Public Packet 1 of 254



### Oneida Business Committee

Executive Session 10:00 AM Tuesday, January 21, 2020 Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting 8:30 AM Wednesday, January 22, 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

A. Special recognition for years of service
Sponsor: Geraldine Danforth, Area Manager/Human Resources

B. Presentation of grants to Exxon/Mobil Education Alliance program recipients
Sponsor: Michele Doxtator, Area Manager/Retail Profits

### III. ADOPT THE AGENDA

#### IV. OATH OF OFFICE

A. Oneida Nation Arts Board - Amy L. Wilde Sponsor: Lisa Summers, Secretary

B. Oneida Election Board Ad Hoc Committee (GTC duties) - Candace House, Kalene White, and Tonya Webster

Sponsor: Lisa Summers, Secretary

#### V. MINUTES

A. Approve the Janaury 8, 2020, regular Business Committee meeting minutes Sponsor: Lisa Summers, Secretary

Public Packet 2 of 254

### VI. RESOLUTIONS

A. Adopt resolution entitled Modifying the Oneida Business Committee Regular Meeting Schedule

Sponsor: Lisa Summers, Secretary

B. Adopt resolution entitled Real Property Law Emergency Amendments

Sponsor: David P. Jordan, Councilman

### VII. APPOINTMENTS

A. Determine next steps regarding one (1) vacancy - Oneida Airport Hotel Corporation Board of Directors

Sponsor: Lisa Summers, Secretary

B. Determine next steps regarding three (3) vacancies - Oneida Youth Leadership Institute Board

Sponsor: Lisa Summers, Secretary

#### VIII. STANDING COMMITTEES

#### A. FINANCE COMMITTEE

- 1. Accept the December 30, 2019, regular Finance Committee meeting minutes Sponsor: Trish King, Treasurer
- 2. Accept the January 13, 2020, 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

2. Accept the Sanctions and Penalties for Elected Officals law materials and add to the tentatively scheduled March 16, 2020, special General Tribal Council meeting agenda

Sponsor: David P. Jordan, Councilman

### IX. TRAVEL REPORTS

A. Approve the travel report - Councilman Kirby Metoxen - 2020 AlANTA Board retreat - Palm Springs, CA - January 6-9, 2020

Sponsor: Kirby Metoxen, Councilman

Public Packet 3 of 254

#### X. TRAVEL REQUESTS

A. Approve the travel request - Councilman David P. Jordan - Census 2020 Tribal Forum - Milwaukee, WI - January 22-23, 2020

Sponsor: David P. Jordan, Councilman

B. Approve the travel request - Councilman David P. Jordan - Tribal Transportation Program Coordinating Committee conference - Albuquerque, NM - February 3-7, 2020

Sponsor: David P. Jordan, Councilman

C. Approve the travel request - Up to three (3) Business Committee members - MAST Impact Week 2020 - Washington DC - March 16-21, 2020

Sponsor: Lisa Summers, Secretary

D. Approve the travel request - Councilwoman Jennifer Webster - Administration of Children & Families Tribal Advisory Committee meetings - March-December 2020

Sponsor: Jennifer Webster, Councilwoman

#### XI. NEW BUSINESS

A. Approve the agreement - Outagamie County Department of Health and Human Services - file # 2020-0057

Sponsor: Debbie Thundercloud, General Manager

B. Review the Poker Rules of Play and determine appropriate next steps

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

C. Review five (5) Rules of Play and determine appropriate next steps

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

- 1. EZ Baccarat
- 2. Four Card Poker
- 3. Mississippi Stud
- 4. Ultimate Texas Hold'em
- 5. Roulette
- D. Review the Surveillance (Chapter 15) Oneida Gaming Minimum Internal Controls and determine appropriate next steps

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

E. Review the Card Games (Chapter 9) Oneida Gaming Minimum Internal Controls and determine appropriate next steps

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

F. Re-post one (1) vacancy - Oneida Community Library Board

Sponsor: Lisa Summers, Secretary

Public Packet 4 of 254

#### XII. GENERAL TRIBAL COUNCIL

A. Approve four (4) requested actions - Petitioner Nancy Dallas re: Hold on building Sponsor: Lisa Summers, Secretary

B. Approve four (4) requested actions - Petitioner Nancy Dallas re: Make a funeral home

Sponsor: Lisa Summers, Secretary

C. Approve the notice and the packet for the March 16, 2020, tentatively scheduled special GTC meeting

Sponsor: Lisa Summers, Secretary

#### XIII. EXECUTIVE SESSION

#### A. REPORTS

1. Accept the Community and Economic Development Division FY-2020 1st quarter executive report (11:30 a.m.)

Sponsor: Debbie Thundercloud, General Manager

 Accept the Comprehensive Health Division FY-2020 1st quarter executive report (1:30 p.m.)

Sponsor: Debbie Thundercloud, General Manager

3. Accept the Comprehensive Housing Division FY-2020 1st quarter executive report (2:00 p.m.)

Sponsor: Debbie Thundercloud, General Manager

4. Accept the Environmental, Health, Safety and Land Division FY-2020 1st quarter executive report (2:30 p.m.)

Sponsor: Debbie Thundercloud, General Manager

5. Accept the Governmental Services Division FY-2020 1st quarter executive report (3:00 p.m.)

Sponsor: Debbie Thundercloud, General Manager

6. Accept the Internal Services Division FY-2020 1st quarter executive report (3:30 p.m.)

Sponsor: Debbie Thundercloud, General Manager

7. Accept the Public Works Division FY-2020 1st quarter executive report (4:00 p.m.)

Sponsor: Debbie Thundercloud, General Manager

8. Accept the Chief Counsel report

Sponsor: Jo Anne House, Chief Counsel

9. Accept the General Manager report

Sponsor: Debbie Thundercloud, General Manager

Public Packet 5 of 254

# 10. Accept the Intergovernmental Affairs, Communications, and Self-Governance January 2020 report

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

#### B. AUDIT COMMITTEE

1. Determine next steps regarding the Information Technology Compliance Audit follow-up request

Sponsor: David P. Jordan, Councilman

2. Determine next steps regarding the Tickets & Merchandise Distribution follow-up audit

Sponsor: David P. Jordan, Councilman

#### C. NEW BUSINESS

 Review application(s) for one (1) vacancy - Oneida Airport Hotel Corporation Board of Directors

Sponsor: Lisa Summers, Secretary

2. Review application(s) for three (3) vacancies - Oneida Youth Leadership Institute Board

Sponsor: Lisa Summers, Secretary

3. Review and approve 2020 Annual Project Targets with BC DR10

Sponsor: OBC Officers

4. Approve the attorney contract - Hobbs Straus Dean and Walker LLP - file # 2019-1383

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

### XIV. 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

### **Oneida Business Committee Agenda Request**

Special recognition for years of service

1. Meeting Date Requested: 01 / 22 / 20
2. General Information:
Session: 🔀 Open 🔲 Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Announcement/Recognition
Accept as Information only
1st Quarter 2020 - October - December - Presentation of Years of Service Certificates and Awards to eleven (11) employees by their immediate supervisor along with the Business Committee.
3. Supporting Materials  ☐ Report ☐ Resolution ☐ Contract  ☑ Other:
1. List of employees to be recognized 3.
2. 4.
Business Committee signature required  4. Budget Information
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission  Heralalue R. Lawren
Authorized Sponsor / Liaison: Geraldine Danforth, Area Manager/Human Resource Department
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	C	N/I		
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Describe the	nurnose	background	/history	and	action	requested:
Describe the	puipose,	Dackground	/ I II S LOI y,	unu	action	requesteu.

ployees who	have reached th	uarterly basis, with a ne 25+ years milesto o the Years of Servio	ne. With the a	nd the Busine ssistance fror	ess Commi n each sup	ttee to recogn ervisor, HRD v	ize vill creat
		*					
					**		

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Public Packet 8 of 254

# 1st Quarter Years of Service Recipients October - December, FY 2020

Name	Emp #	Supervisor Name	ADOH	Years	
CLUCKEY,RICHARD D	763	BUCKLEY, JOANIE L	Oct 15, 1984	35	Declined
METOXEN,BARBARA R	5562	SMITH,DELIA M	Oct 16, 1984	35	Declined - Blanket #2
KING,ELLEN	405	NINHAM, JEANETTE L	Oct 29, 1984	35	Declined - Blanket #3
SKENANDORE,SARA A	2599	ANDERSON, JENNIFER J	Oct 1, 1994	25	Yes - Blanket #1
LAWE,JESSIE P	5801	SKENANDORE,JR,ARTLEY M	Oct 3, 1994	25	Yes - Blanket #3
CHARLES,ROXANNE L	8165	DANFORTH,SUSAN M	Oct 4, 1994	25	Declined - Blanket #3
KRIESCHER,MARI J	1954	VIR,RAVINDER	Oct 5, 1994	25	Yes - Blanket #3
RICHMOND,COREY J	8090	REED,WILLIAM J	Nov 13, 1994	25	Yes - Blanket #3
BECKER,LAURIE J	2860	BERG-HARGROVE, JENNIFER S	Nov 21, 1994	25	Yes - Blanket #2
SKENANDORE,TANYA M	2862	TORREZ,THERESA M	Dec 7, 1994	25	Yes - Blanket #1
JOHNSON,BERNARD W	3119	SMITH,WESLEY J	Dec 21, 1994	25	Rem sent 12-13, 12-20, 1-2

# Presentation of grants to Ferran Mohil Education Allian reprogram recipients

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:
Session:   Open   Executive - See instructions for the applicable laws, then choose one:
Other - type reason
Agenda Header: Announcement/Recognition
Accept as Information only
☐ Action - please describe:
Recognition and award of \$500 grant (checks) to six different schools.
Grant is being funded by the Exxon/Mobil Education Alliance program in cooperation with the Oneida One Stops and Oneida Casino Travel Center
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  Approved by: Michele Doxtator, Area Manager/Retail Profits
Authorized Sponsor / Liaison:
Primary Requestor/Submitter: Angela Parks, Oneida Retail Category Manager  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:

Each year Oneida Retail submites schools for a \$500 grant offered to the Retailer who then provides the funds to the schools. The funds are remibursed by the Exxon Mobil Education Alliance program after retailer presents funds to school/s.							
The schools being a Lannoye ES, and On		each this year are: Oneida	a HS, Oneida ES, Pioneer E	S, Freedom MS,			
		to ensure the award winn neida Nation and are as a					

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Public Packet 11 of 254

### **Oneida Business Committee Agenda Request**

Oneida Nation Arts Board - Amy L. Wilde

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:  Session:   Open Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Oaths of Office
<ul> <li>☐ Accept as Information only</li> <li>☑ Action - please describe:</li> </ul>
Administer Oath of Office to Amy L. Wilde for the Oneida Nation Arts Board.
3. Supporting Materials  Report Resolution Contract Other:
1
2. 4.
☐ Business Committee signature required
4. Budget Information  ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison: Lisa Summers, Secretary
Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor Your Name, Title / Dept. or Tribal Member
Additional Requestor:  Name, Title / Dept.
Additional Requestor:  Name, Title / Dept.

## **Oneida Business Committee Agenda Request**

	C		N A		
D.	Cov	/er	IVI	em	o:

n January 8, 2020 the	Oneida Business Committe	e appointed Amy L. Wilde	r to the Oneida Nation A	rts Board

- 1) Save a copy of this form for your records.
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Public Packet 13 of 254

### **Oneida Business Committee Agenda Request**

Oneida Election Board Ad Hoc Committee (GTC duties) - Candace House, Kalene White, and Tonya...

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:  Session:   Open   Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Oaths of Office
<ul> <li>☐ Accept as Information only</li> <li>☒ Action - please describe:</li> </ul>
Administer Oath of Office to Candace House, Kalene White, and Tonya Webster for the Oneida Election Board Ad Hoc Committee.
3. Supporting Materials  Report Resolution Contract Other:
1.
2. 4.
☐ Business Committee signature required
4. Budget Information
<ul> <li>□ Budgeted - Tribal Contribution</li> <li>□ Budgeted - Grant Funded</li> <li>□ Unbudgeted</li> </ul>
5. Submission
Authorized Sponsor / Liaison: Lisa Summers, Secretary
Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor  Your Name, Title / Dept. or Tribal Member
Additional Requestor:  Name, Title / Dept.
Additional Requestor:  Name, Title / Dept.

### **Oneida Business Committee Agenda Request**

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n	OVE	r ivie	mn

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

On January 8, 2020 the Oneida Business Committee appointed Candace House, Kalene White, and Tonya Webster to the Oneida Election Board Ad Hoc Committee.		
According to the Oneida Election Board bylaws §2-6 (c) Upon appointment, members of the Ad Hoc Committee must take an oath during a regular or special meeting of the Oneida Business Committee.		

- 1) Save a copy of this form for your records.
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- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

### **Business Committee Agenda Request**

1.	Meeting Date Requested:	01/22/20	
2.	General Information:  Session:	<u>—</u>	– must qualify under §107.4-1. hoose reason for Executive.
3.	Supporting Documents:  Contract Document(s	)	Resolution
	Correspondence	Minutes	Statement of Effect
	<u> </u>	<u> </u>	_
	Fiscal Impact Stateme	ent	Travel Documents
	Other: Describe		
4.	Budget Information:  Budgeted  Not Applicable	☐ Budgeted – Grant☐ Other: <i>Describe</i>	Funded
5.	Submission:		
	Authorized Sponsor:	Lisa Summers, Secreta	ary
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	LLIGGINS	



### 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

#### **Minutes**

### **EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Treasurer Trish King, Secretary Lisa Summers, Council members:

David P. Jordan, Ernie Stevens III, Jennifer Webster;

Not Present: Council members: Daniel Guzman King and Kirby Metoxen;

**Arrived at:** Vice-Chairman Brandon Stevens at 8:32 a.m.; **Others present:** Jo Anne House, Larry Barton, Lisa Liggins;

#### **REGULAR MEETING**

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

Not Present: Council members: Daniel Guzman King and Kirby Metoxen;

Arrived at: Secretary Lisa Summers at 9:02 a.m.;

**Others present:** Jo Ann House, Larry Barton, Debbie Thundercloud, Lisa Liggins, Katrina Mungo, Florence Petri, Delia Smith, Don Miller, Michelle Gordon, Lois Strong, Marlene Summers, Carey Gleason, Brandon Wisneski, Clorissa Santiago, Melanie Burkhart, Racquel Hill, James Petitjean, Paul Witek, Laura Laitinen-Warren, Brooke Doxtator, Trina Schuyler;

#### I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:31 a.m.

For the record: Secretary Lisa Summers will be arriving late. Councilmembers Daniel Guzman King and Kirby Metoxen are on pre-approved vacation.

#### II. OPENING

Opening provided by Chairman Tehassi Hill.

### **III.** ADOPT THE AGENDA (00:04:00)

Motion by Jennifer Webster to adopt the agenda with three (3) noted changes [1) under New Business, add item G. Approve a limited waiver of sovereign immunity - Brown County-Human Services Department documents - file # 2019-1129; 2) delete item IV.B. Determine next steps regarding eight (8) alternate vacancies - Oneida Election Board; and 3) delete item XI.C.2. Review application(s) for eight (8) alternate vacancies - Oneida Election Board], seconded by Ernie Stevens III. Motion carried:

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

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers

#### IV. MINUTES

A. Approve the December 4 and 6, 2019, special Business Committee meeting minutes (00:06:52)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the December 4 and 6, 2019, special Business Committee meeting minutes, seconded by Brandon Stevens. Motion carried:

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

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers

B. Approve the December 11, 2019, regular Business Committee meeting minutes (00:07:14)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the December 11, 2019, regular Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers

C. Approve the December 13, 2019, special Business Committee meeting minutes (00:07:40)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the December 13, 2019, special Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

#### V. RESOLUTIONS

A. Adopt resolution entitled 2019 InterTribal Buffalo Council, Buffalo Herd Development Grant (00:08:07)

Sponsor: Trish King, Treasurer

Motion by Ernie Stevens III to adopt resolution 01-08-20-A 2019 InterTribal Buffalo Council, Buffalo Herd Development Grant, seconded by Trish King. Motion carried:

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

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers

B. Adopt resolution entitled FY2020-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP) - file # 2019-1336 (00:08:57)

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to adopt resolution 01-08-20-B FY2020-2022 Oneida Nation Tribal Transportation Improvement Plan (TTIP), seconded by Brandon Stevens. Motion carried:

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

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen, Lisa Summers

C. Adopt resolution entitled Community Action Board - Alzheimer and Dementia Proposed Research Project (00:10:57)

Sponsor: Florence Petri, Chair/Oneida Nation Commission on Aging

Secretary Lisa Summers arrived at 9:02 a.m.

Motion by Jennifer Webster to defer the request regarding the Alzheimer and Dementia Proposed Research Project to the Oneida Health Center [Director of Comprehensive Health Operations] to be processed per BC resolution # 05-08-19-A Research Requests: Review and Approval to Conduct, seconded by Ernie Stevens III. Motion carried:

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

Jennifer Webster

Abstained: Lisa Summers

D. Adopt resolution entitled Amendments to the Child Support Law (00:31:32)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to defer this item until the Business Committee can have a conversation, in either a BC work session or special BC work session, about the principles of the Administrative Rulemaking law and how they're applied, seconded by Brandon Stevens. Motion failed:

Ayes: Lisa Summers

Opposed: David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III,

Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Motion by Brandon Stevens to adopt resolution 01-08-19-C Amendments to the Child Support Law, striking section 704.16-2.(c) [lines 1235-1237] and forward the discussion regarding Administrative Rulemaking to a BC Work Session, seconded by Jennifer Webster. Motion carried:

Aves: David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III.

Jennifer Webster

Opposed: Lisa Summers

Not Present: Daniel Guzman King, Kirby Metoxen

For the record: Secretary Lisa Summers stated I'm going to oppose the motion and, again, not necessarily because I don't appreciate the work or the time that's been put into bringing everything up to speed, but I don't think that I'm in agreement with the rules being put back into the law. For that reason, I'm going to oppose this motion. Once we adopt this, it's going to be a process for us to make any more amendments that we need for those little changes that are going to have to happen. We're going to have this same conversation again in a work session; we're going to talk about how difficult it is to have little minor changes administratively or things that need to be done by the administrative body. By that time, it's going to be too late.

For the record: Vice-Chairman Brandon Stevens stated I agree with Secretary Lisa's comments, up until the very last comment. It still can be rectified, but it is going to be a process. I think part of the conversation is making sure we all have an understanding about the implementation of the Administrative Rulemaking law and when that should and shouldn't apply.

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 (01:45:55)

Sponsor: Lisa Summers, Secretary

Councilwoman Jennifer Webster left at 10:17 a.m.

Motion by Lisa Summers to adopt 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, seconded by David P. Jordan. Motion carried:

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

Summers

Not Present: Daniel Guzman King, Kirby Metoxen, Jennifer Webster

### VI. APPOINTMENTS

A. Determine next steps regarding one (1) vacancy - Oneida Nation Arts Board (01:46:15)

Sponsor: Lisa Summers, Secretary

Treasurer Trish King left at 10:19 a.m.

Motion by David P. Jordan to accept accept the selected the applicant and appoint Amy L. Wilde to the Oneida Nation Arts Board with a term ending February 28, 2022;, seconded by Lisa Summers. Motion carried:

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

B. Determine next steps regarding eight (8) alternate vacancies - Oneida Election
Board

Sponsor: Lisa Summers, Secretary

Item deleted at the adoption of the agenda.

C. Determine next steps regarding ten (10) ad hoc vacancies - Oneida Election Board (01:47:40)

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to accept the selected the applicant(s) and appoint Candace House, Kalene White, and Tonya Webster, as ad hoc members for the Oneida Election Board, seconded by David P. Jordan. Motion carried:

Ayes: David P. Jordan, Brandon Stevens, Ernie Stevens III

Opposed: Lisa Summers

Not Present: Daniel Guzman King, Trish King, Kirby Metoxen, Jennifer Webster

Motion by Brandon Stevens to re-post the remaining seven (7) ad hoc vacancies for the Oneida Election Board, seconded by David P. Jordan. Motion carried:

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

Councilwoman Jennifer Webster returned at 10:20 a.m.

#### VII. STANDING COMMITTEES

### A. FINANCE COMMITTEE

1. Accept the December 2, 2019, regular Finance Committee meeting minutes (01:49:00)

Sponsor: Trish King, Treasurer

Treasurer Trish King returned at 10:21 a.m.

Motion by Jennifer Webster to accept the December 2, 2019, regular Finance Committee meeting minutes, seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the December 16, 2019, regular Finance Committee meeting minutes (01:49:58)

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to accept the December 16, 2019, regular Finance Committee meeting minutes, seconded by Lisa Summers. Motion carried:

Aves: David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III. Lisa

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

#### B. LEGISLATIVE OPERATING COMMITTEE

1. Accept the December 18, 2019, regular Legislative Operating Committee meeting minutes (01:50:21)

Sponsor: David P. Jordan, Councilman

Motion by Trish King to accept the December 18, 2019, regular Legislative Operating Committee meeting minutes, seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

### C. QUALITY OF LIFE COMMITTEE

1. Accept the November 14, 2019, regular Quality of Life Committee meeting minutes (01:50:50)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the November 14, 2019, regular Quality of Life Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

Summers, Jennifer Webster

#### VIII. TRAVEL REPORTS

A. Approve the travel report - Councilwoman Jennifer Webster - Indian Health Care Improvement Fund (IHCIF) - Arlington, VA - March 11-13, 2019 (01:51:20)

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel report from Councilwoman Jennifer Webster for the Indian Health Care Improvement Fund (IHCIF) in Arlington, VA - March 11-13, 2019, seconded by Brandon Stevens. Motion carried:

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

Summers

Abstained: Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

B. Approve the travel report - Secretary Lisa Summers and Councilwoman Jennifer Webster - 2019 Self-Governance Consultation Conference - Traverse City, MI - April 1-5, 2019 (01:51:46)

Sponsor: Jennifer Webster, Councilwoman

Motion by David P. Jordan to approve the travel report from Secretary Lisa Summers and Councilwoman Jennifer Webster for the 2019 Self-Governance Consultation Conference in Traverse City, MI - April 1-5, 2019, seconded by Ernie Stevens III. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

C. Approve the travel report – Councilwoman Jennifer Webster – Tribal Self Governance Advisory Committee meeting - Washington DC - July 14-16, 2019 (01:52:48)

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to accept the travel report from Councilwoman Jennifer Webster for the Tribal Self Governance Advisory Committee meeting in Washington DC - July 14-16, 2019, 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

D. Approve the travel report - Councilwoman Jennifer Webster - 2019 Self-Governance Professionals Workshop & Strategy Session - Maricopa, AZ - September 8-13, 2019 (01:53:13)

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel report from Councilwoman Jennifer Webster for the 2019 Self-Governance Professionals Workshop & Strategy Session in Maricopa, AZ - September 8-13, 2019, seconded by David P. Jordan. Motion carried:

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

Summers, Jennifer Webster

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 (01:53:45)

Sponsor: Tehassi Hill, Chairman

Motion by Jennifer Webster to approve the travel report from Chairman Tehassi Hill, Secretary Lisa Summers, and Councilman Daniel Guzman King for the National Congress of American Indians 76th Annual Convention & Marketplace in Albuquerque, NM - October 20-24, 2019, 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

F. Approve the travel report - Councilman Ernie Stevens III - Hemp Interim Final Rule-Tribal Consultation - Las Vegas, NV - December 10-12, 2019 (01:55:50)

Sponsor: Ernie Stevens III, Councilman

Motion by David P. Jordan to approve the travel report from Councilman Ernie Stevens III for the Hemp Interim Final Rule-Tribal Consultation in Las Vegas, NV - December 10-12, 2019, seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

### 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 (02:00:30)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the travel request in accordance with § 219.16-1 for up to nine (9) Business Committee members to attend the litigation oral arguments in Chicago, IL [date/time to be determined], seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

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 (02:01:33)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to 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, seconded by Jennifer Webster. Motion carried:

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

Summers, Jennifer Webster

#### X. NEW BUSINESS

A. CIP # 07-009 Building Demolitions - Approve the CIP Package Amendment (02:02:02)

Sponsor: Debbie Thundercloud, General Manager

Councilman Ernie Stevens III left at 10:33 a.m.

Councilman Ernie Stevens III returned at 10:43 a.m.

Motion by Jennifer Webster to approve CIP Package Amendment for project CIP #07-009 Building Demolitions, seconded by Brandon Stevens. Motion carried:

Ayes: Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers,

Jennifer Webster

Abstained: David P. Jordan

Not Present: Daniel Guzman King, Kirby Metoxen

Motion by Lisa Summers that the subject of how to process the carry over monies from the CIP that the Treasurer has brought up be deferred back to the Treasurer's Office to complete appropriate follow-up on that subject as necessary. Motion withdrawn.

B. CDC # 04-022 Public Transit Garage - Approve two (2) actions (02:17:47)

Sponsor: Debbie Thundercloud, General Manager

Motion by Brandon Stevens to approve a procedural exception to forgo the Phase II of the CIP process of routing the CDC Package to the various review entities and to approve the CDC Package for project CDC # 04-022 Public Transit Garage, 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

C. Determine next steps regarding the 2020 Special Election (02:32:53)

Sponsor: Vicki Cornelius, Chair/Oneida Election Board

Motion by Lisa Summers to accept the memorandum from the Oneida Election Board as information only and that the OBC liaisons work with them [the Oneida Election Board] on appropriate commuication for next steps, seconded by Jennifer Webster. Motion carried:

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

Summers, Jennifer Webster

D. Approve two (2) actions regarding BC resolution # 05-08-19-B (02:36:13)

Sponsor: Vicki Cornelius, Chair/Oneida Election Board

Councilman David P. Jordan left at 11:15 a.m.

Councilman David P. Jordan returned at 11:17 a.m.

Motion by Jennifer Webster to defer the request the Legislative Operating Committee to bring an amendment to BC resolution # 05-08-19-B for consideration, seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

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 (02:47:18); (03:04:45)

Sponsor: Debbie Thundercloud, General Manager

Motion by Jennifer Webster to approve a limited waiver of sovereign immunity for 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 and authorize the Chairman to sign, seconded by Brandon Stevens. Motion carried<sup>1</sup>:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

Motion by David P. Jordan to table this item, seconded by Lisa Summers. Motion carried:

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

Webster

Abstained: Brandon Stevens

Not Present: Daniel Guzman King, Kirby Metoxen

Item X.F. is addressed next.

Oneida Business Committee

Motion by Lisa Summers to take this item from the table, seconded by David P. Jordan. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

Voting on the pending motion occurs; item XII. is addressed next.

<sup>&</sup>lt;sup>1</sup> The motion was made by Councilwoman Jennifer Webster and supported by Vice-Chairman Brandon Steven; the item was then tabled. Later in the meeting, after the item was taken from the table, the previous motion made by Councilwoman Jennifer Webster was still pending, and then voted on. Due to the departure of the Chairman, Vice-Chairman Brandon Stevens had assumed the responsibilities of the Chair at the time of the vote.

F. Enter the e-poll results into the record regarding the transfer of UWGB Basketball Tickets and Parking Passes to Joint Marketing (02:56:24)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to enter the e-poll results into the record regarding the transfer of UWGB Basketball Tickets and Parking Passes to Joint Marketing, 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

G. Approve a limited waiver of sovereign immunity - Brown County-Human Services Department documents - file # 2019-1129 (02:56:50)

Sponsor:

Motion by Lisa Summers to approve a limited waiver of sovereign immunity - Brown County-Human Services Department documents - file # 2019-1129, 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 Jennifer Webster to recess at 11:31 a.m. until 11:45 a.m., seconded by Lisa Summers. Motion carried:

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

Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Chairman Tehassi Hill left at 11:31 a.m. Vice-Chairman Brandon Stevens assumes the responsibilities of the Chair.

Called to order by Vice-Chairman Brandon Stevens at 11:46 a.m.

Roll call for the record:

Present: 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; Chairman Tehassi Hill; Councilman Kirby Metoxen;

#### XI. EXECUTIVE SESSION

#### A. REPORTS

1. Accept the Chief Counsel report (03:01:15)

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to accept the Chief Counsel report, seconded by Lisa Summers. 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 adopt resolution 01-08-20-D Support For H.R. 1964 Of The 116th Congress, "To Provide For The Recognition Of The Lumbee Tribe Of North Carolina, And For Other Purposes" and to move that resolution into open session, seconded by Ernie Stevens III. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

2. Accept the General Manager report (03:02:00)

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Summers to delete the General Manager report from the agenda, seconded by Jennifer Webster. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

### **B. UNFINISHED BUSINESS**

#### 1. File # 2019-CC-01

### a. Review proposed transition plan (03:02:17)

Motion by Lisa Summers to defer file # 2019-CC-01 to the February 12, 2020, regular Business Committee meeting agenda, seconded by Ernie Stevens III. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen]

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 (03:02:17)

Motion by Lisa Summers to defer file # 2019-CC-01 to the February 12, 2020, regular Business Committee meeting agenda, seconded by Ernie Stevens III. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

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 (03:02:45) Sponsor: Lisa Summers, Secretary

Motion by Ernie Stevens III to accept the discussion regarding the application(s) for one (1) vacancy for the Oneida Nation Arts Board as information, seconded by David P. Jordan. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

2. Review application(s) for eight (8) alternate vacancies - Oneida Election Board Sponsor: Lisa Summers, Secretary

Item deleted at the adoption of the agenda.

3. Review application(s) for ten (10) ad hoc vacancies - Oneida Election Board (03:03:26)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to accept the discussion regarding the application(s) for ten (10) ad hoc vacancies for the Oneida Election Board as information, seconded by David P. Jordan. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

4. Enter the e-poll results into the record regarding the approved attorney contract - Oneida Law Office staff attorney - file # 2019-1404 (03:03:55)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to enter the e-poll results into the record regarding the approved attorney contract for the Oneida Law Office staff attorney - file # 2019-1404, seconded by David P. Jordan. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

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 (03:04:15)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to 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, seconded by Lisa Summers. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

Item X.E. is re-addressed next.

### XII. ADJOURN (03:08:15)

Motion by David P. Jordan to adjourn at 11:54 a.m., seconded by Ernie Stevens III. Motion carried:

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

Webster

Not Present: Daniel Guzman King, Tehassi Hill, Kirby Metoxen

Minutes prepared by L	∟isa Liggins, I	nformation N	/lanagement	Specialist
Minutes approved as p	presented on			

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Public Packet 30 of 254

Adopt resolution entitled Modifying the Oneida Business Committee Regular Meeting Schedule

### **Business Committee Agenda Request**

1.	Meeting Date Requested:	01/22/20	
2.	General Information:  Session:	<u>—</u>	– must qualify under §107.4-1. hoose reason for Executive.
3.	Supporting Documents:  Contract Document(s) Correspondence Fiscal Impact Statement Other: Describe	☐ Minutes	<ul><li>☐ Resolution</li><li>☐ Statement of Effect</li><li>☐ Travel Documents</li></ul>
4.	Budget Information:  Budgeted  Not Applicable	☐ Budgeted – Grant☐ Other: <i>Describe</i>	Funded Unbudgeted
5.	Submission:		
	Authorized Sponsor:	Lisa Summers, Secreta	ary
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	LLIGGINS	



### **Business Committee Agenda Request – Cover Memo**

From: Lisa Liggins, Information Management Specialit/BC Support Office

**Date:** 1/18/2020

**RE:** Proposed resolution to change OBC meeting schedule

### **PURPOSE**

Business Committee action is needed in order to change the current regular meeting schedule.

### **BACKGROUND**

Article III, Section 3 of the Tribal Constitution provides that "Regular meetings of the Business Committee may be established by resolution of the Business Committee." The most recent resolution, # 9-27-17-D, added four (4) quarterly meetings to be held on Thursdays for the purpose of addressing quarterly reports.

At the December 2019, BC Work Session the attached chart showing the attendance was reviewed and the BC determine the separate meeting for quarterly reports was no longer needed; reports would be added to their regular meeting agenda.

### REQUESTED ACTION

Adopt resolution entitled Modifying the Oneida Business Committee Regular Meeting Schedule

# Quarterly Report Meeting

Public Attendance from "Others Present" section of the meeting minutes

### 2017

Quarter 1	Quarter 2	Quarter 3	Quarter 4
3	4	1	0

### 2018

Quarter 1	Quarter 2	Quarter 3	Quarter 4
1	0	0	0

### 2019

Quarter 1	Quarter 2	Quarter 3	Quarter 4
0	0	0	1

### **Oneida Nation**

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

# BC Resolution # 09-27-17-D Oneida Business Committee Regular Meeting Schedule for Quarterly Reports

Oneida Business Committee Regular Meeting Schedule for Quarterly Reports		
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,	Article III, Section 3 of the Tribal Constitution provides that "Regular meetings of the Business Committee may be established by resolution of the Business Committee,"; and	
WHEREAS,	with the passage of BC Resolution 7-7-87-A, the Business Committee established a regular meeting schedule to meet of each Tuesday, at 1:30 p.m., and each Friday, at 9:00 a.m.; and	
WHEREAS,	with the passage of BC Resolution 3-25-88-B, the Business Committee modified the regular meeting schedule to meet each Friday, at 9:00 a.m., and held informational meetings the first Monday each month, at 7:00 p.m.; and	
WHEREAS,	with the passage of BC Resolution 4-26-91-A, the Business Committee modified the regular meeting schedule to meet each week on Wednesday, at 9:00 a.m.; and	
WHEREAS,	with the passage of BC Resolution 2-11-04-A, the Business Committee modified the regular meeting schedule to meet every other week on Wednesday, at 9:00 a.m.; and	
WHEREAS,	with the passage of BC Resolution 12-10-08-A, the Business Committee modified the regular meeting schedule to meet every second and fourth Wednesday each month, at 9:00 a.m.; and	
WHEREAS,	with the passage of BC Resolution 06-23-10-E, the Business Committee modified the regular meeting schedule to include executive discussion meetings every second and fourth Tuesday of the month, at 9:00 a.m.; and	
WHEREAS,	with the passage of BC Resolution 11-23-16-C, the Business Committee modified the regular meeting schedule to meet every second and fourth Tuesday of the month at 8:30 a.m. for executive discussion meetings, and to meeting every second and fourth Wednesday of the month at 8:30 a.m. for regular meetings; and	
WHEREAS,	with the passage of BC Resolution 12-27-16-A, the Business Committee modified the regular meeting schedule to meet every second and fourth Wednesday of each month at 8:30 a.m., and for the purpose of addressing quarterly reports, to meet the fourth	

Thursday of January, April, July, and October at 8:00 a.m.; and

WHEREAS, the Business Committee has determined an additional regular meeting is required on a quarterly basis for the purpose of addressing quarterly reports from Boards, Committees and Commissions, Corporate Boards, and Standing Committees of the Business Committee; and

**WHEREAS,** Oneida Nation Corporate Boards provided feedback from the 2017 quarterly meeting schedule, and indicated additional time was needed for financials to be prepared; and

**WHEREAS,** the Business Committee has determined this change would better serve the membership of the Oneida Nation and the Business Committee; and

**NOW THEREFORE BE IT FURTHER RESOLVED,** for the purpose of addressing quarterly reports, regular meetings of the Oneida Business Committee shall be held the Thursday at 8:00 a.m. after the second regularly scheduled Business Committee meetings of February, May, August, and November, starting on March 1, 2018.

**BE IT FINALLY RESOLVED,** this resolution shall supersede all prior motions, practices or resolutions, in particular BC Resolutions 12-10-08-A, 06-23-10-E, 11-23-16-C, and 12-27-16-A regarding the subject of regular meetings of the Oneida Business Committee.

#### **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; 9 members were present at a meeting duly called, noticed and held on the 27<sup>th</sup> day of September, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 8 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, Tribal Secretary Oneida Business Committee

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

**Public Packet** 35 of 254

# **Oneida Nation**

Post Office Box 365



1		BC Resolution # Modifying the Oneida Business Committee Regular Meeting Schedule
2 3 4	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
5 6	WHEREAS,	the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7 8 9 10	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
11 12	WHEREAS,	Article III, Section 3 of the Tribal Constitution provides that "Regular meetings of the Business Committee may be established by resolution of the Business Committee,"; and
13 14 15 16 17	WHEREAS,	with the passage of BC Resolution 7-7-87-A, the Business Committee established a regular meeting schedule to meet of each Tuesday, at 1:30 p.m., and each Friday, at 9:00 a.m.; and
18 19 20 21	WHEREAS,	with the passage of BC Resolution 3-25-88-B, the Business Committee modified the regular meeting schedule to meet each Friday, at 9:00 a.m., and held informational meetings the first Monday each month, at 7:00 p.m.; and
22 23 24	WHEREAS,	with the passage of BC Resolution 4-26-91-A, the Business Committee modified the regular meeting schedule to meet each week on Wednesday, at 9:00 a.m.; and
25 26 27	WHEREAS,	with the passage of BC Resolution 2-11-04-A, the Business Committee modified the regular meeting schedule to meet every other week on Wednesday, at 9:00 a.m.; and
28 29 30 31	WHEREAS,	with the passage of BC Resolution 12-10-08-A, the Business Committee modified the regular meeting schedule to meet every second and fourth Wednesday each month, at 9:00 a.m.; and
32 33 34 35	WHEREAS,	with the passage of BC Resolution 06-23-10-E, the Business Committee modified the regular meeting schedule to include executive discussion meetings every second and fourth Tuesday of the month, at 9:00 a.m.; and
36 37 38 39 40	WHEREAS,	with the passage of BC Resolution 11-23-16-C, the Business Committee modified the regular meeting schedule to meet every second and fourth Tuesday of the month at 8:30 a.m. for executive discussion meetings, and to meeting every second and fourth Wednesday of the month at 8:30 a.m. for regular meetings; and

BC Resolution #\_\_\_\_\_\_
Modifying the Oneida Business Committee Regular Meeting Schedule
Page 2 of 2

41 WHEREAS. with the passage of BC Resolution 12-27-16-A, the Business Committee modified the 42 regular meeting schedule to meet every second and fourth Wednesday of each month at 43 8:30 a.m., and for the purpose of addressing quarterly reports, to meet the fourth Thursday of January, April, July, and October at 8:00 a.m.; and 44 45 46 WHEREAS, with the passage of BC Resolution 9-27-17-D, the Business Committee modified the 47 regular meeting schedule for quarterly reports to meet the fourth Thursday of February. May, August, and November at 8:00 a.m.; and 48 49 WHEREAS, 50 the Business Committee has determined that holding a separate regular meeting for the 51 sole purpose of addressing quarterly reports has not garnered additional public 52 attendance/participation as originally intended; and 53 54 WHEREAS, the Business Committee has determined eliminating the separate regular meeting for the 55 purpose of addressing quarterly reports would better serve the membership of the Oneida 56 Nation and the Business Committee. 57 NOW THEREFORE BE IT FURTHER RESOLVED, for the purpose of addressing quarterly reports, regular 58 59 meetings of the Oneida Business Committee shall be eliminated immediately: 60 61 BE IT FURTHER RESOLVED, executive discussion meetings of the Oneida Business Committee shall be 62 held every second and fourth Tuesday each month, at 8:30 a.m.; 63 64 BE IT FURTHER RESOLVED, regular meetings of the Oneida Business Committee shall be held every 65 second and fourth Wednesday each month, at 8:30 a.m.; 66 67 BE IT FINALLY RESOLVED, this resolution shall supersede all prior motions, practices or resolutions, in

particular BC Resolutions 12-10-08-A, 06-23-10-E, 11-23-16-C, 12-27-16-A, and 09-27-17-D regarding the

subject of regular meetings of the Oneida Business Committee.

68

69



# Oneida Nation

Oneida Business Committee Legislative Operating Committee PO Box 365 • Oneida, WI 54155-0365



#### **Statement of Effect**

Resolution: Modifying the Oneida Business Committee Regular Meeting Schedule

# Summary

This resolution modifies the Oneida Business Committee ("OBC") regular meeting schedule by eliminating the need to hold separate regular meetings of the OBC for the sole purpose of addressing quarterly reports from the Nation's boards, committees and commissions, corporate boards, and standing committees of the OBC.

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

Date: January 14, 2020

# Analysis by the Legislative Reference Office

Article III, Section 3 of the Constitution of the Oneida Nation states "[r]egular meetings of the Business Committee may be established by resolution of the Business Committee." Currently, the Oneida Business Committee ("OBC") holds regular meetings on the fourth Thursday of February, May, August and November, beginning at 8:00 a.m., for quarterly reports. [BC-9-27-17-D]. In addition, it holds executive discussion meetings every second and fourth Tuesday of each month, beginning at 8:30 a.m., and regular meetings every second and fourth Wednesday of each month, beginning at 8:30 a.m. [BC-11-23-16-C].

In 2016, the OBC decided to hold the above-referenced quarterly meetings, separate from its other regular meetings, to solely address quarterly reports submitted by the Nation's boards, committees and commissions, corporate boards, and standing committees of the OBC. [BC-12-27-16-A]. The OBC added the meetings to try to increase public attendance and participation. With the passage of resolution BC-9-27-17-D, the OBC modified the initial quarterly meeting schedule from the fourth Thursday in January, April, July and October at 8:00 a.m. to the schedule currently set.

The OBC has now determined that holding a separate regular meeting for the sole purpose of addressing quarterly reports has not garnered additional public attendance or participation as originally intended and that eliminating the meetings would better service the membership of the Oneida Nation and the Oneida Business Committee. This resolution would eliminate the need to hold such quarterly meetings, effective immediately.

This resolution also reiterates that executive discussion meetings of the OBC shall be held every second and fourth Tuesday of each month, beginning at 8:30 a.m., and that regular meetings of the OBC shall be held every second and fourth Wednesday of each month, beginning at 8:30 a.m.

Lastly, this resolution specifies that it shall supersede all prior motions, practices or resolutions, in particular, resolutions BC-12-10-08-A, BC-06-23-10-E, BC-11-23-16-C, BC-12-27-16-A and BC-09-27-17-D regarding the subject of regular meetings of the Oneida Business Committee.

**Public Packet** 38 of 254

# Conclusion

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



**Public Packet** 

# **Oneida Business Committee Agenda Request**

Adopt resolution entitled Real Property Law Emergency Amendments

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:
Session:   Open   Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Resolutions
Accept as Information only
Action - please describe:
Adopt the resolution titled, "Real Property Law Emergency Amendments"
<u> </u>
3. Supporting Materials
☐ Report ☒ Resolution ☐ Contract
□    □    □    □    □    □    □
1. Emergency Adoption Packet 3.
2. 4.
☐ Business Committee signature required
4. Budget Information
<ul><li>☐ Budgeted - Tribal Contribution</li><li>☐ Budgeted - Grant Funded</li><li>☐ Unbudgeted</li></ul>
5. Submission
Authorized Sponsor / Liaison: David P. Jordan, Councilmember
Primary Requestor/Submitter: Jennifer Falck, LRO Director  Your Name, Title / Dept. or Tribal Member
Additional 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 22, 2020

RE:

Real Property Law Emergency Amendments

Please find the following attached backup documentation for your consideration of the Real Property Law Emergency Amendments:

1. Resolution: Real Property Law Emergency Amendments

- 2. Statement of Effect: Real Property Law Emergency Amendments
- 3. Real Property Law Emergency Amendments Legislative Analysis
- 4. Real Property Law (Redline)
- 5. Real Property Law (Clean)

#### Overview

Emergency amendments to the Real Property law (the "Law") are requested in order to address the delegation of rulemaking authority to the Oneida Land Commission, Land Management, and Comprehensive Housing Division. The Law provides that the Oneida Land Commission shall approve or deny all acquisitions of Tribal land, and that Land Management shall process land acquisition transactions as approved by the Oneida Land Commission. [6 O.C. 601.12-2(d), 601.12-3(e)]. These entities wish to develop a rule under the Law to address the acquisition of land. Although the Law delegates authority to the Oneida Land Commission and Land Management to approve or deny, and subsequently process land acquisitions, the Law does not contain a delegation of rulemaking authority to these entities for this issue.

The Administrative Rulemaking law provides that any board, committee, commission, department, or program of the Nation that has been granted rulemaking authority by a law of the Nation may promulgate rules interpreting the provisions of a law enforced or administered by it, provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [ 1 O.C. 106.3-1(a), 106.4-1]. Although the Law provides various delegations of rulemaking authority to Land Management, the Oneida Land Commission, and the Comprehensive Housing Division [6 O.C. 601.7-3(e), 601.8-1, 601.12-1, 601.12-3(a)], the lack of delegation of authority to develop rules regarding land acquisitions means the process of administrative rulemaking as provided by the Administrative Rulemaking law cannot be used by the entities for this issue.

The delegation of rulemaking authority is being sought to address land acquisitions due to the transparency and oversight the administrative rulemaking process provides. The Administrative Rulemaking law requires that a public meeting and public comment period be held for every rule, and that authorized agency developing the rule fully consider all comments that are received during

41 of 254 **Public Packet** 

the public comment period, as well as respond to each comment received in a public comment memorandum. [1 O.C. 106.6-1, 106.6-4, 106.6-5]. This requirement ensures that the community has the opportunity to provide input on a proposed rule. The administrative rulemaking process also provides oversight by requiring that the Legislative Operating Committee certify that all requirements of the Administrative Rulemaking law have been met, and requiring that all rules be adopted by the Oneida Business Committee. [1 O.C. 106.7-2, 106.8-2].

Additionally, rulemaking authority is being sought to address land acquisitions in an effort to mirror the clear delegation of rulemaking authority that is provided by the Leasing law. The Leasing law delegates rulemaking authority to the Oneida Land Commission and Land Management for the development of rules regarding residential, agricultural, and business leases. [6 O.C. 602.5-1]. The Oneida Land Commission and Land Management are currently developing rules under the Leasing law to address various housing related programs such as the Homeownership through Independent Purchase (HIP) Program and the Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Program. Both the HIP and THRIFTT programs rely upon the acquisition power and processing of the Oneida Land Commission and Land Management. Since the acquisition component is an essential part of the process for HIP and THRIFTT, it is desired that the land acquisition process also be codified as a rule.

The emergency amendment to the Law would add a provision which provides that the Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law.

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to this Law are necessary for the preservation of the general welfare of the Reservation population. The emergency amendments to the Law will ensure that the homeownership and land acquisition strategies related to the HIP and THRIFTT programs are not jeopardized by allowing immediate updates to the program processing and required component that authorizes land acquisitions. On September 24, 2018, during a special General Tribal Council meeting the General Tribal Council identified housing as its top priority. Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this amendment would be contrary to public interest.

The emergency amendments to the Law will become effective immediately upon adoption by the Oneida Business Committee, and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

## **Requested Action**

Approve the Resolution: Real Property Law Emergency Amendments.



# **Oneida Nation**

Post Office Box 365



1 2 3 4 5		Phone: (920)869-2214 Oneida, WI 54155
6 7 8		BC Resolution #
9 10 11	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
12 13	WHEREAS,	the Oneida General Tribal Council is the governing body of the Oneida Nation; and
14 15 16	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
17 18 19 20	WHEREAS,	the Real Property law ("the Law") was adopted by the Oneida Business through resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A, BC-05-09-18-A; and
21 22 23 24 25 26 27	WHEREAS,	the Law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions; and
28 29 30 31	WHEREAS,	the Law provides that the Oneida Land Commission shall approve or deny all acquisitions of Tribal land, and that Land Management shall process land acquisition transactions as approved by the Oneida Land Commission; and
32 33 34	WHEREAS,	the Law does not delegate rulemaking authority to the Oneida Land Commission or Land Management to develop rules addressing land acquisitions; and
35 36 37 38 39 40	WHEREAS,	the Administrative Rulemaking law provides that any entity of the Nation that has been granted rulemaking authority by a law of the Nation may promulgate rules interpreting the provisions of a law enforced or administered by it, provided that the rule does not exceed the rulemaking authority granted under the law for which the rule is being promulgated; and
41 42 43 44 45 46	WHEREAS,	the Oneida Land Commission and Land Management desire to develop a rule under the Law to address the acquisition of land, but the lack of a delegation of authority to develop rules regarding land acquisitions means the process of administrative rulemaking as provided by the Administrative Rulemaking law cannot be used by the Oneida Land Commission or Land Management for this issue; and
47 48 49 50 51	WHEREAS,	an emergency amendment to the Law to provide a delegation of rulemaking authority to address land acquisitions is being sought in an effort to ensure transparency, opportunity for community input, and oversight that the administrative rulemaking process provides; and

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52 the delegation of rulemaking authority is also being sought to mirror and be consistent with WHEREAS, 53 rules for the Homeownership through Independent Purchase (HIP) Program and the Tribal 54 Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Program currently being 55 developed by the Oneida Land Commission and Land Management under the Leasing law; 56 57 and 58 WHEREAS, the HIP and THRIFTT programs rely upon the acquisition power and processing of the 59 Oneida Land Commission and Land Management, so since the acquisition component is 60 an essential part of the process for HIP and THRIFTT, it is desired that the land acquisition 61 process also be codified as a rule; and 62 63 WHEREAS, the emergency amendment to the Law adds a provision which provides that the 64 Comprehensive Housing Division, Oneida Land Commission, and Land Management are 65 delegated rulemaking authority as needed to exercise the authority granted and manage 66 the responsibilities bestowed upon each area as identified in this law; and 67 68 the Legislative Procedures Act authorizes the Oneida Business Committee to enact WHEREAS, 69 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable 70 for an additional six (6) months; and 71 72 73 74 75 76 77 WHEREAS, emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and WHEREAS, the emergency adoption of these amendments to the Law are necessary for the 78 79 80 preservation of the general welfare of the Reservation population in order to ensure that homeownership and land acquisition strategies related to the HIP and THRIFTT programs are not jeopardized by allowing immediate updates to the program processing and required 81 82 83 component that authorizes land acquisitions; and WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of this 84 amendment would be contrary to public interest; and 85 86 the Legislative Procedures Act does not require a public meeting or fiscal impact statement WHEREAS. 87 when considering emergency legislation; and 88

NOW THEREFORE BE IT RESOLVED, that the emergency amendments to the Real Property law are

hereby adopted on an emergency basis and shall become effective immediately.



#### **Oneida Nation**

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



#### **Statement of Effect**

Real Property Law Emergency Amendments

### Summary

This resolution adopts an emergency amendment to the Real Property law which would add a provision which provides that the Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law

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

Date: January 10, 2020

# Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Real Property law ("the Law"). The purpose of the Law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.

The emergency amendment to the Law would add a provision which provides that the Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law. This is an effort to delegate rulemaking authority to the Oneida Land Commission and Land Management for the development of rules addressing the acquisition of land.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action where it is "necessary for the immediate preservation of the public health, safety or general welfare of the reservation population" and when "enactment or amendment of legislation is required sooner than would be possible under the Legislative Procedures Act." [1 O.C. 109.9-5].

The Oneida Business Committee will be responsible for determining if the emergency standard provided by the LPA is met. The resolution provides that an emergency amendment to the Law is necessary for the preservation of the general welfare of the Reservation population in order to ensure that the homeownership and land acquisition strategies related to the Homeownership through Independent Purchase (HIP) Program and the Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Program are not jeopardized by allowing for immediate updates to the program processing and required component that authorizes land acquisitions.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest.

Public Packet 45 of 254

The emergency amendments to the Law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [1 O.C. 109.9-5(b)].

## **Conclusion**

Determination of an emergency is a decision of the Oneida Business Committee based on the authority granted in the Legislative Procedures Act. Upon a determination that an emergency exists, adoption of this resolution would not conflict with any of the Nation's laws.



Analysis to Emergency Draft 1 2020 01 15



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# Tok^ske Kayanl^hsla Tsi> Ni>yohuntsya=t#

(The real/certain laws of the territory of the nation)

# EMERGENCY AMENDMENTS TO REAL PROPERTY LAW LEGISLATIVE ANALYSIS

#### **SECTION 1. EXECUTIVE SUMMARY**

REQUESTER:	SPONSOR:	DRAFTER:	ANALYST:			
Oneida Law Office	TBD	Clorissa N. Santiago	Brandon Wisneski			
Intent of the	To expand administrative rulemaking authority delegated to the Comprehensive					
Proposed		Land Commission and Lan	_			
Amendments	their authority and manage responsibilities identified in the Real Property law.					
Purpose	1 0	d procedures for the transfer	,			
		e Reservation and all Triba				
		s with the real property la	•			
	federal and state sovereigns which may hold jurisdiction within the Reservation;					
	and to establish licensing and certification requirements for the Nation's					
	employees dealing with real property transactions [6 O.C. 601.1-1].					
Affected Entities	Comprehensive Housing Division, Oneida Land Commission and Oneida Land					
	Management.					
Related Legislation	Administrative Rulemaking law, Leasing law, Mortgage and Foreclosure law,					
	Landlord-Tenant law, Eviction and Termination law.					
<b>Public Meeting</b>	A public meeting is not required for emergency legislation [1 O.C. 109.8-1(b)]					
	and 9-5(a)].					
Fiscal Impact	A fiscal impact statement is not required for emergency legislation /1 O.C.					
	109.9-5(a).					
Expiration of	Emergency amendments expire six (6) months after adoption and may be					
Emergency	renewed for one additional six (6) month period.					
Amendments						

# **SECTION 2. LEGISLATIVE DEVELOPMENT**

- A. The Real Property law was first adopted on May 29, 1996 and most recently amended on May 9, 2018. The law provides the regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land. The current Real Property law delegates authority to the Comprehensive Housing Division, Oneida Land Commission and Oneida Land Management to develop rules regarding certain topics, such as probate, easements and selling property.
- **B.** Real Property Law Rule #1 HIP Program became effective on February 22, 2016. The Homeownership by Independent Purchase (HIP) Program allows tribal members to initiate a purchase in which the buyer purchases the improvements (i.e., the house) while the Nation purchases the land. The purpose of the HIP Program is to increase homeownership among members of the Nation while increasing the Nation's land base.

47 of 254

C. The Nation wishes to update the HIP Program and establish a Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Program to further increase homebuying and land acquisition opportunities. The relevant agencies wish to pursue this by amending current rules and/or establishing additional rules under the Real Property law and the Leasing law.

- D. Upon a review of the Real Property law's delegation of rulemaking authority, the Legislative Reference
   Office determined that the agencies lack sufficient authority to develop rules regarding land acquisition
   under this law. In order to proceed with the proposed rules, the agencies' administrative rulemaking
   authority must be expanded.
- E. The Legislative Operating Committee, in consultation with the Law Office, proposes to expand the agencies' administrative rulemaking authority on an emergency basis in order to proceed with the update of these programs. The Oneida Business Committee is responsible for determining if the standard for an emergency in accordance with the Legislative Procedures Act (LPA) has been met.

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

- **A.** Representatives from the following departments or entities participated in the development of this law and legislative analysis: Oneida Law Office.
- B. The following laws were reviewed in the drafting of this analysis: Administrative Rulemaking law,
   Leasing law, Mortgage and Foreclosure law, Landlord-Tenant law, and Eviction and Termination law.

### **SECTION 4. PROCESS**

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- **A.** These amendments are being considered on an emergency basis. Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period. The Oneida Business Committee may temporarily enact an emergency law "where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the reservation population and enactment or amendment of legislation is required sooner than would be possible under this law" [1 O.C. 109.9-5].
- 38 **B.** The LPA does not require a public meeting or fiscal impact statement when considering emergency legislation. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of these amendments.
- 41 C. At the time this analysis was drafted, the LOC will consider adding these emergency amendments to the Active Files List on January 15, 2020.
- **D.** The following work meetings were held regarding the development of these emergency amendments and legislative analysis:
  - December 12, 2019: Work meeting with Oneida Law Office.

## **SECTION 5. CONTENTS OF THE LEGISLATION**

- A. Expansion of Administrative Rulemaking Authority. The emergency amendments delegate expanded administrative rulemaking authority to the Comprehensive Housing Division, Oneida Land Commission and Land Management "as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in [the Real Property law]" [6 O.C. 601.12-4]. This can be interpreted as granting broad authority to these agencies to develop rules for any provision of the Real Property law. For example, the Real Property law includes provisions on the following subjects:
  - Holding of Ownership;

- Legal Descriptions of Real Property transferred under this law;
  - Title Transfer, including Trust Acquisition, Deeds and Involuntary Transfer of Title;
  - Probate;

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- Leasing of Real Property;
  - Records, including the administration of the Oneida Register of Deeds;
  - Real Estate Education Requirements and Certifications;
  - Organization, including the duties and responsibilities of Comprehensive Housing Division,
     Oneida Land Commission, and Land Management.

Although these amendments expand the agencies' authority, any rules proposed by these entities must go through the Administrative Rulemaking process, which requires public hearings, certification by the Legislative Operating Committee and adoption by the Oneida Business Committee.

Table 1. Comparison: Rulemaking Authority in the Real Property law

Agency	Current Rulemaking	Proposed Rulemaking Authority
	Authority under Real	under Real Property Law
	Property Law	
Comprehensive Housing Division	Rules regarding:  • Selling a Residential Property [601.12-1]	"as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in [the Real Property law]"
Oneida Land Management	<ul> <li>Rules regarding:</li> <li>Probate [601.8-1]</li> <li>Easements for Landlocked Properties [601.7-3(e)]</li> <li>Easement and Land Use Licenses [601.12-3]</li> </ul>	"as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in [the Real Property law]"
Oneida Land Commission	Rules regarding:  • Probate [601.8-1]  • Selling a Residential Property [601.12-1]  • Easements for Landlocked Properties [601.7-3(e)]  • Easement and Land Use Licenses [601.12-3]	"as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in [the Real Property law]"

<sup>\*</sup>This table does not include any additional rulemaking authority delegated to these agencies by other laws of the Nation, such as the Leasing law, Landlord-Tenant law, or Mortgage and Foreclosure law.

49 of 254

# What Is Rulemaking?

The purpose of the Administrative Rulemaking law is to provide a process for the adoption and amendment of administrative rules. Rules interpret provisions of a law. In order to write a rule, an agency must be delegated rulemaking authority by a law of the Nation. The rule may not exceed the rulemaking authority granted under the law for which the rule is being created.

All proposed rules must receive a public meeting and public comment period. Then, the proposed rule must be certified by the LOC and adopted by the Oneida Business Committee before becoming effective. Rules adopted in accordance with the Administrative Rulemaking law have the same force and effect as the law which delegated the agency rulemaking authority.

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#### **SECTION 6. EXISTING LEGISLATION**

- **A.** *References to Other Laws.* The following laws of the Nation are referenced in the Real Property law. The proposed amendments do not conflict with any of the referenced laws.
  - Mortgage and Foreclosure law [6 O.C. 601.7-3(b) and 12-1].
  - Leasing law [6 O.C. 601.9-1, 10-2(i), 12-1, 12-2(c) and 12-3(c)].
  - Landlord-Tenant law [6 O.C. 601.10-2(j) and 12-1].
  - Eviction and Termination law [6 O.C. 601.12-1 and 12-3(c)].
  - Tribal Use of Public Land law [6 O.C. 601.12-2(e)].

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## **SECTION 7. OTHER CONSIDERATIONS**

- **A.** *Deadline for Permanent Adoption of Amendments.* The emergency amendments will expire six months after adoption and may be renewed for one additional six (6) month period. Since the amendments will lead to the development of new rules, it is particularly important that the amendments are permanently adopted to avoid any future conflict between the law and future rules.
  - *Conclusion:* The LOC will need to develop and adopt permanent amendments to this law within the next six (6) to twelve (12) months.
- **B.** Consideration of Additional Amendments. The emergency amendments are limited solely to the delegation of rulemaking authority to the Comprehensive Housing Division, Oneida Land Commission and Land Management. However, there may be other areas of the law that could benefit from further amendments.
  - *Conclusion:* During development of permanent amendments to this law, the LOC should consult with relevant agencies to identify any additional amendments.
- C. Fiscal Impact. A fiscal impact statement is not required for emergency legislation.
  - Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1].

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# Title 6. Property and Land – Chapter 601 REAL PROPERTY

# Tokáske Kayanláhsla Tsi? Ni?yohuntsya·té

# The real/certain laws of the territory of the nation REAL PROPERTY

601.1.	Purpose and Policy	601.7.	Title Transfer
601.2.	Adoption, Amendment, Repeal	601.8.	Probate
601.3.	Definitions	601.9.	Leasing of Real Property
601.4.	General Provisions	601.10.	Records
601.5.	Holding of Ownership	601.11.	Real Estate Education Requirements and Certifications
601.6.	Legal Descriptions	601.12.	Organization

# 601.1. Purpose and Policy

601.1-1. *Purpose*. The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions. 601.1-2. *Policy*. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.

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# 601.2. Adoption, Amendment, Repeal

- 601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A-and, BC-05-09-18-A-, and emergency amended by BC-
- 17 601.2-2. This law may be amended or repealed by the Oneida Business Committee <u>and/or the</u> 18 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
- 601.2-3. 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.
- 601.2-4. 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. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.
  - 601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

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#### 601.3. Definitions

- 601.3-1. 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, subject to 601.4-5.
  - (a) "Broker" means a person who acts as an agent and negotiates the sale, purchase or rental of real property on behalf of others for a fee.
  - (b) "Certified survey map" means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.
  - (c) "Comprehensive Housing Division" means the division within the Nation under the direction of the Comprehensive Housing Division Director which consists of all residential

- services offered by the Nation, including but not limited to, all rental programs, the rentto-own program, and the residential sales and mortgages programs.
  - (d) "Easement" means a real property right to cross or otherwise utilize the land of another for a specified purpose.
  - (e) "Estate" means a person's interest in real property or other property.
  - (f) "Fiduciary" means a person required to act for the benefit of another person on all matters within the scope of their relationship and by such a relationship owes another duties of good faith, trust, confidence and candor. For the purposes of this law, both brokers and salespersons are "fiduciaries."
  - (g) "Guardian ad litem" means a guardian appointed by the Judiciary on behalf of an incompetent or minor party.
  - (h) "Individual fee land" means real property held in fee status by an individual or group of individuals.
  - (i) "Individual trust land" means individual Tribal land held in trust by the United States of America for the benefit of a Tribal member.
  - (j) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.
  - (k) "Land Management" means the entity within the Nation responsible for maintaining the Oneida Nation Register of Deeds, entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.
  - (l) "Land use license" means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of Tribal land for a specific purpose and a specific duration, which may require the Nation to be compensated for such use.
  - (m)"Leasehold mortgage" means a mortgage, deed of trust, or other instrument that pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
  - (n) "Nation" means the Oneida Nation.
  - (o) "Personal representative" means a person to whom authority to administer a decedent's estate have been granted by Land Management or the Judiciary.
  - (p) "Probate" or "Administration" means any proceeding relating to a decedent's estate, whether there is or is not a will.
  - (q) "Real property" means land and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.
  - (r) "Reservation" means all the property 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.
  - (s) "Restricted fee status" means an interest in real property which includes a provision in the deed or will that, upon the happening or failure to happen of a certain event, the title of the purchaser or devisee shall be limited, enlarged, changed or terminated.
  - (t) "Rule" means a set of requirements, including fee schedules, enacted by the Comprehensive Housing Division, Land Management, Oneida Planning Department and/or the Oneida Land Commission in accordance with the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.

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- (u) "TAAMS" (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.
  - (v) "Title status report" means a report issued by the Bureau of Indian Affairs after a title examination which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.
  - (w) "Tribal fee land" means land held in fee status by the Nation.
  - (x) "Tribal land" means Tribal fee land and Tribal trust land.
  - (y) "Tribal member" means an individual who is an enrolled member of the Nation.
  - (z) "Tribal trust land" means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

# **601.4.** General Provisions

- 103 601.4-1. *Applicable Real Property*. The provisions of this law extend to all Tribal member's individual fee land and Tribal member's individual trust land within the Reservation boundaries and all Tribal land.
- 106 601.4-2. *Tribal Land Base*. Land Management shall administer all transactions which add real property to the Tribal land base under the provisions of this law.
- 601.4-3. *Sale of Tribal Land Prohibited*. The sale of Tribal land is specifically prohibited by this law, unless the intent of the transaction is the consolidation or partition of Tribal trust land and/or

individual trust land.

- 601.4-4. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land assignments. Further, in order to be eligible for a Tribal loan issued against a real property interest
- held as a land assignment, the land assignment shall first be converted to a residential lease.
- 114 601.4-5. Wisconsin Probate Code and its Related Chapters. In instances where the Nation lacks
- definition, procedure, or legal precedent in a probate matter, the Nation shall use Wisconsin's
- Probate Code and its related chapters for guidance.
- 601.4-6. *Wisconsin Real Property Law*. The Nation shall follow all applicable portions of the Wisconsin Real Property law when acquiring individual fee land.
- 601.4-7. *No Waiver of Sovereign Immunity*. Nothing in this law may be construed as a waiver of the Nation's sovereign immunity.

# 601.5. Holding of Ownership

- 123 601.5-1. Interests in real property by more than one (1) person may be held in the following ways:
  - (a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, his/her share is divided among the remaining owners; the last living owner owns the entire property.
    - (1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, his/her interest is

divided among his/her devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

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# 601.6. Legal Descriptions

- 601.6-1. The legal description for any real property transferred under this law shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes the legal description of the certified survey map for the same piece of property, the certified survey map's legal description shall be used on transfer documents along with the survey description, which shall be designated as "Also Known As ..." Section, township, range and fourth principal meridian shall be included in all legal descriptions.
- 601.6-2. Every land survey shall be made in accordance with the county register of deeds' records for fee land, and in accordance with the Oneida Nation Register of Deeds' records for Tribal trust lands and individual trust lands. The surveyor shall acquire data necessary to retrace record title
- boundaries such as deeds, maps, certificates of title, title status reports, Tribal leases, Tribal home

purchase agreements, center line and other boundary line locations.

- 601.6-3. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.
- 601.6-4. All surveys prepared for the Nation shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and

encroachments, as applicable.

- 601.6-5. Legal descriptions shall be used on transfer documents formalizing a purchase, real estate sale, lease, foreclosure, probate transfer, trust acquisition and Tribal resolutions.
- 601.6-6. When real estate is listed, noticed and/or advertised as available for sale, rent or lease to Tribal members, the address is an adequate legal description of the real property.

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#### 601.7. Title Transfer

- 601.7-1. *Trust Acquisition*. Land Management shall use title companies duly registered with the Department of Interior and approved by the Land Management to update abstracts or provide title insurance on real property scheduled for trust acquisition.
  - (a) Title companies shall follow general guidelines provided by the federal government in terms of form, content, period of search, destroyed or lost records and abstracter's certificate.
  - (b) When researching land title for real property within the Reservation which is being considered for trust acquisition, Land Management shall request the title company to search the title back to the original allottee, in order to ensure that patents or Indian deeds were legally issued.
  - (c) Any valid liens or encumbrances shown by the commitment for title insurance shall be eliminated before the title is transferred into trust.
  - (d) After land is in trust both a title search of county records and a title status report requested by Land Management from the Bureau of Indian Affairs shall verify all valid encumbrances, if any, on the title. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by Land Management based on a standard operating procedure that is effective upon approval by the Oneida Land Commission.

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- 179 (e) Land Management applications to convert Tribal fee land into Tribal trust land require 180 an Oneida Land Commission resolution approving the conversion.
  - 601.7-2. Deeds. A deed is the formal document used by the Land Management to transfer title from one (1) party to another.
    - (a) A valid deed shall:
      - (1) Be in writing;
      - (2) Identify the grantor (seller) and grantee (buyer);
      - (3) Provide the legal description of the real property;
      - (4) Identify the interest conveyed, as well as any conditions, reservations, exceptions, or rights of way attached to the interest;
      - (5) Be signed by or on behalf of each of the grantors (sellers);
      - (6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if applicable: and
      - (7) Be delivered to the grantee (buyer).
    - (b) In addition to the requirements listed in section 601.7-2(a), a deed prepared for trust acquisition shall include:
      - (1) The federal authority for trust acquisition:
      - (2) Any exceptions or exclusions from the State of Wisconsin's fees or other transfer requirements;
      - (3) The approximate acreage of the real property being transferred to trust; and
      - (4) The authority and signature of the appropriate Department of Interior official who accepts the real property into trust.
    - (c) A deed transferring fee simple title shall be recorded in the appropriate register of deeds office, provided that, once the real property is in trust, the title shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.
  - 601.7-3. Involuntary Transfer of Title. All involuntary transfers of title require a hearing and order from the Judiciary, and may occur in the following ways:
    - (a) Eminent Domain. Eminent domain is the right of the Nation's government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.
      - (1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.
      - (2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.
      - (3) The Nation's exercise of eminent domain may be appealed to the Judiciary.
    - (b) Foreclosure. Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a leasehold mortgage.
    - (c) Tribal Land Consolidation. Section 207 of the Indian Land Consolidation Act (Pub.L. No. 97-459, 96 Stat. 2515, and amended on October 30, 1984 by Pub.L. No. 98-608, 98 Stat. 3171) is incorporated into this law, which provides a mechanism for real property within the Reservation to escheat, or pass, to the Nation.

(1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership interest in real property escheats, or passes, to the Nation under the following circumstances, provided that the Nation shall provide just compensation for the interest:

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(A) The real property is within the Reservation boundaries;

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(B) The decedent's ownership in the given parcel of land is two percent (2%) or less of the total acreage; and

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(C) The interest is incapable of earning one hundred dollars (\$100) in any one (1) of the five (5) years immediately following the decedent's death.

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(2) A decedent's heirs may appeal a land consolidation under this section to the Judiciary.

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(3) Land consolidation is subject to the probate requirements, as included in this law and accompanying rules.

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(d) *Transferring Interests Inherited by Non-Tribal Members*. If the owner of an interest of real property which is held in trust or restricted fee status located within the Reservation devises such interest to a non-Tribal member, the Nation may acquire the interest by paying the fair market value of the interest determined as of the date of the decedent's death. Such transfer is effective upon receipt of an order transferring inherited interests from the Judiciary pursuant to section 205 of the Indian Land Consolidation Act.

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(1) An order transferring inherited interests may not be granted if:

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(A) While the decedent's estate is pending, the non-Indian devisee denounces his or her interest in favor of a Tribal member person;

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(B) The interest is part of a family farm that is devised to a member of the immediate family of the decedent, provided that such a restriction shall be recorded as part of the deed relating to the interest involved; or

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(C) The devisee agrees in writing that the Nation may acquire the interest for fair market value only if the interest is offered for sale to a person or entity that is not a member of the immediate family of the owner of the interest.

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interest.
(e) Easements for Landlocked Properties. Land Management and the Oneida Land Commission shall jointly develop rules regarding requests for easements for landlocked properties.

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601.7-4. Land Management shall work with the Oneida Law Office in order to pursue an involuntary transfer of title.

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### 601.8. Probate

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601.8-1. Land Management shall process and administer probate estates and, where necessary, shall refer probate estates to the Oneida Judiciary for formal administration. Land Management and the Oneida Land Commission shall jointly create any rules necessary to administer probate estates. Land Management shall:

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(a) Process applications for probate administration;

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(b) Receive proof of heirship demonstrating a party is entitled to receive an intestate decedent's property pursuant to applicable laws and rules;

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(c) Receive consent to serve forms and in undisputed matters, issue domiciliary letters;

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(d) Require and receive affidavits of service;

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(e) Receive waiver and consent to probate administration forms and any related affidavits;

(f) Issue notice to creditors of the probate's administration, receive creditor claims for consideration and settlement, and issue discharge of creditors when appropriate;

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- 274 (g) Receive and process all estate inventories;
- 275 (h) Receive and process, when possible, land transactions in accordance with this law and receive proof of recording documents;
  - (i) Receive estate receipts;
  - (j) In undisputed matters, receive and process statement of personal representative to close estate and issue discharge of personal representative; and
  - (k) Refer disputed matters to the Judiciary, transfer probate and related documents, and participate in the Judiciary's proceedings as necessary.
  - 601.8-2. The Judiciary shall hear and administer disputed probate estates or matters requiring appointment of a guardian ad litem and shall have all the above powers conferred upon Land Management in such cases. In addition, the Judiciary shall hear and administer probate estates in which Land Management seeks appointment as a personal representative.

# 601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this law, the responsible parties designated herein shall administer and process leases of both Tribal fee land and Tribal trust land in accordance with the Leasing law.

## **601.10.** Records

601.10-1. *Purpose*. Land Management shall oversee the administration of the Oneida Nation Register of Deeds which shall accept and record documents related to real property located within the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located. 601.10-2. *Types of Records*. The Oneida Nation Register of Deeds may only accept documents that provide evidence of activities affecting real property title, preserve the record of a title document and give constructive notice of changes to a title document. Further, such documents shall be originals, signed duplicates or certified copies. The following documents may be accepted by the Oneida Nation Register of Deeds.

- (a) Deeds:
- (b) Probate orders:
- (c) Mortgages and other valid liens;
- (d) Easements, covenants, and restrictions;
- (e) Certified survey maps and plats of survey;
- (f) Patents;
- (g) Declarations of involuntary transfer or taking;
- 311 (h) Satisfactions;
  - (i) Leases made pursuant to the Leasing law;
  - (i) Home ownership agreements made pursuant to the Landlord-Tenant law:
  - (k) Marriage agreements; and
  - (1) Correction of title defects.
- 316 601.10-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide open access to land records and title documents.
- 318 601.10-4. Trust Land. All documents pertaining to Tribal trust land and individual trust land shall
- be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles
- and Records Office.

601.10-5. *Tribal Seal*. The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

# 601.11. Real Estate Education Requirements and Certifications

- 601.11-1. Wisconsin Real Estate Education and Exam Required. All persons engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Land Management director shall select which continuing education courses are required and the Oneida Law Office shall provide the director with a recommendation. In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.
  - (a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal fee land on behalf of the Nation are regular employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.
  - (b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall employ a minimum of one (1) employee whose primary focus is real estate acquisitions and shall ensure that a minimum of two (2) employees are educated and trained as backups to the primary.
- 601.11-2. *TAAMS Certification Required*. All persons responsible for encoding leasing information shall obtain a TAAMS certification, which includes, but is not limited to, the following positions:
  - (a) Residential and Commercial Leasing Specialists;
  - (b) Land Title and Trust Manager; and
  - (c) Title Examiner.

601.11-3. *Fiduciary Responsibility*. All persons engaged in the buying or selling of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

## 601.12. Organization

- 601.12-1. Comprehensive Housing Division. The Comprehensive Housing Division shall oversee all residential transactions within the Reservation and shall process and administer such transactions using the applicable of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, the Oneida Land Commission and the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property.
- 365 601.12-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:
  - (a) Interpret the provisions of this law and create policy to guide Land Management in implementing the same;

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- (b) Approve or deny all easements and land use licenses;(c) Review and adopt Land Management's standard operations.
  - (c) Review and adopt Land Management's standard operating procedures for entering into agriculture and commercial leases pursuant to the Leasing law;
  - (d) Approve or deny all acquisition of Tribal land;
  - (e) Allocate and assign land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission; and
  - (f) Name all buildings, roads, parks and the like on Tribal land.
  - 601.12-3. *Land Management*. Land Management shall implement this law in accordance with the policy directives provided by the Oneida Land Commission. Land Management shall:
    - (a) Forward requests for easements and land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission;
    - (b) Administer and oversee the Oneida Nation Register of Deeds;
    - (c) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;
    - (d) Prepare title reports and process trust transactions; and
    - (e) Process land acquisition transactions as approved by the Oneida Land Commission.

601.12-4. Administrative Rulemaking Authority. The Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law.

End.

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- 397 Adopted-BC-05-29-96-A
- 398 Amended-BC-03-01-06-D
- 399 Amended-BC-04-28-10-E
- 400 Amended-BC-02-25-15-C
- 401 Amended-BC-05-13-15-B
- 402 Amended-BC-02-08-17-A
- 403 Emergency Amendment-Amended BC-06-14-17-A
- 404 Amended-BC-05-09-18-A
- 405 Emergency Amended BC- - -

# Title 6. Property and Land – Chapter 601 Tok^ske Kayanl^hsla Tsi> Ni>yohuntsya=t#

The real/certain laws of the territory of the nation

### **REAL PROPERTY**

601.1.	Purpose and Policy	601.7.	Title Transfer
601.2.	Adoption, Amendment, Repeal	601.8.	Probate
601.3.	Definitions	601.9.	Leasing of Real Property
601.4.	General Provisions	601.10.	Records
601.5.	Holding of Ownership	601.11.	Real Estate Education Requirements and Certifications
601.6.	Legal Descriptions	601.12.	Organization

# 601.1. Purpose and Policy

601.1-1. *Purpose*. The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions. 601.1-2. *Policy*. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.

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# 601.2. Adoption, Amendment, Repeal

- 14 601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A 15 and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and 16 BC-02-08-17-A, BC-05-09-18-A, and emergency amended by BC- - - -
- 17 601.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
- 601.2-3. 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.
- 601.2-4. 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. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.
  - 601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

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#### 601.3. Definitions

- 601.3-1. 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, subject to 601.4-5.
  - (a) "Broker" means a person who acts as an agent and negotiates the sale, purchase or rental of real property on behalf of others for a fee.
  - (b) "Certified survey map" means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.
    - (c) "Comprehensive Housing Division" means the division within the Nation under the direction of the Comprehensive Housing Division Director which consists of all residential

- services offered by the Nation, including but not limited to, all rental programs, the rentto-own program, and the residential sales and mortgages programs.
  - (d) "Easement" means a real property right to cross or otherwise utilize the land of another for a specified purpose.
  - (e) "Estate" means a person's interest in real property or other property.
  - (f) "Fiduciary" means a person required to act for the benefit of another person on all matters within the scope of their relationship and by such a relationship owes another duties of good faith, trust, confidence and candor. For the purposes of this law, both brokers and salespersons are "fiduciaries."
  - (g) "Guardian ad litem" means a guardian appointed by the Judiciary on behalf of an incompetent or minor party.
  - (h) "Individual fee land" means real property held in fee status by an individual or group of individuals.
  - (i) "Individual trust land" means individual Tribal land held in trust by the United States of America for the benefit of a Tribal member.
  - (j) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.
  - (k) "Land Management" means the entity within the Nation responsible for maintaining the Oneida Nation Register of Deeds, entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.
  - (l) "Land use license" means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of Tribal land for a specific purpose and a specific duration, which may require the Nation to be compensated for such use.
  - (m) "Leasehold mortgage" means a mortgage, deed of trust, or other instrument that pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
  - (n) "Nation" means the Oneida Nation.
  - (o) "Personal representative" means a person to whom authority to administer a decedent's estate have been granted by Land Management or the Judiciary.
  - (p) "Probate" or "Administration" means any proceeding relating to a decedent's estate, whether there is or is not a will.
  - (q) "Real property" means land and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.
  - (r) "Reservation" means all the property 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.
  - (s) "Restricted fee status" means an interest in real property which includes a provision in the deed or will that, upon the happening or failure to happen of a certain event, the title of the purchaser or devisee shall be limited, enlarged, changed or terminated.
  - (t) "Rule" means a set of requirements, including fee schedules, enacted by the Comprehensive Housing Division, Land Management, Oneida Planning Department and/or the Oneida Land Commission in accordance with the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.

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- (u) "TAAMS" (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.
  - (v) "Title status report" means a report issued by the Bureau of Indian Affairs after a title examination which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.
  - (w) "Tribal fee land" means land held in fee status by the Nation.
  - (x) "Tribal land" means Tribal fee land and Tribal trust land.
  - (y) "Tribal member" means an individual who is an enrolled member of the Nation.
  - (z) "Tribal trust land" means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

# **601.4.** General Provisions

- 103 601.4-1. *Applicable Real Property*. The provisions of this law extend to all Tribal member's individual fee land and Tribal member's individual trust land within the Reservation boundaries and all Tribal land.
- 106 601.4-2. *Tribal Land Base*. Land Management shall administer all transactions which add real property to the Tribal land base under the provisions of this law.
- 601.4-3. *Sale of Tribal Land Prohibited.* The sale of Tribal land is specifically prohibited by this law, unless the intent of the transaction is the consolidation or partition of Tribal trust land and/or
- individual trust land.
- 601.4-4. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land assignments. Further, in order to be eligible for a Tribal loan issued against a real property interest
- held as a land assignment, the land assignment shall first be converted to a residential lease.
- 601.4-5. *Wisconsin Probate Code and its Related Chapters*. In instances where the Nation lacks
- definition, procedure, or legal precedent in a probate matter, the Nation shall use Wisconsin's
- Probate Code and its related chapters for guidance.
- 601.4-6. Wisconsin Real Property Law. The Nation shall follow all applicable portions of the
- 118 Wisconsin Real Property law when acquiring individual fee land.
- 601.4-7. *No Waiver of Sovereign Immunity*. Nothing in this law may be construed as a waiver of the Nation's sovereign immunity.

# 601.5. Holding of Ownership

- 601.5-1. Interests in real property by more than one (1) person may be held in the following ways:

  (a) *Joint Tenancy with the Right of Survivorship.* Pursuant to this ownership mechanism
  - (a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, his/her share is divided among the remaining owners; the last living owner owns the entire property.
    - (1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) Tenancy in Common. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, his/her interest is

divided among his/her devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

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- 601.6-3. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.
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- 601.7-1. *Trust Acquisition*. Land Management shall use title companies duly registered with the Department of Interior and approved by the Land Management to update abstracts or provide title insurance on real property scheduled for trust acquisition.
  - (a) Title companies shall follow general guidelines provided by the federal government in terms of form, content, period of search, destroyed or lost records and abstracter's certificate.
  - (b) When researching land title for real property within the Reservation which is being considered for trust acquisition, Land Management shall request the title company to search the title back to the original allottee, in order to ensure that patents or Indian deeds were legally issued.
  - (c) Any valid liens or encumbrances shown by the commitment for title insurance shall be eliminated before the title is transferred into trust.
  - (d) After land is in trust both a title search of county records and a title status report requested by Land Management from the Bureau of Indian Affairs shall verify all valid encumbrances, if any, on the title. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by Land Management based on a standard operating procedure that is effective upon approval by the Oneida Land Commission.

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- Draft 1 Emergency Amendments for OBC Consideration 2020 01 22 179 (e) Land Management applications to convert Tribal fee land into Tribal trust land require an Oneida Land Commission resolution approving the conversion. 180 601.7-2. Deeds. A deed is the formal document used by the Land Management to transfer title 181 182 from one (1) party to another. (a) A valid deed shall: 183 184 (1) Be in writing; 185 (2) Identify the grantor (seller) and grantee (buyer); 186 (3) Provide the legal description of the real property; 187 (4) Identify the interest conveyed, as well as any conditions, reservations, 188 exceptions, or rights of way attached to the interest; (5) Be signed by or on behalf of each of the grantors (sellers); 189 190 (6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if 191 applicable; and 192
  - (7) Be delivered to the grantee (buyer).
  - (b) In addition to the requirements listed in section 601.7-2(a), a deed prepared for trust acquisition shall include:
    - (1) The federal authority for trust acquisition;
    - (2) Any exceptions or exclusions from the State of Wisconsin's fees or other transfer requirements:
    - (3) The approximate acreage of the real property being transferred to trust; and
    - (4) The authority and signature of the appropriate Department of Interior official who accepts the real property into trust.
  - (c) A deed transferring fee simple title shall be recorded in the appropriate register of deeds office, provided that, once the real property is in trust, the title shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.
  - 601.7-3. Involuntary Transfer of Title. All involuntary transfers of title require a hearing and order from the Judiciary, and may occur in the following ways:
    - (a) Eminent Domain. Eminent domain is the right of the Nation's government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.
      - (1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.
      - (2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.
      - (3) The Nation's exercise of eminent domain may be appealed to the Judiciary.
    - (b) Foreclosure. Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a leasehold mortgage.
    - (c) Tribal Land Consolidation. Section 207 of the Indian Land Consolidation Act (Pub.L. No. 97-459, 96 Stat. 2515, and amended on October 30, 1984 by Pub.L. No. 98-608, 98 Stat. 3171) is incorporated into this law, which provides a mechanism for real property within the Reservation to escheat, or pass, to the Nation.

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- (1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership interest in real property escheats, or passes, to the Nation under the following circumstances, provided that the Nation shall provide just compensation for the interest:
  - (A) The real property is within the Reservation boundaries;
  - (B) The decedent's ownership in the given parcel of land is two percent (2%) or less of the total acreage; and
  - (C) The interest is incapable of earning one hundred dollars (\$100) in any one (1) of the five (5) years immediately following the decedent's death.
- (2) A decedent's heirs may appeal a land consolidation under this section to the Judiciary.
- (3) Land consolidation is subject to the probate requirements, as included in this law and accompanying rules.
- (d) *Transferring Interests Inherited by Non-Tribal Members*. If the owner of an interest of real property which is held in trust or restricted fee status located within the Reservation devises such interest to a non-Tribal member, the Nation may acquire the interest by paying the fair market value of the interest determined as of the date of the decedent's death. Such transfer is effective upon receipt of an order transferring inherited interests from the Judiciary pursuant to section 205 of the Indian Land Consolidation Act.
  - (1) An order transferring inherited interests may not be granted if:
    - (A) While the decedent's estate is pending, the non-Indian devisee denounces his or her interest in favor of a Tribal member person;
    - (B) The interest is part of a family farm that is devised to a member of the immediate family of the decedent, provided that such a restriction shall be recorded as part of the deed relating to the interest involved; or
    - (C) The devisee agrees in writing that the Nation may acquire the interest for fair market value only if the interest is offered for sale to a person or entity that is not a member of the immediate family of the owner of the interest.
- (e) Easements for Landlocked Properties. Land Management and the Oneida Land Commission shall jointly develop rules regarding requests for easements for landlocked properties.
- 601.7-4. Land Management shall work with the Oneida Law Office in order to pursue an involuntary transfer of title.

#### 601.8. Probate

- 601.8-1. Land Management shall process and administer probate estates and, where necessary, shall refer probate estates to the Oneida Judiciary for formal administration. Land Management and the Oneida Land Commission shall jointly create any rules necessary to administer probate estates. Land Management shall:
  - (a) Process applications for probate administration;
  - (b) Receive proof of heirship demonstrating a party is entitled to receive an intestate decedent's property pursuant to applicable laws and rules;
  - (c) Receive consent to serve forms and in undisputed matters, issue domiciliary letters;
  - (d) Require and receive affidavits of service;
  - (e) Receive waiver and consent to probate administration forms and any related affidavits;
  - (f) Issue notice to creditors of the probate's administration, receive creditor claims for consideration and settlement, and issue discharge of creditors when appropriate;

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- 274 (g) Receive and process all estate inventories;
- 275 (h) Receive and process, when possible, land transactions in accordance with this law and receive proof of recording documents;
  - (i) Receive estate receipts;
  - (j) In undisputed matters, receive and process statement of personal representative to close estate and issue discharge of personal representative; and
  - (k) Refer disputed matters to the Judiciary, transfer probate and related documents, and participate in the Judiciary's proceedings as necessary.
  - 601.8-2. The Judiciary shall hear and administer disputed probate estates or matters requiring appointment of a guardian ad litem and shall have all the above powers conferred upon Land Management in such cases. In addition, the Judiciary shall hear and administer probate estates in which Land Management seeks appointment as a personal representative.

# 601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this law, the responsible parties designated herein shall administer and process leases of both Tribal fee land and Tribal trust land in accordance with the Leasing law.

# **601.10.** Records

601.10-1. *Purpose*. Land Management shall oversee the administration of the Oneida Nation Register of Deeds which shall accept and record documents related to real property located within the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located. 601.10-2. *Types of Records*. The Oneida Nation Register of Deeds may only accept documents that provide evidence of activities affecting real property title, preserve the record of a title document and give constructive notice of changes to a title document. Further, such documents shall be originals, signed duplicates or certified copies. The following documents may be accepted by the Oneida Nation Register of Deeds.

- (a) Deeds;
- (b) Probate orders;
- (c) Mortgages and other valid liens;
- (d) Easements, covenants, and restrictions;
- (e) Certified survey maps and plats of survey;
- (f) Patents;
- (g) Declarations of involuntary transfer or taking;
- 311 (h) Satisfactions;
  - (i) Leases made pursuant to the Leasing law;
  - (i) Home ownership agreements made pursuant to the Landlord-Tenant law;
  - (k) Marriage agreements; and
- 315 (l) Correction of title defects.
- 316 601.10-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide open access to land records and title documents.
- 318 601.10-4. Trust Land. All documents pertaining to Tribal trust land and individual trust land shall
- 319 be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles
- and Records Office.

601.10-5. *Tribal Seal*. The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

# 601.11. Real Estate Education Requirements and Certifications

- 601.11-1. Wisconsin Real Estate Education and Exam Required. All persons engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Land Management director shall select which continuing education courses are required and the Oneida Law Office shall provide the director with a recommendation. In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.
  - (a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal fee land on behalf of the Nation are regular employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.
  - (b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall employ a minimum of one (1) employee whose primary focus is real estate acquisitions and shall ensure that a minimum of two (2) employees are educated and trained as backups to the primary.
- 601.11-2. *TAAMS Certification Required*. All persons responsible for encoding leasing information shall obtain a TAAMS certification, which includes, but is not limited to, the following positions:
  - (a) Residential and Commercial Leasing Specialists;
  - (b) Land Title and Trust Manager; and
  - (c) Title Examiner.

601.11-3. *Fiduciary Responsibility*. All persons engaged in the buying or selling of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

### 601.12. Organization

- 601.12-1. Comprehensive Housing Division. The Comprehensive Housing Division shall oversee all residential transactions within the Reservation and shall process and administer such transactions using the applicable of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, the Oneida Land Commission and the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property.
- 365 601.12-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:
  - (a) Interpret the provisions of this law and create policy to guide Land Management in implementing the same;

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- 369 (b) Approve or deny all easements and land use licenses; 370 (c) Review and adopt Land Management's standard opera
  - (c) Review and adopt Land Management's standard operating procedures for entering into agriculture and commercial leases pursuant to the Leasing law;
  - (d) Approve or deny all acquisition of Tribal land;
  - (e) Allocate and assign land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission; and
  - (f) Name all buildings, roads, parks and the like on Tribal land.
  - 601.12-3. *Land Management*. Land Management shall implement this law in accordance with the policy directives provided by the Oneida Land Commission. Land Management shall:
    - (a) Forward requests for easements and land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission;
    - (b) Administer and oversee the Oneida Nation Register of Deeds;
    - (c) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;
    - (d) Prepare title reports and process trust transactions; and
    - (e) Process land acquisition transactions as approved by the Oneida Land Commission.
  - 601.12-4. Administrative Rulemaking Authority. The Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law.

392 393 *End.* 

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397 Adopted-BC-05-29-96-A

- 398 Amended-BC-03-01-06-D
- 399 Amended-BC-04-28-10-E
- 400 Amended-BC-02-25-15-C
- 401 Amended-BC-05-13-15-B
- 402 Amended-BC-02-08-17-A
- 403 Emergency Amended BC-06-14-17-A
- 404 Amended-BC-05-09-18-A
- 405 Emergency Amended BC- - -

Public Packet 68 of 254

# **Oneida Business Committee Agenda Request**

Determine next steps regarding one (1) vacancy - Oneida Airport Hotel Corporation Board of Directors

1. Meeting Date Requested: 01 / 22 / 20			
2. General Information:  Session: ⊠ Open ☐ Executive - See instructions for the applicable laws, then choose one:			
Agenda Header: Appointments			
<ul> <li>☐ Accept as Information only</li> <li>☑ Action - please describe:</li> </ul>			
Determine next steps regarding one (1) vacancy(ies) - Oneida Airport Hotel Corporation Board of Director	·s		
3. Supporting Materials  Report Resolution Contract  Other:			
1. 3.			
2.			
☐ 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.  Name, Title / Dept.			

# **Oneida Business Committee Agenda Request**

#### 6. Cover Memo:

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

One (1) vacancy(ies) were posted for the Oneida Airport Hotel Corporation Board of Directors The application deadline was January 3, 2020 and two (2) application(s) were received for the following applicant(s): Kateri Baker **Beverly Anderson** The Corporate Charter of OAHC Article VII.A. states "The Business Committee, in selecting and appointing members of the Board of Directors, shall give due consideration to qualities of industry, responsibility, integrity and judgment, and shall have due regard for: 1. The need for diversity of experience on the Board of Directors 2. The need for adequate representation of the various areas of expertise served and required by the Corporation 3. The guidelines of organizations providing financial assistance to the Corporation" Action requested: accept the selected the applicant(s) and appoint to term ending January 31, 2025.

- 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

Public Packet 70 of 254

# **Oneida Business Committee Agenda Request**

Determine next steps regarding three (3) vacancies - Oneida Youth Leadership Institute Board

1. Meeting Date Requested: 01 / 22 / 20	
2. General Information:  Session: ☑ Open ☐ Executive - See instructions for the applicable laws, then choose one:	
Agenda Header: Appointments	
<ul> <li>☐ Accept as Information only</li> <li>☒ Action - please describe:</li> </ul>	
Determine next steps regarding three (3) vacancies - Oneida Youth Leadership Institute Board	
3. Supporting Materials  Report Resolution Contract Other:	
1 3	
2. 4.	
☐ Business Committee signature required	
4. Budget Information	
<ul> <li>□ Budgeted - Tribal Contribution</li> <li>□ Budgeted - Grant Funded</li> <li>□ Unbudgeted</li> </ul>	
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:

Three (3) vacancies were posted for the Oneida Youth Leadership Institute Board. The application deadline was January 3, 2020 and one (1) application(s) were received for the following applicant(s): Marlon G. Skenandore According to OYLI's Charter Section I.A. Creation. The Oneida Youth Leadership Institute ("OYLI") is hereby established as a wholly owned unincorporated agency of the Oneida Nation (the "Nation"), and shall be governed and managed by a Board of Directors, subject to the provisions of this Charter; the Board of Directors is not a board, committee or commission for purposes of the Comprehensive Policy Governing Boards, Committees and Commissions. Action requested: (1) accept the selected the applicant(s) and appoint Marlon G. Skenandore to term ending June 30, 2022 OR June 30, 2023; AND (2) repost the remaining two (2) vacancies for the Oneida Youth Leadership Institute Board.

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

# Accept the December 2012 Bresillers Ficancia Remaittee markingurein utes

1. Meeting Date Requested:	01 / 22 / 20
2. General Information:  Session:   ○ Open  ○ Exec	utive - See instructions for the applicable laws, then choose one:
Agenda Header: Standing Co	mmittees
<ul><li>✓ Accept as Information only</li><li>✓ Action - please describe:</li><li>BC to accept the Finance Communication</li></ul>	ommittee Meeting Minutes of Dec. 30, 2019
3. Supporting Materials  ☐ Report ☐ Resolution  ☑ Other:  1. FC E-Polls approving 12	Contract  /30/19 Mtg Minutes 3.
2. FC Mtg Minutes of Dece	
Business Committee signatu  4. Budget Information  Budgeted - Tribal Contribution	
5. Submission	
Authorized Sponsor / Liaison:	Trish King, Tribal Treasurer
Primary Requestor:	Denise Vigue, Executive Assistant to the CFO /Finance Administration Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

Public Packet 73 of 25<sub>f</sub>



#### INTERNAL MEMO

**TO:** Finance Committee

FR: Denise J. Vigue, Executive Assistant to the CFO &

Finance Committee Contact / Support

**DT**: 12/31/19

RE: E-Poll Results - FC Meeting Minutes of Dec. 30, 2019

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of December 30, 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 <u>3</u> FC members voting to approve the Dec. 30, 2019 Finance Committee Meeting Minutes. FC Members voting included: Chad Fuss, David Jordan and Daniel Guzman King. Larry Barton abstained as he chaired the meeting.

These Finance Committee Minutes of Dec. 30, 2019 (with correction) will be placed on the next Finance Committee agenda of Jan. 13, 2020 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 BC 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.

#### FC REGULAR MEETING

Dec. 30, 2019 • Time: 9:00 A.M. BC Executive Conference Room

#### REGULAR MEETING MINUTES

#### FC REGULAR MEETING:

Larry Barton, CFO/FC Vice-Chair David Jordan, BC Council Member (FC Alt.)
Daniel Guzman King, BC Council Member Chad Fuss, Gaming AGM; GGM Alt.

**EXCUSED:** Patricia King, Treasurer/FC Chair, Jennifer Webster, BC Council Member, Patrick Stensloff, Purchasing Director and Shirley Barber, FC Elder Member

OTHERS PRESENT: Jeff Carlson, Nathan Maufort and Denise J. Vigue, taking Minutes

**I. CALL TO ORDER:** The FC Regular Meeting was called to order by the FC Vice-Chair at 9:03 A.M.

II. APPROVAL OF AGENDA: DECEMBER 30, 2019

Motion by Chad Fuss to approve the Dec. 30, 2019 FC Meeting Agenda. Seconded by Daniel Guzman King. Motion carried unanimously.

- **III. APPROVAL OF MINUTES:** DECEMBER 16, 2019 (Approved via E-Poll on 12/16/19): Item not addressed.
- IV. TABLED BUSINESS: NONE
- V. CAPITAL EXPENDITURES:
  - 1. TGHS Chiller compressor

Timothy Skenandore, Gaming Facilities

Nathan was present to explain this request for a chiller compressor replacement at the main casino, compressor needed to cool building; orders take up to three months to fill; hope to get it installed by spring.

Amount: \$57,575.

Motion by David Jordan to approve the Gaming Capital Expenditures for the chiller compressor from TGHS in the amount of \$57,575.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### VI. COMMUNITY FUND:

#### **REPORTS:**

1. Community Fund Monthly Report for January 2020

Denise J. Vigue, Finance Administration Office

Motion by Chad Fuss to approve the Community Fund report for January 2020. Seconded by Daniel Guzman King. Motion carried unanimously.

Public Packet 75 of 254

#### **REQUESTS:**

#### 1. Midwest Force Select Hoops player fees

Requester: Erika Sommers for daughter, Harmony

Motion by David Jordan to approve from the Community Fund the Midwest Force Select Hoops player fees for the daughter of the requester in the amount of \$500.00. Seconded by Chad Fuss. Motion carried unanimously.

Amount: \$500.

Amount: \$500.

Amount: \$500.

Amount: \$60.

Amount: \$45

Amount: \$500.

Amount: \$500.

Amount: \$144.

#### 2. Green Bay Purple Aces player fees

Requester: Tabitha DeGroot for daughter, Taliah

Motion by Chad Fuss to approve from the Community Fund the Green Bay Purple Aces player fees for the daughter of the requester in the amount of \$500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 3. Green Bay Purple Aces player fees

Requester: Lois Stevens for daughter, Marley

Motion by David Jordan to approve from the Community Fund the Green Bay Purple Aces player fees for the daughter of the requester in the amount of \$500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 4. Freedom Athletic Association Softball Registration

Requester: Cindy John for daughter, Jaydah

Motion by David Jordan to approve from the Community Fund the Freedom Athletic Association Softball registration for the daughter of the requester in the amount of \$60.00. Seconded by Chad Fuss. Motion carried unanimously.

#### 5. Freedom Athletic Association Softball Registration

Requester: Cindy John for daughter, Mylah

Motion by Daniel Guzman King to approve from the Community Fund the Freedom Athletic Association Softball registration for the daughter of the requester in the amount of \$45.00. Seconded by David Jordan. Motion carried unanimously.

#### 6. Great Lakes Region-Embroidery Guild Conf. Registration

Requester: Jennifer Falck

Motion by David Jordan to approve from the Community Fund the Great Lakes Region-Embroidery Guild Conference registration in the amount of \$500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 7. Work Some More -Basketball fees

Requester: Stacy White for son, Jaicius

Motion by Chad Fuss to approve from the Community Fund the Work Some More Basketball fees for the son of the requester in the amount of \$500.00. Seconded by David Jordan. Motion carried unanimously.

#### 8. Jujitsu Testing Fees

Requester: Constance Danforth

Motion by David Jordan to approve from the Community Fund the Jujitsu Testing fees in the amount of \$144.00. Seconded by Daniel Guzman King. Motion carried unanimously.

Public Packet 76 of 254

#### 9. YMCA Pre-School Swimming Lessons

Requester: Margaret VanDen Heuvel for son, Jack

Motion by David Jordan to approve from the Community Fund this request and the following request for YMCA Pre-School Swimming Lessons for the two sons of the requester in the amount of \$58.50 each. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 10. YMCA Pre-School Swimming Lessons

Amount: \$58.50

Amount: \$58.50

Requester: Margaret VanDen Heuvel for son, Sawyer

- See Motion in CF Request #9.

#### 11. Green Bay Select Volleyball Club fees

Amount: \$500.

Requester: Tina Moore for daughter, Hailey

Motion by Chad Fuss to approve from the Community Fund the Green Bay Select Volleyball Club fees for the daughter of the requester in the amount of \$500.00. Seconded by David Jordan. Motion carried unanimously.

#### 12. Better Body Fitness Gym class fees

Amount: \$500.

Requester: Stevi Skenandore

The FC noted that the Community Fund does not pay gym membership fees and approval can only be given for class fees and to make the correction for the minutes.

Motion by David Jordan to approve from the Community Fund the Better Body Fitness Gym class fees in the amount of \$500.00 for this request and for CF Request #16. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 13. Fusion Athletics class fees

Amount: \$500.

Requester: Stevi Skenandore for daughter, Serenity

Motion by Chad Fuss to approve from the Community Fund the Fusion Athletics class fees for the daughter of the requester in the amount of \$500.00. Seconded by David Jordan. Motion carried unanimously.

#### 14. Barb's Center for Dance class fees

Amount: \$500.

Requester: Nicole Brunner for daughter, Adrienne

Motion by David Jordan to approve from the Community Fund the Barb's Center for Dance class fees for the daughter of the requester in the amount of \$500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 15. Karate America class fees

Amount: \$500.

Requester: Nicole Brunner for son, Daysan

Motion by David Jordan to approve from the Community Fund the Karate America class fees for the son of the requester in the amount of \$500.00. Seconded by Daniel Guzman King. Motion carried unanimously.

#### 16. Better Body Fitness Gym class fees

Amount: \$500.

Requester: Christine King – Thomas

- See Motion in CF Request #12.

Public Packet 77 of 254

#### VII. NEW BUSINESS: None

#### VIII. EXECUTIVE SESSION:

Motion by David Jordan to move into Executive Session. Seconded by Daniel Guzman King Motion carried unanimously. Time: 9:10 A.M.

Motion by Chad Fuss to come out of Executive Session. Seconded by David Jordan Motion carried unanimously. Time: 9:14 A.M.

#### 1. FY20 Blanket PO – Independent Contract #2019-1399

Mari Kriescher, Consolidated Health Services

Motion by David Jordan to approve the FY20 Blanket Purchase Order for Independent Contract #2019-1399 in the amount as specified in the request. Seconded by Daniel Guzman King. Motion carried unanimously.

#### IX. FOLLOW UP: None

#### X. FOR YOUR INFORMATION:

**1. Gitchi -Replacement Parts** Amount: \$55,704. David Emerson, Gam-Slots

Motion by David Jordan to accept as FYI the Gitchi Replacement Parts purchase. Seconded by Daniel Guzman King. Motion carried unanimously

**XI. ADJOURN:** Motion by David Jordan to adjourn. Seconded by Chad Fuss. Motion carried unanimously. Time: 9:24 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: <u>December 31, 2019</u>

## **Oneida Business Committee Agenda Request**

Accept the January 13, 2020, regular Finance Committee meeting minutes

1. Meeting Date Requested: 01 / 22 / 20
2. General Information:
Session:   Open Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Standing Committees
Accept as Information only
Action - please describe:
BC to accept the Finance Committee Meeting Minutes of Jan. 13, 2020
3. Supporting Materials
☐ Report ☐ Resolution ☐ Contract ☐ Other:
1. FC E-Polls approving 01/13/20 Mtg Minutes 3.
1. If C E I on Supproving 01/13/20 Milg Williams
2. FC Mtg Minutes of Jan. 13, 2020 4.
☐ Business Committee signature required
4. Budget Information
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison: Trish King, Tribal Treasurer
Primary Requestor: Denise Vigue, Executive Assistant to the CFO /Finance Administration
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**: 01/14/20

RE: E-Poll Results - FC Meeting Minutes of Jan. 13, 2020

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of January 13, 2020. 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 <u>3</u> FC members voting to approve the Jan. 13, 2020 Finance Committee Meeting Minutes. FC Members voting included: Jennifer Webster, Patrick Stensloff and Chad Fuss. Larry Barton abstained as he chaired the meeting.

These Finance Committee Minutes of Jan. 13, 2020 will be placed on the next Finance Committee agenda of Feb. 3, 2020 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.

#### FC REGULAR MEETING

Jan. 13, 2020 • Time: 9:00 A.M. BC Executive Conference Room

#### REGULAR MEETING MINUTES

#### FC REGULAR MEETING:

Patricia King, FC Chair/Treasurer
Jennifer Webster, BC Council Member
Chad Fuss, AGGM-Gaming (GGM-Gaming, Alt.)

Larry Barton, FC Vice-Chair/CFO
Daniel Guzman King, BC Council Member
Patrick Stensloff, Purchasing Director

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

**OTHERS PRESENT:** Tsyosha?aht Delgado, April Hill, Dr. Ravi Vir, Debbie Danforth 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. The Vice-Chair took over the meeting at the request of the Chair.

II. APPROVAL OF AGENDA: DECEMBER 16, 2019

Motion by Jennifer Webster to approve the Finance Committee meeting agenda of Jan. 13, 2020. Seconded by Patrick Stensloff. Motion carried unanimously.

#### **III. APPROVE E-POLL OF MINUTES:**

- 1. DECEMBER 16, 2019 (Approved on 12/16/19)
- 2. DECEMBER 30, 2019 (Approved on 12/31/19)

Motion by Jennifer Webster to ratify the FC E-Poll actions taken on 12/16/19 & 12/31/19 approving the Dec. 16, 2019 and Dec. 30, 2019 Finance Committee Meeting Minutes. Seconded by Chad Fuss. Motion carried unanimously.

#### IV. TABLED BUSINESS:

Motion by Patrick Stensloff to remove these two items from the table for discussion. Seconded by Daniel Guzman King. Motion carried unanimously.

This item was reviewed after Tabled #2.

**1. Food Sovereignty Endowment**Daniel P. Guzman King, Council Member

The GM was not present, but her response was discussed including: questions on if this was just for crops and if a overall food initiative what about other areas of food, such as fish, animals from livestock and hunting, gathering foods such as berries, medicinal plants, and harvesting maple syrup; she suggested revising this endowment to include language that would address all these other areas related to food sovereignty to insure all the other traditional food and gathering practices would be

Public Packet 81 of 254

inclusive towards the goals of the endowment. She had concerns over some wording such as "functional medicine" and would like that to be more defined so not to confuse it with science-based medicine; also the different roles as identified in the endowment should be reviewed for possible change to those entities who would be responsible to carry out the endowment once it is implemented. The FC would also like to receive formal written comments from Pat Pelky.

Motion by Jennifer Webster to accept the memo of 1/8/20 from the General Manager regarding food sovereignty and wellness endowments. Seconded by Patrick Stensloff. Motion carried unanimously.

#### 2. Sovereign Sustainable Wellness Endowment

Daniel P. Guzman King, Council Member

As both Dr. Vir and Debbie Danforth were present the written response submitted by Comprehensive Health via the GM was discussed before the Food endowment. Discussion included: Representatives hoping to get a better understanding with more details of what would be included; concerns over how this may affect current funding; GM's response also to reduce ambiguity. Daniel noted this would be specifically for long term initiative funding for other wellness activities outside the scope of what is currently offered; Jennifer suggested bringing all affected parties together for an interdepartmental work meeting to establish and identify goals based upon the needs/projected needs, to clarify wording and objectives so as to develop a strategic plan, then the resolution could be formulated from the plan. Trish was concerned a work meeting needs to be clear to all parties what will be the expected outcome, so as not to drag this on for long as there have already been several meetings on this endowment.

Motion by Jennifer Webster to defer this to an organizational work meeting with all the departments that provide any wellness activities to work on the wellness strategic plan and the wellness endowment. Seconded by Patrick Stensloff. Motion carried unanimously.

#### V. CAPITAL EXPENDITURES: None

#### VI. FC DONATIONS:

#### **REPORT:**

#### 1. FC Donations – Monthly Report for January 2020

Denise J. Vigue, Finance

Motion by Jennifer Webster to approve the January 2020 Finance Committee Donation Report. Seconded by Patrick Stensloff. Motion carried unanimously.

#### **REQUESTS:**

#### 1. Church of the Holy Apostles – Annual Maintenance

Requester: Rev. Roger Patience, Vicar

Motion by Chad Fuss to approve from the FC Donation Line the Church of the Holy Apostles request in the amount of \$2,500.00. Seconded by Patrick Stensloff. Jennifer Webster abstained. Motion carried.

Amount: \$2,500.

#### VII. NEW BUSINESS:

#### 1. FY20 Blanket PO – Lamer's Bus Line Amount: \$230,000.

April Hill, Oneida Head Start

Introductions were made and this item discussed: this is a multi-year contract previously approved by the FC; this is for the FY20 Blanket Purchase Order.

Public Packet 82 of 254

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order for Lamer's Bus Line in the amount of \$230,000.00 contingent upon receiving the SAM.gov search. Seconded by Chad Fuss. Motion carried unanimously.

VIII. EXECUTIVE SESSION: None

IX. FOLLOW UP: NONE

#### X. FOR YOUR INFORMATION:

 Incredible Technologies – FY20 PO Blanket Change David Emerson, Gaming – Slots Dept.

Motion by Patrick Stensloff to accept the information from Incredible Technologies Purchase Order Blanket change as FYI. Seconded by Jennifer Webster. Motion carried unanimously.

2. Government to Government Agreement – Outagamie County

Paula King Dessart, OBC Support Office

Motion by Chad Fuss to accept the Government to Government Agreement with Outagamie County as FYI. Seconded by Patrick Stensloff. Motion carried unanimously.

**NOTE:** Although not on the agenda it was discussed as to what to do with the FC Elder Member position; the expectation was the current member would be present today (as relayed last week) but she did not show nor call in. This will be placed on the 2/3/20 FC agenda for discussion and action.

**XI. ADJOURN:** Motion by Patrick Stensloff to adjourn. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:01 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: January 14, 2020

Public Packet 83 of 254

## **Oneida Business Committee Agenda Request**

Accept the December 18, 2019, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 1 / 22 / 20	
2. General Information:	
Session:   Open Executive - See instructions for the applicable laws, then choose one:	_
Agenda Header: Standing Committees	
Agenda Headen.	
☐ Accept as Information only	
Accept the December 18, 2019, Legislative Operating Committee meeting minutes.	
3. Supporting Materials	
☐ Report ☐ Resolution ☐ Contract	
○ Other:     ○ Other:	
1. 12/18/19 LOC Meeting Minutes 3.	
	_
2 4	
☐ Business Committee signature required	
Business Committee signature required	
4. Budget Information	
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted	
5. Submission	
Authorized Sponsor / Liaison: David P. Jordan, Councilmember	
Primary Requestor/Submitter: Jennifer Falck, LRO Director  Your Name, Title / Dept. or Tribal Member	
Additional Requestor: Clorissa N. Santiago, LRO Staff Attorney	
Name, Title / Dept.	
Additional Requestor:	
Name, Title / Dept.	



## Oneida Nation Oneida Business Committee

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-2<sup>nd</sup> 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

Public Packet 85 of 254

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.

Public Packet 86 of 254

## **Oneida Business Committee Agenda Request**

Accept the Sanctions and Penalties for Elected Officals law materials and add to the tentatively scheduled

1. Meeting Date Requested:	1 / 22 / 20
2. General Information:	
Session:   Open   Exec	utive - See instructions for the applicable laws, then choose one:
Agenda Header: Standing Co	nmittees
☐ Accept as Information only	
	enalties for Elected Officials law materials and add to the tentatively scheduled Tribal Council meeting agenda.
3. Supporting Materials  ☐ Report ☑ Resolution ☑ Other:  1. Adoption Packet	Contract  3.
2.	4.
۷.	
☐ Business Committee signatu	re required
4. Budget Information	
☐ Budgeted - Tribal Contribution	on   Budgeted - Grant Funded   Unbudgeted
5. Submission	
Authorized Sponsor / Liaison:	David P. Jordan, Councilmember
Primary Requestor/Submitter:	Jennifer Falck, LRO Director Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Clorissa N. Santiago, LRO Staff Attorney  Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

## **Oneida Business Committee Agenda Request**

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Describe the purpose, background/history, and action reque	este	ite
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These materials will be provided as a handout at the January 22, 2020, Oneida Business Committee meeting.				

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

Approve the travel reporter and springs, Can Material Agend A trepue Board retreat - Palm Springs, CA -

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:
Session:   Open   Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Travel Report
Accept as Information only
To accept the travel report for AIANTA Board Retreat January 6th-9th, 2020.
3. Supporting Materials
⊠ Report
Other:
1.
24
Business Committee signature required
4. Budget Information
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison: Kirby Metoxen, Councilmember
Milby Metoxett, Councilmental
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: Kirby Metoxen

Travel Event:	2020 AIANTA Board Retreat			
Travel Location:		Palm Springs		
Departure Date:	01/06/2020	Return Date:	01/09/2020	
Projected Cost:	\$1621.45	Actual Cost:	\$1580.79	
Date Travel was App	proved by OBC:	12/11/2019		

#### Narrative/Background:

Councilman Kirby Metoxen is the representative for the Oneida Nation and member of AIANTA Board. The AIANTA Board will be reimbursing part of the travel.

I was recently sworn into the American Indian Alaska Native Association Board of Directors representing the Midwest Region. The AIANTA Board is to represent all of Indian Country. The AIANTA Board of Directors is composed of two representatives from six identified regions: Alaska, Pacific, Southwest, Plains, Midwest, Eastern, and two At-Large positions. Each representative is elected by their respective region to serve a three-year term. At-Large representatives are elected by the entire AIANTA membership.

The board retreat goals were to provide relevant and timely reporting on the state of the organization. To introduce and acclimate new members to the organization. The retreat provided board training on roles and responsibilities (CEO oversight, ethics and transparency, board composition, board performance (evaluating board's effectiveness), giving and fundraising responsibilities). The board review/revise bylaws (committee) and establish 2020 board calendar (calendar year). Worked on MOU implementation with ITAC Board of Directors. We discussed build relationships and increase engagement with Tribes. Please see attached Board Retreat Agenda.

### **Item(s) Requiring Attention:**

Page 2

## **Business Committee Travel Report**

#### **Requested Action:**

Motion to approve travel report for AIANTA Board Retreat January 6<sup>th</sup>-9<sup>th</sup>, 2020.



# BOARD RETREAT AGENDA January 6-9, 2020 Agua Caliente Resort Casino Spa – Rancho Mirage 32-250 Bob Hope Dr. Rancho Mirage, CA 92270

Monday, January 6, 2020

Day 1: Travel Day/Team Building Activity - Palm Salon A

3:00pm-5:00pm

Journeys to the Past - Jacque Nunez

5:00pm

**Dinner on Your Own** 

Tuesday, January 7, 2020

Day 2: Understanding AIANTA and Tools to be a Successful Board Member – Star AB

8:00am

Welcome and Introductions, Emerson Vallo, Board President (5 mins)

Review and Update of AIANTA History and Timeline, Sherry L. Rupert, Executive Director

(35 mins)

Review of AIANTA Mission Statement, Sherry L. Rupert, Executive Director (5 mins)

Discussion on Possible Conference/Organization Name Change, Emerson Vallo, Board

President and Hi'llani Shibata, Board Member (45 mins)

Creation of AIANTA Vision Statement, Emerson Vallo, Board President (15 mins)

9:45am

Initial Board Self-Assessment (15 mins)

10:00am

Break

10:15am

Overview of Board Roles and Responsibilities, Emerson Vallo, Board President and

Hannah Peterson, Development Director (30 mins)

Board Policy Development on Board Member Requests of the Organization, Emerson

Vallo, Board President (30 mins)

Overview of Organizational Charts and Committee Structure, Sherry L. Rupert, Executive

Director (15 mins)

Overview of Board Committees, Sherry L. Rupert, Executive Director (15 mins)

Discussion on Role of Board Nominating Committee, Sherry L. Rupert, Executive Director

(15 mins)



Discussion on Creation of Board Fundraising Committee, Sherry L. Rupert, Executive Director (15 mins)

Overview of Board Calendar and Structure, Emerson Vallo, Board President (15 mins)

12:30pm

Lunch

1:30pm

New Financial Systems and Report Training, Chris Henderson, Senior Manager,

Management Advisory & Accounting Services, REDW (60 mins)

Review of 2020 Event Calendar and Travel Plan—Where does AIANTA need to be? — Emerson Vallo, Board President and Sherry L. Rupert, Executive Director (30 mins)

3:00pm

Break

3:30pm

CEO Oversight and Evaluation Schedule, Emerson Vallo, Board President and Sherry L.

Rupert, Executive Director (45 mins)

4:15pm

Evaluation of Board Performance, Emerson Vallo, Board President and Sherry L. Rupert,

**Executive Director (30 mins)** 

4:45pm

Adjourn for the Day/Dinner on Your Own

#### Wednesday, January 8, 2020

Day 3: Vision and Planning for 2020-2021 - Star AB

8:00am

Welcome and Overview of Day 2 Activity, Emerson Vallo, Board President

8:10am

By-laws Review and Revision, Sherry L. Rupert, Executive Director (95 mins)

9:45am

Break

10:15am

By-laws Review and Revision, Sherry L. Rupert, Executive Director (90 mins)

11:45am

Lunch

1:00pm

Overview of the NATIVE Act and the BIA Cooperative Agreement Work Plan, Sherry L.

Rupert, Executive Director (30 mins)

Overview of the National Park Service, Lewis & Clark and Anza Trail Cooperative Agreements and Native American Agriculture Fund Grant, Hannah Peterson,

**Development Director (30 mins)** 

2:00pm

Discussion on FY 2020 Vision for AIANTA, Sherry L. Rupert, Executive Director (10 mins)

Discussion on FY 2020 Organization Goals, Sherry L. Rupert, Executive Director (30 mins)



Discussion on Individual Board Member Goals – FY 2020, Sherry L. Rupert, Executive

Director (20 mins)

3:00pm

Break

3:30pm

Regional Strategy Sessions for 2020 (60 mins)

4:30pm

Regional Representatives Report on Strategy Session (30 mins)

5:00pm

Closing Remarks, Emerson Vallo, Board President

Dinner on Your Own

Thursday, January 9, 2020 Day 4: Travel Day for Board

#### **Executive Committee and Executive Director Tribal Leadership Meeting**

Attendees: Emerson Vallo, President, Rachel Moreno, Vice-President and Sherry L. Rupert, Executive Director

8:45am

Depart Hotel to Agua Caliente Tribal Government Office

9:00am

Tour Agua Caliente Tribal Government Office

9:30am

**Tour Agua Caliente Tribal Cultural Center** 

11:30am

Lunch at Agua Caliente Golf Course, Hosted by Kate Anderson

1:10pm

Depart Agua Caliente Golf Course to Agua Caliente Tribal Government Office

2:00pm

Meeting with California Tribal Leadership

5:00pm

Adjourn California Tribal Leadership Meeting

Approve the travel request - Councilman David P. Jordan - Census 2020 Tribal Forum - Milwaukee, WI -..

1. OBC Meeting Date	e Requested: <u>01</u> / <u>22</u> /	20 e-poll requested	
2. General Information	on:		
Event Name:	Ce	nsus 2020 Tribal Forum	
Event Location:	Milwaukee, WI	Attendee(s): David P. Jordan	
Departure Date:	January 22, 2020	Attendee(s):	
Return Date:	January 23, 2020	Attendee(s):	
3. Budget Informatio	on:		
☐ Unbudgeted	in individual travel budget(s)	Cost Estimate: \$353.61	
	Reimbursed		
4. Justification:			
Describe the justifica	ation of this Travel Request:		
David is attending the	nis forum as the representative of	:he Oneida Nation.	
5. Submission		A An	
Sponsor: David P. Jo	rdan, Councilmember	mos Jacon	

- 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 NATION TRAVEL AUTHORIZATION REQUEST

**General Travel Information** 

Ocheral Haver Information				
Name of Traveler	David P. Jordan			
Please list name as it appears on Travelers Driver's License or WI State ID				
	Employee #	Date of Birth		
Destination	Milwaukee, WI			
Departure date	January 22, 2020	Return date	January 23, 2020	
Purpose of travel	To attend Census 2020 Tribal Forum			
Charged GL Account				

#### **GSA Rate Information for the destination**

Per Diem rate per day	\$66.00	Lodging rate per day	\$125.00
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#### **Cost Estimate Information**

Becaulation	Dete	Factor	Days/	Total
Description	Rate	Factor	Miles	Total
Per Diem initial travel date	\$66.00	0.75	1	\$ 49.50
Per Diem full day at destination	\$	1.00		\$ 0.00
Per Diem return travel date	\$ 66.00	0.75	1	\$ 49.50
Subtract included meals		8		\$
Lodging including room rate plus taxes	<sub>\$</sub> 112.91		1	\$ 112.91
Airfare	\$			\$ 0.00
Private Car Mileage	\$.545		260	\$ 141.70
Taxi or car rental	\$			\$ 0.00
Luggage Fees	\$			\$ 0.00
Registration – accept VISA? Yes / No	\$0			\$ 0.00
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required			\$ 200.00	
Total Cost Estimate				\$ 553.61

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance in not cleared within 10 calendar days after my travel return date, I shall be held responsible for the full amount advanced and that I may be reprimanded in accordance with the Personal Policies and Procedures for my failure to clear this matter within the time so allotted. Further, in the event that the advance payment is not cleared within 10 calendar days of my return, and I have not filed a formal written dispute as to the amount due, by signing below, I am hereby making a knowing and voluntary wage deduction for the entire amount outstanding.

Signatures / Approvals

Signatures / App	rovais		
	Signature	Date	Contact Phone #
Traveler	word Louis	01/14/20	869-4453
Program Director			Not needed
General Manager			Not needed



UNITED STATES DEPARTMENT OF COMMERCE Economics and Statistics Administration U.S. Census Bureau Chicago Regional Census Center Chicago, IL 60604-2948

January 8, 2020

Salutations,

It is with great pleasure to announce the U.S. Census Bureau's Chicago Region will be hosting a **Census 2020 Tribal Forum** to bring our valuable trusted voices together to discuss our mission to count everyone once, only once, and in the right place. The United States Census Bureau is actively engaged in preparations for the 2020 Decennial Census. The Chicago Regional Census Center represents the great states of Arkansas, Iowa, Illinois, Indiana, Michigan, Minnesota, Missouri, and Wisconsin. Our goal is to make certain everyone living in the United States is counted.

We are cordially inviting you to attend the Census 2020 Tribal Forum on January 23, 2020, at the Potawatomi Hotel, 1721 West Canal Street, Milwaukee, WI 53233.

The agenda will include an overview of the 2020 Census, breakout sessions for conversation about the Census and sessions to develop Census awareness strategies. We will provide lodging for those who must travel more than fifty (50) miles to the Tribal Forum site. Also, regarding travel to and from the Tribal Forum:

- If you drive, a Federal mileage rate will be paid to you.
- If air travel is necessary, our office will arrange and cover allowable travel expenses.
- Tuesday, January 22, 2020, is the travel day to the Tribal Forum and January 23, 2020 is the travel day from the Tribal Forum. The Tribal Forum will end at 3:00 PM on January 23, 2020, allowing travel home that afternoon.

Due to Federal invitational travel guidelines, we will need some specific information from you to complete travel plans and reimbursements. We have attached the following forms for you to complete and return to us on our secure fax line:

- Ach Vendor/Miscellaneous Payment Enrollment Form (Direct Deposit Authorization)
- 2020 Invitational Travel Form
- Non-Bureau Employee (NBE) Travel Certification Worksheet



<u>Please do not email</u> your Direct Deposit Authorization, 2020 Invitational Travel or Certification Worksheet forms because of Personally Identifiable Information (PII) included on the forms. You may return the forms to our secure fax line, 312-579-1623.

For timely processing, please fax the requested information to us no later than Monday, January 13, 2020 to the attention of Patricia Faire - Partnership

For any questions or concerns for travel arrangements of Tribal Forum details please contact Patricia Faire at 312-579-1657 or email Patricia.D.Faire22020Census.gov.

Thank you for being a valued Census partner.

Sincerely,

Marilyn A. Sanders

Chicago Regional Director

#### **Enclosures:**

Ach Vendor/Miscellaneous Payment Enrollment Form (Direct Deposit Authorization) 2020 Invitational Travel Form
Non-Bureau Employee (NBE) Travel Certification Worksheet
Census Invitational Flyer
U.S. Census Bureau Fax Cover Sheet



Public Packet 98 of 254



We are cordially invite you to:

# **Census 2020 Tribal Forum**

## **Potawatomi Hotel**

**January 23, 2020** 

8:00 a.m. - 3:00 p.m.

## Overview of the 2020 Census • Information Sessions • Breakout Sessions

It is with great pleasure to announce the U.S. Census Bureau's Chicago Region will be hosting a Census 2020 Tribal Forum to bring our valuable trusted voices together to discuss our mission to count everyone once, only once, and in the right place. The United States Census Bureau is actively engaged in preparations for the 2020 Decennial Census. The Chicago Regional Census Center represents the great states of Arkansas, Iowa, Illinois, Indiana, Michigan, Minnesota, Missouri, and Wisconsin. Our goal is to make certain everyone living in the United States is counted.

## **Potawatomi Hotel**

1721 West Canal Street, Milwaukee, WI 53233 Shape our future START HERE >



	_( <u>htt</u>	<u>ps://paysbig.com/</u>	Sign in (/user/login.jsp)	USD
1	<u>2</u>	<u>3.</u> Enter Gue	st Details	4

## **Guest Information**

Enter your guest and payment details to reserve your room now.

+ Your Reservation

\$ 112.91

#### + Sign in

Required items in **bold** 

## **Account Details**

Title		
Mr.	Name nme n s Type ess Address	
First Name		
David		
Middle Name		
P.		
Last Name		
Jordan		=
Address Type		
Business Address		
Address 1		
PO Box 365		



Approve the travel requested a Resident Program Coordinating...

1. OBC Meeting Dat	e Requested: <u>01</u> / <u>22</u> /		ll requested
2. General Informati	ion:		
Event Name:	Tribal Transportation Pro	gram Coordinating Com	mittee Conference
Event Location: _	Albuquerque, NM	Attendee(s): David	P. Jordan
Departure Date:	February 3, 2020	Attendee(s):	
Return Date:	February 7, 2020	Attendee(s):	
3. Budget Informati	on:		
<ul><li>☐ Funds available</li><li>☐ Unbudgeted</li></ul>	Albuquerque, NM  Attendee(s): David P. Jordan  Oate: February 3, 2020  Attendee(s):  February 7, 2020  Attendee(s):  Ormation:  vailable in individual travel budget(s)  eted  nded or Reimbursed		
	r Reimbursed		
<b>4. Justification:</b> Describe the justification	cation of this Travel Request:		
David is the Vice-Ch	nair of the Wisconsin DOT Inter-Triba	l Task Force and is attend	ding on behalf of the task force.
<b>5. Submission</b> Sponsor: David P. Jo	ordan, Councilmember	Jardo-	

- 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 NATION TRAVEL AUTHORIZATION REQUEST

#### **General Travel Information**

Name of Traveler	David P. Jordan			
Please list	name as it appears on Travelers Drive	er's License or W	/I State ID	
	Employee #	Date of Birth		
Destination	Albuquerque, NM			
Departure date	February 3, 2020	Return date	February 7, 2020	
Purpose of travel	To attend Tribal Transport	o attend Tribal Transportation Conference		
Charged GL Account				

#### **GSA Rate Information for the destination**

Per Diem rate per day	<sub>\$</sub> 55.00	Lodging rate per day	\$96.00
-----------------------	---------------------	----------------------	---------

#### **Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 55.00	0.75	1	\$ 41.25
Per Diem full day at destination	\$ 55.00	1.00	3	\$ 165.00
Per Diem return travel date	\$ 55.00	0.75	1	\$ 41.25
Subtract included meals				\$
Lodging including room rate plus taxes	<sub>\$</sub> 109.33		4	\$ 437.32
Airfare	\$339.0 <u>0</u>			\$ 339.00
Private Car Mileage	\$.545		260	\$ 141.70
Taxi or car rental	\$25.00			\$ 25.00
Luggage Fees	\$60			\$ 60.00
Registration – accept VISA? Yes / No	\$0			\$ 0.00
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estim</u>	<u>ate</u> re-appr	oval is req	uired	\$ 200.00
	Tot	al Cost Es	stimate	\$ 1,450.52

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance in not cleared within 10 calendar days after my travel return date, I shall be held responsible for the full amount advanced and that I may be reprimanded in accordance with the Personal Policies and Procedures for my failure to clear this matter within the time so allotted. Further, in the event that the advance payment is not cleared within 10 calendar days of my return, and I have not filled a formal written dispute as to the amount due, by signing below, I am hereby making a knowing and voluntary wage deduction for the entire amount outstanding.

Signatures / Approvals

Signatures / Appl	ovais \ \ \ \		
	Signature (	Date	Contact Phone #
Traveler	The John	01/14/20	869-4453
Program Director			Not needed
General Manager			Not needed



## Tribal Transportation Program Coordinating Committee

## DRAFT AGENDA

Albuquerque, NM



## February 4-6,2020

February 3, 2020 - Travel Day

February 4, 2020 (Day 1) National Indian Programs Training Center

Time	Description	<u>Presenter</u>
8:00 AM	Welcome	Chair
8:10 AM	Opening Prayer	Chair
8:20 AM	Roll Call	Committee Secretary
8:30 AM	Review and approve Agenda	
8:45 AM	Introductions	
9:00 AM	Status of TTPCC Vacancies  Nomination/Election of Officers	LeRoy Gishi Full Committee
9:15 AM	Public Comment	
10:00 AM	Break	
10:15 AM	TTP Updates	Erin Kenley & LeRoy Gishi
11:00 AM	Recap of Annual Meeting	Full Committee
12:00 Noon	Lunch on Your Own	
2:00 PM	TTAP Update	Tony Furst, FHWA
3:00 PM	Break	
3:15 PM	TTAP Update	Tony Furst, FHWA
5:00 PM	Adjourn	
	Time 8:00 AM 8:10 AM 8:20 AM 8:30 AM 8:45 AM 9:00 AM 9:15 AM 10:00 AM 10:15 AM 11:00 AM 12:00 Noon 2:00 PM 3:00 PM 3:15 PM	Time Description 8:00 AM Welcome 8:10 AM Opening Prayer 8:20 AM Roll Call 8:30 AM Review and approve Agenda 8:45 AM Introductions 9:00 AM Status of TTPCC Vacancies Nomination/Election of Officers  9:15 AM Public Comment 10:00 AM Break 10:15 AM TTP Updates  11:00 AM Recap of Annual Meeting 12:00 Noon Lunch on Your Own 2:00 PM TTAP Update 3:00 PM Break 3:15 PM TTAP Update



## Tribal Transportation Program Coordinating Committee

## DRAFT AGENDA

Albuquerque, NM



February 5, 2020 (Day 2) National Indian Programs Training Center

Time	Description	<u>Presenter</u>
8:00 AM	Welcome	Chair
8:20 AM	Roll Call	Committee Secretary
8:30 AM	25 CFR Part 170 Update	Full Committee
8:45 AM	GIS/NTTFI Integration and Coding Guide	Sheldon Kipp, BIA/DOT
12:00 Noon	Lunch on your own	
1:00 PM	BIA/FHWA	Full Committee
	Consistency of Operations Manual	
2:30 PM	Safety	Adam Larsen, FHWA
	New Category: Roadway Departure	
4:00 PM	Adjourn	Chair

## February 6, 2020 (Day 3) National Indian Programs Training Center

Time	Description	<u>Presenter</u>
8:00 AM	Welcome	Chair
8:20 AM	Roll Call	Committee Secretary
8:30 AM	Introductions	
9:00 AM	Self-Governance	Full Committee
11:00 AM	Break	
11:15 AM	2020 Census Transportation Funding Impacts	Full Committee
12:00 Noon	Lunch on Your Own	
2:00 PM	Native Act	Full Committee
3:00 PM	Break	
3:15 PM	Pawnee CM/CG	Chris McCray
5:00 PM	Adjourn	



# Wisconsin Department of Transportation Inter-Tribal Task Force WWW.Wis.DotTribal Taskforce.org

#### **ITTF Meeting Minutes**

Thursday, January 9, 2020 Menominee Casino and Resort, Keshena, WI

The group discussed WTTC attendance, and Sandy noted that the Golden Shovel Awards have their awards luncheon on the second day rather than a dinner.

Delores Staples requested a meeting with Brent Pickard and Nicole Flamang to get a head start on St. Croix's road projects, which include a stoplight and crosswalk.

#### **Standing Reports:**

<u>Chairwoman's Report:</u> Delores Staples requested that a meeting be held with Leroy Gishi, Chief, Division of Transportation. A motion was made by David Jordan and seconded by Crystal Chapman-Chevalier to have Agnes contact Todd Kennedy to invite Mr. Gishi to meet with the Midwest Tribes. The motion passed unanimously. Jeff Benton sent information, noting that Brett Blackdeer and Mike Moilanen, Director of Planning and Project Management of the Mille Lacs Band of Ojibwe, are the representatives for the Tribal Transportation Coordinating Committee.

A motion was made by Crystal Chapman-Chevalier and seconded by Dana Shinners to have ITTF send a representative to the Tribal Transportation Coordinating Committee meeting February 4 through February 6, 2020 in Albuquerque, New Mexico. In discussion, Agnes Fleming noted the funds are available, and the group identified David Jordan and Todd Mulvey as the two representatives, who will check their schedule and determine who can attend. Crystal called the question. Sandy Stankevich and Delores both noted the representative would report at the next ITTF meeting. David Jordan called the question. The motion passed unanimously. David noted the representative will need a travel letter from ITTF.

<u>State Tribal Affairs Program Manager Report:</u> Sandy Stankevich shared that Tribal Affairs staff are meeting on January 14, 2020 and working on the Toolbox and list that Elizabeth Callin created. They are working to clearly define who does what for WisDOT project managers, contractors and Tribes.

Matt Halada provided a brief overview of the GIS Mapping project, noting he is working with the Tribes, BIA, DNR and others for the GIS layer. He also noted that the land and trust status is a determining factor. He asked that if anyone sees anything missing, they should let him know. Agnes Fleming will forward his contact information to the group.

Cyless Peterson shared copies of the emphasis areas of the recently signed Partnership Agreement. Sandy Stankevich noted that when work begins on the next Annual Work Plan, these areas need to be a focus of the work plan.

Sandy also noted she has photos and copies of the Partnership Agreement, and she will be delivering these after her vacation.

Sandy discussed the new Program Solicitation Process for the Inter-Governmental Agreements (IGAs). The three programs, ITTF (Inter-Tribal Task Force), TLAC (Tribal Labor Advisory Committee and THPO (Tribal Historic Preservation Officers), all work under IGAs. ITTF's IGA was last solicited six years ago.



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Round trip · 1

## Milwaukee Albuquerque

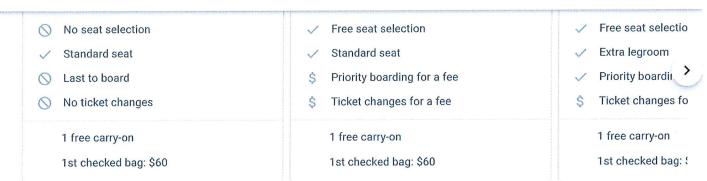
Total price from

\$339

lected	flights	✓ Track prices (j)	
	Departing flight · Mon, Feb 3	Change flight	^
	4:42 PM · General Mitchell International Airport (MKE)  Travel time: 2h 7m  7:49 PM · Hartsfield-Jackson Atlanta International Airport (ATL)  Delta · Economy · MD-80 · DL 2035	Average legroom (31 in) Wi-Fi Stream media to your device	
	56m layover · Atlanta (ATL)		
	8:45 PM · Hartsfield-Jackson Atlanta International Airport (ATL)  Travel time: 3h 35m  10:20 PM · Albuquerque International Sunport (ABQ)  Delta · Economy · Airbus A321 · DL 2216	Average legroom (31 in) Wi-Fi In-seat power & USB outlets On-demand video	
	Returning flight · Fri, Feb 7	Change flight	^
	6:00 AM · Albuquerque International Sunport (ABQ)  Travel time: 2h 56m  10:56 AM · Hartsfield-Jackson Atlanta International Airport (ATL)  Delta · Economy · Airbus A321 · DL 1941	Average legroom (31 in) Wi-Fi In-seat power & USB outlets On-demand video	
	1h 17m layover · Atlanta (ATL)		
	12:13 PM · Hartsfield-Jackson Atlanta International Airport (ATL)  Travel time: 2h 3m  1:16 PM · General Mitchell International Airport (MKE)	Average legroom (31 in) Wi-Fi In-seat power & USB outlets Stream media to your device	



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Fare and baggage fees apply to your entire trip. Delta bag policy

#### **Booking options**

Ads Google may be compensated by some of these providers.



#### **Book with Delta**

DL 2035, DL 2216, DL 1941, DL 1181

\$339

Select

Total price includes taxes + fees for 1 adult. Additional bag fees and other fees may apply.

\$339 is typical for Economy (i)

The least expensive flights for similar trips to Albuquerque usually cost between \$335–510.

\$339 is typical

**Š** 

\$510

Google Flights

⊕ Language · English

Country · United States

Currency · USD

∕ · USD

Find the cheapest and best flight for you.

About Google Privacy & Terms Help Center and Consumer Information

Displayed currencies may differ from the currencies used to purchase flights. Learn more.



#### Let's reserve it.

**Best Price** Guarantee

**Holiday Inn Express & Suites** Albuquerque Historic Old Town

2/3/2020 - 2/7/2020 1 Guest 1 Room

#### **Rate Description**

NEWLY RENOVATED IN 2019. WIFI AND BKFST INCL. VALID FEDERAL ID REQUIRED AT CHECK IN. RATE WILL REVERT TO BEST FLEXIBLE RATE IF NOT PRESENTED. INQUIRE ABOUT OUR MILITARY APPRECIATION RATE FOR LEISURE TRAVEL.

#### **Rate Information per Stay for 1 Room**

Mon Feb 03 2020 - Fri Feb 07 2020

96.00 USD

Price for 1 room(s) and 4 night(s):

384.00 USD

xes:

53.30 USD

timated Total Price:

437.30 USD

### **Taxes and Additional Charges**

13.88% per night not included in rate effective 3 February, 2020 thru 7 February, 2020

## **Other Charges**

The following fees will be added to your bill only if they apply to your stay

Pet Fee:

25.00 USD

#### **2 QUEEN BEDS NONSMOKING**

Government/Military Rate

### **Average Nightly Rate**

Public Packet 108 of 254

#### **Oneida Business Committee Travel Request**

Approve the travel request - Up to three (3) Business Committee members - MAST Impact Week 2020 -...

Event Name:	1	MAST Impact Week 2020	
Event Location:	Washington DC	Attendee(s): To be determined	
Departure Date:	Mar 16, 2020	Attendee(s): To be determined	
Return Date:	Mar 21, 2020	Attendee(s): To be determined	
Budget Informatior	n:		
<ul><li>Funds available in individual travel budget(s)</li><li>Unbudgeted</li></ul>		Cost Estimate: \$2000	
☐ Grant Funded or Reimbursed		Hotel - 1256 PerDiem - 342 Taxi - 150	
Justification:		Baggage - 60 Misc - 200	
Describe the justificat	ion of this Travel Request:		
and cultural way of lif	e of the sovereign nations of the rtant public policy issues and in	d enhance the mutual interests, treaty rights, sovereignty, ne Midwest throughout the 21st century." The organization nitiatives at the state, regional and federal levels, promotes dvocates for member tribes.	
unity and cooperation	represented at the Tribal Lead	lers roundtable discussion, as well as the other discussions	
unity and cooperation Oneida Nation will be which occur during M Melinda J. Danforth, I	e represented at the Tribal Lead IAST Impact Week. Intergovernmental Affairs Direc	lers roundtable discussion, as well as the other discussions etor, will be making a recommendations on up to three (3) onal meetings she is able to schedule.	
unity and cooperation Oneida Nation will be which occur during M Melinda J. Danforth, I	e represented at the Tribal Lead IAST Impact Week. Intergovernmental Affairs Direc	etor, will be making a recommendations on up to three (3)	

- 1) Save a copy of this form for your records.
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Public Packet 109 of 254



WHAT IS MAST?

DIRECTORY

# NEWS & EVENTS

TRIBAL AND ORGANIZATIONAL MEETINGS

TRADE SHOWS

RESOURCES

RESOLUTIONS

# TRIBAL AND ORGANIZATIONAL MEETINGS

News & Events » Tribal and Organizational Meetings

# MAST IMPACT WEEK 2020 MARCH 17-20, 2020 HOLIDAY INN CAPITOL

550 C Street, SW Washington, DC 20024

PLEASE CALL 1-877-572-6951

ASK FOR MAST BOOKING CODE M8T

MAST BLOCK RATE \$251.00 Plus Tax





#### **ANNOUNCEMENTS**

+ More News & Events

Midwest Alliance of Sovereign Tribes 1011 Main Street - PO Box 265 Gresham, WI 54128 715-787-4494 Office 715-787-4468 Fax  $+\ Contact\ MAST$ 

+ FAQs

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Public Packet 110 of 254

#### MAST IMPACT WEEK MEETING AGENDA

March 17-20, 2020 **Holiday Inn Capitol** 550 C Street S.W. Washington D.C. 20024 1-202-479-4000 Hotel Number

#### Tuesday March 17th 2020

6:00 pm - 8:00 pm Reception & Early Registration Event - 21st Amendment Bar & Grill

**Special Guest:** Sponsored by:

(In the Holiday Inn Capitol hotel lobby)

#### Wednesday March 18th, 2020

#### MAST GENERAL ASSEMBLY - 1st Floor Holiday Inn Capitol

Coffee for the day - Sponsored by -Microphone and equipment for the day sponsored by: Room for the day Sponsored by -

7:00 am /8:00 am Breakfast-Provided by:

Capitol Ballroom & Meeting Room Foyer

8:00 am Registration & Bags Sponsored by:-

Capitol Ballroom Foyer (Past FEMA Security Desk)

8:30 am **Opening Prayer:** 

Call to order & Welcome President

Roll Call & Comments -**Secretary Shannon Holsey Vice President Aaron Payment Executive Boards Comments** Opening Remarks: Scott R. Vele Executive Director

#### Issues & Speakers:

9:00 am Tribal Leaders Roundtable Discussion -

9:30 am

10:00 am Break- (fifteen minute) Coffee Refreshments -

Sponsored by 10:15 am

10:30 am

11:00 am U.S. Congressman

11:30 am Chair Phyllis Davis - Great Lakes Regional Health Board

Noon: - Keynote Ceremony & Luncheon -

Sponsored by:

Public Packet 111 of 254

# MIDWEST ALLIANCE OF SOVEREIGN TRIBES

**IMPACT WEEK 2020** 

# Wednesday-March 18th, 2020 Continued

1:00 pm 1:30 pm	U.S. Congressman U.S. Congressman
2:00 pm	U.S. Congresswoman
2:30 pm	
3:00 pm	Break – (fifteen minute) - Afternoon refreshments Sponsored by:
3:15 pm	
3:30 pm	
4:00 pm	
4:20 pm	
4:45 pm	U.S. Congressman
5:15 pm	
5:45 pm	
6:00 pm – 7:30 pm	The Midwest Alliance of Sovereign Tribes & United South Eastern Tribes Invites you to join these Delegates at a reception at:

Sponsored by: Cottingham & Butler - jzack@cottinghambutler.com jlink@cottinghambutler.com

Adjourn meeting till 7:00-8:00 am breakfast Thursday-meeting starts at 8:00 am 03/07/19

Public Packet 112 of 254

# MIDWEST ALLIANCE OF SOVEREIGN TRIBES IMPACT WEEK 2020

#### Thursday-March 19th, 2020

Coffee for the day sponsored by: Four Directions

Microphone and equipment for the day sponsored by: Fitzgibbons & Associates

Room for the day sponsored by: RSM US LLP - mark.ritsche@rsmus.com

7:00 am /8:00 am Breakfast-Sponsored by:

Capitol Ballroom & Meeting Room Foyer

8:00 am Tribal Leaders Discussion – Resolution presentations/approvals

8:30 am Attorney Paul Moorehead – Legislative Update/Discussion on Indian Country

9:00 am

9:30 am U.S. Congressman

9:50 am Break ten minutes – Sponsored by:

10:00 am Bureau of Indian Affairs

10:30 am U.S. Congresswoman

11:00 am Indian Health Services

11:30 am

Noon

Keynote Address & Luncheon - Columbia Ballroom

Sponsored by:

1:00 pm Designate & confirm assignment(s) and group leaders for Hill visits.

Hill Visit Resolutions/Packet preparations/Packet material

1:30 pm - 5:30 pm Assigned Capitol Hill Group Visits meet with members of Congress

6:00 pm - 7:00pm Please join MAST & All Tribal Nations in a Fund Raiser for

Public Packet 113 of 254

# MIDWEST ALLIANCE OF SOVEREIGN TRIBES IMPACT WEEK 2020

## Friday-March 20th 2020

Breakfast & Meeting in: Congressional II Ballroom: Holiday Inn Capitol

Room for the day sponsored by:

7:30 am	Breakfast - Sponsored by:
8:30 am	Tribal Leaders Round Table and Direction – Open board appointment(s). Next meeting in Wisconsin in June/July 2019 - We need a Host Tribe/Sponsor
9:00 am	U.S. Congressman
9:30 am	
10:00 am	
10:30 am	MAST Executive Board Elections – Treasurer's Seat

Thank you to all our sponsors! Please support them as they support us!!!!

Telephone Contact - Scott R. Vele Executive Director - 715-853-4001

Closing prayer - (Meeting ends)



Public Packet 114 of 254

# **Oneida Business Committee Travel Request**

Approve the travel request - Councilwoman Jennifer Webster - Administration of Children & Families Triba

Event Name:	Administration for Childre	en & Families (ACF) Proposed 2020 Schedule
Event Location: _	Varies	Attendee(s): Jenny Webster
Departure Date:	March, June, Sept & Dec	Attendee(s):
Return Date:		Attendee(s):
Funds available Unbudgeted Grant Funded	e in individual travel budget(s)	Cost Estimate:
ustification:		
On February 27, 20 alternate represen Councilman Micha will only attend if t	tative for the Bemidji area, which incle ael McKerchie from Sault Ste. Marie s	repted as a member of the ACF TAC Serving as the clude tribes in Minnesota, Michigan and Wisconsin. Rerves as the primary representative. The Councilwomar efore, this request will only be executed if McKerchie
Describe the justification On February 27, 20 alternate represen Councilman Micha will only attend if to cannot attend.  Agencies containe Enforcement, Chilo ACF will pay for all	d in ACF: Headstart, Early Headstart, Sare, ANA, Foster Care, Child Welfa	clude tribes in Minnesota, Michigan and Wisconsin. Serves as the primary representative. The Councilwoman

- 1) Save a copy of this form for your records.
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330 C Street, S<sub>1</sub>W., Washington, DC 20201 | www.acf.hhs.gov

RECEIVED BY
BUSINESS COMMITTEE
SUPPORT OFFICE

MAR 8 7 2019

ONEIDA NATION

February 27, 2019

Tehassi Tasi Hill Chairperson Oneida Nation P.O. Box 365 Oneida, WI 54155-0365

#### Dear Chairperson Hill:

I am pleased to inform you that Councilwoman, Jennifer Webster, has been accepted as a member of the Administration for Children and Families (ACF) Tribal Advisory Committee (TAC). She will serve as the <u>alternate</u> representative for the Bemidji area, representing tribes in Minnesota, Michigan and Wisconsin. Currently, Councilman Michael McKerchie from Sault Ste. Marie Tribe is serving as the primary representative.

As stated in our letter soliciting nominations, the TAC is formed to assist and provide advice to the Assistant Secretary for Children and Families in carrying out its mission in tribal communities. Specifically, the TAC will convene to develop an outline of the concerns/issues you would like ACF to address in consultation with the tribes.

TAC alternate members are invited to join the monthly TAC calls, occurring the first Wednesday of the month at 3:00pm Eastern, 2:00pm Central. Attendance at the calls on a regular basis is required, while in person participation is only required when the primary representative is unavailable. At those times, ACF pay for travel expenses to the in person meetings.

All face-to-face meetings, approximately 3 per year, will take place in the Mary E. Switzer Building, located at 330 C Street, SW, Washington, DC. ACF will be responsible for paying travel expenses (travel, hotel, and per diem) for all attending members. With that understanding, we ask that Ms. Webster complete the attached travel profile.

Please contact LaTasha Comer at (202) 401-5156 or <u>LaTasha.Comer@acf.hhs.gov</u> for any questions or to obtain additional information to facilitate her travel.

# Administration for Children and Families Tribal Advisory Committee (ACF TAC) Membership

#### 11 Area Representatives and 2 At Large

Alaska Area: Representing Alaska (Terms end December 2020)

Primary Representative: Vivian Korthuis, Association of Village Council Presidents, Chief Executive

Officer and Board Member, Alaska Federation of Natives

Alternate Representative: Mary David, Tribal Council Member, Nome Eskimo Community

Albuquerque Area: Representing New Mexico, Colorado (Terms end December 2020)

Primary Representative: Elizabeth Duran (TAC Co-Chair), Director of Social Services, Pueblo of

Pojoaque

**Alternate Representative: (VACANT)** 

Bemidji Area: Representing Michigan, Minnesota, and Wisconsin (Terms end December 2020)

Primary Representative: Michael McKerchie, Tribal Council Member, Sault Ste. Marie Tribe

Alternate Representative: Jennifer Webster, Tribal Council Member, Oneida Nation of Wisconsin

Billings Area: Representing Montana and Wyoming (Terms end December 2020)

Primary Representative: Lee Spoonhunter, Chairman, Northern Arapaho Business Council,

Alternate Representative: Carmen Thomas, IV-D Director of Eastern Shoshone Child Support Program,

Eastern Shoshone Tribe

California Area: Representing California (Terms end December 2019)

Primary Representative: Maryann McGovran, Treasurer, North Fork Rancheria

Alternate Representative: Judy E. Fink, Vice Chairwoman, North Fork Rancheria

Great Plains Area: Representing Iowa, Nebraska, North Dakota, South Dakota (Terms end

December 2019)

Primary Representative: Myrna Thompson, Secretary, Sisseton Wahpeton Oyate

Alternate Representative: Frances Big Crow, Director, Child Care Program, Oglala Sioux Tribe

Nashville Area: Representing Maine, Massachusetts, Connecticut, Rhode Island, New York,

Mississippi, Alabama, Florida, Louisiana, North Carolina, South Carolina, Virginia

(Terms end December 2019)

**Primary Representative: (VACANT)** 

Alternate Representative: Amanda Montgomery, Community Services Coordinator, Poarch Band of

Creek Indians

Navajo Nation: Representing Navajo Nation (Terms end December 2019)

Primary Representative: Jonathan Nez, President, Navajo Nation

Alternate Representative: Myron Lizer, Vice President, Navajo Nation



# **Administration for Children and Families**

Tribal Advisory Committee
Proposed Meeting Schedule FY 2020

2 Point of

		Type of l	Meeting	
Month	Date(s)	Call (3 pm ET)	In- Person	Comment
October 2019	10/2	٧		·
November 2019	11/6	V	on the state of th	
December 2019	12/10-11		٧	Washington, DC
January 2020	1/8	٧		
February 2020	2/5	٧		
March 2020	Opt#1: 3/4 Opt#2: 3/26-27		٧	Opt#1: Washington, DC Opt#2: Denver, CO prior to NICWA
April 2020	4/1	٧ -		
May 2020	5/6	٧	and the state of t	
June 2020	Opt#1: 6/4-5 Opt#2: 6/4-5		ν	Opt #1: Washington, DC Opt #2: Anchorage, AK prior to NCAI
July 2020	7/1	v		
August 2020	8/5	٧		
September 2020	9/1-2		v	Washington, DC
October 2020	10/7	٧		
November 2020	11/4	٧		
December 2020	12/1-2	120	٧	Washington, DC

# **Oneida Business Committee Agenda Request**

Approve the agreement - Outagamie County Department of Health and Human Services - file # 2020-005

1. Meeting Date Requested:	01 / 22 / 20	
2. General Information:		
	cutive - See instructions for the applicable laws, then choose one:	
provincemental control and cont		
Agenda Header: Unfinished	Business	
<ul><li>Accept as Information only</li></ul>		
Action - please describe:		
	Agreement with Outagamie County	
	,	
2. Commentino Black stale		
3. Supporting Materials  ☐ Report ☐ Resolution	☐ Contract	
☑ Other:		
1. Agreement	3.	
L		
2.	4.	
N. Dugin and Committee aliquate	and the service of	
⊠ Business Committee signat	ure required	
4. Budget Information		
⊠ Budgeted - Tribal Contribut	tion 🔲 Budgeted - Grant Funded 🔲 Unbudgeted	
5. Submission		
Authorized Sponsor / Liaison:	Deborah Thundercloud, General Manager	
Drimary Paguastar/Submittar	Susan M. House, GSD Director	
Primary Requestor/Submitter:	Your Name, Title / Dept. or Tribal Member	
Additional Requestor:	Tsyoshaaht Delgado, Social Services Area Manager	
•	Name, Title / Dept.	
Additional Requestor:	Jennifer Berg-Hargrove, Family Services Director	
	Name, Title / Dept.	

#### **Oneida Business Committee Agenda Request**

#### 6. Cover Memo:

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

Melissa Blom took the 161 Agreement to the Dept. of Health and Human Services Committee as planned in December. That Committee required them to send it to their Risk Management Department for review. The Risk Management Department is requiring the follwing: Nothing contained in this agreement is intended to be a waiver or estoppels of the County or its insured to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including, but not limited to, those contained within Wisconsin Statutes 893.80, 895.52 and 345.05. To the extent that indemnification is available and enforceable, neither the County nor its insurer shall be liable in indemnity and contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin law.

Atty Gordon has reviewed the statutes referenced and discussed with Deputy Chief Counsel Bittorf. This does not ultimately change the agreement. It simply says they cannot be sued for more then what is allowed under Wisconsin Law. Therefore, there are no issues including this language, but because of this language it must go back to the OBC for approval.

back to the OBC for approval. 
The document has been reviewed by the Law Office and now needs Business Committee approval and the Chairman's signature.

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

Public Packet 120 of 254

1 AGREEMENT

THIS AGREEMENT, made and entered into, by and between the Oneida Nation (hereinafter referred to as the NATION) and Outagamie County Department of Health and Human Services (hereinafter referred to as the COUNTY).

#### WITNESSETH:

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1. Purpose. An Oneida child residing within Outagamie County is unique because the child is both a citizen of Outagamie County and a citizen of the Oneida Nation. Therefore, the COUNTY and the NATION share responsibility for maintaining the safety and well-being of Oneida children residing in Outagamie County. The responsibility includes preserving, stabilizing, and reunifying Oneida families through the use of culturally appropriate services that take into account traditional values. These services are aimed to serve the best interest of Oneida children, and in the long run, benefit the COUNTY and the NATION. This Agreement clarifies the relationship between the NATION and the COUNTY in regard to providing for the health, safety, and welfare of children of the Oneida Nation residing within Outagamie County. The COUNTY and the NATION each have unique roles that will be most successfully accomplished when the response by the NATION and the COUNTY is coordinated to support the effective fulfillment of each role and responsibility. This Agreement intends to provide and improve systems for services, referrals and mutual assistance between the NATION and COUNTY, and to establish procedures and standards under which the parties shall implement the provisions of 1983 Wisconsin Act 161, consistent with the Oneida Nation Children's Code. Delinquency cases, as defined in Wis. Stat. 9938.12 are not provided for under this Agreement.

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2. <u>Definitions.</u> As used in this Agreement, the following terms shall have the meanings specified herein:

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a. "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by either the NATION or the COUNTY.

29 30 b. "Child" means a person who is less than eighteen (18) years of age, who is enrolled or eligible for enrollment in the Oneida Nation and meets the residency requirements within Outagamie County, or meets the sibling exemption as stated in section 708.5-1(b) of the Oneida Nation Children's Code.

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c. "Child custody proceeding" means and includes:

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 "foster care placement" which shall mean any action removing a child from its parent or custodian for temporary placement in a foster home or institution or the home of a guardian where the parent or custodian cannot have the child returned upon demand, but where parental rights have not been terminated;

Public Packet 121 of 254

ii. "termination of parental rights" which shall mean any action resulting in the termination of the parent-child relationship;

- iii. "pre-adoptive placement" which shall mean the temporary placement of a child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; and
- iv. "adoptive placement" which shall mean the permanent placement of a child for adoption, including any action resulting in a final decree of adoption.
- d. "Child in need of protection or services" means a child as described in section 708.5-2(a)-(o) of the Oneida Nation Children's Code.
- e. "County" means the Outagamie County Department of Health and Human Services and any and all employees, agents, representatives and cooperating Outagamie County agencies.
- f. "Foster home" means any home which is licensed by the Nation, a County agency, or the State of Wisconsin and maintained by any individual suitable for placement of children when taken into custody or pending court matters.
- g. "Group home" means any facility operated by a person required to be licensed by the Nation, a County agency, or the State of Wisconsin for the care and maintenance of five (5) to eight (8) children.
- h. "Nation" means the Oneida Nation and all of its agencies, employees, agents and representatives.
- i. "Reservation" means all the land 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.
- j. "Residential care center" means a residential facility required to be licensed as a child welfare agency that provides treatment and custodial services for children, youth, and young adults.
- k. "Shelter care facility" means a non-secure place of temporary care and physical custody for children, licensed by the Nation, a County agency, or the State of Wisconsin.
- 1. "Treatment foster care" means a specialized licensed foster home that provides treatment for a child with physical, mental, medical, alcohol or drug abuse, cognitive, intellectual, behavioral, or developmental difficulties.
- 3. <u>Support Services</u>. It is mutually understood and agreed that the NATION and the COUNTY Health and Human Services staff shall meet either in person or by telephonic conference on a regular basis on days and at times to be determined by the NATION and the COUNTY, for the following purpose:
  - a. Collaborate to review and discuss current support services provided by both the NATION and the COUNTY and how those services are meeting the needs of families;

Public Packet 122 of 254

- b. Coordinate services utilized by families which are provided by both the NATION or COUNTY staff. The purpose for coordinating services is to assure that all appropriate services are being provided to the families, to identify the primary service providers, and to establish a case plan for provision of service to ensure that families may receive support services from the NATION and/or the COUNTY when appropriate; and
- c. Perform any and all other functions mutually agreed upon by the parties.

4. <u>Emergency Removal by County.</u> The decision to remove an Oneida Child from the home will be made jointly. If removal of an Oneida child is necessary, this will occur in accordance with the Indian Child Welfare Act. It will be mutually agreed upon by both agencies where the most appropriate placement will be for the child pursuant to the placement preferences identified in Oneida Children's Code section 708.11.

In the event that an initial assessment is performed by the COUNTY which reveals that a child is in immediate danger from his or her environment and for whatever reason cannot coordinate with the NATION, the COUNTY may remove said child and temporarily place the child in accordance with the placement provisions provided in Oneida Business Committee resolution BC-07-26-17-J, and the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

The COUNTY further agrees to inform the NATION of any such emergency removal using all reasonable efforts, and in all cases to inform the NATION as soon as practical, but no more than twenty four (24) hours thereafter.

- 5. <u>Placement by the NATION</u>. It is mutually understood and agreed that all placements of a child residing within Outagamie County, other than those occurring under Section 4 above, fall within the jurisdiction of the NATION and shall be made by the NATION. In making any out-of-home placement, the NATION shall place the child according to the placement preferences provided in section 708.11-1(a)-(h) of the NATION'S Children's Code, which provides for the following:
  - a. A member of the child's immediate or extended family;
  - b. A family clan member;
  - c. A member of the Nation;
  - d. Descendants of the Nation;
  - e. A member of another federally recognized tribe;
  - f. Fictive kin within the Nation community;
  - g. Fictive kin outside the Nation community; or
  - h. Any other person or persons not listed above.

Public Packet 123 of 254

The NATION agrees to employ the Interstate Compact on Placement of Children when seeking to place a child outside the State of Wisconsin. The NATION will work cooperatively with the COUNTY to assure that children are afforded the protections by the compact.

6. <u>Coordination of and Placements in Licensed Homes</u>. The NATION agrees to coordinate with the COUNTY when placement of a child in a COUNTY funded foster home is necessary, which shall include placement in a licensed treatment home, group home or institution.

The NATION will notify the COUNTY of the termination of any out-of-home placement in writing no later than three (3) business days after the termination of any out-of-home placement.

In a voluntary placement, a copy of the agreement between the parent or custodian and the NATION and the court order approving such placement shall be provided to the COUNTY within three (3) business days. In all other cases, except voluntary placement cases, a copy of the agreement between the parent or custodian and the NATION, the court order approving such placement, and the dispositional order made by the NATION's Court, shall be provided to the COUNTY within ten (10) business days.

7. Requisites of Monitoring COUNTY Funded Out-of-Home Placements. In monitoring and providing services to children who have been placed elsewhere than the home of their parent or relative, the NATION shall appoint a case manager and shall establish and carry out the following procedures:

a. Permanency Plan. An initial permanency plan for each child in out-of-home placement shall be established which conforms to section 708.23 of the NATION's Children's Code. The NATION shall provide a copy of said plan to the COUNTY within sixty (60) days of being removed from the home.

b. Subsidized Guardianship. When Guardianship is ordered by the NATION and subsidy is appropriate, the NATION and COUNTY shall coordinate a meeting sixty (60) days prior to the closure of the case to discuss payment of the subsidy.

c. Child and Adolescent Needs and Strengths (CANS) will be utilized to determine rate setting for placements and will be entered into eWISACWIS by the COUNTY until the NATION has complete access to eWISACWIS. Once the NATION has full access to eWISACWIS, the Nation shall enter the required information.

d. Case Review. A judicial case review shall be conducted for each case at the minimum of once every six months. The judicial review shall conform with the provisions of the NATION's Children's Code. A copy of the resulting order shall be furnished to the COUNTY within ten (10) days of review with the statutory

Public Packet 124 of 254

provisions related to permanency planning, together with all copies of all notices sent to interested parties of the scheduled review.

- 8. <u>Funding for Out-of-Home Placement</u>. Payment by the COUNTY for the care and support of children placed by the NATION in licensed homes other than those of the parent or custodian shall be made in the following circumstances:
  - a. Placement with Relative. The NATION shall process Kinship Care payments for children placed by the NATION with a relative.
  - b. Placement in Foster Care. The COUNTY shall make out-of-home care payments for children placed by the NATION in a licensed foster home, treatment foster home, group home, or residential care center, when such placement is pursuant to an order of the NATION'S Court in a child in need of care proceeding. The NATION and COUNTY shall recognize licensure of foster homes by either party.
  - c. The NATION and COUNTY shall collaborate when entering into a contract for any out-of-home placements in a group home or residential care center being utilized by the NATION and paid for by the COUNTY.
  - d. Financial Eligibility. Payment by the COUNTY pursuant to this section shall apply only to those children placed by the NATION who do not have the financial resources with which to pay for such care, and who meet the eligibility criteria of federal and Wisconsin law. The NATION and the COUNTY may collaborate to determine which agency may determine the financial ability of the child's parent or other legally responsible person to contribute to the child's support.
    - i. The NATION may determine the financial ability of the child's parent or other legally responsible person to contribute to the child's support and may pursue child support when the NATION has jurisdiction over the child support matter.
    - ii. The COUNTY may determine the financial ability of the child's parent or other legally responsible person to contribute to the child's support and may pursue child support only when the NATION declines jurisdiction over the child support matter.
  - d. IV-E Funding. The Nation shall ensure accurate Title IV-E eligibility requirements are included in court ordered documents.

- 9. <u>Financial Limitations on Funding.</u> It is mutually understood and agreed that payment for placement under section 8, above, is subject to the following conditions:
  - a. Foster Care Payment. Payment by the COUNTY for a placement of a child by the NATION is contingent upon the child being a resident of Outagamie County at the time of placement.
  - b. Group Home and Institutional Foster Care. It is further understood by the parties to this agreement that payment shall be made by the COUNTY for placements made

Public Packet 125 of 254

by the NATION in a licensed treatment home, group home, or institution pursuant to an order of the NATION's Court or upon mutual consent of the NATION and the COUNTY to such placement.

c. The NATION agrees to continue to advocate for the funding of the High Cost Pool Fund which may help the COUNTY cover the costs of these placements.

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10. <u>Amount of Financial Support Available to Caretakers.</u> It is understood and agreed that any and all payments made by the COUNTY shall be in the amount determined by the Wisconsin payment guidelines established by the Wisconsin Department of Children and Families.

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11. <u>Respite Care.</u> The NATION will utilize its respite homes if available and shall be responsible for the cost of those respite services. If the NATION does not have respite homes available at the time it is requested, the COUNTY shall utilize their respite homes and the NATION shall reimburse the COUNTY for the cost of the respite services.

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12. <u>Information Concerning Available Placements.</u> It is further mutually agreed that the following types of information shall be provided by each party to the other, as circumstances arise:

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a. Licensed Foster Homes. The NATION and the COUNTY shall provide to each other a complete list of all licensed foster homes, and a copy of the license issued to each foster home, and shall update such listings as is necessary in order to maintain its currency. Placement considerations require prior approval by the appropriate foster care coordinator.

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b. License Revocation. The NATION and the COUNTY shall provide to each other written notice of any revocation of a license issued to a foster or group home, and the effective date of such revocation.

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c. Indian Child Welfare Act Notices. The COUNTY shall provide all notices to the NATION which is required by the provisions of the Indian Child Welfare Act, 25 U.S.C. Sec. 1901, Et seq.

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13. <u>Confidentiality</u>. It is mutually understood and agreed that all information concerning child custody proceedings shall be kept confidential and shall be revealed by each party to the other, to the extent not prohibited by applicable Federal, Tribal and Wisconsin law, and to those persons who require such information in order to exercise rights secured by Federal, Tribal, or Wisconsin law.

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14. <u>Contact Persons.</u> All notices or contacts required by this agreement to be provided to the NATION shall be directed to the Oneida Nation Indian Child Welfare Department Director. All notices or contacts required under this agreement to be provided to the

Public Packet 126 of 254

COUNTY shall be directed to the Agency Designee of the Outagamie County Health and Human Services.

15. <u>Full Faith and Credit to Proceedings of the NATION</u>. Pursuant to federal law it is understood that the public acts, records, and judicial proceedings of the NATION which are related to child welfare proceedings shall be accorded full faith and credit by the COUNTY to the same extent that full faith and credit is accorded to the public acts, records, and judicial proceedings of the United States, every State, and every Territory or possession of the United States.

#### 16. Modification and Term Agreement.

- a. Modification. This agreement may be modified as mutually agreed upon by the parties, and such modification may be initiated by either party.
- b. Term. The term of this agreement shall be for one (1) year, which shall begin on December 10, 2019 and ending on December 10, 2020. This agreement may be extended thereafter by mutual agreement of the parties for a term not exceeding one (1) year at a time.

17. <u>Conflict Resolution</u>. The NATION and the COUNTY acknowledge that instances of disagreement to the terms of this Agreement may arise and that circumstances may occur in which one (1) party believes the other to have violated its terms. It is mutually understood and agreed that the parties shall attempt to resolve such matters at the lowest possible level, within the described framework:

a. Oneida Nation Indian Child Welfare Department Worker – Outagamie County Child Protective Services Worker;

b. Oneida Nation Indian Child Welfare Department Supervisor - Outagamie County Child Protective Services Supervisor;

c. Oneida Nation Indian Child Welfare Department Director - Outagamie County Child Protective Services Manager;
d. Oneida Nation Governmental Services Division Director - Outagamie County

Disagreements are to be resolved as quickly as possible and in a manner which does not compromise the safety of the child or other family members or the effectiveness of the investigation.

Executive Director of Health and Human Services.

A good faith effort to resolve the issue will occur as outlined above, however in the event resolution does not occur, the party funding the placement has the ability to make placement recommendations to the court of jurisdiction via letter.

**Public Packet** 

If a resolution is not able to be reached within a period of sixty (60) days, then, upon notice by either party to the other, all disputes, claims, questions, or differences shall be finally settled by binding mediation administered by a mediator mutually agreed upon by the parties. The mediation will take place at a location agreed upon by both parties or as chosen by the mediator. It is preferred if the mediator has knowledge of child welfare matters, including Indian child welfare, or Indian culture in general. Both the Nation and County shall share equally in the cost of the mediator.

Nothing contained in this agreement shall be construed to waive the sovereign immunity or rights of the NATION, its officers, employees, or agents.

Nothing contained in this agreement is intended to be a waiver or estoppels of the County or its insured to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including, but not limited to, those contained within Wisconsin Statutes 893.80, 895.52 and 345.05. To the extent that indemnification is available and enforceable, neither the County nor its insurer shall be liable in indemnity and contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin law.

#### **CONCLUSION**

It is therefore the purpose and intent of the NATION and the COUNTY to recognize the interest and responsibility of the other party to provide for the health, safety, welfare, and maintenance of children in need of services. It is further the express intent of the NATION and the COUNTY to cooperate, to share resources and expertise in addressing the needs of children, to facilitate provision of services and to jointly seek financial and program resources to address the needs of Oneida families residing within Outagamie County.

**IN WITNESS WHEREOF**, this Agreement has been duly executed on the date first written above.

318	ONEIDA NATION	<b>OUTAGAMIE COUNTY</b>
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321	BY:	BY:
322	Tehassi Hill	Thomas M. Nelson
323		
324	Title: Oneida Nation Chairman	Title: Outagamie County Executive
325		
326		
327		
328	Date:	Date:
329		
330		
331		
332		
333	BY:	BY:
334	Jo Anne House	Joseph P. Guidote Jr.
335		
336		
337	Title: Chief Counsel	Title: Corporation Counsel
338	Oneida Nation	Outagamie County
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341	Date:	Date:
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347	BY:	BY:
348	Susan M. House	John Rathman
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351	Title: Governmental Services	Title: Outagamie County Department of
352	Interim Division Director	Health and Human Services
353	for Oneida Nation	Director
354		
355		
356	Date:	Date:

## **ONEIDA LAW OFFICE**

CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT

TO:

Jennifer S. Berg-Hargrove

Indian Child Welfare

FROM: Michelle L. Gordon, Staff Attorney

Use this number on future correspondence:

2020-0057

DATE: January 6, 2020

RE:

Outagamie County Health & Human Services

Agreement

Purchasing Department Use

**Contract Approved** 

**Contract Not Approved** 

(see attached explanation) NA

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.)

Public Packet 130 of 254

# **Oneida Business Committee Agenda Request**

Review the Poker Rules of Play and determine appropriate next steps

**1. Meeting Date Requested:** <u>01</u> / <u>22</u> / <u>20</u>

. General Information:
Session:   Open Executive - See instructions for the applicable laws, then choose one:
Agenda Header: New Business
Accept as Information only
Request OBC too accept the Poker Rules of Play with no requested revisions.
. Supporting Materials  Report Resolution Contract  Other:
1. Poker Rules of Play 3.
2. 4.
Z- <u> </u>
☐ Business Committee signature required
Dood was buf a war of a w
Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
. Submission
Authorized Sponsor / Liaison: Mark A. Powless Sr., Chairman Oneida Gaming Commission
Primary Requestor/Submitter: Tammy VanSchyndel, Executive Director Oneida Gaming Commission Your Name, Title / Dept. or Tribal Member
Additional Requestor: <a href="Ivory Kelly">Ivory Kelly</a> , Compliance Manager Oneida Gaming Commission  Name, Title / Dept.
Additional Requestor:  Name, Title / Dept.

#### **Oneida Business Committee Agenda Request**

#### 6. Cover Memo:

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

Gaming Management requested changes to the Poker Rules of Play document. These can be found on page 31 of this document.

On December 31, 2019, Oneida Gaming Commission sent the revised Poker Rules of Play (ROP) to Gaming Management for review of their request. Gaming Management was also asked to review and provide comment regarding the removal of:

R. Minimum and Maximum Bets. The Oneida Tribe of Indians of Wisconsin shall determine the minimum and maximum bets. The amounts of the minimum mid maximum bets shall be conspicuously posted on a sign at each table.

Gaming Management provided no further comment and returned the signed signature sheet (below) on 1/10/2020.

The regulation will now be captured in the revised OGMICS.

ACTION REQUESTED: ACCEPT THE POKER RULES OF PLAY WITH NO REQUESTED REVISIONS.

#### \*\*\*PLEASE NOTE (OBC ACTION OPTIONS)\*\*\*

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for Rules of Play Revisions, the motion for this request would be as follows:

"Accept the notice of the Poker Rules of Play approved by the Gaming Commission on January 14, 2020, and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the Poker Rules of Play in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the Poker Rules of Play in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

- 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

Public Packet 132 of 254

# Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

#### Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

#### **OGMICs Revision Project**

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

#### **OGMICs Revision Process**

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for <u>Poker Rules of Play.</u>

Public Packet 133 of 254

#### XI. POKER.

#### A. Definitions

1. All-in means an action by which a player who has no funds remaining on the poker table to continue betting in a round of play but who still retains the right to contend for that portion of the pot in which the player has already placed a bet.

- 2. Ante means a predetermined bet which each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.
- 3. Bet means an action by which a player places gaming chips into the pot on any betting round.
- 4. Betting round means a complete betting cycle in a hand of poker after all players have called, folded or gone all-in.
- 5. Blind bet means a mandatory bet in some poker games which only players sitting in specific betting positions at the poker table shall be required to place prior to looking at any cards.
- 6. Burning means taking a card from the top of a deck and discarding it face down, so that the card is not in play and the identity of the card remains unknown.
- 7. Button means an object which is moved clockwise around the table to denote an imaginary dealer and thereby determine the betting and dealing sequence.
- 8. Callmeans a bet made in an amount equal to the immediately preceding bet.
- 9. Check means that a player waives the right to initiate the betting in a betting round but retains the right to act if another player initiates the betting.
- 10. Common card means, in any game of stud poker, a card which is dealt face upward if there are insufficient cards left in the deck to deal each player a card individually and which can be used by all players at the showdown.
- 11. Community card means any card which is dealt face upward and which can be used by all players to form their best hand.

OGC Approved: 1/14/2020 Page 1 of 28

Public Packet 134 of 254

12. Cover card means a yellow or green plastic card used during the cut process and then to conceal the bottom card of the deck.

- 13. Draw means, in any game of draw poker, an exchange by a player of cards held in his or her hand, after the initial round of betting, for an equal number of new cards from the deck.
- 14. Fold means the withdrawal of a player from a round of play by discarding his or her hand of cards during a betting round and refusing to equal a bet, which results in the player-s forfeit of any previous bets in the betting round.
- 15. Forced bet means a bet which is required to start the betting on the first betting round.
- 16. Fouled hand means a hand that either has an improper number of cards or has come into contact with other cards in such a way as to render it impossible to determine accurately which cards are contained in the hand.
- 17. High means a form of poker in which the highest-ranking hand in accordance with Section C (Poker Rankings) wins the pot.
- 18. High-low split means a form of poker in which the highest and lowest ranking hands in accordance with Section C (Poker Rankings) split the pot.
- 19. Hole card means any card dealt to a player face down.
- 20. Low means a form of poker in which the highest ranking low hand in accordance with Section C (Poker Rankings) wins the pot.
- 21. Opening bet means the first bet in a round of play.
- 22. Pot means the amount which is awarded to the winning player or split between the winning players at the conclusion of a round of play and is equal to the total amount anted and bet by the players during the round of play, less any rake extracted pursuant to Section N (Poker Revenue) and less any Jackpot Fund extracted pursuant to Section O (Jackpot Fund).
- 23. Protected hand means a hand of cards which the player is physically holding or has placed under one or more gaming chips.
- 24. Raise means a bet in an amount greater than the immediately preceding bet in that betting round.
- 25. Rake means the amount collected by the dealer as poker revenue in accordance with Section N (Poker Revenue).

- 26. Round of play means, for any game of poker, the process by which cards are dealt, bets are placed, and the winner(s) of the pot is determined and paid in accordance with these rules.
- 27. Showdown means the action of revealing the hands of each player in order to determine who shall win the pot.
- 28. Side pot means a separate pot formed when one or more players are Allin, and there are players who continue to bet after the All-in players have finished betting.
- 29. Stub means the remaining portion of the deck after all cards in a round of play have been dealt.
- 30. Up-card means, in a game of stud poker, any card dealt to a player face up.
- 31. Washing or Chemmy Shuffle means mixing cards face down on the table with a circular motion of the hands.

#### B. <u>Equipment, Cards, and Number of Decks</u>.

- 1. Poker shall be played with one deck of cards with backs of the same color and design and one cover card. The cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards. Two decks of cards shall be maintained for use at each poker table at all times. Each deck maintained at the poker table shall be visually distinguishable in some manner from the other deck.
- 2. Each deck of cards maintained at the poker table may be rotated in and out of play. All decks opened for use on a poker table shall be rotated at least every six hours.
- 3. The layout for a poker table shall contain, at a minimum:
  - a. The name or trade name of the casino licensee offering the game; and
  - b. A designated holding area located to the right of the dealer for the collection of the rake prior to final placement of the rake in the drop box.
- 4. Each poker table shall have a designated area for the placement of at least one deck of cards. This area may be part of the table inventory container.
- 5. Each poker table shall have a drop box and a tip box attached to it on the

- same side of the gaming table as, but on opposite sides of, the dealer. If applicable, the jackpot box is to be located on the side with the tip box.
- 6. If an automated card shuffling device is being used, a casino shall use both decks of cards, and:
  - a. The backs of the cards in the two decks shall be of different colors;
  - b. One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and
  - c. Both decks shall be continuously alternated in and out of play, with each deck being used for every other round of play.

#### C. <u>Poker Rankings</u>.

- 1. The permissible high poker hands in poker games that result in a five-card hand, in order of highest to lowest rank, shall be:
  - a. Royal flush is a hand consisting of an ace, king, queen, jack and ten of the same suit;
  - b. Straight flush is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and nine being the highest ranking straight flush and ace, two, three, four and five being the lowest ranking straight flush;
  - c. Four-of-a-kind is a hand consisting of four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
  - d. Full house is a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;
  - e. Flush is a hand consisting of five cards of the same suit;

- f. Straight is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (e.g., queen, king, ace, two, three). Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with, as applicable, a two and three (in a three-card poker hand) or a two, three, four and five (in a five-card poker hand);
- g. Three-of-a-kind is a hand containing three cards of the same rank regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
- h. Two pairs is a hand containing two pairs, with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
- i. One pair is a hand containing two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two twos being the lowest ranking pair.
- 2. The permissible high poker hands in poker games that result in a three-card hand, in order of highest to lowest rank, shall be:
  - a. Royal flush is a hand consisting of an ace, king and queen of the same suit:
  - b. Straight flush is a hand consisting of three cards of the same suit in consecutive ranking, with king, queen and jack being the highest ranking straight flush and a three, two and ace being the lowest ranking straight flush;
  - c. Three-of-a-kind is a hand consisting of three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
  - d. Straight is a hand consisting of three cards of consecutive rank, regardless of suit, with an ace, king and queen being the highest ranking straight and a three, two and ace being the lowest ranking straight; provided, however, that an ace may not be combined with a king and two for purposes of determining a winning hand;

- e. Flush is a hand consisting of three cards of the same suit; and
- f. One pair is a hand containing two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two twos being the lowest ranking pair.
- 3. The ranking of a low poker hand in poker games that result in a five-card hand shall be the inverse of the rankings for a high poker hand as set forth in (1) above. The ranking of a low poker hand in poker games that result in a three-card hand shall be the inverse of the rankings for a high poker hand as set forth in (2) above.
- 4. The rank of the cards used in all types of poker other than low poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. The rank of the cards used in low poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, two, three, four, five, six, seven, eight, nine, 10, jack, queen and king. All suits shall be considered equal in rank.
- 5. When comparing two hands which are of identical poker hand rank pursuant to the provisions of this section, as applicable, or which contain none of the poker hands authorized for that game, the hand which contains the highest-ranking card, which is not contained in the other hand shall be considered the higher-ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered tied and the pot shall be equally divided among the players with the tied hands.
- 6. In all games of poker, a hand shall be ranked according to the cards actually contained therein and not by the player's opinion or statement of its value.

## D. Opening the Table for Gaming

- 1. Each gaming day, decks of cards shall be distributed among all open poker tables in a manner determined by the poker shift supervisor or supervisor thereof.
- 2. After receiving the decks of cards at the table, the dealer shall sort and inspect the cards and the floor person or supervisor thereof shall verify the inspection.

- 3. Following the inspection of the cards by the dealer and the verification by the floor person or supervisor thereof, the cards shall be spread out face up on the table for visual inspection by the first two players to be seated at the table. The cards shall be spread out according to suit and in sequence.
- 4. Immediately prior to the commencement of play and not before a minimum of two players are afforded an opportunity to visually inspect the cards from each deck at the table, each deck shall be separately turned face down on the table, mixed thoroughly by a washing or chemmy shuffle of the cards and stacked. Each deck of cards shall be shuffled in accordance with Section E (Shuffle and Cut of the Cards).
  - a. If an automated shuffling device is not being used, one of the decks shall be cut in accordance with Section E (Shuffle and Cut of the Cards) and the other deck shall be stored in a designated area.
  - b. If an automated shuffling device is being used, one of the decks shall be cut in accordance with Section E (Shuffle and Cut of the Cards) and the other deck shall be placed or left in the automated shuffler for the next round of play.

#### E. Shuffle and Cut of the Cards

- 1. Immediately prior to commencement of play and after the completion of each round of play, the dealer shall shuffle the entire deck of cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.
- 2. After the cards have been shuffled, stacked, and placed on the table in front of the dealer, the dealer shall, using one hand, cut the deck by:
  - a. Placing the cover card on the table in front of the deck of cards;
  - b. Taking a stack of at least 10 cards from either end of the deck and placing them on top of the cover card; and
  - c. Then placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (2)(b) above.
- 3. After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

4. When there is no gaming activity at a poker table, each deck of cards at the table shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once at least two players have arrived at the table. After the first two players are afforded an opportunity to visually inspect the decks of cards, the procedures outlined in Subsection (D)(3) shall be followed.

#### F. Poker Overview and General Dealing Procedures for All Types of Poker

- 1. Poker shall be conducted in a separate and distinct area of the casino floor.
- 2. Poker shall be played by a minimum of two players and a maximum of 11 players. Poker shall be dealt by a dealer at a poker table. For all types of poker set forth in Section H (Types of Permissible Poker Games), the dealer shall not participate in the playing or outcome of the game in any way except as otherwise authorized in these rules.
- 3. A player shall bet on the cards that the player holds in his or her hand. All bets by a player shall be placed by the dealer in the designated area of the table known as the pot. A player may be required to ante or place a blind bet prior to the receipt of any cards. After each round of cards is dealt, a betting round shall be conducted. Each player shall decide whether to continue contending for the pot by checking, calling or raising the bet of the other players.
- 4. The object of the game shall be for a player to win the pot either by making a bet that no other player elects to call, or by having the hand of highest rank at the showdown in accordance with the provisions of Section C (Poker Rankings). If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among the players still in contention to determine which player has the hand of highest rank. Based on the type of poker being played, the winning player may be the player who holds the highest ranking high poker hand, the highest ranking low poker hand or both the highest ranking high and low poker hands.
- 5. The following procedures shall be utilized by the dealer when dealing the game of poker:

- a. The dealer shall choose the hand in which he or she will hold the cards. Once the dealer has chosen a hand, the dealer must use that hand whenever holding the cards. The cards held by the dealer shall, at all times, be held in front of the dealer, as level as possible and over the poker table. If during a round of play, the deck must be set down to handle a transaction, the dealer shall place a marker button on top of the deck until the transaction has been completed.
- b. The dealer shall verbalize or physically indicate the action which is occurring at the poker table with regard to the conduct of the game and instruct each player as to his or her various turns to act and options.
- c. All burn cards shall be kept separate from the pile of discarded cards.
- d. Unless an automatic card shuffler is used, the stub or deck must be counted at least once every hour in order to determine that the correct number of cards are present. If this count reveals an incorrect number of cards, the deck shall be removed from the table
- e. At the completion of a round of play, the dealer shall award the pot to the winning player or players after a showdown or to the last remaining player if all other players have folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall first collect the cards from all losing players.
- f. The dealer shall collect the rake in accordance with Section N (Poker Revenue).

#### G. Bets

- 1. All bets at Poker shall be made by placing gaming chips in the pot.
- 2. Depending upon the particular type of poker game being dealt, a player may be required to:
  - a. Place an ante prior to receiving any cards;
  - b. Place a predetermined blind bet prior to receiving any cards; or
  - c. Place a forced bet to initiate a betting round based on that player's up-card.

- 3. A player may only participate in the betting during a round of play with the gaming chips, or currency which were already on the poker table in front of the player when the round of play commenced.
  - a. A player may only add to his or her gaming chips or currency between rounds of play and may not remove any of his or her gaming chips or currency from the poker table at any time during ongoing play.
  - b. Currency which is available for use by a player pursuant to the requirements of this Section may be utilized to initiate, call or raise a bet if such currency is expeditiously converted into gaming chips by the dealer.
  - c. In order to participate in a round of play, a player shall be required to have an amount of gaming chips or currency available on the poker table prior to the start of the round of play which is sufficient to make any bet required by Subsection (3) above and at least one bet at the posted table minimum.
  - d. A player who satisfies the requirements of Subsection (3)(c) above but who depletes his or her funds on the poker table prior to the completion of a round of play shall be deemed to be all-in.
    - An all-in player shall retain financial interest in the outcome of the round of play, but shall only be eligible to win the amount of the pot to which he or she contributed; and
    - ii. An all-in player shall continue to receive any cards to which he or she would normally be entitled; and
    - iii. Betting shall continue unimpeded among the other players by generating a separate secondary pot which only those players shall be eligible to win (side pot).
- 4. A verbal statement of fold, check, call, raise, or an announcement of a specific size bet by a player, assuming it is within the rules of the poker game being played and the posted table betting limits, shall be binding on the player if it is that player's turn to act.
- 5. A player who announces a bet or raise of a certain amount but places a different amount of gaming chips in the pot shall be required to correct his or her bet or raise to the announced amount in accordance with the instructions of the dealer.

Public Packet 143 of 254

- 6. A player shall be considered to have placed a bet if the player:
  - a. Pushes gaming chips or currency forward to indicate the intent of placing a bet; or
  - b. Releases gaming chips or currency into the pot; or
  - c. Releases gaming chips or currency at a sufficient distance from the player and towards the pot to make it obvious that it is intended as a bet.
- 7. A player shall not be permitted to make a bet and thereafter attempt to increase the amount of that bet, subject to the following:
  - a. If the player wishes to add an additional amount to the bet, the player must indicate at the time the bet is being made that the bet is not yet complete.
  - b. A player who puts the proper amount of gaming chips into the pot to call a bet, without indicating his or her intention to raise, may not thereafter raise the previous bet.
  - c. Subject to the posted table betting limits, a player who announces raise may continue to bet until both of his or her hands come to rest in front of the pot.
- 8. It shall be the dealer's responsibility to ensure that no player touches any of the gaming chips once placed into the pot.
- 9. Unless a raise has been verbally announced by that player, a player who puts into the pot a single gaming chip that is larger than required is assumed to have only called the preceding bet and to be awaiting change from the dealer.
- 10. Unless specifically posted to the contrary, a player shall be permitted to raise after he or she has previously checked in a betting round.
- 11. The casino may limit the number of raises permitted in a betting round depending on the number of players participating in the game.
- H. <u>Types of Permissible Poker Games</u>. A casino may offer the following types of poker games:
  - 1. Seven-card stud (high, high-low split, and high-low split eight or better);
  - 2. Hold 'Em (high);

OGC Approved: 1/14/2020 Page 11 of 28

Public Packet 144 of 254

- 3. Omaha (high, high-low split eight or better);
- 4. Five-card draw (high and low); and
- 5. Five-card stud (high).

#### I. <u>Seven-Card Stud Poker.</u>

- 1. Each casino shall be required to observe the procedures set forth in this section for each game of seven-card stud high, seven-card stud high-low split or seven-card stud high-low split eight or better poker offered in its casino room or casino simulcasting facility.
- 2. Each seven-card stud poker table shall be restricted to a maximum of eight players as determined by the casino. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of a forced bet and the amount of the forced bet, if any, shall be posted on a sign at each poker table.
- 3. Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal two rounds of cards face down and one round of cards face up to each player.
- 4. Once each player has received three cards in accordance with (3) above, the first betting round shall commence by comparing the up-card of each player. An ace shall be considered the highest-ranking card in determining the forced bet. For the purposes of this subsection only, in the event that two or more up-cards are of the same rank, the up-cards shall then be ranked by suit, with the highest to lowest ranked suits in order as follows: spades, hearts, diamonds, clubs. A forced bet shall be placed by:
  - a. For high poker, the player with the lowest ranked up-card;
  - b. For high-low split poker, the player with the highest ranked up-card. For this purpose, an ace shall be considered ranked below a two; and
  - c. For high-low split eight or better poker, the player with the lowest ranked up-card. For this purpose, an ace shall be considered the highest-ranking card.

OGC Approved: 1/14/2020 Page 12 of 28

- 5. Following the placement of the forced bet required by (4) above, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 6. Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to his or her left, deal a fourth card face up to each player who has not folded. The next betting round shall commence as follows:
  - a. The player with the highest-ranking poker hand showing shall be required to bet or check; or
  - b. If the highest-ranking poker hand showing is held by two or more players, the player closest to the left of the dealer shall be required to bet or check.
- 7. Following the initial bet or check required by (6) above, each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or, if the preceding players have not made a bet, check. Each player may check until a bet has been made. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 8. The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who has not folded, with each such round followed by a betting round conducted in accordance with the provisions of (6) and (7) above. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. If insufficient cards remain in the deck to give each remaining player a seventh and final card, the dealer will count the number of participants remaining and add two to that number. This is the number of cards needed in the stub to finish dealing the hand. The dealer will then count the stub, taking care not to expose any cards to the participants. If there is a sufficient number of cards, the dealer will complete the hand. If there are not enough cards, the dealer will determine if adding the three bum cards will allow for a sufficient number of cards:
  - a. If the answer is yes, then the dealer will scramble the stub and the three burn cards together and finish the hand.
  - b. If the answer is no and there are more than two cards in the stub, the dealer will burn and deal a community card.

- c. If the answer is no and there are two or less cards in the stub, the dealer will scramble the stub and the burn cards together, burn a card, and deal a community card.
- 9. If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card poker hand from the seven cards which he or she was dealt. This five-card hand shall constitute the poker hand of that player at the showdown. The winner of the pot shall be:
  - a. In high poker, the player with the highest ranking five card high hand;
  - b. In high-low split poker or high-low split eight or better poker, the pot will be divided equally between the player with the highest ranking five card high hand and the player with the highest ranking five card low poker hand, subject to the provisions below.
    - i. If a pot cannot be divided equally, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high hand.
    - ii. If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker card by suit.
    - iii. If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the lowest ranking low poker card by suit.
    - iv. For purposes of this Subsections (ii) and (iii) above, the cards shall be ranked by suit with the highest to lowest ranked suit in order as follows: spades, hearts, diamonds and clubs.
- 10. In seven-card stud high-low split eight or better poker, a winning low hand may not contain any pairs or a nine, 10, jack, queen or king. This

- defines the qualifying clause known as eight or better. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.
- 11. In seven-card stud high-low split poker and seven card stud high-low split eight or better poker, the player may form two different hands of five cards each out of the player's seven available cards, enabling that player to contend for both the high hand and low hand share of the pot. A player may use the same five card grouping to make a high poker hand and a low poker hand. For example:
  - a. A hand consisting of a two, three, four, five and six would qualify as a straight for purposes of the high hand and as a high ranking low hand; or
  - b. A hand consisting of five cards of the same suit, none higher than an eight, would qualify as a flush for purposes of the high hand and as a high ranking low hand.
- 12. In seven-card stud high-low split poker and seven-card stud high-low split eight or better poker, an ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.

# J. Hold'em Poker.

- 1. Each casino shall be required to observe the procedures set forth in this section for each game of Hold'em high poker. Hold'em poker shall be played to determine a winning high hand only.
- 2. Each Hold'em poker table shall be restricted to a maximum of eleven players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.
- 3. The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:
  - a. A flat disk called the button shall be used to indicate an imaginary dealer;
  - b. At the commencement of play the button shall be placed in front of the first player randomly determined by rank of a single card dealt:

- c. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.
- 4. The player to the immediate left of the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table requirements. A casino may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the casino shall be posted on a sign at each poker table.
- 5. Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal two rounds of cards face down to each player, with the player with the button being the last player to receive a card each time.
- 6. Following the placement of the blind bet(s), each player shall in turn, in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet(s). After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 7. The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.
- 8. Upon completion of the betting round required by (7) above, the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of (7) above.
- 9. Upon completion of the betting round required by (8) above, the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with the requirements of (7) above.

- 10. If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form his or her highest ranking five card high poker hand by using, in any combination, his or her own two cards and the five community cards available on the table. The winner of the pot shall be the player with the highest ranking five card high poker hand. If the highest ranking five card high poker hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot.
- 11. In hold 'em poker, an optional kill or half- kill may be offered. The optional kill or half-kill goes into effect when one player wins the pot for two consecutive rounds of play.
  - a. In Half-kill, the betting limits are increased by one-half the posted table betting limits for the next hand and remain in effect until a pot is won by another player.
  - b. In Kill, the betting limits are twice the posted table betting limits for the next hand and remain in effect until a pot is won by another player.

A kill button, indicating the kill or half-kill is in effect, shall be placed in front of the player who wins the two pots in a row, provided that the amount of the pot is an established dollar amount or multiple of the minimum permissible bet for the hand, as determined by the casino. In the succeeding hand, the player shall be required to place no more than one blind bet in the amount of the increased permissible minimum bet for the hand, notwithstanding that the player may be required to place a blind bet to initiate the first round of betting. The kill or half-kill shall remain in effect until a pot is won by another player. Once a pot is won by another player, the dealer shall collect the kill button.

# K. Omaha Poker.

- 1. Each casino shall be required to observe the procedures set forth in this section for each game of Omaha high and Omaha high-low split eight or better poker.
- 2. Each Omaha poker table shall be restricted to a maximum of 10 players. Each player who elects to participate in a round of play may be required to

- place an ante. The rule governing the placement of an ante and the amount of the ante, if any, and the kill or half-kill option, if offered, shall be posted on a sign at each poker table.
- 3. The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:
  - a. A flat disk called the button shall be used to indicate an imaginary dealer;
  - b. At the commencement of play the button shall be placed in front of the first player randomly determined by rank of a single card dealt;
  - c. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.
- 4. Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal four rounds of cards face down to each player with the player with the button being the last player to receive a card each round.
- 5. After each player is dealt four cards face down, the player to the immediate left of the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table requirements. A casino may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the casino shall be posted on a sign at each poker table.
- 6. Following the placement of the blind bet(s), each player shall in turn, in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet(s). After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 7. The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.
- 8. Upon completion of the betting round required by (7) above, the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be

commenced and completed in accordance with the requirements of (7) above.

- 9. Upon completion of the betting round required by (8) above, the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.
- 10. If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card poker hand by using two of the four cards dealt to the player and three of the five community cards. This five-card hand shall constitute the poker hand of the player at the showdown. The winner of the pot shall be:
  - a. In Omaha high poker, the player with the highest ranking five card high poker hand; or
  - b. In Omaha high-low split eight or better poker, the pot will be divided equally between the player with the highest ranking five card high poker hand and the player with the highest ranking five card low poker hand, subject to the provisions below.
    - i. If a pot cannot be divided equally, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high hand.
    - ii. If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker card by suit.
    - iii. If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the lowest ranking low poker card by suit.

- iv. For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest rank suit in order as follows: spades, hearts, diamonds and clubs.
- v. Straights and flushes shall not be considered for purposes of determining a winning hand at low poker.
- 11. In Omaha high-low split eight or better poker, a winning low hand may not contain any pairs or a nine, 10, jack, queen or king. This defines the qualifying clause known as eight or better. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.
- 12. The following rules shall only apply in Omaha high-low split eight or better poker:
  - a. A player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot; provided, however, that the distribution of cards contained in each hand shall comply with
     (6) above.
  - b. A player may use the same five card grouping to make a high hand and a low hand.
  - c. An ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.
- 13. In Omaha high-low split eight or better poker, an optional kill or half-kill may be offered. The optional kill or half-kill goes into effect when one player wins an entire qualifying pot (both the winning high hand and the winning low hand) for a round of play.
  - a. In Half-kill, the betting limits are increased by one-half the posted table betting limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.
  - b. In Kill, the betting limits are twice the posted table betting limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.

A kill button, indicating the kill or half-kill is in effect, shall be placed in front of the player who wins the entire pot in the hand, provided that the amount of the pot is an established dollar amount or multiple of the minimum permissible bet for the hand, as determined by the casino. In the succeeding hand, the player shall be required to place no more than one blind bet in the amount of the increased permissible minimum bet for the hand, notwithstanding that the player may be required to place a blind bet to initiate the first round of betting. If, in the succeeding hand, a qualifying pot is not split between one player winning the high hand and another player winning the low hand, the kill button shall be moved in front of the player who wins the entire pot for that hand. The kill or half-kill shall remain in effect until a pot does not qualify in amount or a pot is split between a player winning the high hand and a player winning the low hand. Once a pot does not qualify in amount or is split between two players, the dealer shall collect the kill button.

## L. Five-card Draw Poker.

- 1. Each casino shall be required to observe the procedures set forth in this section for each game of five-card draw high and five-card draw low poker offered in its casino room or casino simulcasting facility.
- 2. Each five-card draw poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.
- 3. The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:
  - a. A flat disk called the button shall be used to indicate an imaginary dealer;
  - b. At the commencement of play, the button shall be placed in front of the first player randomly determined by rank of a single card dealt;
  - c. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.
- 4. Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal five

- rounds of cards face down to each player with the player with the button being the last player to receive a card each time.
- 5. After each player has been dealt five cards face down, the player to the immediate left of the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table requirements. A casino may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the casino shall be posted on a sign at each poker table.
- 6. Following the placement of the blind bet(s), each player shall in turn, in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet(s). After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 7. After completion of the initial betting round, each player remaining in the round of play, starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards. This process shall be accomplished one player at a time. Each player may keep his or her original hand or discard as many cards as he or she chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck as follows:
  - a. Prior to the first player receiving any new cards, the dealer shall burn the top card of the deck; and
  - b. If insufficient cards remain in the deck for each player remaining in the round of play to draw new cards, the discard pile shall be reshuffled and used for this purpose; provided, however, that the cards to be discarded by a player who has not yet requested new cards shall not be included as part of the reshuffled cards.
- 8. The final betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The final betting round shall be considered complete when the last player has responded to the most recent bet.
- 9. If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be:
  - a. In high poker, the player with the highest ranking five card high hand; or

b. In low poker, the player with the highest ranking five card low hand.

## M. Five-card Stud Poker.

- 1. Each casino shall be required to observe the procedures set forth in this section for each game of five-card stud high poker. Five-card stud shall be played to determine a winning high hand only.
- 2. Each five-card stud poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.
- 3. Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal one round of cards face down and one round of cards face up to each player.
- 4. Once each player has received two cards in accordance with (3) above, the first betting round shall commence by comparing the up-card of each player. An ace shall be considered the highest-ranking card in determining the forced best. For the purposes of this subsection only, in the event that two or more up-cards are of the same rank, the up-cards shall then be ranked by suit, with the highest to lowest ranked suits in order as follows: spades, hearts, diamonds, clubs. A forced bet shall be placed by the player with the lowest ranked up-card.
- 5. Following the forced bet, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.
- 6. Upon completion of the first betting round, the dealer shall burn the top card of the deck and then deal another round of cards face up to each player who has not folded. The next betting round shall be commenced by the player with the highest ranking high poker hand showing. If two or more hands are of equal rank, the player closest to the left of the dealer shall be required to bet. The betting round shall be completed in accordance with the procedures in (5) above.
- 7. The dealer shall then deal two additional rounds of cards face up to each player who has not folded, with each such round followed by a betting round conducted in accordance with the provisions of (6) above. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck
- 8. If more than one player remains in the round of play after the final betting

Public Packet 156 of 254

round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the highest ranking five card high poker hand.

## N. Poker Revenue.

- 1. The casino shall derive its poker revenue at all poker tables by extracting a commission known as the rake.
- 2. The casino shall use one or more of the following procedures in determining and extracting the rake:
  - a. A straight percentage rake, pursuant to which:
    - i. An amount, not to exceed 25 percent of all sums betin the betting round, shall be extracted from a pot and any side pots;
    - ii. The amount to be raked shall be calculated and extracted from the pot and any side pots and placed into the designated rake area as play progresses; and
    - iii. Upon completion of a round of play, the rake shall be immediately placed by the dealer into the dropbox.
  - b. A rake which shall be taken in incremental amounts, pursuant to which:
    - i. Estimates of predetermined amounts shall be extracted from the pot and any side pots as certain predetermined dollar levels have been achieved;
    - ii. Upon collection, the amount to be raked shall be placed into the designated rake area; and
    - iii. Upon completion of a round of play, the rake shall be immediately placed by the dealer into the dropbox.
- 3. A sign describing the type and amount of rake to be collected pursuant to (2) above shall be posted at each poker table.
- 4. An uncalled final bet shall not be considered part of the pot; if pot is awarded pre-flop, no rake will be taken for purposes of calculating the amount of rake pursuant to methods Subsections (2)(a) and (b) above.
- 5. Once the dealer has extracted the rake and the pot and any side pots have been collected by the winning player or players, no additional rake shall be taken by the casino.

6. The casino may, in its discretion, reduce the amount of rake if there are 6 players or less at a table and a player makes a request to reduce the rake amount.

# O. <u>Jackpot Fund</u>.

- 1. The casino may set aside a predetermined amount from the pot of each round of play in order to create a Jackpot Fund.
- 2. If the casino elects to create a Jackpot Fund at a poker table, the casino shall be required to:
  - a. Extract the jackpot fund amount in a set fee manner.
  - b. Post a sign describing the amount of JackpotFund to be collected during each round of play.
- 3. Upon collection of the Jackpot Fund amount for a round of play, the amount shall be placed in the designated Jackpot Fund area.
- 4. Upon completion of the round of play, the Jackpot Fund amount shall be immediately placed by the dealer into the Jackpot Fund container.
- 5. The casino shall establish a set of standards to determine which hands trigger the payment of a jackpot from the Jackpot Fund. All payments of jackpots shall be based on those standards.

# P. General Operating Rules for All Types of Poker and Handling of Irregularities.

- 1. It shall be the responsibility of each player to ensure that his or her hand has lost to the other hands at the table before discarding the hand.
- 2. In all disputes in which a ruling, interpretation, clarification or intervention is required, the decision of the poker shift supervisor shall be final.
- 3. Each player shall be required to keep all cards dealt to the player in full view of the dealer at all times. The dealer shall ensure compliance with this requirement.
- 4. At the showdown, a winning hand must be clearly displayed in its entirety and properly identified. The player initiating the final bet shall be the first player to show his or her hand at the showdown; all other players who have not folded shall then reveal their hands in a clockwise rotation. Any player holding a losing hand may concede his or her rights to the pot and discard the hand; provided, however, that the casino may require the disclosure of any discarded hands.

OGC Approved: 1/14/2020 Page 25 of 28

- 5. If any player folds after making a forced bet or blind bet or on a round of checking, that player's position shall continue to receive a card until there is a subsequent bet at the table.
- 6. Misdeals shall cause all the cards to be returned to the dealer for a reshuffle. The following errors shall be cause for a misdeal:
  - a. Failure to shuffle and cut the cards in accordance with Section (E) (Shuffle and Cut of the Cards);
  - b. Dealing to an incorrect starting position if the error has been detected prior to two players voluntarily placing bets into the pot;
  - c. If more than one card is found face-up in the deck; and
  - d. Failure to deal to an eligible seated player, if the error has been detected prior to two or more players voluntarily placing bets into the pot.
- 7. If one or more cards are mistakenly dealt to an ineligible player, the round of play shall be called dead, and all gaming chips and currency in the pot shall be returned to the appropriate player.
- 8. If at any time during a round of play, missing cards are discovered, or additional cards are found, the round of play shall be called dead, all gaming chips in the pot shall be returned to the appropriate player and the deck shall be removed from the table.
- 9. A card found face upwards in the deck shall not be used in the game and shall be placed with the pile of discarded cards.
- 10. A player who fails to take reasonable means to protect his or her hand shall have no redress if his or her hand becomes a fouled hand, or the dealer accidentally collects the hand.
  - a. Hole cards in a game of stud poker shall be considered protected for purposes of fouling a hand.
  - b. If a protected hand comes into contact with discarded cards, every effort shall be made to reconstruct the hand and complete the round of play.
  - c. A player who has a protected hand collected by the dealer or fouled by discarded cards shall be entitled to a refund from the pot of all monies that he or she put in the pot if the player has been a victim of and not a contributor to the error.
  - d. A player who leaves the vicinity of the table shall be assumed to

have no interest in the pot, and his or her cards shall be collected and discarded.

- 11. Verbal statements which are clearly audible by and directed to the dealer shall always have precedence over actions and gestures and are considered binding on the player whose turn it is to act.
  - a. A player shall be deemed to have folded if, when faced with making or calling a bet, he or she:
    - i. Discards his or her hand face-down towards the pile of discarded cards or the pot; or
    - ii. Turns face-down his or her up-cards in a game of studpoker.
  - b. If a player is obligated to place a bet by virtue of a verbal statement or forced betting situation, folding or attempting to fold does not relieve the player of that obligation.
- 12. If a player's first or second hole card in seven-card stud is accidentally turned face-up in the dealing process, the third card shall be dealt face-down. If both hole cards are accidentally turned face-up, the dealer shall collect the two cards, call the player's hand dead and return the player's ante, if applicable.
- 13. If a card is accidentally dealt off the table, it shall not be used in that round of play and shall be placed with the pile of discarded cards after a thorough examination by the dealer.
- 14. If any face-down cards in the games of Hold'em or Omaha are accidentally turned face-up in the dealing process:
  - a. If the first- or second-hole card dealt is exposed, a misdeal results. The dealer will retrieve the cards, reshuffle, and re-cut the cards.
  - b. If any other hole card is exposed due to a dealer error, the deal continues. The exposed card may not be kept. After completing the hands, the dealer replaces the exposed card with the top card on the deck, and the exposed card is then used for the burn card.
  - c. If more than one hole card is exposed, a misdeal results.
- 15. If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with these rules of play.
- 16. Nothing herein shall preclude a casino from clarifying and supplementing the above irregularities through its internal control procedures.

Public Packet 160 of 254

## Q. Conduct of Players.

1. Each player in a poker game shall play the game solely to improve his or her chance of winning and shall take no action to improve another player's chance of winning. No player may communicate any information to another player which could assist the other player in any manner respecting the outcome of a poker game.

- 2. The casino reserves the right to deny any person the opportunity to play poker at its facilities, for any reason, including reasonable cause to believe that a player has acted or is acting in violation of (1) above, and at its sole discretion. A casino which has reasonable cause to believe that a player has acted or is acting in violation of (1) above.
- R. <u>Waiting List</u>. A casino may maintain a list of players who have requested to be seated at a particular type of poker table. All vacant seats shall be filled on a first come first served basis. The casino shall be permitted to announce only those seating vacancies for which an individual has been placed on a waiting list.

Adopted by Business Committee Resolution #05-05-04-B Amended by Business Committee Resolution #08-30-06-N Approved by Oneida Gaming Commission 12-27-18

OGC Approved: 1/14/2020 Page 28 of 28



# Oneida Gaming Minimum Internal Control Standards/Rules of Play

# Poker Rules of Play: Gaming Management Review

## Record regulatory reference, concern and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion							
Management to cite regulation	Management to document suggestion							
Management to document concern								
OGC Response								
OGC to document response to Management's concern and suggestion								
	T							
Poker ROP-Revision request. Received from Gaming Management on 10/29/19	Proposed Regulation  N.4. An uncalled final bet shall not be considered part of the pot; if pot is awarded pre-flop, no rake will be taken							
Request to modify current ROP to meet current industry standards:	for purposes of calculating the amount of the rake pursuant to methods Subsections (2)(a) and (b) above.							
Current Regulation N.4. An uncalled final bet shall not be considered part of the pot for the purposes of calculating the amount of rake pursuant to methods Subsections (2)(a) and (b) above.								
OGC Response								

#### <u>UGC Response</u>

The OGC recognizes the need for the Gaming Operation to remain competitive with application of current industry standards. This request for modification is approved.

Poker ROP-Revision request. Received from Gaming Management on 10/29/19

Request to modify current ROP to meet current industry standards:

# **Current Regulation**

P.14. If any of the face-down cards in the games of Hold 'em or Omaha are accidently turned face-up in the dealing process, the dealer shall exchange the

## **Proposed Regulation**

If any of the face-down cards in the games of Hold 'em or Omaha are accidentally turned face-up in the dealing process; If the first or second hole card dealt is exposed, a misdeal results. The dealer will retrieve the cards, reshuffle, and recut the cards. If any other hole card is exposed due to a dealer error, the deal continues. The exposed card may not be kept. After completing the hands, the dealer replaces the exposed card with the top card on the deck, and the exposed card is then used for

Public Packet 162 of 254

		the burn card. If more than one hole card is exposed, this is a misdeal.						

#### **OGC Response**

The OGC recognizes the need for the Gaming Operation to remain competitive with application of current industry standards. This request for modification is approved with the following format:

P.14. If any of the face-down cards in the games of Hold 'em or Omaha are accidentally turned face-up in the dealing process:

- a. If the first-or second-hole card dealt is exposed, a misdeal results. The dealer will retrieve the cards, reshuffle, and re-cut the cards.
- b. If any other hole card is exposed due to a dealer error, the deal continues. The exposed card may not be kept. After completing the hands, the dealer replaces the exposed card with the top card on the deck, and the exposed card is then used for the burn card.
- c. If more than one-hole card is exposed, a misdeal results.

December 31, 2019 Oneida Gaming Commission sent the revised Poker Rules of Play (ROP) to Gaming Management for review of their request. Gaming Management was also asked to review and provide comment regarding the removal of:

**R.** Minimum and Maximum Bets. The Oneida Tribe of Indians of Wisconsin shall determine the minimum and maximum bets. The amounts of the minimum mid maximum bets shall be conspicuously posted on a sign at each table.

Gaming Management provided no further comment and returned the signed signature sheet (below) on 1/10/2020.

The regulation will now be captured in the revised OGMICS.



# Oneida Gaming Minimum Internal Control Standards/Rules of Play

# Poker Rules of Play: Gaming Management Review

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

## **GAMING OPERATIONS MANAGEMENT**

Reviewed and Input Provided By:

Name and Title	Signature	Date
AGM	Saun Rumum 184	1-10-2020
Director/Manager	Fh 7027	1-9-20
Gaming Compliance	Derrich Hing 11229	1-10-2020

Public Packet 164 of 254

# **Oneida Business Committee Agenda Request**

Review five (5) Rules of Play and determine appropriate next steps

1. Meeting Date Requested:	01 / 22 / 20
2. General Information:  Session:  Open Exec	utive - See instructions for the applicable laws, then choose one:
Agenda Header: New Busines	S
<ul><li>Accept as Information only</li></ul>	
Action - please describe:	
Request OBC too accept the	5 Rules of Play with no requested revisions.
3. Supporting Materials  ☐ Report ☐ Resolution ☐ Other:	☐ Contract
1. Rules of Play (5)	3.
2.	4.
☐ Business Committee signatu  4. Budget Information	re required
Budgeted - Tribal Contribution	on 🔲 Budgeted - Grant Funded 🔲 Unbudgeted
5. Submission	
Authorized Sponsor / Liaison:	Mark A. Powless Sr., Chairman Oneida Gaming Commission
Primary Requestor/Submitter:	Tammy VanSchyndel, Executive Director Oneida Gaming Commission Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Ivory Kelly, Compliance Manager Oneida Gaming Commission  Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

# **Oneida Business Committee Agenda Request**

#### 6. Cover Memo:

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

Gaming Management requested changes to the 5 Rules of Play documents. These can be found on page 60 of this document.

December 31, 2019 Oneida Gaming Commission sent the revised Rules of Play (ROP) (EZ Baccarat, Four Card Poker, Mississippi Stud, Ultimate Texas Hold'em, and Roulette) to Gaming Management for their review/comment regarding the removal of:

Roulette (10.), Four Card Poker (M.), Ultimate Texas Hold'em (M.)

The Oneida Tribe of Indians of Wisconsin shall determine the minimum and maximum wagers at each table. The amounts of the minimum wagers and maximum wagers shall be conspicuously posted on a sign at each table.

EZ Baccarat (M.), Mississippi Stud (O.)

Oneida Gaming Management shall determine the minimum and maximum wagers. The amounts of the minimum and maximum wagers shall be conspicuously posted on a sign at each table.

Gaming Management provided no further and returned the signed signature sheet (below) on 1/10/2020.

The regulation will be captured in the revised OGMICS.

ACTION REQUESTED: ACCEPT THE O5 RULES OF PLAY WITH NO REQUESTED REVISIONS.

#### \*\*\*PLEASE NOTE (OBC ACTION OPTIONS)\*\*\*

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for Rules of Play Revisions, the motion for this request would be as follows:

"Accept the notice of the 5 Rules of Play approved by the Gaming Commission on January 14, 2020, and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the 5 Rules of Play in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the 5 Rules of Play in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

- 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

Public Packet 166 of 254

# Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

#### Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

#### **OGMICs Revision Project**

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

#### **OGMICs Revision Process**

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Rules of Play (Roulette, Four Card Poker, Ultimate Texas Hold'em, EZ Baccarat, and Mississippi Stud.

Public Packet 167 of 254

#### **EZ BACCARAT**

#### A. Definitions

1. "Banker's Hand" means the second and fourth cards dealt and placed face down on the deal.

- 2. "Dragon 7" means a wager won when the Banker's Hand wins with a total of 7 consisting of three cards.
- 3. "Panda 8" means a wager won when the Player's Hand wins with a total of 8 consisting of three cards.
- 4. "Player's Hand" means the first and the third cards dealt and placed face down on the deal.
- 5. "Point Count" means the total of the value cards in a hand.
- 6. "Tie Bet' means a wager that the Player's Hand and the Banker's Hand will total the same point count.
- 7. "Tie Hand" means the Player's Hand and the Banker's Hand have the same Point Count.
- 8. "Washing" or "Chemmy Shuffle" means mixing cards face down on the table with a circular motion of the hands.

## B. Equipment

- 1. EZ Baccarat shall be played at a table having on one side up to 14 numbered sets of wagering areas for the players and on the opposite side a place for the dealer. Each EZ Baccarat table shall have a drop box attached to it.
- 2. The layout cloth covering the table shall be marked so that the wagering areas are designated:
  - a. for wagers on the Banker's Hand by the word "Banker;"
  - b. for wagers on the Player's Hand by the word "Player;"
  - c. for wagers on a Tie Bet by the word "Tie;"
  - d. for wagers on a Dragon 7 by the Dragon 7 symbol.
  - e. for wagers on a Panda 8 by the Panda 8 symbol.
- 3. EZ Baccarat shall be played with at least six (6) decks of cards and two additional cutting cards. The cutting cards shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards.

Public Packet 168 of 254

4. All cards used to game at EZ Baccarat shall be of backs of the same color and design and shall be dealt from a dealing shoe specifically designed for such purpose.

- 5. In lieu of the dealing and shuffling requirements set forth in Section E (Shuffle and Cut of Cards) a casino may utilize a dealing shoe or other device designed to automatically reshuffle the cards.
- 6. If an automated card shuffling device is utilized, EZ Baccarat shall be played with at least twelve 12 decks of cards in accordance with the following requirements:
  - a. The cards shall be separated into two batches, with an equal number of decks included in each batch. Each batch shall consist of half of the total decks in use:
  - b. The backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;
  - c. One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game;
  - d. Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and
  - e. The cards from only one batch shall be placed in the discard rack at any given time.
  - f. If an automated dealing shoe is used, a cover and cut card are not required.
- 7. A casino may utilize an automated scoring system to track previous winning hands.
  - a. This may include a device the dealer enters in each winning hand.
  - b. This may include a monitor at the table displaying previously won hands.

# C. Object of the Game

1. The object of the game is for the player to choose which side, the Player or the Banker, will have a Point Count closest to nine (9) when all cards have been drawn.

## D. Opening the Table for Gaming

- 1. After receiving the six (6) or more decks of cards at the table, the floor person and dealer assigned to the table shall inspect the cards.
- 2. Following the inspection, the cards shall be spread out face upwards on the table for visual inspection by the first player or players at the table.

The cards shall be spread out horizontally by deck according to suit and in sequence.

- 3. After the player or players are afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a \( \] washing\( \] or \( \] chemmy shuffle\( \] of the cards, and stacked.
- 4. If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player, or players, are afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

## E. Shuffle and Cut of the Cards

- 1. Immediately prior to the commencement of play and after each shoe of cards is completed, the dealer shall shuffle the cards so that they are randomly intermixed.
- 2. After shuffling or lacing the cards and, where applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. If no player accepts the cut, the dealer shall cut the cards.
- 3. The cards shall be cut by placing the cutting card in the stack at least ten (10) cards in from either end.
- 4. Once the cutting card has been inserted into the stack, the dealer shall take all cards in front of the cutting card and place them to the back of the stack. The dealer shall then insert one cutting card in a position at least fourteen (14) cards in from the back of the stack, and the second cutting card at the end of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.
  - a. Prior to commencement of play, the dealer shall remove the first card from the shoe and place it face up. An additional amount of cards equal to the first card drawn shall be placed in the discard rack (Ace=1 card, 2=2 cards, 3=3 cards, 4=4 cards, 5=5 cards, 6=6 cards, 7=7 cards, 8=8 cards, 9=9 cards, 10=10 cards, Jack=10 cards, Queen=10 cards and King=10 cards).
- 5. After the cards have been cut and before any cards have been dealt, the Floor Person may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the casino's option, by the player who last cut the cards, the next

Public Packet 170 of 254

- person entitled to cut the cards, or Dealer as determined by subsection (2) above.
- 6. If there is no gaming activity at an EZ Baccarat table, which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table.
  - a. If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing or chemmy shuffle of the cards, stacked, then shuffled and cut in accordance with this section.
  - b. If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:
    - i. The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner; and
    - ii. The shuffled cards have been secured, released and prepared for play in accordance with approved procedures.

# F. Value of Cards and Point Count of Hands

- 1. The "Value" of the cards in each deck shall be as follows:
  - a. Any card from 2 to 9 shall have its face value;
  - b. Any Ten, Jack, Queen or King shall have a value of zero; and
  - c. Any Ace shall have a value of one.
- 2. The "Point Count" of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of such number shall be discarded having no value and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:
  - a. A hand composed of an Ace, a 2 and a 4 has a Point Count of 7; and
  - b. A hand composed of an Ace, a 2 and a 9 has a total of 12 but only a Point Count of 2 since the digit 1 in the number 12 is discarded.

OGC Approved: 1/14/2020

Public Packet 171 of 254

## G. Wagers

1. The following wagers shall be permitted to be made by a player at the game of EZ Baccarat:

- a. A wager on the "Banker's Hand" which shall:
  - i. Win if the Banker's Hand" has a Point Count higher than that of the "Player's Hand;"
  - ii. Lose if the "Banker's Hand" has a Point Count lower than that of the "Player's Hand;"
  - iii Push if the "Banker's Hand" has a three-card total of seven (7) and beats the "Player's Hand."
  - iv Push if the Point Count of the "Banker's Hand" and the "Player's Hand" are equal.
- b. A wager on the "Player's Hand" which shall:
  - i. Win if the "Player's Hand" has a Point Count higher than that of the "Banker's Hand;"
  - ii. Lose if the "Player's Hand" has a Point Count lower than that of the "Banker's Hand;" and
  - iii. Push if the Point Count of the "Banker's Hand" and the "Player's Hand" are equal.
- c. A "Tie Bet" which shall only win if the Point Counts of the "Banker's Hand" and the "Player's Hand" are equal.
- d. A "Dragon 7 Bet," which shall only win when the "Banker's Hand," has a three-card total of seven (7) and beats the "Player's Hand."
- e. A "Panda 8 Bet," which shall only win when the "Player's Hand," has a three-card total of eight (8) and beats the "Banker's Hand."
- f. Any optional wagers authorized by Gaming Management and documented in a standard operating procedure approved by the Oneida Gaming Commission.
- 2. All wagers at EZ Baccarat shall be made by placing gaming chips, tokens, or, if applicable, a match play coupon on the appropriate areas of the EZ Baccarat layout except that verbal wagers accompanied by cash may be accepted provided they are confirmed by the dealer and the floor person assigned to the table, and such cash is expeditiously converted into gaming chips or tokens in accordance with applicable procedures for accepting cash and coupons at gaming tables.

OGC Approved: 1/14/2020 Page 5 of 11

Public Packet 172 of 254

3. No wager at EZ Baccarat shall be made, increased or withdrawn after the dealer has indicated "No More Bets."

- 4. Once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- 5. Gaming Management may authorize optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

# H. The Play.

- 1. There shall be two hands dealt in the game of EZ Baccarat one of which shall be denominated the "Player's Hand" and the other denominated the "Banker's Hand."
- 2. At the commencement of each round of play, the dealer calling the game shall indicate "No More Bets."
- 3. The dealer shall deal an initial four cards from the shoe. The first and third cards dealt shall constitute the first and second cards of the "Player's Hand." The second and fourth cards dealt shall constitute the first and second cards of the "Banker's Hand." The casino may deal the initial four cards in accordance with one of the following options. The Table Games Director must give appropriate written notice to the casino as to which option the dealers will utilize.
  - a. The dealer shall remove cards from the shoe with his or her left hand, turn them face up and then place them on the appropriate area of the layout with his or her right hand. The first and third cards dealt shall be placed on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed on the area designated for the "Banker's Hand;"
  - b. The first and third cards dealt shall be placed face down on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed face down in the designated area for the "Banker's hand" until the "Player's Hand" is called as provided for in Section H (The Play), at which time the second and fourth cards shall be turned face up and placed on the area designated for the "Banker's Hand;" or

Public Packet 173 of 254

c. The first and third cards dealt shall be placed face down on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed face down on the area designated for the "Banker's Hand." After all four cards have been dealt, the dealer shall place the "Banker's Hand" underneath the right corner of the dealing shoe until the "Player's Hand" is called, as provided for in Section H (The Play).

- i. The dealer shall then hand the two cards of the "Player's Hand," face down, to the player with the highest wager on the "Player's Hand." After viewing the "Player's Hand," the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the "Player's Hand" and announce the Point Count of the "Player's Hand" in accordance with Section H (The Play).
- ii. The dealer shall then hand the two cards of the "Banker's Hand," face down, to the player with the highest wager on the "Banker's Hand." After viewing the "Banker's Hand," the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the "Banker's Hand" and announce the Point Count of the "Banker's Hand" in accordance with Section H (The Play).
- iii. Any third card required to be dealt to the "Player's Hand" pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt) shall be placed face down on the area designated for the "Player's Hand." The dealer shall then hand the card, face down, to the player who was handed and returned the "Player's Hand." After viewing the card, the player shall return the card face up to the dealer, who shall place the card face up on the area designated for the "Player's Hand."
- iv. Any third card required to be dealt to the "Banker's Hand" pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt) shall be placed face down on the area designated for the "Banker's Hand." The dealer shall then hand the card, face down, to the player who was handed and returned the "Banker's Hand." After viewing the card, the player shall return the card face up to the dealer, who shall place the card face up on the area designated for the "Banker's Hand."
- v. If two or more players offer to wager an equally high amount on the "Player's Hand," the player making such wager who is closest to the dealer moving counterclockwise around the table shall be handed the "Player's Hand" and any third card required to be dealt. If two or more players offer to wager an equally high amount

on the "Banker's Hand," the player making such wager who is closest to the dealer moving counterclockwise around the table shall be handed the "Banker's Hand" and any third card required to be dealt pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt).

- 4. After the dealer positions the cards in accordance with Subsection (3) (a) or Subsection (3) (b) above, the dealer shall announce the Point Count of the "Player's Hand" and then the "Banker's Hand." If the dealer positions the cards in accordance with Subsection (3) (c) above, the Point Counts of the "Player's Hand" and "Banker's Hand" shall be announced as provided therein.
- 5. Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand which instructions shall be in conformity with the requirements of Section I (Rules for Determining Whether Third Card Should Be Dealt).
- 6. If the dealer positions the cards in accordance with Subsection (3) (a) or Subsection (3) (b) above, any third card required to be dealt shall first be dealt face upwards to the "Player's Hand" and then to the "Banker's Hand" by the dealer. If the dealer positions the cards in accordance with Subsection (3) (c) above, any third cards required to be dealt shall be dealt as provided therein.
- 7. In no event shall more than one additional card be dealt to either hand.
- 8. Whenever the cutting card appears during play, the cutting card will be removed, and the hand will be completed. Upon completion of that hand, the dealer calling the game shall indicate "Last Hand." At the completion of the last hand, no more cards will be dealt until the reshuffle occurs.

# I. Rules for Determining Whether Third Card Shall Be Dealt

- 1. If the Point Count of either the "Player's Hand" or the "Banker's Hand" after the initial two cards are dealt to each is an 8 or 9 (which shall be called a "natural"), no more cards shall be dealt to either hand.
- 2. If the Point Count of the "Banker's Hand" on the first two cards is 0 to 7 inclusive, the "Player's Hand" shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the requirements of Table 1 below.

Public Packet 175 of 254

### TABLE 1

Player	Third Card
Having	Determination
0 to 5	Draws
6 to 9	Stays

3. The "Banker's Hand" shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the requirements of Table 2 below.

			TA	BLE	22							
Third Card Drawn by Player's Hand												
		If No	0	1	2	3	4	5	6	7	8	9
		Third										
	0											
	1		BANKER'S HAND DRAWS									
	2											
POINT	3	D	D	D	D	D	D	D	D	D	S	D
COUNT OF	4	D	S	S	D	D	D	D	D	D	S	S
BANKER'S	5	D	S	S	S	S	D	D	D	D	S	S
HAND	6	S	S	S	S	S	S	S	D	D	S	S
	7											
	8	BANKER'S HAND STAYS										
	9											

- 4. The first vertical column in Table 2 labeled Point Count of "Banker's Hand" shall refer to the Point Count of the "Banker's Hand" after the first two cards have been dealt to it.
- 5. The first horizontal column at the top of Table 2 labeled "Third Card Drawn by Player's Hand" shall refer to the value of the third card drawn by the "Player's Hand" as distinguished from the Point Count of the "Player's Hand."
- 6. The letter "D" used in Table 2 shall mean that the "Banker's Hand" must draw a third card and the letter "S" used in Table 2 shall mean that the "Banker's Hand" must stay (that is, not draw a third card).
- 7. The method of using Table 2 shall be to find the Point Count of the "Banker's Hand" in the first vertical column and trace that horizontally across the table until it intersects the third card drawn by the "Player's Hand." The box at which such intersection takes place will show whether the "Banker's Hand" shall draw a third card or stay. For example, if the

Public Packet 176 of 254

Point Count of the "Banker's Hand" after two cards is 5 and the value of the third card drawn by the "Player's Hand" is 4, the table shows that the "Banker's Hand" shall draw a third card.

# J. Announcement of Result of Round and Payment and Collection of Wagers

- 1. After each hand has received all the cards to which it is entitled pursuant to Section H (The Play) and Section I (Rules for Determining Whether Third Card Should Be Dealt), the dealer shall announce the final Point Count of each hand indicating which wager(s) won the round. If two hands have equal Point Counts, the dealer shall indicate "Tie Hand."
- 2. After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager starting with the losing wager furthest to the right and working counter clockwise. The dealer shall, pay each winning wager as follows:
  - a. Starting with the winning wager furthest to the right and working counter clockwise, the dealer shall pay each winning wager.
- 3. At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard rack, in order and in such a way that they can be readily arranged to indicate the "Player's Hand" and the "Banker's Hand" in case of question or dispute.
- 4. No player or spectator shall handle, remove or alter any cards used to game at EZ Baccarat and no dealer or other casino employee or casino key employee shall permit a player or spectator to engage in such activity.

## K. Payout Odds

- 1. A winning wager made on the "Player's Hand" shall be paid off by a casino at odds of 1 to 1."
- 2. A winning wager made on "Tie" shall be paid off by a casino at odds of 8 to 1
- 3. A winning wager made on the "Banker's Hand" shall be paid off by a casino at odds of 1 to 1
- 4. A winning wager made on the "Dragon 7," shall be paid off by a casino at odds of 40 to 1.
- 5. A winning wager made on the "Panda 8," shall be paid off by a casino at odds of 25 to 1.

Public Packet 177 of 254

## L. Irregularities

1. A third card dealt to the "Player's Hand," when no third card is attically these rules, shall become the third card of the "Banker's Hand" if the "Banker's Hand" is obliged to draw by the table in Section I (Rules for Determining if Third Card Should Be Dealt). If, in such circumstances, the "Banker's Hand" is required to stay, the card dealt in error shall become the first card of the next hand unless it has been disclosed. In such case, the disclosed card and an additional number of cards equal to the amount on this card shall be drawn face down from the shoe and placed in the discard rack

- 2. A card drawn in error from the shoe, if not disclosed, shall be used as the first card of the next hand of play. If the card has been disclosed, a \[ \text{burn card} \] procedure as described in (1) above shall be implemented.
- 3. Any card(s) found face upwards in the shoe shall not be used in the game and shall be placed in the discard rack, along with an additional amount of cards drawn face down, which agrees with the number on the card(s) found face upwards in the shoe.
- 4. If there are insufficient cards remaining in the shoe to complete a round of play, that round shall be void and a new round shall commence after the entire set of cards are reshuffled and placed in the shoe.
- 5. If an automated shuffling device/dealing shoe is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
- 6. If an automated shuffling device/dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a Round of Play, the Round of Play shall be void and the cards reshuffled.
- 7. If the automated shuffling device/dealing shoe reveals that an incorrect number of cards are present, the deck shall be removed from the table and all hands void.

Public Packet 178 of 254

#### FOUR CARD POKER.

#### A. Definitions.

1. "Aces Up Wager" means the initial wager placed prior to any cards being dealt in order to qualify for payouts regardless of the dealer's hand.

- 2. "Ante Wager" means the initial wager placed prior to any cards being dealt in order to place a Play Wager.
- 3. "Fold" means the withdrawal of a player from a round of play by discarding his or her hand of cards after all cards have been dealt and prior to placing a Play Wager.
- 4. "Hand" means the four-card hand formed from the five cards dealt to each player or the four-card hand formed from the six cards dealt to the dealer.
- 5. "Play Wager" means an additional wager made by a player, in an amount one to three times the player's Ante Wager, after all cards for the round of play have been dealt but before the dealer's cards are exposed.
- 6. "Rank" or "Ranking" means the relative position of a card or group of cards as set forth in Subsection E (Four Card Poker Rankings).
- 7. "Round of Play" or "Round" means one complete cycle of play during which all wagers have been placed, all players then playing at the table have been dealt a hand cards, and all wagers have been paid off or collected.
- 8. "Stub" means the remaining portion of the deck after all cards in the round of play have been dealt.
- 9. "Suit" means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.
- 10. "Washing" or "Chemmy Shuffle" means mixing cards face down on the table with a circular motion of the hands.

#### B. <u>Equipment.</u>

- 1. Four Card Poker shall be played on a table having up to seven places on one side for the players, and a place for the dealer on the opposite side.
- 2. The cloth covering the Four Card Poker table (the layout) shall have betting areas for up to seven players. Within each betting area there shall be a

- place for an Ante Wager, a place for an Aces Up Wager, and a place for the Play Wager.
- 3. Each Four Card Poker table shall have a table inventory container on or attached to the table.
- 4. Except as provided in (5) below, Four Card Poker shall be played with one deck of cards with backs of the same color and design, one additional cutting card and one additional cover card to be used in accordance with the procedures set forth in Subsection D (Shuffle and Cut of the Cards).
- 5. If an automated card shuffling device is used, the casino shall be permitted to use a second deck of cards to play the game provided that:
  - a. Each deck of cards complies with (4) above;
  - b. The backs of the cards in the two decks are of different color;
  - c. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
  - d. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
  - e. The cards from only one deck shall be placed in the discard rack at any given time.

# C. Opening the Table for Gaming.

- 1. After receiving a deck or decks of cards at the table, the dealer shall sort and inspect the cards, and the floor person assigned to the table shall verify that inspection. Electronic verification may satisfy the floor person verification requirement.
- 2. Following the inspection of the cards by the dealer and the verification, the cards shall be spread out faceup on the table for visual inspection by the first player to arrive at the table. The cards shall be sorted according to suit and in sequence.
- 3. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Subsection D (Shuffle and Cut of the Cards).
- 4. All cards opened for use at the Four Card Poker table shall be changed at least once every eighthours.

#### D. Shuffle and Cut of the Cards.

- 1. Immediately prior to the commencement of play and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed.
  - a. If manually shuffled, upon completion the dealer or device shall place the deck of cards in a single stack and then directly into the dealing shoe.
- 2. After the cards have been shuffled and stacked, the dealer shall:
  - a. If the cards were shuffled using an automated card shuffling device, deal or deliver the card sin accordance with the procedures set forth in Subsections (G), (H), or (I); or
  - b. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (3) below.
- 3. If a cut of the cards is required (when manually shuffled), the dealer shall:
- 4. a. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (3)(a)(ii) above;
  - iv Removing the cover card and placing it in the discard rack;
  - b. Deal the cards in accordance with the procedures set forth in Subsections (G), (H), or (I).
- Notwithstanding (3) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.
- 6. Whenever there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined m Subsection (C)(3) shall be completed. Play will then commence m conformance with the procedures outlined in Subsection (D).

# E. Four Card Poker Rankings.

1. The rank of the cards used in Four Card Poker, for the determination of

winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. Notwithstanding the foregoing, an ace may be used to complete a straight flush with a two, three, and four or a straight formed with a two, three, and four.

- 2. The permissible poker hands at the game of Four Card Poker, in order of highest to lowest rank, shall be:
  - a. "Four-of-a-kind "is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
  - b. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking, with ace, king, queen, and jack being the highest-ranking straight flush and ace, two, three, and four being the lowest ranking straight flush;
  - c. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
  - d. "Flush" is a hand consisting of four cards of the same suit;
  - e. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen, and jack being the highest ranking straight and an ace, two, three, and four being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two);
  - f. "Two pairs" is a hand containing two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
  - g. "One pair" is a hand containing two cards of the same rank, with two aces being the highest-ranking pair and two twos being the lowest ranking pair.
  - h. "High card" is the hand that contains none of the hands authorized in this Subsection but contains the highest-ranking card as provided in (1) above which is not contained in the dealer's hand.
- When comparing a player's hand to the dealer's hand which are of identical poker hand rank pursuant to the provisions of this Subsection, the hand which contains the highest-ranking card as provided in (1) above which is not contained in the other hand shall be considered the higher-ranking hand. If the hands are of identical rank after the application of this Subsection, the player shall win.

## F. Wagers.

1. All wagers at Four Card Poker shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate betting

- areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
- 2. All initial wagers shall be placed prior to the dealer indicating "No More Bets" in accordance with the dealing procedures in Subsections (G), (H), or (I). Except as otherwise provided in these Rules, no wager shall be made, increased, or withdrawn after the dealer has indicated "No More Bets."
- 3. A Play Wager shall be made in accordance with Subsection J (The Play).

# G. Procedure for Dealing from a Manual Shoe.

- 1. If the casino chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the applicable control standards for dealing shoes and shall be located on the table. Once the procedures required by Subsection D (Shuffle and Cut of the Cards) have been completed, the stacked deck(s) of cards shall be placed in the dealing shoe either by the dealer or by an automatic shuffling device.
- 2. Prior to dealing the cards and once all initial wagers have been placed, the dealer shall then indicate "No More Bets."
- 3. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.
- 4. The dealer shall, starting with the player farthest to his or her left and continuing. around the table in a clockwise manner, deal five cards face down to each player and the dealer, in succession, directly on top of the preceding card dealt facedown. The dealer shall then deal a sixth card to himself face up on his hand.
- 5. After all cards have been dealt to each player and the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (6) below, place the stub in the discard rack without exposing the cards.
- 6. The dealer shall be required to count the stub at least once every five rounds of play in order to determine that there are still 52 cards present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.
  - a. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

b. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection L (Irregularities). If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.

# H. <u>Procedures for Dealing from the Hand</u>.

- 1. A casino may, in its discretion, permit a dealer to deal the cards used to play Four Card Poker from his or her hand.
- 2. If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:
  - a. The casino dealer shall use an automated shuffling device to shuffle the cards.
  - b. Once the procedures required by Subsection D (Shuffle and Cut of the Cards) have been completed, the dealer shall place the stacked deck of card(s) in either hand.
    - Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
    - The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
  - c. The dealer shall then indicate "No More Bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.
- 3. The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal five cards face down to each player and the dealer, in succession, directly on top of the preceding card dealt face down. The dealer shall then deal a sixth card to himself face up on his hand.
- 4. After all cards have been dealt to each player and the area designated for the placement of the dealer's hand, the dealer shall, except as provided in (5) below, place the stub in the discard rack without exposing the cards.
- 5. The dealer shall count the stub in accordance with the provisions of Subsection (G)(6).

Public Packet 184 of 254

## I. Procedures for Dealing from an Automated Shoe.

1. A casino may, in its discretion, choose to have the cards used to play Four Card Poker dealt from an automated dealing shoe which dispenses cards in stacks of five cards.

- 2. If a casino chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:
  - a. Once the procedures required by Subsection D (Shuffle and Cut of the Cards) have been completed, the cards shall be placed in the automated dealing shoe.
  - b. The dealer shall then indicate "No More Bets" prior to the shoe dispensing any stacks of cards.
- 3. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe facedown to the player farthest to his or her left who has placed a wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand. The automated dealing shoe shall dispense one more stack, of which the dealer shall place the top card face up on his hand. The dealer will place all cards remaining in that stack in the discard rack.
- 4. After each stack of cards has been dispensed and delivered in accordance with (3) above, the dealer shall remove the stub from the automated dealing shoe and place the cards in the discard rack without exposing the cards.
- 5. The dealer shall count the stub in accordance with the provisions of Subsection (6).
- 6. The counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

#### J. The Play.

- 1. Prior to the procedures required by Subsection D (Shuffle and Cut of the Cards), each player shall make one or both of the following wagers:
  - a. "Ante Wager" means player elects to play against the dealer.
  - b. "Aces Up" means the player elects to play the hand value against the

pay table.

- 2. After the dealing procedures required by Subsections (G), (H), or (I) have been completed, each player shall determine the best four card poker hand out of their five cards.
  - a. If the player has placed an Ante Wager, he may elect to either make a Play Wager in the amount between one and three times the player's Ante Wager, or fold. If a player folds, the entire Ante Wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.
  - b. If the player has placed an Aces Up Wager as well as the Ante Wager, that wager will be paid pursuant to (5) below except if the player folds.
- Each player who makes a Play Wager shall be responsible for his or her own hand and no other person other than the dealer may touch the cards of that player. Each player shall be required to keep the five cards in full view of the dealer at all times. Once each player has examined his or her cards and placed the five cards face down on the appropriate area of the layout, the player shall not touch the cards again. If players are unsure of their hands, the dealer will check their cards.
- 4. After all players have either placed a Play Wager or folded, the dealer shall turn over all his cards and arrange his hand from highest card value to lowest card value. He shall then indicate his best four-card hand. The two cards the dealer does not use should be positioned to the right of his hand.
- 5. After the dealer has announced his best hand, the dealer shall, starting with the player farthest to his or her right, reveal the player's cards. The dealer will reconcile the Play Wager first, the Ante Wager second, and the Aces Up Wager last. Winning wagers shall be paid in accordance with the payout odds listed in Subsection K (Payout Odds) All losing wagers shall be collected by the dealer and placed in the table inventory container. All losing hands shall then be immediately collected by the dealer and placed in the discard rack.
- 6. If the hand of the player ties with that of the dealer's hand, the hand of the player shall win.
- 7. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

Public Packet 186 of 254

## K. Payout Odds.

1. There are three payout types as follows:

- A player, in competition against the dealer, shall be paid 1 to 1 on both the Ante Wager and the Play Wager if the player's hand is ranked higher than or equal to the dealer's hand.
- b. A player placing an Aces Up Wager shall be paid in accordance with the following payout table:

•	4 of a Kind	50 to 1
•	Straight Flush	30 to 1
•	3 of a Kind	7 to 1
•	Flush	6 to 1
•	Straight	5 to 1
•	Two Pair	2 to 1
•	Pair of aces	1 to 1

C. A player placing an Ante Wager and a Play Wager shall be paid an automatic bonus if the player's hand consists of the following:

•	4 of a Kind	25 to 1
•	Straight Flus	20 to 1
	3 of a Kind	2 to 1

#### L. Irregularities.

- 1. A card that is found face up in the shoe of the deck while the cards are being dealt shall cause a misdeal and all hands shall be void and the cards shall be reshuffled.
- 2. If manually dealt, a card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck
- 3. If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
- 4. If one or more of the dealer's cards in inadvertently exposed prior to the dealer revealing his or her cards as prescribed in Subsection (J)(4) all hands shall be void and the cards shall be reshuffled.
- 5. If an automated card shuffling device is being used and device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
- If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void

Public Packet 187 of 254

#### MISSISSIPPI STUD

#### A. <u>Definitions</u>

1. "Ante Wager" - The initial wager placed prior to the first 2 cards being dealt in order to participate in a round of play.

- "3rd Street Wager" A wager, in the amount of one to three times the antewager, made by the player after receiving their initial two cards.
- 3. "4th street wager" A wager, in the amount of one to three times the antewager, made by the player after the first community card is revealed.
- 4. "5th street wager" A wager, in the amount of one to three times the ante wager, made by the player after the second community card is revealed.
- 5. "Community Card" Any card which is initially dealt face down to the designated area to the dealer and which are used by all players to form a five card hand.
- 6. "Fold" The withdrawal of a player from a round of play by discarding their hand and forfeiting their wager(s).
- 7. "Push" A bet that is neither won nor lost.
- 8. "Rank" or "Ranking" The relative position of a card or group of cards as set forthin Subsection F (Mississippi Stud Poker Rankings).
- 9. "Round of Play" The complete cycle of play during which all cards have been dealt and all wagers have been reconciled.
- 10. "Stub" The remaining portion of the deck after all cards in the round have been dealt or delivered.
- 11. "Suit" One of the four categories of cards (clubs, diamonds, hearts or spades), with no suit being higher in rank than another.
- 12. "Washing" or "Chemmy Shuffle" Mixing cards face down on the table with a circular motion of the hand.

## B. <u>Equipment</u>

1. Mississippi Stud shall be played on a table having up to seven places on one side for the players, and a place for the dealer on the opposite side.

OGC Approved: 1/14/2020 Page **1** of **10** 

Public Packet 188 of 254

2. The cloth covering a Mississippi Stud table (the layout) shall have a separate space for the placement of an Ante Wager and three separate betting spaces for the street wagers. There shall also be a separate area located directly in front of the chip tray designated for the placement of the Community Cards.

- 3. Each Mississippi Stud table shall have a table inventory container on or attached to the table.
- 4. If the casino chooses to have an aggregate win per round or hand, it is the casino's responsibility to post a sign at each Mississippi Stud table displaying this aggregate win limit.
- 5. If an automated card shuffling device is used, a casino shall be permitted to use a second deck of cards to play the game, provided that:
  - a. The backs of the cards in the two decks are of different color;
  - b. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
  - c. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
  - d. The cards from only one deck shall be placed in the discard rack at any given time.
  - e. If an automated dealing shoe is used, a cover and cut card are not required.

## C. Object of the Game

1. Each player wagers that their five card poker hand will equal or exceed a pair of Jacksor better.

#### D. Opening the Table for Gaming

 After receiving a deck of cards at the table, the dealer shall inspect the cards, and the floor-person assigned to the table shall verify that inspection. Electronic verification may satisfy the floor person verification requirement.

OGC Approved: 1/14/2020 Page **2** of **10** 

- 2. Following the inspection, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be sorted according to suit and in sequence.
- 3. After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they should be shuffled in accordance with Subsection E (Shuffle and Cut of the Cards).
- 4. If an automated card shuffling device is used to play the game and two decks of cards are received at the table follow D.1. through D.3. for each deck.

### E. Shuffle and Cut of the Cards

- Immediately prior to the commencement of play and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed.
- 2. After the cards have been shuffled the dealer shall:
  - a. If the cards were shuffled using an automated card shuffling device, a cut is not required and the dealer shall deal or deliver the cards in accordance with the procedures set forth in Subsections (I), (J), and (K).
  - b. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (3) below.
- 3. If a cut of the cards is required, the dealer shall:
  - a. Cut the deck, using one hand, by:
    - i. Placing the cover card on the table in front of the deck of cards;
    - Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
    - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on top of the cover card pursuant to (3)(a)(ii) above;
    - iv. Removing the cover card and placing it in the discard rack.

- 4. Notwithstanding (3) above, after the cards have been cut and before any cards have been dealt, a Floor Person may require the cards to be recut if it is determined that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.
- 5. Whenever there is no gaming activity at a Mississippi Stud Poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. Play will then commence in conformance with the procedures outlined in Subsection (E).

### F. Mississippi Stud Poker Rankings

- 1. The hands ranked in order of highest to lowest rank shall be:
  - a. "Royal flush" is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
  - b. "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and nine being the highest-ranking straight flush and ace, two, three, four and five being the lowest ranking straight flush;
  - "Four-of-a-kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
  - d. "Full house" is a hand consisting of "three-of-a-kind" and a "pair," with three aces and two kings being the highest-ranking full house and three twos and two threes being the lowest ranking full house;
  - e. "Flush" is a hand consisting of five cards of the same suit;
  - f. "Straight" is a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two, three);

- g. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
- h. "Two pairs" is a hand containing two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
- i. "One pair" is a hand containing two cards of the same rank, with two aces being the highest-ranking pair and two twos being the lowest ranking pair.
- 2. The rank of the cards used in Mississippi Stud, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a two, three, four, and five.

#### G. Wagers

- All bets at Mississippi Stud shall be made by placing gaming chips or tokens, and, if applicable, a promotional coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
- 2. All wagers at Mississippi Stud Poker shall be placed prior to the dealer indicating "No More Bets" in accordance with the dealing procedures set forth in Subsections (I), (J), or (K).
- 3. No wager shall be made, increased, or withdrawn after the dealer has indicated "No More Bets." in accordance with the dealing procedures set forth in Subsections (I), (J), or (K).
- 4. A casino may, in its discretion, permit a player to place wagers at two betting positions during a round of play provided that the two betting positions are adjacent to each other. In the event that the casino permits a player to place wagers at two betting positions, all procedures outlined in these Rules of Play shall be utilized for a position at which such a wager has been placed in the same manner as if the position were occupied by a player.

#### H. Optional Bonus Wagers

1. Gaming Management may authorize additional optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

#### I. <u>Procedures for Dealing from a Manual Shoe</u>

- 1. If a casino chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall be located on the table. Once the procedures required by Subsection E (Shuffle and Cut of the Cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.
- 2. The dealer shall indicate "No More Bets" prior to dealing any cards.
- In dealing the cards, each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer shall, starting with the player farthest to their left and continuing around the table in a clockwise manner, deal the cards as follows:
  - a. Two cards face down to each player who has placed an ante wager in accordance with Subsection G (Wagers);
  - b. Three cards face down to the area designated for the placement of the Community Cards.
- 4. After two cards have been dealt to each player and three cards to the area designated for the placement of the Community Cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (5) below, place the stub in the discard rack without exposing the cards.
- 5. The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.
  - a. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
  - b. If the count of the stub indicates that the number of cards in the deckis incorrect, the dealer shall determine if the cards were misdealt.
    - If the cards have been misdealt (a player or the area designated for the placement of the Community Cards has more or less than three cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection N (Irregularities).
    - ii. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.

#### J. <u>Procedures for Dealing the Cards from the Hand</u>

- The casino may, in its discretion, permit a dealer to deal the cards used to play Mississippi Stud from the dealer's hand.
- If the casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.
  - a. The dealer shall use an automated shuffling device to shuffle the cards.
  - b. Once the procedures required by Subsection E (Shuffle and Cut of Cards) have been completed, the dealer shall place the stacked deck of cards in either hand.
    - Once the dealer has chosen the hand in which to hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
    - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
  - c. The dealer shall then indicate "No More Bets" prior to dealing any cards.
- 3. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:
  - Two cards face down to each player who has placed an ante wager in accordance with Subsection G (Wagers);
  - Three cards face down to the area designated for the placement of the Community Cards;
- 4. After two cards have been dealt to each player and three to the area designated for the placement of the Community Cards, the dealer shall, except as provided in (5) below, place the stub in the discard rack without exposing the cards.
- 5. The dealer shall count the stub in accordance with Subsection (I)(5).

#### K. Procedures for Dealing from an Automated Shoe

1. The casino may, in its discretion, choose to have the cards used to play Mississippi Stud dealt from an automated dealing shoe if the following requirements are observed.

- a. When the procedures required by Subsection E (Shuffle and Cut of the Cards) have been completed, the cards shall be placed in the automated dealing shoe.
- b. Prior to the shoe dispensing any stacks of cards, the dealer shall then indicate "No More Bets."
- 2. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the appropriate area of the layout. The dealer shall, beginning with the community cards and continuing with the player furthest to their left, moving clockwise around the table, deal the cards as follows:
  - a. Three cards face down to the area designated for the placement of the Community Cards;
  - b. Two cards face down to each player who has placed and ante wager in accordance with Sub Section G (Wagers);
- 3. Notwithstanding the provisions of (5) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

#### L. The Play

- 1. A player shall be required to make an ante wager to participate in the game.
- 2. After each player has received their two cards, they have the option to either fold their hand or buy the first Community Card by making a 3<sup>rd</sup> Street Wager of one, two or three times the ante wager.
- 3. After seeing the 3<sup>rd</sup> street community card, the patron will have the option to fold their hand or buy the second Community Card by making a 4<sup>th</sup> Street Wager of one, two or three times the ante wager.
- 4. After seeing the 4th street community card, the patron will have the option to fold their hand or buy the third and final Community Card by making a 5<sup>th</sup> Street Wager of one, two or three times the ante wager.
- 5. Immediately following a fold, all wagers shall be collected and placed in the table inventory container. The folded hand shall be collected and placed in the discard rack.

- 6. Starting with the player farthest to the dealer's right and proceeding in a counterclockwise manner, the dealer shall turn over the player's cards and determine the best possible five-card poker hand using the two player cards and the three community cards. The wagers of each player shall be settled in accordance with Subsection M, with the player's hand immediately collected by the dealer and placed in the discard rack.
- 7. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.
- 8. Each player shall be responsible for their own hand and no other person other than the dealer may touch the cards of that player. Each player shall be required to keep the two cards in full view of the dealer at all times.

#### M. Payout Odds

1. Subject to the payout limitation in (2) below, the casino shall pay off each winning wager at the game of Mississippi Stud at no less than the following odds:

Wager	Payout Odds
Royal Flush	500 to 1
Straight Flush	100 to 1
Four-of-a-kind	40 to 1
Full House	10 to 1
Flush	6 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two Pair	2 to 1
Pair of Jacks or better	1 to 1
Pair of 6s to Pair of 10s	Push

2. Notwithstanding the minimum payout odds required in (1) above, a casino may establish a maximum amount that is payable to a player on a single hand, which amount shall be at least \$10,000. This limit must be posted at the table. If the established payout limit is not included on the layout, each casino shall provide notice of any decrease in the payout limit. Any maximum payout limit established by a casino shall apply only to payouts of Mississippi Stud wagers placed pursuant to Subsection G (Wagers).

Public Packet 196 of 254

#### N. <u>Irregularities</u>

1. A card that is found face up in the shoe or the deck while the cards are being dealt shall qualify as a misdeal and all hands shall be void and the cards shall be reshuffled.

- 2. A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.
- 3. If any player or the area designated for the placement of the Community Cards is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
- 4. If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
- 5. If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt.

Public Packet 197 of 254

#### ROULETTE

# A. Equipment

1. A standard table has a betting layout, a roulette wheel and roulette balls.

- 2. Chips. The color of the non-value roulette chip indicates the player.
- 3. Roulette wheel. Roulette shall be played on a table having a roulette wheel of not less than thirty (30) inches in diameter at one end of the table. A roulette wheel consists of 38 numbered slots numbers "1" to "36," "0" and "00."
- 4. Layout. The cloth covering a Roulette table (the layout) shall have a betting I flayout imprinted on the end of the table opposite the roulette wheel that will include areas for or placing permissible inside and outside bets consistent with these Rules of Play.
- 5. Crown. A point marker to be known as a "crown" or "dolly" is used by the dealer and placed on the layout to indicate the number on the wheel where the ball has come to rest.
- 6. Roulette ball. Balls used in gaming at roulette shall be made completely of a non-metallic substance and not be less than 12/16 of an inch nor more than 14/16 of an inch in diameter unless otherwise approved by the Oneida Gaming Commission.

## B. Roulette Personnel and their Duties

- 1. A roulette table with a single or double layout is may be worked by two persons. The person who spins the wheel and deals the game is called the dealer. His or her assistant, when necessary, is called a mucker.
- 2. Dealer. The dealer is in charge of the conduct of the game. Main duties are: spinning the wheel, throwing the roulette ball, announcing winners, collecting losing wagers, paying off winning wagers, and collecting, entering or placing jackpot wagers.
- 3. Mucker. The Mucker is an optional secondary dealer that can assist in dealing duties to keep the game operating efficiently, when necessary.

OGC Approved: 1/14/2020 Page 1 of 11

# C. Placement of Wagers

- 1. All wagers at roulette shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate areas of the roulette layout, except that verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and that the cash is expeditiously converted into gaming chips or tokens in accordance with the applicable procedures governing the acceptance and conversion of such instruments.
- 2. No person at a roulette table shall be issued or permitted to game with non-value chips that are identical in color and design to value chips or to non-value chips being used by another person at that same table.
- 3. Each player shall be responsible for the correct positioning of his or her wager on the roulette layout regardless of whether he or she is assisted by the dealer. Each player must ensure that any instructions he or she gives to the dealer regarding the placement of a wager are correctly carried out.
- 4. Each wager shall be settled strictly in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

## D. <u>Permissible Inside Bets</u>

- 1. "Single" or "Straight" is a wager that the roulette ball will come to rest in the compartment of the roulette wheel that corresponds to a single number selected by the player. The player shall select a number by placing a wager within the box on the roulette layout that contains the selected number.
- 2. "Split" or "Two-number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by placing a wager on the line between the two boxes on the roulette layout that contain the two selected numbers, except that a split wager on "0" and "00" may also be placed on the line between the "2nd 12" box and the "3rd 12" box.
- 3. "Row" or "Three numbers" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of three numbers in a single row on the roulette layout selected by the player. The player shall select a row of numbers by placing a wager on the outside line of the box on the roulette layout that contains the first number in the selected row.

OGC Approved: 1/14/2020

- 4. "Triple" or "Street" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of the three numbers contained in one of the following groups of numbers: "0," "1" and "2"; "0," "2" and "00;" or "00," "2" and "3." The player shall select the select this wager by placing a wager on the common corner of the three boxes containing the selected numbers.
- 5. "Four numbers" or "Corner" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of four numbers in contiguous boxes on the roulette layout selected by the player. The player shall select the four numbers by placing a wager on the common corner of the four boxes containing the selected numbers.
- 6. "First five numbers" or "top line" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of the numbers "0," "00," "1," "2" or "3." The player shall bet on the "first five numbers" by placing a wager on the common corner of the boxes on the roulette layout that contain the label "1st 12" and the numbers "0" and "1."
- 7. "Six numbers" or "Line" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of six numbers contained in two contiguous rows of numbers on the roulette layout selected by the player. The player shall select the two rows of numbers by placing a wager on the outside common corner of the boxes on the roulette layout that contains the first number in each of the rows being selected.
- 8. Gaming Management may authorize additional optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

## E. Permissible Outside Bets

- 1. "Column" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 12 numbers contained in a single column on the roulette layout selected by the player. The player shall select a column of 12 numbers by placing a wager in the box on the roulette layout that is at the bottom of the column being selected.
- 2. "Dozen" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 12 consecutive numbers from "1" through "12," "13" through "24," or "25" through "36" selected by the player. The player shall select the 12 numbers by placing a wager in the box

Roulette

04/22/14 on the roulette layout labeled "1st 12" ("1" through "12"), "2nd 12" ("13" through "24"), or "3rd 12" ("25" through "36").

- 3. "Red" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to a number with a red background on the roulette wheel. The player shall bet on "red" by placing a wager within the red box on the roulette layout used for such wagers.
- 4. "Black" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to a number with a black background on the roulette wheel. The player shall bet on "black" by placing a wager within the black box on the roulette layout used for such wagers.
- 5. "Odd" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to an odd number. The player shall bet on "odd" by placing a wager within the box on the roulette layout that is labeled "Odd."
- 6. "Even" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to an even number. The player shall bet on "even" by placing a wager within the box on the roulette layout that is labeled "Even."
- 7. "I to 18" or "low number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 18 consecutive numbers from "1" through "18." The player shall bet on "1 to 18" by placing a wager within the box on the roulette layout that is labeled "1 to 18."
- 8. "19 to 36" or "high number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 18 consecutive numbers from "19" through "36." The player shall bet on "19 to 36" by placing a wager within the box on the roulette layout that is labeled "19 to 36."
- 9. Gaming Management may authorize additional optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

## F. The Play

OGC Approved: 1/14/2020 Page **4** of **11** 

*Roulette 04/22/14* 

- 1. The roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and shall complete at least four revolutions around the track of the wheel to constitute a valid spin.
- 2. While the ball is still rotating in the track around the wheel, the dealer shall indicate "No More Bets."
- 3. Upon the ball coming to rest in a compartment, the dealer shall announce the number of such compartment and shall place a point marker to be known as a "crown" or "dolly" on that number on the roulette layout.
- 4. After placing the crown on the layout and, if applicable, complying with the provisions of (d) above, the dealer shall first collect all losing wagers and then pay off all winning wagers.

## G. Payout Odds

1. No casino, its employees or agents shall pay off winning wagers at the game of roulette at less than the odds listed below:

Inside Bets	Payout Odds
Straight	35 to 1
Split	17 to 1
Row	11 to 1
Triple	11 to 1
Four Numbers	8 to 1
First Five Numbers	6 to 1
Six Numbers	5 to 1

Outside Bets	Payout Odds
Column	2 to 1
Dozen	2 to 1
Red	1 to 1
Black	1 to 1
Odd	1 to 1
Even	1 to 1
1 to 18	1 to 1
19 to 36	1 to 1

2. When roulette is played on a double zero wheel and the roulette ball comes to rest in a compartment marked "0" or "00," a player shall lose their entire wager if a wager was placed on any space other than "0" or "00."

Roulette 04/22/14

# H. <u>Irregularities</u>

- 1. If the ball is spun in the same direction as the wheel, the dealer shall indicate "No Spin" and shall attempt to remove the roulette ball from the wheel prior to its coming to rest in one of the compartments.
- 2. If the roulette ball does not complete four revolutions around the track of the wheel, the dealer shall indicate "No Spin" and shall attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.
- 3. If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall indicate "No Spin" and shall attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.
- 4. If the ball fails to drop into one of the number slots, leaves the track, or floats around the spinning wheelhead, the dealer shall indicate "No Spin" and re-spin the ball.
- 5. If the dealer calls or marks a number that is not correct, a correction will be made.
- 6. If there is interference with the ball or wheel, the dealer shall indicate no spin and re-spin the ball.
- 7. If there is a malfunction of the wheel, the dealer shall indicate no spin and re-spin the ball.
- 8. If a foreign object enters the wheel before it comes to rest, the dealer shall indicate no spin and re-spin the ball.
- 9. If the ball is propelled or falls out of the wheel, the dealer shall indicate no spin and re-spin the ball.
- 10. If a fraudulent act by any person affects the outcome of the game, the dealer shall indicate no spin and re-spin the ball

## I. Procedures for Automatic Wagering Terminals

Procedures for Automatic Wagering Terminals In the event that the Oneida Tribe of Indians of Wisconsin utilizes automatic wagering terminals for Roulette, the following procedures shall apply:

# 1. <u>Equipment</u>.

a. An automatic wagering roulette system has a central table with dealer touch-screen console ("javelin"), accounting computer and server; player terminals; a roulette wheel; a game clock; and roulette balls.

Roulette Page 6 of 11

b. Roulette wheel. The roulette wheel shall not be less than thirty (30) inches in diameter. A roulette wheel consists of 38 numbered slots - numbers "1" to "36," "0" and "00."

# 2. Personnel and their Duties.

a. Dealer. The dealer is in charge of the conduct of the game. Main duties are: entering buy-ins into the javelin unit, entering cash-outs for the javelin unit, initiating a new game by selecting the new game button, spinning the wheel, and throwing the roulette ball, collecting wagers, announcing winners, and paying off winning wagers. This game may utilize two dealers.

# 3. <u>Placement of Wagers</u>.

Wagers at a roulette automatic wagering terminal shall be made in the following manner:

- a. Buy-in.
  - A player places currency, chips and, if applicable, a match play coupon on the top of his or her player terminal. Verbal wagers are not accepted at a roulette automatic wagering terminal.
  - ii. The dealer picks up the buy-in amount and places it on the clipboard.
  - iii. The dealer places the buy-in amount on the center table next to the drop box and counts it.
  - iv. The dealer selects the player terminal where the player put the buy-in amount and selects the "buy-in" option.
  - v. The dealer will confirm the amount and the player's terminal will be credited the amount to begin wagering.
  - vi. After crediting the amount to the player, the dealer shall place the currency into the drop box.
  - vii. Each player shall be responsible to verify that the amount he or she has been credited at the player terminal is the correct amount before wagering begins.

## b. Placing wagers.

- i. All bets must be placed with available credits using the player terminal screen.
- ii. Players touch the player terminal screen to place bets.
- iii. Players may use any combination of the 6 chips displayed on the screen up to the maximum setting for the specific bet, or to the maximum amount of credits the player has available, whichever is the smaller.
- iv. Cancel. A player may remove whichever bet he or she touches next by touching the "cancel" button.

- v. Undo. A player may reverse his or her last action by touching the "undo" button.
- vi. Recall. A player may re-bet his or her bets from the last game by touching the "recall" button, assuming that the player has enough available credits to cover the bet.
- vii. Clear. A player may remove all current bets by touching the "clear" button.

## 4. Permissible Inside Bets.

- a. "Single" or "Straight" is a wager that the roulette ball will come to rest in the compartment of the roulette wheel that corresponds to a single number selected by the player. The player shall select a number by dragging a wager to the box on the roulette layout that contains the selected number.
- b. "Split" or "Two-number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by dragging a wager to the line between the two boxes on the roulette layout that contain the two selected numbers, except that a split wager on "0" and "00" may also be placed on the line between the "2nd 12" box and the "3rd 12" box.
- c. "Row" or "Three numbers" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of three numbers in a single row on the roulette layout selected by the player. The player shall select a row of numbers by dragging a wager to the outside line of the box on the roulette layout that contains the first number in the selected row.
- d.. "Triple" or "Street" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of the three numbers contained in one of the following groups of numbers: "0," "1" and "2"; "0," "2" and "00;" or "00," "2" and "3." The player shall select the select this wager by dragging a wager to the common corner of the three boxes containing the selected numbers.
- e. "Four numbers" or "Corner" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of four numbers in contiguous boxes on the roulette layout selected by the player. The player shall select the four numbers by dragging a wager to the common corner of the four boxes containing the selected numbers.
- f. "First five numbers" or "top line" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that

- corresponds to any one of the numbers "0," "00," "1," "2" or "3." The player shall bet on the "first five numbers" by dragging a wager to the common corner of the boxes on the roulette layout that contains the label "1st 12" and the numbers "0" and "1."
- g. "Six numbers" or "Line" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of six numbers contained in two contiguous rows of numbers on the roulette layout selected by the player. The player shall select the two rows of numbers by dragging a wager to the outside common corner of the boxes on the roulette layout that contain the first number in each of the rows being selected.

### 5. Permissible Outside Bets.

- a. "Column" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 12 numbers contained in a single column on the roulette layout selected by the player. The player shall select a column of 12 numbers by dragging a wager to the box on the roulette layout that is at the bottom of the column being selected.
- b. "Dozen" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 12 consecutive numbers from "1" through "12," "13" through "24," or "25" through "36" selected by the player. The player shall select the 12 numbers by dragging a wager to the box on the roulette layout labeled "1st 12" ("1" through "12"), "2nd 12" ("13" through "24"), or "3rd 12" ("25" through "36").
- c. "Red" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to a number with a red background on the roulette wheel. The player shall bet on "red" by dragging a wager to the red box on the roulette layout used for such wagers.
- d. "Black" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to a number with a black background on the roulette wheel. The player shall bet on "black" by dragging a wager to the black box on the roulette layout used for such wagers.
- e. "Odd" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to an odd number. The player shall bet on "odd" by dragging a wager to the box on the roulette layout that is labeled "Odd."
- f. "Even" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to an even number. The player shall bet on "even" by dragging a wager to the box on the roulette layout that is labeled "Even."

- g. "1 to 18" or "low number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 18 consecutive numbers from "1" through "18." The player shall bet on "1 to 18" by dragging a wager to the box on the roulette layout that is labeled "1 to 18."
- h. "19 to 36" or "high number" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of 18 consecutive numbers from "19" through "36." The player shall bet on "19 to 36" by dragging a wager to the box on the roulette layout that is labeled "19 to 36."

# 6. The Play.

- a. All players are given a fixed time period in which to finalize their bets, established by the game clock.
- b. When there are 10 seconds remaining on the game clock, the dealer will receive an audio prompt to spin the ball.
- c. The roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and shall complete at least four revolutions around the track of the wheel to constitute a valid spin.
- d. While the ball is still rotating in the track around the wheel, the clock will reach zero and the system will lock out players from additional bets and all player terminals will freeze.
- e. Upon the ball coming to rest in a compartment, the wheel sensor will detect the winning number and the number will be relayed automatically to the dealer's terminal. The Dealer will confirm the winning number.
- f. Once confirmed, the dealer shall announce the winning number. The winning number is indicated on each player terminal with an animated "dolly."
- g. All losing wagers are collected by the automated wagering system and the applicable credits are removed from the player's total. All winning wagers are paid by the automated wagering system and the applicable credits are added to the player's total.
- 7. <u>Payout Odds</u>. Payout odds for wagers at a roulette automatic wagering terminal are those listed in Section G above.
- 8. <u>Cash-out</u>. Cash-out from a roulette automatic wagering terminal shall be performed in the following manner:
  - a. The player selects the "cash-out" button on the player terminal.
  - b. The player verifies on his or her terminal that he or she wants to cash-out.
  - c. The dealer receives an indication at the dealer console of the requested cash-out.
  - d. The dealer selects the player terminal and selects "cash-out."

- e. The dealer removes chips equal to the value shown on the dealer console.
- f. The dealer delivers the chips to the player using a chip holder.
- g. The dealer verifies the chip count and presses the "confirm" button on the dealer console.

# 9. Irregularities.

- a. If the ball is spun in the same direction as the wheel, the dealer shall indicate "No Spin" and re-spin the ball.
- b. If the roulette ball does not complete four revolutions around the track of the wheel, the dealer shall indicate "No Spin" and re-spin the ball.
- c. If the ball fails to drop into one of the number slots, leaves the track, or floats around the spinning wheelhead, the dealer shall indicate "No Spin" and re-spin the ball.
- d. If the dealer confirms a number that is not correct, (i.e., not matching the main game screen) the correct number will be entered with the appropriate override.
- e. If a player notifies the dealer that a buy-in amount is not correct and there is no current round of play, the dealer shall void and correct the buy-in amount.
- f. If there is interference with the ball or wheel, the dealer shall indicate no spin and re-spin the ball.
- g. If there is a malfunction of the wheel, the dealer shall indicate no spin and re-spin the ball.
- h. If a foreign object enters the wheel before it comes to rest, the dealer shall indicate no spin and re-spin the ball.
- i. If the ball is propelled or falls out of the wheel, the dealer shall indicate no spin and re-spin the ball.
- j. If a fraudulent act by any person affects the outcome of the game, the dealer shall indicate no spin and re-spin the ball.
- k. If the system malfunctions the game is void, all wagers made by the players of that particular game shall be refunded by supervisor or designee.

**Public Packet** 

#### ULTIMATE TEXAS HOLD'EM.

## A. Definitions

1. "Ante Wager" means the initial wager placed prior to any cards being dealt in order to place a Play Wager.

- 2. "Blind Wager" means the initial wager that must be equal to the Ante Wager placed by each player in the Blind circle. This bet is paid if the player gets a Straight or better and Pushes if the hand is less than a Straight.
- 3. "Check" means that a player waives the right to initiate the betting in a Round of Play but retains the right to act prior to the house showing their cards.
- 4. "Community Card" means any card dealt face upward which can be used by all players to complete their best possible hand.
- 5. "Cover Card" means a solid colored card that is distinguishable from the color and design of the playing cards and used to conceal the bottom card
- 6. "Flop" means dealing the first three (3) Community Cards face up to the Board after each player has been dealt two (2) cards.
- 7. "Fold" means the withdrawal of a player from a Round of Play by discarding his or her hand of cards after all cards have been dealt and prior to placing a Play Wager.
- 8. "Play Wager" means an additional wager made by a player, in an amount one to four times the player's Ante Wager, after all cards for the Round of Play have been dealt but before the dealer's cards are exposed.
- 9. "Push" means both player and dealer 5 card hands are equal from card 1 to card 5
- 10. "Qualify" means when a dealer receives two cards equaling a pair of 2's or higher.
- 11. "Rank or Ranking" means the relative position of a card or group of cards as set forth in **Subsection E** (Ultimate Texas Hold'em Rankings).

OGC Approved: 1/14/2020

Public Packet

- 12. "River" means the fifth and final Community Card dealt to the board after each player has had the opportunity to Fold, Check or Play Wager on the Turn.
- 13. "Round of Play or Round" means one complete cycle of play during which all wagers have been placed, all players then playing at the table have been dealt a hand of cards, and all wagers have been paid or collected.
- 14. "Stub" means the remaining portion of the deck after all cards in the Round of Play have been dealt.
- 15. "Suit" means one of the four categories of cards: Clubs, Diamonds, Hearts or Spades, with no suit being higher in rank than another.
- 16. "Trips Bonus Wager" means an additional wager which is paid if the player gets Three-of-a-Kind or higher regardless of whether he or she beats the player/dealer.
- 17. "Turn" means the fourth Community Card dealt to the board after each player has had the opportunity to Fold, Check or Play Wager on the Flop.
- 18. "Washing or Chemmy Shuffle" means mixing cards face down on the table with a circular motion of the hands.

## B. Equipment

- 1. Ultimate Texas Hold'em shall be played on a table having up to seven (7) places on one side for the players, and a place for the dealer on the opposite side.
- 2. The cloth covering the Ultimate Texas Hold'em (the layout) table shall have betting areas for up to seven (7) players. Within each betting area there shall be a place for the Ante Wager, Blind Wager, Play Wager and a place for the Trips Bonus Wager.
- 3. Each Ultimate Texas Hold'em table shall have a table inventory container on or attached to the table
- 4. Except as provided in (5) below, Ultimate Texas Hold'em shall be played with one deck of cards 52 cards without the Jokers with backs of the same color and design, and one cover card to be used in accordance with the procedures set forth in Subsection D (Shuffle and Cut of the Cards).

Public Packet 210 of 254

- 5. If an automated shuffling device/dealing shoe is used, the casino shall be permitted to use a second deck of cards to play the game provided that:
  - a. Each deck of cards complies with (4) above;
  - b. The backs of the cards in the two decks are of different color;
  - c. One deck is being shuffled by the automated shuffling device/dealing shoe while the other deck is being dealt or used to play the game;
  - d. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
  - e. The cards from only one deck shall be placed in the discard rack at any given time;
  - f. No cover card is to be used with the automated shuffling device/ dealing shoe.
- 7. All cards opened for use at the Ultimate Texas Hold'em table shall be changed at least once every eight (8) hours.

# C. Opening the Table for Gaming

- 1. After receiving a deck or decks of cards at the table, the dealer shall sort and inspect the cards, and the floor-person assigned to the table shall verify that inspection. Electronic verification may satisfy the floor-person verification requirement.
- 2. Following the inspection of the cards by the dealer and the verification, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be sorted according to suit and in sequence.
- 3. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing or chemmy shuffle of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Subsection D (Shuffle and Cut of the Cards).

## D. Shuffle and Cut of the Cards

- 1. Immediately prior to the commencement of Play and after each Round of Play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated shuffling device/dealing shoe, so that the cards are randomly intermixed.
  - a. Upon completion of the shuffle by dealer or automated shuffling device/dealing shoe, the dealer shall place the deck of cards in a single stack on the table.

- b. Should an automated shuffling device/dealing shoe be used, the cards will not be stacked and instead, remain in the device once shuffled.
- 2. After the cards have been shuffled and stacked, the dealer shall:
  - a. If the cards were shuffled using an automated shuffling device/dealing shoe, deal or deliver the cards in accordance with the procedures set forth in Subsections (G), (H) or (I); or
  - b. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (3) below.
- 3. If a cut of the cards is required, the dealer shall:
  - a. Cut the deck, using one hand, by:
    - i. Placing the cover card on the table in front of the deck of cards:
    - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
    - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (3)(a)(ii) above.
  - b. Deal the cards in accordance with the procedures set forth in Subsections (G), (H), or (I). Notwithstanding (3) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.
- 4. Whenever there is no gaming activity at an Ultimate Texas Hold'em table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Subsection (C)(3) shall be completed. Play will then commence in conformance with the procedures outlined in Subsection (D).

# E. <u>Ultimate Texas Hold'em Rankings</u>

1. The rank of the cards used in Ultimate Texas Hold'em, for the determination of winning hands, in order of highest to lowest rank, shall be: Ace, King, Queen, Jack, Ten, Nine, Eight, Seven, Six, Five, Four, Three and Two. Notwithstanding the foregoing, an Ace may be used to complete a Straight Flush with a King, Queen, Jack, and Ten or a Straight formed with a Two, Three, Four, and Five.

- 2. The permissible poker hands at the game of Ultimate Texas Hold'em, in order of highest to lowest rank, shall be:
  - a. "Royal Flush" is a hand consisting of an Ace, King, Queen, Jack and Ten of the same suit;
  - b. "Straight Flush" is a hand consisting of five (5) cards of the same suit in consecutive ranking with King, Queen, and Jack, Ten, and Nine being the highest ranking Straight Flush and Ace, Two, Three, and Four and Five being the lowest ranking Straight Flush;
  - c. "Four-of-a-Kind" is a hand consisting of four (4) cards of the same rank regardless of suit, with four (4) Aces being the highest ranking Four-of-a-Kind and four (4) Twos being the lowest ranking Four-of-a-Kind;
  - d. "Full House" is a hand consisting of Three-of-a-Kind and a Pair, with three (3) Aces and two (2) Kings being the highest ranking Full House and three (3) Twos and two (2) Threes being the lowest ranking Full House;
  - e. "Flush" is a hand consisting of five (5) cards of the same suit;
  - f. "Straight" is a hand consisting of five (5) cards of consecutive rank, regardless of suit, with an Ace, King, Queen, Jack and Ten being the highest ranking Straight and an Ace, Two, Three, Four and Five being the lowest ranking Straight; provided, however, that an Ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, Queen, King, Ace, Two, Three);
  - g. "Three-of-a-Kind" is a hand consisting of three (3) cards of the same rank, with three (3) Aces being the highest ranking Three-of-a-Kind and three (3) Twos being the lowest ranking Three-of-a-Kind;
  - h. "Two Pairs" is a hand containing Two Pairs, with two (2) Aces and two (2) Kings being the highest ranking Two Pair and two (2) Threes and two (2) Twos being the lowest ranking Two Pair; and
  - i. "One Pair" is a hand containing two (2) cards of the same rank, with two (2) Aces being the highest ranking pair and two (2) Twos being the lowest ranking pair.

## F. Wagers

- 1. All wagers at Ultimate Texas Hold'em shall be made by placing gaming chips or tokens and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
- 2. All initial wagers shall be placed prior to the dealer indicating No More Bets in accordance with the dealing procedures in Subsections (G) and (H).

Except as otherwise provided in these Rules, no wager shall be made, increased or withdrawn after the dealer has indicated No More Bets.

213 of 254

- 3. The casino will not allow a player to wager at more than one betting position during a Round of Play at Ultimate Texas Hold'em.
- 4. All wagers shall be placed in one dollar increments.
- 5. The following wagers may be placed in the game of Ultimate Texas Hold'em:
  - a. A player may compete solely against the dealer by placing an Ante Wager in an amount within the posted minimum and maximum wagers and then placing a Blind Wager in an equal amount;
  - b. A player may also compete against a posted payout ledger by placing a Trips Bonus Wager, which wager may be in any amount within the posted minimum and maximum wagers; or
  - c. A player may compete against both the dealer and the posted payout ledger by placing wagers in accordance with the requirement of (4)(a) and (b) above.
- 6. Gaming Management may authorize additional optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

# G. Procedure for Dealing from a Manual Shoe

- 1. If the casino chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the applicable control standards for dealing shoes and shall be located on the table. Once the procedures required by Subsection D (Shuffle and Cut of the Cards) have been completed, the stacked deck(s) of cards shall be placed in the dealing shoe either by the dealer or by an automatic shuffling device.
  - a. Dealing from the hand is prohibited.
- 2. Prior to dealing the cards and once all initial wagers have been placed, the dealer shall then indicate No More Bets.
- 3. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.
- 4. The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal one card face down

OGC Approved: 1/14/2020 Page **6** of **17** 

- to each wagering area containing an Ante Wager and Blind Wager and then one card face down to the dealer, followed by;
- 5. A second card face down to each such wagering area and the dealer so that each player and the dealer have two cards each; followed by five (5) community cards dealt face down to the center of the table.
- 6. After all cards have been dealt to each player and the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (7) below, place the stub in the discard rack without exposing the cards.
- 7. The dealer shall be required to count the stub at least once every five (5) rounds of play in order to determine that the correct numbers of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.
  - a. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
  - b. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than two cards) but 52 cards remain in the deck, all hands shall be void pursuant to Subsection K (Irregularities). If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.

# H. Procedures for Dealing from an Automated Shoe.

- A casino may, in its discretion, choose to have the cards used to play Ultimate Texas Hold'em dealt from an automated shuffling device/dealing shoe.
- 2. If a casino chooses to have the cards dealt from an automated shuffling device/dealing shoe, the following requirements shall be observed:
  - a. Once the procedures required by Subsection D.1. (Shuffle and Cut of the Cards) have been completed; the cards are now ready to be dealt from the automated shuffling device/dealing shoe.
  - b. Prior to dealing the cards and once all initial wagers have been placed, the dealer shall then indicate No More Bets.

- 3. The dealer shall deliver the first two (2) cards dispensed by the automated shuffling device/dealing shoe face down to the player farthest to his or her left who has placed an Ante wager and Blind wager. As the cards are dispensed to the dealer by the automated shuffling device/dealing shoe, the dealer shall, moving clockwise around the table, deliver two (2) cards face down to each of the other players who have placed an Ante wager and Blind wager.
- 4. The dealer shall then deliver a stack of two (2) cards face down to the area designated for the dealer's hand. The automated shuffling device/dealing shoe shall dispense five (5) community cards face down, of which the dealer shall place in the center of the table.
- 5. After each stack of cards has been dispensed and delivered in accordance with (4) above, the dealer shall remove the stub from the automated shuffling device/dealing shoe and place the cards in the discard rack without exposing the cards.
- 6. The counting of the stub shall not be required if an automated shuffling device/dealing shoe is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present.

# I. The Play

- 1. Prior to the procedures required by Subsection D (Shuffle and Cut of the Cards); each player shall make either of the following wagers:
  - a. An equal wager in the "Ante" and "Blind" circles; or
  - b. An equal wager in the "Ante" and "Blind" circles and a "Trips Bonus wager".
  - c. An Ante wager and a Blind wager are required to play the round.
- 2. After the dealing procedures required by Subsections (G) or (H) have been completed, each player shall determine whether to Check or to make a Play Wager of 3 x's or 4 x's the value of their Ante Wager. Once players bet, they cannot bet again and they cannot change their bet.
- 3. After each player has either Checked or made a Play Wager of 3 x's or 4 x's their Ante Wager, the casino dealer shall proceed to turn over the first three (3) Community Cards (Flop).
- 4. Players who have not already made a Play Wager may decide to either Check again or to make a Play Wager 2 x's the value of their Ante Wager.

- 5. After each player has either Checked or made a Play Wager of 2 x's the value of their Ante Wager, the dealer shall proceed to turn over the remaining two (2) Community Cards (the Turn and the River).
- 6. When all five (5) Community Cards are revealed, players who have not yet made a Play Wager can either Fold or make a Play Wager equal to the value of their Ante Wager.
- 7. After a player decides to Fold, the player shall place their cards face down on the table without making a Play Wager. The dealer shall then in relation to each player who has folded:
  - a. Collect the Ante Wager and Blind Wager and place it in the table inventory container.
  - a. Collect and individually spread out the cards, face down and count them, then place them:
    - i. In the discard rack; or
    - ii. If the player made a Trips Wager, under the Trips Wager.
- 8. The dealer will then turn over the dealers two (2) cards.
- 9. Each player and the dealer will combine their two (2) cards with the Community Cards to create their respective best 5-card poker hand.
  - a. Winning wagers shall be paid in accordance with the Payout Odds listed in Subsection J (Payout Odds).
- 10. When handling the cards, players shall at all times ensure that the cards remain on or above the area of the table. The cards must not be removed from the table.
- 11. When the dealer does not qualify with at least a pair, the dealer will reconcile the hands of those players who remain in the game from right to left and shall;
  - a. Spread each player's cards, signal a push for the Ante and return the Ante Wager to each player that did not fold;
  - b. Resolve the Play, Blind and Trips Bonus bets and
  - c. Collect, count and place the player's cards in the discard holder. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

Public Packet 217 of 254

- 12. When the dealer qualifies with a hand value of One Pair or higher, the dealer reconciles the hands of those players who remain in the game in the following order; Starting with the players to the right of the dealer, the dealer shall:
  - a. Bring the player's cards into the "work area" between the dealer's hand and the Trips Bonus Wager area in front of each individual player clock-wise, and reveal the player's cards;
  - b. Determine the player's best 5-card poker hand utilizing any of the 7 cards available (player's 2 Hole Cards and 5 Community Cards);
  - c. Compare the player's hand with that of the dealer; and
  - d. Announce the value of the player's hand and whether it wins or loses.
- 13. A players hand shall;
  - a. Win if it has a higher poker value than that of the dealer's hand;
  - b. Lose if it has a lower poker value than that of the dealer's hand;
  - c. Constitute a Push if it has a poker value equal to that of the player/dealers hand;
  - d. If a player wins with less than a Straight, the Blind bet pushes.
- 14. If a player's hand loses, the dealer shall;
  - a. Collect in order, the Play, Ante, and Blind Wagers and place in the table bank:
  - b. Determine whether the Trips Bonus Wager qualifies and pay accordingly on behalf of the player/dealer; and
  - c. Collect, count and place the player's cards in the discard holder. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.
- 15. If a player's hand wins, the dealer shall;
  - a. Pay the Ante Wager and Play Wager each 1-1;
  - b. Pay the Blind Wager if the hand is a Straight or better;
  - c. Pay any Trips Bonus Wager if the hand is a Three-of-a-Kind or better;
  - d. Collect, count and place the player's cards in the discard holder. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.
- 16. If a player's hand constitutes a Push, the dealer shall;
  - a. Pay any Trips Bonus Wager if the hand is a Three-of-a-Kind or better;
  - b. Collect, count and place the player's cards in the discard holder. All cards collected by the dealer shall be picked up in order and placed in

Public Packet 218 of 254

the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

#### J. Payout Odds

- 1. Winning Ante Wagers and Play Wagers shall be paid 1-1.
- 2. Winning Blind Wager and Trips Bonus Wagers shall be paid in accordance with the approved pay table,

Hand	<b>Trips Bonus</b>	Blind
Royal Flush	50 to 1	500 to 1
Straight Flush	40 to 1	50 to 1
Four of a Kind	30 to 1	10 to 1
Full House	8 to 1	3 to 1
Flush	7 to 1	3 to 2
Straight	4 to 1	1 to 1
Three of a Kind	3 to 1	Push

- 3. Where a player has made a Trips Bonus Wager at the beginning of the round and has received a Three-of-a-Kind or higher, the dealer shall leave the particular cards face down on the table under the Trips wager and those cards shall not be collected or discarded until the payout of the hand has been made.
- 4. If the player receives a Three-of-a-Kind or higher, the Trips Bonus payouts are made regardless of whether the hand Wins, Loses, or Pushes.

#### K. Irregularities

- A card that is found face up in the shoe or the deck while the cards are being dealt shall cause a misdeal and all hands shall be void and the cards shall be reshuffled.
- 2. If manually dealt, a card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.
- 3. If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
- 4. If one or more of the dealer's community cards is inadvertently exposed before the players make a Play bet, all hands shall be void and the cards shall be reshuffled. If one or more of the dealer's community cards is inadvertently exposed after the players make a Play bet, those players with a set Play bet

- will be allowed to keep their Play bet and those players who have not made a Play bet yet will be limited to a bet equal to their Ante bet.
- 5. If an automated shuffling device/dealing shoe is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
- 6. If an automated shuffling device/dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a Round of Play, the Round of Play shall be void and the cards reshuffled.
- 7. If the automated shuffling device/dealing shoe reveals that an incorrect number of cards are present, the deck shall be removed from the table and all hands—void.

#### L. Procedures for Automatic Wagering Terminals

1. In the event that the Oneida Tribe of Indians of Wisconsin utilizes automatic wagering terminals for Ultimate Texas Hold'em, the following procedures shall apply.

#### 2. Definitions

- a. "Bad Beat Bonus" is an optional Bad-Beat bet for Ultimate Texas Hold'em.
- b. "Bet" is a reference to the contingency or outcome on which a player may place a wager.
- c. "Dealer" means the person responsible for dealing the cards at the Ultimate Texas Hold'em table.
- d. "Game Supervisor" means the person responsible for the supervision of the operation of the game, such as Floor-person, Pit Manager and commensurately upward in the chain of command.
- e. "i-Table" means an automatic wagering system which is a central table with dealer and player touch screen areas, accounting computer and a game clock.
- f. "Side wager" means a betting option which is an accessory to the main game and on which players may place a wager in addition to, his/her original Ante wager. For example: Pair Plus
- g. "Void" means an invalid hand with no result.
- h. "Wager" is the money appropriated to such a bet in a particular case.

#### 3. Equipment

Public Packet 220 of 254

- a. Ultimate Texas Hold'em will be played on a table having wagering positions for seven (7) or less players.
- b. An electronic shuffling device/dealing shoe will be used from which all cards will be shuffled and dealt.

#### 4. The Cards

a. Ultimate Texas Hold'em will be played with two (2) decks of cards; one deck in use at a time with each deck having 52 cards without Jokers.

#### 5. Buy In

- a. Players will buy in with the dealer.
- b. The dealer will enter buy-in amount in the automatic wagering terminal.
- 6. Number of Positions a player may wager
  - a. Players may only wager on one (1) betting area at the game of Ultimate Texas Hold'em.

#### 7. Placement of wagers

- a. Wagers will be accepted electronically via the touch screen only.
- b. A wager by a player will be placed on the appropriate areas of the player terminal prior to the first card being dealt for a Round of Play.
- c. Wagers may be made on:
  - i. Ante + Blind, (always equal to each other); and
  - ii. Trips; and
  - iii. Dealer tip; and
  - iv. Bonus bet / Optional wager
    - 1. To participate in the Bad Beat Bonus, players must make bets on the Ante, Blind and/or Trips. The Bad Beat Wager is placed in the marked circle.
  - v. Play at multiples of 4x's, 3x's, 2x's, or 1x, if the player decides to remain in the game and depending upon what point during gameplay they wish to make the wager.

#### 8. Settlement of wagers

- a. Win if the player makes a Play Wager and beats the dealer's hand wherein the dealer's hand qualifies; or
- b. Push if the player makes a Play Wager wherein the dealer's hand does not qualify; or
- c. Lose if the player makes a Play Wager wherein the dealer's hand beat the player's hand; or
- d. Lose if the player chooses not to make an equal Play Wager.

Public Packet 221 of 254

- 9. Settlement of Blind wager
  - a. Win if the player's hand meets the posted pay table and also beats the dealer, regardless of whether the dealer qualifies; or
  - a. Push if the player's hand beats the dealer while not achieving a hand which meets the posted pay table; or
  - b. Lose if the player's hand does not beat the dealer's hand, regardless of whether the hand meets the posted pay table. Blind Wagers **MUST** beat the dealer before they are eligible for payment.

#### 10. Settlement of a Trips wager

- a. Win if the player's hand meets the posted Trips pay table; or
- b. Lose if the player's hand does not meet the posted Trips pay table.

#### 11. Settlement of a Bad Beat Bonus

- a. Win if the player and the dealer are involved in a Bad Beat. There are two ways to win:
  - i. The player has Three-of-a-Kind or better and loses to the dealer.
  - ii. The player beats the dealer's hand of Three-of-a-Kind or better.
- b. Lose if the dealer and the player have a five card tie because neither the dealer nor the player suffered a Bad Beat.
- c. If the player's hand qualifies for payouts, the dealer pays according to the posted pay table:

<b>Hand Beaten</b>	Odds
Straight Flush	10,000 to 1
Four-of-a-Kind	500 to 1
Full House	40 to 1
Flush	25 to 1
Straight	20 to 1
Three-of-a-Kind	9 to 1

#### 12. Settlement of Player Wager

- a. Win if the dealer's hand qualifies and the player's hand beats the dealer's hand; or
- b. Win if the dealer's hand does not qualify and the player's hand beats the dealer's hand; or
- c. Lose if the dealer's hand beats the player's hand.

#### 13. Game Mandates

Public Packet 222 of 254

a. All cards used in the game of Ultimate Texas Hold'em will be dealt from an electronic shuffling/dealing device and be located on the table.

b. No person will remove or alter any cards used in the game of Ultimate Texas Hold'em.

#### 14. Dealing the game

- a. The game console will lock out wagers when No More Bets may be placed.
- b. Press the green button on the automatic shuffling device/dealing shoe, which will dispense a packet of two (2) cards for each terminal who has reached a minimum wager;
- c. Commencing from the left and continuing clockwise around the table dealing a packet of two (2) cards to each terminal where a wager has been placed; and
- d. Deal the final packet of two (2) cards to the Dealer's position; and
- e. Once the dealer's hand has been ejected from the automated shuffling device/dealing shoe, the remainder of the deck will remain inside the shuffler until;
  - i. All players make their pre-flop play or check decision, and at that time, the three card flop will eject; then
  - ii. All remaining players make a post-flop play or check decision, causing the two card turn/river to eject, followed by the ejection of the remainder of the deck; then
  - iii. All remaining players make a post-river play or fold decision.

#### 15. Game Play

- a. A game may only be played when at least 1 player has wagered;
- b. Each player shall decide whether to remain in the game or not by
  - i. Viewing their hand; and
  - ii. Making the appropriate Play or Check decision at each decision point; or
  - iii. Discarding their hand by touching Fold if the player has not made a Play bet during any of the three (3) available rounds of betting.
- c. For players who decide to fold:
  - i. The dealer will remove the player cards face down, and touch the top of the player's terminal to fold the hand.
- d. For any remaining players who make the Playwager;
  - i. The dealer will expose their hand, utilize the 5-card community board to establish their best 5-card poker hand, and declares if it qualifies; and

- ii. Beginning to the furthest player to the right remaining in the hand, expose the player's hand, then touch the top of the player's terminal; and
- iii. Continue counter-clockwise around the table for all remaining players who have made a Play wager until all players' hands have been resolved.
- e. An elected to Fold decision will be made by a Floor-person or dealer if dealer has announced for players to act on their hands and a reasonable time has passed and the player refused to act or is not present.
- f. Following the conclusion of a round of play, the Dealer will move all the cards of the deck to the discard bin in the iDeal, causing the used deck to be shuffled until a new hand is started as described above.

#### 16. Irregularities

- a. If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.
- b. If one or more of the dealer's community cards is inadvertently exposed before the players make a Play bet, all hands shall be void and the cards shall be reshuffled. If one or more of the dealer's community cards is inadvertently exposed after the players make a Play bet, those players with a set Play bet will be allowed to keep their Play bet and those players who have not made a Play bet yet will be limited to a bet equal to their Ante bet.
- c. If an automated shuffling device/dealing shoe jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
- d. In the event it is deemed acceptable to undo a players decision the Floor-person (or above) will:
  - i. Select the terminal icon of the player
  - ii. Press the "Undo" button on the Dealer Terminal
  - iii. Authorize by swiping card if required
  - iv. Resume game play
- f. In the event that voiding a game is deemed necessary the Floor-person (or above) will:
  - i. Press the "Admin" button on the Dealer Terminal
  - ii. Press the "Void Game" button on the Dealer Terminal
  - iii. Press the "Confirm" button on the Dealer Terminal to void game.
  - iv. Authorize by swiping card if required and the terminal will automatically return to the main screen.
- g. If a player enters the wrong buy-in amount, the Floor Person (or above) will be called to correct and/or adjust the buy-in amount.

Public Packet 224 of 254

h. In the event that the screen freezes or goes blank, the Floor Person (or above) will retrieve the information from the i-Table memory backup system.

- i. In the event of a power outage, the Floor Person (or above) will retrieve the information from the i-Table backup system memory and pay, take, or push the players bets according to i-Table memory.
- j. A card that is bent during play will be replaced by the Floor Person (or above) with a card from the Damage Control deck.

Public Packet 225 of 254



### Oneida Gaming Minimum Internal Control Standards/Rules of Play

### ROP: EZ Baccarat, Mississippi Stud, Roulette, Four Card Poker & Ultimate Texas Hold 'em: Gaming Management Review

#### Record regulatory reference, concern and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion
Management to cite regulation	Management to document suggestion
Management to document concern	
OGC Response OGC to document response to Management's	s concern and suggestion

December 31, 2019 Oneida Gaming Commission sent the revised Rules of Play (ROP) (EZ Baccarat, Four Card Poker, Mississippi Stud, Ultimate Texas Hold'em, and Roulette) to Gaming Management for their review/comment regarding the removal of:

#### Roulette (10.), Four Card Poker (M.), Ultimate Texas Hold'em (M.)

The Oneida Tribe of Indians of Wisconsin shall determine the minimum and maximum wagers at each table. The amounts of the minimum wagers and maximum wagers shall be conspicuously posted on a sign at each table.

#### EZ Baccarat (M.), Mississippi Stud (O.)

Oneida Gaming Management shall determine the minimum and maximum wagers. The amounts of the minimum and maximum wagers shall be conspicuously posted on a sign at each table.

Gaming Management provided no further and returned the signed signature sheet (below) on 1/10/2020.

The regulation will be captured in the revised OGMICS.



### Oneida Gaming Minimum Internal Control Standards/Rules of Play

### ROP: EZ Baccarat, Mississippi Stud, Roulette, Four Card Poker & Ultimate Texas Hold 'em: Gaming Management Review

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

#### **GAMING OPERATIONS MANAGEMENT**

Reviewed and Input Provided By:

Name and Title	Signature	Date
AGM	Saure Ramun 1841	1-10-2020
Director/Manager	Flu 2000	1-9-20
Gaming Compliance	Derich King 11229	1-10-2020

Public Packet 227 of 254

### **Oneida Business Committee Agenda Request**

Review the Surveillance (Chapter 15) Oneida Gaming Minimum Internal Controls and determine...

1. Meeting Date Requested:	01 / 22 / 20
2. General Information:  Session:  Open  Execu	utive - See instructions for the applicable laws, then choose one:
Agenda Header: New Busines:	5
<ul><li>☐ Accept as Information only</li><li>☑ Action - please describe:</li></ul>	
Request OBC too accept the	OGMICs Surveillance Chapter 15 with no requested revisions.
3. Supporting Materials  ☐ Report ☐ Resolution  ☑ Other:  1. OGC Approval & Cover L	☐ Contract  etter 3. Management Review Comments & OGC Response
2. OGMICs Surveillance Ch	apter 15 Final 4.
☐ Business Committee signatu  4. Budget Information	
☐ Budgeted - Tribal Contribution  5. Submission	on   Budgeted - Grant Funded   Unbudgeted
J. Jubiliission	
Authorized Sponsor / Liaison:	Mark A. Powless Sr., Chairman Oneida Gaming Commission
Primary Requestor/Submitter:	Tammy VanSchyndel, Executive Director Oneida Gaming Commission Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Ivory Kelly, Compliance Manager Oneida Gaming Commission  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 OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICS SURVEILLANCE CHAPTER 15 WITH NO REQUESTED REVISIONS.

\*\*\*PLEASE NOTE (OBC ACTION OPTIONS)\*\*\*

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMIOCR Revisions, the motion for this request would be as follows:

"Accept the notice of the OGMICR Section for Surveillance Chapter 15 approved by the Gaming Commission on January 02, 2020, and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICR Section for Surveillance Chapter 15 in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICR Section for Surveillance Chapter 15 in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

- 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

Public Packet 229 of 254

### Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

#### Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

#### **OGMICs Revision Project**

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

#### **OGMICs Revision Process**

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for <u>Chapter 15 Surveillance</u>.

Public Packet 230 of 254

# **Chapter: 15**

## **Surveillance**

### **Table of Contents**

- (a) Supervision
- (b) Surveillance Equipment and Control Room(s)
- (c) Additional Surveillance Requirements
- (d) Reporting Requirements
- (e) Recording Retention
- (f) Logs

All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.

**Regulatory Credentials Legend:** 

NIGC MICS: Black Font

OGC Additions: Bold Blue Font

Public Packet 231 of 254

#### (a) Supervision

(1) Supervision shall be provided for surveillance operations by an employee with authority equal to or greater than those being supervised.

#### (b) Surveillance Equipment and Control Room(s)

- (1) Controls shall be established, and procedures implemented that include the following:
  - (i) For Tier A, the surveillance system shall be maintained and operated from a secured location, such as a locked cabinet. For Tiers B and C, the surveillance system shall be maintained and operated from a staffed surveillance operation room(s).
  - (ii) A complete index and guide to the casino cameras, monitors and controls must be readily available in the surveillance room. This guide must include, but not be limited to, a map of the camera locations, how to call up each camera and the number of each camera.
  - (iii) The surveillance operation room(s) must be secured to prevent unauthorized entry.
  - (iv) Access to the surveillance operation room(s) must be limited to surveillance officers and other authorized persons.
  - (v) Surveillance operation room(s) access logs shall be maintained.
  - (vi) Surveillance operation room equipment shall have total override capability over all other satellite surveillance equipment.
  - (vii) Power loss to the surveillance system:
    - (A) For Tier A, in the event of power loss to the surveillance system, alternative security procedures, such as additional supervisory or security employees, shall be implemented immediately.
    - (B) For Tier B and C, in the event of power loss to the surveillance system, an auxiliary of backup power source shall be available and capable of providing immediate restoration of power to the surveillance system to ensure that surveillance system officers can observe all areas covered by dedicated cameras.
  - (vii) The surveillance system shall record an accurate date and time stamp on recorded events. The displayed date and time shall not significantly obstruct the recorded view.
  - (viii) All surveillance officers shall be trained in the use of the equipment, games, and house rules.
    - (A) At a minimum, all Surveillance Officers are required to receive annual training for areas of observation pertinent to their facility. In addition, Surveillance Officers will be trained promptly regarding new system equipment, new types of gaming where surveillance is provided. Training records must be maintained by the Surveillance Department identifying the following.
      - 1. Name of the individual officer(s) receiving training;
      - 2. Dates of training;

Public Packet 232 of 254

- 3. Description and type of training; and
- 4. Name of the training official.
- (ix) Each camera required by the standards in this section shall be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled.
- (x) The surveillance system shall:
  - (A) Have the capability to display all camera views on a monitor;
  - (B) Include sufficient numbers of recording devices to record the views of all cameras required by this section;
  - (C) Record all camera views; and
  - (D) For Tier B and C only, include sufficient numbers of monitors to simultaneously display gaming and count room activities.
- (xi) A periodic inspection of the surveillance systems shall be conducted. When a malfunction of the surveillance system is discovered, the malfunction and necessary repairs shall be documented, and repairs initiated within seventy-two (72) hours.
  - (A) If a dedicated camera malfunctions, alternative security procedures, such as additional supervisory or security officers, shall be implemented immediately.
  - (B) The OGC shall be notified of any surveillance system and/or camera(s) that have malfunctioned for more than twenty-four (24) hours and the alternative security measures being implemented.

#### (c) Additional Surveillance Requirements

- (1) With regard to the following functions, controls shall also include:
  - (i) Surveillance of the progressive prize meters for gaming systems at the following thresholds:
    - (A) Wide area progressives with a reset amount of \$1 million; and
    - (B) In-house progressive with a reset amount of \$250,000.
- (2) Gaming Machines:
  - (i) Except as otherwise provided in paragraphs (c) (1) of this section, gaming machines offering a payout of more than \$250,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:
    - (A) All customers and employees at the gaming machine, and
    - (B) The face of the gaming machine, with sufficient clarity to identify the payout line(s) of the gaming machine.
- (3) Pari-Mutuel:
  - (i) Monitor and record general activities in the pari-mutuel area, to include the ticket writer and cashier areas, with sufficient clarity to identify the employees performing the different functions.
  - (ii) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify individuals

within the cage and customers and staff members at the counter areas and to confirm the amount of each cash transaction;

- (4) Table Games:
  - (i) For table games and table game tournaments, a dedicated camera(s) with sufficient clarity shall be used to provide:
    - (A) An overview of the activities on each table surface, including card faces and cash and/or cash equivalents; and
    - (B) An overview of table game activities, including customers and dealers.
  - (ii) Craps:
    - (A) All craps tables shall have two (2) dedicated cross view cameras covering both ends of the table.
  - (iii) Roulette:
    - (A) All roulette areas shall have one (1) overhead dedicated camera covering the roulette wheel and shall also have one (1) dedicated camera covering the play of the table.
- (5) Bingo:
  - (i) The surveillance system shall possess the capability to monitor the bingo ball drawing device or random number generator, which shall be recorded during the course of the draw by a dedicated camera with sufficient clarity to identify the balls drawn or numbers selected.
  - (ii) The surveillance system shall monitor and record the game board and the activities of the employees responsible for drawing, calling and entering the balls drawn or numbers selected.
- (6) Cage and Vault:
  - (i) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify individuals within the cage and customers and staff members at the counter areas and to confirm the amount of each cash transaction;
  - (ii) Each cashier station shall be equipped with one (1) dedicated overhead camera covering the transaction area;
  - (iii) The cage or vault area in which exchange and transfer transactions occur shall be monitored and recorded by a dedicated camera or motion activated dedicated camera that provides coverage with sufficient clarity to identify the chip values and the amounts on the exchange and transfer documentation. Controls provided by a computerized an adequate alternative to viewing the amounts on the exchange and transfer documentation.
  - (iv) Cameras in the cage should provide views of the door entering the cage, the cage area, the cashier area and the customer filing area. Diagonally opposed cameras with wide angle lenses must be positioned so that areas of the room to the full height of the employees are within camera view.
  - (v) Internal hallways to and from the count, vault and cage rooms must have surveillance viewing the approach.
  - (vi) Each vault shall have a stationary camera on each work station.
  - (vii) Two stationary cross views shall be used covering the vault, preventing blind spots.
  - (viii) Each cage and vault, room must have at least one PTZ camera.
- (7) Count rooms:

- (i) The surveillance system shall monitor and record with sufficient clarity a general overview of all areas where cash or cash equivalents may be stored or counted; and
- (ii) The surveillance system shall provide coverage of count equipment with sufficient clarity to view any attempted manipulation of the recorded data.
- (iii) Each count room must have at least one PTZ camera.
- (8) Kiosks:
  - (i) The surveillance system shall monitor and record a general overview of activities occurring at each kiosk with sufficient clarity to identify the activity and the individuals performing it, including maintenance, drops or fills, and redemption of wagering vouchers or credits.
- (9) Card games:
  - (i) For card games and tournaments, a dedicated camera(s) with sufficient clarity must be used to provide:
    - (A) An overview of the activities on each card table surface, including card faces and cash and/or cash equivalents;
    - (B) An overview of card game activities, including customers and dealers; and
    - (C) An unobstructed view of all posted progressive pool amounts (i.e., bad beat).
  - (ii) For card game tournaments, a dedicated camera(s) must be used to provide an overview of tournament activities, and any area where cash or cash equivalents are exchanged.
- (10) Progressive Card Games:
  - (i) Progressive card games with a progressive jackpot of \$25,000 or more shall be monitored and recorded by dedicated cameras that provide coverage of:
    - (A) The table surface, sufficient that the card values and card suits can be clearly identified;
    - (B) An overall view of the entire table with sufficient clarity to identify customers and dealer; and
    - (C) A view of the posted jackpot amount.

#### (d) Reporting Requirements

(1) OGC approved procedures shall be implemented for reporting suspected crimes and suspicious activity.

#### (e) Recording Retention

- (1) Controls shall be established, and procedures implemented that include the following:
  - (i) All recordings required by this section shall be retained for a minimum of seven days; and
  - (ii) Suspected crimes, suspicious activity, or detentions by security officers discovered within the initial retention period shall be copied and retained for a time period, not less than one year.

#### (f) Logs

- (1) Logs shall be maintained and demonstrate the following:
  - (i) Compliance with storage, identification, and retention standards required in this section;

Public Packet 235 of 254

(ii) Each malfunction and repair of the surveillance system as defined in this section; and

(iii) Activities performed by surveillance officer as required by the controls in this section.



### Oneida Gaming Minimum Internal Control Standards/Rules of Play

#### **Chapter 15 Surveillance:** Gaming Management Review

#### Record regulatory reference, concern and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion
Management to cite regulation	Management to document suggestion
Management to document concern	
OGC Response OGC to document response to Management's concern and sug	ggestion
b) Surveillance Equipment and Control Room(s) (viii) (A) At a minimum, all Surveillance Agents are required to receive annual training for areas of observation pertinent to their facility. In addition, Surveillance Agents will be trained promptly regarding new system equipment, new types of gaming where	Seems odd to put "at a Minimum," in the Minimum Internal Control Standards. Seems inherent to the document.
surveillance is provided. Training records must be maintained by the Surveillance Department identifying the following.	Could be interpreted differently. The word <i>promptly</i> is subjective.
OGC Response	

"At a minimum" is saying, if nothing else is done, this is the one thing that must be done. In this context, it is the bare minimum of what is required. The language will remain the same.

It is not practical for the Commission to determine what "promptly" means relevant to training due to varying performance measurements and unique personnel matters that accompany the different training topics. The Commission looks to the department to determine what "promptly" means for each training topic and process, and document it accordingly within SOPs.

(c) Additional surveillance requirements	For consistency thru the document agent's vs
(3) Pari-Mutuel:	employees
(i) Monitor and record general activities in the pari-mutuel area, to include the ticket writer and cashier areas, with sufficient clarity to identify the agents performing the different functions.	Please change to employees.  For consistency thru the document patron vs customer Please change to customer.
(ii)The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify individuals within the cage and patrons and staff members at the counter areas and to confirm the amount of each cash transaction;	

Public Packet 237 of 254

#### OGC Response:

In some instances, within the federal regulations, the term "agent" refers to employees as well as non-employee vendors. The OGC scrutinizes the regulatory intent to make a distinction which term is best to utilize. In this case, "agents" will be changed to "employee(s) and/or officer (e.g., surveillance officer)"

The matter of terms "customer" in lieu of "patron" has not been previously discussed relevant to these revisions. "Customer" and "patron" have been used interchangeably. The OGC is indifferent to which term is utilized. To accommodate Gaming Management's request, the term "customer" will be used consistently in the remaining chapter revisions.

#### The regulation will read:

- (i)Monitor and record general activities in the pari-mutuel area, to include the ticket writer and cashier areas, with sufficient clarity to identify the employees performing the different functions.
- (ii) The surveillance system shall monitor and record a general overview of activities occurring in each cage and vault area with sufficient clarity to identify individuals within the cage and customers and staff members at the counter areas and to confirm the amount of each cash transaction;

#### 4) Table Games:

(i) (B) An overview of table game activities, including patrons and dealers.

For consistency thru the document patron vs customer

Please change to customer.

#### **OGC Response**

The matter of terms "customer" in lieu of "patron" has not been previously discussed relevant to these revisions. "Customer" and "patron" have been used interchangeably. The OGC is indifferent to which term is utilized. To accommodate Gaming Management's request, the term "customer" will be used consistently in the remaining chapter revisions.

The regulation will read:

(i) (B) An overview of table game activities, including customers and dealers.

#### (6) Cage and Vault:

(iv) The surveillance system shall provide an overview of cash transactions. This overview should include the customer, the employee, and the surrounding area.

This section is repeat of (NIGC section which is OGMICS section (6)(i)

#### OGC Response

The OGC concurs the added language is sufficiently encompassed within (6)(i). This standard will be removed.

#### (7) Count Rooms:

(iii) Each hard count and soft count room must have at least one PTZ camera.

Should this just be count room?

#### OGC Response

The OGC concurs that hard count and soft count rooms can be effectively referenced as "count room."

The regulation will read:

(iii) Each count room must have at least one PTZ camera.

#### (8) Kiosks:

(i) The surveillance system shall monitor and record a general overview of activities occurring at each kiosk with sufficient

Is this referencing to all kiosks? Will this apply to Player Club kiosks and eventually to sport betting kiosks? Please clarify.

Public Packet 238 of 254

clarity to identify the activity and the individuals performing it, including maintenance, drops or fills, and redemption of wagering vouchers or credits.

#### **OGC Response**

A kiosk is defined as a device capable of redeeming vouchers and/or wagering credits or initiating electronic transfers of money to or from a patron deposit account. This section refers to all kiosks that fall within this definition.

#### (9) Card games:

(i) (B) An overview of card game activities, including patrons and dealers, and

For consistency thru the document patron vs customer Please change to customer.

#### **OGC Response**

The matter of terms "customer" in lieu of "patron" has not been previously discussed relevant to these revisions. "Customer" and "patron" have been used interchangeably. The OGC is indifferent to which term is utilized. To accommodate Gaming Management's request, the term "customer" will be used consistently in the remaining chapter revisions.

The regulation will read:

(i) (B) An overview of card game activities, including customers and dealers

#### (10) Progressive Card Games section (i) (A-C)

- (i) For card games and tournaments, a dedicated camera(s) with sufficient clarity must be used to provide:
- (A) An overview of the activities on each card surface table surface, including card faces and cash and/or cash equivalents;
- (B) An overview of card game activities, including patrons and dealers; and
- (C) An unobstructed view of all posted progressive pool amounts (i.e., bad beat).

Is this pertaining to just Poker or just Table Games? Please clarify.

If it means just Cards Games, as in Poker, should we just add "cards suits" to above (Subsection 9 – Card Games 9.i.A) regulations. It seems repetitive to the Card Games. Only thing not said in Subsection 9 is the cards' suits. Otherwise, the controls are the same.

If it means TG, shouldn't we put it in the TG subsection (Subsection 4 – Table Games) and apply it to all Table Games?

#### **OGC Response**

The Progressive Card Games section is as it reads, "Progressive Card Games." There is a distinction between card games and "progressive card games," neither of which are the same as Table Games. In order to maintain the difference in games, the regulations will remain as written.

(11) Craps section

Shouldn't 11 and 12 go under the Table Games section? Under 4?

#### **OGC Response**

(11) Craps and (12) Roulette are types of Table Games and it is logical to include these subsections within the Table Games subsection of (c) Additional surveillance requirements. The OGC agrees to move these subsections to (c)(4).

The regulation will read:

- (4) Table Games:
  - (i) For table games and table game tournaments, a dedicated camera(s) with sufficient clarity shall be used to provide:
    - (A) An overview of the activities on each table surface, including card faces and cash and/or cash equivalents; and
    - (B) An overview of table game activities, including patrons and dealers.

Public Packet 239 of 254

(ii) Craps:

(A) All craps tables shall have two (2) dedicated cross view cameras covering both ends of the table.

(iii) Roulette:

(A) All roulette areas shall have one (1) overhead dedicated camera covering the roulette wheel and shall also have one (1) dedicated camera covering the play of the table.

#### (f) Logs

(1) (iii) Activities performed by surveillance agents as required by the controls in this section.

Or employees???? Just to be consistent thru the documents.

#### **OGC** Response:

In some instances, within the federal regulations, the term "agent" refers to employees as well as non-employee vendors. The OGC scrutinizes the regulatory intent to make a distinction which term is best to utilize. In this case, "agents" will be changed to "officers." This will keep the surveillance (employee) clearly identified and from the gaming employee.

The regulation will read:

(1) (iii) Activities performed by surveillance officers as required by the controls in this section.

#### (b) Surveillance Equipment and Control Room(s)

(ix)(B) The OGC shall be notified of any surveillance system and/or camera(s) that have malfunctioned for more than twenty-four (24) hours and the alternative security measures being implemented

How and when should OGC be notified?

#### **OGC Response**

The OGC will received a weekly report for malfunctions. If security measures need to be implemented, immediate notification is required.

#### (e) Recording and retention

(1)(i) All recordings required by this section shall be retained for a minimum of seven days;

Department retains for 30 days for table games, bingo and gaming machines.

#### **OGC Response**

Department will continue to retain recording for all area's mentioned for 30days until further advised by the Oneida Gaming Commission. This requirement will be observed within the departmental SOP.



### Oneida Gaming Minimum Internal Control Standards

#### Chapter:

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

#### **GAMING MANAGMENT**

Accepted By	Signature	Date
Name		
AGM	P S/1 332	
Oneida Casino	J-311 334	12-11-19
Name Director/Manager Oneida Casino	JP 5463	12/18/19
Name		
Gaming Compliance	0 0 1/	1 1
Oneida Casino	Denich Kring 11229	12/18/19

Public Packet 241 of 254

### **Oneida Business Committee Agenda Request**

Review the Card Games (Chapter 9) Oneida Gaming Minimum Internal Controls and determine...

1.	Meeting Date Requested: 01 / 22 / 20
2.	General Information:
	Session:
	Agenda Header: New Business
	Accept as Information only
	□ Action - please describe:     □ Action - please des
	Request OBC too accept the OGMICs Card Games Chapter 9 with no requested revisions.
	nequest obe too accept the odivires card dames chapter 9 with no requested revisions.
3.	Supporting Materials
	Report Resolution Contract
	○ Other:      □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □
	1. OGC Approval & Cover Letter 3. Management Review Comments & OGC Response
	2. OGMICs Card Games Chapter 9_Final 4.
	☐ Business Committee signature required
л	Budget Information
₹.	☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
_	Submission
<b>J</b> .	Subillission
	Authorized Sponsor / Liaison: Mark A. Powless Sr., Chairman Oneida Gaming Commission
	Nationzed Sponson / Elaison.
	Primary Requestor/Submitter: Tammy VanSchyndel, Executive Director Oneida Gaming Commission
	Your Name, Title / Dept. or Tribal Member
	Additional Requestor: Ivory Kelly, Compliance Manager Oneida Gaming Commission
	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 OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICS CARD GAMES CHAPTER 9 WITH NO REQUESTED REVISIONS.
\*\*\*PLEASE NOTE (OBC ACTION OPTIONS)\*\*\*

Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMIOCR Revisions, the motion for this request would be as follows:

"Accept the notice of the OGMICR Section for Card Games Chapter 9 approved by the Gaming Commission on December 13, 2019, and...

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICR Section for Card Games Chapter 9 in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICR Section for Card Games Chapter 9 in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

- 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

Public Packet 243 of 254

### Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

#### Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

#### **OGMICs Revision Project**

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

#### **OGMICs Revision Process**

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for <u>Chapter 9 Card Games</u>.

Public Packet 244 of 254

# **Chapter: 9**

### **Card Games**

### **Table of Contents**

- (a) Supervision
- (b) Exchanges or Transfers
- (c) Standards of Playing Cards
- (d) Shill Funds
- (e) Standards for Reconciliation of Card Room Bank
- (f) Posted Rules
- (g) Promotional Progressive Pots and Pools
- (h) Variances

All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.

**Regulatory Credentials Legend:** 

NIGC MICS: Black Font OGC Additions: Blue Font Compact: Gray highlight Public Packet 245 of 254

**(a) Supervision.** Supervision shall be provided for the card room operations by an employee(s) with authority equal to or greater than those being supervised.

- (1) A supervisor may function as a dealer without any other supervision if disputes are resolved by supervisory personnel independent of the transaction or independent of the card games department; or
- (2) A dealer may function as a supervisor if not dealing the game.

#### (b) Exchanges or Transfers

- (1) Exchanges between table banks and the main card room bank (or cage, if a main card room bank is not used) shall be authorized by a supervisor. All exchanges shall be evidenced by the use of a lammer unless the exchange of chips, tokens, and/or cash takes place at the table. If table banks are maintained at an imprest level and runners are used for the exchanges at the table, no supervisory authorization is required.
- (2) Exchanges from the main card room bank (or cage, if a main card room bank is not used) to the table banks shall be verified by the card room dealer and the runner.
- (3) Transfers between the main card room bank and the cage shall be properly authorized and documented. Documentation shall be retained for at least 24 hours.

#### (c) Standards for Playing Cards

- (1) New and used playing cards shall be maintained in a secure location, with appropriate surveillance coverage, and accessible only to authorized employees.
- (2) Used playing cards that are not to be re-used shall be properly cancelled and removed from service to prevent re-use. The removal and cancellation procedure requires OGC review and approval.
- (3) Playing cards associated with an investigation shall be retained intact and outside of the established removal and cancellation procedure.
- (4) If a gaming operation uses plastic cards (not plastic-coated cards), the cards may be used for up to three (3) months if the plastic cards are routinely inspected and washed or cleaned in a manner and time frame approved by the OGC.

#### (d) Shill Funds

- (1) Issuance of shill funds shall be recorded and have the written approval of the supervisor.
- (2) Returned shill funds shall be recorded and verified by a supervisor.
- (3) The replenishment of shill funds shall be documented.
- **(e) Standards for Reconciliation of Card Room Bank.** Two employees—one of whom shall be a supervisory employee—shall independently count the main card room bank and table inventory at the end of each shift and record the following information:
  - (1) Date;
  - (2) Shift;
  - (3) Table number (if applicable);
  - (4) Amount by denomination;

Public Packet 246 of 254

- (5) Amount in total; and
- (6) Signatures of both employees.

**(f) Posted rules.** The rules shall be displayed or available for patron review at the gaming operation, including rules governing contests, prize payouts, fees, the rake collected, and the placing of antes.

#### (g) Promotional Progressive Pots and Pools

- (1) All funds contributed by players into the pools shall be returned when won in accordance with posted rules, and no commission or administrative fee may be withheld.
  - (i) The payout may be in the form of personal property, such as a car.
  - (ii) A combination of a promotion and progressive pool may be offered.
- (2) The conditions for participating in current card game promotional progressive pots and/or pools shall be prominently displayed or available for patron review at the gaming operation.
- (3) Individual payouts for card game promotional progressive pots and/or pools that are \$600 or more shall be documented at the time of the payout to include the following:
  - (i) Patron's name;
  - (ii) Date of payout;
  - (iii) Dollar amount of payout and/or nature and dollar value of any non-cash payout;
  - (iv) The signature of the employee completing the transaction attesting to the disbursement of the payout; and
  - (v) Name of contest/tournament.
- (4) If the cash (or cash equivalent) payout for the card game promotional progressive pot and/or pool is less than \$600, documentation shall be created to support accountability of the bank from which the payout was made.
- (5) Rules governing current promotional pools shall be conspicuously posted in the card room and/or available in writing for patron review. The rules shall designate:
  - (i) The amount of funds to be contributed from each pot;
  - (ii) What type of hand it takes to win the pool;
  - (iii) How the promotional funds will be paid out;
  - (iv) How/when the contributed funds are added to the pools; and
  - (v) Amount/percentage of funds allocated to primary and secondary pools, if applicable.
- (6) Promotional pool contributions shall not be placed in or near the rake circle, in the drop box, or commingled with gaming revenue from card games or any other gambling game.
- (7) The amount of the pools shall be conspicuously displayed in the card room.
- (8) At least once each day that the game is offered, the posted pool amount shall be updated to reflect the current pool amount.
- (9) At least once each day that the game is offered, employees independent of the card room shall reconcile the increases to the posted pool amount to the cash previously counted or received by the cage.

Public Packet 247 of 254

(10) All decreases to the pool shall be properly documented, including a reason for the decrease.

- (11) Promotional funds removed from the card game shall be placed in a locked container.
  - (i) Employees authorized to transport the locked container are precluded from having access to the contents keys.
  - (ii) The contents key shall be maintained by a department independent of the card room.
  - (iii) At least once a day, the locked container shall be removed by two employees, one of whom is independent of the card games department and transported directly to the cage or other secure room to be counted, recorded, and verified, prior to accepting the funds into cage accountability.
- **(h) Variances.** The operation shall establish, as approved by the OGC, the threshold level at which a variance shall be reviewed to determine the cause. Any such review shall be documented.

**Public Packet** 



### **Oneida Gaming Minimum Internal Control Standards**

**Chapter 9 Card Games: Gaming Management Review** 

### Note any questions/concern, including reference to specific point(s):

	Concern/Question	Management Suggestion
(b) Exch	anges or Transfers	
(4)	A rake collected, or ante placed shall be performed in	Remove
	accordance with the posted rules.	
OGC Resi	ponse	
_	ther review the OGC determined that the above regulation	
	ne POKER ROP N. Poker Revenue as operational rules, as o	pposed to minimum internal
control s		
	lation has been removed from Chapter 9 Card Games in	its entirety.
	dards for Playing Cards	
(1)	Playing cards shall be maintained in accordance with	
	Chapter 4 Table Games (e) Standards of Playing	
	Cards and Dice.	
OGC Res	nonse	
	e above regulation was not a direct concern of Gaming M	lanagement the OGC after
	eview determined that the above regulation would irres	<u> </u>
	ls on a Class II cards. Card Games has set standards for pl	
	ect the integrity of the game.	
The regu	lation has been removed from Chapter 9 Card Games in	its entirety.
(h) Pron	notional progressive pots and pools where funds	
are d	isplayed in the card room.	
(2)	Promotional funds displayed in the card room shall	
	be placed in a locked container in plain view of the	
	public.	Remove
(3)	Persons authorized to transport the locked container	
	shall be precluded from having access to the	
	contents keys.	
(4)	The contents key shall be maintained by personnel	
(-)	independent of the card room.	
(5)	At least once a day, the locked container shall be	
(0)	removed by two persons, one of whom is	
	Tomoved by two persons, one or winding	

independent of the card games department and transported directly to the cage or other secure room to be counted, recorded, and verified.

The locked container shall then be returned to the card room where the posted pool amount shall be updated to reflect the current pool amount.

#### **OGC** Response

The OGC has determined that the above regulations are sufficiently captured in the (g) Promotional Progressive Pots and Pools.

These regulations have been removed from Chapter 9 Cards Games in their entirety.

# (i) Promotional progressive pots and pools where funds are maintained in the cage.

- (1) Promotional funds removed from the card game shall be placed in a locked container.
- (2) Persons authorized to transport the locked container shall be precluded from having access to the contents keys.
- (3) The contents key shall be maintained by personnel independent of the card room.
- (4) At least once a day, the locked container shall be removed by two persons, one of whom is independent of the card games department and transported directly to the cage or other secure room to be counted, recorded, and verified, prior to accepting the funds into cage accountability.
- (5) The posted pool amount shall then be updated to reflect the current pool amount.

Remove

#### OGC Response

The OGC has determined that the above regulations are sufficiently captured in the (g) Promotional Progressive Pots and Pools.

These regulations have been removed from Chapter 9 Cards Games in their entirety.

On October 9, 2019 OGC-C met with Gaming Management and Gaming Compliance to discuss the regulations presented within this document. On October 10, 2019 OGC agreed to the final changes.



### Oneida Gaming Minimum Internal Control Standards

**Chapter 9: Card Games** 

Per ONGO 21.6-14.(d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

#### **GAMING MANAGMENT**

Reviewed By	Signature	Date
Name AGM	Jaune Ramun 1841	11/16/19
Oneida Casino		21/4/1
eneral dabate		
Name	=1	
Director/Manager	Jan 7077	11-6-19
Oneida Casino		
Name		
Gaming Compliance	0 10	1-11-
Oneida Casino	Dennek King	11/6/19

Public Packet

### **Oneida Business Committee Agenda Request**

Re-post one (1) vacancy - Oneida Community Library Board

1. Meeting Date Requested: 1 / 22 / 20
2. General Information:  Session:   ○ Open  ○ Executive - See instructions for the applicable laws, then choose one:
Agenda Header: New Business
☐ Accept as Information only
ヌ Action - please describe:
Re-post one (1) vacancy - Oneida Community Library Board
3. Supporting Materials  Report Resolution Contract Other:  1.
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:

One (1) vacancy for the Oneida Community Library Board was posted with an application deadline of January 3, 2020. As of this date zero (0) applications have been received.
This will be the fourth (4th) attempt to fill the vacancy due to no applicants.
Action requested:
Approve request to re-post one (1) vacancy for the Oneida Community Library Board.

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

Public Packet 253 of 254

Public Packet 254 of 254