

Oneida Business Committee



Executive Session
8:30 AM Tuesday, April 21, 2020
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 AM Wednesday, April 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.

NOTICE

All regular, special, and emergency Business Committee meetings in the months of March, April and May will be closed to the public. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>. If you have comments regarding open session items, please submit them to TribalSecretary@oneidanation.org no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. MINUTES

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

V. RESOLUTIONS

- A. Adopt resolution entitled Amendments to the Children's Burial Fund Policy**
Sponsor: David P. Jordan, Councilman
- B. Enter the e-poll results into the record regarding BC resolution # 04-16-20-A Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487**
Sponsor: Lisa Summers, Secretary

VI. STANDING COMMITTEES**A. LEGISLATIVE OPERATING COMMITTEE**

- 1. Accept the Children's Code Implementation six (6) month review**
Sponsor: David P. Jordan, Councilman

VII. TABLED BUSINESS

- A. Update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (tabled 4/8/20)**

VIII. NEW BUSINESS

- A. Accept the Professional Assessment Duration of COVID-19 Outbreak report**
Sponsor: Kaylynn Gresham, Director/Emergency Management

IX. GENERAL TRIBAL COUNCIL

- A. Determine next steps for the July 2020 semi-annual General Tribal Council meeting**
Sponsor: Lisa Summers, Secretary

X. EXECUTIVE SESSION**A. REPORTS**

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

B. TABLED BUSINESS

1. **Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (tabled 4/8/20)**
Sponsor: n/a

C. NEW BUSINESS

1. **Determine next steps regarding three (3) items for Oneida Golf Enterprise**
Sponsor: Eric McLester, Business Compliance Analyst

XI. ADJOURN

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

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

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

Approve the April 8, 2020, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 04/22/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

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Oneida Business Committee

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

Minutes

EXECUTIVE SESSION

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

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Michele Doxtator (via Teams), Sarah White (via Teams), Jack Denny (via Teams), Kathy King (via Teams), Angela Parks (via Teams), Lambert Metoxen (via Teams), Taylor Oudenhoven-Skenandore (via Teams), Laura Lane (via Teams);

REGULAR MEETING

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

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Brooke Doxtator, Xavier Horkman, Melinda J. Danforth, Ralinda Ninham-Lamberies, Clorissa Santiago;

I. CALL TO ORDER

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

II. OPENING (00:00:06)

Chairman Tehassi Hill thanked Artley Skenandore for doing a tobacco burning this morning and the words of encouragement for the Business Committee and our community in this tough time.

Chairman Tehassi Hill shared the following message for the record: As Chairman I never thought we'd be in this type of situation, having to make these types of decisions that we're looking to make today caused by this pandemic, from the COVID-19, which has caused us to shutdown our main revenue driver. It's the time that the hard decisions have to be made to reduce and cutback our tribal organization; I think it's important to know that this Committee and staff have been working for weeks now to make sure that we have the most up-to-date information on which to base our decisions. They have been working around the clock to make sure that, to the best of our abilities, the questions our employees and our community have are being answered.

As many of you are aware, Governor Tony Evers directed a Safer at Home order for Wisconsin until April 24, 2020. Oneida Nation declared a Safer at Home order until May 12, 2020. Both governments' decisions are to protect the health, safety and wellness of our employees, the community and customers. These choices also burden us with the reality of the lost income due to the suspension of gaming operations. The Nation now faces an unprecedented financial loss. The Oneida Nation has

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been operating without gaming revenues for three weeks now. This has depleted our financial resources in a manner which leaves us with no choice, but to cease payments for obligations we do not have money to cover. Gaming revenues decreased 100% and the last deposit from Gaming was made on March 25, 2020.

The Oneida Business Committee has a fiduciary responsibility to protect the Oneida's citizens and resources. Today the Oneida Business Committee has taken action to address critical financial obligations of the Nation. Large financial obligations within our annual budget are: GTC mandates, labor and fringe, and operational costs. GTC Mandates include: Per Capita, Education Scholarship, Elder Per Capita, GTC Stipends, Set asides to Trust, GTC Legal Resource Center, Emergency Food Pantry, and Minor Burial. Additionally, the Oneida Nation's employee base is approximately 2,880 persons. Employees were kept on payroll for approximately 21 days while we worked to update and invoke the Oneida Nation's Emergency Contingency plan which incorporates over 250 business units. The Nation utilizes weekly gaming deposits to fund payroll, which was approximately \$2M.

GTC Mandates are 9% of the total budget. Labor and fringe are 36% of the total budget. Operational costs total 22% of the total budget. Combining these components total 67% of our annual budget. The remainder of the budget is 33% marked as operational costs and payroll. Therefore, with the money saved to pay our GTC Mandates, the OBC has reallocated all available cash to sustain critical operations of the Nation. Along with our assessment of our current finances, since March 17, 2020, and based upon a projection that Gaming enterprises will open within 45 days, we believe the Nation can maintain all essential-critical operations for a short period of time. The unknown variable is the exact date when gaming operations can begin to provide revenues; until that specific date is known, we will continue to only operate critical government programs and services.

Potential actions today to cancel Per Capita, GTC meeting stipends, defer premium payments OLIPP to Trust and Elder Endowments, and to reduce the Higher Education fund, is due entirely to the lack of funds. The recovery of business and services will depend upon the time it takes for the Oneida Nation to re-open business, essentially gaming, and begin to re-build our financial standing. The overall impact is anticipated to take three (3) to five (5) years to rebuild.

We must continue as a sovereign government, and thus must operate on a very minimal budget. We must continue to keep some of our employees on payroll to be ready to implement recovery plans and operations as soon as possible. Hopefully, the curve in Wisconsin flattens to a degree where we can open our businesses and operations in an expedient manner. As we move through implementing our contingency plans, the Nation continues to be adamant and vigilant in protecting our assets, our people, our employees, and our customers. Working collectively, we will help the Nation to sustain during this financial and health crisis. Yawakó.

III. ADOPT THE AGENDA (00:06:18)

Motion by Lisa Summers to adopt the agenda with two (2) changes [1) add item IV.I. Adopt resolution entitled Suspension of Collection of Rent, Leases, Mortgages and Utilities; and 2) add item IX.B.1. Approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001, seconded by Daniel Guzman King. Motion carried:

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

DRAFT**IV. MINUTES****A. Approve the March 5, 2020, special Business Committee meeting minutes (00:07:21)**

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the March 5, 2020, special Business Committee meeting minutes, seconded by Lisa Summers. Motion carried:

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

B. Approve the March 11, 2020, regular Business Committee meeting minutes (00:07:57)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the March 11, 2020, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

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

C. Approve the March 17, 2020, emergency Business Committee meeting minutes (00:08:26)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the March 17, 2020, emergency Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

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

V. RESOLUTIONS**A. Adopt resolution entitled Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy (00:08:59)**

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to adopt resolution 04-08-20-A Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy, seconded by Jennifer Webster. Motion carried:

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

B. Adopt resolution entitled Placing Listed Boards, Committees and Commissions in Temporary Closure Status (00:12:02)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to adopt resolution 04-08-20-B Placing Listed Boards, Committees and Commissions in Temporary Closure Status with following change to the end of each Resolve: replace "during the Public Health Emergency" with "for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal year 2021", seconded by Lisa Summers. Motion carried:

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

DRAFT**C. Adopt five (5) resolutions regarding Financial Resources Protection (00:15:54)**
Sponsor: Trish King, Treasurer**1. Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020 (01:01:05)**

Motion by Lisa Summers to adopt resolution 04-08-20-C Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020, seconded by Jennifer Webster. Motion carried:

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

2. General Membership and Elder (age 62+) Per Capita Payment for Fiscal Year 2020 Halted in Light of Public Health Emergency and Impact on Finances (01:02:10)

Motion by Trish King to adopt resolution 04-08-20-D General Membership and Elder (age 62+) Per Capita Payment for Fiscal Year 2020 Halted in Light of Public Health Emergency and Impact on Finances with one (1) correction [in line 66, change \$16 to \$5.8], seconded by David P. Jordan. Motion carried:

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

3. Deferring Payments to OLIPP and Elder Endowments (01:03:39)

Motion by David P. Jordan to adopt resolution 04-08-20-E Deferring Payments to OLIPP and Elder Endowments, seconded by Jennifer Webster. Motion carried:

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

4. Halting General Tribal Council Meeting Stipend Payments for FY2020 and FY2021 (01:04:12)

Motion by Kirby Metoxen to adopt resolution 04-08-20-F Halting General Tribal Council Meeting Stipend Payments for FY2020 and FY2021, seconded by Ernie Stevens III. Motion carried:

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

5. Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021 (01:05:23)

Motion by Trish King to approve resolution 04-08-20-G Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021 with one (1) correction [in line 58, change \$12.5 to \$10], seconded by Jennifer Webster. Motion carried:

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

Abstained: Lisa Summers

For the record: Secretary Lisa Summers stated my abstention is due to the fact I have, currently, a student in my home that is utilizing the program.

DRAFT**D. Adopt resolution entitled Amendments to the Vehicle Driver Certification and Fleet Management Law (01:17:44)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to adopt resolution 04-08-20-H Amendments to the Vehicle Driver Certification and Fleet Management Law with the requested change the implementation time frame from 90 days to 180 days [in line 76, change July 7, 2020 to October 5, 2020], seconded by Kirby Metoxen. Motion carried:

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

E. Approve two (2) actions regarding the resolution entitled Amendments to the Indian Preference in Contracting Law (01:25:57)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to approve resolution 04-08-20-I Amendments to the Indian Preference in Contracting Law, seconded by David P. Jordan. Motion carried:

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

Motion by Lisa Summers to direct the General Manager and Chief Financial Officer to provide the Oneida Business Committee with an update within 120 days on the Indian Preference Office and Purchasing Department's progress on the development and/or updating of the required standard operating procedures, seconded by Daniel Guzman King. Motion carried:

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

F. Adopt resolution entitled Indian Preference in Contracting Law Fine and Penalty Schedule (01:30:59)

Sponsor: David P. Jordan, Councilman

Councilman Kirby Metoxen left at 10:04 a.m.

Motion by Jennifer Webster to adopt resolution 04-08-20-J Indian Preference in Contracting Law Fine and Penalty Schedule, seconded by Lisa Summers. Motion carried:

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

Not Present: Kirby Metoxen

G. Adopt resolution entitled Declaring Oneida ESC Group LLC as the Nation's General Contractor (01:33:31)

Sponsor: Lisa Summers, Secretary

Motion by Ernie Stevens III to approve resolution 04-08-20-K Declaring Oneida ESC Group LLC as the Nation's General Contractor, seconded by Lisa Summers. Motion carried:

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

Not Present: Kirby Metoxen

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H. Enter the e-poll results into the record regarding BC resolution # 03-26-20-A Extension of March 12th Declaration of Public Health State of Emergency (01:35:10)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding BC resolution # 03-26-20-A Extension of March 12th Declaration of Public Health State of Emergency, seconded by Jennifer Webster. Motion carried:

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

Not Present: Kirby Metoxen

I. Adopt resolution entitled Suspension of Collection of Rent, Leases, Mortgages and Utilities (01:35:43)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to adopt resolution 04-08-20-L Suspension of Collection of Rent, Leases, Mortgages and Utilities, seconded by Brandon Stevens. Motion carried:

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

Not Present: Kirby Metoxen

VI. STANDING COMMITTEES

A. FINANCE COMMITTEE

1. Accept the March 2, 2020, regular Finance Committee meeting minutes (01:38:10); (01:46:55)

Sponsor: Trish King, Treasurer

Motion by Brandon Stevens to table this item to later on the agenda, seconded by David P. Jordan. Motion carried:

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

Not Present: Kirby Metoxen

Item VI.B.1. is addressed next.

Motion by Jennifer Webster to accept the March 2, 2020, regular Finance Committee meeting minutes, seconded by Trish King. Motion carried:

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

Item IX. is addressed next.

DRAFT**B. LEGISLATIVE OPERATING COMMITTEE**

Secretary Lisa Summers left at 10:11 a.m.

1. Accept the March 4, 2020, regular Legislative Operating Committee meeting minutes (01:39:30)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the March 4, 2020, regular Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried:

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

Not Present: Kirby Metoxen, Lisa Summers

2. Accept the March 18, 2020, regular Legislative Operating Committee meeting minutes (01:40:00)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the March 18, 2020, regular Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried:

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

Not Present: Kirby Metoxen, Lisa Summers

Councilman Kirby Metoxen returned at 10:11 a.m.

C. QUALITY OF LIFE COMMITTEE

1. Accept the January 23, 2020, regular Quality of Life Committee meeting minutes (01:40:24)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the January 23, 2020, regular Quality of Life Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

Not Present: Lisa Summers

VII. UNFINISHED BUSINESS

A. Table the update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (01:40:54)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to table the update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C, seconded by David P. Jordan. Motion carried:

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

Not Present: Lisa Summers

DRAFT**VIII. NEW BUSINESS****A. Approve two (2) actions regarding the 2020 Annual Meeting of the Stockholders of The Native American Bancorporation Co. (01:41:36)**

Sponsor: Trish King, Treasurer

Secretary Lisa Summers returned at 10:13 a.m.

Motion by Trish King to approve Option 1 on the Proxy for Native American Bancorporation Co. April 21, 2020 Annual Meeting of the Stockholders and to approve the Proxy for that meeting, seconded by Kirby Metoxen. Motion carried:

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

B. Approve two (2) actions regarding the draft Continuing Resolution for FY2021 (01:43:55)

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to accept the draft Continuing Resolution for FY2021 as information only and to direct OBC Direct Reprots to keep their areas aware of these FY2021 budget planning restrictions, seconded by Brandon Stevens. Motion carried:

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

C. Enter the e-poll results into the record regarding the U.S. Health and Human Services Secretary's Tribal Advisory Committee nomination (01:45:52)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the U.S. Health and Human Services Secretary's Tribal Advisory Committee nomination, noting the nominee is Councilwoman Jennifer Webster, seconded by Lisa Summers. Motion carried:

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

Abstained: Jennifer Webster

Item VI.A.1. is re-addressed next.

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IX. EXECUTIVE SESSION (01:48:10)

Motion by David P. Jordan to go into executive session at 10:19 a.m., seconded by Kirby Metoxen.
Motion carried:

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

Roll call for the record:

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

Motion by David P. Jordan to come out of executive session at 10:56 a.m., seconded by Trish King.
Motion carried:

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

A. UNFINISHED BUSINESS

1. Table the Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (01:49:00)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to table the Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution and send to a BC Work Session, seconded by Jennifer Webster.
Motion carried:

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

2. Approve the updated reorganization proposal and Gantt chart for Oneida Retail Enterprise dated April 1, 2020 (01:49:30)

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Lisa Summers to accept the updated reorganization proposal and Gantt chart for Oneida Retail Enterprise dated April 1, 2020, as information, seconded by David P. Jordan. Motion carried:

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

B. NEW BUSINESS

1. Approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001 (01:50:03)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001, seconded by Jennifer Webster. Motion carried:

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

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X. ADJOURN (01:50:30)

Motion by David P. Jordan to adjourn at 10:58 a.m., seconded by Brandon Stevens. Motion carried:

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

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Amendments to the Children's Burial Fund Policy

1. Meeting Date Requested: 4 / 22 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Clorissa N. Santiago, LRO Staff Attorney
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson
 DATE: April 22, 2020
 RE: Children's Burial Fund Policy Amendments

Please find the following attached backup documentation for your consideration of the proposed amendments to the Children's Burial Fund Policy:

1. Resolution: Amendments to the Children's Burial Fund Policy
2. Statement of Effect: Amendments to the Children's Burial Fund Policy
3. Children's Burial Fund Policy Amendments Legislative Analysis
4. Children's Burial Fund Policy Amendments (Redline)
5. Children's Burial Fund Policy Amendments (Clean)
6. Children's Burial Fund Policy Amendments Fiscal Impact Statement

Overview

On August 7, 2019, the LOC added the Children's Burial Fund Policy amendments to its Active Files List upon recommendation by the Oneida Trust Enrollment Committee. The purpose of the Children's Burial Fund Policy is to provide financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation. [1 O.C. 129.1-1].

This resolution adopts amendments to the Children's Burial Fund Policy which will:

- Revise the eligibility qualifications for assistance from the Fund [1 O.C. 129.4-1];
- Add the requirement that a person provide the Oneida Trust Enrollment Department with any other relevant documentation as requested by the Department to support the eligibility of enrollment of the deceased child [1 O.C. 129.5-3(d)];
- Allow the Fund to be used for any funeral related expenses as identified as an invoice, thus eliminating any specific requirements as to what types of expenses the Fund could be used for or caps on the use of the Fund for certain types of expenses [1 O.C. 129.6-2];
- Prohibit the use of the Fund for travel and/or lodging to attend a funeral [1 O.C. 129.6-3];
- Allow appeals of the Oneida Trust Enrollment Department's decision as to the eligibility of a deceased child for financial assistance from the Fund to be made to the Oneida Trust Enrollment Committee [1 O.C. 129.7-1]; and
- Make additional changes to revise and reorganize the law to increase clarity.

The Legislative Operating Committee developed the proposed amendments to the Children's Burial Fund Policy through collaboration with representatives from the Oneida Trust Enrollment Department.

In accordance with the Legislative Procedures Act, a public meeting on the Children's Burial Fund Policy was held on February 13, 2020. Three (3) people provided oral comments during the public meeting. The public comment period was then held open until February 20, 2020. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on March 4, 2020. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Amendments to the Children's Burial Fund Policy

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Amendments to the Children's Burial Fund Policy

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the Children's Burial Fund Policy ("the Law") was adopted by the Oneida Business
12 Committee on an emergency basis through BC-09-23-09-F and then permanently through
13 resolution BC-02-10-10-B; and
14
15 **WHEREAS,** the purpose of the Law is to provide financial assistance towards the funeral costs of
16 children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation;
17 and
18
19 **WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the
20 Nation's Oneida Trust Enrollment Department to develop the amendments to this Law; and
21
22 **WHEREAS,** the amendments to the Law revise the eligibility qualifications for assistance from the
23 Children's Burial Fund; and
24
25 **WHEREAS,** the amendments to the Law add the requirement that a person provide the Oneida Trust
26 Enrollment Department with any other relevant documentation as requested by the
27 Department to support the eligibility of enrollment of the deceased child; and
28
29 **WHEREAS,** the amendments to the Law allow the Children's Burial Fund to be used for any funeral
30 related expenses as identified as an invoice, thus eliminating any specific requirements as
31 to what types of expenses the Children's Burial Fund could be used for or caps on the use
32 of the Children's Burial Fund for certain types of expenses; and
33
34 **WHEREAS,** the amendments to the Law prohibit the use of the Children's Burial Fund for travel and/or
35 lodging to attend a funeral; and
36
37 **WHEREAS,** the amendments to the Law allow appeals of the Oneida Trust Enrollment Department's
38 decision as to the eligibility of a deceased child for financial assistance from the Children's
39 Burial Fund to be made to the Oneida Trust Enrollment Committee; and
40
41 **WHEREAS,** the amendments to the Law make other minor drafting revisions to revise and reorganize
42 the Law to increase clarity; and
43

44 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
45 statement were completed for the amendments to the Law; and
46
47 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on February 13, 2020,
48 in accordance with the Legislative Procedures Act, and the public comment period was
49 held open until February 20, 2020; and
50
51 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public
52 comments received on March 4, 2020; and
53
54 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Children's Burial Fund Policy are
55 hereby adopted and shall be effective on May 6, 2020.



Statement of Effect
Amendments to the Children's Burial Fund Policy

Summary

This resolution adopts amendments to the Children's Burial Fund Policy.

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

Date: April 3, 2020

Analysis by the Legislative Reference Office

The Legislative Procedures Act ("the LPA") was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts amendments to the Children's Burial Fund Policy which comply with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Children's Burial Fund Policy was adopted by the Oneida Business Committee for the purpose of providing financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation. [1 O.C. 129.1-1].

The amendments to the Children's Burial Fund Policy will:

- Revise the eligibility qualifications for assistance from the Fund [1 O.C. 129.4-1];
- Add the requirement that a person provide the Oneida Trust Enrollment Department with any other relevant documentation as requested by the Department to support the eligibility of enrollment of the deceased child [1 O.C. 129.5-3(d)];
- Allow the Fund to be used for any funeral related expenses as identified as an invoice, thus eliminating any specific requirements as to what types of expenses the Fund could be used for or caps on the use of the Fund for certain types of expenses [1 O.C. 129.6-2];
- Prohibit the use of the Fund for travel and/or lodging to attend a funeral [1 O.C. 129.6-3]; and
- Allow appeals of the Oneida Trust Enrollment Department's decision as to the eligibility of a deceased child for financial assistance from the Fund to be made to the Oneida Trust Enrollment Committee [1 O.C. 129.7-1].

Other additional drafting changes were made to update the language, increase clarification, and ensure compliance with drafting style and formatting requirements.

In accordance with the Legislative Procedures Act, a public meeting on the Children's Burial Fund Policy was held on February 13, 2020. Three (3) people provided oral comments during the public meeting. The public comment period was then held open until February 20, 2020. The Legislative Operating Committee received two (2) submissions of written comments during the public

comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on March 4, 2020. Any changes made based on those comments have been incorporated into this draft.

This resolution provides that the amendments to the Children's Burial Fund Policy would become effective on May 6, 2020.

Conclusion

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



CHILDREN'S BURIAL FUND POLICY AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Amendments	<ul style="list-style-type: none"> Revise the eligibility qualifications for assistance from the Fund; Add the requirement that a person provide the Oneida Trust Enrollment Department with any other relevant documentation as requested by the Department to support the eligibility of enrollment of the deceased child; Allow the Fund to be used for any funeral related expenses as identified as an invoice, thus eliminating any specific requirements as to what types of expenses the Fund could be used for or caps on the use of the Fund for certain types of expenses; Prohibit the use of the Funds for travel and/or lodging to attend a funeral; Allow appeals of the Oneida Trust Enrollment Department's decision as to the eligibility of a deceased child for financial assistance from the Fund to be made to the Oneida Trust Enrollment Committee.
Purpose	To provide financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation [<i>1 O.C. 129.1-1</i>].
Affected Entities	Oneida Trust Enrollment Committee, Oneida Trust Enrollment Department
Related Legislation	Oneida Nation Constitution, Membership Ordinance
Public Meeting	A public meeting was held on February 13, 2020.
Fiscal Impact	A fiscal impact statement has been provided by the Finance Department.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Children's Burial Fund Policy ("the Law") provides three thousand and five hundred dollars (\$3,500) of financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation. [*1 O.C. 129.1-1*]. The Oneida Business Committee originally adopted this Law on September 23, 2009.
- B. **History.** The following is a history of the development of this Law:
- Resolution BC-01-04-95-A.* The Burial Endowment Fund Policy was established by this resolution to provide a burial benefit for enrolled members of the Nation and their children aged zero to five (0-5) if the child would have been eligible for enrollment in the Nation at the time of death [*Burial Endowment Fund Policy 2-2*].
 - Resolution BC-10-01-08-A.* The Oneida Business Committee and Oneida Trust Enrollment Committee jointly adopted this resolution approving the concept of the Oneida Life Insurance Plan Plus (OLIPP) to present to the General Tribal Council for approval. OLIPP is life insurance that provides a benefit to the designated beneficiary of the enrolled member of the Nation upon death. OLIPP does not help with burial and other funeral expenses for children that are eligible for enrollment in the Nation but not enrolled.
 - Resolution GTC-01-17-09-B.* The General Tribal Council approved OLIPP for implementation in fiscal year 2010 and directed that the Nation's Burial Endowment Fund Policy be repealed.
 - Resolution BC-09-23-09-E.* This Burial Endowment Fund Policy was repealed by this resolution.
 - Resolution BC-09-23-09-F.* The Law was adopted on an emergency basis by this resolution to be effective on the date of implementation of the OLIPP. This included provisions

recommended by the Oneida Trust Enrollment Committee to maintain a burial benefit for children ages three (3) and under who are not enrolled but eligible for enrollment in the Nation at the time of death.

- *Resolution BC-02-10-10-B.* The Law was permanently adopted by this resolution to provide financial assistance towards funeral related expenses for children ages five (5) or younger that were eligible for enrollment in the Nation but not enrolled at the time of death. Additionally; children who were six (6) years of age at the time of death and approved for enrollment by the Oneida Trust Enrollment Committee, but not approved for enrollment by the Oneida Business Committee, were also eligible for financial assistance.

- C. On August 7, 2019, the Oneida Trust Enrollment Committee submitted a request to the Legislative Operating Committee to consider amending the Law.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments of the Nation participated in the development of this Law and legislative analysis:

- Oneida Trust Enrollment Department; and
- Oneida Trust Enrollment Committee.

- B. The following laws of the Nation were reviewed in drafting this analysis:

- Membership Ordinance; and
- Oneida Nation Constitution.

- C. The following tribal laws were reviewed in the development of this analysis:

- Wichita and Affiliated Tribes Burial Assistance Guidelines;
- Leech Lake Band of Ojibwe Funeral Assistance Program;
- Absentee Shawnee Tribe Burial Assistance Program; and
- Pawnee Nation of Oklahoma Burial Assistance Policy.

SECTION 4. PROCESS

- A. Thus far, this Law has followed the process set forth by the Legislative Procedures Act.

- The Law was added to the Legislative Operating Committee's Active Files List on August 7, 2019.
- A public meeting on the proposed amendments to the Law was held on February 13, 2020.
- The public comment period closed on February 20, 2020.
- The Legislative Operating Committee reviewed and considered all public comments received on March 4, 2020.

- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of these amendments:

- December 2, 2019: Work meeting was held with Oneida Trust Enrollment Department Staff.
- December 4, 2019: Work meeting was held with the Legislative Operating Committee.
- March 4, 2020: Work meeting was held with the Legislative Operating Committee.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. ***Qualifications for Financial Assistance.*** The proposed amendments revise the qualifications for financial assistance from the Children's Burial Fund ("the Fund"). In order to be eligible for financial assistance from the Fund the deceased child shall be six (6) years of age or younger; not enrolled with the Nation; eligible for enrollment with the Nation; and not enrolled with any other tribe. [1 O.C. 129.4-1]. Previously, the Law provided that in order to be eligible for assistance from the Fund the deceased child must be five (5) years old or younger, not enrolled with the Nation, but eligible for enrollment. The current Law also allowed for a six (6) year old to be eligible for the Fund if the Oneida Trust Enrollment Committee had approved the enrollment of that deceased child prior to his or her death.

- ***Effect.*** The proposed amendments simplify the qualifications by removing the additional step of having an enrollment approved by the Oneida Trust Enrollment Committee for those deceased children who were six (6) years old. Having an enrollment approved by the Oneida

- Trust Enrollment Committee did not ultimately affect whether a deceased child met the qualifications of enrollment with the Nation. The inclusion of the additional eligibility qualification of not being enrolled with a different tribe provides clarification as to how enrollment with another tribe affects a deceased child's eligibility for assistance from the Fund.
- B. Required Documentation to Prove Eligibility of Enrollment.** The proposed amendments provide that upon making a financial assistance from the Fund a person shall provide the Oneida Trust Enrollment Department any other relevant documentation as requested by the Oneida Trust Enrollment Department to support the eligibility of enrollment of the deceased child. [1 O.C. 129.5-3(d)]. Previously, the only required that a person provide the Oneida Trust Enrollment Department all original invoices; birth certificate, death certificate, or fetal death report; and a voluntary paternity and/or maternity statement in situations where paternity and/or maternity needs to be determined.
- *Effect.* The addition of the requirement to any other relevant documentation as requested by the Oneida Trust Enrollment Department to support the eligibility of enrollment of the deceased child, in addition to the documents that were already required by the Law recognizes that there may be situations that arise where the Oneida Trust Enrollment Department needs to request more documentation to support the eligibility of enrollment of the child, and provides the greatest flexibility in requesting documentation to support the eligibility of enrollment of the deceased child.
- C. Use of the Funds.** The proposed amendments provide that funeral related expenses are payable if identified on an invoice. [1 O.C. 129.6-2]. The Law provides that funeral related expenses may include, but are not limited to monument and/or headstone costs, casket or coffin costs, cemetery costs, church costs, and/or food costs. [1 O.C. 129.6-2(a)-(e)]. Previously, the Law provided specific types of uses for the Fund which included food costs, monument and/or headstone costs, cemetery costs, and church costs. The Law then further added restrictions as to how much of the Fund could be used for certain types of expenses. Two hundred dollars (\$200) of the three thousand and five hundred dollars (\$3,500) that was available as assistance was allowed to be used for food, and only one thousand dollars (\$1,000) was allowed to be used for monument or headstone costs. Cemetery or church costs did not have further restrictions.
- *Effect.* Removing the restrictions as to the types of costs that are able to be paid for by the Fund as well as any specific limitations on the cost of specific aspects of a funeral opens up the use of the Fund and provides the most flexibility to families to determine how to best use their assistance from the Fund for the funeral costs of a deceased child.
- D. Prohibition to Use Funds for Travel and/or Lodging.** The proposed amendments add a provision which prohibits payments from the Fund to be used for travel and/or lodging for attending a funeral. [1 O.C. 129.6-3(b)]. Previously, the Law only provided that payments from the Fund could not be used to reimburse funeral costs to individuals. [1 O.C. 129.6-3(a)].
- *Effect.* This amendment clarifies that in addition to the Fund not being able to be used to reimburse costs to individuals, it cannot be used for travel and/or lodging for attending a funeral. This provides further clarification as to how the Fund may be used by a family.
- E. Appeals.** The amendments add a new appeal section. [1 O.C. 129.7]. This section provides that an appeal of a decision of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Fund may be made to the Oneida Trust Enrollment Committee within fourteen (14) days of receipt of the decision. Previously, the Law was silent as to if appeals were allowed, or where those appeals would be made to.
- *Effect.* This amendment provides clarification that appeals of the Oneida Trust Enrollment Department's decisions are permitted, and should be made to the Oneida Trust Enrollment Committee. Allowing for appeals provides due process to those individuals who may have been denied assistance from the Fund due to not meeting the enrollment eligibility requirements. The Oneida Trust Enrollment Committee is given the authority to hear the appeals due to the fact that the Oneida Trust Enrollment Committee is the final hearing body for all matters related to enrollment.
- F. Minor Drafting Changes.** Additional minor drafting changes have been made throughout the law for clarification purposes and to update the drafting style of this Law.

SECTION 6. EFFECT ON EXISTING LEGISLATION

A. **Related Legislation.** The following laws of the Nation are related to this Law:

- *Constitution and Bylaws of the Oneida Nation.* T The Law provides that in order to be eligible for assistance from the Fund the child must be eligible for enrollment with the Nation. [1 O.C. 129.4-1].
 - The Constitution and Bylaws of the Oneida Nation provides the qualifications for membership in the Nation. [Article II, Section 1(a)-(c)].
 - The Oneida Trust Enrollment Department shall be required to use the Constitution and Bylaws of the Oneida Nation to determine if a deceased child is eligible for enrollment in the Nation.
- *Membership Ordinance.* The Law provides that in order to be eligible for assistance from the Fund the child must be eligible for enrollment with the Nation. [1 O.C. 129.4-1].
 - The Membership Ordinance was drafted in accordance with Article II, Section 2 of the Constitution and Bylaws of the Oneida Nation and provides further details as to membership qualifications. [1 O.C. 124.4].
 - The Oneida Trust Enrollment Department shall be required to use the Membership Ordinance to determine if a deceased child is eligible for enrollment in the Nation.

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Oneida Trust Enrollment Department is responsible for the implementation and operation of this Law. The Oneida Trust Enrollment Department is delegated the authority to process all requests for financial assistance from the Fund. [1 O.C. 129.5-1].
- B. If an individual does not agree with a decision of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Fund, that individual may appeal the decision to the Oneida Trust Enrollment Committee within fourteen (14) days of receipt of the decision.
- This provides additional rights to an individual who may disagree with the decision of the Oneida Trust Enrollment Department, and allows the Oneida Trust Enrollment Committee to hold the Oneida Trust Enrollment Department accountable by reviewing the decisions made as to the eligibility of a deceased child to receive assistance from the Fund.

SECTION 8. OTHER CONSIDERATIONS

- A. **Current Use of the Fund.** The Oneida Trust Enrollment Department indicated that the Fund has been used to assist with the expenses of a funeral for five (5) deceased children since 2015.
- If the full amount of the Fund was utilized by each family since 2015, then the total expense to the Nation for assisting with these funerals would be seventeen thousand and five hundred dollars (\$17,500).
- B. **Fiscal Impact.** A fiscal impact statement of the proposed amendments to the Law has been developed by the Finance Department.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation. [1 O.C. 109.6-1].
 - Oneida Business Committee resolution BC-09-25-19-A requires that when developing a fiscal impact statement for the adoption of proposed legislation by the Oneida Business Committee the Finance Department shall, within ten (10) business days of final approval of draft legislation by the Legislative Operating Committee, provide a fiscal impact statement to the Legislative Operating Committee.

Title 1. Government and Finances – Chapter 129
CHILDREN'S BURIAL FUND POLICY
Kaya>takenh@sla ashakotiya>t@tane> latiksa>sh&ha
It is helpful for them to bury them the children
CHILDREN'S BURIAL FUND

129.1. Purpose and Policy
 129.2. Adoption, Amendment, ~~Conflicts~~ Repeal
 129.3. Definitions
 129.4. Qualifications for Financial Assistance

129.5. ~~Procedures~~ Requesting Financial Assistance
 129.6. Use of Funds
 129.7. Appeals

129.1. Purpose and Policy

129.1-1. *Purpose.* It is the purpose of this ~~policy~~ law to provide financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the ~~Oneida Tribe of Indians of Wisconsin~~ Nation.

129.1-2. *Policy.* ~~The Oneida Tribe~~ It is committed the policy of the Nation to ~~providing~~ provide services to the membership from birth to death. As a part of this commitment, we wish to assure a dignified approach to the final needs of our ~~Tribal~~ members and their families.

~~129.1-3. This fund is established to provide an individual allotment, not to exceed \$3,500 per qualified individual, to defray the cost of funeral expenses.~~

129.2. Adoption, Amendment, ~~Conflicts~~ Repeal

129.2-1. This ~~policy~~ law was adopted by the Oneida Business Committee by resolution BC-02-10-10-B; ~~and amended by BC-~~ - - - .

129.2-2. This ~~policy~~ law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in ~~Tribal law~~ the Legislatives Procedures Act.

129.2-3. Should a provision of this ~~policy~~ law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~ law which are considered to have legal force without the invalid portions.

129.2-4. In the event of a conflict between a provision of this ~~policy~~ law and a provision of another law, ~~ordinance, policy, regulation, rule, resolution, or motion~~, the provisions of this ~~policy~~ law shall control. ~~Provided that, nothing in this policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.~~

129.2-5. This ~~policy~~ law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation.

129.3. Definitions

129.3-1. This section shall govern the definitions of words and phrases used within this ~~policy~~ law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Fetal death report" means the form prescribed and supplied by a State used to report non-abortion related fetal deaths, which may also be referred to as stillbirths.

~~(b)~~ (b) "Nation" means the Oneida Nation.

(c) "Stillbirth" means a fetus born dead, irrespective of the duration of pregnancy, with death indicated by the fact that after expulsion or extraction from the woman, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

(ed) “Voluntary paternity/and/or maternity statement” means the document created by the Oneida Trust Enrollment Department which requires the notarized signature(s) of Oneida parent(s) acknowledging paternity and/or maternity of a fetus, which is used to determine eligibility for enrollment.

129.4. Qualifications for Financial Assistance

129.4-1. ~~Except as provided in 129.4-2, In order~~ to be eligible for financial assistance from the Children’s Burial Fund the deceased child shall be ~~five (5);~~

(a) six (6) years of age or younger;

(b) not enrolled, but with the Nation;

(c) eligible for enrollment, with the Nation; and

~~129.4-2. In the event the deceased is six (6) years of age, not enrolled, but eligible for enrollment, the deceased shall be eligible for assistance if the Oneida Trust/Enrollment Committee had approved the enrollment of the deceased prior to his or her death.~~

(d) not enrolled with any other tribe.

129.5. Procedures Requesting Financial Assistance

129.5-1. The Oneida Trust Enrollment Department ~~is designated to~~ shall process all requests for financial assistance from the Children’s Burial Fund.

129.5-2. Requests for ~~payment~~ financial assistance from the Children’s Burial Fund shall be made to the Oneida Trust Enrollment Department within three hundred and sixty-five (365) days from the date of death.

129.5-3. ~~Original invoices~~ Upon making a request for financial assistance from the Children’s Burial Fund the following documentation shall be provided to the Oneida Trust Enrollment Department ~~for payment.~~

(a) all original invoices;

(b) birth certificate, death certificate, or fetal death report;

(c) voluntary paternity and/or maternity statement in situations where paternity and/or maternity needs to be determined; and

(d) any other relevant documentation as requested by the Oneida Trust Enrollment Department to support the eligibility of enrollment of the deceased child.

129.5-4. Upon receipt and verification of invoices and ~~the other~~ relevant ~~document(s) as required under 129.5-5, the~~ documentation, the Oneida Trust Enrollment Department shall be responsible for processing the appropriate paper work for the payment to be made to the funeral home, monument company, casket or coffin company, cemetery, crematorium, churches, and/or catering/ or food vendors.

~~129.5-5. A birth certificate, death certificate, or fetal death report shall be submitted to the Enrollment Department prior to payment. A voluntary paternity/maternity statement shall also be submitted to the Enrollment Department prior to payment where paternity and/or maternity needs to be determined.~~

~~129.5-6. Food expenses are payable through a food voucher, added to the funeral home invoice, or paid directly to the caterer/food vendor/restaurant, amount not to exceed \$200.00, which is included under the \$3,500.00.~~

~~129.5-7. Monument/headstone costs are payable directly to the vendor or may be added to the funeral home invoice, amount not to exceed \$1,000.00, which is included under the \$3,500.00.~~

129.6. Use of Funds

129.6-1. Financial assistance from the Children’s Burial Fund for funeral costs of a deceased child shall not exceed three thousand five hundred dollars (\$3,500).

129.6-2. Funeral related expenses are payable if identified on an invoice. Funeral related expenses may include, but are not limited to:

- (a) monument and/or headstone costs;
- (b) casket or coffin costs;
- (c) cemetery costs;
- (d) church costs; and/or
- (e) food costs.

129.6-3

~~129.5-8. Cemetery costs are payable directly to the vendor or may be added to the funeral home invoice, amount to be included under the \$3,500.00.~~

~~129.5-9. Church costs are payable directly to the vendor or may be added to the funeral home invoice, amount to be included under the \$3,500.00.~~

~~129.5-10. Under no circumstances will~~shall there be any payments from the Children's Burial Fund for reimbursements for of:

- ~~(a) funeral costs to individuals-; and/or~~
- ~~(b) travel and/or lodging for attending a funeral.~~

~~129.5-11-6-4. Any unexpended monies after payment(s) have been made will~~shall remain in the ~~fund for other burials~~Children's Burial Fund.

~~129.5-12. Under no circumstances will funding exceed \$3,500.00.~~

~~129.5-13. Total~~129.6-5. Any expenses over ~~\$3,500.00 or expenses over the designated amounts payable are~~three thousand five hundred dollars (\$3,500) shall be the responsibility of the family or responsible party.

129.7. Appeals

129.7-1. An appeal of a decision of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Children's Burial Fund may be made to the Oneida Trust Enrollment Committee within fourteen (14) days of receipt of the decision.

End.

~~Emergency Adopted – BC-09-23-09-F~~

~~Permanently Adopted – BC-02-10-10-B~~

~~Amended – BC- - - -~~

Title 1. Government and Finances – Chapter 129
Kaya>takenh@sla ashakotiya>t@tane> latiksa>sh&ha
It is helpful for them to bury them the children
CHILDREN’S BURIAL FUND

129.1. Purpose and Policy
129.2. Adoption, Amendment, Repeal
129.3. Definitions
129.4. Qualifications for Financial Assistance

129.5. Requesting Financial Assistance
129.6. Use of Funds
129.7. Appeals

129.1. Purpose and Policy

129.1-1. *Purpose.* It is the purpose of this law to provide financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation.

129.1-2. *Policy.* It is the policy of the Nation to provide services to the membership from birth to death. As a part of this commitment, we wish to assure a dignified approach to the final needs of our members and their families.

129.2. Adoption, Amendment, Repeal

129.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-10-10-B and amended by BC-__-__-__-__.

129.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislatives Procedures Act.

129.2-3. 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.

129.2-4. 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.

129.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

129.3. Definitions

129.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Fetal death report” means the form prescribed and supplied by a State used to report non-abortion related fetal deaths, which may also be referred to as stillbirths.

(b) “Nation” means the Oneida Nation.

(c) “Stillbirth” means a fetus born dead, irrespective of the duration of pregnancy, with death indicated by the fact that after expulsion or extraction from the woman, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

(d) “Voluntary paternity and/or maternity statement” means the document created by the Oneida Trust Enrollment Department which requires the notarized signature(s) of Oneida parent(s) acknowledging paternity and/or maternity of a fetus, which is used to determine eligibility for enrollment.

129.4. Qualifications for Financial Assistance

129.4-1. In order to be eligible for financial assistance from the Children’s Burial Fund the deceased child shall be:

- (a) six (6) years of age or younger;
- (b) not enrolled with the Nation;
- (c) eligible for enrollment with the Nation; and
- (d) not enrolled with any other tribe.

129.5. Requesting Financial Assistance

129.5-1. The Oneida Trust Enrollment Department shall process all requests for financial assistance from the Children's Burial Fund.

129.5-2. Requests for financial assistance from the Children's Burial Fund shall be made to the Oneida Trust Enrollment Department within three hundred and sixty-five (365) days from the date of death.

129.5-3. Upon making a request for financial assistance from the Children's Burial Fund the following documentation shall be provided to the Oneida Trust Enrollment Department:

- (a) all original invoices;
- (b) birth certificate, death certificate, or fetal death report;
- (c) voluntary paternity and/or maternity statement in situations where paternity and/or maternity needs to be determined; and
- (d) any other relevant documentation as requested by the Oneida Trust Enrollment Department to support the eligibility of enrollment of the deceased child.

129.5-4. Upon receipt and verification of invoices and other relevant documentation, the Oneida Trust Enrollment Department shall be responsible for processing the appropriate paper work for the payment to be made to the funeral home, monument company, casket or coffin company, cemetery, crematorium, churches, and/or catering or food vendors.

129.6. Use of Funds

129.6-1. Financial assistance from the Children's Burial Fund for funeral costs of a deceased child shall not exceed three thousand five hundred dollars (\$3,500).

129.6-2. Funeral related expenses are payable if identified on an invoice. Funeral related expenses may include, but are not limited to:

- (a) monument and/or headstone costs;
- (b) casket or coffin costs;
- (c) cemetery costs;
- (d) church costs; and/or
- (e) food costs.

129.6-3. Under no circumstances shall there be any payments from the Children's Burial Fund for reimbursements of:

- (a) funeral costs to individuals; and/or
- (b) travel and/or lodging for attending a funeral.

129.6-4. Any unexpended monies after payment(s) have been made shall remain in the Children's Burial Fund.

129.6-5. Any expenses over three thousand five hundred dollars (\$3,500) shall be the responsibility of the family or responsible party.

129.7. Appeals

129.7-1. An appeal of a decision of the Oneida Trust Enrollment Department as to the eligibility of a deceased child for financial assistance from the Children's Burial Fund may be made to the Oneida Trust Enrollment Committee within fourteen (14) days of receipt of the decision.

88 *End.*
89 _____
90 Emergency Adopted – BC-09-23-09-F
91 Permanently Adopted – BC-02-10-10-B
 Amended – BC-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Larry Barton, Chief Financial Officer
RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

FROM: Terry Cornelius, Chief Financial Analyst

DATE: April 1, 2020

RE: **Fiscal Impact of the Amendments to the Children's Burial Fund Policy Amendments**

I. Estimated Fiscal Impact Summary

Law: Amendments to the Children's Burial Fund Policy		Draft 2
Implementing Agency	Legislative Operating Committee	
Estimated time to comply	Unable to determine	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

II. Background

This Policy was adopted by the Oneida Business Committee by resolution BC-02-10-10-B as the Children's Burial Fund Policy. A preceeding action was BC Resolution 09-23-09-F, which permitted limited funding for unenrolled, but eligible children up to age three. A public meeting was held on February 13, 2020. The amendments to the Policy are the following:

- Requires requester(s) must provide Trust and Enrollment Department with any relevant documentation requested to prove eligibility of deceased child.
- Eligibility qualifications are revised.
- Allows Fund to be utilized for any burial related expense supported by an invoice.
- Prohibit use of funds for travel and/or lodging to attend a funeral.
- Allows for appeals to be made to Oneida Trust Enrollment Committee.

III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation

costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

IV. Executive Summary of Findings

The current Policy allows for benefit to families of deceased children who are eligible but unenrolled up to age five. The new amendment increases this to six years of age. There has been a cap of three thousand five hundred dollars (\$3,500.00) per child. This cap is not being changed by the Amendment. During the information gathering before the request for fiscal impact statement, the Trust and Enrollment Committee indicated that the provisions of this Policy have been utilized five times since 2015. This has been a total impact of a maximum of seventeen thousand five hundred dollars (\$17,500.00). Raising the age limit by one year will cause an increase in exposure, but this would most likely not be a significant impact.

V. Financial Impact

The Fiscal Impact of implementing this Policy Amendment is indeterminate at this time. Raising the age limit from five years of age to six years of age will increase exposure of the Children's Burial Fund. However, with only five instances of the Fund being utilized in the last five years the impact will most likely not have a material impact. Ensuring that travel related expenses are disallowed moving forward will have the effect of holding down additional costs.

VI. Recommendation

Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

Enter the e-poll results into the record regarding BC resolution # 04-16-20-A Resolution to Add...

Business Committee Agenda Request

1. Meeting Date Requested: 04/20/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☐ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☒ Other: E-poll results, request and back up

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

E-POLL RESULTS: Adopt resolution entitled Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487

TribalSecretary <TribalSecretary@oneidanation.org>

To: Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>; TribalSecretary <TribalSecretary@oneidanation.org>

Cc: BC_Agenda_Requests <BC_Agenda_Requests@oneidanation.org>

 1 attachments (1 MB)

BCAR Adopt resolution entitled Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487.pdf;

E-POLL RESULTS

The e-poll to adopt resolution entitled Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487, **has been approved**. As of the deadline, below are the results:

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

*Lisa Liggins, Information Management Specialist
Business Committee Support Office (BCSO)*

From: TribalSecretary <TribalSecretary@oneidanation.org>

Sent: Wednesday, April 15, 2020 3:46 PM

To: Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Jo A. House <jhouse1@oneidanation.org>

Subject: E-POLL REQUEST: Adopt resolution entitled Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487

E-POLL REQUEST

Summary:

There were approximately 1900 employees affected by layoff, furlough or reduced hours. This will have no financial impact on the Nation as all funds have been transferred and

posted. Further, based on the furlough or layoff status, no further 401k contributions should be made, which would further reduce the impact on the Nation. The Finance C-19 Team recommends that:

1. The Oneida Business Committee not implement the ability to take loans from the 401k account.
2. The Oneida Business Committee implement the changes for CARES Act 401k withdrawals.

In order to implement any changes, a resolution is required. The resolution has received a legal review and does not require a statement of effect.

Justification for E-Poll: The deadline to taking action to make changes is April 17, 2020; this date is prior to the next BC meeting.

Requested Action:

Adopt resolution entitled Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans - file # 2018-1487

Deadline for response:

Responses are due no later than **4:30 p.m., Thursday, April 16, 2020.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Lisa Liggins

Information Management Specialist

Business Committee Support Office (BCSO)

Oneida Business Committee Agenda Request

1. Meeting Date Requested: / /

2. General Information:

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

Agenda Header:

New Business

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

Adopt Resolution

3. Supporting Materials

- ☐ Report ☒ Resolution ☐ Contract
- ☐ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

Jo Anne House, Chief Counsel

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

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

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

I am requesting an e-poll for the purposes of approving a resolution amending the Oneida Nation's 401k plan in accordance with the CARES Act amendments.

A memo is attached. The deadline for taking action is April 17, 2020.

Deadline: End of the day, April 15, 2020 if possible.

Requested Action: Motion to adopt "Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans."

Forward signed resolution to Larry Barton, CFO to conclude actions.

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



OFFICE OF TREASURER

M E M O R A N D U M

TO: Tehassi Hill, Chairman
COVID-19 Core Decision Making Team

FROM: Patricia King, Treasurer

DATE: April 13, 2020

SUBJECT: Finance COVID-19 Team – Recommendation – CARES Act 401k

The Finance C-19 Team has reviewed the CARES Act changes to retirement plans. A copy of the relevant portions of an FAQ is included at the end of this e-mail.

The Finance C-19 Team has reviewed the CARES Act option regarding authorizing up to \$100,000 loan from retirement accounts. This is something that the Oneida Nation could offer in its 401k plan but currently does not. Given the lower balances in individual accounts and the administrative processes and fees to the individual that would be involved, it is not recommended that this be authorized.

Any participant in a 401k plan could make hardship withdrawals. In general, there is an early withdrawal penalty and a requirement to pay the related taxes. Both penalties must be paid in the year of withdrawal. This would also include the FEMA Disaster Declaration withdrawals.

The CARES Act allows a hardship withdrawal up to \$100,000 of both the employee and the employer vested amounts. The categories of hardship are very broad and would include any Oneida Nation employee whose hours are reduced, placed on furlough status, or placed in layoff status. If this type of withdrawal is taken, there is no 10% penalty, taxes on the withdrawal can be spread over three years, and withdrawal can be paid back without impacting the total contribution allowance during the three-year period.

TransAmerica has identified that if the Nation is going to make changes based on FEMA disaster declaration or CARES Act, that the Nation should consider the CARES Act option.

The average balance of an Oneida Nation employee's 401k is \$20,905 (enterprise) for 1618 participants and \$41,776 (governmental) for 1997 participants. There are more participants than employees because the plan account remains after separation from employment or retirement.

Page 2

Nation Impact

There were approximately 1900 employees affected by layoff, furlough or reduced hours. This will have no financial impact on the Nation as all funds have been transferred and posted. Further, based on the furlough or layoff status, no further 401k contributions should be made, which would further reduce the impact on the Nation.

Individual Impact

The Finance C-19 Team recommends that:

1. The Oneida Business Committee not implement the ability to take loans from the 401k account.
2. The Oneida Business Committee implement the changes for CARES Act 401k withdrawals.

If the Oneida Business Committee desires to implement any changes, a resolution has been drafted for your consideration.

If you have further questions, please contact me.

FAQ – Republican Finance Committee Staff

I need to withdraw money from my retirement account to cover expenses related to the health emergency. Am I eligible? Generally, if the account is in an eligible retirement plan, the plan may permit you to take a coronavirus-related distribution if:

- You, your spouse, or dependent has been diagnosed with the coronavirus (i.e., SARS-CoV-2 or COVID-19),
- You have experienced adverse financial consequences because you have been quarantined, furloughed, laid off, or have had work hours reduced due to the coronavirus,
- You are unable to work because of a lack of child care due to the coronavirus,
- You own or operate a business and have had to close or reduce hours due to the coronavirus, or
- You have experienced an adverse financial consequence due to other factors as provided in guidance issued by the Internal Revenue Service.

Is there a cap on how much can I withdraw? Yes. During 2020, you may withdraw up to a total of \$100,000 in coronavirus-related distributions from accounts in eligible retirement plans.

What types of retirement accounts are covered by the special withdrawal rules? The special withdrawal rules apply to eligible retirement plans, which include individual retirement accounts and annuities (IRAs), qualified pension, profit-sharing, or stock bonus plans (including 401(k) plans), qualified 403(a) annuity plans, 403(b) annuity contracts and custodial accounts, and governmental section 457 deferred compensation plans.

Will I have to pay the 10-percent early withdrawal penalty if I take a coronavirus-related distribution? No. The 10-percent tax penalty that generally applies to early withdrawals from a retirement account if you are younger than 59½ does not apply to coronavirus-related distributions under the CARES Act.

When can I receive coronavirus-related distributions? Coronavirus distributions are available throughout 2020. The CARES Act retroactively waived the 10-percent early withdrawal tax penalty for coronavirus-related distributions made on or after January 1, 2020 and before December 31, 2020.

Do I have to pay tax on these distributions? Yes. However, the tax associated with the distributions may be paid ratably over three years, beginning with taxable year 2020.

Can I retribute the withdrawn funds to my retirement account? Generally, yes. The CARES Act allows you to retribute the funds you withdrew to an eligible retirement plan (to which you can make a rollover contribution) in one or more payments within three years. The retributed amounts will not count toward the maximum contribution limit in the year that the funds are retributed to a tax-deferred retirement account.

Are there any changes regarding loans from retirement plans? Yes. For loans taken from an eligible retirement plan within six months of enactment of the CARES Act, limits on loans from such retirement plans are doubled, from \$50,000 to \$100,000, and are capped at 100 percent of the vested account balance (rather than 50 percent) in the plan. Plans are not required to increase these limits, but the CARES Act provides the flexibility for plans to do so.

In addition, for qualifying individuals (see answer 1) who have an outstanding loan on or after March 27, 2020 (the date of enactment of the CARES Act) from an eligible retirement plan, any repayment of the loan due between March 27, 2020 and December 31, 2020 may be delayed for one year (with any subsequent repayments (and interest) adjusted to reflect such delay in repayment).

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans

1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5

6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7

8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10

11 **WHEREAS,** On March 11, 2020 the World Health Organization declared the COVID-19 virus to be a
12 pandemic; and
13

14 **WHEREAS,** On March 13, 2020 the President of the United States proclaimed the COVID-19 outbreak
15 in the United States to be a national emergency; and
16

17 **WHEREAS,** The Nation has been required to close governmental and enterprise operations and take
18 other actions that impact the Nation's employees in connection with efforts to slow the
19 spread of the coronavirus; and
20

21 **WHEREAS,** the Nation sponsors two tax-qualified retirement plans for the benefit of its employees,
22 known as the Oneida Nation Governmental 401(k) Plan (the "Governmental Plan") and the
23 Oneida Nation Enterprise 401(k) Plan (the "Enterprise Plan"); and
24

25 **WHEREAS,** The Coronavirus Assistance, Relief and Economic Stabilization Act (the "CARES Act") was
26 signed into law on March 27, 2020, in response to the coronavirus pandemic currently
27 gripping the United States, and it provides certain relief for 401(k) participants who are
28 impacted by the coronavirus pandemic; and
29

30 **WHEREAS,** the Nation wishes to make certain changes to the Governmental Plan and the Enterprise
31 Plan (collectively, the "Plans") to allow eligible employees to request Coronavirus-Related
32 Distributions from the Plans as permitted under the CARES Act, effective immediately.
33

34 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby authorizes, approves,
35 and directs the implementation of Coronavirus-Related Distributions through the Governmental Plan and
36 the Enterprise Plan, effective as soon as administratively feasible.
37

38 **BE IT FURTHER RESOLVED,** that the CRD option implemented under the Plans shall permit eligible
39 employees to access both employee and vested employer contributions held in their Plan accounts and
40 shall permit employees of the Nation to repay CRDs back to the Plans, all in accordance with the CARES
41 Act and federal regulations or guidance issued under the CARES Act.
42

BC Resolution _____
Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans
Page 2 of 2

43 **BE IT FURTHER RESOLVED**, that the Chief Financial Officer shall be, and hereby is, authorized and
44 directed to execute any and all documents necessary to implement the CRD option under the Plans and to
45 make any administrative or implementation decisions necessary to effectuate the intention of this
46 Resolution.

Oneida Business Committee Agenda Request

Accept the Children's Code Implementation six (6) month review

1. Meeting Date Requested: 4 / 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:

Accept the Children's Code Implementation Six (6) Month Review

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

- 1. Memorandum
- 2.
- 3.
- 4.

☐ 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: Clorissa N. Santiago, LRO Senior Staff Attorney
Your Name, Title / Dept. or Tribal Member


Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

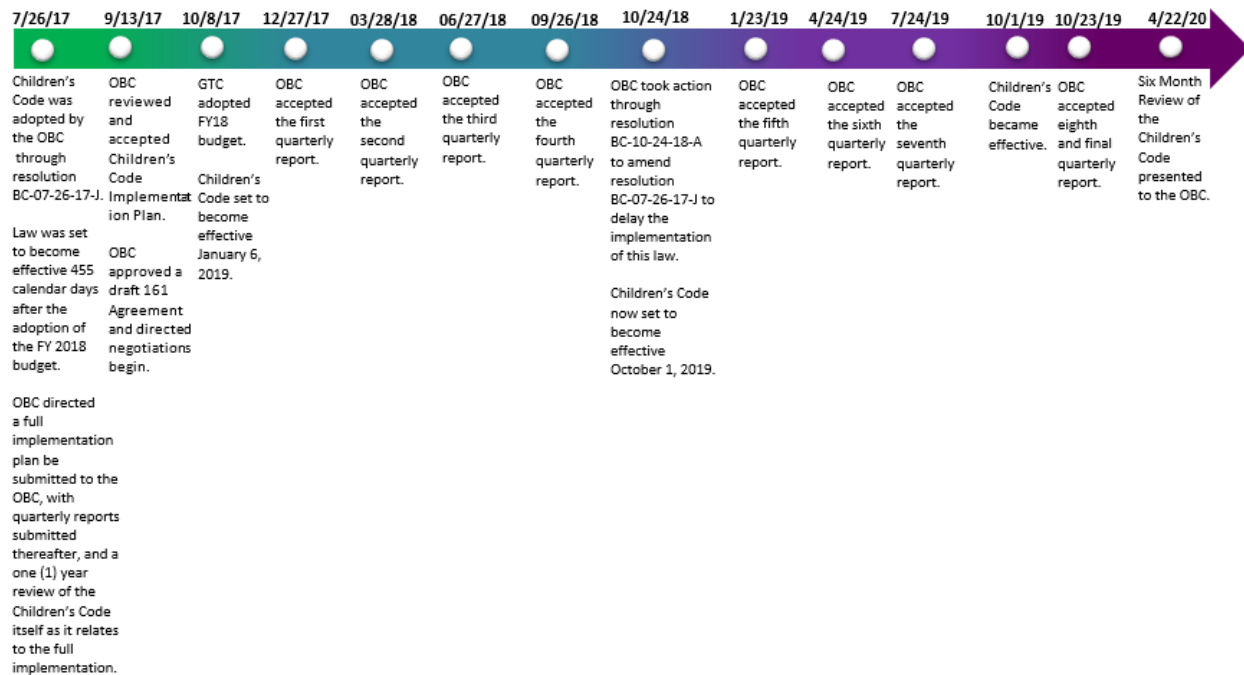


Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson 
 DATE: April 22, 2020
 RE: Children's Code Implementation Six (6) Month Review

Timeline of the Implementation of the Children's Code



The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children. OBC resolution BC-07-26-17-J provided that the Children's Code would become effective four hundred and fifty-five (455) calendar days after the adoption of the Fiscal Year 2018 budget.

On July 26, 2017, the OBC also directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation. On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. Additionally, the OBC was granted the authority to modify the effective date of the Children's Code or implementation plan as it deems necessary to successfully implement the Children's Code.

On October 8, 2017, the General Tribal Council adopted the Fiscal Year 2018 budget through resolution GTC-10-08-17-A. In accordance with OBC resolution BC-07-26-17-J, the Children's Code was set to become effective on January 6, 2019.

In October of 2018, the OBC then took action through resolution BC-10-24-18-A to amend resolution BC-07-26-17-J to delay the implementation of the Children's Code. The Children's Code was then set to become effective on October 1, 2019.

On May 8, 2019, the OBC approved an amendment to the July 26, 2017, directive to complete a one (1) year review of the Children's Code to instead require that a review of the implementation of the Children's Code be conducted six (6) months after the Children's Code takes effect.

The Children's Code took effect on October 1, 2019. On October 23, 2019, the OBC adopted resolution BC-10-23-19-B to authorize discretion regarding the implementation of the Children's Code to better address the transfer of cases from Brown and Outagamie County. Eight (8) quarterly reports were presented to the OBC on the progress of the implementation of the Children's Code from December 27, 2017, until October 23, 2019.

This memorandum serves as the six (6) month review of the implementation of the Children's Code.

ONEIDA FAMILY COURT

Updates Since Implementation of the Children's Code

The Oneida Family Court would like to provide the following updates on the implementation of the Children's Code since it became effective on October 1, 2019:

- *OFC Positions.*
 - The second Family Court Clerk position was vacant between October 2020 and February 2020.
 - A second Family Court Clerk has now been hired and the Oneida Family Court reports that things have been progressing nicely with that employee.
- *Children's Code Cases.*
 - The first Children's Code case was filed with the Oneida Family Court in December 2019.
 - The Oneida Family Court currently has twenty (20) active Children's Code cases and has conducted Emergency Custody Hearings, Plea Hearings, Dispositional Hearings, and Permanency Plan Hearings on child in need of protection and/or services (CHIPS) cases and a Plea Hearing on a Termination of Parental Rights case relating to a stepparent adoption.
 - On March 20, 2020, the COVID-19 Core Decision Making Team issued a declaration "*Suspension of Transfer of Cases in Resolution #BC-07-26-17-J, Adoption of the Children's Code and the Nation's Indian Child Welfare Act Policy*" which stated that all new child welfare cases in Brown and Outagamie County shall begin in or transfer to the Oneida Family Court "*unless such commencement or transfer would be impracticable under the circumstances of the case as decided by the Nation's Indian Child Welfare Department and the Nation's Child Welfare attorney.*"
 - Two (2) cases transferred over from Brown County on April 8, 2020, as the children's sibling has a case pending in the Oneida Family Court.

- Even if additional cases do not transfer during the Oneida Nation's public health emergency, the Oneida Family Court is available to process any original Children's Code filings if the state agencies are unwilling to file them and pending cases continue to be processed and heard within the timelines established by the law.
- *Collaboration with ICW and the Oneida Law Office.*
 - On January 15, 2020, and February 26, 2020, the Oneida Family Court hosted a meeting to discuss the early stages of the Children's Code with the Indian Child Welfare Department and the Child Welfare Attorney.
 - General issues and concerns have been discussed and another meeting will be scheduled after the public health emergency is over.
- *Updates to Court Forms.*
 - Since the Oneida Family Court started hearing Children's Code cases, several of the court forms have been modified to improve them.
 - Changes in court forms are communicated to the Indian Child Welfare Department and the Child Welfare Attorney.
- *Identification of Potential Revisions to the Children's Code.*
 - The Oneida Family Court provided the Legislative Reference Office with a list of potential amendments that can be made to the Children's Code.
 - The Legislative Reference Office shall keep a copy of these potential amendments in its records until such a time the Legislative Operating Committee decides to amend the Children's Code.

ONEIDA INDIAN CHILD WELFARE DEPARTMENT

Updates Since Implementation of the Children's Code

The Indian Child Welfare (ICW) Department would like to provide the following updates on the implementation of the Children's Code since it became effective on October 1, 2019:

- *ICW Staff.*
 - The ICW Department remains fully staffed, even amidst the COVID-19 crisis.
 - All ICW Department staff are working limited and staggered hours in the office. Full return of staff will begin on April 13, 2020.
- *Training of Staff.*
 - Training for staff continues through the ICW Department's partnership with the Wisconsin Child Welfare Professional Development System (WCWPDS) as well as through a strong partnership with the Brown County Child Protection Services.
- *Collaboration with the Counties.*
 - The ICW Department has been holding ongoing meetings with Brown and Outagamie County leadership teams to discuss collaboration and process between the jurisdictions.
- *Use of Reflective Practice.*
 - Reflective Practice through Oneida Behavioral Health is now being offered to staff as a resource for self-care and personal/professional growth.
 - There has been continued efforts by the ICW Department to promote a healthy and strong work environment and to support staff through this transition.
- *On-Call Services.*

- The ICW Department social workers, supervisor and director are providing on-call after hours services on a weekly rotation.

Remaining Goals of Implementation

The Indian Child Welfare Department is still working to accomplish the following:

- *Memorandum of Understanding with Oneida Behavioral Health.*
 - The ICW Department is still working towards finalizing a memorandum of understanding with the Oneida Behavioral Health for urinary analysis services.
 - The ICW Department has been waiting for final Oneida Behavioral Health approval since December 2019.
- *Case Management System.*
 - The ICW Department hopes to continue to use the RFP process to obtain a case management system to assist with managing cases and data.
- *Access to eWISACWIS.*
 - The ICW Department is still awaiting access to eWISACWIS to enter the Nation's foster care placements.
- *Lack of Necessary Support Staff.*
 - The ICW is currently working on a way to solve the Nation's problem of a lack of support staff needed to manage cases.
 - Unlike the counties, the Nation does not have volunteer drivers, human services or parent support aids to help with supervised visits or any other wrap around services.
 - Much more time is being spent by the ICW Department staff on documentation and court documents which creates less time for the staff to dedicate to wrap around services which the staff assisted with previously.

Concerns of Implementation

The Indian Child Welfare Department has the following concerns for the continued implementation of the Children's Code:

- *Internal Limitations in Access to Emergency Support Services.*
 - The ICW Department has concerns about its access to emergency support services related to safety.
 - The ICW Department does not have a way to offer emergency support services such as fuel for clients or other emergency items when needed. ICW Department staff have been paying out of pocket for these items.
- *Legal Representation.*
 - The ICW Department has concerns that the department will need more time and commitment from its legal representation in the future for the Children's Code to be successful.
- *Access to Wrap Around Services.*
 - The ICW Department is concerned that it lacks access to wrap around services such as providers, volunteer drivers, or individuals to assist with supervised visitation. The lack of access to these services has been challenging and overwhelming for staff.
- *Management of Caseloads.*
 - The ICW Department has concerns about managing full caseloads of its staff.

- Cases have been on the rise and there is concern for burn out and compassion fatigue for ICW Department staff. This concern has increased since the COVID-19 pandemic.

161 AGREEMENT NEGOTIATIONS

Updates Since Implementation of the Children's Code

Since the Children's Code became effective on October 1, 2019, the 161 Agreement Negotiation Team has completed the following:

- *Outagamie County Negotiations.*
 - The 161 Agreement with Outagamie County has been signed and executed.
- *Brown County Negotiations.*
 - The 161 Agreement with Brown County has been signed and executed.

REQUESTED ACTION

Accept Children's Code Implementation Six (6) Month Review

Accept the Professional Assessment Duration of COVID19 Outbreak report

Business Committee Agenda Request

1. Meeting Date Requested: 04/22/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☐ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☒ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Kaylynn Gresham, Director/Emergency Management

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Comprehensive Health Division

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



Report to
COVID CORE TEAM
Regarding
Professional Assessment Duration of COVID19 Outbreak
April 16, 2020

Background:

At the request of the COVID Core Team, there was a team formed to assess the duration of the COVID19 pandemic and to report back to the COVID Core Team.

Purpose:

Predicting, forecasting and operational planning for a “new normal” after the “safer at home” order ends during the current COVID-19 emergency. To strategically prepare and plan for the future given the uncertainty with forecasting and projection models.

Approach:

Our team reviewed the State of Wisconsin Model posted on the WI Public Health website <https://www.dhs.wisconsin.gov/covid-19/prepare.htm> and the University of Washington (Institute of Health Metrics and Evaluation) model

Facts:

The COVID-19 pandemic has presented an urgent concern, which is projected to continue for 1-2 years or longer. Wisconsin Department of Health Services uses an electronic database WEDSS for data collection and reporting. Initial reports were gathered during the early phase of COVID-19 case counts in Wisconsin (March 3 through March 15, 2020.) At that time the predictions were more catastrophic, because the number of cases were doubling every 3.4 days. At that rate and without action, COVID-19 would have caused over 20,000 infections by April 8, 2020.

It is important to note that since there is a lag between the disease onset date and the lab test confirmation date, the number of confirmed cases posted on the Wisconsin Department of Health Services website is less than the actual number of cases.

The good news is that Social Distancing, and the subsequent Safer At Home restrictions have decreased the earlier predictions. The Institute for Health Metrics and Evaluation predicts that Wisconsin may reach its peak of the COVID-19 pandemic on or about April 17. Other models predict that the peak will most likely occur between April 23 and May 23, 2020.

Mailing Address: P.O. Box 365, Oneida, WI 54155
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing

525 Airport Dr., Oneida, WI 54155
2640 West Point Rd., Green Bay, WI 54304
2901 S. Overland Rd., Oneida, WI 54155
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711
Phone: (920) 490-3790 or 1-888-490-2457
Phone: (920) 869-2797
Phone: (920) 405-4492

Fax: (920) 869-1780
Fax: (920) 490-3883
Fax: (920) 869-3238
Fax: (920) 405-4494



(Wisconsin Department of Health Services, 2020)

Assumptions:

1. Oneida Nation continues to follow guidelines and recommendations from both the Center for Disease Control and Prevention (CDC) and WI Public Health.
2. Oneida Nation Public Health will maintain capacity for disease surveillance.
3. COVID19 testing capability will ramp up locally, regionally and nationally to facilitate transition to some semblance of normality.
4. Adequate Personal Protective Equipment (PPE) available for the organization.

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



Assessment:

An infectious illness like COVID19 does not follow our jurisdictional boundaries. It is critical for us to continue to work in tandem with our local and state public health departments.

Safer at Home will need more time to result in a significant decrease in cases reported. When the stronger restrictions are lifted, some form of social distancing will be required in the future. The biggest risk nationally is currently our lack of testing capability. Development of mass testing capability to diagnose infection and immunity to the virus within our populations will help us return to work safely. Until that capability is established, the blunt instruments of universal stay at home and social distancing will be the only options to keep the spread in check. This comes with the collateral economic damage currently being inflicted due to Universal Stay At Home precautions. The best means of long-term success against COVID -19 would be the development of a safe and reliable vaccine. This is projected to take at least 18 months in the best-case scenario. The public health system must be prepared to follow up with rapid isolation of any new cases and quarantine of contacts to prevent new startups of community transmission.

Recommendations:

It is important to note, ongoing monitoring will need to occur as the pandemic goes on. As data changes and we gather new information, recommendations will be updated. Based on available information we have today, below are our recommendations for the next 3-6 months:

1. In person General Tribal Council meetings be cancelled. Consideration be given to virtual GTC meetings utilizing technology.
2. Consider cancelling large gathering events for the next 3-6 months such as conferences, meetings, in person elections and trainings.
3. It is our recommendation to encourage the Community to postpone large family gatherings such as holiday events, birthday parties, and graduations.
4. Operational planning must be ongoing to keep workplaces safe today and in the future. This may include implementing structural changes and/ or facility management to incorporate safe distancing requirements within the workplace as we adjust to the “new normal”.

Project Team:

Debra Danforth, Dr Ravi Vir, Kaylynn Gresham, Rich Figueroa, Michelle Myers, Carrie Blohowiak, Sheri Forgette

References

Wisconsin Department of Health Services. (2020, April 15). *#Safer at home* [Image]. Retrieved from <https://www.dhs.wisconsin.gov/covid-19/prepare.htm>

