



Oneida Business Committee

Executive Session and Regular Meeting
8:30 AM Wednesday, September 23, 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 are closed to the public for the duration of the Public Health State of Emergency. 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

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

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

- A. **Oneida Gaming Commission - Reynold "Tommy" Danforth**
Sponsor: Lisa Liggins, Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled Setting Supervision and Management of Direct Reports to the Oneida Business Committee**
Sponsor: Lisa Liggins, Secretary
- B. Rescind resolution # BC-01-23-93 regarding the Oneida Headstart and Early Headstart Programs**
Sponsor: Debbie Thundercloud, General Manager
- C. Adopt resolution entitled Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy**
Sponsor: David P. Jordan, Councilman
- D. Adopt resolution entitled Modifying the Oneida Business Committee Regular Meeting Schedule**
Sponsor: Lisa Liggins, Secretary
- E. Adopt resolution entitled Native American Agriculture Fund Limited Waiver of Tribal Immunity – file # 2020-0637**
Sponsor: Debbie Thundercloud, General Manager
- F. Enter the e-poll results into the record regarding adopted resolution # BC-08-25-20-A Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law**
Sponsor: Lisa Liggins, Secretary

VI. STANDING COMMITTEES

- A. FINANCE COMMITTEE**
 - 1. Accept the August 31, 2020, regular Finance Committee meeting minutes**
Sponsor: Tina Danforth, Treasurer
 - 2. Accept the September 14, 2020, regular Finance Committee meeting minutes**
Sponsor: Tina Danforth, Treasurer

VII. NEW BUSINESS

- A. CIP # 18-010 Food Distribution Store Concept - Approve the Capital Improvement Process (CIP) package**
Sponsor: Debbie Thundercloud, General Manager
- B. Review revisions to the Pandemic Pay SOP**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
- C. Post one (1) vacancy - Oneida Trust Enrollment Committee**
Sponsor: Lisa Liggins, Secretary

- D. **Enter the e-poll results into the record regardingd the approved Memorandum of Understanding between Oneida Nation and Wisconsin Conservation Voices' Native Vote Program and authorize an OBC Officer to sign - file # 2020-0605**
Sponsor: Lisa Liggins, Secretary

VIII. REPORTS

A. STANDING COMMITTEES

1. **Accept the Finance Committee FY-2020 3rd quarter report**
Sponsor: Lisa Liggins, Secretary

IX. EXECUTIVE SESSION

A. REPORTS

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

B. AUDIT COMMITTEE

1. **Approve the RSM US LLP contract in accordance with resolution # BC-04-25-07-C - file # 2020-0611**
Sponsor: David P. Jordan, Councilman
2. **Approve a limited waiver of sovereign immunity - RSM US LLP agreement - file # 2020-0238**
Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

1. **Approve a limited waiver of sovereign immunity - Axion Enterprise Inc. Desktop Software End User License Agreement - file # 2020-0233 (10:30 a.m.)**
Sponsor: Sandra Reveles, Chair/Oneida Police Commission
2. **Approve the U.S. Dept. of Interior-Multi Year Funding Agreement Amendment #7 - file # 2020-0634**
Sponsor: Jennifer Webster, Councilwoman
3. **Review the posting request and determine next steps - Gaming (10:45 a.m.)**
Sponsor: Louise Cornelius, Gaming General Manager
4. **Review the posting request and determine next steps - Oneida Nation School System (11:00 a.m.)**
Sponsor: Aaron Manders, Chair/Oneida Nation School Board

5. **Review the posting request and determine next steps - Oneida Business Committee (11:15 a.m.)**
Sponsor: Lisa Liggins, Secretary
6. **Review the recall request and determine next steps - Oneida Family Fitness (11:30 a.m.)**
Sponsor: Debbie Thundercloud, General Manager
7. **Review the recall request and determine next steps - Arts Program (11:45 p.m.)**
Sponsor: Debbie Thundercloud, General Manager
8. **Review the recall request and determine next steps - Human Resources (1:45 p.m.)**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
9. **Review the recall request and determine next steps - Public Works Custodial (2:00 p.m.)**
Sponsor: Debbie Thundercloud, General Manager
10. **Review the recall request and determine next steps - Printing (2:15 p.m.)**
Sponsor: Debbie Thundercloud, General Manager
11. **Review the recall request and determine next steps - GTC Legal Resource Center (2:30 p.m.)**
Sponsor: Gerald L. Hill, Supervising Attorney/GTC Legal Resource Center
12. **Review the request to increase hours and determine next steps - Law Office**
Sponsor: Jo Anne House, Chief Counsel
13. **Consider three requests from Oneida Golf Enterprise Agent - FY2021 Budget (3:00 p.m.)**
Sponsor: Eric McLester, Agent/Oneida Golf Enterprise
14. **Approve the hiring sub-team for BC DR15 to finalize hiring and approve the employment contract**
Sponsor: Lisa Liggins, Secretary
15. **Approve the hiring sub-team for BC DR16 to finalize hiring and approve the employment contract**
Sponsor: Lisa Liggins, Secretary
16. **Approve the hiring sub-team for BC DR17 to finalize hiring and approve the employment contract**
Sponsor: Lisa Liggins, Secretary
17. **Approve the hiring sub-team for BC DR20 to finalize hiring and approve the employment contract**
Sponsor: Lisa Liggins, Secretary

18. **Enter the e-poll results in to the record regarding the approved recall request from the General Manager for one (1) TAP Manager and one (1) TAP Specialist**
Sponsor: Lisa Liggins, Secretary
19. **Enter the e-poll results into the record regarding the approved posting request from the Retail General Manager for seven (7) vacancies**
Sponsor: Lisa Liggins, Secretary
20. **Enter the e-poll results into the record regarding the approved posting request from the General Manager for one (1) Recovery Coach**
Sponsor: Lisa Liggins, Secretary
21. **Enter the e-poll results into the record regarding the approved recall request from the General Manager for two (2) Transit Dispatchers**
Sponsor: Lisa Liggins, Secretary
22. **Enter the e-poll results into the record regarding the approved wage adjustment request from the Retail General Manager for two (2) Assistant General Managers**
Sponsor: Lisa Liggins, Secretary
23. **Enter the e-poll results into the record regarding the approved recall request from Division of Public Works for seven (7) Custodians and one (1) Resident Services Specialist**
Sponsor: Lisa Liggins, Secretary
24. **Enter the e-poll results into the record regarding the accepted rescission of resignation for employment contract # 2018-0256 and direct Employee Relations to provide notice to the proper entities**
Sponsor: Lisa Liggins, Secretary
25. **Enter the e-poll results into the record regarding the approved posting request from the General Manager for one (1) Business Systems Analyst, one (1) Senior Network Analyst, and one (1) Family Services – Lay Advocate**
Sponsor: Lisa Liggins, Secretary
26. **Enter the e-poll results into the record regarding the approved limited term employee requests from the Oneida Nation School System for one (1) High School Language Arts Teacher and one (1) Middle School Science Teacher**
Sponsor: Lisa Liggins, Secretary
27. **Enter the e-poll results into the record regarding the approved recall request from Gaming for one (1) Cage/Vault Trainer**
Sponsor: Lisa Liggins, Secretary
28. **Enter the e-poll results into the record regarding the approved recall request from General Manager for one (1) Press Operator on a temporary basis for the month of September, ending with pay period of October 3, 2020**
Sponsor: Lisa Liggins, Secretary

29. **Enter the e-poll results into the record regarding the approved recall request for one (1) Higher Education Administrative Assistant for three (3) months**
Sponsor: Lisa Liggins, Secretary
30. **Enter the e-poll results into the record regarding the rescinded Business Committee action of August 12, 2020 for support of recommendation #4 in the Treasurer's memorandum dated August 6, 2020**
Sponsor: Lisa Liggins, Secretary

X. 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

Special recognition for **Onida Business Committee Agenda Request****1. Meeting Date Requested:** 09 / 23 / 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:

Acknowledge Years of Service Recipients with the attached PowerPoint. Due to circumstances beyond our control, we will no longer be able to present Years of Service with any kind of gift.

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:

Maureen Metoxen, Executive Assistant

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:

HRD will be coordinating efforts, on a quarterly basis, with the Business Committee to recognize employees who have reached the 25+ years of service milestone. There are 25 recipients for 3rd Quarter, FY'20.

- 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



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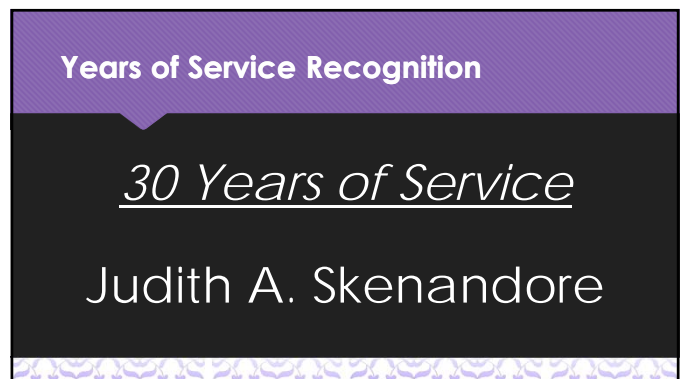
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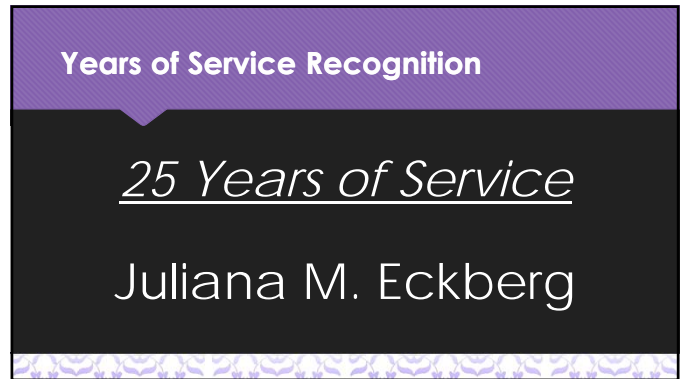
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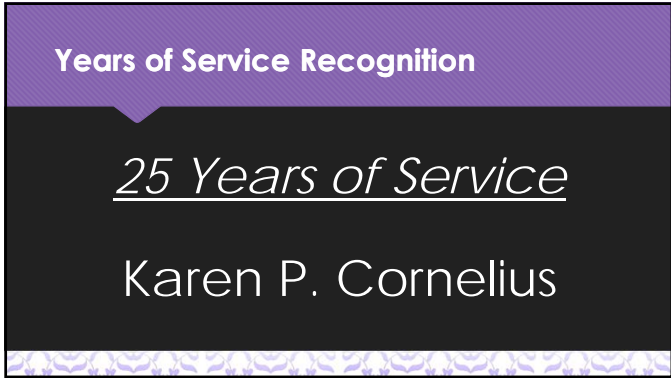
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Oneida Gaming Commission - Reynold "Tommy" Danforth

Business Committee Agenda Request**1. Meeting Date Requested:** 09/23/20**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 Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)Additional Requestor: (Name, Title/Entity)Submitted By: LLIGGINS

Oneida Business Committee Agenda Request

Adopt resolution entitled Setting Supervision and Management of Direct Reports to the Oneida Business.

1. Meeting Date Requested: 9 / 23 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose: To ensure the Resolution is updated to reflect recent changes to titles and position numbers.

There are a couple corrections needed for the resolution to accurately reflect the current direct reports and responsibilities:

- 1) Correct the title in line 50
- 2) Correct job description # in line 55
- 3) Include Employee Relations and job description #
- 4) Remove "accounting related sign off activities" from line 62 and 63
 - This removal is being requested as it caused confusion during transition when updating the signatories for the Nation's financials.

Action: Adopt the resolution entitled Setting Supervision and Management of Direct Reports to the Oneida Business Committee

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 08-12-20-A

Setting Supervision and Management of Direct Reports to the Oneida Business Committee

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee has re-instated the position of General Manager to provide guidance and stability to the Nation's governmental units assigned to report to that position; and
- WHEREAS,** the Oneida Business Committee has determined that some positions, such as the Chief Financial Officer, are not direct reports to the Oneida Business Committee but have interactions with and impacts on governmental units; and
- WHEREAS,** the Oneida Business Committee has also determined that some positions, such as the Gaming General Manager, Emergency Management, and Human Resources Department, require direct contact and supervision by the Oneida Business Committee because of the position (Gaming General Manager), the duties (governmental response), or services provided (personnel); and
- WHEREAS,** the E. Delgado Oneida Business Committee adopted resolutions clarifying the impact of interim actions addressing the removal of the position of the General Manager; and
- WHEREAS,** the T. Danforth Oneida Business Committee adopted clarifying resolutions regarding supervision and management of direct reports; and
- WHEREAS,** the Oneida Business Committee has determined that these resolutions provided clear guidance to direct reports and should be updated reflecting hiring a General Manager; and
- WHEREAS,** the Oneida Business Committee re-affirms resolution # BC-01-14-09-D, *Definition of Oversight*; and

NOW THEREFORE BE IT RESOLVED, that this resolution shall supersede all prior motions and resolutions in conflict with the directives set forth in this resolution.

BC Resolution # 08-12-20-A
Setting Supervision and Management of Direct Reports to the Oneida Business Committee
Page 2 of 3

BE IT FURTHER RESOLVED, that for purposes of this resolution, “direct reports” are defined as the following positions within the Nation:

Chief Counsel, job description # 09030
General Manager, job description # 09012
Gaming General Manager, job description # 09020
Retail General Manager, job description # 09096
Business Compliance Analyst, job description, # 03029
Intergovernmental Affairs and Communications Director, job description # 02735
Emergency Management Director, job description # 09072
Area Manager, Human Resources ~~Department~~Division, job description # 00662
Strategic Planner, job description # 03106
Project Manager, job description # 03111
Project Coordinator, job description # 03104
Budget Analyst, job description # 03103
Executive Assistant, job description # ~~03113~~4305
Employee Relations, job description #03105

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of administrative supervision of direct reports.

1. Administrative supervision shall be defined as matters involving the individual personnel requests such as use of personal or vacation time, performance tracking, ~~and accounting related sign-off activities.~~
2. Administrative supervision requests shall be routed through the Tribal Secretary's Office which shall be responsible for logging in requests and documenting the results of the officer decisions.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of providing direction to direct reports regarding organizational activities. Direction regarding organizational activities shall be defined as providing advice and opinion regarding the policy decisions made by the Oneida Business Committee and shall exclude the authority to direct specific action.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegation to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) includes the expectation that the officers will act by majority vote and, in all cases, to attempt consensus decision making as agreed to from the initial strategic planning activities.

BE IT FURTHER RESOLVED, that the Oneida Business Committee directs the Secretary to forward this resolution to the Human Resources Department to identify the necessary amendments to the administrative processes and procedures to fully implement this resolution in a timely manner.

BC Resolution # 08-12-20-A
Setting Supervision and Management of Direct Reports to the Oneida Business Committee
Page 3 of 3


BE IT FINALLY RESOLVED, that this resolution shall be effective upon adoption.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 12th day of August, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.

Lisa Summers, Secretary
Oneida Business Committee

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

 ONEIDA ONEIDA NATION STANDARD OPERATING PROCEDURE	TITLE: Hiring, Negotiating and Termination of BC Professional Support Employees	ORIGINATION DATE: July 2006 REVISION DATE: June 29, 2020 September 23, 2020 EFFECTIVE DATE: After Last Signature
DIVISION: <i>Non-Divisional</i>	APPROVED BY: OBC	DATE:
DEPARTMENT: <i>Oneida Business Committee</i>	COMPLIANCE REVIEW BY: <i>EEO Director</i>	DATE:
AUTHOR: <i>Jessica Vandekamp</i>	APPROVED BY: <i>Human Resources Department (HRD) Manager</i>	DATE:
EEO Reference #: 70	PAGE NO: 1 of 5	

1.0 PURPOSE

- 1.1 To set standards for the hiring, negotiating and termination processes of Professional Support Employees who report to the Oneida Business Committee.

2.0 DEFINITIONS

- 2.1 **HR Representative:** Human Resources employee who facilitates the hiring, negotiating and termination processes.
- 2.2 **Employee Relations Representative:** A position that reports to the OBC and is the liaison to the Human Resources Department.
- 2.3 **Job Descriptions:** A document defining duties and responsibilities and standard qualifications for a position.
- 2.4 **Contracted Employee:** The employee's status while working for the Oneida Business Committee that is employed by a contract.
- 2.5 **LOC:** Legislative Operating Committee, which consists of the five (5) Councilmembers.
- 2.6 **LRO:** Legislative Reference Office
- 2.7 **OBC Members:** Five (5) Oneida Business Committee member(s) responsible or designated to directly oversee the work and performance of an employee. There may be more than one OBC Member in some cases.

3.0 WORK STANDARDS

- 3.1 The OBC directly oversees the work and performance of all Professional Support Employees, all of whom are considered a team of work

- professionals to support the essential operations of the government.
- 3.2** The OBC Officers are the acting supervisors for administrative duties, such as; approving time and attendance requests.
 - 3.3** Professional Support employees are employed by a contract and may start once they sign their contract and has been approved by the Law Office, HRD, and signed by the OBC.
 - 3.4** Employees may start once they sign their contract and it has been approved by the Law Office, HRD, and signed by the OBC.
 - 3.5** Contracts may be amended each term to lengthen the end date.

Hiring/ Posting Process

- 3.6** A hiring team consisting of a minimum of three (3) OBC members will participate in the hiring process for each vacant position.
 - 3.6.1** The hiring team includes voluntary or assigned OBC members.
 - 3.6.2** The hiring process is facilitated by the Employee Relations Representative and the HR Representative.
- 3.7** The OBC may hire up to seven (7) Professional Support employees to work essential services for the government according to Resolution # BC-8-12-20-A.
 - 3.7.1** Executive Assistant
 - 3.7.2** Strategic Planner
 - 3.7.3** Employee Relations Representative
 - 3.7.4** Budget Analyst
 - 3.7.5** Project Coordinator
 - 3.7.6** Project Manager
- 3.8** All newly created job descriptions must be approved by the OBC and documented through OBC minutes.
- 3.9** Professional Support employees will be employed:
 - 3.9.1** Through the regular hiring process with approval to post by OBC action, or
 - 3.9.2** Amending their contract for an extended amount of time with OBC approval.

Salary and Wages

- 3.13** The OBC must ensure adequate funds are available within the OBC's budget prior to negotiations or salary or wage adjustments.
- 3.14** The negotiated salary must be within the approved allocated amount in the annual budget and cannot exceed the determined grade.
- 3.15** Contracted Employees must meet the qualifications and requirements of the appropriate job description to negotiate wages.
 - 3.15.1** If an applicant does not meet the qualifications and requirements of the job, he or she cannot be contracted to the desired position.

3.15.1.1 An applicant's failure to pass the pre-employment drug and alcohol test and/or background check shall automatically disqualify the applicant.

3.15.2 Contracted Employees are eligible for compensation increases, such as; salary or wage adjustments and bonuses in accordance with all HR procedures, annual budget allowances and in the contract.

Transfers/Reassignments

3.16 Contracted Employees are eligible for transfers, promotions and job reassignments after one year of continuous service in the department.

3.16.1 Contract status changes will be processed in the same manner as regular status employees.

Termination of Appointment

3.17 The Contracted Employee may be terminated under the terms of their contract.

PROCEDURES

Selecting a Contracted Employee - By Posting

Employee Relations Representative

3.18 Complete and obtain approval on all HR required forms related to hiring and send to the HR Representative.

3.19 Facilitate the hiring process, which includes:

3.19.1 Develop and/or prepare interview questions.

3.19.2 Schedule screening.

3.19.3 Schedule interviews / 2nd interviews.

3.19.4 Process appropriate paperwork with HRD

3.19.5 Prepare contract and obtain approvals

3.19.6 Prepare and schedule Expectations between employee and OBC

3.20 Coordinate with the OBC Support Office Executive Assistant to ensure proper documents, procedures, and options are completed and the available funds are within the approved budget.

3.21 When agreeing upon negotiations, consider other contracted employee's wages to ensure wage equity.

HR Representative

3.22 Post the job description for a minimum of seven (7) calendar days.

- 3.23** Complete all applicable verifications and testing as the applications are received.
- 3.24** Notify the Employee Relations representative within two (2) days after the position has closed of any applicants who applied.
- 3.25** Ask the Hiring Team if the Table of Equivalencies will be utilized.
 - 3.25.1** If yes, add the criteria to the appropriate form.
- 3.26** Determine if applicants meet the qualifications and requirements.
- 3.27** Schedule and facilitate Screening Process.
- 3.28** Create and/or review existing interview questions.
- 3.29** Schedule and confirm interview date and time with applicants and Employee Relations representative.
- 3.30** Contact the selected applicant and offer or negotiate a wage or salary.
- 3.31** If applicant declines, notify the Employee Relations representative.
- 3.32** Allow the hiring team to choose another applicant.
- 3.33** If applicant accepts, contact the Employee Relations representative regarding the applicant's acceptance of the position with or without conditions and a start date.
- 3.34** Schedule and notify employee of mandatory paperwork and processes for hire.

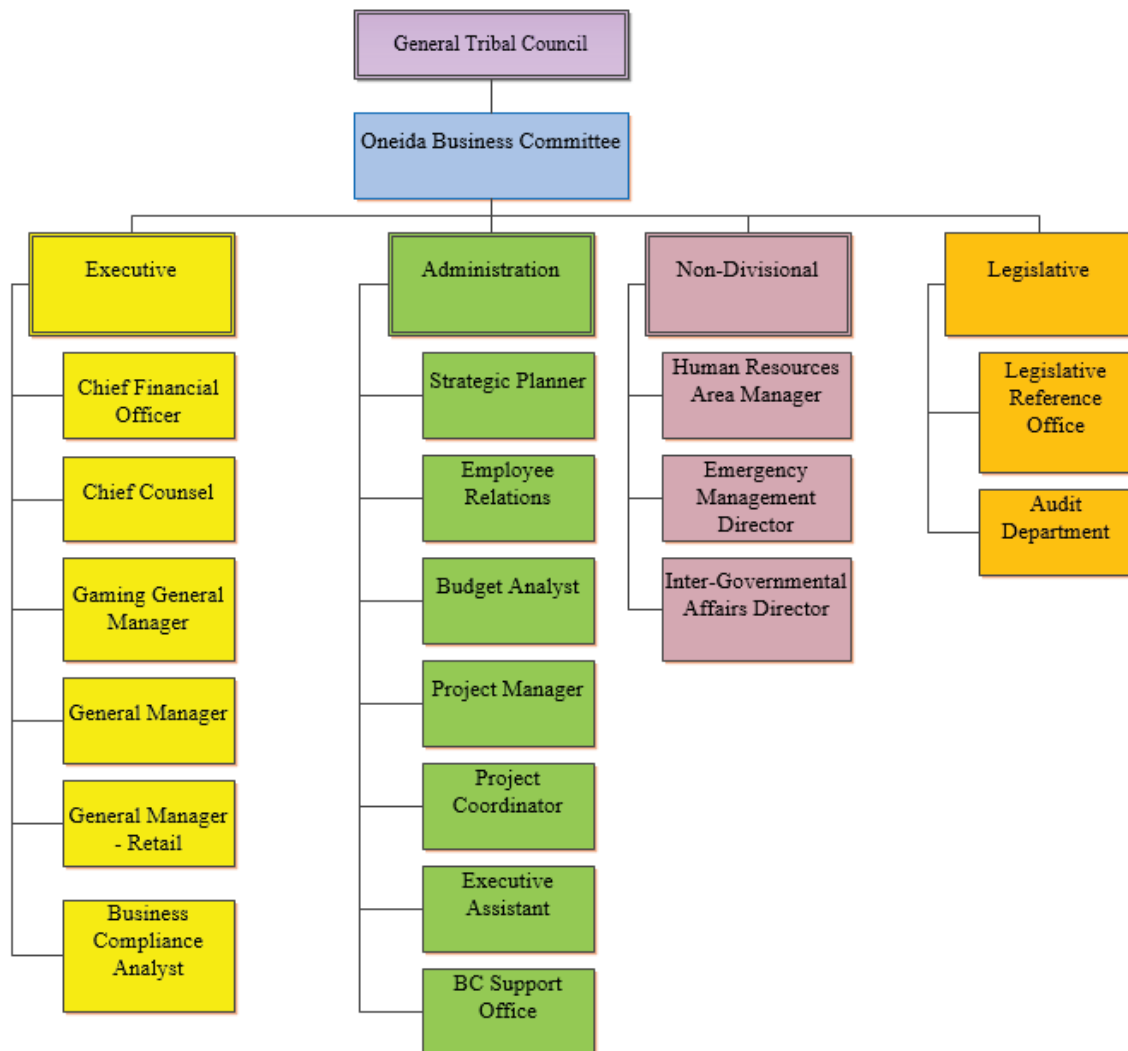
Terminating a Contracted Employee


- 3.35** In accordance with the contract, the OBC Support Office Executive Assistant and Employee Relations representative will process all paperwork terminating the contract and forward to appropriate departments per the BC SOP: Restricting Access to Employees on Leave or Separation of Employment #506.

4.0 REFERENCES

- 4.1** Request to Post Form (HRD)
- 4.2** Employment Screening Form (HRD)
- 4.3** Table of Equivalencies (HRD)
- 4.4** Employee Separation Checklist (HRD)
- 4.5** Request for Services (RFS at MIS)
- 4.6** Resolution # BC-08-12-20-A
- 4.7** BC SOP: Restricting Access to Employees on Leave or Separation of Employment #506.

5.0 FLOWCHART



 <p>ONEIDA ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	<p>TITLE: Hiring, Negotiating and Termination of BC Professional Support Contracted Employees</p>	<p>ORIGINATION DATE: July 2006 REVISION DATE: June 29, 2020 September 23, 2020 EFFECTIVE DATE: After Last Signature</p>
<p>DIVISION: <i>Non-Divisional</i></p>	<p>APPROVED BY: OBC</p>	<p>DATE:</p>
<p>DEPARTMENT: <i>Oneida Business Committee</i></p>	<p>COMPLIANCE REVIEW BY: <i>EEO Director</i></p>	<p>DATE:</p>
<p>AUTHOR: <i>Jessica Vandekamp</i></p>	<p>APPROVED BY: <i>Human Resources Department (HRD) Manager</i></p>	<p>DATE:</p>
<p>EEO Reference #: 70</p>	<p>PAGE NO: 1 of 5</p>	

1.0 PURPOSE

- 1.1 To set standards for the hiring and termination processes of ~~Contracted Professional Support~~ Employees who ~~provide support~~ **report** to the Oneida Business Committee ~~Members~~.

2.0 DEFINITIONS

- 2.1 **HR Representative:** Human Resources **employee who facilitates the hiring, negotiating and termination** ~~job description development, posting and hiring processes.~~
- 2.2 **Employee Relations Representative:** A position that reports to the OBC and acts as the liaison between the Human Resources Department and the OBC.
- 2.3 **Job Descriptions:** A document defining duties and responsibilities **and standard qualifications** for a position.
- 2.4 **Contracted Employee:** The employee's status while working for the Oneida Business Committee that is employed by a contract.
- 2.5 **LOC:** Legislative Operating Committee, which consists of the five (5) Councilmembers.
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3.0 WORK STANDARDS

- 3.1 The OBC directly oversees the work and performance of all Professional Support Employees, all of whom are considered a team of work professionals to support the essential operations of the government.
- 3.2 The OBC Officers are the acting supervisors for administrative duties, such as; approving time and attendance requests.
- 3.3 ~~Contracted Employees~~ Professional Support employees are employed by a contract and may start once they sign their contract and has been approved by the Law Office, HRD, and signed by the OBC. ~~hired to support the OBC during their term in office.~~
- 3.4 ~~Contracted Employees~~ and may start once they sign their contract and has been approved by the Law Office, HRD, and signed by the OBC.
- 3.5 Contracts may be renewed or amended each term. ~~exceed the length of the OBC term to December 31st of the election year to assist in the transition of the new OBC.~~

Hiring/ Posting Process

- 3.6 A hiring team consisting of a minimum of three (3) OBC members will participate in the hiring process for each vacant position.
 - 3.6.1 The hiring team includes voluntary or assigned OBC members.
 - 3.6.2 The hiring process is facilitated by the Employee Relations representative and the HR Representative.
- 3.7 The OBC may hire up to seven (7) ~~contracted~~ Professional Support employees to work essential services for the government according to Resolution # BC-8-12-20-A.
 - 3.7.1 Executive Assistant —2
 - 3.7.2 Strategic Planner —4
 - 3.7.3 Employee Relations Representative —4
 - 3.7.4 Budget Analyst —4
 - 3.7.5 Project Coordinator —2
 - 3.7.6 Project Manager —4
- 3.8 All newly created job descriptions must be approved by the OBC and documented through OBC minutes.
- 3.9 Professional Support employees must will be employed:
 - 3.9.1 Through the regular hiring process with prior and requires prior approval to post by OBC action, or
 - 3.9.2 Amending their contract for an extended amount of time with OBC approval.
- 3.10 ~~OBC Members can agree by consensus or majority when hiring the Contracted Employees.~~
- 3.11 ~~There are two (2) options to hire a Contracted Employee:~~
 - 3.11.1 ~~Choose a qualified applicant approved by the OBC; or~~

~~3.11.2 Use the Nation's hiring process by contacting the HR Representative.~~

~~3.12 HRD will facilitate the hiring process to include informal interviews, testing, background checks and scheduling for orientation. (duplicate of 3.6.2)~~

Salary and Wages

3.13 The OBC must ensure adequate funds are available within the OBC's budget prior to negotiations or salary or wage adjustments.

3.14 The negotiated salary must be within the approved allocated amount in the annual budget and cannot exceed the determined grade.

3.15 Contracted Employees must meet the qualifications and requirements of the appropriate job description to negotiate wages.

3.15.1 If an applicant does not meet the qualifications and requirements of the job, he or she cannot be contracted to the desired position.

3.15.1.1 An applicant's failure to pass the pre-employment drug and alcohol test and/or background check shall automatically disqualify the applicant.

3.15.2 Contracted Employees are eligible for compensation increases, such as; salary or wage adjustments and bonuses in accordance with all HR procedures, annual budget allowances and in the contract.

Transfers/Reassignments

3.16 Contracted Employees are eligible for transfers, promotions and job reassignments after one year of continuous service in the department.

3.16.1 Contract status changes will be processed in the same manner as regular status employees.

Termination of Appointment

3.17 The Contracted Employee may be terminated under the terms of their contract.

PROCEDURES

Selecting a Contracted Employee - By Posting

Employee Relations Representative

3.18 Complete and obtain approval on all HR required forms related to hiring and send to the HR Representative.

3.19 Facilitate the hiring process, which includes:

- 3.19.1** Develop and/or prepare interview questions.
 - 3.19.2** Schedule screening.
 - 3.19.3** Schedule interviews / 2nd interviews.
 - 3.19.4** Process appropriate paperwork with HRD
 - 3.19.5** Prepare contract and obtain approvals
 - 3.19.6** Prepare and schedule Expectations between employee and OBC
- 3.20** Coordinate with the OBC Support Office Executive Assistant to ensure proper documents, procedures, and options are completed and the available funds are within the approved budget.
- 3.21** When agreeing upon negotiations, consider other contracted employee's wages to ensure wage equity.

HR Representative

- 3.22** Post the job description for a minimum of seven (7) calendar days.
- 3.23** Complete all applicable verifications and testing as the applications are received.
- 3.24** Notify the Employee Relations representative within two (2) days after the position has closed of any applicants who applied.
- 3.25** Ask the Hiring Team if the Table of Equivalencies will be utilized.
 - 3.25.1** If yes, add the criteria to the appropriate form.
- 3.26** Determine if applicants meet the qualifications and requirements.
- 3.27** Schedule and facilitate Screening Process.
- 3.28** Create and/or review existing interview questions.
- 3.29** Schedule and confirm interview date and time with applicants and Employee Relations representative.
- 3.30** Contact the selected applicant and offer or negotiate a wage or salary.
- 3.31** If applicant declines, notify the Employee Relations representative.
- 3.32** Allow the hiring team to choose another applicant.
- 3.33** If applicant accepts, contact the Employee Relations representative regarding the applicant's acceptance of the position with or without conditions and a start date.
- 3.34** Schedule and notify employee of mandatory paperwork and processes for hire.

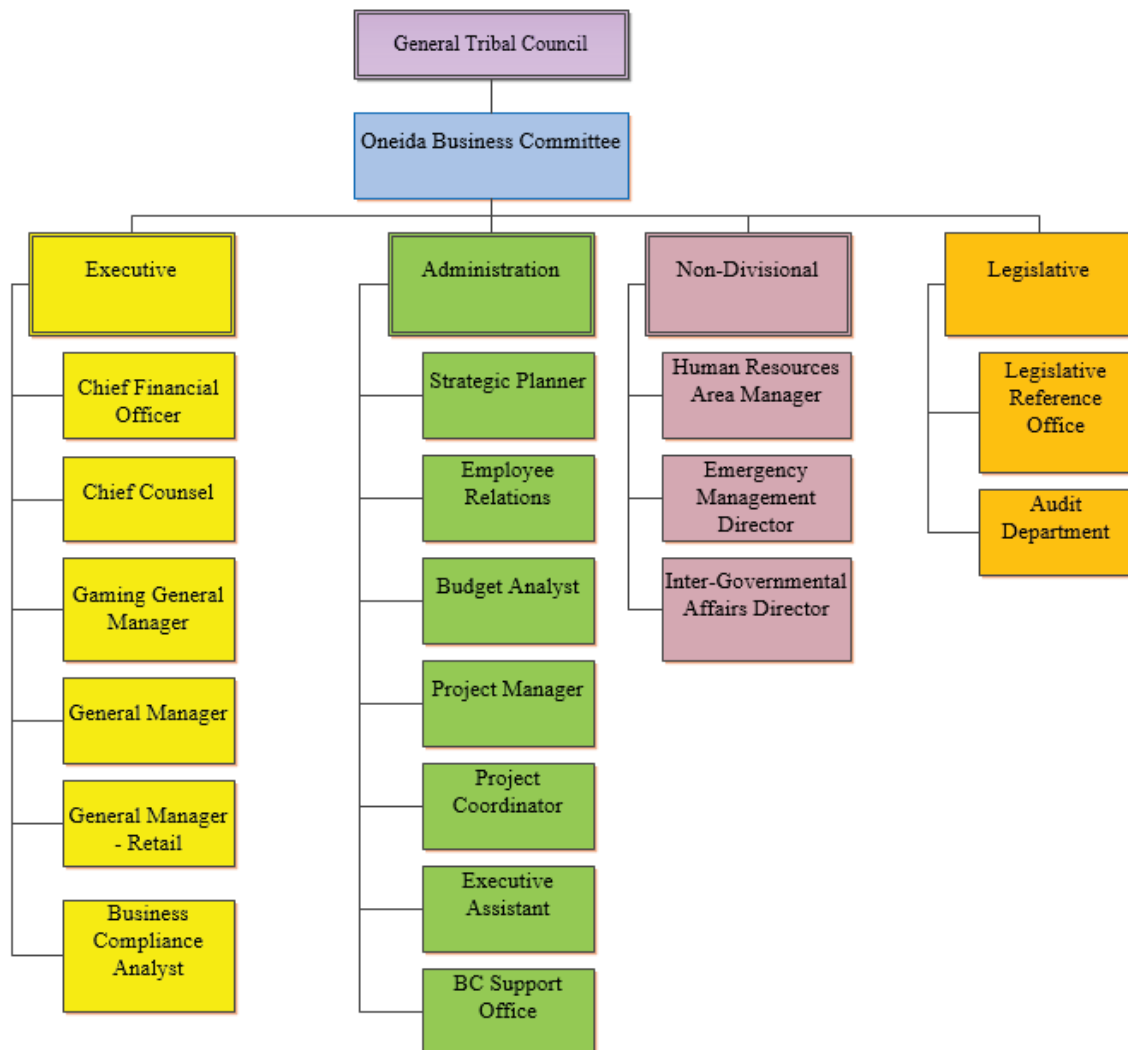
Terminating a Contracted Employee

- 3.35** In accordance with the contract, the OBC Support Office Executive Assistant and Employee Relations representative will process all paperwork terminating the contract and forward to appropriate departments per the BC SOP: Restricting Access to Employees on Leave or Separation of Employment #506.

4.0 REFERENCES

- 4.1 Request to Post Form (HRD)
- 4.2 Employment Screening Form (HRD)
- 4.3 Table of Equivalencies (HRD)
- 4.4 Employee Separation Checklist (HRD)
- 4.5 Request for Services (RFS at MIS)
- 4.6 Resolution # BC-08-12-20-A
- 4.7 BC SOP: Restricting Access to Employees on Leave or Separation of Employment #506.

5.0 FLOWCHART



Oneida Nation

Post Office Box 365

REDLINE

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Setting Supervision and Management of Direct Reports to the Oneida Business Committee

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2
3 recognized by the laws of the United States of America; and
4
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the Oneida Business Committee has re-instated the position of General Manager to
12 provide guidance and stability to the Nation's governmental units assigned to report to that
13 position; and
14
15 **WHEREAS,** the Oneida Business Committee has determined that some positions, such as the Chief
16 Financial Officer, are not direct reports to the Oneida Business Committee but have
17 interactions with and impacts on governmental units; and
18
19 **WHEREAS,** the Oneida Business Committee has also determined that some positions, such as the
20 Gaming General Manager, Emergency Management, and Human Resources Department,
21 require direct contact and supervision by the Oneida Business Committee because of the
22 position (Gaming General Manager), the duties (governmental response), or services
23 provided (personnel); and
24
25 **WHEREAS,** the E. Delgado Oneida Business Committee adopted resolutions clarifying the impact of
26 interim actions addressing the removal of the position of the General Manager; and
27
28 **WHEREAS,** the T. Danforth Oneida Business Committee adopted clarifying resolutions regarding
29 supervision and management of direct reports; and
30
31 **WHEREAS,** the Oneida Business Committee has determined that these resolutions provided clear
32 guidance to direct reports and should be updated reflecting hiring a General Manager; and
33
34 **WHEREAS,** the Oneida Business Committee re-affirms resolution # BC-01-14-09-D, *Definition of*
35 *Oversight*; and
36
37 **NOW THEREFORE BE IT RESOLVED,** that this resolution shall supersede all prior motions and
38 resolutions in conflict with the directives set forth in this resolution.
39

BC Resolution # _____
Setting Supervision and Management of Direct Reports to the Oneida Business Committee
Page 2 of 2

BE IT FURTHER RESOLVED, that for purposes of this resolution, “direct reports” are defined as the following positions within the Nation:

Chief Counsel, job description # 09030
General Manager, job description # 09012
Gaming General Manager, job description # 09020
Retail General Manager, job description # 09096
Business Compliance Analyst, job description, # 03029
Intergovernmental Affairs and Communications Director, job description # 02735
Emergency Management Director, job description # 09072
Area Manager, Human Resources [Department](#), job description # 00662
Strategic Planner, job description # 03106
Project Manager, job description # 03111
Project Coordinator, job description # 03104
Budget Analyst, job description # 03103
Executive Assistant, job description # ~~03113~~~~4305~~
[Employee Relations](#), job description #03105

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of administrative supervision of direct reports.

1. Administrative supervision shall be defined as matters involving the individual personnel requests such as use of personal or vacation time, performance tracking, ~~and accounting related sign-off activities.~~
2. Administrative supervision requests shall be routed through the Tribal Secretary's Office which shall be responsible for logging in requests and documenting the results of the officer decisions.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of providing direction to direct reports regarding organizational activities. Direction regarding organizational activities shall be defined as providing advice and opinion regarding the policy decisions made by the Oneida Business Committee and shall exclude the authority to direct specific action.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegation to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) includes the expectation that the officers will act by majority vote and, in all cases, to attempt consensus decision making as agreed to from the initial strategic planning activities.

BE IT FURTHER RESOLVED, that the Oneida Business Committee directs the Secretary to forward this resolution to the Human Resources Department to identify the necessary amendments to the administrative processes and procedures to fully implement this resolution in a timely manner.

BE IT FINALLY RESOLVED, that this resolution shall be effective upon adoption.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Setting Supervision and Management of Direct Reports to the Oneida Business Committee

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

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

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

WHEREAS, the Oneida Business Committee has re-instated the position of General Manager to provide guidance and stability to the Nation's governmental units assigned to report to that position; and

WHEREAS, the Oneida Business Committee has determined that some positions, such as the Chief Financial Officer, are not direct reports to the Oneida Business Committee but have interactions with and impacts on governmental units; and

WHEREAS, the Oneida Business Committee has also determined that some positions, such as the Gaming General Manager, Emergency Management, and Human Resources Department, require direct contact and supervision by the Oneida Business Committee because of the position (Gaming General Manager), the duties (governmental response), or services provided (personnel); and

WHEREAS, the E. Delgado Oneida Business Committee adopted resolutions clarifying the impact of interim actions addressing the removal of the position of the General Manager; and

WHEREAS, the T. Danforth Oneida Business Committee adopted clarifying resolutions regarding supervision and management of direct reports; and

WHEREAS, the Oneida Business Committee has determined that these resolutions provided clear guidance to direct reports and should be updated reflecting hiring a General Manager; and

WHEREAS, the Oneida Business Committee re-affirms resolution # BC-01-14-09-D, *Definition of Oversight*; and

NOW THEREFORE BE IT RESOLVED, that this resolution shall supersede all prior motions and resolutions in conflict with the directives set forth in this resolution.

BC Resolution # _____

Setting Supervision and Management of Direct Reports to the Oneida Business Committee
Page 2 of 2

BE IT FURTHER RESOLVED, that for purposes of this resolution, “direct reports” are defined as the following positions within the Nation:

Chief Counsel, job description # 09030
General Manager, job description # 09012
Gaming General Manager, job description # 09020
Retail General Manager, job description # 09096
Business Compliance Analyst, job description, # 03029
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Emergency Management Director, job description # 09072
Area Manager, Human Resources Department, job description # 00662
Strategic Planner, job description # 03106
Project Manager, job description # 03111
Project Coordinator, job description # 03104
Budget Analyst, job description # 03103
Executive Assistant, job description # 03113
Employee Relations, job description #03105

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of administrative supervision of direct reports.

1. Administrative supervision shall be defined as matters involving the individual personnel requests such as use of personal or vacation time, performance tracking.
2. Administrative supervision requests shall be routed through the Tribal Secretary's Office which shall be responsible for logging in requests and documenting the results of the officer decisions.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegates to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) the authority and responsibility of providing direction to direct reports regarding organizational activities. Direction regarding organizational activities shall be defined as providing advice and opinion regarding the policy decisions made by the Oneida Business Committee and shall exclude the authority to direct specific action.

BE IT FURTHER RESOLVED, that the Oneida Business Committee delegation to the officers (Chair, Vice-Chair, Treasurer, Secretary, and Legislative Operating Committee Chair) includes the expectation that the officers will act by majority vote and, in all cases, to attempt consensus decision making as agreed to from the initial strategic planning activities.

BE IT FURTHER RESOLVED, that the Oneida Business Committee directs the Secretary to forward this resolution to the Human Resources Department to identify the necessary amendments to the administrative processes and procedures to fully implement this resolution in a timely manner.

BE IT FINALLY RESOLVED, that this resolution shall be effective upon adoption.



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



Statement of Effect

Setting Supervision and Management of Direct Reports to the Oneida Business Committee

Summary

This resolution amends resolution BC-08-12-20-A and identifies the direct reports of the Nation, and delegates the supervision and management of the direct reports.

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

Date: September 14, 2020

Analysis by the Legislative Reference Office

This resolution amends resolution BC-08-12-20-A titled, “*Setting Supervision and Management of Direct Reports to the Oneida Business Committee.*” This resolution amends resolution BC-08-12-20-A by adjusting some of the titles of the direct reports and removing accounting related sign off activities from administrative supervision responsibilities.

Overall, this resolution identifies the specific positions of the Nation that are considered direct reports to the Oneida Business Committee, which includes the following:

- Chief Counsel;
- General Manager;
- Gaming General Manager;
- Retail General Manager;
- Business Compliance Analyst;
- Intergovernmental Affairs and Communications Director;
- Emergency Management Director;
- Area Manager, Human Resources Department;
- Employee Relations;
- Strategic Planner;
- Project Manager;
- Project Coordinator;
- Budget Analyst; and
- Executive Assistant.

These positions are direct reports to the Oneida Business Committee due to the direct contact and supervision needed by the Oneida Business Committee because of the position, the duties, or the services provided.

This resolution then addresses the management and supervision of the specified direct reports. The authority and responsibility of administrative supervision of direct reports is delegated to the officers, who are identified as the Oneida Business Committee Chairperson, Vice Chairperson, Secretary, Treasurer, and Legislative Operating Committee Chairperson. The officers are also

delegated the authority and responsibility of providing direction to direct reports regarding organizational activities.

This resolution clarifies that the delegation of authority and responsibility to the officers includes the expectation that the officers will act by majority vote and attempt consensus decision making as agreed to from the initial strategic planning activities.

The Nation's Secretary is directed through this resolution to forward this resolution to the Human Resources Department to identify the necessary amendments to the administrative processes and procedures to fully implement this resolution in a timely manner.

This resolution shall be effective upon adoption and shall supersede all prior motions and resolutions in conflict with the directives set forth in this resolution.

Conclusion

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

Rescind resolution # BC-01-23-93 regarding the Oneida Headstart and Early Headstart Programs
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 9 / 23 / 20

2. General Information:

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

Agenda Header: Resolutions

☐ Accept as Information only

☒ Action - please describe:

Requesting to Rescind Resolution #1-20-93

3. Supporting Materials

☐ Report ☒ Resolution ☐ Contract

☒ Other:

1. Memo requesting to rescind

3.

2.

4.

☒ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison: Deborah Thundercloud, General Manager

Primary Requestor/Submitter: Jacqueline Smith, Education & Training Area Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose

Rescind Resolution #1-20-93.

Background

Over the years, this resolution was interpreted to mean that the Tribe was obligated to provided funding to sponsor children from over-income families to attend Head Start and Early Head Start (HS/EHS) programming. Even though the resolution doesn't specifically require the tribe to fund HS/EHS operations and mentions that the Tribe develop early childhood education plans; it has been used to acquire additional TC funds that were over and above both HS/EHS federal and state grant match requirements.

Up until FY 20, there was a fund unit called "Head Start Expansion Fund" 4211028 which was 100% TC used for HS/EHS programming.

Request

Education & Training Area is requesting the OBC to rescind Resolution #1.20.93 Early Childhood Ed due to the lack of Tribal Contribution (TC) funds available to support expanded services for over income families in the Oneida Head Start program

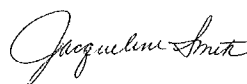
- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

To: Oneida Business Committee

From: Jacqueline M. Smith, Education & Training Area Manager

Date: Thursday, August 27, 2020

Cc: Deborah J. Thundercloud, General Manager; Amy J. Miller-Cox, Oneida Head Start Director



Jacqueline Smith

2020.08.27 09:42:30

-05'00'

Subject: Request to Rescind Resolution #1.20.93 Early Childhood ED

Request

Education & Training Area is **requesting the OBC to rescind Resolution #1.20.93 Early Childhood Ed** due to the lack of Tribal Contribution (TC) funds available to support expanded services for over income families in the Oneida Head Start program

Background

Over the years, this resolution was interpreted to mean that the Tribe was obligated to provided funding to sponsor children from over-income families to attend Head Start and Early Head Start (HS/EHS) programming.

Even though the resolution doesn't specifically require the tribe to fund HS/EHS operations and mentions that the Tribe develop early childhood education plans; it has been used to acquire additional TC funds that were over and above both HS/EHS federal and state grant match requirements.

Up until FY 20, there was a fund unit called "Head Start Expansion Fund" 4211028 which was 100% TC used for HS/EHS programming.

Budgeting Constraints

Due to the pandemic and the resulting budget constraints, the Oneida Head Start Program will use grants from the Dept of Health & Human Services Head Start/Early Head Start and other state grants, to fund the HS/EHS programming in Program Year 20-21.

Due to limited resources and the use of federal grants, the priority for accepting children into the HS/EHS program should follow the National HS/EHS guidelines which places a high priority on serving children from low income homes.

Budgeting restrictions has reduced TC funding for the HS/EHS program at approximately 24% of the total HS/EHS budget or approximately \$543,000 in TC.

Next Steps

Given that TC is being removed from this program, supporting resolutions need to be changed and/or rescinded.

At this time, the **request for the OBC is to rescind resolution #1.20.93 Early Childhood Ed** as the resolution has been interpreted to mean that Oneida pays for over income children and/or families in the HS/EHS program.

Thank you for your consideration.

Jacqueline (Jackie) Smith
Oneida Education & Training Area Manager
920.869.4037 work
920.606.8705 cell
jsmith@oneidanation.org



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was made possible.

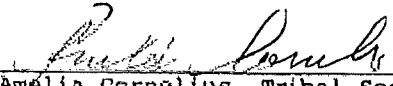
RESOLUTION # 1-20-93- A

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, the Oneida Tribe recognizes the need to provide and promote education for tribal members of all ages, and
- WHEREAS, the Oneida Tribe has supported the Oneida Headstart Program for Oneida Children, and
- WHEREAS, the Oneida Tribe has partially funded Oneida Tribal children ineligible under Headstart income guidelines for many years, and
- WHEREAS, the Oneida Early Childhood Program offers a quality educational opportunity for 3-4 year old children, and
- WHEREAS, the Oneida Tribe will continue to offer and provide the necessary resources in order to meet the educational needs of its members regardless of income, and
- WHEREAS, Early childhood education depends on a professional staff who will be recruited and trained in a timely manner as the program develops,
- NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe will develop plans to provide early childhood education to all tribally enrolled or eligible to be enrolled 3 and 4 year old children within the Tribe's service area.

RESOLUTION NO. 1-20-93-A
Page 2

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 6 members were present at a meeting duly called, noticed and held on the 20th day of January, 1993; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Amelia Cornelius, Tribal Secretary
Oneida Business Committee

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel
Kelly M. McAndrews | Senior Staff Attorney

Michelle L. Gordon
Carl J. Artman
Krystal L. John
Peggy A. Schneider

Law Office



MEMORANDUM

TO: Jackie Smith, Education & Training Area Manager

FROM: Peggy A. Schneider, Staff Attorney

**Peggy A
Schneider**

Digitally signed by Peggy A
Schneider
Date: 2020.08.31 10:42:27
-05'00'

DATE: August 31, 2020

SUBJECT: Resolution # 1-20-93-A

You requested a legal opinion on BC Resolution #1-20-93-A, which is related to the Oneida Headstart and Early Headstart Programs. You asked for opinions on four questions, specifically:

1. Does this resolution state that the Tribe is obligated or bound to fund Head Start (HS) and/or Early Head Start (EHS) programming for families that would be determined ineligible for HS/EHS participation due to their income being over the allowable limits?
2. Does this resolution, in any way, indicate that the Tribe is obligated to fund HS and/or EHS programs?
3. If the resolution states that the Oneida Tribe is bound to pay for over income or ineligible families to attend HS and/or EHS programming, does it indicate a cost per child funding level?
4. Does this resolution give HS and/or EHS a waiver to accept over income families into HS/EHS programs?

The Resolution does not answer these questions directly. I requested the legislative history but no information could be provided. The single Resolved statement in the Resolution reads as follows:

NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe will develop plans to provide early childhood education to all tribally enrolled or eligible to be enrolled 3 and 4 year old children within the Tribe's service area.

By itself, this statement does not answer your questions about Tribal funding for children who are ineligible for Headstart because their family income exceeds the limits. However, the Whereas statements provide more context and describe the Oneida Headstart Program as follows: "[T]he Oneida Tribe has partially funded Oneida Tribal children ineligible under Headstart income guidelines for many years," and "[T]he Oneida Tribe will continue to offer and provide necessary resources in order to meet the educational needs of its members regardless of income." Taken together, the Whereas statements and the Resolved statement probably require the Tribe to provide partial funding for over-income children to attend Headstart. This Resolution also requires the Tribe to "provide early childhood education," whether through Headstart or some other means.

Page 2

As for your third and fourth questions, I do not see any language in the Resolution that requires a certain level of funding for over-income children, nor is there any mention of a waiver in the Resolution language.

Please let me know if you have any further questions.

Oneida Business Committee Agenda Request


Adopt resolution entitled Extension of the Emergency Amendments to the General Tribal Council Meeting

1. Meeting Date Requested: 09 / 23 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: September 23, 2020
RE: Extension of the General Tribal Council Meeting Stipend Payment Policy
Emergency Amendments

Please find the following attached backup documentation for your consideration of the extension of the General Tribal Council Meeting Stipend Payment Policy Emergency Amendments:

1. Resolution: Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy
2. Statement of Effect: Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy
3. General Tribal Council Meeting Stipend Payment Policy

Overview

Emergency amendments to the General Tribal Council Meeting Stipend Payment Policy (the “Law”) were adopted by the Oneida Business Committee through resolution BC-04-08-20-A for the purpose of creating an exception to the mandatory payment of General Tribal Council (“GTC”) meeting stipends when deemed necessary to protect and safeguard the resources and general welfare of the Nation. The emergency amendments to the Law:

- Provide the Oneida Business Committee with authority to decide, through adoption of a resolution, to halt the payment of General Tribal Council meeting stipends to all eligible members for a period of time the Oneida Business Committee deems necessary to protect and safeguard the resources and general welfare of the Nation. [1 O.C. 111.4-3(c)].

The Oneida Business Committee (“OBC”) is delegated authority to temporarily enact legislation when it is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5].

Earlier this year, the federal government proclaimed a public health emergency due to the COVID-19 virus, attributing it to large numbers of individuals becoming ill, high mortality rates and impacts to the stock market, as well as businesses. State governors, including the State of Wisconsin, also declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders.

On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” (“Declaration”) pursuant to the Emergency Management and Homeland Security law, which triggered the authority necessary to take action as a result of the COVID-19 pandemic and

allows the Nation to seek reimbursement for emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. With the Declaration, the OBC moved to protect the health and welfare of the Nation's members, employees and community by taking such actions as instituting expenditure restrictions to preserve resources for the provision of governmental services to those members most at risk and closing the Nation's gaming operations.

The Declaration also met the "extreme financial distress" standard necessary under the Budget Management and Control law to implement the Nation's budget contingency plan ("Plan") and, on March 17, 2020, the OBC adopted resolution BC-03-17-20-A to implement the Plan's Tier IV budget reduction measures. Shortly thereafter, the OBC implemented the Plan's Tier V measures through adoption of resolution BC-04-08-20-C, which require five percent (5%) mandatory budget cuts across the Nation, a reduction of all funding to essential services only and layoffs, for the remainder of FY2020.

The emergency amendments to the General Tribal Council Meeting Stipend Payment Policy were necessary for the preservation of the general welfare of the Reservation population. The emergency amendments provided the OBC the authority to halt the payment of GTC meeting stipends, through adoption of resolution BC-04-08-20-F, to preserve funding for essential governmental services when no revenues were being generated through gaming operations and for the period of time it will take after gaming operations start back up for the Nation to recover from the financial distress caused by the COVID-19 pandemic.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the emergency amendments was contrary to public interest. The process and requirements of the Legislative Procedures Act could not have been completed in time to allow the Nation the ability to adequately preserve funding for necessary governmental services and activities as a result of the COVID-19 pandemic.

The emergency amendments to the Law will expire on October 8, 2020. The Legislative Procedures Act allows the Oneida Business Committee to extend emergency amendments for a six (6) month time period. [1 O.C. 109.9-5(b)]. A six (6) month extension of the emergency amendments to the Law is being requested because the Nation is still experiencing the effects of the COVID-19 pandemic.

Since the March 12, 2020, "*Declaration of Public Health State of Emergency*" the Nation's Public Health State of Emergency has been extended until October 12, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A and BC-09-09-20-A. In addition, the OBC adopted continuing budget resolution BC-08-12-20-J, which directed that "FY2021 expenditures shall derive from each fund unit's approved contingency plan as impacted by resolution BC-04-08-20-C, *Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*, and all expenditures shall be restricted to the greatest extent possible to allow the Nation to provide critical-essential services."

Extension of the emergency amendments to the Law will also be consistent with resolution BC-04-08-20-F, which halts GTC meeting stipend payments for FY2020 and FY2021 based on the finding that the financial status of the Nation will continue to be under extreme stress such that,

when GTC meetings are scheduled, it will not be possible to make \$180,000 to \$200,000 in stipend payments in the near future and still maintain governmental services.

The extension of the emergency amendments to the Law will become effective on October 8, 2020 when the emergency amendments as adopted through BC-04-08-20-A expire and will remain in effect for an additional six (6) month term which will end on April 8, 2021.

Requested Action

Approve the Resolution: Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the General Tribal Council Meeting Stipend Payment Policy (the "Law") was adopted by the Oneida Business Committee through resolution BC-12-10-08-K, amended by resolution BC-02-13-13-E, and most recently amended on an emergency basis by resolution BC-04-08-20-A; and
- WHEREAS,** the Law governs the payment of stipends to attendees of a General Tribal Council meeting who meet the eligibility requirements; and
- WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding COVID-19, declaring a Public Health State of Emergency for the Nation until April 12, 2020, which was then subsequently extended through October 12, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A and BC-09-09-20-A; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-03-17-20-A which declared that Tier IV budget contingency measures are implemented which require a four percent (4%) reduction in overall expenditures and budgets; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-04-08-20-C, which declared that Tier V budget contingency measures be implemented and directed expenditure reductions of five percent (5%) regarding non-essential government functions and instituted lay-offs regarding non-critical personnel; and
- WHEREAS,** the Treasurer has implemented a COVID-19 Finance Team ("Finance Team") to monitor the financial status of the Nation and make recommendations regarding expenditure restrictions for the remainder of FY2020, budgeting for FY2021, development of directions

for continuing resolution for FY2021, and other actions necessary to ensure governmental services can continue to be provided to those most in need and at risk regarding COVID-19 and the health impacts of the virus; and

WHEREAS, on August 12, 2020, the Oneida Business Committee adopted continuing budget resolution BC-08-12-20-J, directing that FY2021 expenditures shall derive from each fund unit's approved contingency plan as impacted by resolution BC-04-08-20-C, *Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*, and all expenditures shall be restricted to the greatest extent possible to allow the Nation to provide critical-essential services; and

WHEREAS, the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and

WHEREAS, the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-04-08-20-A; and

WHEREAS, the emergency amendments to the Law created an exception to the mandatory payment of stipends to qualified attendees of GTC meetings when the Oneida Business Committee determines, through adoption of a resolution, that halting such payments is necessary to protect and safeguard the resources and general welfare of the Nation; and

WHEREAS, the Oneida Business Committee determined that the emergency adoption of these amendments to the Law were necessary for the preservation of the public health, safety and general welfare of the Reservation population because it provides the Oneida Business Committee with the authority to halt payments of GTC meeting stipends when the Nation is under extreme financial stress such that it would not be possible to issue GTC meeting stipends and still maintain essential governmental services; and

WHEREAS, observance of the requirements under the Legislative Procedures Act for adoption of these emergency amendments to the Law was contrary to public interest because the process and requirements of the Legislative Procedures Act could not have been completed in time to allow the Nation the ability to adequately preserve funding for necessary governmental services and activities as a result of the COVID-19 pandemic; and

WHEREAS, emergency legislation is effective for a period of six (6) months, renewable for an additional six (6) months by the Oneida Business Committee; and

WHEREAS, upon adoption of the emergency amendments to the Law, the Oneida Business Committee adopted resolution BC-04-08-20-F, which halted the payment of GTC meeting stipends for FY2020 and FY2021 to preserve funding for essential governmental services when no revenues were being generated through gaming operations and for the period of time it will take after gaming operations start back up for the Nation to recover from the financial distress caused by the COVID-19 pandemic; and

WHEREAS, the emergency amendments to the Law will expire on October 8, 2020; and

WHEREAS, a six (6) month extension of the emergency amendments to the Law is being requested because the Nation is still experiencing the extreme financial stress caused by the COVID-19 pandemic and Public Health State of Emergency such that, when GTC meetings are scheduled again, it will not be possible to make the approximate \$180,000 to \$200,000 in stipend payments in the near future and still maintain governmental services; and

103
104 **WHEREAS,** a six (6) month extension is further consistent with resolution BC-04-08-20-F, which halts
105 the payment of GTC meeting stipends for FY2020 and FY2021 based on the determination
106 by the Oneida Business Committees that discontinuing payments for this period of time is
107 necessary to protect and safeguard the resources and general welfare of the Nation; and
108
109 **NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the General Tribal Council
110 Meeting Stipend Payment Policy are hereby extended for an additional six (6) month period, effective
111 October 8, 2020, and shall expire April 8, 2021.
112



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
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Statement of Effect

Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy

Summary

This resolution extends the emergency amendments to the General Tribal Council Meeting Stipend Payment Policy adopted through resolution BC-04-08-20-A for an additional six (6) months in accordance with the Legislative Procedures Act.

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

Date: September 14, 2020

Analysis by the Legislative Reference Office

This resolution extends the emergency amendments to the General Tribal Council Meeting Stipend Payment Policy (the “Law”) for an additional six (6) month term. The purpose of the Law is to govern the payment of stipends for attendance at meetings of the General Tribal Council (“GTC”). [1 O.C. 111.1-1].

Emergency amendments to the Law were adopted by the Oneida Business Committee through resolution BC-04-08-20-A for the purpose of granting the Oneida Business Committee authority to adopt a resolution that halts the payment of GTC meeting stipends to all eligible members of the Nation when the Oneida Business Committee determines it is necessary to protect and safeguard the resources and general welfare of the Nation. [1 O.C. 111.4-3(c)].

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

On March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency has since been extended until October 12, 2020 through adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A and BC-09-09-20-A.

On March 17, 2020, the Oneida Business Committee adopted resolution BC-03-17-20-A, declaring that the Nation implement the Tier IV measures under its Budget Contingency Plan that was put in place pursuant to the Budget Management and Control law for when the Nation is experiencing extreme financial distress. Shortly thereafter, the Oneida Business Committee implemented the Plan’s Tier V measures, through adoption of resolution BC-04-08-20-C, which requires five percent (5%) mandatory budget cuts across the Nation, a reduction of all funding to

essential services only and layoffs for the remainder of FY2020. Through its adoption of resolution BC-08-12-20-J, said measures are to continue through FY2021.

The Oneida Business Committee determined that the emergency amendments to the Law were necessary for the preservation of the general welfare of the Reservation population. The emergency amendments were needed to provide an exception to the otherwise mandatory payment of GTC meeting stipends when the Oneida Business Committee determines that the halting of said payments would protect and safeguard the resources and general welfare of the Oneida Nation.

Additionally, the Oneida Business Committee determined that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest. The process and requirements of the LPA could not be completed in time to allow the Nation the ability to adequately preserve funding for necessary governmental services and activities as a result of the COVID-19 pandemic.

The emergency amendments to the Law became effective immediately upon adoption by the Oneida Business Committee and were set to be effective for six (6) months. The emergency amendments to the Law will expire on October 8, 2020.

Upon adoption of the emergency amendments to the Law, the Oneida Business Committee adopted resolution BC-04-08-20-F, which halted the payment of GTC meeting stipends for FY2020 and FY2021 to preserve funding for essential governmental services when no revenues were being generated through gaming operations and for the period of time it will take after gaming operations start back up for the Nation to recover from the financial distress caused by the COVID-19 pandemic.

The Legislative Procedures Act authorizes the Oneida Business Committee to extend the adoption of emergency amendments for an additional six (6) month period. [1 O.C. 109.9-5(b)]. An extension of the emergency amendments is being requested because the Nation is still experiencing the effects of the COVID-19 pandemic, and, consistent with the findings set forth in resolution BC-04-08-20-F, the financial distress that the Nation has suffered as a result of the COVID-19 pandemic is such that, when GTC meetings are scheduled again, it will not be possible to make the approximate \$180,000 to \$200,000 in stipend payments in the near future while still maintaining governmental services.

Through this resolution, the extension of the emergency amendments to the Law will become effective on October 8, 2020 (when the emergency amendments adopted through BC-04-08-20-A expire) and will remain in effect for an additional six (6) month term which will end on April 8, 2021.

Conclusion

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

OBC Consideration of Extension of the General Tribal Council Meeting Stipend Payment Policy
Emergency Amendments Adopted through Resolution BC-04-08-20-A
2020 09 23

Title 1. Government and Finances – Chapter 111
GENERAL TRIBAL COUNCIL MEETING STIPEND PAYMENT POLICY

111.1. Purpose and Policy

111.2. Adoption, Amendment, Repeal

111.3. Definitions

111.4. Stipends

111.5. General Tribal Council Meetings

111.6. Appeals

111.1. Purpose and Policy

111.1-1. The purpose of this law is to govern the payment of stipends for attendance at General Tribal Council meetings.

111.1-2. It is the policy of the Oneida Nation to pay eligible General Tribal Council members a stipend for attending a General Tribal Council meeting at which a quorum is established and maintained and where official Tribal business is conducted.¹

111.2. Adoption, Amendment, Conflicts

111.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-10-08-K, amended by resolution BC-02-13-13-E and emergency amended by resolution BC-__-__-__.

111.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

111.2-3. 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.

111.2-4. 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.

111.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

111.3. Definitions

111.3-1. This section shall govern the definitions of words and phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “General Tribal Council” means the governing body of the Oneida Nation, which is composed of the qualified voters of the Oneida Nation, as determined by the Constitution of the Oneida Nation.

(b) “Nation” means the Oneida Nation.

111.4. Stipends

111.4-1. Except as provided in section 111.4-3(c) of this law, any member of the Nation who meets the requirements of section 111.4-2 shall receive a stipend in an amount determined by General Tribal Council for attending a General Tribal Council meeting, if a quorum is established.

(a) If a quorum has not been established within fifteen (15) minutes after the published starting time, the meeting shall not be held and no stipend shall be paid.

111.4-2. In order to receive a stipend for attending a General Tribal Council meeting, a person shall:

(a) be a qualified voter, in accordance with the Constitution of the Oneida Nation;

¹August 11, 2007 GTC Directive: “Motion by Madelyn Genskow that a stipend of \$100 be paid to any General Tribal Council member who attends a GTC meeting and is eligible to vote and stays until the end of the meeting effective in calendar year 2008 and for all time, seconded by Nancy Skenandore.”

OBC Consideration of Extension of the General Tribal Council Meeting Stipend Payment Policy
Emergency Amendments Adopted through Resolution BC-04-08-20-A
2020 09 23

(b) except as provided under (1), register no later than fifteen (15) minutes after the published starting time of the meeting by checking in at a registration table, filling out any required forms, and providing a valid Tribal or state issued picture identification;

(1) A person who is physically in line to register for a General Tribal Council meeting within fifteen (15) minutes after the published starting time of the meeting, may receive a stipend for attending a General Tribal Council meeting if he or she registers and meets the other requirements under this section.

(c) be present for the entire meeting, from the time the meeting is called to order until the meeting is adjourned; and

(1) For purposes of this law, a member of the Nation who leaves the meeting area and any related bathroom facilities, as identified by the Office of the Nation's Secretary, is not considered present for the entire meeting.

(d) check out and provide a valid Tribal or state issued picture identification card after the meeting ends.

(1) For purposes of this law, a meeting ends when the meeting is adjourned, the meeting is recessed to a later date, or a quorum is lost.

111.4-3. *Payment.* The stipend payment shall be made by an acceptable distribution process approved by the Accounting Department. Any fees associated with reissuing a payment shall be deducted from a reissued payment.

(a) The Accounting Department shall distribute stipend payments no later than fifteen (15) business days after a General Tribal Council meeting is held.

(b) If a member of the Nation does not receive a stipend payment after meeting the requirements of section 111.4-2, he or she may contact the Enrollment Department to verify his or her eligibility to receive the stipend payment.

(c) *Exception.* The Oneida Business Committee may decide through adoption of a resolution to halt the payment of General Tribal Council meeting stipends to all eligible members for a period of time deemed necessary by the Oneida Business Committee to protect and safeguard the resources and general welfare of the Nation.

111.5. General Tribal Council Meetings

111.5-1. *Enrollment Department.*

(a) The Enrollment Department shall be responsible for the following at each General Tribal Council meeting:

- (1) Conducting check in/out of members of the Nation and verifying voter eligibility.
- (2) Verifying mailing address of each member of the Nation.
- (3) Providing eligible members of the Nation with a hand stamp, bracelet or other identifier that can be displayed upon request to prove they are eligible to attend the meeting and/or vote during the meeting.

(b) Enrollment Department officials shall be responsible for verifying the information provided by members of the Nation while checking in and out. A Tribal or state issued picture identification card shall be required to verify the identity of the person registering.

(c) The Enrollment Department shall send the relevant information regarding members of the Nation who are eligible to receive a stipend to the Accounting Department as soon as possible

OBC Consideration of Extension of the General Tribal Council Meeting Stipend Payment Policy
Emergency Amendments Adopted through Resolution BC-04-08-20-A
2020 09 23

81 after the meeting.

82 111.5-2. If the facility where the meeting is held does not seat at least two thousand five hundred
83 (2,500) people, the Oneida Business Committee shall have the Security Department or other
84 applicable individuals limit meeting attendees to those members of the Nation who are eligible to
85 vote.

86
87 **111.6. Appeals**

88 111.6-1. Any member of the Nation denied a stipend payment may file an appeal with the Enrollment
89 Department within forty-five (45) days after the meeting for which the meeting stipend was denied.
90 The review shall be conducted by the Enrollment Director or his/her designee. A determination as to
91 whether the member was eligible for the stipend shall be made within five (5) business days of receipt
92 of the appeal.

93 (a) The determination shall be sent by registered mail (return receipt requested) or delivered
94 in person to the member.

95 (b) In the event a stipend payment is denied, the determination shall include a statement
96 notifying the member that he or she has fourteen (14) calendar days to file an appeal with the
97 Oneida Trust/Enrollment Committee.

98 (c) In the event a stipend payment is granted, the determination shall include a statement
99 notifying the member that the Enrollment Department will forward his or her relevant
100 information to the Accounting Department to process the payment.

101 111.6-2. Any member of the Nation denied a stipend payment after an appeal to the Enrollment
102 Director may appeal the Director's determination to the Oneida Trust/Enrollment Committee. The
103 appeal shall be filed within fourteen (14) calendar days of receipt of the determination. An appeal
104 shall be filed with the Oneida Trust/Enrollment Committee in care of the Enrollment Department.
105 The Enrollment Department shall forward the appeal to the Oneida Trust/Enrollment Committee no
106 later than the next business day.

107 111.6-3. A quorum of the Oneida Trust/Enrollment Committee shall conduct a hearing of the appeal
108 and issue a determination within forty-five (45) days of the receipt of the member's request for review.

109 (a) The Oneida Trust/Enrollment Committee determination shall be sent by registered mail
110 (return receipt requested) or delivered in person to the member.

111 111.6-4. *Payments after an Appeal.*

112 (a) Within five (5) business days after the Enrollment Director or the Oneida Trust/Enrollment
113 Committee determines that a stipend should have been granted, the Enrollment Department
114 shall notify the Accounting Department of the determination, the name of the member and
115 any additional relevant information needed by the Accounting Department to make the
116 payment.

117 (b) The Accounting Department shall distribute a stipend payment to the member within
118 fifteen (15) business days from the notification.

119 111.6-5. The determination of the Oneida Trust/Enrollment Committee shall be final.

120
121 *End.*

OBC Consideration of Extension of the General Tribal Council Meeting Stipend Payment Policy
Emergency Amendments Adopted through Resolution BC-04-08-20-A
2020 09 23

Emergency Extension – BC-05-28-08-C
Permanent Adoption – BC-12-10-08-K
GTC Directive – GTC-11-21-11-A
Emergency Adoption – BC-05-09-12-A
Emergency Extension – BC-10-14-12-B
Adopted – BC-02-13-13-E
Emergency Amended – BC-__-__-__-__

Adopt resolution entitled Modifying the Oneida Business Committee Regular Meeting Schedule

Business Committee Agenda Request

1. Meeting Date Requested: 09/23/20

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

☐ E-poll results/back-up

☐ Bylaws

☐ Petition

☐ MOU/MOA

☐ Presentation

☐ Rule (adoption packet)

☐ Law

☐ Draft GTC Packet

☐ Draft GTC Notice

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor:

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: LLIGGINS

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



Business Committee Agenda Request – Cover Memo

From: Lisa Liggins, Secretary
Date: 9/19/2020
RE: Update to the OBC regular meeting schedule

PURPOSE

Article III, Section 3 of the Constitution of the Oneida Nation states that regular meetings of the Business Committee may be established by resolution of the Business Committee. BC action is needed to update the schedule.

BACKGROUND

Resolution # BC-01-22-20-D set executive discussion meetings every second and fourth Tuesday at 8:30 a.m., and regular meetings every second and fourth Wednesday at 8:30 a.m. An informal discussion was held and a consensus decision was made to eliminate the executive discussion meetings.

REQUESTED ACTION

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

Oneida Nation

Post Office Box 365

Phone: (920) 869-2214

Oneida, WI 54155



BC Resolution # _____

Modifying the Oneida Business Committee Regular Meeting Schedule

- 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,** Article III, Section 3 of the Tribal Constitution provides that "Regular meetings of the
- 12 Business Committee may be established by resolution of the Business Committee"; and
- 13
- 14 **WHEREAS,** with the passage of resolution # BC-07-7-87-A, the Business Committee established a
- 15 regular meeting schedule to meet each Tuesday, at 1:30 p.m., and each Friday, at 9:00
- 16 a.m.; and
- 17
- 18 **WHEREAS,** with the passage of resolution # BC-03-25-88-B, the Business Committee modified the
- 19 regular meeting schedule to meet each Friday, at 9:00 a.m., and to hold informational
- 20 meetings the first Monday each month, at 7:00 p.m.; and
- 21
- 22 **WHEREAS,** with the passage of resolution # BC-04-26-91-A, the Business Committee modified the
- 23 regular meeting schedule to meet each week on Wednesday, at 9:00 a.m.; and
- 24
- 25 **WHEREAS,** with the passage of resolution # BC-02-11-04-A, the Business Committee modified the
- 26 regular meeting schedule to meet every other week on Wednesday, at 9:00 a.m.; and
- 27
- 28 **WHEREAS,** with the passage of resolution # BC-12-10-08-A, the Business Committee modified the
- 29 regular meeting schedule to meet every second and fourth Wednesday each month, at
- 30 9:00 a.m.; and
- 31
- 32 **WHEREAS,** with the passage of resolution # BC-06-23-10-E, the Business Committee modified the
- 33 regular meeting schedule to include executive discussion meetings every second and
- 34 fourth Tuesday of the month, at 9:00 a.m.; and
- 35
- 36 **WHEREAS,** with the passage of resolution # BC-11-23-16-C, the Business Committee modified the
- 37 regular meeting schedule to meet every second and fourth Tuesday of the month at 8:30
- 38 a.m. for executive discussion meetings, and to meet every second and fourth Wednesday
- 39 of the month at 8:30 a.m. for regular meetings; and
- 40

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

41 **WHEREAS,** with the passage of resolution # BC-12-27-16-A, the Business Committee modified the
42 regular meeting schedule to meet every second and fourth Wednesday of each month at
43 8:30 a.m., and for the purpose of addressing quarterly reports, to meet the fourth Thursday
44 of January, April, July, and October at 8:00 a.m.; and
45

46 **WHEREAS,** with the passage of resolution # BC-09-27-17-D, the Business Committee modified the
47 regular meeting schedule for quarterly reports to meet the fourth Thursday of February,
48 May, August, and November at 8:00 a.m.; and
49

50 **WHEREAS,** with the passage of resolution # BC-01-22-20-D, the Business Committee eliminated
51 regular meetings for the purpose of addressing quarterly reports, retained executive
52 discussion meetings every second and fourth Tuesday of the month at 8:30 a.m. and
53 retained regular meetings every second and fourth Wednesday of the month at 8:30 a.m.;
54 and
55

56 **WHEREAS,** the Business Committee has determined that holding a separate executive discussion
57 meeting for the sole purpose of addressing items submitted to the Executive Session
58 section of the meeting agenda is not the best use of resources available; and
59

60 **WHEREAS,** the Business Committee has determined eliminating the separate executive discussion
61 meeting would better serve the membership of the Oneida Nation and the Business
62 Committee.
63

64 **NOW THEREFORE BE IT RESOLVED,** executive discussion meetings of the Oneida Business Committee
65 shall be eliminated immediately;
66

67 **BE IT FURTHER RESOLVED,** regular meetings of the Oneida Business Committee shall be held every
68 second and fourth Wednesday each month, at 8:30 a.m.;
69

70 **BE IT FINALLY RESOLVED,** this resolution shall supersede all prior motions, practices or resolutions, in
71 particular resolution # BC-01-22-20-D regarding the subject of regular meetings of the Oneida Business
72 Committee.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
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Statement of Effect

Modifying the Oneida Business Committee Regular Meeting Schedule

Summary

This resolution modifies the regular meeting schedule of the Oneida Business Committee (“OBC”) by eliminating the executive discussion meetings scheduled every second and fourth Tuesday of the month at 8:30 a.m., effective immediately upon its adoption.

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

Date: September 15, 2020

Analysis by the Legislative Reference Office

Article III, Section 3 of the Constitution of the Oneida Nation states that regular meetings of the Business Committee may be established by resolution of the Business Committee. In addition, the Oneida Business Committee Meetings law provides that the Oneida Nation Secretary shall present, on or around October of each year, a proposed schedule for regular meetings of the Oneida Business Committee for approval by the Oneida Business Committee. [1 O.C. 117.6-1]. Over the years, the OBC has been presented with and adopted the following regular meeting schedules:

- *BC-07-07-87-A* – regular meetings every Tuesday at 1:30 p.m. and every Friday at 9:00 a.m.;
- *BC-03-25-88-B* – regular meetings every Friday at 9:00 a.m., and informational meetings the first Monday of each month at 7:00 p.m.;
- *BC-04-26-91-A* – regular meetings every Wednesday at 9:00 a.m.;
- *BC-02-11-04-A* – regular meetings every other Wednesday at 9:00 a.m.;
- *BC-12-10-08-A* – regular meetings every second and fourth Wednesday at 9:00 a.m.;
- *BC-06-23-10-E* – executive discussion meetings added every second and fourth Tuesday at 9:00 a.m.;
- *BC-11-23-16-C* – regular meetings every second and fourth Wednesday at 8:30 a.m., and executive discussion meetings every second and fourth Tuesday at 8:30 a.m.;
- *BC-12-27-16-A* – regular meetings every second and fourth Wednesday at 8:30 a.m., and quarterly report meetings the fourth Thursday in January, April, July and October at 8:00 a.m.;
- *BC-09-27-17-D* – quarterly report meetings the fourth Thursday of February, May, August and November at 8:00 a.m.; and
- *BC-01-22-20-D* – quarterly report meetings eliminated, executive discussion meetings every second and fourth Tuesday at 8:30 a.m., and regular meetings every second and fourth Wednesday at 8:30 a.m.

The OBC has determined that holding separate executive discussion meetings to address items submitted to the Executive Session section of its meeting agenda is not the best use of available resources. The OBC has further determined that eliminating these meetings would better serve the membership of the Nation and the OBC.

This resolution eliminates executive discussion meetings, effective immediately, and reiterates that regular meetings of the OBC shall continue to be held every second and fourth Wednesday of the month at 8:30 a.m. This resolution further provides that it supersedes all prior motions, practices and resolutions regarding the subject of regular meetings of the Oneida Business Committee, citing specifically to resolution BC-01-22-20-D.

Conclusion

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

Oneida Business Committee Agenda Request

Adopt resolution entitled Native American Agriculture Fund Limited Waiver of Tribal Immunity

1. Meeting Date Requested: 09 / 23 / 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:

We request the passage of a resolution in support of a limited waiver of immunity related to a grant from the Native American Agriculture Fund

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: Donald M Miller, Grant Specialist, Grants Department
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: William VerVoort, OCIFS
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Oneida Nation has been awarded a grant in the amount of \$44,170 from the Native American Agriculture Fund (NAAF) to pay for a youth agricultural training program to be managed by OCIFS. The grant will pay for the establishment of a training site that will be made available to Oneida youth and adults at the 4-H farm on the Oneida reservation and to pay for the first such trainings on that site. The initial trainings will take place over a two year period and involve youth from the 4-H program and the Oneida Nation High School along with the Oneida High School Science teacher.

As part of their charter the NAAF is required to obtain a limited waiver of immunity for the amount of the award.

- 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

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

PROGRAM INFORMATION

Department: OCIFS	Division/Non-Division: Land Management
Program: Youth Education	Program Accountant:
Person Responsible for proposal development: William VerVoort	Phone: (920) 869-4595
Person Responsible for grant administration: Pat Pelky	Phone: (920) 869- 4590
Project Title: Oneida Nation Agricultural Youth Education Project	

GRANT INFORMATION

Name of Funding Source: Native American Agricultural Fund		Type (pick one): Grant
Title of Grant: Youth		CFDA No: N/A
Application Deadline: September 30, 2020		Grant Amount: \$50,000.00 Max
Project Period (dates): 10/1/2020 to 9/30/2022	Budget Period (dates): 10/1/2020 to 9/30/2022	Type of Project (pick one): New
Maximum Match Request (% or \$): None		Match Type (pick one): N/A
Is a Tribal resolution required? If yes, please notify Grants Office immediately. No		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? No Name of Position(s):		
If Yes to a new position has HRD been informed? No		
If Yes to any of above has MIS been informed for computer needs? No		
If Yes to any of above has Facilities Management been informed of space needs? No		
If YES, attach draft job description for all grant funded positions. PLEASE NOTE: Position/employee will be phased out when grant funding ends.		

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

match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information: The purpose of the NAAF youth grant is to provide youths with information about agricultural operations and careers. The grant wants to develop an understanding of what farming is, where food comes from, and what it takes to operate an agricultural business.

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

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

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

SIGNATURES

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

Willie Vanhook 5-7-20
Supervisor Signature Date
VERIFIES & APPROVES MATCH

Deborah Thundercloud Deborah Thundercloud
2020.05.11 08:31:14
-05'00'
General Manager Signature Date
APPROVES GRANT PROJECT

Sam Ruby 5-8-20
Div./Non-Div. Director Signature Date
APPROVES GRANT PROJECT & MATCH

Donald M. Mill 5-11-2020
Grants Office Signature Date
FINAL SIGNATURE PRIOR TO OBC SIGNATURES



January 14, 2020

NOTE TO NAAF GRANTEES:

We have received requests for clarification on several issues related to waivers of sovereign immunity. We offer the following discussion for your review and use, as appropriate. The language provided below is a DRAFT for review by the applicable Tribal authorities (Tribal governments and instrumentalities of Tribal governments). For all Tribal governments or Tribal instrumentalities, the Trust Agreement governing NAAF requires a waiver of sovereign immunity be received and inure to the benefit of NAAF in order to receive funds provided by NAAF in furtherance of its mission. This waiver should be limited to the amount of the grant and the duration of the grant relationship. The information below is provided to the potential Grantee for their review and consideration.

The DRAFT "Limited Waiver of Sovereign Immunity" provided immediately below is offered to potential Grantees as draft language that should be included within the documents provided by the Tribe/instrumentality and be provided on letterhead of the Tribe/instrumentality. The signed document will be included in the Grantee's records on file with NAAF and become a component of the Grant Agreement executed before transfer of funds will occur.

The next draft language is a DRAFT Resolution. Should the Tribe/instrumentality require a resolution in order to authorize execution of a limited waiver, resolution draft language below is offered as an appropriate example. Your own internal requirements may include a different process; we offer language below as several potential Grantees have requested an example.

The draft language provided below (or a suitable substitution) must be included with the Grant Agreement and signed/dated by the appropriate authorities and submitted to NAAF along with the signed Grant Agreement. **No grant funds will be transmitted until this step in the process is completed.**

###

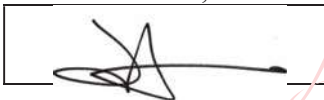
ONEIDA LAW OFFICE**CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Donald M. Miller
Grants

Use this number on future correspondence:

2020-0637

FROM: Jo Anne House, Chief Counsel

 Digitally signed by Jo Anne House
Date: 2020.09.16 11:33:56 -05'00'

DATE: September 16, 2020

RE: Native American Agriculture Fund-NAAF 2020
Grant

Purchasing Department Use

~~Contract Approved~~

~~Contract Not Approved~~

(see attached explanation)

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

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

- ✓ The document is in appropriate legal form. (*Execution is a management decision.*)
- ✓ Requires Business Committee approval of the limited waiver of sovereign immunity prior to execution. If this contract is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, the following information should be submitted along with the agenda review request and contract.
 1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?
[According to the Funders Charter a partial waiver of sovereign immunity for the amount of the grant is mandatory.](#)
 2. Were three bids obtained? If not, why not?
[N/A](#)
 3. Was any other vendor willing to remove sovereign immunity issues?
[N/A](#)
 4. What is the cost of going to another vendor?
[N/A](#)

Oneida Nation

Post Office Box 365

Phone: (920) 869-2214

Oneida, WI 54155



BC Resolution # Leave this line blank

Native American Agriculture Fund Limited Waiver of Tribal Immunity

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** The Oneida Nation has a vested interest in the development of Oneida youth; and
12
13 **WHEREAS,** The Oneida Nation supports the education of Oneida youth on topics related to future
14 agricultural careers; and
15
16 **WHEREAS,** The Native American Agriculture funded has awarded the Oneida Nation a grant in the
17 amount of \$44,170.00 to be administered by the OCIFS Coordinator William VerVoort;
18 and
19
20 **WHEREAS,** A limited waiver of sovereign immunity in the amount of \$44,170.00 is required by the
21 Native American Agriculture Fund the funder of this project; and
22
23 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee will support and allow the
24 signing of said limited waiver of Tribal immunity by the Oneida Tribal Chairman.



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



September 15, 2020

Addendum to Native American Agriculture Fund Grant beginning November 1, 2020

Limited Waiver of Sovereign Immunity (DRAFT)

The Oneida Nation hereby expressly, unequivocally and irrevocably provides a limited waiver of immunity from suit in any court of competent jurisdiction to enforce or seek relief of any term or provision of the Grant Agreement executed by and between the Native American Agriculture Fund and the Oneida Nation.

This waiver of immunity includes, any action for monetary damages, injunctive relief or declaratory relief, or attorneys' fees.

The Oneida Nation agrees that it will not raise sovereign immunity as a defense in any judicial action brought in any venue by the Native American Agriculture Fund to enforce or seek relief of any Grant Agreement term or provision entered into by and between the parties.

This limited waiver of sovereign immunity is required under the terms of the Trust Agreement that binds and controls the conduct of business of the Native American Agriculture Fund and is limited to the amount of the grant funding being provided to the Oneida Nation and is limited to the duration of the grant project being funded by the Native American Agriculture Fund.

In witness whereof, the Native American Agriculture Fund and the Oneida Nation have caused this agreement to be duly executed as of the date of the approval by the Oneida Business Committee in accordance with the Nation's Sovereign Immunity Law, section 112.6-2(b), by motion on September __, 2020 at its regular meeting.

Additionally, the Oneida Nation warrants that this agreement is executed by the Chairman, who is duly authorized to execute and bind the Oneida Nation here who has affixed his signature signifying assent to their agreement and has affixed his signature hereto, as of the date and year referenced below.

Tribal Chairman Tehassi Hill

Date

Enter the e-poll results into the record regarding adopted resolution # BC-08-25-20-A Emergency...

Business Committee Agenda Request

1. Meeting Date Requested: 09/23/20

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 and back up

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☐ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Lisa A. Liggins

From: TribalSecretary
Sent: Wednesday, August 26, 2020 3:43 PM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Daniel P. Guzman; David P. Jordan; Ernest L. Stevens; Jennifer A. Webster; Kirby W. Metoxen; Lisa M. Summers; Patricia M. King; Tehassi Tasi Hill
Cc: BC_Agenda_Requests; Danelle A. Wilson; Simone A. Ninham; Clorissa N. Santiago
Subject: E-POLL RESULTS: Adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law
Attachments: BCAR Adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law.pdf
Importance: High

E-POLL RESULTS

The e-poll to adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law, **has been carried**. As of the deadline, below are the results:

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

The finalized resolution associated with this e-poll has been posted to [the website on this page](#).

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



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

P.O. Box 365
Oneida, WI 54155-0365
oneida-nsn.gov

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Monday, August 24, 2020 2:50 PM
To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ernest L. Stevens <esteven4@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa M. Summers <lsummer2@oneidanation.org>; Patricia M. King <tking@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>

Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>

Subject: E-POLL REQUEST: Adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

Importance: High

E-POLL REQUEST

Summary:

Emergency amendments to the Oneida Higher Education Pandemic Relief Fund Law are being sought to clarify the intent of the Law and ensure proper effectuation of the Law. The emergency amendments to the Law will: add a definition for “accredited” [10 O.C. 1003.3-1(a)]; revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited [10 O.C. 1003.3-1(e)]; include transportation costs in the definition for “room and board” [10 O.C. 1003.3-1(i)]; and clarify that all student expenses shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020. [10 O.C. 1003.4-2(c)].

Justification for E-Poll: Timely approval is needed in order to roll out the program associated with this law.

Requested Action:

Adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

Deadline for response:

Responses are due no later than **4:30 p.m., TUESDAY, August 25, 2020.**

Voting:

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

Lisa Liggins

Senior Information Management Specialist
Business Committee Support Office (BCSO)



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

P.O. Box 365
Oneida, WI 54155-0365
oneida-nsn.gov

Oneida Business Committee Agenda Request

1. Meeting Date Requested: / /

2. General Information:

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

Agenda Header:

Resolutions

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

Adopt resolution entitled Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

1.

Adoption Packet
3.
2.
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: _____
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: August 24, 2020
 RE: Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

Please find the following attached backup documentation for your consideration of the emergency amendments to the Oneida Higher Education Pandemic Relief Fund law:

1. Resolution: Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law
2. Statement of Effect: Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law
3. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments Legislative Analysis
4. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments (Redline)
5. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments (Clean)

Overview

The Oneida Higher Education Pandemic Relief Fund law (the “Law”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-E to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-1]. The Oneida Higher Education Pandemic Relief Fund law:

- Provides the guidelines and requirements for use of the Oneida Higher Education Pandemic Relief Fund [10 O.C. 1003.4];
- Describes the presumption of need and the General Test to be used to determine General Welfare Exclusion [10 O.C. 1003.5];
- Provides that the Nation allocate funds to the Oneida Higher Education Pandemic Relief Fund only from monies it received pursuant to the Coronavirus Relief Funds (CRF), and that this program is dependent on availability of funding from the CRF. [10 O.C. 1003.6].

Emergency amendments to the Law are being sought to clarify the intent of the Law and ensure proper effectuation of the Law. The emergency amendments to the Law will:

- Add a definition for “accredited” [10 O.C. 1003.3-1(a)];
- Revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited [10 O.C. 1003.3-1(e)];
- Include transportation costs in the definition for “room and board” [10 O.C. 1003.3-1(i)]; and

- Clarify that all student expenses shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020. [10 O.C. 1003.4-2(c)].

In response to the outbreak of the COVID-19 pandemic, on March 12, 2020, in accordance with the Emergency Management and Homeland Security law, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and provided the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency was extended by the Oneida Business Committee until September 11, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, and BC-08-06-20-A.

On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which prohibited all public gatherings of any number of people and ordered all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, a “*Safer at Home Declaration, Amendment, Open for Business*” declaration was issued which directed that individuals within the Oneida Reservation should continue to stay at home, businesses could re-open under certain safer business practices, and social distancing should be practiced by all persons. The COVID-19 Core Decision Making Team most recently issued a “*Stay Safer at Home*” declaration on June 10, 2020, which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.

On April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020.*” This resolution adopted Tier V budget reductions from the Budget Contingency Plan in accordance with the Budget Management and Control law, which included five percent (5%) mandatory budget cuts across the Nation and reduction of all funding to essential services only. The Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “*Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021.*” This resolution provided that the General Tribal Council Higher Education Scholarship shall be reduced to five thousand dollars (\$5,000) per year.

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

The adoption of emergency amendments to this Law is necessary for the preservation of the general welfare of the Reservation population. The emergency amendments to the Law are

necessary to clarify the intent of the Law and ensure proper effectuation of the law. The Oneida Higher Education Pandemic Relief Fund was created to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The emergency amendments to the Law shall ensure that the Oneida Higher Education Pandemic Relief Fund is utilized for students at accredited higher education institutions, and better meets the needs of students of the Nation by including transportation costs, and clarifying that all student expenses, not just room and board and classroom requirements, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to this Law would be contrary to public interest. The 2020 Fall Term for many higher education institutions begins in a couple weeks and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Oneida Higher Education Pandemic Relief Fund law can be amended to best meet the needs of students during the 2020 Fall Term.

The emergency amendments to this Law will become effective immediately upon adoption by the Oneida Business Committee and will remain in effect for six (6) months. There will be one (1) opportunity to extend the emergency amendments to this Law for an additional six (6) month period. *[1 O.C. 109.9-5(b)]*.

Requested Action

Approve the Resolution: Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
2 recognized by the laws of the United States of America; and
3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
8
- 9 **WHEREAS,** the Oneida Business Committee adopted the Oneida Higher Education Pandemic Relief
10 Fund law ("the Law") on an emergency basis through the adoption of resolution BC-08-12-
11 20-E; and
12
- 13 **WHEREAS,** the purpose of the Law is to create the Oneida Higher Education Pandemic Relief Fund to
14 assist eligible Tribal members enrolled as students in higher education institutions with
15 funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus
16 Relief Funds (CRF) in order to meet the higher education needs of its students during the
17 COVID-19 Public Health Emergency; and
18
- 19 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
20 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
21 the Nation until April 12, 2020, and set into place the necessary authority for action to be
22 taken and allows the Nation to seek reimbursement of emergency management actions
23 that may result in unexpected expenses; and
24
- 25 **WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida
26 Business Committee until September 11, 2020, through the adoption of resolutions BC-03-
27 28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, and BC-08-06-20-A; and
28
- 29 **WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer*
30 *at Home*" declaration which prohibited all public gatherings of any number of people and
31 ordered all individuals present within the Oneida Reservation to stay at home or at their
32 place of residence, with certain exceptions allowed; and
33
- 34 **WHEREAS,** the COVID-19 Core Decision Making Team has issued subsequent declarations modifying
35 the "*Safer at Home*" declaration including the April 21, 2020 "*Updated Safer at Home*"
36 declaration, the May 19, 2020, "*Safer at Home Declaration, Amendment, Open for*
37 *Business*" declaration, and the June 10, 2020, "*Stay Safer at Home*" declaration; and
38
- 39 **WHEREAS,** on April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled,
40 "*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*" which adopted
41 Tier V budget reductions from the Budget Contingency Plan in accordance with the Budget
42 Management and Control law, and included five percent (5%) mandatory budget cuts
43 across the Nation and reduction of all funding to essential services only; and

44
45 **WHEREAS,** the Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “*Reducing*
46 *the General Tribal Council Higher Education Scholarship Payments for FY2020 and*
47 *FY2021*” which provided that the General Tribal Council Higher Education Scholarship be
48 reduced to five thousand dollars (\$5,000) per year; and
49

50 **WHEREAS,** emergency amendments to the Law are being proposed to clarify the intent of the Law and
51 ensure proper effectuation of the Law; and
52

53 **WHEREAS,** the emergency amendments to the Law add a definition for the term “accredited;” and
54

55 **WHEREAS,** the emergency amendments to the Law revise the definition for “higher education
56 institution” so it is clarified that the higher education institution must be accredited; and
57

58 **WHEREAS,** the emergency amendments to the Law include transportation costs in the definition for
59 “room and board;” and
60

61 **WHEREAS,** the emergency amendments to the Law clarify that all student expenses, not just room and
62 board and classroom requirements, shall be paid directly to the student, whom shall be
63 responsible for maintaining and submitting receipts or other proof of expenditures by
64 December 15, 2020; and
65

66 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to amend
67 legislation on an emergency basis when the legislation is necessary for the immediate
68 preservation of the public health, safety, or general welfare of the Reservation population,
69 and the amendment of the legislation is required sooner than would be possible under the
70 Legislative Procedures Act; and
71

72 **WHEREAS,** the emergency amendments to this Law are necessary for the preservation of the general
73 welfare of the Reservation population as the emergency amendments ensure that the
74 Oneida Higher Education Pandemic Relief Fund is utilized for students at accredited higher
75 education institutions, and ensure that the Law better meets the needs of students of the
76 Nation by including transportation costs, and clarifying that all student expenses, not just
77 room and board and classroom requirements, shall be paid directly to the student, whom
78 shall be responsible for maintaining and submitting receipts or other proof of expenditures
79 by December 15, 2020; and
80

81 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of the
82 amendments to this Law would be contrary to public interest since the 2020 Fall Term for
83 many higher education institutions begins in a couple weeks and the process and
84 requirements of the Legislative Procedures Act cannot be completed in time to ensure that
85 the Oneida Higher Education Pandemic Relief Fund can best meet the needs of eligible
86 students during the 2020 Fall Term; and
87

88 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
89 when considering the adoption of emergency amendments; and
90

91 **WHEREAS,** the emergency amendments are effective for a period of six (6) months, renewable by the
92 Oneida Business Committee for an additional six (6) month term; and
93

94 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
95 amendments to the Oneida Higher Education Pandemic Relief Fund law effective immediately.



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



Statement of Effect

Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

Summary

This resolution adopts emergency amendments to the Oneida Higher Education Pandemic Relief Fund law to clarify the intent of the Law and ensure proper effectuation of the Law.

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

Date: August 24, 2020

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Oneida Higher Education Pandemic Relief Fund law (“the Law”). The purpose of the Law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-1]. Emergency amendments to the Law are being sought to clarify the intent of the Law and ensure proper effectuation of the Law. The emergency amendments to the Oneida Higher Education Pandemic Relief Fund law shall:

- Add a definition for “accredited” [10 O.C. 1003.3-1(a)];
- Revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited [10 O.C. 1003.3-1(e)];
- Include transportation costs in the definition for “room and board” [10 O.C. 1003.3-1(i)]; and
- Clarify that all student expenses shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020. [10 O.C. 1003.4-2(c)].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action to adopt amendments to a Law of the Nation where it is necessary for the immediate preservation of the public health, safety or general welfare of the reservation population and when amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

In response to the COVID-19 pandemic, on March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency set into place the necessary authority should action need to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. This declaration of a Public Health State of Emergency was extended by the Oneida Business Committee until September 11, 2020, through

the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, and BC-08-06-20-A.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Team has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health, safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2]. These declarations remain in effect for the duration of the Public Health State of Emergency. [3 O.C. 302.10-3].

On March 24, 2020, the Nation’s COVID-19 Team issued a “*Safer at Home*” declaration which prohibited all public gatherings of any number of people and ordered all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, a “*Safer at Home Declaration, Amendment, Open for Business*” declaration was issued which directed that individuals within the Oneida Reservation should continue to stay at home, businesses could re-open under certain safer business practices, and social distancing should be practiced by all persons. The COVID-19 Team most recently issued a “*Stay Safer at Home*” declaration on June 10, 2020, which lessened the restrictions of the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance and some restrictions.

On April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020.*” This resolution adopted Tier V budget reductions from the Budget Contingency Plan in accordance with the Budget Management and Control law, which included five percent (5%) mandatory budget cuts across the Nation and reduction of all funding to essential services only. The Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “*Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021.*” This resolution provided that the General Tribal Council Higher Education Scholarship be reduced to five thousand dollars (\$5,000) per year.

The resolution provides that the adoption of emergency amendments to this Law is necessary for the preservation of the general welfare of the Reservation population. The emergency amendments to the Law are necessary to clarify the intent of the Law and ensure proper effectuation of the Law. The Oneida Higher Education Pandemic Relief Fund was created to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The emergency amendments to the Law shall ensure that the Oneida Higher Education Pandemic Relief Fund is utilized for students at accredited higher education institutions, and better meets the needs of students of the Nation by including transportation costs, and clarifying that all student expenses, not just room and board and classroom requirements, shall be paid directly to the student, whom

shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to this Law would be contrary to public interest. The 2020 Fall Term for many higher education institutions begins in a couple weeks and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Oneida Higher Education Pandemic Relief Fund law can be amended to best meet the needs of students during the 2020 Fall Term.

The emergency amendments to this Law will become effective immediately upon adoption by the Oneida Business Committee and remain in effect for six (6) months. The LPA allows for one (1) opportunity to extend the emergency amendments to this Law for an additional six (6) month period. [1 O.C. 109.9-5(b)].

Conclusion

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



EMERGENCY AMENDMENTS TO THE ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Add a definition for “accredited” [10 O.C. 1003.3-1(a)]; ▪ Revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited [10 O.C. 1003.3-1(e)]; ▪ Include transportation costs in the definition for “room and board” [10 O.C. 1003.3-1(i)]; and ▪ Clarify that all student expenses shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020. [10 O.C. 1003.4-2(c)].
Purpose	Create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-1].
Affected Entities	Oneida Business Committee, Oneida Higher Education Department, Oneida Accounting Department, Oneida Economic Services
Public Meeting	A public meeting is not required for emergency amendments [1 O.C. 109.8-1(b) and 109.9-5(a)].
Fiscal Impact	A fiscal impact statement is not required for emergency amendments [1 O.C. 109.9-5(a)].
Expiration of Emergency Amendments	Emergency amendments expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Oneida Higher Education Pandemic Relief Fund law (“the Law”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-E for the purpose of creating the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-1].

- *Request for Emergency Amendments.* Emergency amendments to the Law are being sought to clarify the intent of the Law and ensure proper effectuation of the Law.

B. COVID-19 Pandemic. The world is currently facing a pandemic of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other countries throughout the world, including the United States. The COVID-19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts including effects on the stock market and the closing of all non-essential businesses.

- *Declaration of a Public Health State of Emergency.*

- On March 12, 2020, Chairman Tehassi Hill signed a “Declaration of Public Health State of Emergency” regarding COVID-19 which declared the Public Health State of Emergency

for the Nation until April 12, 2020, and set into place the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses.

- The Public Health State of Emergency has since been extended until September 11, 2020, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A.

- *Additional Action taken by the Nation in Response to COVID-19.*

- On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10].

- When a public health emergency has been declared, the COVID-19 Team has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health, safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2].

- These declarations remain in effect for the duration of the Public Health State of Emergency. [3 O.C. 302.10-3].

- On April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020,” which required a great reduction in expenses as a result of zero gaming revenues supporting governmental functions and included initial and on-going layoffs.

- The Oneida Business Committee also adopted resolution BC-04-08-20-G titled, “Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021.” This resolution provided that the General Tribal Council Higher Education Scholarship be reduced to five thousand dollars (\$5,000) per year.

- *COVID-19 Team Declarations: Safer at Home.*

- On March 24, 2020, the Nation’s COVID-19 Team issued a “Safer at Home” declaration which prohibited all public gatherings of any number of people and ordered all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed.

- On April 21, 2020, the COVID-19 Team issued an “Updated Safer at Home” declaration which allowed for gaming and golf operations to resume.

- On May 19, 2020, the COVID-19 Team issued a “Safer at Home Declaration, Amendment, Open for Business” which directed that individuals within the Oneida Reservation should continue to stay at home, businesses could re-open under certain safer business practices, and social distancing should be practiced by all persons.

- On June 10, 2020, the COVID-19 Team issued a “Stay Safer at Home” declaration which lessened the restrictions of the “Safer at Home Declaration, Amendment, Open for Business” while still providing guidance and some restrictions.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the emergency amendments to this Law and legislative analysis:

- Oneida Law Office.

SECTION 4. PROCESS

- B.** These amendments are being considered on an emergency basis. The Oneida Business Committee may temporarily enact emergency legislation where legislation is necessary for the immediate preservation of public health, safety, or general welfare of the Reservation population and the enactment or amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. *[1 O.C. 109.9-5]*.
- Emergency adoption of this Law is being pursued for the preservation of the general welfare of the Reservation population. The emergency amendments to the Law are necessary to clarify the intent of the Law and ensure proper effectuation of the law. The Oneida Higher Education Pandemic Relief Fund was created to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The emergency amendments to the Law shall ensure that the Oneida Higher Education Pandemic Relief Fund is utilized for students at accredited higher education institutions, and ensures that the Fund better meets the needs of students of the Nation by including transportation costs, and clarifying that all student expenses, not just room and board and classroom requirements, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.
 - Observance of the requirements under the Legislative Procedures Act for the adoption of the emergency amendments to this Law would be contrary to public interest. The 2020 Fall Term for many higher education institutions begins in a couple weeks and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Oneida Higher Education Pandemic Relief Fund can best meet the needs of eligible students during the 2020 Fall Term.
- C.** Emergency amendments typically expires six (6) months after adoption, with one (1) opportunity for a six (6) month extension of the emergency amendments. *[1 O.C. 109.9-5(b)]*.
- D.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering the adoption of emergency amendments. *[1 O.C. 109.9-5(a)]*. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of the emergency amendments to this Law.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Definition for Accredited.*** The proposed emergency amendments to the Law provide a definition for the term “accredited.” The term “accredited” is defined as qualified and approved by a United States Department of Education recognized accrediting body, state-approved accrediting body, or recognized through a professional affiliation. *[10 O.C. 1003.3-1(a)]*.
- *Effect.* The proposed definition for “accredited” provides clarification as to what this term means to the reader.
- B. *Definition for Higher Education Institution.*** The proposed emergency amendments to the Law revise the definition for “higher education institution.” A “higher education institution” is defined through the emergency amendments to the Law as an accredited university, college, vocational college, community

college, liberal arts college, postgraduate school, institute of technology or other collegiate level institution. [10 O.C. 1003.3-1(e)]. Previously, the term “higher education institution” was defined as universities, colleges, vocational colleges, community colleges, liberal arts colleges, postgraduate schools, institutes of technology, and other collegiate level institutions, such as vocational schools, trade schools and career colleges, that award academic degrees or professional certifications.

- *Effect.* The definition for “higher education institution” was revised to clarify that the higher education institutions must be accredited.

C. Definition for Room and Board. The emergency amendments to the Law revise the definition for “room and board.” The emergency amendments to the Law define “room and board” as on or off campus housing, transportation, and food requirements adjusted to meet the unique lodging and food provision requirements or governmental mandates during the Public Health Emergency. [10 O.C. 1003.3-1(i)]. Previously, the term “room and board” was defined as on or off campus housing and food requirements adjusted to meet the unique lodging and food provision requirements or governmental mandates during the Public Health Emergency.

- *Effect.* The definition for “room and board” was revised to include transportation costs. The amendment of this definition to include transportation costs will help better meet the needs of the Nation’s students.

D. Guidelines and Requirements. The emergency amendments to the Law provide that student expenses, such as room and board and other expenses, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020. [10 O.C. 1003.4-2(c)]. Previously, the Law provided that room and board and classroom requirements shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

- *Effect.* The emergency amendments to the Law provide more clarification on the fact that all student expenses, including but not limited to room and board and classroom requirements, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

SECTION 6. EXISTING LEGISLATION

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

- *Oneida General Welfare Law.* The Oneida General Welfare law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance, on a non-taxable basis, to eligible Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. The Oneida General Welfare law sets a framework and provides guidelines for the Nation to establish and operate approved programs which provide assistance to eligible Tribal members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2].
 - The Oneida General Welfare law sets forth the framework and guidelines for the Oneida Higher Education Pandemic Relief Fund to be created and operated under.
 - Adoption of the emergency amendments to this Law conform with the requirements of the Oneida General Welfare law.

- 147 ▪ *Trust Scholarship Fund Policy.* The Trust Scholarship Fund Policy was adopted by the Oneida
148 Business Committee for the purpose of establishing a trust resource for providing financial aid
149 scholarships to assist eligible enrolled Oneida Tribal members in securing higher educational
150 opportunities based on established criteria. [9 O.C. 901.1-1].
 - 151 ▪ This Law provides that the Oneida Higher Education Pandemic Relief Fund is a unique
152 program not associated with the Oneida Trust Scholarship Fund and this law does not
153 amend or override the Trust Scholarship Fund Policy. [10 O.C. 1003.1-5].
- 154 ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal
155 Council for the purpose of providing a standard process for the adoption of laws of the Nation
156 which includes taking into account comments from members of the Nation and input from
157 agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - 158 ▪ The Legislative Procedures Act provides a process for the adoption of emergency
159 amendments when the legislation is necessary for the immediate preservation of the
160 public health, safety, or general welfare of the Reservation population and the
161 enactment or amendment of legislation is required sooner than would be possible under
162 this law. [1 O.C. 109.9-5].
 - 163 ▪ The Legislative Operating Committee is responsible for first reviewing the
164 emergency legislation and for forwarding the legislation to the Oneida
165 Business Committee for consideration. [1 O.C. 109.9-5(a)].
 - 166 ▪ The proposed emergency amendments are required to have a legislative
167 analysis completed and attached prior to being sent to the Oneida Business
168 Committee for consideration. [1 O.C. 109.9-5(a)].
 - 169 a. A legislative analysis is a plain language analysis describing the
170 important features of the legislation being considered and factual
171 information to enable the Legislative Operating Committee to make
172 informed decisions regarding legislation. A legislative analysis
173 includes a statement of the legislation's terms and substance; intent of
174 the legislation; a description of the subject(s) involved, including any
175 conflicts with Oneida or other law, key issues, potential impacts of the
176 legislation and policy considerations. [1 O.C. 109.3-1(g)].
 - 177 ▪ Emergency amendments do not require a fiscal impact statement to be
178 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
 - 179 ▪ Upon the determination that an emergency exists the Oneida Business
180 Committee can adopt emergency amendments. The emergency amendments
181 becomes effective immediately upon its approval by the Oneida Business
182 Committee. [1 O.C. 109.9-5(b)].
 - 183 ▪ Emergency amendments remains in effect for a period of up to six (6) months,
184 with an opportunity for a one-time emergency law extension of up to six (6)
185 months. [1 O.C. 109.9-5(b)].
 - 186 ▪ Adoption of the emergency amendments to this Law would conform with the
187 requirements of the Legislative Procedures Act.

189 **SECTION 7. OTHER CONSIDERATIONS**

- 190 **A. *Deadline for Permanent Adoption of Legislation.*** The emergency amendments to this Law will expire
191 six (6) months after adoption. The emergency amendments may be renewed for an additional six (6)
192 month period.
- 193 ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and
194 adoption of the emergency amendments to this Law on a permanent basis within the next six (6) to
195 twelve (12) months.
- 196 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.
- 197 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
198 emergency legislation [*1 O.C. 109.6-1*].

199

Title 10. General Welfare Exclusion - Chapter 1003
ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND

1003.1. Purpose and Policy
1003.2. Adoption, Amendment, Repeal
1003.3. Definitions
1003.4. Guidelines and Requirements

1003.5. Presumption of Need; General Test for General Welfare
Exclusion
1003.6. Budget

1003.1. Purpose and Policy

1003.1-1. *Purpose.* The purpose of this law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term.

1003.1-2. The Oneida Higher Education Pandemic Relief Fund shall assist students to meet the needs created by the Public Health Emergency which caused grants, scholarships, and loans to be forsaken by the granting institutions or banks during the novel coronavirus pandemic, and personal and family funds redirected to other needs during the ongoing Public Health Emergency, including medical expenses and losses due to unemployment within the family.

1003.1-3. *Policy.* It is the policy of the Nation to prioritize the education of its members young and old. The Nation provides a path and a platform for its Tribal members to excel in their education from Head Start through college and post-graduate studies. The Nation's future business and government leaders, caregivers, nourishers, managers, thought leaders, and teachers shall be better prepared to lead and navigate the local challenges in a global economy when they participate in the academics and accreditation that permits access to areas our Nation requires to remain viable and vital over the next seven generations.

1003.1-4. The Oneida Higher Education Pandemic Relief Fund shall be funded only through monies allocated to the Nation pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), codified at Section 601(d) of the Social Security Act, for the purpose of addressing their higher education needs created by the Public Health Emergency in the wake of the COVID-19 pandemic.

1003.1-5. The Oneida Higher Education Pandemic Relief Fund is a unique program not associated with the Oneida Trust Scholarship Fund and this law does not amend or override the Trust Scholarship Fund Policy at 9 O.C. 901 et seq.

1003.1-6. The Oneida Business Committee intends the Oneida Higher Education Pandemic Relief Fund to adhere to the mandates of the Oneida General Welfare law, 10 O.C. 1001, the Tribal General Welfare Exclusion Act codified at 26 U.S.C. §139E, I.R.S Rev. Proc. 2014-35, the general criterion defined therein at 5.01(1), and the Safe Harbor – Education Programs listed and defined therein at 5.01(2)(b), and CRF.

1003.2. Adoption, Amendment, Repeal

1003.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-E, and emergency amended by BC- - - - -.

1003.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1003.2-3. 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.

1003.2-4. 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.

1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1003.3. Definitions

1003.3-1. 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)~~ (a) “Accredited” means qualified and approved by a United States Department of Education recognized accrediting body, state-approved accrediting body, or recognized through a professional affiliation.

~~(b)~~ (b) “Benefits” means any approved program assistance, including payments, which is provided pursuant to this law.

~~(b)~~ (c) “Classroom requirement” means books, subscriptions, access to internet-based programs, or any items required by the higher education institution, professor, or teacher of the course in which the student is enrolled.

~~(e)~~ (d) “General Test” means the criteria used to determine if any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

- (1) Paid on behalf of the Nation;
- (2) Pursuant to an approved program;
- (3) Does not discriminate in favor of members of the governing body of the Nation;
- (4) Are available to any Tribal member who meets the guidelines of the approved program;
- (5) Are for the promotion of general welfare;
- (6) Are not lavish or extravagant;
- (7) Are not compensation for services; and
- (8) Are not per capita payments.

~~(d)~~ (e) “Higher education institution” means ~~universities, colleges~~an accredited university, college, vocational collegescollege, community collegescollege, liberal arts collegescollege, postgraduate schools, institutes~~school, institute~~ of technology ~~and/or~~ other collegiate level ~~institutions, such as vocational schools, trade schools and career colleges, that award academic degrees or professional certifications~~institution.

~~(e)~~ (f) “Higher Education Pandemic Relief Counselor” means the person hired and assigned by the Oneida Higher Education Division to assist Oneida Economic Support Services in the review and processing of the Oneida Higher Education Pandemic Relief Fund.

~~(f)~~ (g) “Nation” means the Oneida Nation.

~~(g)~~ (h) “Public Health Emergency” means the economic, governmental, and medical crises caused by COVID-19 and the novel coronavirus pandemic.

~~(h)~~ (i) “Room and board” means on or off campus housing, transportation, and food requirements adjusted to meet the unique lodging and food provision requirements or governmental mandates during the Public Health Emergency.

~~(i)~~ (j) “Student” means a Tribal member, age eighteen (18) and older, enrolled in a higher education institution during the operative period of this law.

~~(j)~~ (k) “Technology requirements” means computers, internet access fees, VPN subscriptions, computer-based or cloud-based subscriptions required to function within a contemporary academic setting such as Office 365, Adobe-based programs, other required licenses, and electric or telecommunications costs.

~~(k)~~ (l) “Tuition” means the price or payment for instruction at a higher education institution.

(4m) "Tribal member" means an individual who is an enrolled member of the Nation.

1003.4. Guidelines and Requirements

1003.4-1. The Oneida Higher Education Pandemic Relief Fund is established to meet the higher education needs of its students during the COVID-19 Public Health Emergency.

1003.4-2. The Oneida Higher Education Pandemic Relief Fund shall provide students:

(a) Up to twenty thousand dollars (\$20,000) towards tuition, room and board, technology requirements, and classroom requirements assistance.

(b) Tuition shall be paid directly to the higher education institution upon submission of an invoice for tuition created by the higher education institution.

(c) ~~Room~~ Student expenses, such as room and board and ~~classroom requirements~~ other expenses, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

(d) All funds shall be requested pursuant to the Oneida Higher Education Pandemic Relief Fund standard operating procedure.

(e) Laptop computers may be supplied to the student upon a written request by the student to the Nation's Higher Education Pandemic Relief Counselor and in accordance with the Nation's interpretation of CRF and any applicable standard operating procedure.

1003.4-3. Oneida Higher Education Department shall oversee distribution of the Oneida Higher Education Pandemic Relief Fund in accordance with this law, CRF, and the Nation's interpretation thereof. The Oneida Higher Education Department shall hire the Higher Education Pandemic Relief Counselor whom shall be assigned to work in the office of Oneida Economic Support Services. Oneida Higher Education shall be responsible for the maintenance of records along with the Oneida Accounting Department.

1003.4-4. *Maintenance of Records.*

(a) *Nation.* The Nation requires students to submit tuition invoices, leases, room and board expenses, and any other proof of expenses or receipts to substantiate the request for payments from the Oneida Higher Education Pandemic Relief Fund by December 15, 2020. The Nation shall maintain these records for the required period of time by the CARES Act, CRF, and Internal Revenue Service mandates.

(b) *Student.* The student shall maintain accurate records of the above listed items for review by the Internal Revenue Service upon request.

1003.5. Presumption of Need; General Test for General Welfare Exclusion

1003.5-1. I.R.S. Rev. Proc. 2014-35, section 5.02(2)(B) lists education programs that assist tribal members with tuition, housing, room and board, technology requirements and laptop computers as a Safe Harbor program for which need is presumed.

1003.5-2. The Oneida Higher Education Pandemic Relief Fund meets the requirements of the General Test as defined in the Oneida General Welfare law, 10 O.C. 1001; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5.01(1); and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b).

(a) The benefits are provided to the students pursuant to this law, as approved by the Oneida Business Committee, and in accordance with Oneida General Welfare law.

(b) The Oneida Higher Education Pandemic Relief Fund has guidelines specifying how Students qualify for the benefit in section 1003.4 of this law.

(c) The program is available to any student as defined in Section 1003.3-1(i) of this law.

(d) The distribution of benefits does not discriminate in favor of members of the governing body of the Nation, are not compensation, and are not lavish or extravagant under the facts and circumstances of the Public Health Emergency.

1003.6. Budget

1003.6-1. The Nation shall allocate funds to the Oneida Higher Education Pandemic Relief Fund only from monies it received pursuant to the CRF. This program is dependent on availability of funding from the CRF.

End.

Emergency Adopted - BC-08-12-20-E
Emergency Adopted – BC- - - -

Title 10. General Welfare Exclusion - Chapter 1003
ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND

1003.1. Purpose and Policy
1003.2. Adoption, Amendment, Repeal
1003.3. Definitions
1003.4. Guidelines and Requirements

1003.5. Presumption of Need; General Test for General Welfare
Exclusion
1003.6. Budget

1003.1. Purpose and Policy

1003.1-1. *Purpose.* The purpose of this law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term.

1003.1-2. The Oneida Higher Education Pandemic Relief Fund shall assist students to meet the needs created by the Public Health Emergency which caused grants, scholarships, and loans to be forsaken by the granting institutions or banks during the novel coronavirus pandemic, and personal and family funds redirected to other needs during the ongoing Public Health Emergency, including medical expenses and losses due to unemployment within the family.

1003.1-3. *Policy.* It is the policy of the Nation to prioritize the education of its members young and old. The Nation provides a path and a platform for its Tribal members to excel in their education from Head Start through college and post-graduate studies. The Nation's future business and government leaders, caregivers, nourishers, managers, thought leaders, and teachers shall be better prepared to lead and navigate the local challenges in a global economy when they participate in the academics and accreditation that permits access to areas our Nation requires to remain viable and vital over the next seven generations.

1003.1-4. The Oneida Higher Education Pandemic Relief Fund shall be funded only through monies allocated to the Nation pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), codified at Section 601(d) of the Social Security Act, for the purpose of addressing their higher education needs created by the Public Health Emergency in the wake of the COVID-19 pandemic.

1003.1-5. The Oneida Higher Education Pandemic Relief Fund is a unique program not associated with the Oneida Trust Scholarship Fund and this law does not amend or override the Trust Scholarship Fund Policy at 9 O.C. 901 et seq.

1003.1-6. The Oneida Business Committee intends the Oneida Higher Education Pandemic Relief Fund to adhere to the mandates of the Oneida General Welfare law, 10 O.C. 1001, the Tribal General Welfare Exclusion Act codified at 26 U.S.C. §139E, I.R.S Rev. Proc. 2014-35, the general criterion defined therein at 5.01(1), and the Safe Harbor – Education Programs listed and defined therein at 5.01(2)(b), and CRF.

1003.2. Adoption, Amendment, Repeal

1003.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-E, and emergency amended by BC-__-__-__.

1003.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1003.2-3. 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.

1003.2-4. 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.

1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1003.3. Definitions

1003.3-1. 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) "Accredited" means qualified and approved by a United States Department of Education recognized accrediting body, state-approved accrediting body, or recognized through a professional affiliation.

(b) "Benefits" means any approved program assistance, including payments, which is provided pursuant to this law.

(c) "Classroom requirement" means books, subscriptions, access to internet-based programs, or any items required by the higher education institution, professor, or teacher of the course in which the student is enrolled.

(d) "General Test" means the criteria used to determine if any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

(1) Paid on behalf of the Nation;

(2) Pursuant to an approved program;

(3) Does not discriminate in favor of members of the governing body of the Nation;

(4) Are available to any Tribal member who meets the guidelines of the approved program;

(5) Are for the promotion of general welfare;

(6) Are not lavish or extravagant;

(7) Are not compensation for services; and

(8) Are not per capita payments.

(e) "Higher education institution" means an accredited university, college, vocational college, community college, liberal arts college, postgraduate school, institute of technology or other collegiate level institution.

(f) "Higher Education Pandemic Relief Counselor" means the person hired and assigned by the Oneida Higher Education Division to assist Oneida Economic Support Services in the review and processing of the Oneida Higher Education Pandemic Relief Fund.

(g) "Nation" means the Oneida Nation.

(h) "Public Health Emergency" means the economic, governmental, and medical crises caused by COVID-19 and the novel coronavirus pandemic.

(i) "Room and board" means on or off campus housing, transportation, and food requirements adjusted to meet the unique lodging and food provision requirements or governmental mandates during the Public Health Emergency.

(j) "Student" means a Tribal member, age eighteen (18) and older, enrolled in a higher education institution during the operative period of this law.

(k) "Technology requirements" means computers, internet access fees, VPN subscriptions, computer-based or cloud-based subscriptions required to function within a contemporary academic setting such as Office 365, Adobe-based programs, other required licenses, and electric or telecommunications costs.

(l) "Tuition" means the price or payment for instruction at a higher education institution.

(m) "Tribal member" means an individual who is an enrolled member of the Nation.

1003.4. Guidelines and Requirements

1003.4-1. The Oneida Higher Education Pandemic Relief Fund is established to meet the higher education needs of its students during the COVID-19 Public Health Emergency.

1003.4-2. The Oneida Higher Education Pandemic Relief Fund shall provide students:

(a) Up to twenty thousand dollars (\$20,000) towards tuition, room and board, technology requirements, and classroom requirements assistance.

(b) Tuition shall be paid directly to the higher education institution upon submission of an invoice for tuition created by the higher education institution.

(c) Student expenses, such as room and board and other expenses, shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

(d) All funds shall be requested pursuant to the Oneida Higher Education Pandemic Relief Fund standard operating procedure.

(e) Laptop computers may be supplied to the student upon a written request by the student to the Nation's Higher Education Pandemic Relief Counselor and in accordance with the Nation's interpretation of CRF and any applicable standard operating procedure.

1003.4-3. Oneida Higher Education Department shall oversee distribution of the Oneida Higher Education Pandemic Relief Fund in accordance with this law, CRF, and the Nation's interpretation thereof. The Oneida Higher Education Department shall hire the Higher Education Pandemic Relief Counselor whom shall be assigned to work in the office of Oneida Economic Support Services. Oneida Higher Education shall be responsible for the maintenance of records along with the Oneida Accounting Department.

1003.4-4. *Maintenance of Records.*

(a) *Nation.* The Nation requires students to submit tuition invoices, leases, room and board expenses, and any other proof of expenses or receipts to substantiate the request for payments from the Oneida Higher Education Pandemic Relief Fund by December 15, 2020. The Nation shall maintain these records for the required period of time by the CARES Act, CRF, and Internal Revenue Service mandates.

(b) *Student.* The student shall maintain accurate records of the above listed items for review by the Internal Revenue Service upon request.

1003.5. Presumption of Need; General Test for General Welfare Exclusion

1003.5-1. I.R.S. Rev. Proc. 2014-35, section 5.02(2)(B) lists education programs that assist tribal members with tuition, housing, room and board, technology requirements and laptop computers as a Safe Harbor program for which need is presumed.

1003.5-2. The Oneida Higher Education Pandemic Relief Fund meets the requirements of the General Test as defined in the Oneida General Welfare law, 10 O.C. 1001; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5.01(1); and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b).

(a) The benefits are provided to the students pursuant to this law, as approved by the Oneida Business Committee, and in accordance with Oneida General Welfare law.

(b) The Oneida Higher Education Pandemic Relief Fund has guidelines specifying how Students qualify for the benefit in section 1003.4 of this law.

(c) The program is available to any student as defined in Section 1003.3-1(i) of this law.

(d) The distribution of benefits does not discriminate in favor of members of the governing body of the Nation, are not compensation, and are not lavish or extravagant under the facts

and circumstances of the Public Health Emergency.

1003.6. Budget

1003.6-1. The Nation shall allocate funds to the Oneida Higher Education Pandemic Relief Fund only from monies it received pursuant to the CRF. This program is dependent on availability of funding from the CRF.

End.

Emergency Adopted - BC-08-12-20-E

Emergency Adopted – BC-__-__-__-__

Oneida Business Committee Agenda Request

Accept the August 31, 2020, regular Finance Committee meeting minutes

1. Meeting Date Requested: 09 / 23 / 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:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

***INTERNAL MEMO***

TO: Finance Committee

FR: Denise J. Vigue, Executive Assistant to the CFO &
Finance Committee Support /Contact

DT: Sept. 1, 2020

RE: E-Poll Results - FC Meeting Minutes of August 31, 2020

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of Aug. 31, 2020. The E-Poll and minutes were sent out yesterday and the E-Poll was concluded today. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority of **3** FC members voting to approve the Aug. 31, 2020 Finance Committee Meeting Minutes. FC Members voting included: Daniel Guzman King, Jennifer Webster, and Patrick Stensloff. Larry Barton abstained as he Chaired the meeting.

These Finance Committee Minutes of Aug. 31, 2020 will be placed on the next Finance Committee agenda to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for BC acceptance.

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



FINANCE COMMITTEE

FC REGULAR MEETING

August 31, 2020 ▪ Time: 9:00 A.M

Via Microsoft Teams

REGULAR MEETING MINUTES

FC MEMBERS PRESENT (Via Teams):

Larry Barton, CFO/FC Vice-Chair

Jennifer Webster, BC Council Member

Daniel Guzman King, BC Council Member

Patrick Stensloff, Purchasing Director

FC MEMBERS ABSENT: Cristina Danforth, Treasurer/FC Chair and Chad Fuss, Gaming AGM; GGM Alt.

OTHERS PRESENT (Via Teams): Jason Doxtator; Eric Mc Lester; Jeff Carlson, Eric Boulanger, Tina Jacobsen, Carol Moore; Sharon Mousseau and Linda Jenkins

I. CALL TO ORDER: The FC Regular Meeting was called to order by the FC Vice Chair at 8:57 A.M.

II. APPROVAL OF AGENDA: AUGUST 31, 2020

Motion by Jennifer Webster to approve the Aug. 31, 2020 FC Meeting Agenda with three ADD ON requests under New Business. Seconded by Daniel Guzman King. Motion carried unanimously.

III. APPROVAL OF MINUTES: AUGUST 17, 2020 (Approved via E-Poll on 08/18/20):

Motion by Jennifer Webster to ratify the FC E-Poll action taken on Aug. 18, 2020 approving the Aug. 17, 2020 Finance Committee Meeting Minutes. Seconded by Daniel Guzman King. Motion carried unanimously.

IV. TABLED BUSINESS: None

V. CAPITAL EXPENDITURES:

1. FY20 CapEx Purchase – CDW-G

Amount: \$130,393.05

Jason Doxtator, MIS

Jason explained this is to replace Gaming computer services that are reaching the end of their life cycle; already approved to replace earlier this year, but the pandemic forced plans to be placed on hold.

Motion by Jennifer Webster to approve the Capital Expenditure purchase with CDW-G in the amount of \$130,393.05. Seconded by Daniel Guzman King. Motion carried unanimously.

VI. NEW BUSINESS:

- 1. FY20/21 Blkt PO – Centricity/GE Healthcare** **Amount: \$\$208,832.56**
Debra Danforth, Comp Health Division

Motion by Jennifer Webster to approve the FY20/21 Blanket Purchase Order with Centricity for maintenance of software at the Oneida Health Center. Seconded by Daniel Guzman King. Motion carried unanimously.

- 2. FY21 Blkt PO – Clive & Owens** **Amount: \$60,000,000.**
Michelle Doxtator, Retail Enterprise

Eric Mc Lester explained this, and the following four requests are FY21 Blanket Purchase Order requests for convenience items, dairy and fuel costs for the Oneida Stops.

Motion by Daniel Guzman King to approve the FY21 Blanket Purchase Order with Clive and Owens in the amount of \$60,000,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 3. FY21 Blkt PO – US Ventures** **Amount: \$16,000,000.**
Michelle Doxtator, Retail Enterprise

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with US Ventures in the amount of \$16,000,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 4. FY21 Blkt PO – Title Town** **Amount: \$6,000,000.**
Michelle Doxtator, Retail Enterprise

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Title Town in the amount of \$6,000,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

- 5. FY21 Blkt PO – WP Beverages LLC** **Amount: \$550,000.**
Michelle Doxtator, Retail Enterprise

Motion by Daniel Guzman King to approve the FY21 Blanket Purchase Order with WP Beverages LLC in the amount of \$550,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 6. FY21 Blkt PO – Deans Distributing** **Amount: \$400,000.**
Michelle Doxtator, Retail Enterprise

Motion by Daniel Guzman King to approve the FY21 Blanket Purchase Order with Deans Distributing in the amount of \$400,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 7. FY20 Blkt PO Increase– General Services Admin-Vehicle Leases** **Amount: \$14,640.**
Eric Boulanger, Oneida Police Dept.

Eric Boulanger explained this is for unforeseen mileage and vehicle maintenance costs for FY20 and that the next request for FY21 includes a one percent increase that will cover the whole year; this is a budgeted expense.

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order increase with General Services Administration to cover vehicle lease fees for the remainder of FY20 in the amount of \$14,640.00. Seconded by Daniel Guzman King. Motion carried unanimously.

8. FY21 Blkt PO – General Services Admin-Vehicle Leases Amount: \$180,790.

Eric Boulanger, Oneida Police Dept.

Motion by Daniel Guzman King to approve the FY21 Blanket Purchase Order with General Services Administration for vehicle lease fees in the amount of \$180,790.00. Seconded by Jennifer Webster. Motion carried unanimously.

9. FY20 PO Increase – Apricity Amount: \$200,000.

Dr. Ravi Vir & Debra Danforth, Comprehensive Health Division

Jeff Carlson explained these two increase requests are additional expenses to cover inpatient expenses this year, in part due to the pandemic; this is for behavioral health.

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order increase with Apricity to cover the remainder of FY20 in the amount of \$200,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

10. FY20 PO Increase- Mash-Ka-Wisen Amount: \$25,000.

Dr. Ravi Vir & Debra Danforth, Comprehensive Health Division

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order increase with Mash-Ka-Wisen to cover the remainder of FY20 in the amount of \$25,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

11. FY21 Warehouse Lease Payment Amount: \$51,000.

Marilyn King, Oneida Food Distribution

Tina Jacobsen explained this is for the yearly warehouse lease payment from a 25-year lease agreement; the FC asked if this could be covered from the Covid funds, Tina will check.

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order for the Food Warehouse Lease in the amount of \$51,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

12. FY21 Blkt PO – Atlas Bus Inc.-Vehicle Replacements Amount: \$102,000.

Carol Moore, Oneida Public Transit

Carol Moore explained this is for anticipated vehicle replacements with higher mileage; funding is budgeted from tribal contribution and State funds.

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Atlas Bus Inc for vehicle replacements in the amount of \$102,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

13. Fuel Equipment Repair (line transfer)

Michelle Doxtator, Retail Enterprise

Eric Mc Lester explained per his 8/21/20 memo Retail is requesting several line transfers, mainly from the branding dollars to repair 30 year old fuel lines at the E& EE One Stop and to add diesel fuel to bring in added revenue; this facility was slated to be moved across the road, but that was not cost efficient and funds can be better spend in tank replacement, a new canopy and maintenance costs; there is no additional costs, just line transfers of existing dollars.

Motion by Jennifer Webster to approve the transfer of funds mainly from the branding dollars as outlined in the 8/21/20 memo to cover the costs of the fuel tank replacements, a canopy, and maintenance at the E&EE site. Seconded by Daniel Guzman King. Motion carried unanimously.

14. ADD ON: FY21 Blkt PO – Reinhart Food Service Amount: \$250,000.

Sharon Mousseau, ONES

Sharon Mousseau explained they also obtain food from the various tribal sources such as the farm and this request is funded through DPI food grant funding and for Lamers it is funded by BIE dollars; \$304,652. and the remainder from tribal contribution.

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Reinhart Food Service in the amount of \$250,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

15. ADD ON: FY21 Blkt PO – Lamers Bus, Inc. Amount: \$420,000.

Sharon Mousseau, ONES

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Lamers Bus, Inc in the amount of \$420,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

16. ADD ON: FY21 Blkt PO – Graphic Composition Amount: \$625,000.

Ron Wurth, Gaming Promotions

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Graphic Composition in the amount of \$625,000.00. Seconded by Daniel Guzman King. Motion carried unanimously.

VII. EXECUTIVE SESSION: None**VIII. FOLLOW UP: None****IX. FOR INFORMATION ONLY:****1. Gov't to Gov't Agreement – Brown County**

Paula King Dessart, BC Support Office

Motion by Jennifer Webster to accept this and the following Government to Government agreement payment(s) as FYI. Seconded by Daniel Guzman King. Motion carried unanimously.

2. Gov't to Gov't Revised Agmt. – Town of Oneida

Paula King Dessart, BC Support Office

- See Motion in FYI #1.

- X. ADJOURN:** Motion by Jennifer Webster to adjourn. Seconded by Daniel Guzman King.
Motion carried unanimously. Time: 9:20 A.M.

Minutes submitted by:

Denise J. Vigue, Executive Assistant to the CFO

& Finance Committee Contact/Recording Secretary

Finance Committee Approval Date of Minutes via E-Poll: September 1, 2020

Accept the September 14, 2020, regular Finance Committee meeting minutes
Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 23 / 20

2. General Information:

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

Agenda Header:

☒ Accept as Information only

☐ Action - please describe:

BC to accept the Finance Committee Meeting Minutes of September 14, 2020.

3. Supporting Materials

☐ Report ☐ Resolution ☐ Contract

☒ Other:

1.

3.

2.

4.

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



INTERNAL MEMO

TO: Finance Committee

FR: Denise J. Vigue, Executive Assistant to the CFO &
Finance Committee Support /Contact

DT: September 16, 2020

RE: E-Poll Results - FC Meeting Minutes of September 14, 2020

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of Sept. 14, 2020. The E-Poll and minutes were sent out and concluded today. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority of **4** FC members voting to approve the Sept. 14, 2020 Finance Committee Meeting Minutes. FC Members voting included: Daniel Guzman King, Patrick Stensloff, Jennifer Webster and Cristina Danforth. Larry Barton abstained as he Chaired the meeting.

These Finance Committee Minutes of Sept. 14, 2020 will be placed on the next Finance Committee agenda to ratify this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for Council acceptance.

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



FINANCE COMMITTEE

FC REGULAR MEETING

September 14, 2020 ▪ Time: 9:00 A.M

Via Microsoft Teams

REGULAR MEETING MINUTES

FC MEMBERS PRESENT (Via Teams):

Larry Barton, CFO/FC Vice-Chair

Jennifer Webster, BC Council Member

Daniel Guzman King, BC Council Member

Chad Fuss, Gaming AGM; GGM Alt.

Patrick Stensloff, Purchasing Director

FC MEMBERS ABSENT: Cristina Danforth, Treasurer/FC Chair

OTHERS PRESENT (Via Teams): Bridget John, Jason Doxtator, Loucinda Conway, Mary Wasurick, and Don De Champs

I. CALL TO ORDER: The FC Regular Meeting was called to order by the FC Vice Chair at 9:02 A.M.

II. APPROVAL OF AGENDA: SEPTEMBER 14, 2020

Motion by Jennifer Webster to approve the Sept. 14, 2020 FC Meeting Agenda with Four Add-On's. Seconded by Chad Fuss. Motion carried unanimously.

III. APPROVAL OF MINUTES: AUGUST 31, 2020 (Approved via E-Poll on 09/01/20):
Motion by Daniel Guzman King to ratify the FC E-Poll action taken on Sept. 1, 2020 approving the Aug. 31, 2020 Finance Committee Meeting Minutes with one correction. Seconded by Jennifer Webster. Motion carried unanimously.

IV. TABLED BUSINESS: None

V. CAPITAL EXPENDITURES: None

VI. NEW BUSINESS:

1. FY21 Blkt PO – Virgen, Inc (Yr. 3 Pymt.)

Amount: \$100,200.

Mary Wasurick, Gaming Advertising

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Virgen, Inc for the year three payment of the contract in the amount of \$100,200.00. Seconded by Patrick Stensloff. Motion carried unanimously.

2. FY21 Blkt PO – RSM US LLP

Loucinda Conway, Internal Audit

THIS ITEM MOVED TO EXECUTIVE SESSION.

- 3. FY21 Blkt PO – Crawford/Broadspire** **Amount: \$55,000.**
Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Crawford/Broadspire in the amount of \$55,000.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 4. FY21 Blkt PO – Crawford/Broadspire** **Amount: \$300,000.**
Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Crawford/Broadspire in the amount of \$300,000.00. Seconded by Chad Fuss. Motion carried unanimously.

- 5. FY21 Blkt PO – VDH Nursing** **Amount: \$70,104.**
Robert Keck, Risk Management

Motion by Chad Fuss to approve the FY21 Blanket Purchase Order with VDH Nursing in the amount of \$70,104.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 6. FY21 Blkt PO – Hudson Insurance** **Amount: \$100,000.**
Robert Keck, Risk Management

Motion by Patrick Stensloff to approve the FY21 Blanket Purchase Order with Hudson Insurance in the amount of \$100,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

- 7. FY21 Blkt PO – EM Power, LLC** **Amount: \$74,052.**
Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with EM Power, LLC in the amount of \$74,052.00. Seconded by Patrick Stensloff. Motion carried unanimously.

- 8. FY21 Blkt PO – St. Vincent Hospital** **Amount: \$300,000.**
Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with St. Vincent Hospital in the amount of \$300,000.00. Seconded by Chad Fuss. Motion carried unanimously.

- 9. FY21 Blkt PO – Bellin Memorial Hospital** **Amount: \$220,500.**
Robert Keck, Risk Management

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Bellin Memorial Hospital in the amount of \$220,500.00. Seconded by Chad Fuss. Motion carried unanimously.

- 10. A/P Check Request – DWD UID (Claims Month-Aug.)** **Amount: \$1,174,970.47**
Ra Linda Ninham-Lamberies, Finance Administration

Motion by Jennifer Webster to approve the A/P Check Request to pay the DWD UID claims for August in the amount of \$1,174,970.47. Seconded by Patrick Stensloff. Motion carried unanimously.

11. ADD: FY21 Blkt PO – RedSail Technologies Amount: \$63,112.20

Jason Doxtator, MIS

Motion by Chad Fuss to approve the FY21 Blanket Purchase Order with RedSail Technologies in the amount of \$ 63,112.20. Seconded by Patrick Stensloff. Motion carried unanimously.

12. ADD: FY21 Blkt PO – Scientific Games Amount: \$820,000.

Jason Doxtator, MIS

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with Scientific Games in the amount of \$820,000.00. Seconded by Patrick Stensloff. Motion carried unanimously.

13. ADD: FY20 Blkt PO Increase – Advanced Disposal Svs. Amount: \$105,039.

Bridget John, Oneida Utilities

Motion by Jennifer Webster to approve the FY20 Blanket Purchase Order increase with Advanced Disposal Services in the amount of \$105,039. Seconded by Patrick Stensloff. Motion carried unanimously.

VII. EXECUTIVE SESSION:

Motion by Jennifer Webster to go into Executive Session. Seconded by Patrick Stensloff. Motion carried unanimously. Time: 9:34 A.M.

Motion by Jennifer Webster to come out of Executive Session. Seconded by Patrick Stensloff. Motion carried unanimously. Time: 9:39 A.M.

1. FY21 Blkt PO – RSM US LLP

Loucinda Conway, Internal Audit

Motion by Jennifer Webster to approve the FY21 Blanket Purchase Order with RSM US LLC in the amount as requested. Seconded by Patrick Stensloff. Motion carried unanimously.

VIII. ADMINISTRATIVE /INTERNAL**1. FC 3rd Quarter Report to the BC**

Motion by Patrick Stensloff to approve Finance Committee's Third Quarter Report to the Business Committee. Seconded by Jennifer Webster. Motion carried unanimously.

2. Donation – FY20 Final Report

Motion by Patrick Stensloff to approve the Finance Committee's Donations FY20 Final Report. Seconded by Jennifer Webster. Motion carried unanimously.

3. Community Fund – FY20 Final Report

Motion by Patrick Stensloff to approve the Finance Committee's Community Fund FY20 Final Report. Seconded by Jennifer Webster. Motion carried unanimously.

4. FY21 Finance Committee DRAFT Schedule

Motion by Patrick Stensloff to approve Finance Committee's FY21 meeting schedule. Seconded by Jennifer Webster. Motion carried unanimously.

5. ADD: Process Memo from Finance

Motion by Jennifer Webster to approve process memo from Finance and the Treasurer to the organization. Seconded by Patrick Stensloff. Motion carried unanimously.

IX. FOLLOW UP: None**X. FOR INFORMATION ONLY:** None**XI. ADJOURN:** Motion by Patrick Stensloff to adjourn. Seconded by Jennifer Webster. Motion carried unanimously. Time: 9:43 A.M.

Minutes submitted by:
Denise J. Vigue, Executive Assistant to the CFO
& Finance Committee Contact/Recording Secretary

Finance Committee Approval Date of Minutes via E-Poll: September 16, 2020

Oneida Business Committee Agenda Request

CIP # 18-010 Food Distribution Store Concept - Approve the Capital Improvement Process (CIP) package

1. Meeting Date Requested: 09 / 23 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:

Food Distribution Store Concept



CIP #18-010

CIP PACKAGE

Project Client: Food Distribution

Project Team:

Marilyn King	Department Manager – Food Distribution
Tsyoshaaht Delgado	Area Manager - Social Services
Leonard Stevens	Supervisor – Warehouse Food Distribution
Dave Bischoff	Purchasing FF & E – Purchasing Dept.
Ray Olson	Energy Controls Manager - DPW
Ronald Melchert	Project Planner - Planning Dept.
Dan W. Skenandore	Project Manager - Engineering Dept.
Paul J. Witek	Engineering Director/Senior Architect - Engineering Dept.

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PROJECT EXECUTIVE SUMMARY

Project Title: Food Distribution Store Concept

Project Description:

The project entails the conversion of the food distribution and food pick up area, associated with Food Distribution Services, to reflect a conventional grocery store layout and check out area.
(see page 7 of CIP Package)

Management/Business Plan:

The program's management structure would not change as a result of this project.

The Food Distribution is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.
(see page 7 of CIP Package)

Site Selection:

The current site is the Food Distribution Facility located in the Oneida Business Park. No change of site is needed.

Project Budget Estimate: (also see page 8 of CIP Package)

Soft & Misc. Costs:		\$29,600
Construction:		\$83,800
Furniture, Fixtures & Equipment (FFE):		\$76,000
Contingency:	12%	\$22,700
Total (rounded):		\$212,000
<u>25% Match (CIP Funds):</u>		<u>\$53,000</u>

Financial Plan:

Project funds will be requested in the FY2020 CIP budget. 75% of the funding for this project will be secured from the USDA United States Department of Agriculture (USDA) Special Nutrition Programs. There is a 25% matching funding requirement.
(see page 10 of CIP Package)

Communication Plan:

The standard process will be used for communicating the project status to the community.
(see page 10 of CIP Package)

I. Needs Assessment and Project Justification

- A. **Introduction:** The method of food selection, pick up and check out would be converted to a conventional grocery store layout thereby providing clients an enhancement of choice of produce and quantity needed within their allocation. The delivery method would be more user-friendly allowing clients to make individual choices from standard store shelving, coolers and refrigeration units. Clients would be able to stroll down the aisles to select items much like shopping for grocery items in a conventional store rather than be given a box or bag of food that is selected for them based on their qualified need. The checkout lanes would be like a conventional cashier checkout lane to record food items picked up. The system provides clients with choice, the ability to make decisions for themselves, and a heightened value of self in utilizing a client friendly system.
- B. **Present Facilities:** Currently clients are provided with a selection of grocery items for which they are eligible to receive in one bulk quantity. Clients wait at the counter while staff packages the items. All the items for which the clients are eligible to receive are given at this one time.
- C. **Problem:** The existing layout configuration does meet the functional needs of the program. Current layout and shelving are not conducive to product storage, display, and handling of items. The current layout does not allow clients the ease of access and freedom in selection of eligible items from individual food group categories.

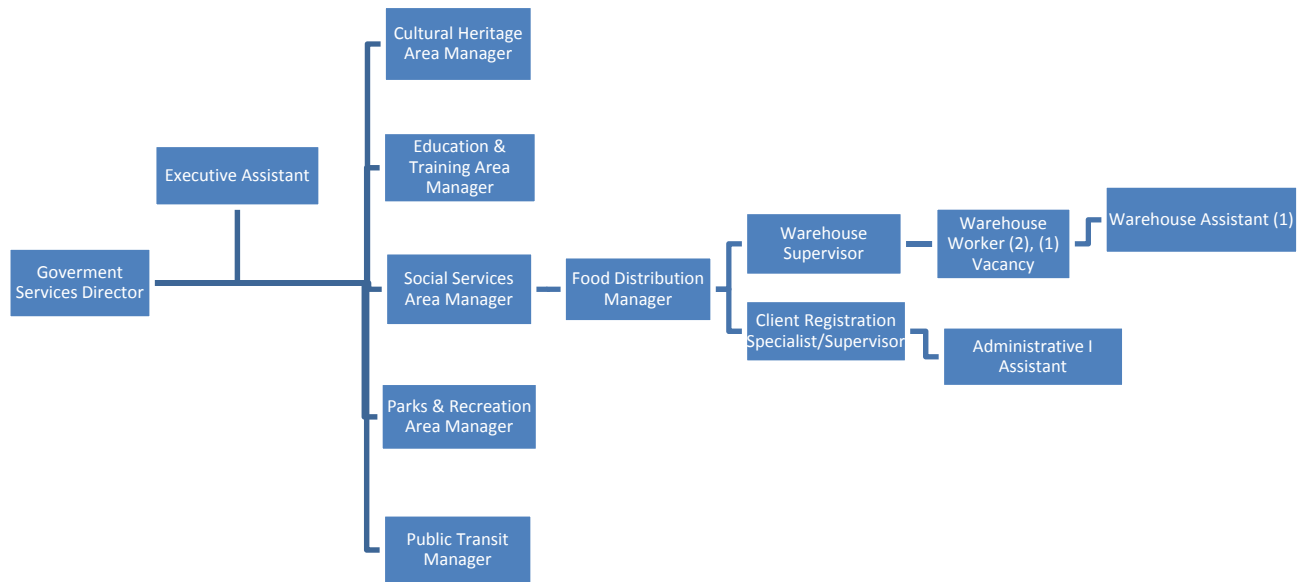
II. Business Plan

- A. The Food Distribution is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.

III. Management Plan

- A. Management - The program's management structure would not change as a result of this project.

B. Organizational Chart:



C. Staffing, Requestor: Initially, current staffing will not change as a result of this project.

D. Staffing, Service Departments: The tribal service departments that are impacted by this project include the following. Their need for additional staffing due to this project is noted:

1. DPW – Facilities - no additional positions needed.
2. DPW - Grounds Keeping - no additional positions needed.
3. Custodial - no additional positions needed.
4. MIS - no additional positions needed.

IV. Facility Concept and Space Requirements

A. The current warehouse will be modified to a store layout that occurs over an area of approximately 7,740 square feet. The layout will be modified to create pick up and check out experience like a conventional grocery store layout thereby providing clients an enhancement of choice of produce and quantity needed within their allocation. The checkout lanes would be like a conventional cashier checkout lane to record food items picked up.

B. Consistent with the Oneida Design Standards, it is our intention to utilize sustainable design principals on this project. Meaning, we will design, construct, and operate the building to minimize negative impacts to the natural environment and health, while optimizing long-term costs.

C. The spaces to be modified included: Food aisles with shelving, cooler areas, and product check out areas.

V. Site Selection Criteria

- A. The building is located at N7360 Water Circle Place, Oneida, WI. The project remodels the existing building within its exterior walls, a change in site location is not necessary.

VI. Environmental

- A. An Environmental Assessment will not be required, as the project is an interior remodeling.

VII. Budget Estimate

PROJECT NAME: **Food Distribution Store Concept**
 PROJECT No.: 18-010
 DATE: April 3, 2019

SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees	14,000
Architect / Engineer Fees & Reimbursables	15,100
Soil Borings, Testing and Surveys	400
Agency Review and Approval Fees	100
Insurance - Builders Risk	covered by property insurance
Historical/Cultural/Archaeological Review	0

Sub-total: 29,600

CONSTRUCTION

Site Work & Landscape	0
Building Remodel	69,000

Sub-total: 69,000

Oneida Preference Amount	6,710
Sustainable Design Premium	7% 4,830
Inflation Factor: 1 years	4% per year 3,222

Sub-total: 83,800

FIXTURES, FURNISHINGS AND EQUIPMENT

Division 10 - Specialties	5,000
Division 11 - Equipment	69,000
Division 12 - Furnishings	0
Division 27 - Communications	2,000
Division 28 - Electronic Safety & Security	0

Sub-total: 76,000

TOTAL:	189,400
Contingency: 12.0%	22,700
Finance Costs: 0.0%	0

ESTIMATED TOTAL PROJECT BUDGET: \$ 212,000

Grant 75%: \$159,000

Required 25% Match (CIP Funds): \$53,000







VIII. Financial Plan

- A. Tribal Financing: - It is proposed to fund the project's 25% grant match through the tribal CIP Budget. The Finance Department will determine the best means to finance the overall CIP budget.
- B. The Project Team has been researching possible grant opportunities for the project and has identified the following potentials:
 - 1. 75% of the funding for this project will be secured from the United States Department of Agriculture (USDA) Special Nutrition Programs. There is a 25% matching fund requirement.
 - 2. The 25% matching fund requirement could possibly be an in-kind service if the Nation were to perform any of the improvement work. Potential opportunities include demolition work, construction of counter area, providing new electrical work, and plumbing as required. Any self-performed work credits would be removed from the CIP Funds allocated, excess CIP Funds would be returned per the Budget law.

IX. Communication Plan

- A. Information included in a communication plan for this project will include:
 - 1. CIP project number
 - 2. Project title
 - 3. Project Manager (including: phone, fax numbers and e-mail address)
 - 4. Project phase (identify process followed: CIP, etc.)
 - 5. % of Phase completed
 - 6. Brief description of the project scope
 - 7. Project budget amount
 - 8. Project schedule (identify if community meeting will be held)
- B. The Project Information will be communicated to the community and staff as follows:
 - 1. Weekly status reports - Monday 8:30 AM at LBDC conference room (Project Manager)
 - 2. Quarterly reports Tribal publications including: Kalihwisaks (Engineering Director/Senior Architect)
 - 3. Quarterly reports on Oneida website and on Oneida Intranet (Engineering Director/Senior Architect)
 - 4. dedication ceremonies scheduled with the events coordinator (Project Manager / Business Unit Manager)

X. Project time line

ID		Task Name	Duration
1		CIP Concept Paper Phase	49 days
6		OBC Approval of Concept Paper	0 days
7		CIP Phase I - CIP Request	175 days
8		Assemble CIP Package	175 days
17		Client Division Director Approval	15 days
18		CIP Phase II - Project Ranking & Approval	8 days
19		CIP Package to OBC	8 days
20		OBC Approval	0 days
21		CIP Phase III - A/E Contract Approval & Design	130 days
22		Draft A/E RFP	3 wks
23		Release RFP & Score proposals	4 wks
24		Contract Negotiation	1 wk
25		Contract Award	4 wks
26		Design Phase	4 wks
27		Engineering Dept. Document Review	1 wk
28		Construction Documents (CD)	6 wks
29		Engineering Dept. Document Review	2 wks
30		A/E Incorporates Owner review comments	1 wk
31		CIP Phase IV - Project Bidding & Construction	150 days
32		Bidding and Negotiation	4 wks
33		Contract Award	4 wks
34		Construction	20 wks
35		Substantial Completion	0 days
36		Final Completion	2 wks

XI. Appendix

A. None.

PROJECT BUDGET ESTIMATE

PROJECT NAME: **Food Distribution Store Concept**

PROJECT No.: 18-010

DATE: April 3, 2019

SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees	14,000
Architect / Engineer Fees & Reimbursables	15,100
Soil Borings, Testing and Surveys	400
Agency Review and Approval Fees	100
Insurance - Builders Risk	covered by property insurance
Historical/Cultural/Archaeological Review	0

Sub-total: 29,600

CONSTRUCTION

Site Work & Landscape	0
Building Remodel	69,000

Sub-total: 69,000

Oneida Preference Amount	6,710
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Inflation Factor: 1 years	4% per year 3,222

Sub-total: 83,800

FIXTURES, FURNISHINGS AND EQUIPMENT

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Sub-total: 76,000

TOTAL:	189,400
Contingency: 12.0%	22,700
Finance Costs: 0.0%	0

ESTIMATED TOTAL PROJECT BUDGET: \$ 212,000

Grant 75%: \$159,000

Required 25% Match (CIP Funds): \$53,000

Budget Revision and Supplemental Request Form

Food Distribution Program on Indian Reservations

CURRENT FISCAL YEAR: 2019/20**REQUEST FOR:**Supplemental Funding or Budget Revision

Indian Tribal Organization:

ONEIDA NATION

Address:

P.O. BOX 365

City/ State/Zip:

ONEIDA WI 54155**BUDGET REQUEST DETAILS:**

Total Amount of Request:

\$ 212,000.00

Federal Funds:

\$ 169,600.00

ITO Match (25% of Total)

\$ 42,400.00Waiver Requested (Y (N)
Requested Waiver Amount:

\$ _____

Purpose of the Request:

To convert warehouse into store.

Details:

See attached summary.**Supporting Documentation Needed:**

	<i>Supplemental Req.</i>	<i>Budget Revision</i>
<i>Letter of Request (Details of Request)</i>	<i>X</i>	<i>X</i>
<i>3 Price Quotes, if applicable</i>	<i>X</i>	
<i>Waiver letter and justification, if applicable</i>	<i>X</i>	<i>X</i>
<i>Revised Budget Breakdown Worksheet</i>		<i>X</i>
<i>Revised SF-424, A, B</i>		<i>X</i>
<i>New Approved IDCR Agreement, if applicable</i>		<i>X</i>

Signature & Title

Marilyn King

Date

12/17/19



**United States
Department of
Agriculture**

Food and
Nutrition
Service

Midwest Region

77 W. Jackson Blvd.
20th Floor
Chicago, IL
60604-3511

Tehassi Hill, Chairman
Oneida Nation
P.O. Box 365
Oneida, Wisconsin 54155

February 18, 2020

Dear Mr. Hill:

This letter is in response to your supplemental funding request of \$212,000 for the Oneida Nation Food Distribution Program on Indian Reservations (FDPIR) Fiscal Year (FY) 2020 administrative budget. The Oneida Nation Food Distribution program is approved for \$212,000 in supplemental administrative funding for re-modeling labor costs, fixtures, and related equipment associated with the program's transition to the store-concept model.

Based on the approved funding amount of \$212,000 the Federal share approved is \$169,600. The Oneida Nation will meet the 20% match requirement of \$42,400.

It should be noted that the \$169,600 of Federal administrative funds for this release are from FY2020. They are allowed to be obligated and expended in 2 year increments. All FY2020 funds will be reported in FY2020 and the respective quarter they are expended in (Q1-Q8).

The chart below indicates the updated FY2020 Oneida Nation funding, including this request.

<i>FY20 Administrative Budget</i>	<i>FY20 Federal Funds Authorized</i>	<i>Tribal Match</i>	<i>Match Waiver Requested Y/N</i>	<i>Revised Match Requirement</i>
\$628,112	\$502,488	\$125,624	N	20%
\$416,112-FY20 Initial Budget	\$332,888-FY20 Initial Budget	\$83,224	N	20%

<i>FY20 Additional Funding Approvals</i>	<i>Federal Funds Authorized</i>	<i>Tribal Match</i>	<i>Match Waiver Requested Y/N</i>	<i>Match</i>
\$212,000-Supplemental Request issuance	\$169,600	\$42,400	N	20%

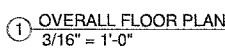
If you have any questions, please feel free to have a member of your staff contact Tammy Larma at (312) 886-2531 or Dawn Lawson at (319) 582-7800.

Sincerely,

VISTA SUAREZ FLETCHER PhD, RD
Regional Director
Special Nutrition Programs

Enclosure

cc: Marilyn King, Oneida, FDPIR
Cindy Seeley, Oneida, FM
Dawn Lawson, MWRO, FM

[illegible][illegible]



**United States
Department of
Agriculture**

Food and
Nutrition
Service

Midwest Region

77 W. Jackson Blvd.
20th Floor
Chicago, IL
60604-3511

Tehassi Hill, Chairman
Oneida Nation
P.O. Box 365
Oneida, Wisconsin 54155

August 17, 2020

Dear Mr. Hill:

This letter is in response to your request for a FDPIR FY2020 administrative budget match waiver. The Oneida Nation has indicated that their Tribe has suffered a substantial burden as a result of the COVID-19 pandemic. This has put a significant strain on their resources while trying to support the programs and services that their Tribal members need. The Oneida Nation Food Distribution program is approved for a waiver of the full 20% requirement for their FY2020 Administrative budget, which also includes a supplemental budget approval for a specialized project.

Based on the total approved funding amounts in FY2020, the Federal share approved is \$628,112. The Oneida Nation will not meet the 20% match requirement.

It should be noted that the \$628,112 of Federal administrative funds for this release are from FY2020. They are allowed to be obligated and expended in 2 year increments. All FY2020 funds will be reported in FY2020 and the respective quarter they are expended in (Q1-Q8).

The chart below indicates the updated FY2020 Oneida Nation funding, including all funding requests.

<i>FY20 Administrative Budget</i>	<i>FY20 Federal Funds Authorized</i>	<i>Tribal Match</i>	<i>Match Waiver Requested Y/N</i>	<i>Revised Match Requirement</i>
\$628,112	\$628,112	\$0	Y	0%
\$416,112-FY20 Initial Budget	\$416,112-FY20 Initial Budget	\$0	Y	0%

<i>FY20 Additional Funding Approvals</i>	<i>Federal Funds Authorized</i>	<i>Tribal Match</i>	<i>Match Waiver Requested Y/N</i>	<i>Match</i>
\$212,000-Supplemental Request	\$212,000	\$0	Y	0%

If you have any questions, please feel free to have a member of your staff contact Tammy Larma at (312) 886-2531 or Dawn Lawson at (319) 582-7800.

Sincerely,

VISTA SUAREZ FLETCHER PhD, RD
Regional Director
Special Nutrition Programs

Enclosure

cc: Marilyn King, Oneida, FDPIR
Don Miller, Oneida, FM
Dawn Lawson, MWRO, FM

Budget Revision and Supplemental Request Form

Food Distribution Program on Indian Reservations

CURRENT FISCAL YEAR: 2020**REQUEST FOR:**Supplemental Funding or Budget Revision**REVISION**

Indian Tribal Organization:

Oneida Nation

Address:

PO Box 365

City/ State/Zip:

Oneida, WI 54115**BUDGET REQUEST DETAILS:**

Total Amount of Request:

\$ 212,000

Federal Funds:

\$ 212,000

ITO Match (20% of Total)

\$ 0

Waiver Requested (Y / N)

Requested Waiver Amount:

\$ Yes \$42,400

Purpose of the Request: The revision is submitted because the Tribe no longer able to contribute the 20% match, due to the COVID-19 pandemic and the drain on tribal resources. Substantial Burden waiver was submitted.

Details: The project of converting the FDPIR distribution model to store concept will continue as planned, however; full Federal funding has been requested through a substantial burden waiver.

Supporting Documentation Needed:

	<i>Supplemental Req.</i>	<i>Budget Revision</i>
<i>Letter of Request (Details of Request)</i>	<i>X</i>	<i>X</i>
<i>3 Price Quotes, if applicable</i>	<i>X</i>	
<i>Waiver letter and justification, if applicable</i>	<i>X</i>	<i>X</i>
<i>Revised Budget Breakdown Worksheet</i>		<i>X</i>
<i>Revised SF-424, A, B</i>		<i>X</i>
<i>New Approved IDCR Agreement, if applicable</i>		<i>X</i>

Signature & Title

Date

Oneida Business Committee Agenda Request

Review revisions to the Pandemic Pay SOP

1. Meeting Date Requested: 09 / 23 / 20

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:

Review Pandemic Pay SOP

3. Supporting Materials

- ☐ Report ☐ Resolution ☐ Contract
- ☒ Other:

- | | |
|---------------------|----|
| 1. Pandemic Pay SOP | 3. |
| 2. | 4. |

☐ Business Committee signature required

4. Budget Information

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

5. Submission

Authorized Sponsor / Liaison: Geraldine Danforth, Area Manager/Human Resource Department

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

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.




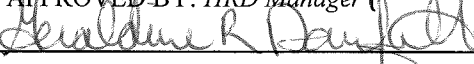
Oneida Business Committee Agenda Request

6. Cover Memo:

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

Review updates to the Pandemic Pay SOP. Updates were done to clarify issues/questions/concerns. Once the updates to the SOP are finalized, communication to the organization will occur clarifying the changes.

- 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 STANDARD OPERATING PROCEDURE	TITLE: Pandemic Pay Policy	ORIGINATION DATE: 7/30/2020 REVISION DATE: EFFECTIVE DATE: After last signature
AUTHOR: Retail	APPROVED BY: <i>Compensation and Benefits Director</i> 	DATE: 8/11/20
DEPARTMENT: All	APPROVED BY: <i>Title & Signature</i>	DATE:
DIVISION: All	APPROVED BY: <i>Title & Signature</i>	DATE:
	APPROVED BY: <i>Title & Signature</i>	DATE:
EEO REFERENCE NUMBER: 4182	COMPLIANCE REVIEW BY: <i>EEO</i> 	DATE: 8/11/20
PAGE NO: 1 of 2	APPROVED BY: <i>HRD Manager</i> 	DATE: 8/11/20

1.0 PURPOSE

- 1.1 To establish how Pandemic Pay will be distributed for hours worked for eligible employees who have worked during pandemic periods designated as the Oneida Nation Declaration of Public Health State of Emergency.

2.0 DEFINITIONS

- 2.1 Employee: For purposes of this SOP an employee is any individual employed by the Nation, including elected or appointed officials; however, does not include individual employees by a Tribally chartered corporation.
- 2.2 Pandemic Pay: Additional pay for performing hazardous duty related to an Oneida Nation declared Public Health State of Emergency (e.g. COVID-19).
- 2.3 Hazardous Duty: An unusual danger of serious injury or illness due to exposure to a serious disease for which complete protection cannot be provided and puts an employee at risk of contracting it (e.g. COVID-19).
- 2.4 Telecommuting: a work arrangement in which employees enjoy limited flexibility in working location and hours. Alternative works sites might include working home or another location.

3.0 WORK STANDARDS / PROCEDURES

Work Standards

- 3.1 Pandemic Pay must be authorized by the Oneida Nation. The authorization will identify

the period in which Pandemic Pay will occur.

- 3.1.1 HRD will communicate the authorized period in which Pandemic Pay will occur.
- 3.2 An employee is eligible to receive Pandemic Pay if all the following apply:
 - 3.2.1 The employee is physically reporting to a work site.
 - 3.2.1.1 Employees who telecommute are not eligible for Pandemic Pay.
 - 3.2.2 The employee is performing hazardous duty(s) related to a declared pandemic (e.g. COVID-19).
 - 3.2.3 The hazardous duty(s) must be assigned or authorized by the employee's supervisor.
 - 3.2.4 Work with or in close proximity to the general public customer on a recurring regular daily basis. For example:
 - 3.2.4.1 Employees providing direct and regular contact (i.e. face-to-face) to a high volume of individuals that may be infected with, but are not known to have, COVID-19 (i.e. Retail Associates, Cage Cashiers, etc.).
 - 3.2.4.2 Employees who are public facing and deliver essential services (i.e. Police Officers, Health Care Workers, etc.).
 - 3.2.5 Perform duties that increase risk of exposure. For example:
 - 3.2.5.1 Employees who perform sanitizing duties and responsibilities in locations that have high exposure to individuals that may be infected with or are known to have COVID-19 (i.e. Custodians, etc.).
- 3.3 Department must submit to the Human Resource Department (HRD) a list of employees who are eligible to receive Pandemic Pay. Eligibility for Pandemic Pay is identified within 3.2.
- 3.4 Pandemic Pay is contingent upon available and authorized funding.
- 3.5 Pandemic Pay will be distributed for each hour worked each week for the specific period of the Oneida Nation Declaration of Public Health State of Emergency or similar designation by the Oneida Business Committee.
 - 3.5.1 For example: If an employee works 40 hours in a work week and 10 of those hours are eligible for Pandemic Pay, they will receive 10 hours of Pandemic Pay for that work week.
- 3.6 The employee must be an active employee at the time of Pandemic Pay distribution in order to receive the Pandemic Pay.
- 3.7 Pandemic Pay will be \$2.00 paid for each hour worked during a Declaration of Public Health State of Emergency or similar designation by the Oneida Nation.

Procedures

- 3.8 Departments will submit to the HRD a list of eligible employees to receive Pandemic Pay. The list shall include:
 - 3.8.1 Employee Name and Number,
 - 3.8.2 Summary of hazardous duties performed that are related to a declared pandemic (e.g. COVID-19), if requested by HRD.

3.9 HRD will compile the lists of eligible employees submitted in order to determine the total number of eligible employees.

3.9.1 HRD may follow up with Departments on any clarifications needed with their submitted lists.


3.10 Upon notification from HRD, the Department may proceed with implementing Pandemic Pay.

3.11 Supervisors will utilize the Time and Attendance system (i.e. Kronos) to load pandemic pay for employees on a weekly basis.

4.0 REFERENCES

4.1 Oneida Nation Declaration of Public Health State of Emergency

5.0 FORMS

 <p>ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	TITLE: Pandemic Pay Policy	ORIGINATION DATE: 7/30/2020 REVISION DATE: 09/16/2020 EFFECTIVE DATE: After last signature
AUTHOR: Retail	APPROVED BY: <i>Compensation and Benefits Director</i>	DATE:
DEPARTMENT: All	APPROVED BY: <i>Title & Signature</i>	DATE
DIVISION: All	APPROVED BY: <i>Title & Signature</i>	DATE:
	APPROVED BY: <i>Title & Signature</i>	DATE:
EEO REFERENCE NUMBER: 4182	COMPLIANCE REVIEW BY: <i>EEO</i>	DATE:
PAGE NO: 1 of 2	APPROVED BY: <i>HRD Manager</i>	DATE:

1.0 PURPOSE

- 1.1 To establish how Pandemic Pay will be distributed for eligible employees who have worked during pandemic periods designated by the Oneida Nation Declaration of Public Health State of Emergency.

2.0 DEFINITIONS

- 2.1 Employee: For purposes of this SOP an employee is any individual employed by the Nation, including elected or appointed officials; however, does not include individual employees by a Tribally chartered corporation.
- 2.2 Pandemic Pay: Additional pay for performing hazardous duty related to an Oneida Nation declared Public Health State of Emergency (e.g. COVID-19).
- 2.3 Hazardous Duty: An unusual danger of serious injury or illness due to exposure to a serious disease for which complete protection cannot be provided and puts an employee at risk of contracting it (e.g. COVID-19).
- 2.4 Telecommuting: a work arrangement in which employees are allowed limited flexibility in working location and hours. Alternative work sites might include working from home or another location.
- 2.5 Face to Face or Public Facing: In close contact (less than 6 ft.) in an interaction that takes place in person with members of the General Public.

3.0 WORK STANDARDS / PROCEDURES

Work Standards

- 3.1 Pandemic Pay must be authorized by the Oneida Nation. The authorization will identify the period in which Pandemic Pay will occur.
 - 3.1.1 HRD will communicate the authorized period in which Pandemic Pay will occur.
- 3.2 An employee is eligible to receive Pandemic Pay if all the following apply:
 - 3.2.1 The employee is physically reporting to a work site.
 - 3.2.1.1 Employees who telecommute are not eligible for Pandemic Pay during the time in which they are telecommuting.
 - 3.2.2 The employee is performing hazardous duty(s) related to a declared pandemic (e.g. COVID-19).
 - 3.2.3 The hazardous duty(s) must be assigned or authorized by the employee's supervisor.
 - 3.2.4 On a recurring regular daily basis, work with or in close proximity to customers in the general public or perform duties that increase the risk of exposure. For example:
 - 3.2.4.1 Employees providing direct and regular contact (i.e. face-to-face) to a high volume of individuals that may be infected with, but are not known to have, COVID-19 (i.e. Retail Associates, Cage Cashiers, Slot Attendants, etc.).
 - 3.2.4.2 Employees who are public facing and deliver essential services (i.e. Police Officers, Health Care Workers, Security Personnel, etc.).
 - 3.2.4.3 Employees who perform COVID/temperature screening or sanitizing duties and responsibilities in locations that have high exposure to individuals that may be infected with or are known to have COVID-19 (i.e. Custodians, Receptionist, etc.).
- 3.3 Department must submit to the Human Resource Department (HRD) a list of employees who meet the criteria as identified within 3.2 to receive Pandemic Pay.
 - 3.3.1 Areas may require additional chain-of-command review and approvals.
- 3.4 Pandemic Pay is contingent upon available and authorized funding.
 - 3.4.1 HRD will communicate the authorized funding when identifying the authorized period in which Pandemic Pay will occur.
- 3.5 Pandemic Pay will be distributed for each hour worked each week for the specific period of the Oneida Nation Declaration of Public Health State of Emergency or similar designation by the Oneida Business Committee.
 - 3.5.1 For example: If an employee works 40 hours in a work week and 10 of those hours are eligible for Pandemic Pay, they will receive 10 hours of Pandemic Pay for that work week.
 - 3.5.2 Paid breaks are included as eligible time for pandemic pay.
- 3.6 The employee must be an active employee at the time of Pandemic Pay distribution in order to receive the Pandemic Pay.

- 3.7 Pandemic Pay will be \$2.00 paid for each hour worked during a Declaration of Public Health State of Emergency or similar designation by the Oneida Nation.

Procedures

- 3.8 Departments will submit to the HRD a list of eligible employees to receive Pandemic Pay. The list shall include:
- 3.8.1 Job Code and Position Title (Departments may designate all employees in a position as eligible)
 - 3.8.2 Employee Name and Number,
 - 3.8.3 Summary of hazardous duties performed that are related to a declared pandemic (e.g. COVID-19) as indicated in 3.2 if requested by HRD.
- 3.9 HRD will compile the lists of eligible employees submitted in order to determine the total number of eligible employees.
- 3.9.1 HRD may follow up with Departments on any clarifications needed with their submitted lists.
- 3.10 Upon notification from HRD, the Department may proceed with implementing Pandemic Pay.
- 3.11 HRD will provide the authorized list to the Time and Attendance Department.
- 3.12 Supervisors will utilize the Time and Attendance system (i.e. Kronos) to load pandemic pay for employees on a weekly basis.
- 3.12.1 Time and Attendance will verify that the pandemic pay posting corresponds with the authorized list received from HRD.
 - 3.12.2 Reimbursement of pandemic pay may occur for a posting error. The Supervisor will notify Time and Attendance of the error and authorize any necessary corrections.
- 3.13 HRD will provide to the General Manager level a weekly summary of pandemic pay paid out by employee to allow for verification that the pandemic pay is being administered correctly.

4.0 REFERENCES

- 4.1 Oneida Nation Declaration of Public Health State of Emergency

5.0 FORMS

Oneida Business Committee Agenda Request

Post one (1) vacancy - Oneida Trust Enrollment Committee

1. Meeting Date Requested: 9 / 23 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

There is one (1) vacancy on the Oneida Trust Enrollment Committee due to the resignation of Lisa Liggins. The vacancy is for a term ending in 2021.

According to the Oneida Trust Enrollment Committee bylaws §4.C.1.a. "If any member dies, resigns, is removed, is incapacitated, or is otherwise unable to serve, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval of the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve the remainder of the former member's term."

Action requested:

Post one (1) vacancy for the Oneida Trust Enrollment Committee.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Enter the e-poll results into the record regarding the approved Memorandum of Understanding between.

Business Committee Agenda Request

1. Meeting Date Requested: 09/23/20

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

☒ E-poll results/back-up

☐ Bylaws

☐ Petition

☐ MOU/MOA

☐ Presentation

☐ Rule (adoption packet)

☐ Law

☐ Draft GTC Packet

☐ Draft GTC Notice

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor:

Additional Requestor: *(Name, Title/Entity)*

Additional Requestor: *(Name, Title/Entity)*

Submitted By: LLIGGINS

Lisa A. Liggins

From: TribalSecretary
Sent: Friday, September 11, 2020 8:30 AM
To: Brandon L. Yellowbird-Stevens; Cristina S. Danforth; Daniel P. Guzman; David P. Jordan; Ethel M. Summers; Jennifer A. Webster; Kirby W. Metoxen; Lisa A. Liggins; Tehassi Tasi Hill
Cc: TribalSecretary; BC_Agenda_Requests; Simone A. Ninham; Danelle A. Wilson
Subject: E-POLL RESULTS #2: Approve MOU between the Oneida Nation and WCV Native Vote Program - file number 2020-0605 and authorize an OBC Officer to sign
Attachments: 2020 09 09 09 - BCAR Epoll - WCV MOU.pdf

E-POLL RESULTS #2

The e-poll to approve Memorandum of Understanding between the Oneida Nation and Wisconsin Conservation Voices' (WCV) Native Vote Program - file number 2020-0605 and authorize an Oneida Business Committee Officer to sign., has carried. As of the deadline, below are the results:

Support: David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Abstain: Daniel Guzman King

Brooke Doxtator
BCC Supervisor
Business Committee Support Office (BCSO)

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Wednesday, September 09, 2020 1:34 PM
To: Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: TribalSecretary <TribalSecretary@oneidanation.org>; Simone A. Ninham <sninham2@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>
Subject: E-POLL REQUEST #2: Approve MOU between the Oneida Nation and WCV Native Vote Program - file number 2020-0605 and authorize an OBC Officer to sign

E-POLL REQUEST #2

Summary:

This Memorandum of Understanding is between the ONEIDA NATION and WISCONSIN CONSERVATION VOICES' (WCV) NATIVE VOTE PROGRAM and is intended to form a partnership to develop a civic engagement program 2020 that will serve tribal members and will utilize WCV expertise, training expertise, budgetary support and resource materials to effectively deliver assistance in the best possible way. The Oneida Nation has its own Get Out the Vote initiatives, and the WCV Native Vote Program will supplement and enhance those efforts.

Justification for E-Poll: Due to the election approaching WCV would like to start their GOTV in Oneida starting September 14, 2020 to ensure multiple messages get out into our community to remind and persuade people to vote on or before election day.

Requested Action:

Approve Memorandum of Understanding between the Oneida Nation and Wisconsin Conservation Voices' (WCV) Native Vote Program - file number 2020-0605 and authorize an Oneida Business Committee Officer to sign.

Deadline for response:

Responses are due no later than **4:30 p.m., Thursday, September 10, 2020.**

Voting:

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

Brooke Doxtator

BCC Supervisor

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:

EPoll

Agenda Header: Exec - Unfinished Business

☐ Accept as Information only☒ Action - please describe:

Approve the MOU with Wisconsin Conservation Voices' (WCV) Native Vote Program - file #2020-0605

3. Supporting Materials☐ Report ☐ Resolution ☐ Contract☐ Other:

1. MOU

3.

2.

4.

☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison: Brandon Stevens, Vice-Chairman

Primary Requestor/Submitter: Tana Aguirre, Lobbyist IGAC
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

This Memorandum of Understanding is between the ONEIDA NATION and WISCONSIN CONSERVATION VOICES' (WCV) NATIVE VOTE PROGRAM and is intended to form a partnership to develop a civic engagement program 2020 that will serve tribal members and will utilize WCV expertise, training expertise, budgetary support and resource materials to effectively deliver assistance in the best possible way. The Oneida Nation has its own Get Out the Vote initiatives, and the WCV Native Vote Program will supplement and enhance those efforts.

Our department no longer has funding to support the Oneida Nation Get Out the Vote Program, therefore, WCV will assist with budgetary needs of the Nation's GOTV program.

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

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

TO: Tana Aguirre
Intergovernmental Affairs & Communications

Use this number on future correspondence:

2020-0605

FROM: James R. Bittorf, Deputy Chief Counsel

James R. Bittorf

Digitally signed by James R. Bittorf
Date: 2020.09.08 10:54:53 -05'00'

DATE: September 8, 2020

RE: Wisconsin Conservation Voices-MOU

Purchasing Department Use

Contract Approved

Contract Not Approved

(see attached explanation)

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

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

- ✓ The document is in appropriate legal form. (*Execution is a management decision.*)
- ✓ Requires Business Committee approval prior to execution.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the ONEIDA NATION and WISCONSIN CONSERVATION VOICES' (WCV) NATIVE VOTE PROGRAM and is intended to form a partnership to develop a civic engagement program 2020 that will serve tribal members and will utilize WCV expertise, training expertise, budgetary support and resource materials to effectively deliver assistance in the best possible way. The Oneida Nation has its own Get Out the Vote initiatives, and the WCV Native Vote Program will supplement and enhance those efforts.

Given the constraints imposed by the COVID-19 pandemic, the parties realize the shared challenges and the parties' utmost priority is to protect the safety and wellness of tribal populations and organizing staff to the best of our abilities. We intend to take every precaution available to achieve this primary goal, and as such, our organizing efforts will take place in a virtual space such as Zoom or by email, text, or phone correspondence. We expect that 1:1 contact will be kept to an absolute minimum and even then, a higher standard of social distancing will be practiced at all times. Our staff will be fully trained and will have the necessary personal effects to maintain safe and sanitary conditions.

The following proposed goals, WCV Native Vote Program and tribal contributing activities are intended to serve as a tool to begin our partnership dialogue. Specifics are, of course, open to discussion; a helpful exchange will be beneficial to all, especially tribal voters:

GOALS:

1. Deepen relationships within the Oneida tribal communities and move towards a Native Vote Program that is integrated into standing voter engagement initiatives already underway.
2. Identify and address challenges and barriers to tribal voter participation.
3. Train, develop, and engage tribal organizers and grassroots leadership according to the Relational Voter concept.
4. Increase voter turnout from 2018 by 2% in 2020 in the Oneida tribal community.

The WCV Native Vote Program will draw upon the expertise and experience of its Civic Engagement Director and the First Nations Organizer and well as WCV/Native Vote Program resources to accomplish the following:

SUGGESTED KEY ACTIVITIES ~ WCV NATIVE VOTE PROGRAM:

1. Hire and train a regional organizer to assist the Oneida citizens in voter registration and participation.

2. Recruit and train relational voting program leaders and community volunteers to assist with voter info mailings, phone banking, and other activities as assigned by First Nations Organizer.
3. Provide technical expertise for the state voter file.
4. Raise funds earmarked for advertising and community outreach in a robust voter education campaign (i.e. digital ads, billboards, direct mailings).
5. Provide expertise and information for absentee ballot requests and returns so individuals can vote safely from home.
6. Assess and address community relations at polling sites on or near tribal communities in such areas as potential voting barriers, poll watching or election protection (in the past, WCV Native Vote Program has employed UW law students) (if viable depending on coronavirus pandemic).
7. Distribute yard signs, door hangers (with polling locations) and deliver swag materials for community leaders and volunteers (if viable depending on coronavirus pandemic).
8. Assist in coordinating transport to the polls, if needed and approved.

SUGGESTED KEY ACTIVITIES ~ ONEIDA NATION

1. Send our GOTNV mailings with voter registration cards to enrolled tribal members. Match member list with state voter file to effectively target voters. (WCV Native Vote Program can assist by locating funds to underwrite mailing and handling costs.)
2. Identify tribal leaders or community members to act as spokespeople for voting or as individuals in a digital ad “spotlighted” on social media.
3. Work with WCV Native Vote Program to develop, design, and produce promotional materials and mailing inserts for voter education and to build voter participation “buzz.”
4. Identify and provide office space (if viable depending on coronavirus pandemic).
5. Provide transportation to the polls and space on government and public property for Native Vote yard signs.
6. Identify citizens (i.e. elders, tribal members with disabilities) who may need help getting to the polls.
7. Provide administrative leave on Election Day, if possible.
8. Keep administrative offices open for staff while they go to the polls.

While our voter engagement activities have had to be modified considerably due to challenges of COVID-19, it has not affected our enthusiasm or motivation to make this the best election turn-out ever. As we move closer to the GOTNV campaign in late summer-early fall 2020, we will be better able to assess the viability of a reasonable and safe door-to-door/canvassing campaign. We look forward to working together to make this happen!

WISCONSIN CONSERVATION VOICES

ONEIDA NATION

Kerry Schumann
Executive Director

Date: _____

Anjali Bhasin
Civic Engagement Director

Date: _____

Title: _____

Date: _____

Accept the Finance Committee FY-2020 3rd quarter report

Business Committee Agenda Request

1. Meeting Date Requested: 09/23/20

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 Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

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



Business Committee Agenda Request – Cover Memo

From: Lisa Liggins, Secretary
Date: 9/19/2020
RE: FY-20 3rd quarter report – Finance Committee

PURPOSE

Regular reports from Standing Committees are accepted by the Business Committee according to the approved reporting schedule.

BACKGROUND

All FY-20 3rd quarter reports were due to be addressed at the August 26, 2020. The Finance Committee report was completed but not submitted in error. Treasurer Trish King asked that the report be added to the next regular agenda rather than as an “add on” for the August 26, 2020, regular BC meeting.

REQUESTED ACTION

Accept the Finance Committee FY-2020 3rd quarter report

FINANCE COMMITTEE

FY2020 – THIRD Quarter Report (Apr. to Jun. 2020)

The Formation of the Finance Committee was approved by Official BC Action on 7/19/95.

Purpose: The Finance Committee is a working Sub-Committee of the Oneida Business Committee and is responsible for recommending financial decisions related to policies, organizational expenditures, and budgets; while supporting the mission, values, and strategic goals of the Oneida Nation.

Who We Serve: The Finance Committee works with all departments within the Nation to ensure expenditures of any substantial amount are procured in the most cost effective and fair manner (as established by the Purchasing Procurement Manual). The FC also serves Oneida Community groups, local charitable organizations, and Oneida members through Finance Committee *Donations* and the *Community Fund*.

Finance Committee Members: FC Members include two BC Council Members Jennifer Webster and Daniel Guzman King; the Treasurer, Patricia King who chairs the meetings; Chief Financial Officer, Larry Barton who acts as the Vice-Chair; Gaming General Manager, Louise Cornelius; and Purchasing Director, Patrick Stensloff. Chad Fuss, Asst. GGM & Ra Linda Ninham-Lamberies, Assist. CFO act as alternates for the GGM & CFO. The Community Elder position has been vacant since January 2020.

Meetings: FC meetings are held twice a month, on a Monday one week prior to the regularly scheduled BC meetings. Meetings take place at the Norbert Hill Center, BC Executive Conference Room at 9:00 A.M. Due to the BC Declaration of Public Health State of Emergency relating to the COVID-19 virus /pandemic a stay at home order was enacted that lasted throughout Third Quarter. As a result, the Finance Committee did not hold any meetings.

Goals: The three identified goals of the Finance Committee remain the same as last year and are as follows:

1. *Continue to develop endowments for the Nation in the areas of Language, Land, and Health to sustain funding for these important areas for future generations.*
2. *Demonstrate consistent community commitment by providing Donations to Not-for-Profits, Veteran's groups, and charitable organizations; and by offering Community Funds/Products to the Oneida membership and Oneida community groups; and*
3. *Continue to support and improve all processes, procedures, laws, budgets, and resolutions that pertain to responsible financial oversight for the Nation.*

Organizational Activities

There were no FC meetings in the Third Quarter. Financial activities were taken over by the COVID-19 core decision making team, the Office of the Treasurer and Finance Administration on an emergency basis.

Investment Updates

There were no FC meetings in the Third Quarter. There were no investment updates as all activities centered on the pandemic and how it affected the Nation.

Donations

The Finance Committee Reviews Donation Requests at their second meeting of each month. The Donation Line allocation for fiscal year 2019 was \$50,000.00. Per the Finance Committee Donation criteria all requests approved represent the following categories:

1. Oneida Community Causes,
2. Local Groups (charitable), and
3. Nation Groups (Indian Affiliated)

There were no FC meetings in the Third Quarter. Therefore, the balance for Donations from the Oneida Nation and the Finance Committee remains at \$21,000.00 (the balance from the Second Quarter).

Community Fund

The Finance Committee has designated that they review Community Fund (CF) requests at their first meeting of each month. The Fiscal year 2020 funding from the previous years' earnings was \$52,552.38. The FY 2019 Product amount was \$5,000.00 which approximates to 517.59 Cases.

There were no FC meetings in the Third Quarter. Therefore, the balance of the CF funds remains at \$8,630.38 (after adjustments) and the balance for CF Products remains at \$3,824.57 or approximately 395.91 Cases. These represent the balance from the Second Quarter.

Note: CF adjustments refer to two checks returned due to activities being cancelled.

