov/sites/default/files/ATTACHMENT%204.19-B.pdf
South Carolina	South Carolina State Plan, Attachment 4.19-B, section 12a	https://dss.sc.gov/docs/medicaid/medicaidservices/4_GeneralProgramAdministration/4.19/attachment4.19-b_payment_methods_for_physician_other_services.pdf
South Dakota	Texas State Plan, Attachment 4.19-B, "Pharmacy Reimbursement Methodology" section (per SPA approved on 9/22/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/TX/TX-17-0011.pdf
Utah	Utah State Plan, Attachment 4.19-B, section 5; Utah Medicaid Provider Manual, Section 2: Indian Health	http://health.utah.gov/medicaid/stateplan/sga/4.19-B.pdf https://medicaid.utah.gov/Documents/manuals/odfs/Medicaid%20Provider%20Manual/ndn%20Health%20Services/IndianHealthServices.pdf
Virginia	Virginia State Plan, Attachment 4.19-B, section 7 (per SPA approved on 10/19/2016)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/VA/VA-16-0072.pdf
Washington	Washington State Plan, Attachment 4.19-B, section IV	https://www.bca.wa.gov/assets/program/SP-Att-4-Payment-for-Services.pdf
Wisconsin	Wisconsin State Plan, Attachment 4.19-B, section 3	https://www.dhs.wisconsin.gov/mandatoryreports/mastateplan/4.19b-noninstitutional.pdf
Wyoming	Wyoming State Plan, Attachment 4.19-B, section 12a (per SPA approved on 10/6/2017)	https://www.medicaid.gov/State-resource-center/Medicaid-State-Plan-Amendments/Downloads/WY/WY-17-0002.pdf

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**TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the Encounter Rate**

Attachment 2

Table 2. Medicaid Payment Methodologies Allowing Reimbursement of Multiple Encounter Rates to I/T/U Pharmacies: Selected States		
State	Encounter Rate Payment Methodology Description	Other State Guidance
Alabama	Attachment 4.19-B, section 32: "All visits to Health Services, tribal and urban Indian pharmacies will be paid the encounter rate by IHS and tribal pharmacies of the method of purchasing."	North Dakota Medicaid Indian Health Services and Tribal Opened ESR Programs (Eligibility): "Services provided by Indian Health Services and for tribal facilities are paid with Federal funds, IHS and tribal pharmacy ESR programs are reimbursed at All-Inclusive Rate (All-In) for inpatient and outpatient covered services. ... The All-In is the same for all IHS providers. The North Dakota Medicaid Program will be the 'pass-through' agency for these services, which are funded with 100 percent federal funds. The All-In encounter rate is paid for any North Dakota Medicaid covered service when provided in an IHS clinic or hospital, with the exception of Ambulatory Surgical Center (ASC) and Physician Urgent Care services."
Arizona	Attachment 4.19-B, section 29: "The Health Services Payments to Indian Health Service (IHS) will be per encounter per day and based on the approved all-inclusive rates published each year in the Federal Register by the Department of Health and Human Services."	Multiple visits for different services on the same day with different diagnoses: IHS facilities are eligible for multiple encounter rates for multiple general covered service categories on the same day for the same recipient with a different diagnosis. ... Multiple visits for different services on the same day with the same diagnosis: IHS facilities are eligible for multiple encounter rates for multiple general covered service categories on the same day for the same recipient with the same diagnosis provided they are for different general covered service categories. The diagnosis code may be the same for all of the visits, but the services provided must be distinctly different and occur within different units of the facility. ... Multiple visits for the same type of service on the same day with different diagnoses: IHS facilities are eligible for multiple encounter rates for multiple same day visits for the same type of general covered service category if the diagnoses are different. ... Multiple visits for the same type of service on a different day with the same diagnosis: IHS facilities are eligible for multiple encounter rates for different days for the same type of general covered service category. ... Multiple same day encounters that will not be reimbursed: Multiple visits of the same general covered service categories with the same diagnosis are not reimbursed separately.
California	An encounter for a ESR or IHS facility means an encounter between a recipient at eligible for Medicaid and a health professional at or through an IHS or ESR service location.	Multiple visits for different services on the same day with different diagnoses: IHS facilities are eligible for multiple encounter rates for multiple general covered service categories on the same day for the same recipient with a different diagnosis. ... Multiple visits for different services on the same day with the same diagnosis: IHS facilities are eligible for multiple encounter rates for multiple general covered service categories on the same day for the same recipient with the same diagnosis provided they are for different general covered service categories. The diagnosis code may be the same for all of the visits, but the services provided must be distinctly different and occur within different units of the facility. ... Multiple visits for the same type of service on the same day with different diagnoses: IHS facilities are eligible for multiple encounter rates for multiple same day visits for the same type of general covered service category if the diagnoses are different. ... Multiple visits for the same type of service on a different day with the same diagnosis: IHS facilities are eligible for multiple encounter rates for different days for the same type of general covered service category. ... Multiple same day encounters that will not be reimbursed: Multiple visits of the same general covered service categories with the same diagnosis are not reimbursed separately.
Colorado	Attachment 4.19-B, section 12: "Under an encounter rate methodology, a single rate is to be applied to face-to-face contact between a health care professional and an eligible beneficiary eligible for the Medicaid Assistance Program for services through a IHS, IHS Tribal Clinic Health Center, or a Federally Qualified Health Center with a ESR designation within a 24-hour period ending at midnight, as documented in the district medical record. The I/T/U pharmacy will receive one encounter per prescription filled or refilled and will not be limited to a certain number of prescriptions per day."	American Indian/Alaska Native Senior Administration Network: "Prescriptions dispensed by an IHS or Tribal ESR Pharmacy constitute a separate encounter reimbursed at the annually published IHS All-Inclusive Rate. ... (c) The pharmacy encounter includes one prescription dispensed by one IHS or Tribal ESR Pharmacy to a Medicare eligible individual in a 24-hour period ending at midnight. There is a limit on the number of encounters that may occur in a 24-hour period. The encounter rate is inclusive of dispensing services."

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate

Attachment 3: Nebraska

ATTACHMENT 4.19-B
Item 12a, Page 1 of 2

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State Nebraska
METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES

Professional Dispensing Fees

Professional Dispensing Fee: A professional dispensing fee of \$10.02 shall be assigned to each claim payment based on the lesser of methodology described below.

PRESCRIBED DRUGS (Continued)

Cost Limitations: The Nebraska Medicaid Drug Program is required to reimburse ingredient cost for covered outpatient legend and non-legend drugs at the lowest of:

Brand Drugs

- The usual and customary charge to the public, or;
- The National Average Drug Acquisition cost (NADAC), plus the established professional dispensing fee, or;
- The ACA Federal Upper Limit (FUL) plus the established professional dispensing fee, or;
- The calculated State Maximum Allowable Cost (SMAC) plus the established professional dispensing fee.

The FUL or SMAC limitations will not apply in any case where the prescribing physician certifies that a specific brand is medically necessary. In these cases, the usual and customary charge or NADAC will be the maximum allowable cost.

Generic Drugs

- The usual and customary charge to the public, or;
- The National Average Drug Acquisition cost (NADAC), plus the established professional dispensing fee, or;
- The ACA Federal Upper Limit (FUL) plus the established professional dispensing fee, or;
- The calculated State Maximum Allowable Cost (SMAC) plus the established professional dispensing fee.

Backup Ingredient Cost Benchmark

If NADAC is not available, the allowed ingredient cost shall be the lesser of Wholesale Acquisition Cost (WAC) + 5%, State Maximum Allowable Cost (SMAC) or ACA Federal Upper Limit plus the established professional dispensing fee.

Specialty Drugs

Specialty drugs shall be reimbursed at NADAC plus the established professional dispensing fee. If NADAC is not available, then the Backup Ingredient Cost Benchmark will apply.

340B Drug Pricing Program

Covered legend and non-legend drugs, including specialty drugs, purchased through the Federal

TN #: NE 17-0003
Supersedes
TN #: NE 12-05
Approval Date: April 1, 2017
Effective Date: May 22, 2017

December 17, 2018

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate

ATTACHMENT 4.19-B
Item 12a, Page 2 of 2

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State Nebraska
METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES

Public Health Service's 340B Drug Pricing Program (340B) by covered entities that carve Medicaid into the 340B Drug Pricing Program, shall be reimbursed at the 340B actual acquisition cost, but no more than the 340B ceiling price, plus the established professional dispensing fee. A 340B contract pharmacy under contract with a 340B covered entity described in section 1927 (a)(5)(B) of the Act is not covered.

Federal Supply Schedule (FSS)

Facilities purchasing drugs through the Federal Supply Schedule (FSS) shall be reimbursed at no more than their actual acquisition cost, plus the established professional dispensing fee.

Clotting Factor

- Pharmacies dispensing Antihemophilic Factor products will be reimbursed at the lesser of methodology plus the established professional dispensing fee. If NADAC is not available, the lesser of methodology for the allowed ingredient cost shall be the Wholesale Acquisition Cost (WAC) + 0%, ASP + 6% or ACA Federal Upper Limit.
- Pharmacies dispensing Antihemophilic Factor products purchased through the Federal Public Health Service's 340B Drug Pricing Program (340B) by pharmacies that carve Medicaid into the 340B Drug Pricing Program shall be reimbursed at the 340B actual acquisition cost, but no more than the 340B ceiling price, plus the established professional dispensing fee.

Drugs Purchased at Nominal Price

Facilities purchasing drugs at Nominal Price (outside of 340B or FSS) shall be reimbursed by their actual acquisition cost plus the established professional dispensing fee.

Investigational Drugs

Excluded from coverage.

Tribal Rates

Tribal pharmacies will be paid the federal encounter rate.

Certified Long-Term Care

Pharmacies providing covered outpatient prescription services for Certified Long-Term Care beneficiaries will be reimbursed for ingredient cost using the lesser of methodology plus the established professional dispensing fee.

Physician Administered Drugs

- Practitioner administered injectable medications will be reimbursed at ASP + 6% (Medicare Drug Fee Schedule); injectable medications not available on the Medicare Drug Fee Schedule will be reimbursed at WAC + 6.6%, or manual pricing based on the provider's actual acquisition cost.
- Practitioner administered injectable medications, including specialty drugs, purchased through the 340B Program will be reimbursed at the 340B actual acquisition cost and no more than the 340B ceiling price.

TN #: NE 17-0003
Supersedes
TN #: NE 12-05
Approval Date: April 1, 2017
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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate

Attachment 4: North Dakota

STATE: North Dakota

Attachment 4.19-B
Page 6

32. For prescribed drugs, including specific North Dakota Medicaid covered non-legend drugs that are prescribed by an authorized prescriber and legend drugs prescribed by an authorized prescriber, North Dakota Medicaid will reimburse at the following lower of methodology (in all instances, the professional dispensing fee will be \$12.45):

- The usual and customary charge to the public, or
- North Dakota Medicaid's established Maximum Allowable Cost (MAC) for that drug plus the professional dispensing fee (ND Medicaid's MAC is acquisition cost based and includes all types of medications, including specialty and hemophilia product), or
- The current National Average Drug Acquisition Cost (NADAC) for that drug plus the professional dispensing fee, or if there is no NADAC for a drug, the current wholesale acquisition cost (WAC) of that drug plus the professional dispensing fee; in compliance with 42 Code of Federal Regulations (C.F.R.) 117.812 and 117.814, reimbursement for drugs subject to Federal Upper Limits (FULs) may not exceed FULs in the aggregate.
- For 340B purchased drugs, the lesser of logic will include the 340B MAC pricing (ceiling price) plus the professional dispensing fee.
 - Covered entities as described in section 1927 (a)(5)(B) of the Social Security Act are required to bill no more than their actual acquisition cost plus the professional dispensing fee.
 - Drugs acquired through the federal 340B drug pricing program and dispensed by 340B contract pharmacies are not covered.
- All Indian Health Service, tribal and urban Indian pharmacies are paid the encounter rate by ND Medicaid regardless of their method of purchasing.
- For Federal Supply Schedule purchased drugs, their provider agreements will require them to bill at no more than their actual acquisition cost plus the professional dispensing fee.
- Drugs not distributed by a retail community pharmacy (such as a long-term care facility) will be reimbursed as outlined in items 1-6 above and 8-13 below in this section.
- Drugs not distributed by a retail community pharmacy and distributed primarily through the mail (such as specialty drugs) will be reimbursed as outlined in items 1-7 above and 9-13 below in this section since ND Medicaid's MAC is acquisition cost based and includes all types of drugs.
- Clotting factors from Specialty Pharmacy, Hemophilia Treatment Centers (HTC), Center of Excellence will be reimbursed as outlined in items 1-8 above and 10-13 below in this section since ND Medicaid's MAC is acquisition cost based and includes all types of drugs.

TN No.: 18-0011
Supersedes
TN No.: 12-022
Approval Date: 2/14/17
Effective Date: 10-01-2016

December 17, 2018

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate

STATE: North Dakota

Attachment 4.19-B
Page 6a

- Drugs acquired at Nominal Price (outside of 340B or FSS) will be reimbursed at no more than their actual acquisition plus the professional dispensing fee while also using the logic as outlined in items 1-6 above and 11-13 below in this section.
- All of the logic as outlined in items 1-10 above in this section (with the exception of the professional dispensing fee being included in the calculations) will apply to Physician Administered Drugs (no professional dispensing fee will be paid for Physician Administered Drugs).
- Investigational drugs are paid at invoice pricing which includes the cost of the drug, the international regulatory, shipping and handling fee, and next day delivery service.
- A fee of fifteen cents per pill will be added to the dispensing fee for the service of pill splitting. Pill splitting is entirely voluntary for the patient and the pharmacist. Pill splitting will only be permitted under the following circumstances: when Medical Services determines it is cost effective, the pill is scored for ease of splitting, and the pharmacy staff splits the pill. This fee will only be allowed for medications that have been evaluated by the state for cost-effectiveness and entered into the Point-of-Sale system.

TN No.: 18-0011
Supersedes
TN No.: 12-022
Approval Date: 2/14/17
Effective Date: 10-01-2016

December 17, 2018

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate

Attachment 5: Utah

42 CFR
440.120 ATTACHMENT 4.19-B
Page 18

S. PRESCRIBED DRUGS

Covered outpatient drugs will be reimbursed based on an established product cost plus a professional dispensing fee. The payment for individual prescriptions shall not exceed the amount listed. The amount listed must be no more than the usual and customary charge (UCC) to the private pay patient. The following methodology is used to establish Medicaid payments:

Effective for claims adjudicated on or after April 1, 2017, except as otherwise stated in this section and in addition to a reasonable professional dispensing fee as applicable, reimbursement for brand and generic covered outpatient drugs will be as follows:

The lesser of the Utah Estimated Acquisition Cost (UEAC), Federal Upper Limit, Utah Maximum Allowable Cost (UMAC), or the Ingredient Cost Submitted.

Federal Upper Limit

The federal upper limit is the maximum allowable ingredient cost reimbursement established by the Federal government (e.g., Centers for Medicare and Medicaid Services (CMS)) for selected multiple-source drugs. The aggregate cost of product payment for the drugs on the federal upper limit list will not exceed the aggregate established by the Federal government.

Utah MAC

Utah MAC is the National Average Drug Acquisition Cost (NADAC) published by the Centers for Medicare and Medicaid Services (CMS). If CMS does not publish a NADAC for a covered outpatient drug, the Maximum Allowable Cost reimbursement may be established by the State for selected drugs.

T.N. # 17-0002 Approval Date 4/12/2017
Supersedes T.N. # 16-0010 Effective Date 4-1-17

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
Potential for Using the OMB Encounter Rate42 CFR
440.120 ATTACHMENT 4.19-B
Page 18a

S. PRESCRIBED DRUGS (Continued)

Utah Estimated Acquisition Cost (UEAC)

The Utah EAC is the Wholesale Acquisition Cost (WAC).

Professional Dispensing Fees

The Utah Medicaid professional dispensing fees are as follows:

- \$9.92 for urban pharmacies located in Utah;
- \$10.15 for rural pharmacies located in Utah;
- \$9.99 for pharmacies located in any state other than Utah; and
- \$716.84 for hemophilia during factor dispensed by the contracted pharmacy and in accordance with Attachment 4.19-B, Page 22g.

Urban pharmacies are pharmacies physically located in Weber, Davis, Utah and Salt Lake counties.

Drugs Dispensed by IHS/Tribal facilities

Covered outpatient drugs dispensed by an IHS/Tribal facility to an IHS/Tribal member are reimbursed at the encounter rate in accordance with the Utah Medicaid Indian Health Services Provider Manual.

Specialty Drugs and Covered Outpatient Drugs Primarily Dispensed through the Mail

Specialty drugs and covered outpatient drugs primarily dispensed through the mail are reimbursed in the same manner as other covered outpatient drugs in accordance with the reimbursement rules of this section.

T.N. # 17-0002 Approval Date 4/12/2017
Supersedes T.N. # 16-0010 Effective Date 4-1-17

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440.120 ATTACHMENT 4.19-B
Page 19a(2)

S. PRESCRIBED DRUGS (Continued)

Covered Outpatient Drugs Purchased Through the 340B Program

Covered entities that purchase covered outpatient drugs through the 340B program and used the 340B covered outpatient drugs to bill Utah Medicaid are required to submit the 340B acquisition cost on the claim and identify the medications as being purchased through the 340B by using the Submission Classification Code = "20" or "U0" modifier.

Payment for covered outpatient drugs purchased through the 340B program will be the lesser of the 340B acquisition cost plus a professional dispensing fee, as applicable, or the billed charges.

Payment for covered outpatient drugs not purchased through the 340B program are to be submitted, and reimbursed, in accordance with the reimbursement rules under this section.

340B covered entities may not utilize contract pharmacies to bill Utah Medicaid unless the covered entity, contract pharmacy, and State Medicaid agency have a written agreement in place to prevent duplicate discounts.

Federal Supply Schedule

Providers that purchase covered outpatient drugs through the Federal Supply Schedule (FSS) and use the covered outpatient drugs to bill Utah Medicaid are required to submit the FSS acquisition cost on the claim, unless the reimbursement is made through a bundled charge or all-inclusive encounter rate.

Payment for covered outpatient drugs purchased through the FSS will be the lesser of the FSS acquisition cost plus a professional dispensing fee, as applicable, or the billed charges.

Payment for covered outpatient drugs not purchased through the FSS are to be submitted, and reimbursed, in accordance with the reimbursement rules of this section.

Nominal Price

Providers that purchase covered outpatient drugs at Nominal Price and use the covered outpatient drug to bill Utah Medicaid are required to submit the acquisition cost on the claim.

Payment for covered outpatient drugs purchased at Nominal Price will be the lesser of the Nominal Price acquisition cost plus a professional dispensing fee, as applicable, or the billed charges.

T.N. # 17-0002 Approval Date 4/12/2017
Supersedes T.N. # 09-001 Effective Date 4-1-17

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TSGAC Policy Brief: Medicaid Pharmacy Reimbursement for Tribal Programs:
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440.120 ATTACHMENT 4.19-B
Page 19b

S. PRESCRIBED DRUGS (Continued)

Covered Outpatient Drugs not Dispensed by a Retail Community Pharmacy

Covered outpatient drugs not dispensed by a retail community pharmacy are reimbursed in the same manner as other covered outpatient drugs in accordance with the reimbursement rules of this section.

Provider Administered Drugs

Covered provider administered drugs will be reimbursed according to the Average Sale Price (ASP) Drug Pricing File, published quarterly by the Centers for Medicare and Medicaid Services (CMS), for drugs that have an ASP price set by CMS.

Covered provider administered drugs for which CMS does not publish an ASP price will be reimbursed in accordance with the Utah Medicaid fee schedule published on Medicaid's Coverage and Reimbursement Code Look-up Tool.

Hemophilia Drugs

Hemophilia drugs are reimbursed in accordance with the rules of this section and the Hemophilia Disease Management program in Attachment 4.19-B, Page 22g.

Investigational Drugs

Investigational drugs are not covered by Utah Medicaid.

T.N. # 17-0002 Approval Date 4/12/2017
Supersedes T.N. # 03-002 Effective Date 4-1-17

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Many Nations, One Goal: Self-Governance



**2019 Tribal Self-Governance
Annual Consultation Conference**

March 31 - April 4, 2019

**Grand Traverse Resort
Traverse City, Michigan**

Register Now

AGENDA AT A GLANCE

Sunday, March 31

IHS Training Sessions

Monday, April 1

General Assembly, IHS opening session

Networking Break

General Assembly, IHS

Lunch

Breakout Sessions

Networking Break

General Assembly

Reception

Tuesday, April 2

Healthy Walk

Breakout Sessions

Networking Break

General Assembly, Closing session for IHS

Tuesday, April 2

1:00 - 5:00 pm

DOI Training Sessions

Wednesday, April 3

8:00 - 9:30 am

General Assembly, DOI opening session

9:30 - 9:45 am

Networking Break

9:45 - 11:30 am

General Assembly

11:30 - 1:00 pm

Lunch

1:00 - 2:30 pm

Breakout sessions

2:30 - 3:00 pm

Networking Break

3:00 - 5:00 pm

General Assembly

5:30 - 8:00 pm

Reception

Thursday, April 4

8:30 - 10:30 am

Breakout Sessions

10:30 - 10:45 am

Networking Break

10:45 - 12:00 pm

General Assembly, DOI Closing Session

1:00 - 5:00 pm

Consultations unrelated to IHS or DOI, if requested

Approve the travel report – Councilwoman Jennifer Webster – Tribal Self Governance Advisory Committee
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 8 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve Travel Report for Tribal Self Governance Advisory Committee from 7/14/19 - 7/16/19 to Washington, DC

3. Supporting Materials

☒ Report ☐ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Jennifer Webster

Travel Event: Tribal Self Governance Advisory Committee (TSGAC)

Travel Location: Washington DC

Departure Date: 07/14/2019 Return Date: 07/16/2019

Projected Cost: \$1,652.00 Actual Cost: \$1,484.95

Date Travel was Approved by OBC: 08/22/2018

Narrative/Background:

As liaison to the Health Area I was appointed to the Indian Health Service Tribal Self Governance (IHS-TSGAC) committee on March 28, 2018. We meet quarterly to advance issues with IHS and travel expenses are reimbursed by the TSGAC.

The following states have at least 1 Self Governance tribe in their state:
Alabama, Alaska, Arizona, California, Connecticut, Florida, Idaho, Kansas,
Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana,
Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon,
Texas, Utah, Washington, and Wisconsin.

The tribes within Wisconsin that use Self-Governance for the delivery of Federal Programs and Services are:

Forest County Potawatomi Community -IHS
Ho-chunk Nation-IHS
Stockbridge-Munsee Community-IHS
Oneida Nation-DOI + IHS

Attachment #1 Agenda

Attachment #2 List of the participants for the July Quarterly Mtg.

Attachment #3 Information on Advance Appropriations introduced legislation

Attachment #4 Indian Health Service Budget Update

Attachment #5 Affordable Care Act Challenge and Opioid Litigation

The following updates were from:

Office of Tribal Self-Governance - Jennifer Cooper

Indian Health Service Budget Update - Ann Church + Melanie Fourkiller

Office of Information Technology (OTI) - Maia Laing

National Community Health Aide Program Tribal Consultation - Christina Peters

National Tribal Advisory Committee on Behavioral Health - Theresa Galvan

-Substance Abuse & Suicide Prevention Program (SASPP)

-Domestic Violence Prevention Programs (DVPP)

-Zero Suicide Initiative (ZSI)

-Opioid Funding Consultation

National Institute of Health-All of Us Initiative - Marilynn Malerba

Legislative/Litigation Update - Geoff Strommer

Item(s) Requiring Attention:

Click here to enter text.

Requested Action:

Approve the report

IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education
P.O. Box 1734, McAlester, OK 74501
Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.Tribalselfgov.org

INDIAN HEALTH SERVICE TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE AND TECHNICAL WORKGROUP QUARTERLY MEETING

mcu ~~Tuesday, July 15, 2019 (8:30 am to 5:00 pm)~~

~~Wednesday, July 16, 2019 (8:30 am to 5:00 pm)~~ *#1*

tues Embassy Suites Washington DC - DC Convention Center

900-10th Street NW
Washington, DC 20001
Phone: (202) 739-2001

AGENDA

Monday, July 15, 2019 (8:30 am to 12:00 pm)

Meeting of IHS Tribal Self-Governance Advisory Committee and Technical Workgroup

- 8:30 am **Meeting of Technical Workgroup**
Welcome
Invocation
Introductions
- 8:45 am **Opening Remarks**
Terra Branson, Director, Planning, Grants & Self-Governance, Muscogee (Creek) Nation and TSGAC Technical Workgroup Tribal Co-Chair
Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS and TSGAC Technical Workgroup Federal Co-Chair
- 9:00 am **Medicaid Legislative Priorities**
Doneg McDonough, TSGAC Technical Advisor
- 9:30 am **Update from Outreach to Jeannie Hovland**
Jay Spaan, Executive Director, Self-Governance Education & Communication Tribal Consortium
 - Update on recent discussions regarding Title VI
- 10:00 am **Joint TSGAC and ALNs Discussion**
Melanie Fourkiller/Cyndi Ferguson/Karen Fierro
Lindsay King, Agency Lead Negotiator, Oklahoma City Area, IHS (Invited)
 - TSGAC Summary and Debrief from Annual Consultation Conference
 - What collective actions can the technical workgroup collaborate on to improve consistency in negotiations?
- 10:30 am **105(l) Lease Calculation of Need**
 - Group discussion on potential estimation of need for 105(l) Lease costs.
- 11:00 am **Preparation of Talking Points for TSGAC Meeting**
- 12:00 pm **Lunch** (Provided)

Monday, July 15, 2019 (1:00 pm to 5:00 pm)
Meeting of IHS Tribal Self-Governance Advisory Committee (TSGAC)

- 1:00 pm **Tribal Caucus**
Facilitated by: Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, Indian Health Service (IHS) Tribal Self-Governance Advisory Committee (TSGAC)
- Fiscal Year 2018 IHS Director's Emergency Fund Use, Alberta Unok, ANHB
- 2:00 pm **Meeting Called to Order**
Welcome
Invocation
Roll Call
Introductions – All Participants & Invited Guests
- 2:15 pm **TSGAC Opening Remarks**
*Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC
RADM Michael D. Weahkee, Principal Deputy Director, IHS (Invited)*
- 2:30 pm **TSGAC Committee Business**
- Approval of Meeting Summary (April 2019)
- 2:45 pm **Office of Tribal Self-Governance Update**
Jennifer Cooper, Director, Office of Tribal Self-Governance, IHS
- 3:15 pm **Indian Health Service Budget Update**
*Ann Church, Acting Director, Office of Finance and Accounting, IHS (Invited)
Melanie Fourkiller, Policy Analyst, Choctaw Nation*
- Fiscal Year 2020 Appropriations
- 3:45 pm **Patient Protection and Affordable Care Act (ACA) Implementation Update**
*Cyndi Ferguson, Self-Governance Specialist/Policy Analyst, SENSE Inc.
Doneg McDonough, Consultant, TSGAC*
- 4:15 pm **Office of Information Technology Update (OIT)**
Mitchell Thornbrough, Acting Director, Office of Information Technology, IHS (Invited)
- HIT Modernization Work Update
 - Recommendations to Secretary Azar for Funding
- 4:40 pm **Facilities Appropriations Advisory Board (FAAB) Update**
Dr. Charles Grim, Secretary of Health, Chickasaw Nation (Invited)
- FAAB Recommendation on Sanitation Deficiency System Guidance
 - Other FAAB Updates
- 5:00 pm **Recess until July 16, 2019**

Tuesday, July 16, 2019 (8:30 am – 5:00 pm)**Meeting of IHS Tribal Self-Governance Advisory Committee (TSGAC) and Technical Workgroup with RADM Michael D. Weahkee, Principal Deputy Director, IHS**

- 8:30 am **Welcome and Introductions**
Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC
RADM Michael D. Weahkee, Principal Deputy Director, IHS (Invited)
- 8:45 am **105(l) Leases Update for FY2018 and 2019**
 - Total expenses for FY2018 (See TSGAC Letter October 2018)
 - Current FY2019 expenses
 - Calculation and future estimates workgroup
- 9:10 am **National Community Health Aide Program Tribal Consultation**
 - Update and timeline for current policy recommendations
 - TSGAC recommendations
- 10:00 am **National Tribal Advisory Committee on Behavioral Health**
 - Status Update on NTAC Recommendations
 - IHS Action on the NTAC Recommendations
- 10:30 am **Legislative Update**
Stacy Bohlen, Chief Executive Officer, National Indian Health Board (Invited)
 - House of Representatives IHS Task Force Update
 - Fiscal Year 2020 Appropriations
 - SDPI Reauthorization
- 11:00 am **Update from Intradepartmental Council on Native American Affairs**
Michelle Suave, Acting Director, ICNAA
 - Recent ICNAA agenda items
 - HHS Regional Consultation Update
- 12:00 pm **Lunch - TSGAC Members' Executive Session with IHS Principal Deputy Director**
- 1:00 pm **Joint TSGAC and IHS Principal Deputy Director Discussion**
 - Use of the IHS Director's Emergency Fund
 - Contract Support Cost Policy – status of pending decision
 - Behavioral Health Grants Tribal Consultation – status
 - Pharmacy Benefits Management (PBM) Claims Update
 - HHS/IHS Tribal Consultation Changes
 - SFC/SDS Consultation
 - Other Issues
- 3:45 pm **Closing Remarks**
Marilynn "Lynn" Malerba, Chief, Mohegan Tribe, and Chairwoman, IHS TSGAC
RADM Michael D. Weahkee, Principal Deputy Director, IHS

IHS TSGAC & Technical Workgroup Quarterly Meeting
July 15-16, 2019 – AGENDA

Page 4

-
- 4:00 pm **TSGAC Technical Workgroup Session**
- Assignments and follow up
- 5:00 pm **Adjourn TSGAC Meeting**

#2

TSGAC July 2019 Meeting

Attendance:

Area	Present	Attendee(s)
Alaska	X	Diana Zuril Gerry Hope
Albuquerque	X	Ian Chisholm Raymond Loretto
Bemidji	X	Jane Rohl Jennifer Webster
Billings		
California	X	John Robbins
Great Plains		
Nashville	X	Lynn Malerba Cheryl Andrews-Maltais
Navajo	X	Theresa Galvan
Oklahoma 1	X	Kasie Nichols
Oklahoma 2	X	Melanie Fourkiller Melissa Gowler
Phoenix	X	Joey Whitman Delia Carlyle
Portland	X	Ron Allen
Tucson	X	Daniel Preston



#3

Advance Appropriations





Recent uncertainties in the appropriations process caused by partisan policy differences have created an environment that has left some of our nation's most underserved citizens in precarious situations. The historical partial government shutdown experienced in 2019 which lasted 35 days severely limited governmental services provided to American Indian and Alaska Native people. Such delays contribute significantly to the challenges the Tribal Nations face when they seek to provide services to Tribal communities. For nearly two decades, there has been only one year when the Interior, Environment, and Related Agencies budget, which contains the funding for IHS and BIA, has been enacted by the beginning of the fiscal year.

Funding delays make it very difficult for Tribal health providers to address the needs of their communities adequately. This problem is exacerbated when there is a lapse in appropriations and Tribes must rely on reserves or find alternate sources to finance federal programs. Congress can address this problem by authorizing advance appropriations for Indian programs. Advance appropriations are not a new concept. The Departments of Education, Housing and Urban Development, Labor, and Veterans Affairs currently have advance appropriations authority.

Below is a list of advance appropriations legislation that has been introduced so far in the 116th Congress:

H.R. 1128, the Indian Programs Advance Appropriations Act
H.R. 1135, the Indian Health Service Advance Appropriations Act
S. 229, the Indian Programs Advance Appropriations Act

Tribes should support and encourage Congress to enact the legislation listed above that would further efforts to:

-  Provide agencies authority to spend a certain amount of one or more fiscal years following the fiscal year for which the appropriations are provided
-  Mitigate the effects of Budget uncertainty created by continuing resolutions and government shutdowns
-  Ensure the continuity of services during shutdowns delivered by tribal and federal employees employed in law enforcement, health care, education, and other essential services provided to Indian Country
-  Aspire to fulfill the trust and treaty responsibilities to Indian Country during a shutdown or other forms of political impasse.

#4

Indian Health Service Budget Update

IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE MEETING
JULY 15, 2019



Fiscal Year 2019 Enacted Budget

\$5.8 billion total discretionary budget authority

Services: \$4.1 billion

- \$25 million for tribal clinic operational costs
- \$10 million for opioid prevention, treatment, and recovery services (Special Behavioral Health Pilot Program)
- \$8 million for Indian Health Professions and expansion of the Indians into Medicine Program
- \$2 million for "new Tribes"
- \$2 million for urban Indian health

Facilities: \$879 million

- \$115 million for staffing and operating costs of newly-constructed healthcare facilities

Contract Support Costs: \$822 million (remains an indefinite discretionary appropriation for fully funding CSC)

Key Highlights:

- Retains base funding levels and programs from FY 2018
- Majority of Services funds previously available for one FY are now available for two FYs, expiring on 9/30/2020
- SDPI was previously reauthorized as a mandatory account through FY 2019 with a funding level of \$150 million

B. 11

Fiscal Year 2020 President's Budget

\$5.9 billion total discretionary budget authority

Current Services (pay costs, inflation & pop growth): \$69 million

New Staffing & Operating costs for four newly constructed healthcare facilities: \$98 million

Services: \$4.3 billion

- \$2 million for quality and oversight
- \$8 million for recruitment and retention
- \$12 million for Tribes that received federal recognition (six in Virginia)
- \$20 million for expansion of the Community Health Aide Program (CHAP)
- \$25 million for an initial investment in modernizing the Electronic Health Record system
- \$25 million for establishing the Eliminating Hepatitis C and HIV/AIDS in Indian Country Initiative

Facilities: \$803 million

- \$166 million for health care facilities construction
- \$193 million for sanitation facilities construction
- \$444 million for maintenance and improvement, medical equipment, and the Facilities and Environmental Health Support program

Contract Support Costs: \$855 million (remains an indefinite discretionary appropriation for fully funding CSC)

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Fiscal Year 2020 President's Budget (Cont.)

FY 2020 President's Budget Key Highlights:

- Proposed Program Discontinuations: Health Education and Tribal Management Grants Program
- Mandatory Funds: Special Diabetes Program for Indians (\$150 million per year)
 - Proposed reauthorization for FY 2020 and FY 2021
- Provide Federal Tort Claim Act coverage for IHS volunteers
- Authorize IHS to establish concurrent Federal/State jurisdiction at IHS Federal enclave properties
- Authorize discretionary use of all Title 38 authorities
- Meet Loan Repayment/Scholarship service obligations on a half-time basis
- Provide tax exemption for IHS Health Professions Scholarship and Loan Repayment Programs

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Fiscal Year 2020 House Mark

\$6.3 billion total discretionary budget authority

Current Services: \$96 million

New Staffing & Operating costs for newly constructed healthcare facilities: \$98 million

Services: \$4.6 billion (*highlights*)

- \$53 million for tribal clinic operational costs (increase of \$17 million)
- \$91 million for recruitment and retention of health professionals (increase of \$32 million)
- \$12 million for Tribes that received federal recognition (six in Virginia)
- \$20 million for expansion of the Community Health Aide Program (CHAP)
- \$25 million for an initial investment in modernizing the Electronic Health Record system
- \$25 million for establishing the Eliminating Hepatitis C and HIV/AIDS in Indian Country Initiative
- \$81 million for Urban Indian programs (increase of \$27 million)

Facilities: \$964 million (*highlights*)

- \$304 million for health care facilities construction (increase of \$60 million for the small ambulatory program, staff quarters, and green infrastructure)
- \$193 million for sanitation facilities construction
- \$466 million for maintenance and improvement, medical equipment, and the Facilities and Environmental Health Support program

Contract Support Costs: \$820 million (remains an indefinite discretionary appropriation for fully funding CSC)

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Fiscal Year 2022 Tribal Budget Formulation

Highlights of the FY 2021 Evaluation / FY 2022 Planning meeting held on June 27 in Reno, NV:

- **Request:** meeting with Tribal co-chairs, OMB, and IHS
- **Request:** sub-workgroup to identify full funding need
- Tribal budget recommendations will be above the prior year's request
- Continue expanding and enhancing budget orientation resources (webinars, videos, etc.)
- **FY 2022 Budget Formulation Instructions:**
 - Instructions will be distributed in August 2019
 - Funding level: FY 2021 plus 30%
 - Area Consultation/Confer sessions must consider Tribal/Urban advisory boards, committees, etc.
- **Area Reports**
 - Virtual presentations will occur prior to the national meeting (15 min)
 - In-person Area presentations at the national meeting (5 min)
- **National Work Session**
 - Expand the time allotted for budget updates and discussion
 - Discuss results of prior year recommendations

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Fiscal Year 2022 Tribal Budget Formulation

Highlight of key Tribal budget formulation dates:

Dates	Activity
October – early December 2019	Area Budget Formulation Sessions
December 13, 2019	Submit: National Budget Worksheets (<i>Excel Budget Table</i>)
January 10, 2020	Submit: Budget Narratives, Hot Issues, Area Report Slides, Area Representatives
January 13, 2020	IHS Headquarters will send the <u>final rollup</u> of National Tribal budget recommendations to Area representatives, Area budget team members, and Area Executive Officers.
February 13-14, 2020	IHS FY 2022 National Tribal Budget Formulation Work Session (near Crystal City, VA, DC area)

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7/19/2019

#5

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Affordable Care Act Challenge and Opioid Litigation

Tribal Self-Governance Advisory Committee

July 2019

Geoff Strommer

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Legal Challenges to the Affordable Care Act: *Texas v. United States*

- District Court Decision. In December 2018, a federal district court in Texas held that, following passage of the Tax Cuts and Jobs Act of 2017, the "individual mandate" provision of the Affordable Care Act (ACA) can no longer be considered a valid exercise of Congress's power to tax and is therefore unconstitutional.
- The district court further held that the individual mandate is not severable from the remainder of the Act (meaning it cannot be separated out without affecting the operation of the rest of the law) and went on to declare the Act invalid in its entirety.
- Appeal. The district court's decision was appealed to the Fifth Circuit Court of Appeal, where the case is now pending.

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2/16

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- Tribal Health Impact. The district court's ruling extends to Section 10221 of the ACA, which amended and permanently authorized the Indian Health Care Improvement Act (IHCA), and to other Indian-specific health care provisions incorporated into the Act, even though they are not dependent on the ACA's individual mandate.
- If the district court's decision is upheld in full, the IHCA and other Indian-specific provisions in the ACA would therefore be struck down.

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- Tribal Amicus. On April 1, 2019, an amicus brief was submitted in the appeal on behalf of a national coalition of Tribes and tribal organizations, arguing:
 - That the district court did not correctly apply long-established severability rules when it invalidated the ACA in its entirety. These rules state that a court should preserve as much of a statute as possible when one provision is found unconstitutional.
 - The IHCA and certain other Indian-specific provisions in particular should be preserved, because: (1) they can operate as intended by Congress without the individual mandate in place; (2) the IHCA's legislative history shows that it originated as a freestanding bill in 1976, separate from the rest of the ACA, underscoring that it operates independently of the remainder of the ACA; and (3) there is no evidence whatsoever that Congress would have wanted the IHCA and other Indian provisions to fail if the individual mandate were deemed unconstitutional.

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Texas v. United States (cont.)

- United States' Litigation Position. In the district court, the United States agreed that the individual mandate is now unconstitutional, but argued that most of the rest of the ACA should be preserved.
- The United States changed its position in the court of appeals, supporting the district court's decision holding that the entire law must be struck down.
- The United States brief, filed on May 1, argues that "minor" provisions included in ACA should not be severed.
 - Essentially argues that the IHCA and Indian provisions should all be stricken

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Texas v. United States (cont.)

- Jurisdictional Questions on Appeal. Shortly before argument was scheduled, the 5th Circuit asked the parties to file supplemental briefs addressing three questions relating to the court's jurisdiction to hear the appeal:
 - (1) Do the state intervenors and the U.S. House of Representatives—the parties defending the ACA in the litigation—have standing to intervene in the appeal, and were their interventions timely;
 - (2) if not, is there still any live case or controversy between the plaintiff states and the federal defendants, given the federal government's new legal position on appeal; and
 - (3) what is the appropriate conclusion if there is no live controversy between the plaintiff states and the federal defendants and no other party has standing to appeal?

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Texas v. United States (cont.)

- This raised the question of whether the Fifth Circuit would even consider the merits of the appeal, and if not, whether it would leave the district court's decision in place or order the district court to vacate its ruling.
- However, in their briefs all parties agreed that there is still a live controversy between the plaintiff states and the federal government and that the Fifth Circuit can and should hear the appeal.
- The parties said the federal government is still enforcing the ACA for now, and the Department of Justice is arguing on appeal that the district court's relief was too broad.

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Texas v. United States (cont.)

- Oral Argument. A three-judge panel heard the case on July 9, 2019.
- None of the Judges, and none of the parties' attorneys, specifically raised or addressed the Indian Health Care Improvement Act or other Indian-specific provisions of the ACA.
- Judge Elrod, however, noted that some provisions of the ACA, like a provision requiring certain restaurant menus to include calorie counts, are not related to the law's health insurance reforms.

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Texas v. United States (cont.)

- Attorneys for the intervenor states and the House argued that Congress clearly intended for the rest of the law to survive when it eliminated the mandate penalty
- They also pointed out that several Republican lawmakers represented to the American public that they were not touching protections for preexisting conditions or other popular provisions of the law by zeroing out the tax penalty.

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Texas v. United States (cont.)

- The judges were confused by the Trump Administration's legal position.
 - After defending the ACA in the district court, the DOJ now supports the lower court's *legal* conclusion that the entire ACA is invalid.
 - At the same time, however, the DOJ argued that the district court's *judgment* striking down the whole law is overbroad, and that some unspecified provisions of the law should not be included in the judgment because they don't affect the plaintiffs in the case.

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Texas v. United States (cont.)

- Possible Outcomes:
 - Back the lower court decision invalidating the ACA, or overturn it entirely.
 - Determine that the elimination of the individual mandate penalty only renders certain parts of the ACA unconstitutional.
 - Dismiss the entire lawsuit if they determine that no party has standing to pursue the appeal, in which case they would either leave the lower court judgment in place or require that it be vacated.

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Opioid Litigation

- Disproportionately impacting Indian Country
 - Health services have been overwhelmed
 - Education and addiction therapy costs have substantially increased
 - Evictions from housing for drug-related criminal activity
 - Almost every tribal member has been affected

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Opioid Litigation (cont.)

- Over 1,100 suits have been filed in the last few years by states and their political subdivisions, insurance carriers, hospitals, individuals, and Indian tribes and tribal organizations
- There are 3 classes of defendants who bear significant liability for the crisis – and who benefitted from it
 - Manufacturers
 - Distributors
 - Retail Pharmacies in some cases

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Opioid Litigation (cont.)

- All federal court cases have been combined as “Multidistrict Litigation” (MDL) under the leadership of Cleveland Federal Judge Dan A. Polster
- Judge Polster has stated he would prefer to see the parties reach a “global settlement” of opioid claims, although litigation is proceeding in the meantime.

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Opioid Litigation (cont.)

- There are over 100 tribes or tribal organizations with claims in the litigation
- Two “tribal track” bellwether cases: Muscogee (Creek) Nation and Blackfeet Tribe.
- Earlier this year, the opioid Defendants filed Motions to Dismiss in both cases, asking the court to make a threshold ruling that the Tribes’ complaints were not sufficient to state any legal claims for relief.
 - The Defendants have filed similar motions in other litigation tracks, as well.

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Opioid Litigation (cont.)

- On June 13, 2019 Judge Polster issued a joint Opinion and Order (Order) ruling on the Motions to Dismiss, rejecting most of the Defendants’ arguments and allowing most of the Tribes’ claims to proceed with the litigation.
- The Order largely adopts recommendations by Magistrate Judge David A. Ruiz, filed on April 1, recommending to the court that the Motions to Dismiss be denied with respect to the vast majority of the Tribes’ claims.

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Opioid Litigation (cont.)

The following tribal claims will move ahead through the litigation:

- 1) two separate claims under the Racketeer Influenced and Corrupt Organizations Act (RICO);
- 2) Public Nuisance;
- 3) Civil Conspiracy;
- 4) Unjust Enrichment;
- 5) Negligence and Negligent Misrepresentation; and
- 6) Common Law Fraud.

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Opioid Litigation (cont.)

- A committee of attorneys has been appointed to advise the Plaintiff's MDL appointed counsel on the tribal claims and to assist in developing the litigation and settlement strategy for the tribal cases.
- Hobbs Straus attorneys are actively involved in the Tribal Leadership Committee.

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Opioid Litigation (cont.)

- Plaintiffs in the MDL continue to pursue a settlement.
- In a novel approach, on June 14, 2019 cities and counties across the country filed a Motion to establish a “Negotiation Class.”
- If approved, the class would be solely for the purpose of negotiating a comprehensive settlement with regard to such entities—it would not create a class action for purposes of litigation.
- The Class proposes that 75% of the settlement would be allocated to the governments, based on a formula; 15% would be set aside for a “Special Needs Fund” and 10% would go to attorneys’ fees and costs.

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Questions?

For more information, please contact:

Geoff Strommer
gstrommer@hobbsstraus.com
503-242-1745

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Approve the travel report for Tribal Self Governance Professionals...
Onida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 8 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve Travel Report for Tribal Self Governance Strategy Session from 9/8/19 - 9/13/19 to Maricopa, AZ

3. Supporting Materials

☒ Report ☐ Resolution ☐ Contract

☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Jennifer Webster

Travel Event: Tribal Self Governance Strategy Session

Travel Location: Maricopa, AZ

Departure Date: 09/08/2019 Return Date: 09/13/2019

Projected Cost: \$2,112.85 Actual Cost: \$1,541.84

Date Travel was Approved by OBC: 07/24/2019

Narrative/Background:

As liaison to the Health Area I was appointed to the Indian Health Service Tribal Self Governance (IHS-TSGAC) committee on March 28, 2018. We meet quarterly to advance issues with IHS and have a yearly strategy Session.

The 2019 Self-Governance Communication and Education Consortium Strategy Session was held at AK-CHIN tribal community.

Attachment #1 Agenda

Attachment #2 Overview of Legislation

This report will include an overview of the Legislative Proposal for HONORING PROMISES TO NATIVE NATIONS ACT that is being proposed from Congresswomen Deb Haaland and Senator Warren to address the chronic underfunding experienced in Indian County.

Attachment#3 2019-2021 Strategic Plan

Note* Travel funded by Self Governance

Item(s) Requiring Attention:

Click here to enter text.

Requested Action:

Approve the report

AGENDA



**MANY NATIONS, ONE GOAL:
SELF-GOVERNANCE**

Monday, September 9

Registration & Pre-Workshop Session

1:00 pm to 5:00 pm

Registration

3:00 pm to 5:00 pm

Pre-Workshop Session

History of Self-Governance

Cyndi Ferguson, Self-Governance Specialist, SENSE Incorporated

Introduction to the Department of the Interior Self-Governance Advisory Committee (DOI-SGAC), Indian Health Service Tribal Self-Governance Advisory Committee (IHS-TSGAC), and Self-Governance Communication and Education Tribal Consortium (SGCETC)

Introduction and Overview of the Self-Governance Planning and Negotiations Process

Jennifer McLaughlin, Legislative Associate, Jamestown S'Klallam Tribe**Terra Branson**, Director, Planning, Grants, and Self-Governance, Muscogee (Creek) Nation**Jay Spaan** (Cherokee Nation), Executive Director, SGCETC**Melanie Fourkiller**, Senior Policy Analyst, Choctaw Nation of Oklahoma and Board Treasurer, Self-Governance Communication and Education Tribal Consortium

5:30 pm to 7:30 pm

Welcome / Cultural Reception

Youth Dance Performance

Ak-Chin Youth Dance Group

Oral History of Ak-Chin Indian Community

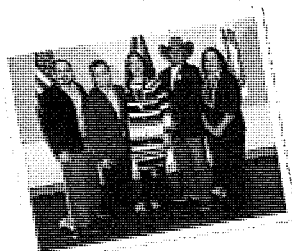
Ak-Chin Elder **Leona Kaker**, Former Chairman and Former Farm Board Chairman

Artist Demonstrations

Tuesday, September 10

Self-Governance Professionals Workshop

8:30 am to 9:00 am

Opening of the Self-Governance Professionals Workshop

Posting of Colors

Ak-Chin Color Guard with the Ak-Chin Language Program offering the National Anthem in O'odham

Blessing

Vice-Chairman **Gabriel Lopez**, Ak-Chin Indian Community

Welcome

Chairman **Robert Miguel**, Ak-Chin Indian Community

9:00 am to 9:45 am

Sharing Experiences with Negotiations at the Department of the Interior and the Indian Health Service

Sharing personal experience and engaging in active conversation with the audience, panelists will speak on challenges, tricks and tips that helped them successfully navigate the DOI and IHS Self-Governance negotiations process.

Moderator: Chief **Marilynn "Lynn" Malerba**, Mohegan Tribe of Connecticut and Chair of the Tribal Self-Governance Advisory Committee

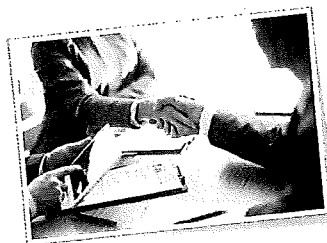
Karen Fierro, Self-Governance Director, Ak-Chin Indian Community

Candice Skenandore, Self-Governance Coordinator, Oneida Nation

Linda Austin, Director of Operations, Ysleta Del Sur Pueblo

9:45 am to 12:00 pm

Negotiation Strategies



Effective negotiation strategy starts well before the parties sit down at the bargaining table. This session will help you examine important questions to give you a new perspective on how to enhance outcomes for you, the constituents you represent, and perhaps even the ones with whom you negotiate.

Dennis Teel, Commissioner, Federal Mediation and Conciliation Service

Moirá Caruso, Commissioner, Federal Mediation and Conciliation Service

12:00 pm to 1:00 pm

Lunch

Sponsored by: **SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY**

1:00 pm to 1:45 pm

Implementing Negotiation Strategies into the Self-Governance Process & Other Resources to Aid with the Negotiations Process

Engage and discuss opportunities to incorporate more effective negotiation strategies into the Self-Governance negotiations process.

Chief **Lynn Malerba**, Mohegan Tribe of Connecticut

1:45 pm to 2:00 pm

Break

Sponsored by: **HARRAH'S AK-CHIN HOTEL AND CASINO**

2:00 pm to 4:30 pm

Time to Play SELFGOVOPOLY!

Join us for an interactive game of **SELFGOVOPOLY!**



SELFGOVOPOLY provides an opportunity for you to work with other professionals in the Self-Governance community to learn about Self-Governance, to identify creative approaches, and to identify new initiatives implemented by others to overcome challenges hindering Tribal Nations from fulfilling their goals of self-government.

Jennifer McLaughlin, Legislative Associate, Jamestown S'Klallam Tribe

Karen Fierro, Self-Governance Director, Ak-Chin Indian Community

Tera Branson, Director, Muscogee (Creek) Nation

4:30 pm to 5:30 pm

Data Sovereignty in a Self-Governance Environment

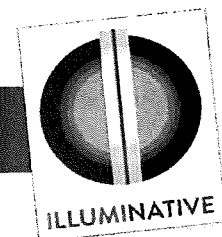
"Data has become a global currency, a valuable asset, and a source of power."

—US Indigenous Data Sovereignty Network.

Data sovereignty and Self-Governance go hand in hand. Join us to discuss principles and practices of data sovereignty and to identify obstacles Tribal Nations face protecting and controlling the use of data.

Desi Rodriguez-Lonebear (Northern Cheyenne), Co-Founder of the US Indigenous Data Sovereignty Network (USIDSN) (invited)

Travis Jansen (Rosebud Sioux), Deputy Director, SGCETC



Wednesday, September 11 Self-Governance Strategy Session

- | | |
|----------------------|--|
| 8:00 am to 8:15 am | <p>Welcome and Blessing</p> <p>Delia Carlyle, Council Member, Ak-Chin Indian Community</p> |
| 8:15 am to 8:45 am | <p>Using the U.S. Commission on Civil Rights' Report, "<i>BROKEN PROMISES: Continuing Federal Funding Shortfall for Native Americans</i>" to Support Advocacy Efforts</p> <p>Chief Lynn Malerba, Mohegan Tribe of Connecticut</p> |
| 8:45 am to 9:15 am | <p>Understanding and Using Research Findings from the <i>Reclaiming Native Truth</i> Project to Support Advocacy Efforts</p> <p>Crystal Echo Hawk, Founder and CEO, IllumiNative</p> |
| 9:15 am to 9:45 am | <p>Lessons Learned from Indivisible Tohono's Experience Getting Legislation Passed in Arizona related to Missing and Murdered Indigenous Women and Girls</p> <p>April Ignacio, Founder, Indivisible Tohono</p> |
| 9:45 am to 10:00 am | <p>Break</p> |
| 10:00 am to 10:45 am | <p>Developing an Effective Communication Strategy for Change/ Factors to Consider when Developing Your Advocacy Efforts</p> <p>At the intersection of the leading strategic communication trends and creating change is the use of media and technology in an era of constant information overload. Learn to harness the opportunities afforded by today's digital age through traditional storytelling with a strategic edge to best communicate your advocacy message.</p> <p>Crystal Echo Hawk, Founder and CEO, IllumiNative</p> <p>April Ignacio, Founder, Indivisible Tohono</p> <p>Ricki McCarroll, Founder, NUNA Consulting</p> |
| 10:45 am to 11:30 am | <p>Legislative Proposal for "Honoring Promises to Native Nations Act"</p> <p>An open forum for participants to review, evaluate, and discuss a legislative proposal introduced by Senator Elizabeth Warren and Congresswoman Deb Haaland. During this time, participants will have an opportunity to identify suggestions and additional provisions that should be considered for inclusion in the legislation.</p> |

Chief Lynn Malerba, Mohegan Tribe of Connecticut

11:30 am to 11:45 am **The Benefits of Strategic Planning at Both a National and Local Level**

Jamie Fullmer, Chairman/CEO, Blue Stone Strategy Group

11:45 am to 1:00 pm **Lunch**

Sponsored by: BLUE STONE STRATEGY GROUP

1:00 pm to 1:30 pm **Overview of the 2019 – 2021 Self-Governance Strategic Plan**

Jay Spaan (Cherokee Nation), Executive Director, SGCETC

1:30 pm to 2:15 pm **Success and Challenges Expanding Self-Governance to non-BIA agencies**

Several Tribal Nations successfully administer programs or functions from non-BIA agencies through a Self-Governance agreement. However, a number of non-BIA agencies remain reluctant to turn over administration of certain programs and functions to Tribal Nations. These agencies have established roadblocks and obstacles that hinder Tribal Nations from fulfilling their goals of self-government. In this session, we will learn about the successes and discuss the remaining challenges.

Heather Washington, Assistant Self-Governance Director, Salt River Pima-Maricopa Indian Community

David DeJon, Ph.D., Project Director, Pima-Maricopa Irrigation Project, Gila River Indian Community

Video: "A Brief History of the National Basin Range"

2:15 pm to 2:45 pm **Expanding Self-Governance to the Department of Health and Human Services (HHS) and Special Diabetes for Indians (SDPI)**

Melanie Fourkiller, Senior Policy Analyst, Choctaw Nation of Oklahoma and Board Treasurer, Self-Governance Communication and Education Tribal Consortium

2:45 pm to 3:00 pm **Proposal for Forward Funding of BIE's Higher Education Grant Program**

Daryl Begay, Legislative Analyst, Navajo Nation

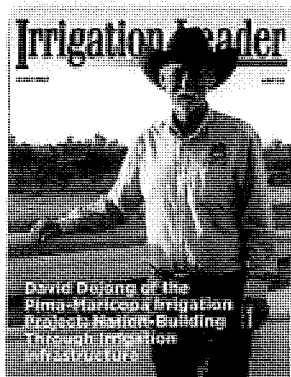
3:00 pm to 3:15 pm **Break**

3:15 pm to 4:30 pm **Small Group Workshops: Developing Strategies to Further Tribal Self-Governance and Improve Efficiencies**

Participants will gather into small groups to discuss and brainstorm potential approaches and steps to further Self-Governance and to overcome the barriers that are hindering expansion.

4:30 pm to 5:00 pm **Planning a Self-Governance Day on the Hill and Other Resources Available when Advocating for Self-Governance Priorities**

C. Juliet Pittman, President/CEO, SENSE Incorporated



6:30 pm to 8:00 pm

Movie Night! RUMBLE: The Indians Who Rocked the World**Sponsored by: Sac and Fox Nation**

Join us at the UltraStar Ak-Chin Movie Theater for a free viewing of RUMBLE: The Indian Who Rocked the World. Guests will also receive complimentary popcorn and a drink.

RUMBLE: The Indians Who Rocked the World is an electrifying look at the Native American influence in popular music — despite attempts to ban, censor and erase Indian culture. The film reveals how early pioneers of the blues and jazz had Native American roots, and as the folk-rock era took hold in the '60s and '70s, Native Americans such as Peter La Farge and Buffy Sainte-Marie helped to define its evolution, while Native guitarists and drummers such as Link Wray, Jimi Hendrix, Jesse Ed Davis, and many more forever changed the trajectory of rock and roll.

THURSDAY, SEPTEMBER 12
Self-Governance In Action

8:30 am to 9:00 am

Overview of Ak-Chin Indian Community

Delia Carlyle, Council Member, Ak-Chin Indian Community

9:00 am to 12:00 pm

Self-Governance in Action

Sign up for one the Self-Governance in Action tours and learn about the experience of Ak-Chin Indian Community developing and implementing various programs and facilities that serve their citizens and community.

All groups will end at Ak-Chin Eco-Museum at 11:30 for a tour.

TOUR 1: Ak-Chin Farms

The Ak-Chin Indian Community sits in Arizona's heartland on the southern edge of the greater Phoenix area. The Reservation encompasses an area of approximately 22,000 acres of which about 16,000 acres are devoted to farming. Ak-Chin Farms Enterprise employs 84 employees with cotton as the principal crop. Alfalfa, barley, pecans, potatoes, sorghum and wheat are also grown and cultivated by Ak-Chin Farms.

TOUR 2: Central Chiller Plant

Are you interested to learn more about how Ak-Chin Indian Community keeps its enterprises cool and refreshing in the hot desert climate?

The Central Chiller Plant supplies chilled water to Ak-Chin Enterprises, including Harrah's Ak-Chin Hotel and Casino and the Ultra Star Multi-tainment Center. The facility encompasses three 900-ton Trane chillers with cooling towers, plate and frame heat exchanger. The facility includes 6,000 square feet of an indoor chiller plant, 5,000 square feet of outdoor cooling towers, and 4,500 square feet of administrative offices.

TOUR 3: Multi-Purpose Justice Complex

The Ak-Chin Indian Community Multi-Purpose Justice Complex is a 56,000 square foot multi-faceted and joins Tribal courts, police, and detention facilities in one single-story building. The detention facility can house 36 adult prisoners and six juveniles in a sectioned off area. Additional components include a booking area, holding cells, kitchen and laundry facilities, classrooms, inmate property storage, and a medical exam room.



Tour 4: Waste Water Reclamation Facility

The Waste Water Reclamation Facility, commissioned in 2012, has a capacity of 2.25 million gallons per day and provides drinking water to Community Members and Harrah's Ak-Chin Casino, UltraStar Multi-tainment Center. It also provides sufficient capacity to meet the needs of existing commercial operations as well as future expansions. The facility provides an advanced water treatment equipment to provide a reliable, safe and secure drinking water supply that met the Ak-Chin Indian Community's current needs and provided critical flexibility to accommodate variable flow and water quality conditions in the future.

12:00 pm

Buses depart the Ak-Chin Eco-Museum for return to Harrah's Ak-Chin

12:15 pm

Adjourn

Thank you for joining us at the Self-Governance Workshop and Strategy Session!

Save the Date for the 2020 Tribal Self-Governance Consultation Conference!





Self-Governance Communication & Education Tribal Consortium

Overview of Legislative Proposal for HONORING PROMISES TO NATIVE NATIONS ACT and Potential Recommendations to Enhance the Proposal

Background: On August 16, 2019, Congresswoman Deb Haaland and Senator Warren released a legislative proposal to address the chronic underfunding experienced in Indian Country, and the lawmakers "welcome input from tribal nations and citizens, experts, and other stakeholders on future legislation that will honor America's promises to Native peoples." The legislation is intended to implement the recommendations of the report issued by the U.S. Commission on Civil Rights ("the Commission") titled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* ("*Broken Promises*.")¹ *Broken Promises* was released on December 20, 2018, by the Commission and evaluated whether the federal government is meeting its trust responsibilities by examining budgets and spending of federal agencies that administer Native American and Native Hawaiian programs. Furthermore, *Broken Promises* offers critical recommendations to Congress based on expert and public input, and extensive research and analysis.

The proposal includes the following twelve introductory sections:

- Section 1. Bill Name
- Section 2. Purposes of Legislation
- Section 3. Findings
- Section 4. Sense of Congress
- Section 5. Budgetary Certainty
- Section 6. Office of Management and Budget Transparency
- Section 7. White House Council on Native American Affairs
- Section 8. Deputy Secretary for Tribal Nations in the Department of Interior
- Section 9. Consultation by federal agencies
- Section 10. Tribal self-governance and self-determination
- Section 11. Interagency working group on data collection
- Section 12. Native Hawaiians

¹ <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

The proposed legislation would include the following five titles:

- Title I – Criminal Justice and Public Safety
- Title II – Health Care
- Title III – Education
- Title IV – Housing
- Title V – Economic Development

Potential Recommendation 1:

The addition of an indigenous data sovereignty title would be beneficial to Tribal Nations. In *Broken Promises*, the Commission writes of the “critical need for more accurate and current data collection for these communities [Native American and Native Hawaiians and Other Pacific Islander racial groups], ..., to improve the ability of federal, state, local, and tribal governments to monitor conditions and make more informed policy and spending decisions.”² This statement emphasizes the need for support for indigenous data sovereignty. The legislation is needed to recognize indigenous data sovereignty, provide resources for equipment and capacity building for tribes to develop systems to collect, secure, clean, and analyze their data. The legislation should also recognize the need to comply with a formal tribal policy regarding how indigenous data will be shared with other governments. The existence of data deficits is once again acknowledged as the Commission cites *A Roadmap for Making Native America Safer* states, “Currently, there is no system in place to collect or report victimization and crime data [sic] in Indian Country, and furthermore, many tribes lack computerized systems for collecting such data.”³

Overview of Sections

This overview will begin at section 5 of the proposal and will include a brief summary of the section and a potential recommendations or comments for consideration.

Section 5 – Budget Certainty

The purpose of this section is to try to remedy the instability faced by tribal governments created by the uncertainty of federal funding from year to year. The proposal lists the following legislative fixes that have been proposed in the past and requests input on how to ensure funding stability for Indian programs:

- Exemption from any future sequestration
- Advance appropriations
- Mandatory funding
- Inflation adjustments

² *Broken Promises*, p. 18.

³ *Broken Promises*, p. 68, quoting *A Roadmap for Making Native America Safer*.

Section 6 - Office of Management and Budget Transparency

Section 6 focuses on the recommendation in Broken Promises that "Federal agencies should monitor, ensure, and make transparent to the American public that the proportion of their overall budget devoted to Native Americans is commensurate with the needs of Native Americans and in furtherance of the federal trust obligation."⁴ In an effort to act on the recommendation, the proposal suggests establishing an Office of Tribal Affairs (OTA) within the Office of Management and Budget (OMB). The office would coordinate with OMB and the Executive Branch regarding funding matters for policy and programs pertaining to AI/ANs.

Legislative App. D in the proposal gives an example of possible language. The language establishes the following:

- Office of Tribal Affairs in the Office of Management and Budget
- Administrator of Tribal Affairs to head the Office of Tribal Affairs (career position)

Duties of Office of Tribal Affairs and Administrator as follows:

- Coordinate with OMB and Executive Branch regarding funding a policy matter concerning Federal programs affecting AI/ANs
- Compile data regarding Federal funding for pertinent programs
- Ensure that the IHS and BIA budget requests represent an amount to fully fund the programs and how far the Federal Government is from fully funding the programs
- Ensure that the OTA accompany OMB to meetings with other agencies during budget development
- Prepare an annual crosscutting document that details how much Federal funding is reaching Tribal Nations and determine whether Tribal Nations are competing with States for the same funding

The language also directs the OTA administrator to consult with tribes in the development of an OMB Tribal consultation policy.

Potential Recommendation 2:

The list of possibilities for the Office of Tribal Affairs at the OMB should be to evaluate existing budgetary/financial regulations that potentially hinder tribes from aiding other tribes in any area where the federal government is failing to meet its trust responsibility and treaty obligations.

⁴ Broken Promises, p. 214.

Section 7 – White House Council on Native American Affairs

Section 7 proposes to codify Executive Order 13647 in statute to permanently establish the White House Council on Native American Affairs.

Potential Recommendation 3:

The White Council on Native American Affairs should include seats for select Tribal leaders.

Section 8 - Deputy Secretary for Tribal Nations in the Department of Interior

Section 9 mirrors the request formally put forth in NCAI Resolution # DEN-18-027, which "calls upon the Secretary of Interior to establish the position of Deputy Secretary for Indian Affairs and to collect all of the Department's Indian offices and Bureaus under the authority of the new Deputy Secretary."

Potential Recommendation 4:

This is an admirable proposal and should be supported; however, to genuinely provide Indian Country with the audience it deserves with the President of the United States and cabinet members, the creation of a Secretary of Indian Affairs position should be the ultimate future goal. All Indian programs should be moved out of the Interior, and an agency specifically for Tribal Nations should be created. It sounds too ambitious of a goal, especially considering that AI/ANs only constitute around one percent of the U.S. population in a secular democracy. However, according to the BIA, around 56.2 million acres are currently held in trust by the government for tribes.

Furthermore, that one percent controls around "nearly 30 percent of the coal reserves west of the Mississippi, as much as 50 percent of potential uranium reserves, and up to 20 percent of known natural gas and oil reserves."⁵ The unique relationship between the Federal government and Tribal Nations derived from the trust and treaty obligations constitutes an elevated level of attention and efforts which necessitate cabinet-level access and elevated authority for officials responsible for Indian affairs.

⁵ https://resourcegovernance.org/sites/default/files/documents/rwi_native_american_lands_2011.pdf

Section 9 - Consultation by federal agencies

Section 9 seeks to build on Executive Order 13175.⁶ This EO was never codified, thus not giving it the force of law, and consultation, when it occurs, is performed without uniform standards. Codifying a uniform set of principles regarding Tribal consultation would exponentially increase the odds of meaningful information exchanges between the Federal government and Tribal Nations.

Potential Recommendation 5

Federal agencies should familiarize themselves with the consultation policies of Tribal Nations. Some Tribal Nations do have them.

Create one unified office or tribal desk within an agency that all Federal agencies must coordinate tribal consultation through. This will serve to organize consultations to prevent overlap and to ensure that Tribal Federal interactions are efficient and meaningful as possible.

Include a consent provision in the code similar to that found in Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) that states, "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain **their free, prior and informed consent** before adopting and implementing legislative or administrative measures that may affect them."⁷

Section 10 – Tribal self-governance and self-determination

Section 10 emphasizes the *Broken Promises* recommendation that the "federal government should provide sufficient funding, training, tools, and resources to tribal nations to provide their citizens the opportunity to exercise self-government and self-determination."⁸ Section 10 also highlights the PROGRESS for Indian Tribes Act. The PROGRESS for Indian Tribes Act has passed the Senate and has been introduced in the House.

⁶ Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments," November 6, 2000.

⁷https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁸ *Broken Promises*, pp. 9-10

Section 11 - Interagency working group on data collection

Section 11 requests recommendations for improving data collection for the AI/AN population. The proposal suggests the recommendation made in *Broken Promises* that Congress create a new interagency working group to address the lack of accurate data collection for the AI/AN population.

Potential Recommendation 6

SGCETC promotes fostering the capacity of Tribal Nations to collect, clean, store, and analyze their data. The data of Tribal Nations is proprietary and should be treated as such. The Federal government should support Tribal Nations as they progress towards indigenous data sovereignty, and that should ultimately be the main priority for an interagency working group.

The following list of recommendations for “decolonizing data and indigenizing data governance” is included in a policy brief released by the Native Nations Institute from the University of Arizona⁹:

- Acknowledge Indigenous data sovereignty as an objective and incorporate it into tribal, federal, and other entities’ data policies;
- Generate resources and build support for Indigenous data governance, including the governance of Indigenous data by others;
- Grow tribal data capacities, including establishing data governance policies and procedures and recruiting and developing data warriors¹⁰ (Indigenous professionals and community members who are skilled at creating, collecting, and managing data);
- Establish strong relationships between tribal leaders and data warriors;
- Create intertribal institutions dedicated to data leadership and building data infrastructure and support for tribes; and
- Build connections among Native nations domestically and internationally for the sharing of strategies, resources, and ideas.

Those recommendations should be adhered to as the Federal government progresses with its efforts to improve data accuracy for AI/AN populations.

Legislative Titles

⁹ Rainie, Stephanie Carroll, Desi Rodriguez-Lonebear, and Andrew Martinez. 2017. *Policy Brief: Indigenous Data Sovereignty in the United States* Tucson: Native Nations Institute, University of Arizona

¹⁰ Ibid, quoting Rodriguez-Lonebear D. (2016). *Building a Data Revolution in Indian Country*. In T Kukutai & J Taylor (Eds), *Indigenous Data Sovereignty*. Canberra: Australian National University Press.

The following are the legislative titles included in the proposal. The sponsors of the legislation request feedback from Tribal Nations regarding each proposed title.

Title I – Criminal Justice and Public Safety

- Tribal justice systems
- Tribal law enforcement and facilities
- Tiwahe Initiative
- Crime Data
- Victim Services
- Domestic violence, sexual assault, and murdered and missing Native Women

Title II – Health Care

Mandatory funding for Indian Health Service

- Funding for full implementation of the IHCA
- Special Diabetes Program for Indians
- Urban Indian Health Program
- Behavioral health
- Public health

Title III – Education

- Full funding for the operation of Bureau of Indian Education (BIE) schools
- Funding for BIE school construction, repair, renovation, and modernization
- Funding for Native languages
- Funding for culturally inclusive education
- Increased funding for Alaska Native education programs
- Every Student Succeeds Act Implementation
- Increased funding for local Tribal education agencies and federal Tribal education offices
- Increased Johnson O' Malley funding
- Mandatory and full funding for Tribal Colleges and Universities

Title IV – Housing

- Indian Housing Block Grant (IHBG) Program
- Restoring authority to administer voucher programs
- Indian Community Development Block Grants (ICDBG)
- Loan guarantees for Indian housing

- Direct housing loans for Native Americans veterans program
- Tribal HUD-VASH program
- Housing Improvement Program, Bureau of Indian Affairs
- Tribal Housing Habitability
- Coordinated Environmental Review Process Workgroup

Title V – Economic Development

- Native American Community Development Financial Institutions (CDFI) Assistance Program
- Native American Business Incubators Program
- Funding for Claims Resolution Act of 2010
- Roads and transportation
- Public transit
- Expansion of E-rate
- Federal Communications Commission (FCC) Office of Native Affairs and Policy (ONAP)
- Tribal Water Pollution Control

Potential recommendations for economic development to consider

- Permanent reauthorization for accelerated depreciation and the Indian Employment Credit.
- Specialized tax incentives for Tribal Nations who assist other Tribal Nations
- Option for individual citizens of Tribal Nations to have federal income tax withheld from their check to be directed to the treasury of a federally recognized tribe
- Direct an agency/s to evaluate for compatibility and partner foreign or American corporations looking to relocate businesses to the United States with Tribal Nation partners
- Exemption from sales tax for purchases made on the internet by members of a federally recognized tribe regardless of the status of land where purchaser resides
- Individual tax incentives for members of federally recognized tribes who issue microloans to aspiring business owners who are members of federally recognized tribes

Crosswalk of the Current Legislative Proposal with Tribal Self-Governance Strategic Plan

Legislative Proposal	Tribal Self-Government Priority
Advance Appropriations (Section 5)	Advance Appropriations Authority
Exempt Indian programs from sequestration and rescissions (Section 5)	Exempt Indian Programs from Sequestration and Rescissions (page 24 of the SGCE Strategic Plan)
Move IHS funding from discretionary to mandatory (Section 5)	Move IHS funding from discretionary to mandatory (page 31 of the SGCE Strategic Plan)
Establish an Assistant Director position for Indian Programs at OMB (Section 6)	Establish an Assistant Director Position for Indian Programs at OMB (page 29 of the SGCE Strategic Plan)
Expand Tribal Self-Governance (Section 10)	Amend Title IV of ISDEAA (page 33 of the SGCE Strategic Plan)

Potential Recommendations

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Potential Recommendation 3:

The White Council on Native American Affairs should include seats for select Tribal leaders.

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This is an admirable proposal and should be supported; however, to genuinely provide Indian Country with the audience it deserves with the President of the United States and cabinet members, the creation of a Secretary of Indian Affairs position should be the ultimate future goal. All Indian programs should be moved out of the Interior, and an agency specifically for Tribal Nations should be created. It sounds too ambitious of a goal, especially considering that

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Potential Recommendation 5

Federal agencies should familiarize themselves with the consultation policies of Tribal Nations. Some Tribal Nations do have them.

Create one unified office or tribal desk within an agency that all Federal agencies must coordinate tribal consultation through. This will serve to organize consultations to prevent overlap and to ensure that Tribal Federal interactions are efficient and meaningful as possible.

Include a consent provision in the code similar to that found in Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) that states, “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain **their free, prior and informed consent** before adopting and implementing legislative or administrative measures that may affect them.”¹⁴

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¹⁴ https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

¹⁵ Rainie, Stephanie Carroll, Desi Rodriguez-Lonebear, and Andrew Martinez. 2017. *Policy Brief: Indigenous Data Sovereignty in the United States* Tucson: Native Nations Institute, University of Arizona

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Those recommendations should be adhered to as the Federal government progresses with its efforts to improve data accuracy for AI/AN populations.

¹⁶ Ibid, quoting Rodriguez-Lonebear D. (2016). *Building a Data Revolution in Indian Country*. In T Kukutai & J Taylor (Eds), *Indigenous Data Sovereignty*. Canberra: Australian National University Press.

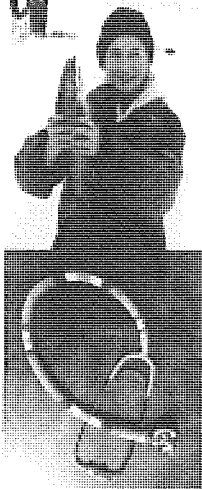
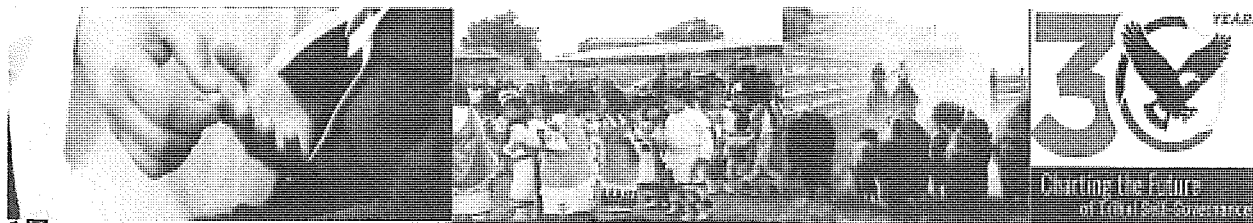


"No right is more sacred to a nation, to a people, than the right to freely determine its social, economic, political and cultural future without external interference.

The fullest expression of this right occurs when a nation freely governs itself. We call the exercise of this right Self-determination.

The practice of this right is Self-government."

– Joe De La Cruz



TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Contents

- Vision & Mission
- Guiding Principles
- Development of the Strategic Plan
- Success of Tribal Self-Governance
- Future of Tribal Self-Governance
- Role of SGAC, TSGAC, and SGCE
- Goals, Objectives, Strategies, and Measures
- Role of Partners

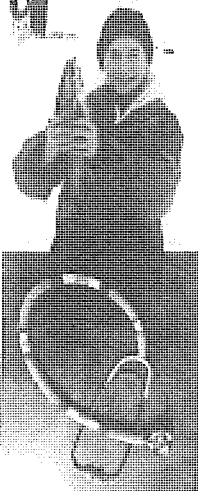


TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Vision & Mission

Vision: Preserve, protect, and advance Tribal and Indigenous sovereignty, culture, history, treaty, and right to self-governance.





TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Guiding Principles

Tribes are sovereign nations. As such, all relations between the United States and Tribal Nations are of a formal government-to-government nature.

As sovereign nations, Tribal governments have the inherent authority and control over their territories, Treaty rights, natural resources, and the welfare of their citizens. Further, Tribal governments have the authority to set internal priorities (without federal interference) and, under Self-Governance, may redesign programs and reassign federal funds to more efficiently and effectively meet their local needs.

Tribal governments are accountable to their citizens, which is intrinsic in any accountability model on the utilization of federal funds.



TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

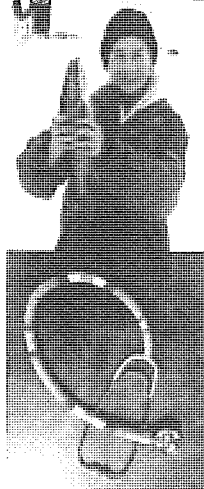
Development of the Strategic Plan

Each year, Self-Governance Tribes conduct a strategic planning session to chart the course for the future of Tribal Self-Governance.

To identify goals, objectives, strategies, and measures, we are taking the following actions:

- **Analyzing the results of the strategic planning session**
- **Evaluating prior strategic plan**
- Feedback and input from SGAC, TSGAC, and SGCE Board.
- Feedback and input from Tribal leaders and officials
- Feedback from community members
- Review of existing literature and information, including the Native Truth report.





TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Success of Tribal Self-Governance

The success of Tribal self-governance is undeniable. Tribal nations of all sizes, location, and governance structure have demonstrated that Tribes are more effective and efficient implementing federal programs and providing services to their citizens and communities than Federal agencies and bureaucracies that are not held accountable by the citizens they serve.

This section will include several "case studies" that exemplify the success of Self-Governance.

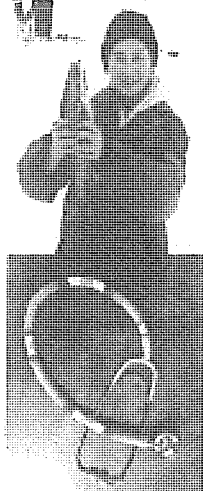


TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Future of Self-Governance

- ❖ Tribal nations have continuously sought to build upon the success of Self-Governance by expanding self-governance opportunities to additional agencies and departments in the federal government. Tribal nations envision a future in which every Federal Agency that has a program serving Indian Country will participate in Self-Governance.
- ❖ All Tribal Nations will have the opportunity to exercise their inherently sovereign powers of tribal self-government.
- ❖ All federal funds to administer programs will be disbursed through a single contract and funding agreement.





TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Role of SGAC, TSGAC, and SGCE

This section will include organizational charts, relationship charts, and descriptions.



TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Goal Areas, Objectives, Strategies, and Measures

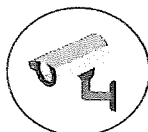
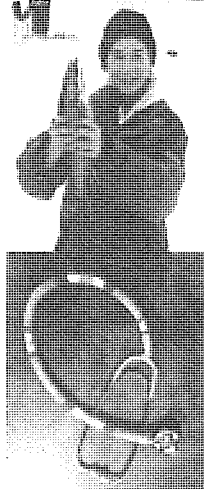
Goal areas will be categorized, potentially into the following categories:

- ❖ Cross-cutting Tribal Self-Government Goals
- ❖ Enhancing Self-Governance at DOI
- ❖ Enhancing Self-Governance at HHS
- ❖ Effectiveness and Long-Term Viability of SGCE





Objectives will be classified as:



Monitoring

Objectives that need to be monitored but no direct action has been identified.



Growing

Objectives where action is ongoing, needs to continue, and additional actions may be added.

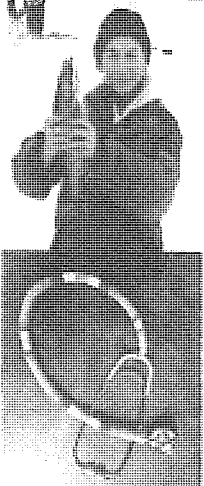


Building

Objectives where no current action is taking place but action is needed.



Examples of potential goals, objectives, and strategies:



Goal Area 1: Ensure All Tribal Nations Have the Opportunity to Pursue Their Right to Tribal Self-Government

Every Tribe has the right to pursue Self-Government. And yet, a number of barriers hold back many Tribes across the country from developing and administering culturally appropriate programs that serve their communities.

Objective 1: Identify barriers that hinder Tribal nations from pursuing Self-Governance.

Strategies: To identify barriers, SGCE will take the following actions: (1) conduct a survey of Tribal nations; (2) hold roundtable discussions with direct service tribes; (3) interview Tribal leaders.



Goal Area 3: Enhance the effectiveness of SGCE and ensure the long-term viability of the organization.

Objective 1: To enhance SGCE's capacity to serve as the key organization for Self-Governance.

Strategies: SGCE will take the following actions: (1) workforce planning, (2) align budget and resources with Strategic Plan, (3) increase opportunities to foster knowledge transfer, (4) enhance SGCE's research and policy capacity, (5) seek additional funding sources needed to implement new initiatives, (6) enhance technical support and educational resources for SGAC, TSGAC, Self-Governance Tribes, and future Self-Governance Tribes, and (7) enhance outreach and collaboration with all Tribal nations, tribal communities, and federal agencies.



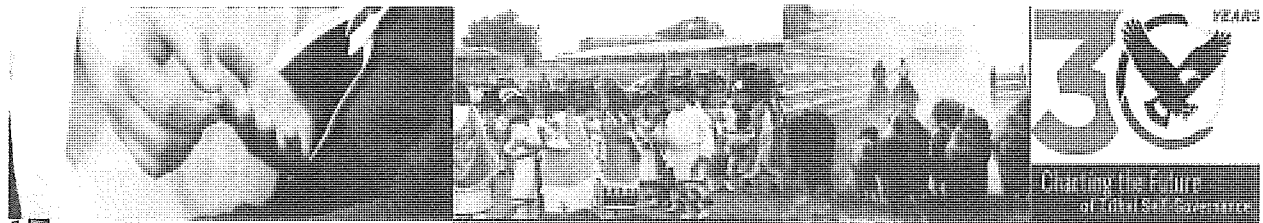
Measuring Performance

Who will accomplish the activity?

When will it be completed?

How will we evaluate effectiveness of the activity?





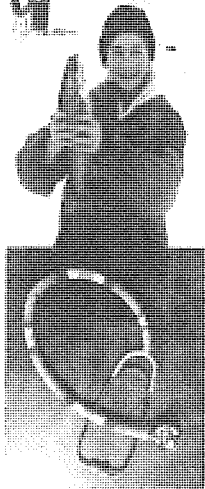
TRIBAL SELF-GOVERNANCE STRATEGIC PLAN, 2019 – 2021

Role of Partners

Indian Health Service

Department of the Interior

Inter-Tribal Organizations



Oneida Business Committee Agenda Request

Approve the travel report - Chairman Tehassi Hill, Secretary Lisa Summers, and Councilman Daniel...

1. Meeting Date Requested: 1 / 8 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Approve Chairman Hill, Secretary Summers and Councilman Guzman-King's travel report for NCAI Annual Conference in Albuquerque, NM October 20-24, 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/Submitter: Laura Laitinen-Warren, Sr. Policy Advisor
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Tehassi Hill

Travel Event: NCAI Annual Convention and Marketplace

Travel Location: Albuquerque, New Mexico

Departure Date: 10/20/2019 Return Date: 10/24/2019

Projected Cost: \$2132.50 Actual Cost: \$2,229.40

Date Travel was Approved by OBC: 09/25/2019

Narrative/Background:

Please see attached:

NCAI Youth Commission Report

NCAI Agenda identifying OBC Representatives attended sessions

Attended sessions outlined in attachment including:

-Comments on US Department of Transportation Consultation regarding:
Office of Self-Governance and Establishing an Advisory Committee,
Applicability of Contract Support Costs, and Section 105 (I) leases.

-Input at 2020 Census Tribal Consultation.

Item(s) Requiring Attention:

N/A

Requested Action:

Motion to approve Chairman Hill, Secretary Summers and Councilman Guzman-King's travel report to NCAI in Albuquerque, NM October 20-24, 2019.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Daniel Guzman King

Travel Event: NCAI Annual Convention and Marketplace

Travel Location: Albuquerque, New Mexico

Departure Date: 10/20/2019 Return Date: 10/24/2019

Projected Cost: \$2,252.50 Actual Cost: \$2,251.46

Date Travel was Approved by OBC: 09/25/2019

Narrative/Background:

Please see attached:

NCAI Youth Commission Report

NCAI Agenda identifying OBC Representatives attended sessions.

National Congress of American Indians (NCAI) mission is to protect and enhance treaty and sovereign rights, secure our traditional laws, cultures and ways of life for our descendants, promote a common understanding of the rightful place of tribes in the family of American governments and improve the quality of life for Native communities and people. It creates a political awareness on subjects that effect Indian Country.

I attended the following breakout sessions:

Sunday October 20:

- United League of Indigenous Nations Gathering - This session discussed tribal sovereignty, international sovereignty issues, indigenous people's recognition, border crossing, environmental rights and issues. They discussed the ULIN treaty where other tribal sovereigns acknowledge the sovereignty of other tribes.

Monday October 21:

- Advancing Tribal Renewable Energy and Economic Development Through Tribal Government Foundation Partnerships - Listened and discussed different environmental projects tribes have participated in.

- NCAI New Membership Orientation - Reviewed roles and responsibilities and discussed bylaws, polices and procedures of the organization.

Tuesday October 22:

- Youth Honoring Luncheon - Two of our youth were honored with awards for their essays during the luncheon.
- International Advocacy to Protect Tribal Sovereignty
- Subcommittee Meeting: Health - Provided comment on and made motions on numerous NCAI resolutions in this subcommittee supporting and advocating for increases in funding for both on reservation and off reservation (urban) health care facilities.

Wednesday October 23:

- Third General Assembly - Tribal leadership discussion
- Harvesting a Future: Industrial Hemp Production in Indian Country. 2018 Farm Bill passed for tribal nations to produce industrial hemp. Currently working on final interim hemp regulations. This is a great opportunity for all nations.

Thursday October 24:

- Regional Caucus Meeting - We voted in our same regional representatives.

Item(s) Requiring Attention:

Stay apprised of the Industrial Hemp Production Law in Indian Country.

Oneida Nation should consider becoming signatories of the United League of Indigenous Nations Treaty and or support their sovereignty initiatives.

Requested Action:

Motion to approve Chairman Hill, Secretary Summers and Councilman Guzman-King's travel report to NCAI in Albuquerque, NM October 20-24, 2019.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Lisa Summers

Travel Event: NCAI Annual Convention and Marketplace

Travel Location: Albuquerque, New Mexico

Departure Date: 10/20/2019 Return Date: 10/24/2019

Projected Cost: Enter Cost Actual Cost: \$2,227.20

Date Travel was Approved by OBC: 09/25/2019

Narrative/Background:

Please see attached:

NCAI Youth Commission Report

NCAI Agenda identifying OBC Representatives attended sessions

Item(s) Requiring Attention:

N/A

Requested Action:

Motion to approve Chairman Hill, Secretary Summers and Councilman Guzman-King's travel report to NCAI in Albuquerque, NM October 20-24, 2019.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
October 20 through October 24, 2019
Albuquerque, New Mexico
Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

Narrative/Background:

The Oneida Business Committee supported the opportunity for up to six youth to attend the National Congress of American Indians Conference and Youth Commission in Albuquerque, New Mexico, October 20-24, 2019. Funding for the conference, travel, lodging and meals was covered through the Business Committee's Special Projects budget. Since a total of seven complete, quality applications were received, the BC agreed to invite all seven applicants to attend. The cost for all seven to attend did not exceed the budgeted amount.

The NCAI Youth Commission is designed specifically for college and high school students aged 16-23; however, Oneida invited Juniors and Seniors to apply to provide exposure to the possibilities in tribal government prior to entering post-secondary education. The NCAI Youth Commission includes all interested youth and provides a unique perspective on issues relevant to them as tribal youth as they will have an opportunity to network, discuss challenges within their community and throughout Indian Country as well as share possible solutions.

A desired outcome of sponsoring youth to attend NCAI was to create an interest in government and leadership for the Oneida Youth in attendance and to contribute to the skill set and knowledge of those youth so they can begin to prepare to lead the Oneida Nation and be active and engaged citizens.

Oneida Youth Attendees are all Seniors:

- Lillian Cooper, Seymour High School
- Logan Hill, West De Pere High School
- Sadie Kelley, Pulaski High School
- Talon McLester, Southwest High School
- Adrianna Metoxen, Seymour High School
- Kaylee Schuyler, Oneida Nation High School
- Alexa Skenandore, West De Pere High School

BC Attendees:

- Chairman Tehassi Hill
- Secretary Lisa Summers
- Councilman Daniel Guzman-King

Chaperones:

- Laura Laitinen-Warren, Senior Policy Advisor
 - Danelle Wilson, Executive Assistant, Chairman Hill
-

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
October 20 through October 24, 2019
Albuquerque, New Mexico
Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

Highlights from the Oneida Youth Experience at NCAI & Youth Commission

In addition to the Youth Commission agenda, the youth had the opportunity to attend various break-out sessions and sub-committee meetings with the Business Committee members with topics including:

- Tribal Food Sovereignty: Leading Approaches and Lessons Learned from Indian Country
- Tribal Youth and Juvenile Justice: Research and Resources for Tribal Nations
- Tribes in a Transitional Energy Economy
- Building Sustainable Economies: How to Create, Maximize, and Explain Your Impact
- The Protect ICWA Campaign: How You Can Help in the Fight to Protect Native Children and Tribal Sovereignty Today
- Going Green: Industrial Help and Tribal Next Steps
- Jurisdiction & Tribal Government
- Public Safety & Justice

Youth Meet & Greet

Oneida youth had the opportunity to meet other Native youth from across Indian Country preparing for the week ahead and eating pizza.

An Introduction to NCAI & Overview of Youth Commission

Fatima Abbas, Director of Policy and Legislative Council, reviewed how NCAI operates and reviewed the resolution process. The structure of NCAI was also reviewed including how the Youth Commission fits into the structure. They also had the opportunity to meet the current Youth Commission Officers.

Leadership Skills

Jeri Brunoe, Youth Trainer Extraordinaire, provided an inspirational workshop on youth leadership.

Self-Advocacy for Students with Disabilities

Presentation by the Native American Disability Law Center

College and Career Readiness – American Indian Graduate Center

Advise and guidance on how to be college and career ready. A chance to ask questions.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
October 20 through October 24, 2019
Albuquerque, New Mexico
Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

NCAI Youth Leadership Luncheon

A special luncheon hosted by Ernie Stevens, Jr., Chairman, National Indian Gaming Association with entertainment by Violinist Sage Cornelius. The luncheon concluded with a total of four awards given to youth leaders with two going to Oneida youth:

- NIGA Leadership Award presented to Adrianna Metoxen
- NCAI Leadership Award presented to Kaylee Schuyler

Bright Path: The Jim Thorpe Movie

Join Producer-Abraham Taylor and the Executive Producers for a conversation about “Bright Path: The Jim Thorpe Story” to learn more about the film and view the behind-the-scenes footage, featuring Martin Sensmeier as Jim Thorpe.

UNICEF Generation Unlimited Youth Challenge

This project brings together bright young minds to tackle some of the biggest challenges facing their generation. There will be an all native focus in 2020. The youth had an opportunity to learn more about the initiative and what other youth around the world have been doing to make improvements in their communities.

Update on ICWA

Dr. Sarah Kastelic, Executive Director of the National Indian Child Welfare Association provided updates on ICWA and how the youth voice helped to influence the decision.

Presentation by NCAI Policy Analyst Tyler Scribner

Youth were able to gain a greater understanding on what the committee meetings are and what to expect in them.

Welcome Reception

Youth had a chance to relax with other conference attendees, local tribal leaders, and enjoy the Children’s Dance group from Isleta Pueblo.

Attended portions of the General Assemblies

The youth had the opportunity to participate in a red shawl Domestic Violence Awareness Month recognition with Juana Majel Dixon, Co-Chair, NCAI Task Force on Violence Against Women.

Trip to Old Town for dinner

This was the one adventure the Oneida youth got to have outside of the conference and hotel. We had dinner at a Mexican restaurant and visited some local shops.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
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National Native American Just Move It! Healthy Lifestyles Walk, Run and Rally Hosted by IHS and N7

15th Annual National Native American Health & Fitness Walk. The youth joined leaders as they all demonstrated “Walk the Talk” and showed their commitment to wellness. After some long days and a late night making inspirational signs for the walk, some of the youth didn’t want to walk but they were all in once we arrived at the walk. They all received an N7 backpack and swag.

Our Voice Matters – We Count!

Youth had the opportunity to discuss how to engage your community to make a difference for all of Indian Country. This session shared tips, toolkits, and discussed ways to help Get Out the Native Vote and make sure Indian Country Counts!

Luncheon for Presidential Candidate Marshall Pierite

The youth had the opportunity to attend a Louisiana themed luncheon hosted by one of the NCAI presidential candidates. This provided an opportunity for the youth to not only interact with others in attendance but to experience a more formal dining than many had experienced before with Cajun/Creole food.

Steven Paul Judd Session

Attended session with artist, Steven Paul Judd, who lead the youth through creating stickers, making a large piece of artwork, to use a fun and innovative ways to show the world that We Count.

NCAI Presidential Debate: The event was standing room only. The Oneida Youth saw the need for more seats and stepped up to the challenge and offered to bring more chairs into the room. They didn’t get to see the entire debate but demonstrated leadership and service.

Cultural Night

The youth joined the Local Planning Committee at an evening showcasing the culture and arts of New Mexico. There was a Native fashion show, dance groups representing the Diné Nation and Zuni Pueblo, and musicians. The youth were also able to participate in a Pueblo throw.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
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NCAI Youth Commission Wrap Up Meeting & Feedback Session

November 18, 2019, Community Education Center, 5 to 6pm

What do you remember most from the youth commission?

- Tight schedule
- Meeting the other youth and each of us introducing ourselves in our languages was cool.
- About 40 participants total.
- Getting our voice out there and saying what we wanted to say. For example, being able to give our voice in our essays even if we were not picked, they read it.
- It was a safe place.
- Introducing ourselves in the beginning made it easy.
- A lot of ice breakers really made it easier to talk and share.
- I was able to see how I can make things better as an individual not have to know someone.

What topics that were covered really spoke to you? The conference overall?

- When the people came from the school and shared about their families dying from drugs and alcohol and the traumas in their communities.
- Made me think of how good we have it here compared with other tribes.
- When the presenters from ICWA came. Talking about the case and the history of it.
- Everyone was laid back and we all got along pretty good.
- It was fun talking to the other people that were there.
- There were also other tribal youth at the hotel and we had the opportunity to network with them.

Where did you struggle the most?

- Trying to remember everything.
- A lot of information in a short amount of time.
- So much thrown at us.
- Tight schedule.
- Pretty good all around.
- Layover was long on the way there.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
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Albuquerque, New Mexico
Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

How did the conference contribute to your leadership skills?

- Improved my speaking skills.
- Helped us to interact with each other.
- We did introductions in our language. Built confidence.
- Reminded us that a leader thinks about problems but also solutions.
- Assisted in speaking with others.
- Had the chance to talk to tribal leaders.
- Had the confidence to look them in the eye & reach out your hand.
- One youth approached Sharice Davids and introduced herself.
- The environment made me branch out.
- We had to introduce ourselves within 30 seconds.
- We met a lot of people and created of good resources.
- An opportunity to meet others outside of the community and even other Oneidas we hadn't met before.
- I learned what a platform is.
- NCAI was a friendly environment.
- We saw the progress of resolutions.
- Youth were able to see everything and participate in the sessions.
- We are inspired to do more.

If we participated again, what would we do differently? How would you make things better for youth that may attend in the future?

- Plan the schedule better.
- There was a lot of waiting for a long time.
- Things didn't start on time.
- Per diem on cards worked well.
- Make a day for everyone to wear their traditional outfits.

Other Comments, Questions & Ideas:

- More opportunities to learn like this. I learned about so many tribes beyond Wisconsin.
- Allow more changes to learn from hearing what others in our own community and beyond have dealt with.
- Knowing that it is all your people together.
- What is the model for the Youth Council?
- Michelle Rutus has a need for teen gifts. Could there be free soup and frybread for a gift. Adults know about things through the intranet.
- A lot of speakers talked to us about alcoholism, we have answers, we are the future. We are the ones living it.
- Community project to embody their leadership skills.

NCAI Youth Commission Summary Report
National Congress of American Indians Annual Conference
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Albuquerque, New Mexico

Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

- o Community closet for teenagers.
 - o Fundraiser for Giving Tree
 - o Teaching young kids how to dance—traditional and contemporary.
- Does Oneida Youth Council want to be a part of Unity or vice versa? What are the benefits of youth membership at NCAI?
- We need to prepare our kids to go into the world and be successful, financial literacy, public speaking.
- Oneida has an abundance of skills, knowledge, talent to mentor youth and help them gain social, and life skills. Can we tap into these resources?
- Could we work with youth 14 to 21. Financial literacy? Prepare for the workforce similar to Boys and Girls Club program.
- Could we focus on getting a place to bring all these ideas together?
- Maybe operate like the advisory panels in Gaming.
- Have more funds for youth to attend camps (Community fund?) and things to develop their skills.
- \$500 per year per Oneida for personal enrichment.
- Looking at higher education funding prep courses, ACT Advanced placement classes have a cost.
- Do we want to start a group now?
- Can it be something fun to start?
- Extend the age to provide mentorship for younger kids?
- Laura will update the NCAI Facebook group to keep in touch.

How can tribal leaders engage youth more?

- Tribal leaders go to schools more.
 - Work with YES program.
 - Outreach to other Nations. For example, reach out to with Michael met at NCAI who gets youth groups started.
-

NCAI Youth Commission Summary Report
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 Albuquerque, New Mexico
 Completed by: Laura Laitinen-Warren, Sr. Policy Advisor

Travel Expense Breakdown						
BC Special Projects: Youth Commission at NCAI in Albuquerque, New Mexico						
October 20-24, 2019						
Total Travelers: 9						
Students: Lillian Cooper, Logan Hill, Sadie Kelley, Talon McLester, Adrianna Metoxen, Kaylee Schuyler, Alexa Skenandore; Chaperones: Laura Laitinen-Warren, Danelle Wilson						
Supply Advance						
Luggage	\$510.00					
Per Diem	\$2,227.50					
Gift Card Fee	\$21.00					
Cab fare	\$25.00					
Supply Advance Total	\$2,783.50					
Lodging		\$112.74				
Rooms	5					
Days	4					
Lodging Total	\$2,254.80					
Airfare		\$752.00				
Flights	9					
Airfare Total	\$5,208.00					
Conference Registration		\$175.00				
Students	7					
Total Students	\$1,225.00					
Conference Registration		\$500.00				
Chaperones	2					
Total Chaperones	\$1,000.00					
Conference Total	\$2,225.00					
NCAI Membership		\$40.00				
Students	7					
Chaperones	2					
Membership Total	\$360.00					
Honoring Youth Luncheon		\$60.00				
Students	7					
Chaperones	2					
Luncheon Total	\$540.00					
Wrap Up Meeting 11/18/19		\$130.64				
Total		\$13,501.94				
Budgeted Amount		15,000.00				
Under Budget		\$1,490.86				

Saturday, October 19

1:00 – 5:00 **NCAI Executive Board Meeting**
Room: San Miguel

Sunday, October 20

8:30 – 5:00 **FCC Tribal Radio Summit**
Room: Laguna

A day-long overview of the importance of radio to Tribal lands and the benefits that flow from Tribally owned radio stations, followed by a discussion of FCC programs designed to foster the licensing and operation of Tribal radio stations, and the legal, engineering and financial considerations Tribes should consider when deciding whether to seek a radio-station license from the FCC.

8:30 – 5:00 **Task Force/Work Group Meetings**

9:00 – 12:00 Morning Meetings

Tribal TANF Task Force

Room: Acoma/ Tesuque/ Zuni

The NCAI Tribal TANF Task Force will discuss current Administrative and legislative initiatives impacting Tribal TANF nationally, with the goal of highlighting solutions and discovering best practices in order to overcome barriers to the delivery of programs. The Tribal TANF Task Force has consistently supported goals to increase tribal nations' authority to administer their own family support and work readiness programs, and will continue to identify solutions to increase program efficiency.

Two Spirit Task Force

Room: Isleta/Jemez

The role of NCAI's Two Spirit Task Force is to assist in the coordination, collaboration, and outreach to Indian Country on Two Spirit issues and to develop and share approaches and solutions to policy issues that affect Two Spirit/LGBTQ community members in a manner consistent with tribal self-determination.

NCAI Task Force on Tax and Finance

Room: Mesilla

The Task Force on Tax and Finance will facilitate Indian Country's input on issues within the Treasury Tribal Advisory Committee's purview; organize tribal priorities on legislative tax

policy; facilitate Indian Country on developing and proposing solutions to dual taxation; and share information regarding tribal-state tax agreements.

Violence Against Women Task Force

Room: Ruidoso

The Violence Against Women Task Force serves as a unified tribal voice opposed to violent crimes perpetrated against Native women. The Task Force will hear updates from key federal partners, discuss the reauthorization of the Violence Against Women Act and other important legislative priorities, and share information and experiences related to the crisis of missing and murdered Native women.

Developing Your Civic Engagement Plan of Action

Room: Navajo/Nambe

In this session, we encourage people involved in voter engagement and Census 2020 work within their tribal nations to participate in an interactive workshop focused on developing a civic engagement plan of action for their community. Different resources will be shared; tactics for increasing voter registration and increasing your overall count for community will be discussed. Materials will include an afternoon of developing social media campaign toolkits and some sample Get out the Native Vote and Indian Country Counts materials. Please bring a laptop or tablet to this session.

1:00 – 5:00 **Registration/Rules & Credentials Open**

3:00 – 5:00 **Marketplace Exhibitors Check-In**

1:00 – 4:00 **Afternoon Meetings**

Federal Recognition Task Force

Room: Mesilla

The Federal Recognition Task Force is intended to address the unique interests of non-federally recognized Indian tribes, including issues such as the federal acknowledgment process, how non-federally recognized tribes work with state and local entities, and other issues. The Federal Recognition Task Force invites all interested tribal nations and tribal citizens to participate.

Large Land Base Tribal Nations Task Force

Room: Acoma/Tesuque/Zuni

The purpose of the Large Land Base Tribal Nations Task Force is to strengthen the ability of NCAI to advocate for the unique issues of the tribal nations with large land bases, and to foster unity and cooperation among all tribal nations to preserve tribal sovereignty, lands, cultures, and quality of life for all. The Task Force will govern its own proceedings consistent with this purpose.

NCAI Native Languages Task Force

Room: Isleta/Jemez

* NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration. 10/10/2019 6:34 PM 2

Developments in Native languages have taken place at the tribal, state, and federal policy levels. Tribal nations are taking innovative approaches to revitalizing their languages, and states are adopting Native languages as official state languages. This is an open session of the Native Languages Task Force to discuss Native American language protection and revitalization from tribal leaders' perspectives.

Addiction Task Force

Room: San Miguel

Continuing the discussion at NCAI's Mid-Year Conference last June, the Addiction Task Force will showcase a new resource for prevention work, including case studies on cultural approaches to prevention, and youth perspective and opportunities.

Violence Against Women Task Force (continued)

Room: Ruidoso

The Violence Against Women Task Force serves as a unified tribal voice opposed to violent crimes perpetrated against Native women. The Task Force will hear updates from key federal partners, discuss the reauthorization of the Violence Against Women Act and other important legislative priorities, and share information and experiences related to the crisis of missing and murdered Native women.

The Tribal Border Caucus

Room: Pecos

Tribal crossings of the U.S.-Canada and U.S.-Mexico borders for traditional, cultural or religious purposes has been a paramount concern of tribal nations split by the invisible lines that divide their homelands and relatives. The Tribal Border Caucus invites all northern and southern border tribes to provide updates and discuss ongoing issues such as travel visas, treaty rights, and searches of tribal regalia or items.

Census Create-a-thon with National Congress of American Indians and the Census Open Innovation Labs

Room: Navajo/Nambe

During the Civic Engagement Day of the NCAI Annual Convention, you're welcomed to join the Census Open Innovation Lab for a Create-a-thon to help get out the count during the 2020 Census. In this interactive workshop, you'll take everything you learned about the importance of Census outreach, and work hand in hand with local creatives and tribal census count coalition leaders to develop digital content to reach your community. Please bring a laptop or tablet to this session if possible.

5:00 – 6:00

NCAI Committee and Subcommittee Chairs Meeting with Resolutions Committee

Room: Mesilla

NCAI requests that all committee and subcommittee chairs attend this important meeting.

6:30-8:30

United League of Indigenous Nations Gathering

Room: Ruidoso

* NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration. 10/10/2019 6:34 PM 3

LS

DGK

Monday, October 21

7:00 – 8:00

Native Prayer Sunrise Gathering

Civic Plaza

This event is a casual gathering. Attendees will hear encouraging stories of faith and strengthen relationships. A water ceremony also will take place.

8:00 – 9:00

Youth: Morning Gathering

Room: Anasazi

7:30 – 5:00

Registration/Rules & Credentials

Room: Hall 3 Foyer

Open for duration of the Convention

7:30 – 5:00

Resolutions Office

Room: Suites E/F

Open for duration of the Convention

9:00 – 4:00

Elders' Lounge

Room: Tijeras

Open for duration of the Convention

TH/LS ** 8:30 a.m. Oneida Meeting with U.S. Dept of Interior Assistant Secretary, Tara Sweeney - Suite D

8:30-1:00pm

USDOT Tribal Transportation Self Governance Program Consultation*

Room: Santo Domingo

The U.S. Department of Transportation (DOT or Department) requests comments on a proposed rule to establish and implement the Tribal Transportation Self-Governance Program (TTSGP or Program), as authorized by Section 1121 of the Fixing America's Surface Transportation (FAST) Act. The proposed rule was negotiated among representatives of Tribes and the Federal Government. The Program would provide to participating Tribes greater control and decision-making authority over their use of certain DOT funding for which they are eligible recipients while reducing associated administrative burdens. These proposed regulations include eligibility criteria, describe the contents of and process for negotiating self-governance compacts and funding agreements with the Department, and set forth the roles, responsibilities, and limitations on the Department and Tribes that participate in the TTSGP.

9:00 – Noon

Concurrent Breakout Sessions

NCAI Climate Action Task Force Meeting

Room: Hopi/Tewa

The working mission of the Climate Action Task Force (CATF) is to “document, inform, and support the climate action efforts of tribal nations and Native organizations, and identify and advocate for policies and funding designed to empower their ability to engage in effective, sustainable climate action.” This meeting will be led by the four CATF Co-Chairs.

* NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration. 10/10/2019 6:34 PM

2020 Census Tribal Consultation**Room: Picuris*

Through the tribal consultation, Census Bureau staff will provide tribal communities with further details on the Census Bureau's plans to modernize its disclosure avoidance methodology for the 2020 Census and potential changes to the 2020 Census data products.

DGK

Advancing Tribal Renewable Energy and Economic Development Through Tribal Government-Foundation Partnerships*Room: Taos*

The Hopi Tribe, Navajo Nation, and the National Renewable Energy Laboratory (NREL) will discuss a pilot project intended to advance large-scale renewable energy projects to help support tribal nation's efforts to diversify their economies. The pilot project was designed through input provided by tribal nations at a series of listening sessions, and is intended to meet tribal staff and leadership where they are and help accelerate their projects through the stages where they might otherwise falter. Come join us for this engaging discussion.

Moderator: Leonard Forsman, Chairman, Suquamish Tribe

Presenters: Karin Wadsack, Program Manager, Tribal Program, NREL Innovation & Entrepreneurship

Ken Lomayestewa, Manager, Hopi Renewable Energy Office

Michelle A. Henry, Administrative Officer, Division of Natural Resources, Navajo Nation

DOI Listening Session – Buy Indian Act Updates**Room: Laguna*

The Department of the Interior (DOI) is hosting this tribal listening session to discuss proposed revisions to Buy Indian Act regulations that will, among other things, remove current restrictions and allow DOI to apply the Buy Indian Act to all types of construction.

Eliminating Regulatory Barriers in Affordable Housing**Room: Chaco*

U.S. Department of Housing and Urban Development (HUD) wants to hear your thoughts on what the Federal government can do to promote more housing in Indian Country. In 2017, HUD issued a report, "Housing Needs of American Indians and Alaska Natives in Tribal Areas," which details the housing challenges posed by remoteness, lack of infrastructure, and complex legal and land ownership constraints. In June of this year, the President issued Executive Order 13878 calling on HUD and other agencies to meet with State, local, and tribal government officials, as well as private-sector stakeholders to identify Federal, State, local, and tribal laws, regulations, and practices that artificially raise the costs of housing development and contribute to the shortages in housing supply and increased costs. HUD wants your help in identifying practices and strategies that could successfully remove, or reduce these barriers. How can HUD help tribal governments implement best practices? What can HUD do on the federal level? What do you need from other federal agencies? We hope this dialogue will generate concrete recommendations for how HUD and other agencies can work together to promote more housing opportunities in Indian Country.

9:00-10:30 **Building Better Money Habits in Tribal Communities: A Train-the-Trainers Workshop**

Room: Acoma/Tesuque/Zuni

Please join NCAI and Bank of America for this special free workshop presenting Bank of America's "Better Money Habits" financial "know-how" curriculum. Participants will learn the "Better Money Habits" basics, and also will be trained to train others in their tribal nations to use the curriculum to develop stronger financial management skills that will help them and their families grow assets and build wealth over the long run.

DGK

Noon – 1:00

NCAI New Member Orientation

Room: Isleta/Jemez

All members and officers are invited to this welcome session for new members of NCAI, which will include a briefing on membership, committees, voting, and process. This is an opportunity to learn more about NCAI meeting policy and procedures.

Noon – 1:00

Marketplace Grand Opening Celebration

Room: Hall 3

Come help kick off the opening of the Marketplace with light food, prizes, and special entertainment.

ALL

1:30 – 4:00

First General Assembly

Ballroom

1:30

Call to Order

Jefferson Keel, President, NCAI

Honor Guard

Drum Group

Black Eagle Drum Group, Jemez Pueblo

Invocation

Joe Garcia, Southwest Regional Vice President

Performance

Eagle Dance

2:00

Welcome from Local Officials

Lynn Trujillo, Cabinet Secretary, Indian Affairs Department, State of New Mexico

Timothy Keller, Mayor, Albuquerque, New Mexico

2:10	Rules of the Convention Yvonne Oberly, Chair, NCAI Rules and Credentials Committee
	Resolutions Process Juanita Ahtone, Chair, NCAI Resolutions Committee
2:20	President's Address Jefferson Keel, President, NCAI
2:35	Chief Executive Officer's Report Kevin Allis, Chief Executive Officer, NCAI
3:10	Department of the Interior Update Tara Sweeney, Assistant Secretary – Indian Affairs, Department of the Interior
3:40	Tribal Leader Discussion
4:15 – 6:00	Committee Meetings

DGK **Economic, Finance & Community Development** – Room: Cimarron

Human Resources – Room: Aztec

TH **Land & Natural Resources** – Room: Galisteo

LS **Litigation & Governance** – Room: Brazos

Veterans – Room: Doña Ana

5:00 – 6:00 **Youth: End of the Day Wrap Up**

Room: Anasazi

Youth attendees please join us to share your experiences of the day, learn about opportunities, and mingle with other youth attendees.

ALL 6:00 – 8:00

WELCOME RECEPTION

Albuquerque Convention Center

Join the fun at the Welcome Reception hosted by the Local Planning Committee. Don't miss an evening of great food and friends!

Tuesday, October 22

LS/DGK 7:15 – 8:15 **Regional Caucus Meetings**

Alaska Area – <i>Room: Acoma/Tesuque/Zuni</i>	Pacific Area – <i>Room: Santo Domingo</i>
Eastern Oklahoma Area – <i>Room: Navajo/Nambe</i>	Rocky Mountain Area – <i>Room: Chaco</i>
Great Plains Area – <i>Room: Laguna</i>	Southeast Area – <i>Room: Santa Ana</i>
Midwest Area – <i>Room: Sandia</i>	Southern Plains Area – <i>Room: Cochiti</i>
Northeast Area – <i>Room: Picuris</i>	Southwest Area – <i>Room: Taos</i>
Northwest Area – <i>Room: Hopi/Tewa</i>	Western Area – <i>Room: Isleta/Jemez</i>

8:00 – 8:30 **Youth: Morning Gathering**
Room: Anasazi

ALL

8:30 – 12:00		Second General Assembly	Ballroom
8:30	Call to Order Aaron Payment, First Vice President, NCAI		
	Invocation		
	Announcements		
8:40	Red Cross Update Chele Rider, Division Disaster State Relations Director, American Red Cross Disaster Services		
8:50	Special Recognition		
9:05	Jamie Stuck, Chairperson, Nottawaseppi Huron Band of Potawatomi		
9:15	Indian Country Counts		
	Honoring Treaty Rights: Cherokee Nation Delegate to Congress Chuck Hoskin Jr., Principal Chief, Cherokee Nation		
	Census Update Dr. Steven Dillingham, Director, U.S. Census Bureau		
11:00	Indian Health Service RADM Michael D. Weahkee, Principal Deputy Director, Indian Health Service, U.S. Department Health and Human Services		
11:15	FCC		
11:30	Tribal Leader Discussion		

* NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration. 10/10/2019 6:34 PM

ALL 12:00 – 1:00 **Youth Honoring Luncheon**

Room: Brazos

NCAI Youth Leadership Awards presented by Ernie Stevens, Jr.,
Chairman, National Indian Gaming Association.

Tickets are available for purchase.

“Grow with Google” Train the Trainer Workshops

Room: Ruidoso

1:00 – 2:45

Grow with Google - Digital Skills for Everyday Use: A Train-the-Trainer Workshop

A pre-registered event for 30 participants

In partnership with Google, NCAI is offering a free Grow with Google train-the-trainer workshop to help you lead your community in building their digital skills. Learn how to help others make the most of their time by managing work in Google Sheets and creating a meeting agenda in Google Docs that drives their projects forward at their own pace. You will then dive into the Applied Digital Skills program, Google’s ready-to-use video lessons designed to teach digital skills that have immediate, real-life application and empowers tribal citizens to prepare for and build careers as successful professionals.

3:00 – 4:45

Grow with Google - Get Your Business Online: A Train-the-Trainer Workshop

A pre-registered event for 30 participants

In partnership with Google, NCAI is offering a free Grow with Google train-the-trainer workshop to help you engage small businesses in your community in building their presence online. You will explore Google My Business, a free tool for local businesses who want to connect with customers on Google Search and Maps. You will learn how to provide hands-on help to businesses to create or update their business profiles or a simple website. You will then dive into the Applied Digital Skills program, Google’s ready-to-use video lessons designed to teach digital skills that have immediate, real-life application and empowers small businesses and budding entrepreneurs in tribal communities.

1:30 – 3:00 Concurrent Breakout Sessions

Becoming Visible: A Landscape Analysis of State Efforts to Provide Native American Education for All

Room: Acoma/Tesuque/Zuni

This session will showcase a new landscape analysis of state efforts to provide accurate, tribally specific, and contemporary Native American content in their K-12 curriculum. Native educators, school leaders, and policy advocates will hear about the methods and results of this national landscape analysis, and will discuss what efforts can be taken in their state to mobilize efforts to implement Native American education for all K-12 students.

Moderator: Nicholas Courtney, Policy Analyst, NCAI

Presenters:

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Jodi Archambault MPP, Director of Indigenous Peoples Initiatives, Wend Ventures
 Yvette Roubideaux MD MPH, Vice President of Research and Director, NCAI Policy Research Center
 Crystal Echo Hawk, President, Echo Hawk Consulting
 Diana Cournoyer, Executive Director, National Indian Education Association

TH

Tribal Food Sovereignty: Leading Approaches and Lessons Learned from Indian Country

Room: Taos

This breakout session showcases three innovative tribal food sovereignty initiatives that offer tribal nations and organizations important, transferrable lessons about how to approach the task of reclaiming and revitalizing tribal food systems comprehensively. Representatives of these initiatives also will discuss the direct, reciprocal relationship between food sovereignty and the economic, social, cultural, mental, and spiritual wellbeing of Native people, and how their initiatives work deliberately to strengthen the wellbeing of Native people in different ways.

Moderator: Chelsesa Fish, Project Manager, NCAI Tribal Food Sovereignty Advancement Initiative

Presenters:

Joanie Buckley, Internal Services Division Director, Oneida Nation

Twila Cassadore, Pre-Reservation Nnee/Ndee Diet and Healthcare Project, San Carlos Apache Tribe

Loren Bird Rattler, Project Manager, Agriculture Resource Management Plan, Blackfeet Nation

Tribal Youth and Juvenile Justice: Research and Resources for Tribal Nations

Room: Cochiti

Tribal youth are overrepresented in federal and state juvenile justice systems, which are not equipped to identify or meet their needs. While they are incredibly resilient additional research is needed to access the scope of roadblocks and produce better outcome for tribal youth. In response, tribal nations have developed innovative practices to support and heal their youth. In this breakout panelist will focus on the landscape of tribal youth in juvenile justice systems today, launch NCAI's new juvenile justice data resource guide, and highlight resources available to tribal nations to support their youth.

Moderator: Kelbie Kennedy, Esq., Policy Counsel, National Congress of American Indians

Presenters:

Gwynne Evans-Lomayesva, Researcher, Policy Research Center, National Congress of American Indians

Tasha Fridia, Tribal Youth & Justice Specialist, Tribal Youth Resource CenterIC

DGK to
get info

Update on Indian Medicaid Priorities

Room: Picuris

Tribal leaders are proposing a set of amendments to the federal Medicaid law that will provide greater access to and responsiveness of the Medicaid program for the Indian health system, while at the same time reducing regulatory burdens and costs on the States. The amendments are designed to provide equal access to Medicaid resources for Indian health programs and American Indians and Alaska Natives (AI/ANs) across all States. This workshop will provide an

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overview of proposed amendments, an update on legislative strategy, and an overview of how to get involved supporting the initiative.

Expanding Tribal Energy Economies

Room: Hopi/Tewa

Energy development in Indian Country presents opportunities for tribal nations to be energy independent and participate in growing markets in the traditional and renewable energy sectors. Within the past few years, legislation and administrative rulemaking have addressed some barriers to tribal participation in the energy sector. This breakout session will provide a space for panelists to identify remaining federal legislative and executive branch challenges and solutions necessary to support tribal energy self-determination.

Indian Country Counts: 2020 Census Update

Room:

How will you answer the 2020 Census? This session will provide information on what the 2020 Census race question will look like and what American Indian and Alaska Native tribal citizens and leaders need to know in answering this question. The session will also include updates on proposed 2020 Census data products, the American Indian and Alaska Native Communications and media Campaign, and the Tribal Partnership Program.

Rachel Marks, Senior Technical Expert on Population Statistics, Population Division, U.S. Census Bureau

Roberto Ramirez, Assistant Division Chief for Special Population Statistics, Population Division, U.S. Census Bureau

Jessica Imotichey, Partnership Coordinator (Tribal and Congressional Affairs), Los Angeles Regional Office, U.S. Census Bureau

Amadeo Shije, Partnership Coordinator (Tribal Affairs), Denver Regional Office, U.S. Census Bureau

Paul Fragua, G&G Advertising

Lands Working Group

Room:

The Tribal Lands Working Group will hold this meeting to further ongoing discussions with respect to fee to permitting and environmental review issues, and simple tax practices for tribes exercising civil regulatory authority over tribal lands. The session is intended to provide information, share thoughts and better inform tribal leaders about each topic discussed.

Presenter:

Darren Modzelewski, Policy Counsel, National Congress of American Indians

International Advocacy to Protect Tribal Sovereignty

Room:

Panelists will provide updates on a number of international policy matters of importance to tribal governments. The breakout session will highlight recent developments on the issues of protection of traditional knowledge, the sustainable development goals, and climate change. The

session will also include updates on an effort under way to enhance the participation of tribal governments at the United Nations.

Presenters:

Janene Yazzie, Sustainable Development Program Coordinator, International Indian Treaty Council and Co-Convenor, Indigenous Peoples Major Group for Sustainable Development
Virginia Davis, Senior Advisor, National Congress of American Indians
Dr. June Lorenzo, Fellow-In-Residence, Women's International Study Center
Sue Noe, Senior Staff Attorney, Native American Rights Fund

3:15 – 5:30 Subcommittee Meetings

Disabilities – *Room: Tijeras*

Economic Development, Finance & Employment – *Room: Santa Ana*

Education – *Room: Acoma/Tesuque/Zuni*

Elders – *Room: Tijeras*

Energy & Mineral Policy – *Room: Hopi/Tewa*

Environmental Protection & Land Use – *Room: Cimarron*

DGK - Health – *Room: Picuris*

Housing – *Room: Santo Domingo*

Human, Religious & Cultural Concerns – *Room: Isleta/Jemez*

TH - Indian Child & Family Welfare – *Room: Cochiti*

LS - Jurisdiction & Tribal Government – *Room: Navajo/Nambe*

Public Safety & Justice – *Room: Chaco*

Taxation – *Room: Pecos*

Technology & Telecommunications – *Room: Mesilla*

Transportation & Infrastructure – *Room: Sandia*

Tribal Gaming – *Room: Laguna*

Trust Lands, Natural Resources & Agriculture – *Room: Taos*

Veterans – *Room: Doña Ana*

ELECTIONS REMINDER: In order to vote in NCAI Elections your Tribal and Indian Individual Memberships as well as Convention Registration must be current by 5:00 pm MT on

5:30 – 7:00 Transportation Task Force

Room:

5:30 – 6:30 Youth: End of the Day Wrap-Up

Room: Anasazi

Join us to share your experiences from the day, learn about opportunities, mingle with other youth attendee, create Health Walk posters, and get ready for tomorrow's agenda.

7:00 – 10:00 Gala Banquet

Ballroom: Brazos

Tickets are available for purchase.

Come enjoy delicious food, and an evening of warm company and pleasant memories. This will be an evening you won't want to miss!

7:00 P.M. Oneida Team Dinner - All Oneida Representatives and Youth will meet for dinner. Hacienda Del Rio located at 302 San Felipe St NW (by Old Town). 505-243-3131

Wednesday, October 23

- 7:00 – 7:15

Youth: Morning Gathering
Room: Anasazi
- 7:30 – 8:30

National Native American Just Move It! Healthy Lifestyles Walk, Run and Rally Hosted by IHS and N7
Room: Hall 3 Foyer
15th Annual National Native American Health & Fitness Walk. Come and join leaders as we all “Walk the Talk” and show our commitment to wellness. All participants will receive healthy lifestyles incentives!

- LS/DGK

9:00 – 10:00

Regional Caucus Meetings
Alaska Area – *Room: Acoma/Tesuque/Zuni* Pacific Area – *Room: Santo Domingo*
Eastern Oklahoma Area – *Room: Navajo/Nambe* Rocky Mountain Area – *Room: Chaco*
Great Plains Area – *Room: Laguna* Southeast Area – *Room: Santa Ana*
Midwest Area – *Room: Sandia* Southern Plains Area – *Room: Cochiti*
Northeast Area – *Room: Picuris* Southwest Area – *Room: Taos*
Northwest Area – *Room: Hopi/Tewa* Western Area – *Room: Isleta/Jemez*

ALL	10:15 – Noon	Third General Assembly	<i>Ballroom</i>
	10:15	Call to Order Juana Majel Dixon, Recording Secretary, NCAI	
		Invocation	
		Announcements	
	10:20	NCAI Health Fellowship Bob Burnette	
	10:25	Shakopee Mdewakanton Sioux Community Special Presentation	
	10:30	Rules and Credentials Report Nominations and Speeches for NCAI Board Administrative Offices Standing Rules of Order, Section V. A. 3. Nomination speeches shall be no longer than two minutes. Individuals making nominations must state their name, the tribe they represent, and indicate that they are a member in good standing with NCAI. Nominations do not have to be seconded, and no seconding speeches shall be allowed. Campaign speeches by candidates shall be no longer than five minutes.	

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11:30 **Minority Business Development Agency**
Carolee Wenderoth, Expert, Office of Native American Business
Development Minority Business Development Agency U.S. Department
of Commerce

11:40 **Tribal Leader Discussion**

TH/DGK 12:00 - 1:30 **Marshall Pierite Reception @ Double Tree Hilton, Coral Ballroom**

LS 12:00 – 1:00 **DOI Listening Session – BIA Law Enforcement Updates***
Room: Laguna
DOI is hosting this listening session to discuss current and upcoming
issues related to Indian Country law enforcement, correction, and court
and training programs.

1:30 – 3:00 Concurrent Breakout Sessions

Building Sustainable Economies: How to Create, Maximize, and Explain Your Impact

Room: Santa Ana

This breakout session will bring together leaders of economy-building tribal nations and leading academics to discuss the keys to building sustainable tribal economies, how tribal leaders need to work strategically to maximize the benefits of tribal economic activity, and the often incredible impact that tribal economies are making beyond reservation boundaries.

Presenters:

Lesley Kabotie, President, Indigenous Collaboration, Inc.

Al Nygard, President and CEO, ANC, LLC

Eric Trevan, Member of the Faculty, Evergreen State College

TH **The Protect ICWA Campaign: How you Can Help in the Fight to Protect Native Children and Tribal Sovereignty Today**

Room: Cochiti

Thanks to the tireless efforts of tribal nations, tribal organizations, advocates, and allies, native children and families prevailed in the 5th Circuit Court of Appeals Brackeen v. Bernhardt case. While this win has been monumental for Indian Country, the opposing parties will appeal to the U.S. Supreme Court. Over the past year NCAI, NICWA, NARF, and AAIA have worked together to create the Protect ICWA Campaign to help coordinate policy, legal, and communications efforts in order to protect native children and uphold the Indian Child Welfare Act. This panel will focus on the outcome of the 5th Circuit ruling and how you can join the Protect ICWA Campaign as we head into next stage of the case.

Presenters:

Sarah Kastelic, Executive Director, National Indian Child Welfare Association

Dan Lewerenz, Staff Attorney, Native American Rights Fund

Ricki McCarroll, Founder and Principal Consultant, NUNA Consulting Group

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Long-Term Services & Supports: Tribal Nations in Action for Elders, People with Disabilities, and Veterans

Room: Pecos

Long-Term Service & Supports (LTSS) are crucial for elders, people with disabilities, and veterans to receive necessary daily care in a respectful and safe way. This session will focus on strategies for accessing funding, expanding services/reimbursements in communities, supporting caregivers, and how to advocate for long-term care for Indian Country.

Moderator: Brittany Habbart, Wilma Mankiller Fellow, National Congress of American Indians
Presenters:

Larry Curley, Executive Director, National Indian Council on Aging

Natalie Abeita, Administrator, Pueblo of Isleta Assisted Living & Memory Care Facility

Juana Casillas, Chair, Tohono O'odham Nursing Care Authority

Frances Stout, Board Member, Tohono O'odham Nursing Care Authority

Harvesting a Future: Industrial Hemp Production in Indian Country

Room: Hopi/Tewa

For tribal nations, industrial hemp marks a potential landmark economic opportunity in Indian Country. The 2018 Farm Bill opened the door to its development by recognizing that tribal nations have primary regulatory authority over the production of industrial hemp and hemp products on tribal lands. In advance of USDA's anticipated Fall 2019 release of interim final hemp regulations, this session will look at the landscape of hemp in Indian Country and address issues and opportunities in this new sector.

Starting and Sustaining Your Tribal Emergency Management Program

Room: Isleta/Jemez

Tribal nations are often the first and only lines of defense when natural and man-made disasters strike Indian Country. When responding to disasters tribal nations work to save both tribal and non-tribal citizens lives but have few resources to build capacity and sustain a working emergency management program. This breakout will focus on ways tribal nations have built and sustained their emergency management programs. In addition, panelist will examine the process for tribal nations to declare a state of emergency to access federal funds and the \$20 million tribal set aside under the FEMA Pre-Disaster Mitigation Grant.

Moderator: Robert Holden, Tribal Program Advisor, LSU National Center for Biomedical Research and Training, Academy of Counter-Terrorist Education

Presenters:

Jeffery Hansen, Director, Office of Emergency Management, Choctaw Nation of Oklahoma

Jessica Specht, Tribal Integration Advisor, Recovery Directorate, Office of Response and Recovery, FEMA, Department of Homeland Security

Preparing your Nation for the 2.5GHz Band Auction

Room: Mesilla

The Federal Communications Commission (FCC) announced its plans to auction off spectrum licenses in the 2.5 GHz band. The 2.5GHz band is prime spectrum for next generation broadband operations, including 5G mobile operations. As part of this auction, the FCC will hold a tribal priority window to enable tribal nations to obtain 2.5 GHz licenses to provide service on rural tribal lands. NCAI has partnered with Google and Mural Net so that every tribal nation may understand the upcoming tribal priority window and how to apply. For tribal nations that vote to secure licenses, Google will donate legal assistance and funds required to complete the application through a specialty firm.

Helping Victims of Crime in Indian Country: From Resource Mapping to Sustainable Funding

Room:

Tribal citizens in Indian Country experience some of the highest crime victimization rates in the nation. When victims seek help, it is hard for them to find adequate resources or wrap around services to meet their needs. Over the past three years, NCAI has worked with partners to identify resources and gaps for victims of crime in Indian Country by launching the tribal resource tool. In addition to the tool, Congress recently appropriated a tribal set-aside from the Crime Victims Fund (CVF) to assist tribal victims. However, there have been roadblocks to assuring that the Department of Justice distributes all of these funds to tribal nations. In this breakout panelist will demonstrate the tribal resource tool, premier NCAI's research reports on victims of crime in Indian Country, and highlight challenges tribal nations have encountered when trying to access CVF resource and ways to overcome those challenges.

Presenters:

Renee Bourque, Program Manager, Tribal Resource Tool, National Center for Victims of Crime
Gwynne Evans-Lomayesa, Researcher, Policy Research Center, National Congress of American Indians

Virginia Davis, Senior Advisor and Director of Justice and International Policy, National Congress of American Indians

LS

The Current Landscape of Tribal Self-Governance and Sovereign Immunity

Room: Taos

Tribal sovereign immunity is a core attribute that tribal nations rely upon to exercise self-governance and to help diversify tribal fiscal resources. Recently there have been more and more challenges to tribal sovereign immunity and it will be important for tribal leaders to understand the landscape in this area and what efforts are being taken to help protect tribal sovereign immunity. Please join us for this important and informing discussion.

Presenters:

Casey Douma, former Attorney, Pueblo of Laguna

Mark Van Norman, Principal, MVN Consulting

John Harte, Principal, Mapetsi Policy Group

Derrick Beetso, General Counsel, National Congress of American Indians

3:15 – 5:30

Subcommittee Meetings

** NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration.*

Disabilities – *Room: Tijeras*

DGK - Economic Development, Finance & Employment – *Room: Santa Ana*

Education – *Room: Acoma/Tesuque/Zuni*

Elders – *Room: Tijeras*

Energy & Mineral Policy – *Room: Hopi/Tewa*

TH - Environmental Protection & Land Use – *Room: Cimarron*

Health – *Room: Picuris*

Housing – *Room: Santo Domingo*

Human, Religious & Cultural Concerns – *Room: Isleta/Jemez*

Indian Child & Family Welfare – *Room: Cochiti*

LS - Jurisdiction & Tribal Government – *Room: Navajo/Nambe*

Public Safety & Justice – *Room: Chaco*

Taxation – *Room: Pecos*

Technology & Telecommunications – *Room: Mesilla*

Transportation & Infrastructure – *Room: Sandia*

Tribal Gaming – *Room: Laguna*

Trust Lands, Natural Resources & Agriculture – *Room: Taos*

Veterans – *Room: Doña Ana*

5:00 **REMINDER:** In order to vote in NCAI Elections, Tribal and Indian Individual Memberships as well as Convention Registration must be current by 5:00pm MT on Wednesday, October 23.

5:30 – 6:30 **Youth: End of the Day Wrap Up**
Room: Anasazi
Youth attendees, please join us to share your experiences from the day, learn about opportunities, and mingle with other youth attendees.

TH 5:30 – 7:30 **DOI Listening Session – BIE School Construction Update ***
Room: Laguna
DOI is hosting a listening session to discuss its plans for a comprehensive approach to assessing and improving the conditions of bureau-funded schools.

LS 6:00 – 7:00 **NCAI Elections Committee Meeting**
Room: Santa Ana
Each region caucus is asked to send two people to assist in the elections process.

ALL 6:30 – 8:30 **CULTURAL NIGHT**
Room: Kiva Auditorium
All attendees are invited to a night featuring cultures of the southwest region including a live fashion show hosted by the Local Planning Committee. You don't want to miss this!

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Thursday, October 24

LS/
DGK

7:15 – 8:15 **Regional Caucus Meetings** *(optional)*
Alaska Area – *Room: Acoma/Tesuque/Zuni*
Eastern Oklahoma Area – *Room:*
Navajo/Nambe
Great Plains Area – *Room: Laguna*
Midwest Area – *Room: Sandia*
Northeast Area – *Room: Picuris*
Northwest Area – *Room: Hopi/Tewa*

Pacific Area – *Room: Santo Domingo*
Rocky Mountain Area – *Room: Chaco*
Southeast Area – *Room: Santa Ana*
Southern Plains Area – *Room: Cochiti*
Southwest Area – *Room: Taos*
Western Area – *Room: Isleta/Jemez*

TH

8:00 – 10:00 **NCAI Executive Board Elections**
Room: San Miguel/Ruidoso
Membership must be current by 5:00pm MT, Wednesday, October 23, to vote in the NCAI elections. In the event of a runoff between candidates, voting will take place between 8:00-10:00 a.m. on Thursday, October 24.

TH/LS/
DGK

8:00 AM

Tehass/Lisa/Daniel BREAKFAST RE: NCAI Elections - who will the Nation support in the NCAI Elections

ALL	8:30 – 12:00	Fourth General Assembly	Ballroom
	8:30	Call to Order W. Ron Allen, Treasurer, NCAI	
		Invocation	
		Announcements	
	8:40	UNITY, Inc. Brittany McKane, Co-President, Unity, Inc. Robert “Scottie” Miller, Co-President, Unity, Inc.	
	8:50	NCAI Youth Commission Report Sophie Tiger, Co-President, NCAI Youth Commission Rory Wheeler, Co-President, NCAI Youth Commission	
	9:00	Special Recognition	

STRONG PARTNERS...STRONG NATIONS

9:15 **Tribal Supreme Court Project Update**
 John Echohawk, Executive Director, Native American Rights Fund
 Dan Lewerenze, Staff Attorney, Native American Rights Fund
 Derrick Beetso, General Counsel, National Congress of American Indians

9:40 **Partner Updates**

Native American Finance Officers Association
 VeRene Martin, First Vice President, Native American Finance Officers Association

American Indian Alaska Native Tourism Association
 Emerson Vallo, President, American Indian Alaska Native Tourism Association

National Indian Child Welfare Association
 Gil Vigil, President, National Indian Child Welfare Association

National Indian Education Association
 Marita Hinds, President-Elect, National Indian Education Association

National Indian Health Board
 Victoria Kitcheyan, Chairperson, National Indian Health Board

National Indian Gaming Association
 Ernie Stevens, Jr., Chairman, National Indian Gaming Association

11:00 **Constitution Amendments**

11:30 **Tribal Leader Discussion**

12:00 – 1:00 **Elders' Honoring Luncheon**

Room: Brazos

Come enjoy a relaxing lunch with great company and special entertainment.

USDA Food & Nutrition Listening Session*

Room: Hopi/Tewa

The USDA Food & Nutrition Service (FNS) Listening Session will be a dialogue between staff and Tribal members to discuss FNS policy and initiatives that may impact Tribes and to receive feedback, questions, and concerns from Tribes related to FNS programs.

** NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration.* 19

1:30 – 3:15	Town Hall with CEO	Ballroom
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3:30 – 6:00 **Committee Meetings**

Economic, Finance & Community Development - *Room: Cimarron*

Human Resources - *Room: Aztec*

Land & Natural Resources - *Room: Galisteo*

Litigation & Governance - *Room: Brazos*

Veterans – *Room: Dona Ana*

5:00 – 6:00 **Youth: Annual Convention Wrap-Up**
Room: Anasazi

** NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration.* 20

Friday, October 25

8:30 – 12:00 **Indian Arts & Crafts Open**
Room: Foyer

8:30 – 12:00	Sixth General Assembly
8:30 – 9:00	Call to Order Regional Vice President, NCAI
	Invocation
	Memorials
9:00	Treasurer’s Report W. Ron Allen, Treasurer, NCAI
9:20	Swearing in of NCAI Board Members
10:25	Resolutions Committee Report Full Committee Reports and Consideration of Resolutions Economic, Finance & Community Development Human Resources Land & Natural Resources Litigation & Governance Veterans
11:45	Retire Colors Closing Invocation
12:00	Adjourn 76th Annual Convention

** NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration.* 21

Other Meetings and Events

The meetings and events listed below are included to share other opportunities to network and come together on a particular topic. The meetings and events are not part of NCAI's main agenda.

Sunday, October 20

9:00am-12:00pm

Emerging Roles of TEDs/TEAs

Room: Santa Ana

Tribal Education Departments/Tribal Education Agencies have important roles in the future of tribal nations. TEDs/TEAs have significant opportunities and roles to determine current and future local, state and federal policies affecting the success of tribal citizen students. Presentations will include tribal education codes and importance of acquiring and utilizing tribal student data.

11:00am-5:00pm

Governor's Interstate Indian Council

Room: Santo Domingo

The Governor's Interstate Indian Council organization works through state governments to address issues and concerns of Native nations. State Indian Affairs Directors and Commissioners, tribal representatives and state delegates from across the nation will meet to address the most current issues facing American Indians. States are encouraged to participate by sending at least one representative to the meetings. During the meeting, the GIIC may pass resolutions in support of initiatives that impact Tribal Nations in a positive way and offers an opportunity for attendees to network and share information and experiences. State Representatives given provided an opportunity to report on their state initiatives and share examples of positive state and tribal government relations. The agenda provides a forum for presenters to inform and update members on issues facing Indian communities. At the end of the meeting the goal is to come up with new ideas in supporting one another in building stronger positive state and tribal relations.

Monday, October 21

9:30am-12:00pm

EMILY's List Run-to-Win Training

Room: Sandia

EMILY's List Run-to-Win Training, free to Native Americans who are interested in running for political office.

Tuesday, October 21

** NCAI assists in meeting space for Consultations and Listening Sessions as a benefit to all tribes. These sessions do not require NCAI registration.*

Retirement Celebration for Thomas W. Fredericks of Fredericks, Peebles & Patterson

Room: Ruidoso/San Miguel

Celebrating The Legal Career of One of Indian Country's Original Attorney Warriors

Approve the travel report - Councilman Ernie Stevens III - Hemp Interim Final Rule-Tribal Consultation -...

Business Committee Agenda Request

1. Meeting Date Requested: 01/09/20

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: Ernie Stevens III, Councilman

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Ernest L. Stevens III

Travel Event: Industrial Hemp Final Rule Consultation

Travel Location: Nevada, LV

Departure Date: 12/10/2019 Return Date: 12/12/2019

Projected Cost: 1152.50 Actual Cost: 1560.11

Date Travel was Approved by OBC: 11/26/2019

Narrative/Background:

This was an invite on behalf of the Office of the Secretary of the Department of Agriculture for a tribal consultation to discuss the Industrial Hemp Interim Final Rule as provided under the 2018 Farm Bill. The event took place in conjunction with the intertribal ag conference which had leadership representing over 30 tribal nations in attendance, as well as a packed room of conference attendees.

I provided our commentary consistent with our position paper developed by the hemp team, which will be submitted by PACE who is our federal lobbyist. This position paper provided comments consistent with testing, disposal, seed cultivation, overall self-regulation in accordance to our anticipated 2020 hemp plan.

Item(s) Requiring Attention:

I have brought back a draft letter of support for the committee to consider regarding the industrial hemp regulation that will be sent to the USDA, DOJ and the DEA. This letter will be consistent with a number of other nations to coordinate and promote collaboration approaching the final comment period for the 2019 Farm Bill. If the committee decides to support the letter, it will be sent to a national tribal working group to be submitted to the aforementioned departments on behalf of Indian country.

I have secured funding in the amount of \$15,000 to host the first annual Hemp Coalition Summit at the Radisson Hotel and Conference Center, where this coalition will be having its first meeting to develop our commerce, legislation and overall

strategy moving forward. The intertribal ag council has offered to help facilitate the event. The hemp team met on December 23rd and created a subcommittee to plan the summit tentatively scheduled for late March. Oneida is a founding member of this coalition which includes Menominee Nation, Ho-Chunk, Sisseton Wahpeton as well as others across Indian country, so we are now looked upon as leaders in this industry.

The hemp team also discussed our 2020 hemp plan, which includes our business and ag strategy as well as our ordinance and regulations. A part of our business plan development will be putting together some budget plans for which we will have several funding opportunities for deployment of pilot projects utilizing both fiber and CBD products.

Requested Action:

Approve the travel report.



USDA Industrial Hemp Consultation Agenda



Hard Rock Hotel and Resort
Artist Hall G
4455 Paradise Road
Las Vegas, NV 89169

Wednesday December 11, 2019
5:00 pm – 7:00 pm Pacific Time

5:00 – 5:15 PM **Welcome, Introductions, and Opening Prayer**

5:15 – 5:45 PM **Overview of 2018 Farm Bill Hemp Regulations**

5:45 – 6:50 PM **Questions and Feedback from Tribal Leaders**

6:50 – 7:00 PM **Close Out and Closing Prayer**

Resources:

- Industrial Hemp Website www.ams.usda.gov/rules-regulations/hemp
- Office of Tribal Relations www.usda.gov/otr

Contacts:

- *Agricultural Marketing Service*
 - Sonia Jimenez Sonia.Jimenez@usda.gov
 - USDA Hemp Production Program Email Farmbill.Hemp@usda.gov
 - USDA Hemp Production Program Phone 202-720-2491
- *Office of Tribal Relations*
 - Diane Cullo Diane.Cullo@usda.gov
 - Jeff Harris Jeffrey.Harris@usda.gov
 - Office of Tribal Relations Email Tribal.Relations@usda.gov
 - Office of Tribal Relations Phone 202-205-2249

**Tribal Leadership Consultation Working Group on the FDPIR
Las Vegas, Nevada
Hard Rock Casino Resort
December 10th, 2019**

DRAFT AGENDA

A. Introductions

- Opening prayer
- Opening remarks
- Introduction of USDA leadership and tribal leadership
- Approval of minutes from June 2019 meeting and approval of today's agenda

B. Farm Bill Updates

- 638 process discussion
- 638 recommendations from Tribal leadership
- 2 Year funding: regulation implementation
- local/regional foods
- Matching requirement: final rule implementation discussion
- Traditional foods

C. Fresh Produce & Food Package Items

- FFAVORS catalog revisions
- Quality issues with produce & strategies to address issues
- Complaint mechanism
- DoD Fresh team updates
- traditional foods: update on current foods in package and foods on horizon
- Trade Mitigation Foods

D. IFMS (formerly AIS) Updates

- Current status of systems development
- Future development
- Discussion of issues at ITO level & strategies to address issues

E. USDA-FNS Re-alignment of regions

- Status of realignment
- Impact to Tribal Nations
- Progress from USDA-FNS RO's on meeting with Tribal Nations in their regions

F. Tribal Leaders' Summary of Consultation Progress and Prior Agenda Items

-Continued dialogue on issues still under discussion, including but not limited to:

- contingency plan
- veteran's payment
- proposed changes to SNAP income calculations and impacts to

FDPIR

- Other issues as raised by Tribal leaders.

G. Review future dates for convening the Tribal Leaders Consultation Working Group: - NCAI Executive Winter Session, February 2020, Washington DC; NAFDPIR Annual Meeting (Minneapolis/St. Paul MN) June 2020, Intertribal Agriculture Council Annual Membership Meeting, Las Vegas NV, December 2020

H. Adjourn

U.S. DOMESTIC HEMP PRODUCTION
SPECIALTY CROPS PROGRAM
AMS
USDA

Greetings USDA,

The Oneida Nation, located in Wisconsin, will be submitting a hemp plan. The Nation's Hemp Plan will establish its own Hemp Regulatory Commission, which will serve as a separate arm of the Tribe that will have the authority to regulate all hemp business for our sovereign Nation.

The Oneida Nation would like to request that the USDA take into consideration amending the Interim Rules to the Farm Bill 2018:

1. Treat hemp as an agricultural commodity and not an illegal substance.
2. Respect the Tribes and/or States as the Governing Authorities of their own hemp programs.
3. Allow the Tribes and/or the States Hemp Regulatory Commissions to collect the samples within their respected States and Territories.
4. Allow the Tribes and/or State Hemp Regulatory Authorities to collect the hemp samples and send the sample to a tribal or state licensed testing facility instead of a DEA licensed laboratory.
5. Exclude the stalk and sterilized seed of the hemp plant and identify the stalk for fiber and fillers.

The Oneida Nation would also like to go on record to request the following:

The Oneida Nation would like to request the USDA to consider changing the legal percentage of the allowed THC percentage from .3 tenths of one percent to 1.5 Percent. The Oneida Nation would also like to participate in any studies or research to determine a more suitable number to be utilized.

Until such changes are made, the Oneida Nation would like to request that the USDA consider creating a special program that will take the hemp that has tested over the allowed percentage of .3 % and process it into an industrial hemp commodity not for consumption. This will mitigate the destruction of hot hemp and the large financial burden on the US farmers across the United States.

Thank you for your time and consideration,

Respectfully,

A handwritten signature in black ink, appearing to read "Ernest L. Stevens III", with a stylized flourish at the end.

Ernest L. Stevens III

Oneida Business Committee Agenda Request

Approve the travel request in accordance with § 219.16-1 - Up to nine (9) Business Committee members

1. Meeting Date Requested: 01 / 08 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve the travel request for up to nine (9) BC members for travel to Chicago, IL for oral arguments for the Applefest litigation.

Travel logistics date/time have not been released yet and will be included in the travel report.

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

☐ Budgeted - Tribal Contribution

☐ Budgeted - Grant Funded

☐ Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

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

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

Approve the travel request for up to nine (9) BC members for travel to Chicago, IL for oral arguments for the Applefest litigation.

Travel logistics date/time have not been released yet and will be included in the travel report.

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

Enter the e-poll results into the record regarding the approved travel request for Secretary Lisa Summers.

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/20

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: E-poll results, request and back up

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

From: TribalSecretary
To: BC Members; TribalSecretary
Cc: BC Assistants; BC_Agenda_Requests
Subject: E-POLL RESULTS: Approve the travel request - Secretary Lisa Summers - Tribal Caucus Meeting - Nekoosa, WI - December 11-12, 2019
Attachments: BCAR Approve the travel request - Secretary Lisa Summers - Tribal Caucus Meeting - Nekoosa, WI - December 11-12, 2019.pdf

Importance: High

E-POLL RESULTS

The e-poll to approve the travel request for Secretary Lisa Summers to attend the Tribal Caucus Meeting in Nekoosa, WI - December 11-12, 2019, **has been approved**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Lisa Liggins
Information Management Specialist
Business Committee Support Office (BCSO)



P.O. Box 365
Oneida, WI 54155-0365
oneida-nsn.gov

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Friday, December 6, 2019 9:18 AM
To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>
Subject: E-POLL REQUEST: Approve the travel request - Secretary Lisa Summers - Tribal Caucus Meeting - Nekoosa, WI - December 11-12, 2019
Importance: High

Summary:

The purpose of this request is to obtain a travel day approval from the OBC to attend the next Tribal Caucus meeting on December 12, 2020. The travel date is the same date at the next OBC meeting (Dec. 11), so prior approval is needed to process the paperwork and hotel reservations.

The date for this meeting was set at the end of October 2020; however, due to transition with a new Executive Assistant, there was an oversight for an approval request on my part.

Requested Action:

Approve the travel request for Secretary Lisa Summers to attend the Tribal Caucus Meeting in Nekoosa, WI - December 11-12, 2019

Deadline for response:

Responses are due no later than **4:30 p.m., MONDAY, December 9, 2019.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins

Information Management Specialist
Business Committee Support Office (BCSO)



A good mind. A good heart. A strong fire.
PO Box 365
Oneida, WI 54155-0365
Oneida-nsn.gov

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: ___ / ___ / ___ ☒ e-poll requested

2. General Information:

Event Name: _____ Tribal Caucus Meeting

Event Location: _____ Nekoosa, WI Attendee(s):

Departure Date: Attendee(s):

Return Date: Attendee(s):

3. Budget Information:

☒ Funds available in individual travel budget(s)

☐ Unbudgeted

☐ Grant Funded or Reimbursed

Cost Estimate: _____ \$350.00

4. Justification:

Describe the justification of this Travel Request:

This is the Tribal Caucus meeting held every other month to which the Tribal Secretary is appointed and represents Oneida. The agenda is attached for your review.

5. Submission

Sponsor:

- 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

Tribal Caucus Meeting

The Tribal Caucus is charged with addressing tribal concerns that can be improved via State statute promulgation and/or amendments.

AGENDA

Date
December 12, 2019
Time
9:30-1:00
Place of Meeting
Ho-Chunk Gaming
949 County Rd G
Nekoosa WI 54457
Conference Room

- ✚ Welcome & Introductions
- ✚ Review of the draft Consultation Policy
- ✚ Current STRC Initiatives before State Legislature Update
 - AB-104 - Battery to Tribal Court Officials
 - AB-105 to AB-109 - Act 31 Revisions
- Other Issues of Tribal Interest before State Legislature
 - AB-81, SB-89 - Dental Therapists
 - AB-51 Minority - Teacher Loan Program
 - AB-123, SB-119 - Homeless Grants
 - AB-36, SB-44 - Apprenticeship Grants
 - State Budget - Tribal Adolescent Treatment Center
 - Adoption Bills
 - AB 548 SB 493 - Call for murdered and missing indigenous woman task force
- Tribal Bills being Drafted
 - HEAB - Tribal College Membership
 - Tribal Employee Immunity
 - Sex Offender Placements
- Under Consideration by Tribal Caucus
 - Mental Health Placements - Chapter 51
 - Other Children & Family Programs - Chapters 46, 48, 54, 767, 813, 938
 - Mascots & Logos
 - Safe Haven
- New Topics or Issues for Study
 - P & P Officers
 - CNA Program
 - Art Grants
 - Lime Disease Committee - amend to include tribes
 - DPI - teacher certification rules reflect tribal laws regarding language
 -
- Review of Matrix
- Adjournment

Oneida Business Committee Agenda Request

CIP # 07-009 Building Demolitions - Approve the CIP Package Amendment

1. Meeting Date Requested: 1 / 8 / 20**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: Troy Parr, Community & Economic Development Division Director
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Paul Witek, Engineering Director-Senior Architect
Name, Title / Dept.Additional Requestor: Fawn Cottrell, Engineering Dept - Contract Processor
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The project team is seeking approval of the amendment through the Capital Improvement Process (CIP).

The project team has assembled a CIP #07-009 Package Amendment for the project, see attached.

Background/history:

The original project scope included demolition of four buildings, the former Anna John Nursing Home (fAJNH), the former Oneida Health Center (fOHC), the Tribal Building and the White Building. The noted building demolitions have been completed and the Project Team is requesting approval to continue the project to demolish any applicable building(s) required when numerous building deficiencies and problems exist that make their reuse not economically viable.

The project's CIP Package was approved by the Business Committee on 11/15/13. The activation of the allocated funding was approved by the Business Committee on 5/28/14.

The project was funded from the approved FY2014 CIP Budget. There is an unobligated balance of those funds that the Project Team is requesting to be used for additional demolitions. Details of previous expenditures are denoted in the CIP Package Amendment.

Action Requested:

1. Approval of the CIP Package Amendment for project CIP #07-009 Building Demolitions.

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

Building Demolitions



CIP #07 – 009

**CIP PACKAGE
AMENDMENT**

Project Client: Department of Public Works – Facilities**Project Team:**

Jacque Boyle

Kevin Rentmeester

~~Kerry Danforth~~ Dennis Johnson

Scott Cottrell

Leroy King

Dave Cluckey

Pat Pelky

Lee Thomas

~~Corina Mrozinski~~ Stacie Cutbank~~Michael Lee Showers~~ Sam VanDen Heuvel

Paul J. Witek

Division Director – Facilities DPW

Manager – Electrical

Manager – Wells/ Septic & Plumbing

Manager – Utilities Waste Water

Superintendent – Maintenance, DPW

Manager – MIS

~~Interim~~ Division Director – EnvironmentalHealth, Safety & Land

Controller – Tribal

Tribal History Preservation Officer

Project Manager - Engineering Dept.

Director/ Senior Tribal Architect - Engineering
Dept.

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XI. Appendix10

This CIP Amendment updates and revises the original CIP Package for this project. Revisions delineated with strikeouts and underlined text or if whole sections are revised, noted at section title.

PROJECT EXECUTIVE SUMMARY

Project Title: Building Demolitions

Requesting: Approval of the CIP package Amendment

Project Description:

~~This project will demolish four (4) buildings, the former Anna John Nursing Home (fAJNH), the former Oneida Health Center (fOHC), the Tribal Building and the White Building.~~

~~The fAJNH and the fOHC would occur together and the entire site would be available as a vacant site for future development. The Tribal Building site would be available as vacant land. The White Building site may be added to the Site Two Park acreage.~~

~~Despite the Tribal Building, W1290 Fish Creek Rd, not being eligible for state or federal historical designation, the structure still carries strong community sentiment. The placement of a memorial plaque or sign will be worked into the project.~~

The intent of this project is to demolish any applicable building(s) required when numerous building deficiencies and problems exist that make their reuse not economically viable.

No buildings are slated for demolition as this time, however there are varies structures owned by the Nation that may require demolitions in the near future.

Typically, when buildings become in such poor condition; the cost to bring them into code compliance and make them functional for a new use, would far outweigh the cost of removing them. Having the buildings stand vacant also costs the Tribe money every year for minor safety repairs and utility costs.

(See page 06 of CIP Package)

Management/Business Plan:

Department of Public Works (DPW) is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.

(See page 07 of CIP Package)

Financial Plan:

~~Project funds will come from the CIP budget.~~ Unobligated funding from original FY2014 project budget will be utilized for demolition activities until all money is expended.

(See pages 07 & 08 of CIP Package)

Project Budget Estimate: (also see page 08 of CIP Package)

Remaining Project Funds (Gross)	155,084.42
(total actual budget less total revised contract amt)	
Less Pending Change Orders	
Remaining Project Funds (NET)	155,084.42

Site Selection:

Because this project is a demolition of structures on existing sites, site selection criteria is not applicable.

(See page 09 of CIP Package)

Communication Plan:

The standard process will be used for communicating the project status to the community. ~~The Cultural Heritage Department has already held a series of community meetings to gather input on the historical uses of the buildings.~~

(See page 09 of CIP Package)

I. Needs Assessment and Project Justification

- A. Introduction:** ~~The fOHC, fAJNH, Tribal Building and the White Building are in different levels of decline. The fOHC has been vacant since 2002 while the fAJNH will be vacant in June 2013. The Tribal Building has been vacant since roughly 1990 and the White Building even longer.~~

~~The intent of this project is to demolish all four (4) of these buildings. any applicable building(s) required when The project team met to discuss at length the future of each of these buildings and concluded demolition was the best option. Each facility has numerous building deficiencies and problems that currently exist that make their reuse not economically viable.~~

B. Present Facilities:

- ~~1. The **former Oneida Health Center** (fOHC) at N5715 CTY Rd. E has deteriorated over the last 10 years of being vacant. The building is a safety hazard, an eye-soar and in overall poor condition. There are numerous existing building code deficiencies that would need to be addressed before any program could use the facility.~~
- ~~2. The **former Anna John Nursing Home** (fAJNH) at W846 CTY Rd. EE was designed and built with southern building climate building techniques. This was a poor design for this type of facility. Over the years this type of building technique has created numerous insulation, plumbing, HVAC, and electrical problems. Other problems with the building include asbestos, ventilation problems and outdated mechanical equipment that are failing.~~
- ~~3. The **Tribal Building** at W1290 Fish Creek Rd. has deteriorated over the last twenty-two (22) years of being vacant. The building is a safety hazard, an eye-soar and in overall poor condition. There are numerous existing building code deficiencies that would need to be addressed before any program could use the facility.~~
- ~~4. The **White Building** at W1139 Ranch Rd. has been vacant for decades. The building is a safety hazard, an eye-soar and in overall poor condition. This building is in the worst shape of all. According to the notes other problems include asbestos, ventilation problems and outdated mechanical equipment.~~
- ~~5. No buildings are slated for demolition as this time, however the below listed structures have been recommended for future demolitions:~~
 - ~~• Former Cultural Heritage Barn~~
 - ~~• Varies Agricultural Barns~~
 - ~~• E & EE One Stop~~
 - ~~• Other structures upon request~~

- C. Problem:** ~~As described above the Typically when buildings are become in such poor shape condition, the cost to bring them into code compliance and make them functional for a new use would far outweigh the cost of removing them. Having the buildings stand vacant also costs the Tribe money every year for minor safety repairs and utility costs. The Tribal budget has been reduced over the years and resources are stretched thin. Having to continually maintain these buildings is not economically viable.~~

~~D. **Historical Review:** The Tribal Historic Preservation Officer (THPO) has reviewed the proposed locations and noted the following.~~

- ~~1. fOHC, structure is not old enough for listing on National Register of Historic Places. THPO cleared structure for demolition.~~
- ~~2. fAJNH, structure is not old enough for listing on National Register of Historic Places. THPO cleared structure for demolition.~~
- ~~3. Tribal Building, Applied for listing on National Register of Historic Places but did not meet criteria for listing. Building was documented for records, notice posted in Kalihwisaks multiple times. THPO cleared structure for demolition. The structure still carries strong community sentiment, so the placement of a memorial plaque or sign will be worked into the project.~~
- ~~4. White Building (CC Camp Building), Applied for listing on National Register of Historic Places but did not meet criteria for listing. Building was documented for records, notice posted in Kalihwisaks multiple times. THPO cleared structure for demolition.~~

II. Business Plan

- A. Department of Public Works (DPW) is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.

III. Management Plan

- A. The properties will be managed by the Division of Land Management upon completion of the demolition. DPW will maintain the sites after demolition. The Land Commission will determine the future of site lease options. Upon Land Commission's determination, Division of Land Management will market the site for lease.
- B. Organizational Chart: Not applicable as this project does not create a facility that will require operations in the future.
- C. Staffing: No additional staffing would be required due to the proposed project. Other support departments would not be impacted by the proposed project and thus would not require additional staffing.

IV. Financial Plan

- A. Tribal Financing: - ~~It is proposed to fund this project through the tribal CIP Budget. A request for funding has been included in the FY2014 CIP Budget Request. The Finance Department will determine the best means to finance the overall CIP budget.~~
Unobligated funding balance from original FY2014 project budget will be used to perform building demolition(s). The intent is to use remaining unobligated funds on varies building demolitions until funds have been expended.
- B. These unobligated funds are available due to performing building demolitions internally

on past CIP projects. If those past demolitions were outsourced, these funds would have been expended. Having the capability to perform this type of work internally, continues to lower project cost and provides DPW staff expanded experience and more efficient with structure demolition.

- C. Refer to Project Budget Status Report in next Section to view expenditures and remaining project funds.

V. Budget Estimate

~~The Project Budget Estimate follows on next page:~~

11/07/19 13:48:11 PROJECT: CIP	07-009 { 001-4220010-000 }		ONEIDA NATION ENGINEERING PROJECT BUDGET STATUS REPORT Building Demolitions				PAGE 1 EGGVDTSUM EGTVDTSUM	
APPROVED BUDGET ACTIVATED TO DATE BALANCE TO BE ACTIVATED	451,367.00 451,367.00							
Vendor	Budget Amt	Contract Amt	Thru C.O.#	Pending C.O. Amt	Approved C.O. Amt	Revised Contract Amt	Paid Expenses To Date	P.O. Balance
Soft Costs	19,700.00							
ONEIDA ENGINEERING DEPART	60,000.00	4			19,173.00-	40,827.00	40,827.00	
ONEIDA ENVIRON RESTORATIO	6,718.40					6,718.40	6,718.40	
	<u>66,718.40</u>				<u>19,173.00-</u>	<u>47,545.40</u>	<u>47,545.40</u>	
Construction	358,667.00							
ADVANCED ASBESTOS REMOVAL	56,506.00	1			6,050.00	62,556.00	62,556.00	
ALL-WEATHER INSULATION	26,995.00	2			23,995.00	50,990.00	50,990.00	
BROWN COUNTY	7,500.00	2			1,408.09	8,908.09	8,908.09	
BROWN COUNTY PORT & RESOU	5,000.00	1			2,616.61-	2,383.39	2,383.39	
CARL'S TRUCKING LLC	10,000.00	3			15,474.00	25,474.00	25,474.00	
ENVIRONMENTAL MGMT & TEST	3,000.00	1			.30-	2,999.70	2,999.70	
PORTRESS FENCE INC	8,144.00					8,144.00	8,144.00	
LANDFILL REDUCTION &	24,900.00	1			4,131.87-	20,768.13	20,768.13	
ONEIDA COMMUNITY WELL & S	10,438.43					10,438.43	10,438.43	
ONEIDA RETAIL ADMIN	11,000.00	4			2,488.30	13,488.30	13,488.30	
	<u>163,483.43</u>				<u>42,666.61</u>	<u>206,150.04</u>	<u>206,150.04</u>	
FF & E	22,000.00							
CREATIVE SIGN CO INC	4,800.00					4,800.00	4,800.00	
WIRE TECHNOLOGIES INC	37,787.14					37,787.14	37,787.14	
	<u>42,587.14</u>					<u>42,587.14</u>	<u>42,587.14</u>	
Contingency	51,000.00							
Financing Expenses								
	272,788.97				23,493.61	296,282.58	296,282.58	
Project Budget	451,367.00							
Approved Budget	451,367.00							
Funding variance								
	Remaining Project Funds (Gross)							155,084.42
	(total actual budget less total revised contract amt)							
	Less Pending Change Orders							
	Remaining Project Funds (NET)							155,084.42

VI. Facility Concept and Space Requirements

- A. This section is not applicable as this project does not create a facility but rather removes ~~four (4)~~ existing structures.
- B. The Project Team ~~did~~ will evaluate the potential of reusing any ~~the fAJNH~~ existing structure, however typically we experience that the costs associated with bringing code items up to date and updating mechanical-electrical equipment are too high to justify the work. ~~A Project Budget Estimate for this work is included in the Appendix of this document. Note that remodeling costs associated with making the building functional for any new use are not included in the estimate and would be in addition to the estimate.~~
 - 1. ~~Constructing a new building would be more economical and would provide a more functional layout for any intended use.~~

VII. Site selection criteria

Not Applicable to this project.

VIII. Environmental

- A. An Environmental Assessment will be initiated once the project has been approved for demolition and sufficient information is available to request the assessment.
- B. If the project team has recommended the demolition of the buildings be conducted performed as a “green demolition”, This type of the demolition process will attempt to reclaim, recycle and reuse most of the demolished building materials. Although this technique may increase the cost of the project slightly, the approach demonstrates the Oneida Nation’s commitment to be stewards of the earth.
- C. ~~There is currently a small amount of asbestos that resided in the buildings. If a traditional demolition is completed there will not need to be a formal abatement of the asbestos due to the small quantity and established demolition techniques for managing the asbestos. If a “green demolition” is completed which includes concrete pulverization (for recovery and use as structural fill) then an asbestos abatement would need to occur prior to demolition.~~
- D. ~~Al Baird, from Environmental Department, is involved in this project to ensure proper management of the asbestos occurs during demolition.~~

IX. Communication Plan

- A. ~~The Cultural Heritage Department has already held a series of community meetings to gather input on the historical uses of the buildings. No major concerns were expressed at these meetings.~~
- B. Information included in a communication plan for this project will include:
 - 1. CIP project number
 - 2. Project title
 - 3. Project Manager (including: phone, fax numbers and e-mail address)
 - 4. Project phase (identify process followed: CIP, etc.)

5. % of Phase completed
6. Brief description of the project scope
7. Project budget amount
8. Project schedule

C. The Project Information will be communicated to the community and staff as follows:

1. Weekly status reports - Monday 8:30 AM at LBDC conference room (Project Manager)
2. Community Meetings – No additional community meetings are planned.
3. ~~Quarterly reports Tribal publications including: Kalihwisaks (Senior Tribal Architect)~~
4. Quarterly reports on Oneida website and on Oneida Intranet (Senior Tribal Architect)
5. Periodic articles in the Kalihwisaks based upon the specific needs of the project. (Project Manager)

D. Notification

1. Prior to any building demolition, notice will be sent to General Manager and Oneida Business Committee through Quarterly reports.

X. Project Time Line

- A. Not applicable. Timeline will vary for each project.

XI. Appendix

- ~~A. Project Budget Estimate – AJNH Reuse~~

Oneida Business Committee Agenda Request

CDC # 04-022 Public Transit Garage - Approve two (2) actions

1. Meeting Date Requested: 1 / 8 / 20 **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: Troy Parr, Community & Economic Development Division Director
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Paul Witek, Engineering Director-Senior Architect
Name, Title / Dept.Additional Requestor: Fawn Cottrell, Engineering Dept - Contract Processor
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The project team is seeking approval of the project through the Capital Improvement Process (CIP).

The project team has assembled a CDC Package for the project, see attached.

Background/history:

The project was previously approved by the Business Committee on 7/13/05; however, the project never was implemented, so the Project Team felt it was appropriate to update the information and resubmit for approval.

The majority of the project funding would be from federal transportation grant funds with the required matching funds from the Oneida Nation. Matching funding for the project will be requested in the FY2021 CIP Budget.

Phase II of the CIP has various tribal entities review the project's CDC Package and provide comments on its impacts to the Oneida Reservation. Because the project was previously reviewed by these entities, with little comment (see attached Capital Improvement Form), we feel it is appropriate to forgo Phase II of the CIP and proceed directly into Phase III – Design.

Action Requested:

1. Approval of procedural exception to forgo Phase II of the CIP process of routing the CDC Package to the various review entities.
2. Approval of the CDC Package for project CDC #04-022 Public Transit Garage.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Public Transit Garage



CDC #04-022

APPROVAL PACKAGE

Project Client: Oneida Public Transit**Project Team:**

Carol Moore	Oneida Transit Manager
Susan House	Interim GSD Division Director
Marsha Danforth	Grants Development Specialist
Henry Hank Huff Jr.	Oneida Transit Supervisor
Ellie Doxtator	Oneida Transit Supervisor
Jacque Boyle	DPW Division Director
Jeff Witte	Project Planner - Planning Dept.
Sam VanDen Heuvel	Project Manager - Engineering Dept.
Paul J. Witek	Engineering Director/Senior Architect - Engineering Dept.

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A. None.15

PROJECT EXECUTIVE SUMMARY

Project Title: Oneida Public Transit Garage

Project Description:

The Oneida Public Transit Garage is being proposed to replace the current facilities at Ridgeview Plaza Suite 5. The current facilities do not have the bus shelter needed to keep buses out of inclement weather, properly maintained and running during the winter months. The current space was built as a retail space and not meant to be a permanent facility for Oneida Transit. The Transit Department had to move to its current location as a temporary solution more than five years ago because their former offices were deemed unsafe to occupy.

The Oneida Nation can leverage funding through various grant opportunities to build a new Oneida Transit Garage with minimal tribal contribution. The new facility will provide a climate-controlled environment to protect and extend the life of the transportation assets of the Oneida Nation and ultimately improve the service given to the Oneida membership. (see page 8 of CIP Package)

Management/Business Plan:

The Oneida Transit Garage will continue to operate under current standards operation procedures as adopted by the Oneida Nation. (see page 9 of CIP Package)

Site Selection:

Site selection will be made by the Oneida Land Commission using the Land Designation Process (see page 11 of CIP Package)

Project Budget Estimate: (also see page 12 of CIP Package)

Soft & Misc. Costs:	\$387,500
Construction:	\$2,454,200
Furniture, Fixtures & Equipment (FFE):	\$268,000
Contingency: 12%	\$373,200
Total (rounded):	\$3,500,000

Financial Plan:

Project funds will be requested in the FY2021 CIP budget. Currently there are various grant opportunities available that can provide 80 - 90% of the capital to build the facility. The Oneida Nation would need to provide the remaining 10 - 20% matching fund requirement for this project. (see page 13 of CIP Package)

Communication Plan:

The standard process will be used for communicating the project status to the community. (see page 14 of CIP Package)

I. Needs Assessment and Project Justification

A. Introduction:

Oneida Public Transit provides safe, reliable, and affordable public transportation that supports life-long opportunities to strengthen education, well-being, and Tsi?niyukwalihoT^ throughout the Oneida Community. The mission of the Oneida Transit Department is to “provide safe, reliable, and affordable public transportation that supports live-long opportunities to strengthen education, well-being and Tsi?niyukwalihoT^ throughout the Oneida Community”.

A new Oneida Transit Facility will allow the Oneida Transit Department to expand upon their effectiveness and efficiency to the Oneida Community thus, improving upon the quality of life for all community members.

B. Present Facilities:

The current Transit Department facility located at 3759 W. Mason Street (Ridgeview Plaza Suite 5) was built as a Retail space and not meant to be a permanent facility. A new facility will bring a greater sense of permanency to Oneida Transit showing the Tribe’s dedication towards its workers and Transit customers. Dispatch would be a perfect job for someone with limited mobility.

If the Transit Department transfers to a new facility; various internal departments have shown interest in occupying Suite 5. In particular, the Employee Assistance Program (EAP). EAP is scheduled to move to Ridgeview Plaza, Suite 4 in the coming months. In the near future, EAP plans to hire new employees and will quickly outgrow Suite 4. Therefore, if Suite 5 becomes available in the coming years, EAP can conveniently transfer to Suite 4 to obtain additional office space.

C. Problem:

Currently, there is no garage to house Transit vehicles, a transit garage built to house all the Transit vehicles would allow the drivers to care for their buses more effectively by allowing them to vacuum, clean & wash their vehicles, perform light maintenance such as changing headlights, windshield wipers, and adding fluids. Another asset of housing buses inside is protection from vandalism and the weather elements such as cold temperatures, heat, and rain. Thus, expanding the lifetime of the vehicles and minimizing major maintenance and repairs costs. There are no interior or exterior security cameras at current location, and gasoline siphoned from the vehicles has been a problem in the past. Keys, money, and fleet gas cards should under surveillance 24/7 unless properly protected in a secure location and or structure.

The existing facility does not have plug-ins for engine block heaters. The plug-in would keep our vehicles warm during extreme temperatures.

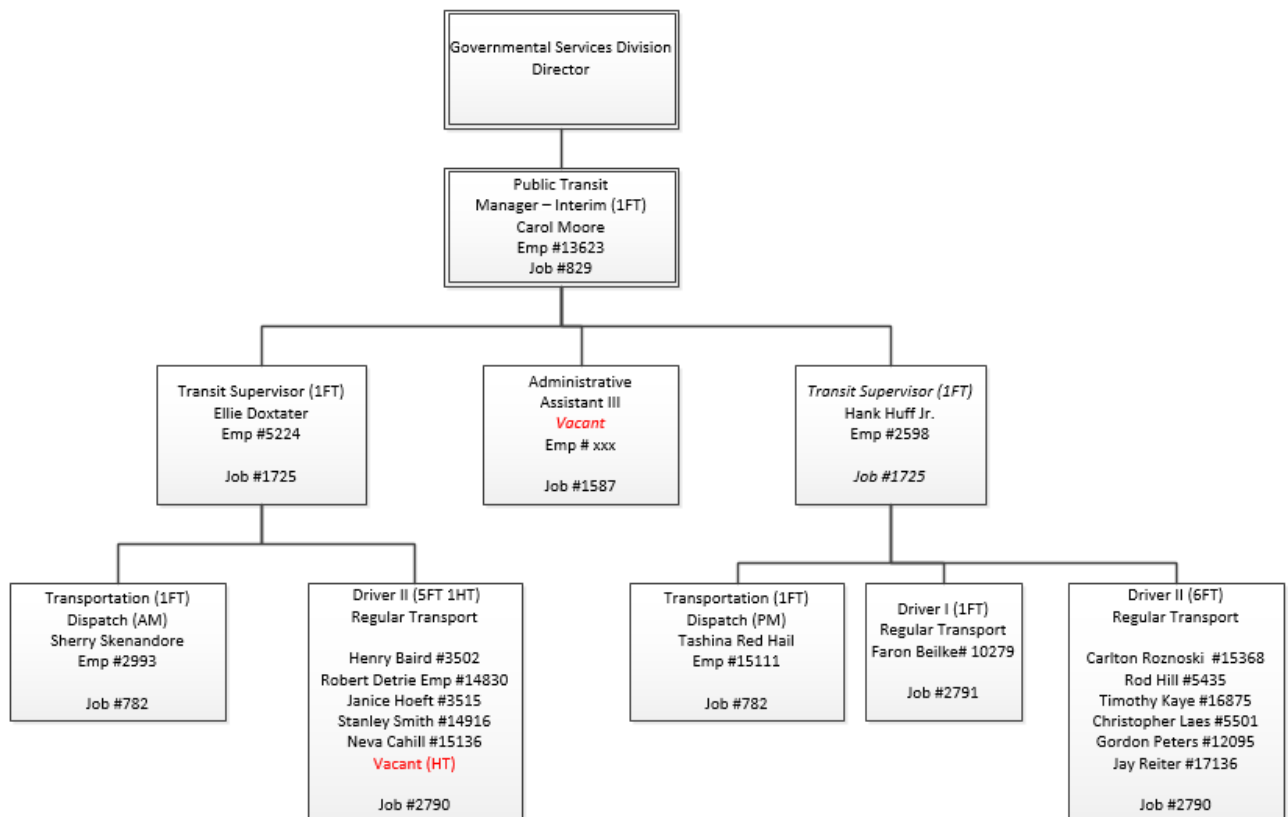
Vendors will also be able to perform monthly maintenance on wheelchair lifts inside a new facility. Currently traveling to De Pere, once a month to have repairs and maintenance completed monthly.

II. Business Plan

- A. Oneida Public Transit is a tribal service entity not structured to accumulate profits, therefore, a Business Plan is not applicable for this project per the Capital Improvement Process. The Transit Department is a public service entity whose mission is to service the community, not generate profits. Standard operating procedures for the business unit are available for review if requested.

III. Management Plan

- A. Management: Transit will continue to operate under current Standard Operating Procedures.
- B. Organizational Chart



- C. Staffing, Requestor: Initially, current staffing will not change as a result of this project. However, as the program offerings grow, new staff is expected to grow to manage those programs. Those positions will be requested, as the need arises, through the normal HRD processes.

D. Staffing, Service Departments: Depending on the facility and its location, the tribal service departments noted below may be impacted by this project.

1. DPW – Facilities
2. DPW - Groundskeeping
3. Custodial
4. MIS

Whether it requires additional positions would be determined by the type of structure, area to be cleaned, grounds to be landscaped/mowed/snow removal, and services to be contracted out. Even if there are not additional positions needed, there would be additional amounts needed in associated operating budgets for each applicable service department.

IV. Facility Concept and Space Requirements

- A. The proposed building will consist of vehicle storage and office space, approximately 15,000 square feet.
- B. Consistent with the Oneida Design Standards, it is our intention to utilize sustainable design principals on this project. Meaning, we will design, construct, and operate the building to minimize negative impacts to the natural environment and health, while optimizing long-term costs.
- C. The spaces to be included are:

	Position Title /Room Nam	Name/ Comment	Existing Sq. Ft	New Sq. Ft.	Net to Factor
	Manager Office	Carol Moore	203	170	
	Administrative Asst. Office	Vacant	0	120	
	Dispatcher 1	Sherry Skenandore	120	120	
	Dispatcher 2	Tashina Redhail	120	120	
	Supervisor 1	Ellie Doxtator	120	120	
	Supervisor 2	Henry Hank Huff Jr.	190	120	
	Office Supplies/ Storage		120	120	
	Bus Storage Area		0	8,500	
	Custodial/ Mechanical/Electrical Room		120	200	
	Reception/Waiting Area		1497	200	
	Break Room		0	200	
	Restroom (Men's)		65	150	
	Restroom (Women's)		65	150	
	Wash Bay		0	1700	
		Total Net S.F	2620	11,990	
		TOTAL GROSS			14,988

V. Site Selection Criteria

- A. Zoning
- B. Site characteristics (topography, drainage, soils, etc.)
- C. Infrastructure – Utilities
- D. Infrastructure – Transportation
- E. Parcel Size
- F. Adjacency requirements
- G. Existing Ownership
- H. LUTU: The Land Use Technical Unit (LUTU) is a process where a multi-Departmental Team consisting from members of Planning, Environmental, Land Management, and GLIS Department will inventory and review recommended land parcels. This parcel has been through the phase 1 LUTU process. Phase 2 of the LUTU process has been initiated; we will include the results of this phase when it is complete.

Recommendations:

- The proposed location of the proposed Oneida Transit Garage should be sited near Central Oneida and near a gas station with easy access to a Hwy 54.
- The project will need approximately 3-6 acres of land to accommodate the facility and parking.
- The preferred location is near the business park near Little Bear Development Center.

VI. Environmental

- A. An Environmental Assessment will be initiated once the project has been approved and the design is at a stage where there is sufficient information to request the assessment.

VII. Budget Estimate

- A. The Project Budget Estimate shown is based upon receiving the U.S. DOT BUILD Grant.
- B. The Project Budget Estimate follows:

PROJECT NAME: Transit Garage
 PROJECT No.: 04-022
 DATE: December 5, 2019

SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees	176,000
Architect / Engineer Fees & Reimbursables	196,300
Soil Borings, Testing and Surveys	12,300
Agency Review and Approval Fees	2,500
Insurance - Builders Risk	covered by property insurance
Historical/Cultural/Archaeological Review	350

Sub-total: 387,500

CONSTRUCTION

New Service/ Exterior Lighting	32,000
General Requirements	187,900
Site Work & Landscape	529,000
Building Construction	1,350,000

Sub-total: 2,098,900

Oneida Preference Amount	23,243
Sustainable Design Premium	7% 146,900
Inflation Factor: 2 years	4% per year 185,200

Sub-total: 2,454,200

FIXTURES, FURNISHINGS AND EQUIPMENT

Division 10 - Specialties	7,000
Division 11 - Equipment	13,000
Division 12 - Furnishings	33,000
Division 27 - Communications	203,000
Division 28 - Electronic Safety & Security	12,000

Sub-total: 268,000

TOTAL:	3,109,700
Contingency: 12.0%	373,200
Finance Costs: 0.0%	0

ESTIMATED TOTAL PROJECT BUDGET: \$ 3,500,000

Grant 80%	\$2,800,000
Required 20% Match (CIP Funds)	\$700,000

VIII. Financial Plan

- A. Tribal Financing - It is proposed to fund the project's 20% grant match through the tribal CIP Budget. The Finance Department will determine the best means to finance the overall CIP budget.
- B. The Project Team has been researching possible grant opportunities for the project and has identified the following potentials:
 - 1. **U.S. DOT BUILD Grant** – This program emphasizes on improving access to reliable, safe, and affordable transportation of rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity or facilitate economic growth.
 - A. 80% of the funding for this project could be secured from this grant. There is a 20% matching fund requirement. The 20% matching fund requirement could be through in-kind services or land value. Any credits would be removed from the CIP Funds allocated, excess CIP Funds would be returned per the Budget law.
 - 2. **WisDOT Federal Transit Administration (FTA) Section 5311 Grant** – This program provides capital, planning and operating assistance to states and federally recognized Indian tribes to support public transportation in rural areas with populations less than 50,000, where many residents often rely on public transit to reach their destination.
 - A. 50% of the funding for this project could be secured from this grant. There is a 50% matching fund requirement. The 50% matching fund requirement could be through in-kind services or land value. Any credits would be removed from the CIP Funds allocated, excess CIP Funds would be returned per the Budget law.
 - B. Availability of funding has been limited for this grant. If awarded, project delivery would need to be completed in phases. Timeline of project would be extended due unknown funding availability.
 - 3. **FTA Tribal Transit Competitive 5311 Grant** - The primary purpose of these competitively selected grants is to support planning, capital, and, in limited circumstances, operating assistance for tribal public transit services.
 - A. 90% of the funding for this project could be secured from this grant. There is a 10% matching fund requirement. The 10% matching fund requirement could be through in-kind services or land value. Any credits would be removed from the CIP Funds allocated, excess CIP Funds would be returned per the Budget law.

IX. Communication Plan

- A. Information included in a communication plan for this project will include:
1. CIP project number
 2. Project title
 3. Project Manager (including: phone, fax numbers and e-mail address)
 4. Project phase (identify process followed: CIP, etc.)
 5. % of Phase completed
 6. Brief description of the project scope
 7. Project budget amount
 8. Project schedule (identify if community meeting will be held)
- B. The Project Information will be communicated to the community and staff as follows:
1. Weekly status reports - Monday 8:30 AM at LBDC conference room (Project Manager)
 2. Community Meetings - (Project Manager)
 3. Quarterly reports Tribal publications including: Kalihwisaks (Senior Tribal Architect)
 4. Quarterly reports on Oneida website and on Oneida Intranet (Senior Tribal Architect)
 5. Ground breaking and dedication ceremonies scheduled with the events coordinator (Project Manager / Business Unit Manager)
 6. Periodic articles in the Kalihwisaks based upon the specific needs of the project. (Project Manager)

X. Project time line

- A. The Project time line follows:

ID	Task Name	Duration
1	CIP Phase I - CIP Request	40 days
2	Assemble CIP Package	40 days
4	Client Division Director Approval	1 wk
5	CIP Phase II - Project Ranking & Approval	211 days
6	CIP Package to OBC	8 days
7	OBC Approval - CIP Package	0 days
8	Hold for CIP Budget Approval	203 days
9	OBC Approval - Activation of Funds	0 days
10	CIP Phase III - A/E Contract Approval & Design	150 days
11	Draft A/E RFP	3 wks
12	Release RFP & Short List	4 wks
13	Interviews & Contract Negotiation	3 wks
14	Contract Award	4 wks
15	Schematic Design (SD)	3 wks
16	Project Team Document Review	1 wk
17	Design Development (DD)	4 wks
18	Project Team Document Review	1 wk
19	Construction Documents (CD)	4 wks
20	Project Team Document Review	2 wks
21	A/E Incorporates Owner review comments	1 wk
22	Utility Easement Approval	90 days
23	Legal Description of Easement	2 wks
24	Land Commission Approval	4 wks
25	BIA Approval	12 wks
26	CIP Phase IV - Project Bidding & Construction	200 days
27	Bidding and Negotiation	4 wks
28	Contract Award	4 wks
29	Construction	30 wks
30	Substantial Completion	0 days
31	Final Completion	2 wks
32	Grant Timelines	133 days
33	Submit Grant Application	1 day
34	Awaiting Grant Review	6.5 mons
35	Grant Award Notification	0 days

XI. Appendix

A. None.

Capital Improvement Process (CIP) - Client Division Director Approval Form

To: Susan House – Interim GSD Division Director

Through: Carol Moore - Transit Manager


From: Sam VanDen Heuvel - Project Manager

Date: December 10, 2019

Re: Oneida Public Transit Garage CDC# 04-022

I have reviewed the attached document identified below for the above noted project and approve of the project moving into the next phase of the CIP Process

- ☐ Concept Paper – dated:
☒ CDC Package – dated December 6, 2019:



Susan M. House
2019.12.10 10:23:56 -06'00'

Susan House – Interim GSD Division Director

Date

Form CIP-05
Rev. Dec. 4, 2017

PHASE ONE: Capital Improvement Approval Form

Form CIP-02 (Rev. 9/2003)

Project Name: <u>Oncider Transit Garages</u>		Project Number: <u>04-022</u>	
Project Manager: <u>Troy Paris</u>		Date of CIP Pkg Completion: <u>4/27/05</u>	
1	Facilities Management Team	<u>Meeting May 3</u> <u>Reply Due May 17</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>5-3-05</u>	Comments: <u>2:00</u>	
2	Planning Department	<u>Reply Due May 11th</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>No Reply</u>	
3	Environmental Department	<u>Reply Due May 11th</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>5-11-05</u>	Comments: <u>See attached</u>	
4	Facilities Planning Committee	<u>Meeting May 3rd</u> <u>Reply Due May 17</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>5-3-05</u>	Comments: <u>8:00</u>	
* 5	Land Commission	<u>Meeting May 9th</u> <u>Reply Due May 25</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>5:00</u> <u>No Reply</u>	
6	Utilities Department	<u>Reply Due May 11th</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>No Reply</u>	
7	Arts Board	<u>Meeting May 12th</u> <u>Reply Due May 26th</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>6:00</u> <u>No Reply</u>	
8	Environmental Resources Board	<u>Meeting May 5th</u> <u>Reply Due May 19th</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>6:00</u> <u>No Reply</u>	
9	Chief Financial Officer	<u>Reply Due May 11th</u>	
	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date:	Comments: <u>No Reply</u>	
* 10	Senior Management Team	<u>Meeting May 19th</u> <u>Reply Due June 2nd</u>	
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>6-14-05</u>	Comments: <u>11:30</u>	
11	Development Director		
	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>6-15-05</u>	Comments:	

Oneida Tribe of Indians of Wisconsin

PO Box 365
3759 W. Mason St.
Oneida, WI 54155

Environmental, Health & Safety Area

Phone: (920) 497-5812
Fax: (920) 498-7883

MAIN OFFICE

Administration
Health & Industrial Services
Environmental Quality
Eco-Services



CONSERVATION FIELD OFFICE

N8305 Olson Road, Oneida, WI 54155
Phone: (920) 869-1450
Fax: (920) 869-2743

TO: Pat Wood, Engineering Document Controller
FROM: Pat Pelky, Assistant GSD Director
DATE: May 11, 2005

RE: Oneida Transit Garage # 04-022

Pat,

Attached is a comment from the Environmental, Health & Safety Area:

Jim Snitgen, Water Resource Team Leader:

Although I do not have any specific comments regarding the construction of this facility until there is a site selected, I will note that the project will require coverage under the Construction Site Stormwater General Permit (EPA).

Oneida Business Committee Agenda Request

Determine next steps regarding the 2020 Special Election

1. Meeting Date Requested: 01 / 08 / 20**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:

Vicki Cornelius, Election Board Chairperson

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 Memo.

- 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

MEMORANDUM

To: Oneida Business Committee

From: Vicki Cornelius, Election Board Chairperson *vc*

Subject: Postpone 2020 Election or Declare Winner by Acclamation

Date: December 31, 2019

On behalf of the Oneida Election Board, per formal action by the Board meeting held December 30, 2019, I hereby recommend to the Oneida Business Committee the 2020 Special Election be postponed from Saturday, January 25, 2020 to Saturday, February 29, 2020 or that the only candidate to be placed on the ballot be declared winner by acclamation.

The recommendation is based off the following:

- Only one (1) eligible candidate.
- Cost to hold an election for one (1) vacancy with one (1) candidate.
- Delay in psychological testing completion with the previous Vendor unable to conduct exam(s) due to unforeseen circumstances.
- Inability to order ballots in advance of payment provided to the Vendor.
- Election Law currently silent of declaring a winner by acclamation with one (1) candidate.

Currently, there is one eligible candidate running unopposed for this vacancy – which is the only position on the ballot.

If an election is held for this one candidate, it will cost the following in Tribal Contribution dollars based on the 2019 Special Election:

TYPE	AMOUNT	TYPE	AMOUNT
Printing	\$1,435	Meals	\$843
Stipends	\$1,765	Travel	\$3,692
*Ballots/Flash Drives	\$1,354	TOTAL	\$8,246

*number in ballots may decrease due to voter turnout for one position on ballot.

Next Steps:

Due to the Election Law being silent to this situation and no precedent being set, the Oneida Election Board is recommending the only eligible candidate, be declared winner of the Appellate Court Judge position by acclamation or to postpone the election to February 29, 2020 to give the board time to contact vendor for supplies, contact printing for notices and ballots, and to give the membership notice of this election.

If you have any questions or concerns regarding this request, let me know.

Yawa?kó.

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel
Kelly M. McAndrews | Senior Staff Attorney

Michelle L. Gordon
Carl J. Artman
Krystal L. John

Law Office



M E M O R A N D U M

TO: Oneida Business Committee
Cc: Oneida Election Board

FROM: Jo Anne House, Chief Counsel

DATE: January 2, 2020

SUBJECT: Election Law – Referendum – No Contested Positions on Ballot

Digitally signed
by Jo Anne House
Date: 2020.01.02
12:06:14 -06'00'

You have received a request from the Election Board regarding the upcoming Special Election scheduled in February. The election was originally scheduled to fill one vacant judicial position on the Judiciary. There were two candidates nominated at the caucus and one referendum question submitted. Only one candidate finalized the application and remains eligible to be elected to the position.

A prior legal opinion dated November 19, 2017 was forwarded to the Election Board to assist in their decision making regarding the Special Election. There were two positions on the ballot – a vacancy on the Judiciary and the GTC Legal Resource Center Attorney.¹ The 2017 opinion identified that, while the Election Law was silent, there were options available. In that circumstance, the Election Board could cancel the election in a manner like other jurisdictions consistent with the Election Law – i.e., canceling the scheduled election and submitting a final report regarding the unopposed candidate. In the end, the Special Election was held because two candidates qualified for the vacant judiciary position.

The difference in this case is that there was a referendum question submitted at the caucus. Section 102.12-9 identifies that “voters may indicate opinions on any ...[question]...in a special referendum election.” Section 102.12-5 identifies that “matters subject to a Special Election, i.e. referendum...may be placed on the same ballot as the subject matter of an election” It appears that a referendum itself cannot be the cause of a Special Election, it can only be part of a Special Election already called for another reason. In this case, the judicial vacancy.

The question remains, if the vacancy is uncontested, should the referendum question demand that voting take place. Although it is the discretion of the Election Board, the answer would be consistent with the 2017 legal opinion. Nothing in this portion of the Election Law has changed suggesting that a different outcome would take place.

¹ The GTC Legal Resource Center Attorney position was not placed on the ballot as there were no candidates for that position.

Page 2

The Election Board has recommended that the uncontested candidate be declared the winner. This is consistent with the review set forth above since a referendum cannot be the sole basis of calling a Special Election, and there is no reason for hosting the voting portion of the Special Election. The author of the referendum question would then need to be notified by the Election Board that the question will need to be resubmitted at the next available election.

Recommended Action: Motion to accept the December 31, 2019 report as the Final Election report in accordance with section 102.11-12 of the Election Law and requests the Tribal Secretary to provide the appropriate notice to the winning candidate to take the oath of office.

If you have further questions, please contact me.

Oneida Business Committee Agenda Request

Approve two (2) actions regarding BC resolution # 05-08-19-B

1. Meeting Date Requested: 01 / 08 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

- 1) accept the request from the Oneida Election Board to amend resolution BC-05-08-19-B; and
2) defer the request the Legislative Operating Committee to bring an amendment for 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: Vicki Cornelius, Election Board Chairperson

Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____

Name, Title / Dept.

Additional Requestor: _____

Name, Title / Dept.

MEMORANDUM

To: Oneida Business Committee

From: Vicki Cornelius, Election Board Chairperson *VC*

Subject: Request to Revise Boards, Committees, Commissions Law Stipends

Date: December 30, 2019

On behalf of the Oneida Election Board, per formal action by the Board at a meeting of December 30, 2019, I hereby request the following revisions of the Boards, Committees, and Commissions Law Stipend (BC Resolution #05-08-19-B) under section 5. *Miscellaneous Stipends*.

Current:

b. Election Activities. A member of the Oneida Election Board shall receive a stipend of ten dollars (\$10) per hour for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.

Revision:

b. Election Activities. A member of the Oneida Election Board shall receive a stipend of twenty-five dollars (\$25) per hour with a max of \$200 per day for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.

The reasoning is during the election cycle there are a lot of duties we must accomplish in a short period of time, including but not limited to: setting up the caucus; the recount process, which the Board takes seriously and could take hours itself; and working the polls the day of the election. The boards application numbers have decreased significantly since this has been put into place as well. Finding enough workers to be in accordance with the Election Law has been rather difficult the last election. If there was a fair compensation, more would be likely to apply.

Also under section 5. *Miscellaneous Stipends. A. Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow not to exceed two hundred dollars (\$200) per day, contingent upon available budget.

It should be consistent across all boards, committees, and commissions whether they are appointed or elected.

If you have any questions or concerns regarding this request, let me know.

Oneida Nation

Post Office Box 365

Phone: (920) 869-2214



Oneida, WI 54155

BC Resolution # 05-08-19-B

Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends

- 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 Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida Business Committee through resolution BC-5-14-97-F and amended by resolutions BC-09-27-06-E, BC-09-22-10-C, and most recently BC-09-26-18-C; and
- WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board, committee, and commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for the boards, committee, or commission for the betterment of the Nation; and
- WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution; and
- WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided for stipends and, based on the availability of funds, shall adjust those amounts accordingly by amending this resolution; and
- WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, "*Boards, Committees, and Commissions Law Stipends*" which set forth the specific stipend amounts allowed to be paid to a member of a board, committee, or commission; and
- WHEREAS,** on April 10, 2019, the Oneida Business Committee received a request from the Oneida Nation School Board to amend resolution BC-09-26-18-D to allow the Oneida Nation School Board to receive a stipend for participating in the hiring process for Oneida Nation School System Personnel; and
- WHEREAS,** the Oneida Nation School Board is required by the March 21, 1988, memorandum of agreement between the Oneida Nation School Board and the Oneida Business Committee to perform all hiring, evaluations, promotions, suspensions and/or dismissals of all personnel employed in the operation of the Oneida Tribal School; and
- WHEREAS,** the Oneida Business Committee adopted a motion on April 10, 2019, to accept the request from the Oneida Nation School Board to amend resolution BC-09-26-18-D and to defer the

BC Resolution # 05-08-19-B
Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends
Page 2 of 3

request the Legislative Operating Committee and the Legislative Reference Office to bring back a recommendation which would support the request to include a stipend for HR functions; and

WHEREAS, the Legislative Operating Committee and the Legislative Reference Office have reviewed the matter and provided this resolution to amend resolution BC-09-26-18-D.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee sets forth the following stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:

1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called meeting of the board, committee, or commission in accordance with the Law.
 - a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called meeting of the board, committee, or commission for up to one (1) meeting per month.
 - i. Appointed boards, committees, and commissions of the Nation include the following:
 1. Anna John Resident Centered Care Community Board;
 2. Oneida Community Library Board;
 3. Environmental Resource Board;
 4. Oneida Nation Arts Board;
 5. Oneida Nation Veterans Affairs Committee;
 6. Oneida Personnel Commission;
 7. Oneida Police Commission;
 8. Oneida Pow-wow Committee;
 9. Pardon and Forgiveness Screening Committee; and
 10. Southeastern Oneida Tribal Services Advisory Board.
 - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called meeting of the boards, committee, or commission for up to two (2) meetings per month.
 - i. Elected boards, committees, and commissions of the Nation include the following:
 1. Oneida Nation Commission on Aging;
 2. Oneida Election Board;
 3. Oneida Land Claims Commission;
 4. Oneida Land Commission;
 5. Oneida Nation School Board;
 6. Oneida Trust Enrollment Committee; and
 7. Oneida Gaming Commission;
 - a. Although the Oneida Gaming Commission is an elected commission of the Nation, the Oneida Nation Gaming Ordinance provides that the compensation of Oneida Nation Gaming Commissioners is not subject to the Nation's Boards, Committees, and Commissions law.
 2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or commission of the Nation shall receive a stipend for attending a duly called joint meeting between the board, committee, or commission and the Oneida Business Committee in accordance with the Law.

BC Resolution # 05-08-19-B
Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends
Page 3 of 3

- a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board, committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75) for a duly called joint meeting.
 - b. *Elected Boards, Committees, and Commissions.* A member of an elected board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) for a duly called joint meeting.
3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee, or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official hearing of the board, committee, or commission.
5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine any other stipends deemed appropriate.
 - a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted funds.
 - b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ten dollars (\$10) per hour for services he or she provides during an election including, but not limited to, managing the polling site, recounts, and lot drawings.
 - c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a stipend of one hundred dollars (\$100) for attendance and service provided at a General Tribal Council meeting of the Nation.
 - d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in interviews and/or job description pre-screens.
6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training that is required by law, bylaw, or resolution.

BE IT FINALLY RESOLVED, that this resolution hereby adopted and shall be effective immediately.

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; 6 members were present at a meeting duly called, noticed and held on the 8th day of May, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 5 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."

Approve the memorandum of Understanding addendum Appendix B Between the State of WI,...

Overhead Business Committee Agenda Request

1. Meeting Date Requested: 1 / 08 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Requesting approval to add MOU Addendum (Appendix B) with the State of Wisconsin, Department of Children and Families, Bureau of Child Support due to the IRS revised federal regulations on safeguarding tax information for Federal, State, and Local Agencies.

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: Trina Schuyler/Child Support Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Susan House-Interim GSD Director
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 Oneida Nation Child Support Agency is required to comply with new federal regulations of IRS Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies. The IRS adopted new requirements that include a personnel security program for all those with access to Federal Tax Information (FTI). Oneida Nation Child Support uses the State KIDS system that receives FTI. This requires Oneida Nation Child Support to comply with IRS Publication 1075 to maintain access and obtain FBI fingerprinting background checks for all employees with FTI access.

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

ONEIDA LAW OFFICE**CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Trina B. Schuyler
Child Support Enforcement Agency

Use this number on future correspondence:

2019-0668

FROM: Michelle L. Gordon, Staff Attorney

Michelle L. Gordon Digitally signed by Michelle L. Gordon
Date: 2019.07.03 14:34:40 -05'00'

DATE: July 3, 2019

RE: Wisconsin State Dept of Children and Families-
MOU Tribal IV-D Programs Addendum

Purchasing Department Use

Contract Approved

NA

Contract Not Approved

(see attached explanation)

If you have any questions or comments regarding this review, please call 869-4327.

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ The document is in appropriate legal form. (*Execution is a management decision.*)
- ✓ Requires Business Committee approval prior to execution, as the document is a government to government agreement and requires the signature of the Chair of Vice-Chair.

If this contract is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, the following information should be submitted along with the agenda review request and contract.

1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?
2. Were three bids obtained? If not, why not?
3. Was any other vendor willing to remove sovereign immunity issues?
4. What is the cost of going to another vendor?

**MEMORANDUM OF UNDERSTANDING
ADDENDUM APPENDIX B**

Between

**The State of Wisconsin,
Department of Children and Families,
Bureau of Child Support**

AND

Oneida Nation Child Support Agency

INTRODUCTION:

Tribal IV-D Programs may possess participants' Federal Tax Information (FTI) that is protected by federal and state law. The IRS revised the federal regulations on safeguarding in [Internal Revenue Service Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies](#) (IRS Publication 1075). The IRS adopted new requirements that include a personnel security program for all employees, contractors, and sub-contractors with access to FTI. The Kids Information Data System (KIDS) contains FTI in the form of names, addresses, and federal tax offset related information, while the OCSE Child Support Portal (CSP) and some Control-D reports provide access to FTI.

In order to comply with the new regulation, the State of Wisconsin enacted 2017 Wisconsin Act 154, which authorizes fingerprinting and background investigations. The Wisconsin Tribes are sovereign entities; therefore, there is nothing in State statute that would be binding on a Tribal IV-D Program. However, the Tribal IV-D Programs have requested access to this information and because the tribes contract with the State for access to the KIDS system, they must comply with IRS Publication 1075 requirements in order to maintain that access.

To satisfy the intent of the federal law, the Tribal IV-D Program agrees to comply with all safeguarding requirements in accordance with IRS Publication 1075. Tribal IV-D Programs need to ensure that background investigation policies that satisfy the intent of Section 5.1.1. of IRS Publication 1075 are established and to complete background investigations that are favorably adjudicated.

This Addendum represents the processes and procedures, which will be used to ensure compliance. This Addendum is in addition to the Service Agreement between the **Oneida Nation Child Support Agency** and the Bureau of Child Support.

BACKGROUND INVESTIGATIONS:

A. Tribe Responsibilities

IRS Publication 1075 states that minimum standards for the personnel security policy need to incorporate several components. At a minimum, the Tribal IV-D Program needs to:

1. Develop a written policy that requires existing and new employees, contractors, and sub-contractors with access to FTI to complete a background investigation, which is favorably adjudicated.
2. Ensure that the policy identifies the **process, steps, timeframes and favorability standards** that the Tribal IV-D Program has adopted. The Tribal IV-D Program may adopt the favorability standards in CSB 18-11, or may develop its own standards specific to FTI access.
3. Ensure that background investigations for any individual granted access to FTI includes, at a minimum:
 - a) FBI fingerprinting - review of Federal Bureau of Investigation (FBI) fingerprint results conducted to identify possible suitability issues.
 - b) Check of local law enforcement agencies where the subject has lived, worked, and/or attended school within the last 5 years, and if applicable, of the appropriate agency for any identified arrests.
 - c) Citizenship/residency – Validate the subject’s eligibility to legally work in the United States (e.g., a United States citizen or foreign citizen with the necessary authorization).
4. Ensure a reinvestigation is conducted within 10 years from the date of the previous background investigation for each employee and contractor requiring continued access to FTI.
5. Make background investigation policies, procedures, and samples of completed employee, contractor or sub-contractor background investigations available for inspection during IRS Office of Safeguard onsite audits.

Process

Each Tribal IV-D Program must:

1. Identify a Background Check Coordinator, who is the designated individual who facilitates the background investigation process and will serve as a point of contact for BCS for future communication.
2. Identify all employees, contractors, or sub-contractors who currently have access to FTI and initiate a background investigation, which meets these standards as soon as practicable. CSL 18-09 provides guidance on identifying who must undergo a background investigation.
3. Obtain FBI and DOJ background checks for all those identified in #2 immediately above by submitting fingerprints to WI-DOJ and the FBI via the vendor (currently FieldPrint). The Background Check Coordinator will provide the employee, contractor, or sub-contractor, or potential employee, contractor or sub-contractor for whom the background investigation is being conducted with contact information for Fieldprint, and the tribe’s Wisconsin Online Record Check System (WORCS) account number that will need to be given to Fieldprint when registering for an appointment.

4. Check with local law enforcement agencies for any non-Wisconsin jurisdictions in which the current employee, contractor, or sub-contractor, or potential employee, contractor, or sub-contractor has lived, worked, or attended school within five years from the date of IRS Publication 1075-compliant background investigation by utilizing processes appropriate to the circumstances.

5. Determine eligibility to work in the United States.

a. For new employees only, validate their eligibility to work legally in the United States (e.g., a United States citizen or foreign citizen with the necessary authorization). This will include:

i) Completion of USCIS Form I-9.

ii) Within three (3) days of completion of Form I-9, process the newly hired employee through E-Verify.

b. For new contractors or subcontractors, the contracting agency will be required to provide documentation validating the candidate's eligibility to work legally in the United States.

6. Establish suitability criteria for making favorability determinations based on background checks prior to providing access to FTI. CSB 18-11 provides guidance on making suitability determinations.

Timeframe

Before permitting access to FTI and, at least, every 10 years thereafter, the Tribe must complete a background investigation that satisfies the intent of IRS Publication 1075 and apply the favorable adjudication standards to make the required suitability determination. The tribe may work with its Human Resource department to complete the background investigations.

Current Employees, Contractors and Sub-Contractors:

1. Initial background investigations for current employees, contractors, and sub-contractors must be completed within six (6) months from the date this Contract Addendum is signed by all parties.
2. Subsequent IRS Publication 1075-compliant background investigations for employees, contractors, and sub-contractors must be initiated at least every nine years and six months from the completion date of the previous background investigation. The Tribal IV-D Program shall be responsible for monitoring when subsequent background investigations are due.

New Employees, Contractors and Sub-Contractors:

In recognition of the transition period that Tribal IV-D Program will need to implement the background investigation process, any new employee, contractor, or sub-contractor hired after the date this Contract Addendum is signed by all parties, will temporarily follow under the same timeline as a current employee, contractor, or sub-contractor, meaning the deadline to complete their background investigation will be six (6) months after the Contract Addendum is signed by all parties. However, when the Tribal IV-D Program has established its background investigation process, and it is fully functional, then new employees and contractors hired after that date, will need to be successfully adjudicated before they are granted access to FTI. The tribe will be considered to be fully functional once it has completed its first adjudication. Favorably adjudicated background investigations must be completed before submitting the Request for Access to FTI.

B. State Responsibilities

1. The State will provide the Tribal IV-D Program with access to all existing guidance materials, including: *CSB 18-11, CSL 18-03, CSL 18-08, CSL 18-09, CSL 18-10, CSL 19-02, Fact Sheet - Conducting Background investigations, Background Investigation FAQs, Webinars and PowerPoint presentations*. Additional supporting documentation is available on the Resource Page titled Background Investigation found on the Child Support Program Resource (CSPR) website.

2. For reimbursement purposes, the Bureau of Child Support will request from the Tribal IV-D Program a list of individuals with access to FTI who need to undergo a background check. Employees, contractors, and sub-contractors of record when the list is submitted will be eligible for reimbursement. The Tribal IV-D Program will be responsible for the costs associated with individuals hired after that date. BCS will reimburse the following fees for individual submitted on the original list:

Fieldprint	FBI	WI-DOJ	TOTAL
\$7.75	\$13.25	\$15.00	\$36.00

* *There is no provision to reimburse for mileage.*

3. The Bureau of Child Support will provide ongoing guidance by answering any questions the Tribal IV-D Program may have. Questions should be directed to BCS via the KIDPOL Request Form with the subject line Background Investigation.

Authorized Signatures:

For the Wisconsin Department of Children and Families, Division of Family and Economic Security:

Connie Chesnik,
Administrator, Division of Family and Economic Security

Date

Jeff Pertl,
Deputy Secretary

Date

For the Oneida Nation Child Support Agency:

Oneida Chairman Tehassi Hill

Date

Enter the e-poll results into the record regarding the transfer of UWGB Basketball Tickets and Parking...

Business Committee Agenda Request

1. Meeting Date Requested: 01/08/20

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: e-poll results, request, and back up

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

From: TribalSecretary
Sent: Wednesday, December 18, 2019 4:39 PM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Kirby W. Metoxen; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill
Cc: BC_Agenda_Requests; Brian A. Doxtator; Danelle A. Wilson; Fawn J. Billie; Jameson J. Wilson; Jessica L. Wallenfang; Laura E. Laitinen-Warren; Leyne C. Orosco; Rhiannon R. Metoxen; Rosa J. Laster; Simone A. Ninham
Subject: E-POLL RESULTS: Transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing
Attachments: BCAR Transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing.pdf
Importance: High

E-POLL RESULTS

The e-poll to transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing, has been approved. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Jennifer Webster

Lisa Liggins
Information Management Specialist
Business Committee Support Office (BCSO)



A good mind. A good heart. A strong life.

P.O. Box 365
Oneida, WI 54155-0365
oneida-nsn.gov

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Monday, December 16, 2019 4:34 PM
To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Brian A. Doxtator <bdoxtat2@oneidanation.org>; Jameson J. Wilson <jwilson@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Laura E. Laitinen-Warren <LLAITINE@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Rosa J. Laster <rlaster@oneidanation.org>
Subject: E-POLL REQUEST: Transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing
Importance: High

E-POLL REQUEST

Summary:

The UWGB Basketball Tickets and Parking Passes to Joint Marketing were received by the BC Support Office on 12/10/19. An e-poll is requested to determine how the tickets should be distributed as required by the Ticket Distribution SOP.

Requested Action:

Transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing

Deadline for response:

Responses are due no later than **4:30 p.m., TUESDAY, December 17, 2019,**.

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins

Information Management Specialist

Business Committee Support Office (BCSO)



A good mind. A good heart. A strong fire.

PO Box 365

Oneida, WI 54155-0365

Oneida-nsn.gov

Oneida Business Committee Agenda Request

1. Meeting Date Requested: / /

2. General Information:

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

Agenda Header:

New Business

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

Transfer the UWGB Basketball Tickets and Parking Passes to Joint Marketing

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

1.

Ticket Distribution Form
3.

Notes from BC Officers Meeting
2.

Inventory
4.

Ticket Distribution SOP

☐ 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:

Lisa Liggins, Information Management Specialist

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:

Of the three options allowed for in the SOP, the OBC Officers recommend transferring to Joint Marketing.

Thank you.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee
TICKET DISTRIBUTION FORM

Page 1 of ____

Description of tickets received: WUGB Basketball Tickets & Parking Passes

Date tickets received by the Business Committee Support Office: 12-10-19

Total number of tickets received: 156

Verified by: Debbie Melchert [Signature] 1564
Printed Name Signature Employee #

Cheryl Skolaski Cheryl Skolaski 5771
Printed Name Signature Employee #

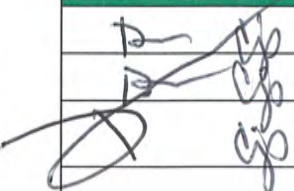
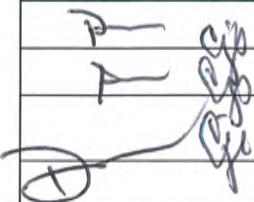
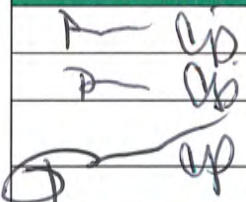
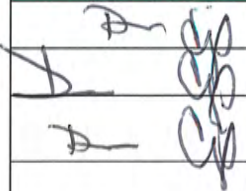
Source of tickets (i.e. donation, contract sponsorship):

Donation

UWGB Sponsorship tickets for Oneida Youth 2019-2020

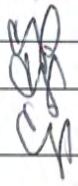
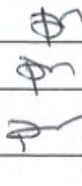
Physical Inventory:

Date	11/12/2019		
Performed By	Rhiannon RC Metoxen	OBC	Vice-Chairman Office

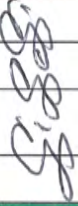
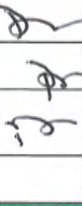
		Date Received	Print Name	Signature
November 25th, 2019 GAME 3 - GB vs. CSUN @ Kress Events Center				
	Parking Pass			
	Parking Pass			
	4 Tickets Section 102 Row E Seats 11 - 14			
	Total = 4 Tickets			
November 26th, 2019 GAME 4- GB vs. Colgate @ Kress				
	Parking Pass			
	Parking Pass			
	4 Tickets Section 102 Row E Seats 11 - 14			
	Total = 4 Tickets			
December 14th, 2019 GAME 5 - GB vs. Evansville @ Resch Center				
	Parking Pass			
	Parking Pass			
	4 Tickets Section 209 Row D Seats 11-14			
	Total = 4 Tickets			
December 18th, 2019 GAME 6 – GB vs. Concordia University Chicago @ Kress				
	Parking Pass			
	Parking Pass			
	4 Tickets General Admission			
	Total = 4 Tickets			

		Date Received	Print Name	Signature
January 3rd, 2020 GAME 7 – GB vs. UIC Flames @ Resch Center				
	Parking Pass			
	Parking Pass			
	4 Tickets Section 209 Row D Seats 11 -14			
	Total = 4 Tickets			
January 5th, 2020 GAME 8 – GB vs. IUPUI Jaguars @ Resch				
	Parking Pass			
	Parking Pass			
	4 Tickets Section 209 Row D Seat 11			
	Total = 4 Tickets			
January 11th, 2020 GAME 9 – GB vs. Milwaukee				
	Parking Pass			
	Parking Pass			
	4 VIP Tickets Section VIPSE Row A Seat 5 - 8			
	4 Tickets Section 209 Row D Seat 11- 14			
	100 Tickets Section 223 Row D Seats 1 -17 Row E Seats 1 -13 Row F Seats 1 – 15 Row G Seats 1 – 16 Row H Seats 1 – 11 Row J Seats 1 – 15 Row K Seats 1 -13			
	Total = 108 Tickets			
	January 16th, 2020 GAME 10 - GB vs. Oakland @ Resch			
	Parking Pass			
	Parking Pass			
	4 Tickets Section 209 Row D Seats 11 - 14			
	Total = 4 Tickets			

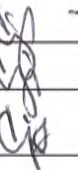
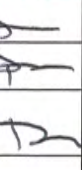
January 18th, 2020
GAME 11 - GB vs. Detroit Mercy Titans
@ Resch

	Parking Pass			
	Parking Pass			
	4 Tickets			
	Section 209 Row D Seats 11 - 14			
	Total = 4 Tickets			

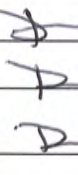
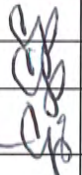
January 31st, 2020
GAME 12- GB vs. Northern Kentucky
@ Kress

	Parking Pass			
	Parking Pass			
	4 Tickets			
	Section 102 Row E Seats 11 - 14			
	Total = 4 Tickets			

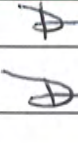

February 2nd, 2020
GAME 13 - GB vs. Wright State
@ Resch Center

	Parking Pass			
	Parking Pass			
	4 Tickets			
	Section 209 Row D Seats 11-14			
	Total = 4 Tickets			

February 27th, 2020
GAME 14 - GB vs. Youngstown
@ Resch

	Parking Pass			
	Parking Pass			
	4 Tickets			
	Section 209 Row D Seats 11 - 14			
	Total = 4 Tickets			

February 29th, 2020
GAME 15 - GB vs. Youngstown
@Kress

	One Parking Pass			
	4 Tickets			
	Section 102 Row E Seats 11 - 14			
	Total = 4 Tickets			

Debbie J. Melchert

From: Rhiannon R. Metoxen
Sent: Wednesday, December 11, 2019 11:07 AM
To: Debbie J. Melchert
Cc: Lisa M. Summers
Subject: UWGB mens tickets

Please see the following snip from the December 4th BC Officers meeting, I handed over tickets to the BCSO in 12/11/2019.

Thank you for your help!

8. UWGB Men's Bball Sponsorship – BYS –
LS – Transparency purposes with the SOP – No way to address procedure. Give it to joint marketing let them decide what they want to do. I would suggest giving to joint marketing. Bring to next work session. Adding on youth specific activities on to here.
BYS – I would first like to have Committee to attend some games
BYS – Send a plan to joint marketing – Support office will contact joint marketing – we have a procedure and v already have a distribution plan – just need to transfer to them and they take care of the rest.
BYS – add to Work Session to possibly change SOP to add these types of items.

Yaw^ko,

Rhiannon "RC" Metoxen, MTAG
Office of Vice-Chairman Brandon Stevens
Oneida Business Committee
rmetoxe2@oneidanation.org
PH: (920) 869 – 4469



A good mind. A good heart. A strong fire.

- 3.3 Where the dates fall on a Saturday, Sunday, or holiday the deadline shall be construed to be the close of business on the following business day.

4.0 PACKERS TICKETS

- 4.1 In the event Packers Tickets are available for Tribal members, the following timelines and procedure will be followed. This procedure applies only to Packers Tickets for preseason games and regular season games.

June 1

- 4.2 BC Support Office sends a mailing to those Tribal members who are at least eighteen (18) years old on or before July 1.
- 4.3 Mailing includes:
- 4.3.1 Notice that a code of conduct is required in order to accept Packers tickets,
 - 4.3.2 Space for Tribal member to provide the required information:
 - 4.3.2.1 Name,
 - 4.3.2.2 Date of birth,
 - 4.3.2.3 Enrollment number, and
 - 4.3.2.4 Telephone number.
 - 4.3.3 Notice that required information must be returned to the BC Support Office no later than June 30 in order to be included in the Packers Ticket Drawing Pool.

July 1

- 4.4 Packers Ticket Drawing Pool is closed and includes only those Tribal members who returned the required information to the BC Support Office by June 30.
- 4.5 Deadline for Joint Marketing to provide notification to the BC Support Office of Packers Tickets available to Tribal members.

5.0 RECEIPTING AND PROCESSING TICKETS

- 5.1 Tickets are received by the Business Committee Support Office (BC Support Office).
- 5.2 BC Support Office:
- 5.2.1 Verifies the number of tickets received by double count.
 - 5.2.2 Completes any applicable paperwork indicating receipt of tickets.
 - 5.2.3 Completes applicable spaces on the Ticket Distribution Form. Ticket

Distribution Form must include:

- 5.2.3.1 Description of tickets received
- 5.2.3.2 Date tickets received by the BC Support Office
- 5.2.3.3 Source of tickets (i.e. donation, contract, sponsorship)
- 5.2.3.4 Date tickets disbursed and to whom
- 5.2.4 Provides copy of Ticket Distribution Form to the Secretary within one (1) business day.
- 5.3 Secretary adds Ticket Distribution Form to the next Business Committee meeting agenda for the consideration of how tickets will be distributed.
 - 5.3.1 Three options for consideration are:
 - 5.3.1.1 Random drawing
 - 5.3.1.1.1 A random drawing may be considered only if adequate time is available for the notification required in 3.2.
 - 5.3.1.2 First come, first serve
 - 5.3.1.2.1 Eligibility criteria for first come, first serve must be determined by the Business Committee (i.e. Tribal members, employees only, elders age 55 and over)
 - 5.3.1.3 Transfer tickets to Joint Marketing
 - 5.3.2 An E-poll may be used (See OBC SOP titled Conducting Electronic Voting (E-polls)).

6.0 RANDOM DRAWING

Prepare for random drawing

- 6.1 BC Support Office provides notice to the Enrollment Department of random drawing. Notice must include:
 - 6.1.1 Date of random drawing.
 - 6.1.2 Time of random drawing.
 - 6.1.3 Number of winners needed.
 - 6.1.4 Number of alternates needed.
 - 6.1.5 Criteria for random drawing pool.
- 6.2 BC Support Office provides notice to the Intergovernmental Affairs and Communications Department of random drawing. Notice must include:
 - 6.2.1 Date of random drawing.
 - 6.2.2 Time of random drawing.
 - 6.2.3 Number of winners that will be drawn.
 - 6.2.4 Date and Time winners may begin to claim their tickets.
 - 6.2.5 Deadline by which winners must claim their tickets.
- 6.3 BC Support Office reserves meeting space to conduct the drawing.

Pre-Drawing Activities

