



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, May 12, 2021
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

In accordance with the OBC Virtual meeting standard operating procedure, due to the Public Health State of Emergency the OBC meeting will be held virtually through Microsoft Teams and therefore be closed to the public. Any person who has comments or questions regarding open session items may submit them to TribalSecretary@oneidanation.org no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the Business Committee Support Office. A recording of the virtual meeting shall be made available on the Nation's website.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. MINUTES

- A. Approve the April 28, 2021, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until July 11th, 2021**
Sponsor: Tehassi Hill, Chairman
- B. Adopt resolution entitled Staying Safer At Home Policy – COVID-19 Pandemic**
Sponsor: Jo Anne House, Chief Counsel

- C. Adopt resolution entitled Safer Re-Opening of Government Offices – COVID-19 Pandemic**
Sponsor: Jo Anne House, Chief Counsel
- D. Adopt the resolution entitled Emergency Amendments to the Budget Management and Control Law**
Sponsor: David P. Jordan, Councilman
- E. Adopt resolution entitled Emergency Amendments to the Oneida Nation Gaming Ordinance**
Sponsor: David P. Jordan, Councilman
- F. Adopt resolution entitled Approval of Use of Economic Development, Diversification and Community Development Fund for Cemetery Improvements, CIP 14-002**
Sponsor: Brandon Stevens, Vice-Chairman
- G. Adopt the resolution entitled You Are Not Alone' Mental Health Awareness Month – May 2021**
Sponsor: Daniel Guzman King, Councilman

VI. APPOINTMENTS

- A. Determine next steps regarding three (3) vacancies - Oneida Youth Leadership Institute Board**
Sponsor: Lisa Liggins, Secretary
- B. Determine next steps regarding three (3) vacancies - Oneida Airport Hotel Corporation**
Sponsor: Lisa Liggins, Secretary
- C. Determine next steps regarding one (1) Oneida Social Services Division Representative - Pardon and Forgiveness Screening Committee**
Sponsor: Lisa Liggins, Secretary

VII. STANDING COMMITTEES

- A. LEGISLATIVE OPERATING COMMITTEE**
 - 1. Accept the April 21, 2021, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
- B. QUALITY OF LIFE COMMITTEE**
 - 1. Approve the March 18, 2021, regular Quality of Life meeting minutes**
Sponsor: Marie Summers, Councilwoman

VIII. NEW BUSINESS

- A. Approve an exception to the Stay Safer at Home declaration for the travel request from Election Board - Travel to SEOTS location for 2021 Special Election - Milwaukee, WI - July 9-11, 2021**
Sponsor: Candace House, Election Board Chair

IX. REPORTS**A. OPERATIONAL**

- 1. Accept the Emergency Management FY-2021 2nd quarter report**
Sponsor: Kaylynn Gresham, Director/Emergency Management

X. EXECUTIVE SESSION**A. REPORTS**

- 1. Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
- 2. Accept the Human Resource Department FY-2021 2nd quarter executive report**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
- 3. Accept the Retail FY-2021 2nd quarter executive report**
Sponsor: Eric McLester, Retail General Manager

B. AUDIT COMMITTEE

- 1. Accept the OGE/Thornberry Creek follow up to the RSM FY-2018 audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

- 1. Review applications for three (3) vacancies - Oneida Youth Leadership Institute Board**
Sponsor: Lisa Liggins, Secretary
- 2. Review applications for three (3) vacancies - Oneida Airport Hotel Corporation**
Sponsor: Lisa Liggins, Secretary
- 3. Review recommendation for one (1) Oneida Social Services Division Representative - Pardon and Forgiveness Screening Committee**
Sponsor: Lisa Liggins, Secretary
- 4. Approve the Trane US Inc contract – file # 2021-0292**
Sponsor: Jacque Boyle, Division Director/Development Operations

5. **Approve the FY-2021 section 105 (l) lease agreement modifications, authorize the Chairman to sign, and Self Governance to submit to IHS**
Sponsor: Candice Skenandore, Coordinator/Self-Governance
6. **Approve letter of support for R. Webster book proposal**
Sponsor: Jo Anne House, Chief Counsel
7. **Determine next step regarding the Oneida Vocational Rehabilitation Program grant funded Counselor/Administrator position**
Sponsor: Geraldine Danforth, Area Manager/Human Resources
8. **Determine next steps regarding the Retail General Manager request to convert two (2) Limited Term Employee positions to permanent full-time status**
Sponsor: Eric McLester, Retail General Manager
9. **Determine next steps regarding the restructure of the Human Resources Department**
Sponsor: Jessica Vandekamp, Employee Relations Representative
10. **Determine next steps regarding the Retail Interim General Manager**
Sponsor: Marie Summers, Councilwoman
11. **Review and determine next steps regarding CIP prioritization for potential American Rescue Plan Act Fund Use**
Sponsor: Brandon Stevens, Vice-Chairman

XI. ADJOURN

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

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

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

DRAFT

Approve the April 28, 2021, regular Business Committee meeting minutes

**Oneida Business Committee**

Regular Meeting
8:30 AM Wednesday, April 28, 2021
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**REGULAR MEETING**

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

Not Present: n/a;

Arrived at: n/a;

Others present: Jo Anne House, Larry Barton, Clorissa Santiago, Kristen Hooker, Danelle Wilson (via Microsoft Teams¹) Susan House (via Microsoft Teams), Beverly Anderson (via Microsoft Teams), Debbie Melchert (via Microsoft Teams), Aliskwet Ellis (via Microsoft Teams), Frances Brigham (via Microsoft Teams), Kent Hutchinson (via Microsoft Teams), Kristal Hill (via Microsoft Teams), Kristin Jorgenson-Dann (via Microsoft Teams), Kelli Strickland (via Microsoft Teams), Rae Skenandore (via Microsoft Teams), Justin Nishimoto (via Microsoft Teams), Jessica Vandekamp (via Microsoft Teams), Lori Hill (via Microsoft Teams), Melinda J. Danforth (via Microsoft Teams), Tina Jorgensen (via Microsoft Teams), Paula King Dessart (via Microsoft Teams), Geraldine Danforth (via Microsoft Teams), Ravinder Vir (via Microsoft Teams), Michelle Myers (via Microsoft Teams), Debra Danforth (via Microsoft Teams), Ralinda Ninham-Lamberies (via Microsoft Teams), Loucinda Conway (via Microsoft Teams), Chad Fuss (via Microsoft Teams), Kaylynn Gresham (via Microsoft Teams), Jacque Boyle (via Microsoft Teams), Jackie Smith (via Microsoft Teams), Pat Pelky (via Microsoft Teams), Jason Doxtator (via Microsoft Teams), Eric McLester (via Microsoft Teams), Mike Day (via Microsoft Teams), James Bittorf (via Microsoft Teams), Carl Artman (via Microsoft Teams), Candice Skenandore (via Microsoft Teams), Tana Aguirre (via Microsoft Teams), Brandon Wisneski (via Microsoft Teams), Melissa Nuthals (via Microsoft Teams), Chad Wilson;

I. CALL TO ORDER

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

For the record: All Business Committee members are present.

For the record: Secretary Lisa Liggins will be leaving at 9:30 a.m. to testify at the State Budget Virtual Hearing.

For the record: Treasurer Tina Danforth will be leaving at 10:15 a.m. for a conference call with the Native American Finance Officers Association.

For the record: Councilman Kirby Metoxen will be leaving early at 3:50 p.m. for a meeting with the Oneida Airport Hotel Corporation.

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings

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II. OPENING (00:00:09)

Opening provided by Chairman Tehassi Hill

III. ADOPT THE AGENDA (00:01:36); (01:45:37)

Motion by Jennifer Webster to adopt the agenda with one (1) addition [1] under section executive session new business, add item number five determine next steps for complaint File # 2021-DR05-02], seconded by Daniel Guzman King. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Motion by Lisa Liggins to add item X.D.6. Determine next steps regarding DR14 to the agenda, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item IX.D was addressed next

IV. OATH OF OFFICE

A. Anna John Resident Centered Care Community Board - Kristin Jorgenson-Dann and Beverly Anderson (00:02:32)

Sponsor: Lisa Liggins, Secretary

Oaths of office administered by Secretary Lisa Liggins. Kristin Jorgenson-Dann and Beverly Anderson were present via Microsoft Teams.

B. Oneida Nation Arts Board - Kent Hutchison, Kelli Strickland, and Frances Brigham (00:02:32)

Sponsor: Lisa Liggins, Secretary

Oaths of office administered by Secretary Lisa Liggins. Kent Hutchison, Kelli Strickland, and Frances Brigham were present via Microsoft Teams.

V. MINUTES

A. Approve the April 14, 2021, regular Business Committee meeting minutes (00:05:53)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the April 14, 2021, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

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- B. Approve the March 24, 2021, regular Business Committee meeting minutes pending adding the audio markers (00:06:37)**
Sponsor: Lisa Liggins, Secretary

Motion by Kirby Metoxen to approve the March 24, 2021, regular Business Committee meeting minutes pending adding the audio markers, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

VI. RESOLUTIONS

- A. Adopt resolution entitled Emergency Amendments to the Pardon and Forgiveness Law (00:07:00)**
Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to adopt resolution entitled Emergency Amendments to the Pardon and Forgiveness Law, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

- B. Adopt resolution entitled Emergency Amendments to the Election Law (00:16:33)**
Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to adopt resolution entitled Emergency Amendments to the Election Law, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

- C. Adopt resolution entitled Safely Scheduling General Tribal Council Meetings - COVID-19 Health Risk Impacts (00:20:14)**
Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to adopt resolution entitled Safely Scheduling General Tribal Council Meetings - COVID-19 Health Risk Impacts, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

- D. Adopt resolution entitled Proclamation of May 5th as a Day of Awareness for Missing and Murdered Indigenous Women (MMIW) (00:24:19)**
Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Liggins to adopt resolution entitled Proclamation of May 5th as a Day of Awareness for Missing and Murdered Indigenous Women (MMIW), seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

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

1. **Accept the April 5, 2021, regular Finance Committee meeting minutes (00:29:05)**
Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the April 5, 2021, regular Finance Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

2. **Accept the April 19, 2021, regular Finance Committee meeting minutes (00:29:37)**
Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the April 19, 2021, regular Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

B. LEGISLATIVE OPERATING COMMITTEE

1. **Accept the April 7, 2021, regular Legislative Operating Committee meeting minutes (00:30:57)**
Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the April 7, 2021, regular Legislative Operating Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

2. **Adopt the Pardon and Forgiveness Screening Committee bylaws amendments (00:31:23)**
Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Pardon and Forgiveness Screening Committee bylaws amendments, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,
Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

DRAFT**VIII. TRAVEL REQUESTS**

- A. Approve an exception to the Stay Safer at Home declaration for the travel request from Kerry Metoxen - County Veterans Services Officers Association of Wisconsin Spring Conference- Kalahari Resorts - Wisconsin Dells, WI - June 6-11, 2021 (00:34:37)**

Sponsor: Tina Jorgenson, Division Director/Governmental Services

Motion by Jennifer Webster to approve the exception noting that the training is to maintain accreditation with the Department of Veteran's Affairs, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, Brandon Stevens, Marie Summers, Jennifer Webster
 Opposed: Lisa Liggins
 Abstained: David P. Jordan, Kirby Metoxen

IX. NEW BUSINESS

- A. Approve the Oneida Trust Enrollment Committee Oneida Business Committee memorandum of agreement (00:41:20)**

Sponsor: Keith Doxtator, Director, Trust Enrollment Department

Motion by David P. Jordan to approve the Oneida Trust Enrollment Committee Oneida Business Committee memorandum of agreement, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

- B. Considerations regarding the Budget Management and Control Law (00:42:40)**

Sponsor: Lisa Liggins, Secretary

Councilman Daniel Guzman King left at 9:52 a.m.

Secretary Lisa Liggins left at 9:30 a.m.

Chairman Tehassi Hill left at 9:34 a.m.

Chairman Tehassi Hill returned at 9:38 a.m.

Motion by Kirby Metoxen to acknowledge we are out of compliance and going forward we get into compliance. Motion failed due to lack of support.

Motion by David P. Jordan to direct the LOC [Legislative Operating Committee] to have emergency amendments to the Budget Management and Control law to remove much of the budget process/deadlines and leave it simply at a budget should be adopted by September 30, 2021 and direct the LOC to continue working with Finance to get the Budget Management and Control law amended, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Lisa Liggins
 Opposed: Kirby Metoxen, Marie Summers
 Abstained: Tina Danforth

DRAFT

For the record: Councilwoman Marie Summers state the reason why I am opposing is that the Budget Management and Control law is not being followed. It is out of compliance and we either should repeal it or not use it at all. Amending it is going to make it have little teeth to it. It is going to be very generic and general with little guidelines since we're halfway through the process maybe three quarters through the process. That is, I don't believe in breaking the law and using pieces of it for the convenience of getting through a process thank you.

For the record: Councilwoman Jennifer Webster state I chose this option because it gives us some guidelines. Some guidelines some type of map is better then no map at all.

C. Accept the Kunhi-yó "I'm Healthy" event notice and request BC members to provide an opening each day (01:35:20)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept as information and identify Chair and Vice-Chair to provide openings on August 31st and September 1st., seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Kirby Metoxen, Brandon Stevens,
Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Lisa Liggins

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

D. Review and enter into the record - the Oneida Nation School System employment form - Administrator contract – file # 2021-0131 (01:36:47); (01:46:10)

Sponsor: Aaron Manders, Chairman/Oneida Nation School Board

Motion by David P. Jordan to defer items D. through G. until after executive session, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Lisa Liggins

Motion by David P. Jordan to approve and enter into the record - the Oneida Nation School System employment form - Administrator contract – file # 2021-0131, seconded by Marie Summers. Motion carried:

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

Abstained: Lisa Liggins

Not Present: Tina Danforth, Kirby Metoxen

DRAFT

- E. Review and enter into the record - the Oneida Nation School System employment form - Employee contract – file # 2021-0132 (01:36:47); (01:48:00)**
Sponsor: Aaron Manders, Chairman/Oneida Nation School Board

Motion by David P. Jordan to defer items D. through G. until after executive session, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Lisa Liggins

Motion by Jennifer Webster to approve and enter into the record - the Oneida Nation School System employment form - Employee contract – file # 2021-0132, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Marie
Summers, Jennifer Webster
Abstained: Lisa Liggins
Not Present: Tina Danforth, Kirby Metoxen

- F. Review and enter into the record - the Oneida Nation School System employment form - Food Service contract – file # 2021-0133 (01:36:47); (01:48:25)**
Sponsor: Aaron Manders, Chairman/Oneida Nation School Board

Motion by David P. Jordan to defer items D. through G. until after executive session, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Lisa Liggins

Motion by Marie Summers to approve and enter into the record - the Oneida Nation School System employment form - Food Service contract – file # 2021-0133, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Marie
Summers, Jennifer Webster
Abstained: Lisa Liggins
Not Present: Tina Danforth, Kirby Metoxen

- G. Review and enter into the record - the Oneida Nation School System employment form - Superintendent contract – file # 2021-0134 (01:36:47); (01:48:47)**
Sponsor: Aaron Manders, Chairman/Oneida Nation School Board

Motion by David P. Jordan to defer items D. through G. until after executive session, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Lisa Liggins

Motion by Marie Summers to approve and enter into the record - the Oneida Nation School System employment form - Superintendent contract – file # 2021-0134, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Marie
Summers, Jennifer Webster
Abstained: Lisa Liggins
Not Present: Tina Danforth, Kirby Metoxen

DRAFT

Item X.A.1. was addressed next

- H. Enter the e-poll results into the record regarding the authorization for the Chairman to sign the National Native American Boarding School Healing Coalition letter to the Catholic Church (01:42:03)**

Sponsor: Lisa Liggins, Secretary

Motion by Kirby Metoxen to enter the e-poll results into the record regarding the authorization for the Chairman to sign the National Native American Boarding School Healing Coalition letter to the Catholic Church, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

- I. Enter the e-poll results into the record regarding the approval to transfer of the GM level of sign-off to Secretary, as primary, and to Chair or Vice-Chair, as back-up (01:42:37)**

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the approval to transfer of the GM level of sign-off to Secretary, as primary, and to Chair or Vice-Chair, as back-up, seconded by Jennifer Webster. Motion carried:

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

Abstained: Tina Danforth

Not Present: Lisa Liggins

- J. Enter e-poll results into the record regarding the approval of nomination and letter for Councilman Daniel Guzman King to serve on the U.S. Environmental Protection Agency's Local Government Advisory Committee (01:44:14)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to enter the e-poll results into the record regarding the approval of nomination and letter for Councilman Daniel Guzman King to serve on the U.S. Environmental Protection Agency's Local Government Advisory Committee, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Lisa Liggins

DRAFT

X. EXECUTIVE SESSION (01:44:44)

Motion by Kirby Metoxen to go into executive session at 10:15 a.m., seconded by Marie Summers.
Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Kirby Metoxen,
Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Lisa Liggins

The Oneida Business Committee, by consensus, recessed at 12:00 a.m. to 1:30 p.m.

Roll call for the record:

*Present: Chairman Tehassi Hill; Councilman Daniel Guzman King; Councilman David P. Jordan;
Secretary Lisa Liggins; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens;
Councilwoman Marie Summers; Councilwoman Jennifer Webster;
Not Present: Treasurer Tina Danforth;*

Meeting called to order by Chairman Tehassi Hill at 1:30 p.m.

For the record: Councilman Kirby Metoxen left at 3:50 p.m.

Treasurer Tina Danforth returned at 5:30 p.m.

For the record: Treasurer Tina Danforth left at 5:43 p.m.

Motion by David P. Jordan to come out of executive session at 5:53 p.m., seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Brandon Stevens, Marie
Summers, Jennifer Webster
Not Present: Tina Danforth, Lisa Liggins, Kirby Metoxen

For the record: Secretary Lisa Liggins returned at 10:16 a.m.

Item III was addressed next

A. REPORTS

1. Accept the March 2021 Treasurer's report (01:49:15)

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the March 2021 Treasurer's report, seconded by Marie Summers.
Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

2. Accept the Chief Counsel report (01:49:37)

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to accept the Chief Counsel report, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

DRAFT**3. Accept the Chief Financial Officer April 2021 report (01:49:53)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David P. Jordan to accept the Chief Financial Officer April 2021 report, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

4. Accept the Intergovernmental Affairs, Communications, and Self-Governance April 2021 report (01:50:00)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Jennifer Webster to accept the Intergovernmental Affairs, Communications, and Self-Governance April 2021 report, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

Motion by David P. Jordan to approve the letter nominating Councilwoman Jennifer Webster to the Tribal Self Governance Advisory Committee; authorize the Chairman to sign the letter, and direct Self Governance to submit the letter to the Tribal Self Governance Advisory Committee for consideration at the July meeting, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

Motion by Jennifer Webster to direct the Chairman to send a letter acknowledging the Menominee Nation's request, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

B. AUDIT COMMITTEE**1. Accept the March 18, 2021, regular Audit Committee meeting minutes (01:51:20)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the March 18, 2021, regular Audit Committee meeting minutes, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

DRAFT**2. Accept the Complimentary Services or Items compliance audit and lift the confidentiality requirement (01:51:29)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Complimentary Services or Items compliance audit and lift the confidentiality requirement, seconded by Jennifer Webster. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

3. Accept the Three Card Poker Rules of Play compliance audit and lift the confidentiality requirement 01:51:47)

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to accept the Three Card Poker Rules of Play compliance audit and lift the confidentiality requirement, seconded by Jennifer Webster. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

4. Accept the BC Members Credit Card Activity operational audit and lift the confidentiality requirement (01:52:05)

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to accept the BC Members Credit Card Activity operational audit and lift the confidentiality requirement, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

5. Accept the Anna John Resident Centered Care Community performance assurance audit and lift the confidentiality requirement (01:52:20)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Anna John Resident Centered Care Community performance assurance audit and lift the confidentiality requirement, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

6. Accept the Eco-Services performance assurance audit and lift the confidentiality requirement (01:52:35)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Eco-Services performance assurance audit and lift the confidentiality requirement, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

DRAFT**7. Accept the Finance Administration performance assurance audit and lift the confidentiality requirement (01:52:53)**

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Finance Administration performance assurance audit and lift the confidentiality requirement, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

8. Accept the Natural Resources performance assurance audit and lift the confidentiality requirement (01:53:10)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Natural Resources performance assurance audit and lift the confidentiality requirement, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

9. Accept the OGE/Thornberry Creek follow up to RSM Audit of FY2018 audit and lift the confidentiality requirement (01:53:28)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to defer the OGE/Thornberry Creek follow up to RSM Audit of FY2018 to the May 12, 2021, regular Business Committee Meeting, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

C. UNFINISHED BUSINESS**1. Accept the HR Area Manager's follow up report regarding the process for layoffs, furloughs, and recalls (01:53:55)**

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by David P. Jordan to accept the HR Area Manager's follow up report regarding the process for layoffs, furloughs, and recalls, seconded by Jennifer Webster. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

2. Accept the update regarding the draft Comprehensive Health COVID-19 Spending Plan (01:54:14)

Sponsor: Debra Danforth & Ravinder Vir/Director/Comprehensive Health

Motion by Jennifer Webster to approve the verbal update regarding the draft Comprehensive Health COVID-19 Spending Plan with the final report being sent to the May 12, 2021 BC Regular Meeting, seconded by Brandon Stevens. Motion carried:

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

Abstained: Lisa Liggins
Not Present: Tina Danforth, Kirby Metoxen

DRAFT**D. NEW BUSINESS****1. Accept the April 5, 2021, regular OBC Officer meeting notes (01:54:43)**

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by Marie Summers to accept the April 5, 2021, regular OBC Officer meeting notes, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

2. Review the draft recommendation from the Community/Public Health Officer regarding the Nation's Public Health State of Emergency (01:55:00)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to accept the draft recommendation from the Community/Public Health Officer regarding the Nation's Public Health State of Emergency as information, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

3. Determine next steps regarding the Oneida MIS Assessment (01:55:21)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to appoint a subcommittee of Brandon Stevens, Marie Summers, David Jordan, Daniel Guzman King, and Lisa Liggins, to carry out all hiring processes of the IT Director and CIO positions, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

Motion by David P. Jordan to direct Jason Doxtator to send the contract addendum to the Law Office for review, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

4. Enter the e-poll results into the record regarding the approved attorney contract with Arlinda Locklear, contract # 2021-0204 (01:55:48)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to enter the e-poll results into the record regarding the approved attorney contract with Arlinda Locklear, contract # 2021-0204, seconded by Brandon Stevens. Motion carried:

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

Not Present: Tina Danforth, Kirby Metoxen

DRAFT**5. Determine next steps regarding complaint File # 2021-DR05-02 (01:56:21)**

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by Lisa Liggins to determine complaint # 2021-DR05-02 has no merit and is considered closed, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

Motion by Lisa Liggins to accept the concern as information and direct the Employee Relation Representative to setup a follow up meeting with DR05 to review annual expectations, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

6. Accept resignation of DR14 and determine next steps (01:57:15)

Motion by Lisa Liggins to accept the two-week notice of resignation dated April 28, 2021, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers
Abstained: Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

Motion by David P. Jordan to place notice of violation of the employment contract in the employee file, seconded by Lisa Liggins. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers
Abstained: Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

Motion by David P. Jordan to post the vacancy and assign Chairman Tehassi Hill, Secretary Lisa Liggins, and Councilman Daniel Guzman King to a sub-team to carry out all the hiring processes for BC DR14, seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

XI. ADJOURN (01:58:26)

Motion by Daniel Guzman King to adjourn at 06:06 p.m., seconded by Marie Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,
Marie Summers, Jennifer Webster
Not Present: Tina Danforth, Kirby Metoxen

Minutes prepared by Chad Wilson, Senior Information Management Specialist.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Business Committee Agenda Request

1. Meeting Date Requested: 05/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

Oneida Business Committee Agenda Request

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until July 11th, 20

1. Meeting Date Requested: 5 / 12 / 21**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: Melinda J. Danforth, Director of Intergovernmental Affairs & Communication
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: _____
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

On March 12, 2020 the Oneida Business Committee declared a Public Health State of Emergency due to the need to slow the transmission and decrease the spread of COVID 19. The declaration has been extended thirteen times and is set to expire on May 12, 2021.

Attached is a professional recommendation from Emergency Management, Oneida Health Officials and the Public Health Officer recommending an extension of the Public Health Emergency.

Requested Action:

1. Business Committee consider extending the Public Health State of Emergency Declaration, by adopting the attached resolution.

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

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

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health State of Emergency Until July 11th, 2021

- 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 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 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation's gaming operations, and insuring that employees will continued to be paid during the Public Health State of Emergency as long as the Nation's resources will allow; and
- WHEREAS,** the Public Health State of Emergency was extended by resolutions # BC-03-26-20-A, # BC-05-06-20-A, # BC-06-10-20-A, # BC-07-08-20-A, # BC-08-06-20-A, # BC-09-09-20-A, # BC-10-08-20-A, # BC-11-10-20-A, # BC-12-09-20-D, BC-1-07-21-A, BC-2-10-21-A, and BC-3-10-21-D; and
- WHEREAS,** the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain industries and areas which are more clearly identified in the Public Health Officer Report which supports this resolution; and
- WHEREAS,** a positive test does not identify the total number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home because not every person is tested; and
- WHEREAS,** the COVID-19 Core Decision Making Team has issued an Open for Business declaration, a less restrictive Stay Safer at Home declaration which directs that individuals within the

BC Resolution _____
Extension of Declaration of Public Health State of Emergency Until July 11th, 2021
Page 2 of 2

Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons and finally a Re-opening Governmental Offices declaration that provides guidance on how buildings will be re-opened to the public which remain effective during the Public Health State of Emergency; and

WHEREAS, the Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States; and

WHEREAS, the Oneida Business Committee has determined that continuing the Public Health State of Emergency for continues to be necessary and that its declaration should be longer given the ongoing pandemic impact and the inability to identify mechanisms to control for infection or protect the public;

Extension of Public Health State of Emergency Declaration

NOW THEREFORE BE IT RESOLVED, that in accordance with section 302.8-5 of the Emergency Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State of Emergency declaration ending at 11:59 p.m. on July 11th, 2021.



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



Statement of Effect

Extension of Declaration of Public Health State of Emergency Until July 11, 2021

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency until July 11, 2021.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: April 28, 2021

Analysis by the Legislative Reference Office

The Oneida Business Committee adopted the Emergency Management law for the purpose of providing for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; providing for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System (NIMS); and designating authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease and poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(p)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than sixty (60) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-2].

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" which set into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D. [3 O.C. 302.8-5].

The Emergency Management Director and the Community/Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States. This resolution provides that the Oneida

Business Committee has determined that continuing the Public Health State of Emergency continues to be necessary.

Through the adoption of this resolution, in accordance with section 302.8-2 of the Emergency Management and Homeland Security law, the Oneida Business Committee extends the Public Health State of Emergency declaration until 11:59 p.m. on July 11, 2021.

Conclusion

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

Oneida Comprehensive Health Division

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



To: Oneida Business Committee

From: Debra Danforth, Oneida Comprehensive Health Division Operations Director
Dr Vir, Oneida Comprehensive Health Division Medical Director
Michelle Myers, Community/ Public Health Officer

Date: April 26, 2021

RE: Recommendations to extend public health emergency

Data demonstrates continued community spread of COVID-19 disease, both at the State and Local levels. Although COVID-19 vaccine was added to our toolbox in late December 2020, initial supplies were limited and rolled out in phases. More time is needed to vaccinate enough individuals to build the herd immunity needed to stop the spread of COVID-19.

In collaboration with Oneida Emergency Management, **the health response team recommends the Oneida Business Committee extend the public health emergency, at minimum, through July 2021.**

Thank you for your continued collaboration and partnership as we work together to stop the spread of COVID-19 in the Oneida community.

Sincerely,

Michelle Myers BSN, RN
Community/ Public Health Officer

CC: Kaylyn Gresham

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

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

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

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

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

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



April 26, 2021

Updated COVID19 data to consider during discussions to extend the Oneida Nation Public Health Emergency declaration.

Submitted by:
Debbie Danforth, Dr Vir, Michelle Myers

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

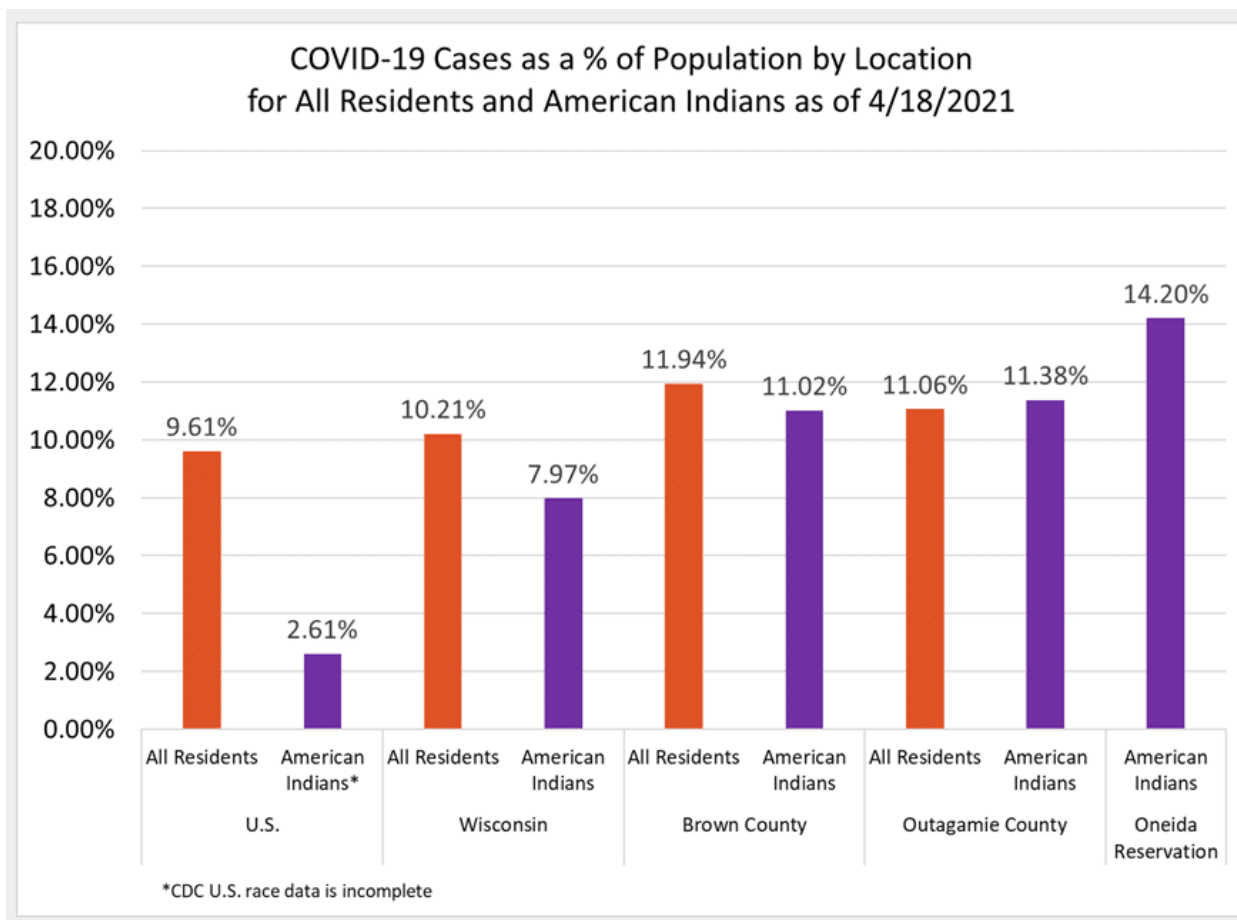
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Phone: (920) 405-4492

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

Relevant COVID-19 Data:



WI Department of Health Services- Public Health

<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

U.S. Centers for Disease Control and Prevention

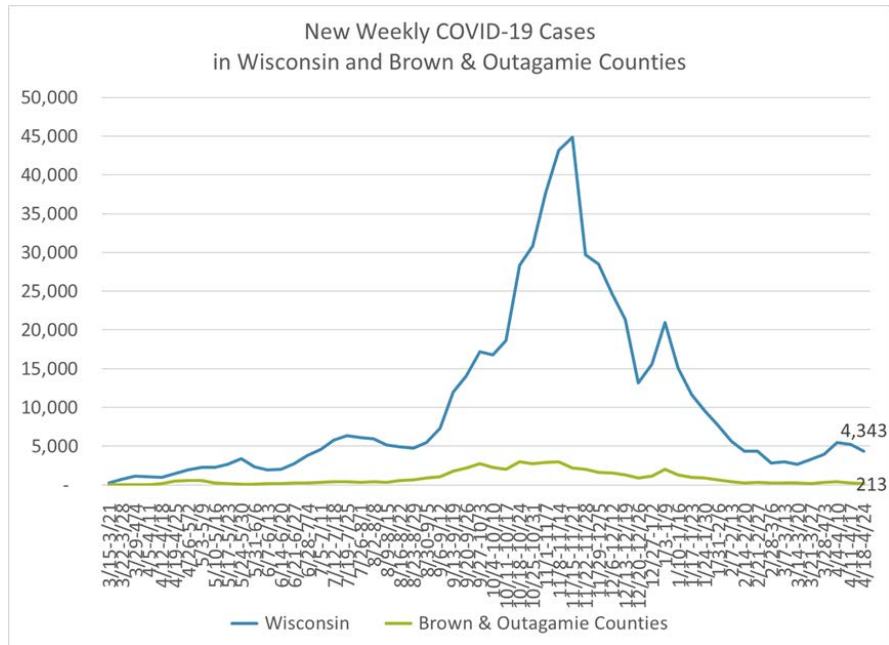
https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days

U.S. Census Bureau American Community Survey Population Estimates

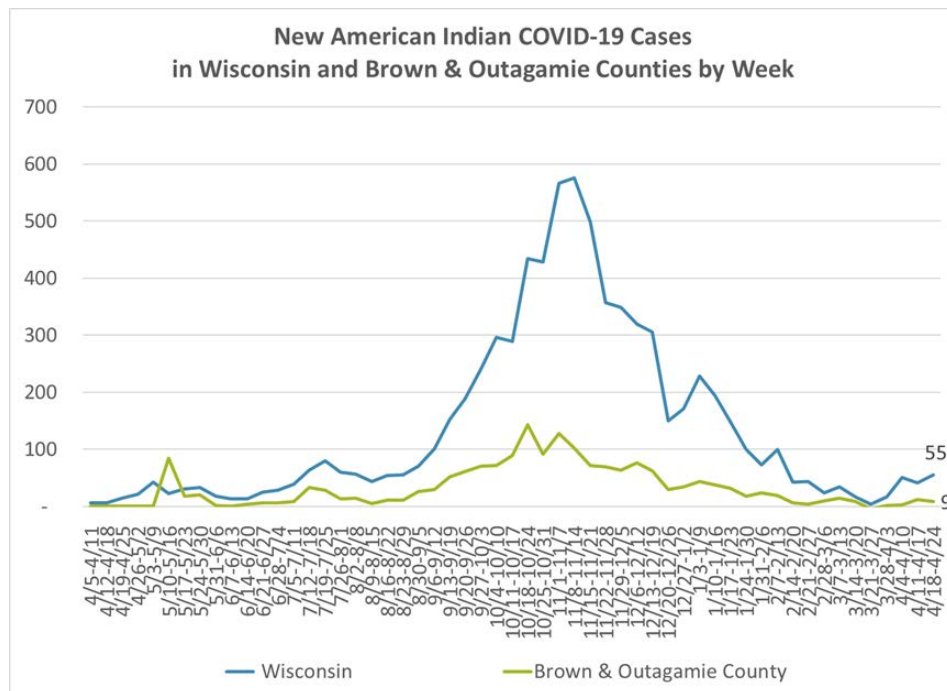
<https://data.census.gov/cedsci/advanced>

Oneida Nation Health Department

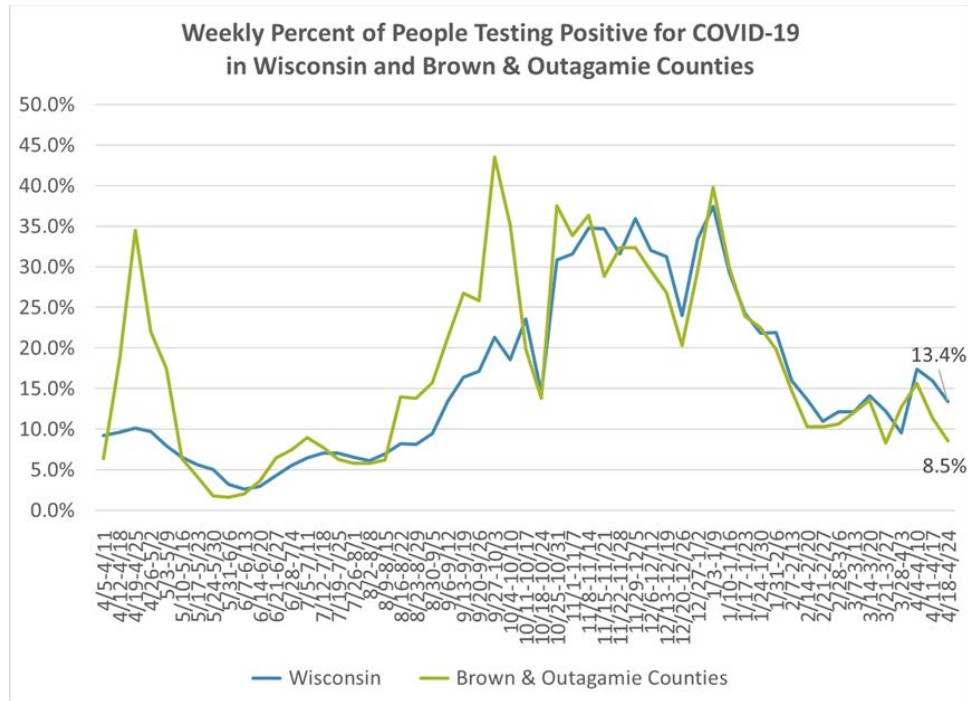
<https://oneida-nsn.gov/connect/news/oneida-nation-covid-19-resource-page/#Stats>



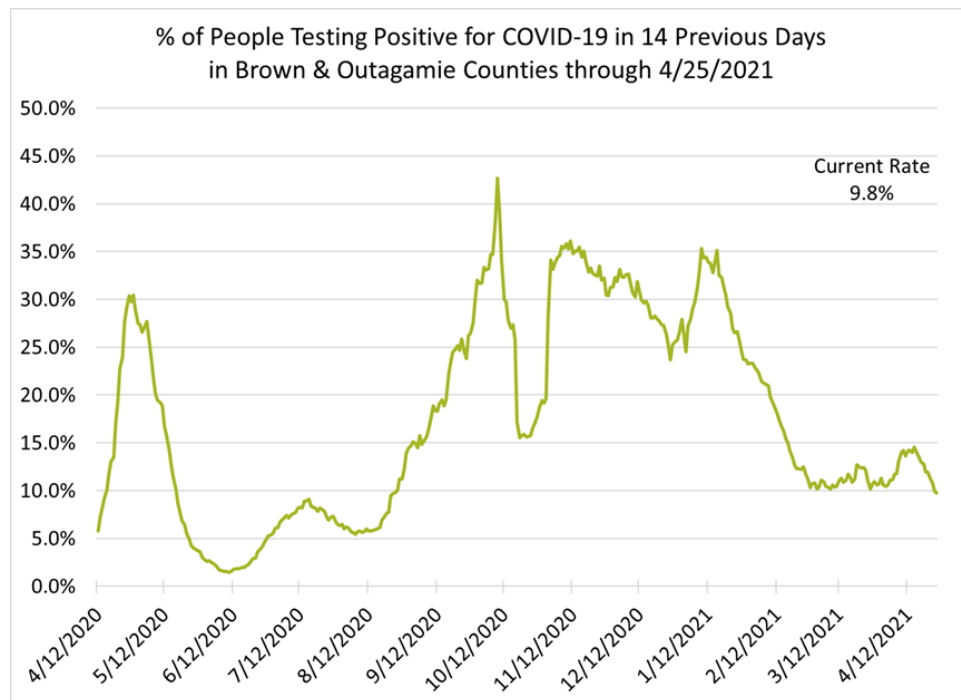
WI Department of Health Services- Public Health retrieved 04/26/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



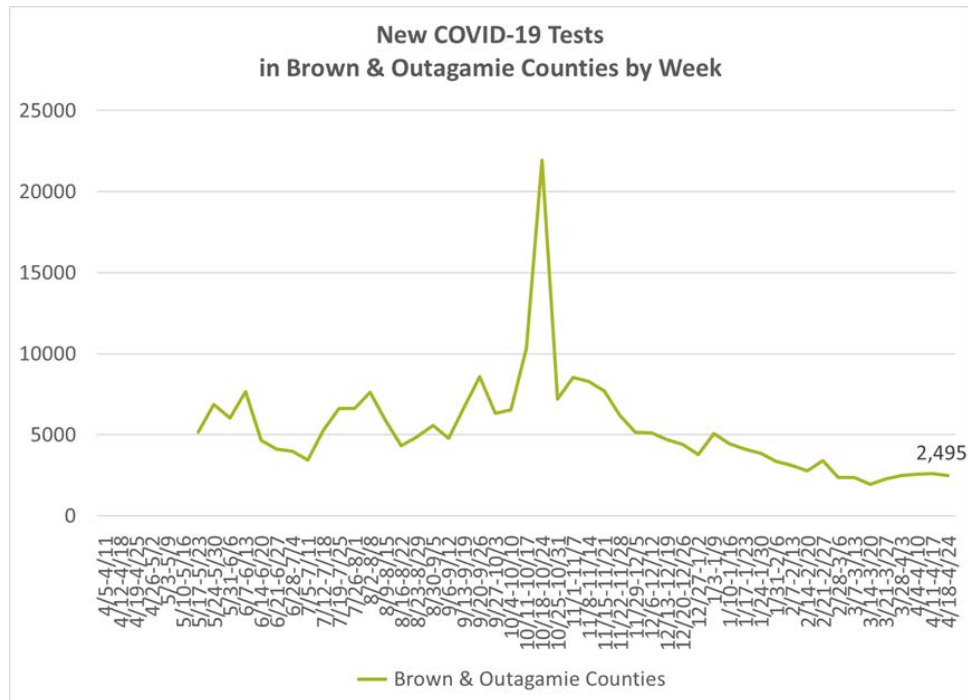
WI Department of Health Services- Public Health retrieved 04/26/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



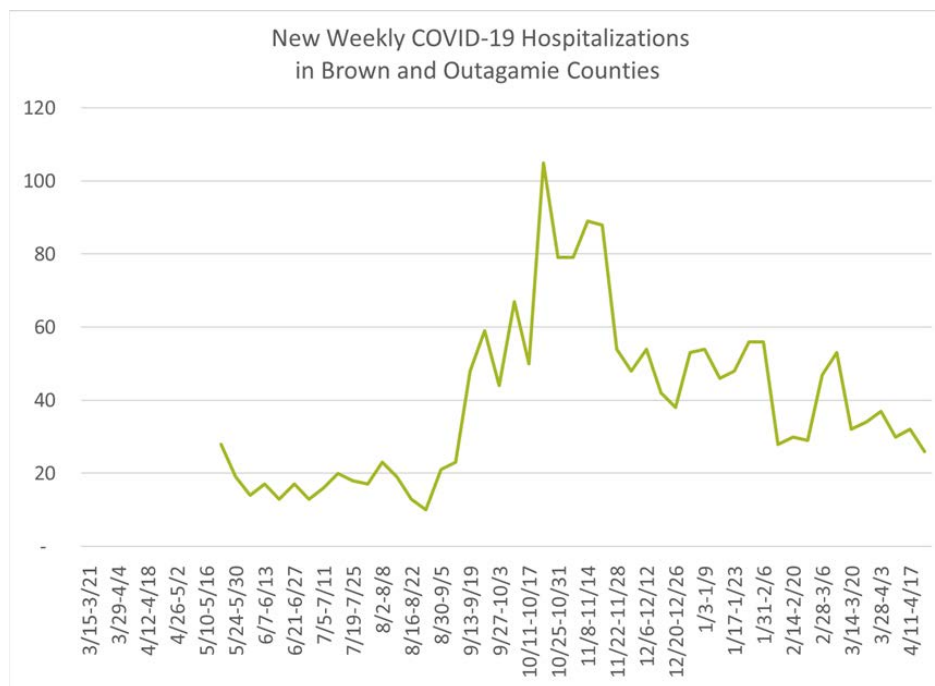
WI Department of Health Services- Public Health retrieved 04/26/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



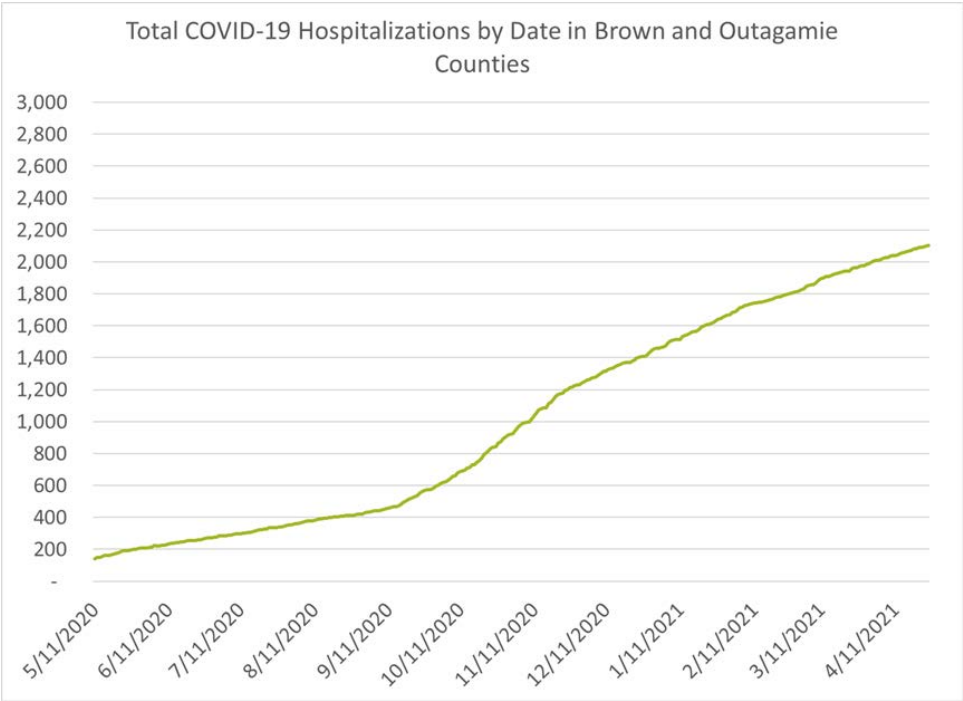
WI Department of Health Services- Public Health retrieved 04/26/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



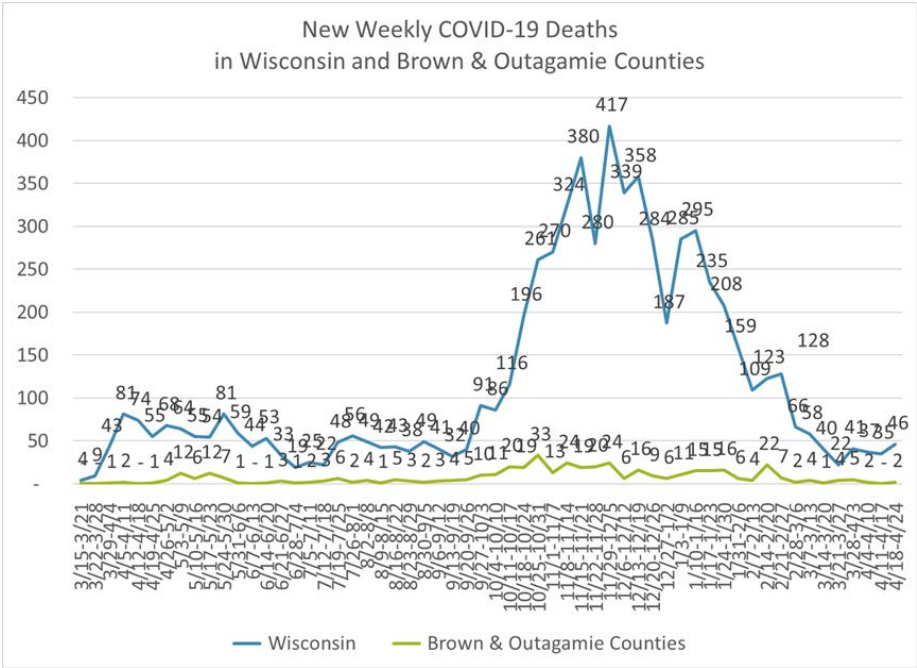
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<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



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WI Department of Health Services- Public Health retrieved 04/26/2021
<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>



Oneida Business Committee Agenda Request

Adopt resolution entitled Staying Safer At Home Policy – COVID-19 Pandemic

1. Meeting Date Requested: 05 / / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:

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

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

The attached resolution supersedes all prior declarations addressing public safety during the pandemic. The amendments were discussed at two Work Sessions and reviewed by the Public Health Officer. In addition, separate reporting/correspondence from Intergovernmental Affairs and Communications is attached to address possible public questions regarding changes in this declaration.

NOTE: Amendments to item #3 regarding Prohibited Activities has been amended to coincide with CDC guidelines as they may change from time-to-time.

- 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 # Staying Safer At Home Policy – COVID-19 Pandemic

- 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 adopted amendments to the Emergency Management and Homeland Security Law to create the COVID-19 Core Decision Making Team at the beginning of the Public Health State of Emergency and delegated authority to issue declarations to protect the health and safety of members and those living within the Oneida Reservation ; and
- WHEREAS,** the COVID-19 Core Decision Making Team issued several declarations intended to protect the public health within the Oneida Reservation and updated those declarations from time to time as the U.S. Center for Disease Control, the medical community and the scientific community were able to update and identify the impacts and transmission of the COVID-19 virus; and
- WHEREAS,** the Oneida Nation Public Health State of Emergency declared on March 12, 2020 has been extended and currently remains in effect through May 12, 2021; and
- WHEREAS,** the Emergency Management Law has been adopted, which supersedes the Emergency Management and Homeland Security Law, which continues the authorization of the Oneida Business Committee to “modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team,” *section 302.9-6*; and
- WHEREAS,** the Oneida Business Committee has determined that the *Stay Safer at Home Declaration*, issued June 10, 2020 by the COVID-19 Core Decision Making Team should be updated to reflect the current status and understanding of the pandemic and vaccinations; and
- NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts this *Staying Safer at Home Policy* for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 Pandemic in accordance with section 302.9-6 of the Emergency Management Law superseding any prior Declaration that conflicts with this policy, specifically superseding the Safer at Home and updates and the Stay Safer at Home Declarations issued by the COVID-19 Core Decision Making Team.

- 43
44 1. *Recommendation to Stay at Home or Place of Residence.* It is recommended that all individuals present
45 within the Oneida Reservation stay at home or at their place of residence to reduce contact spread of
46 COVID-19.
- 47 2. *Business Operations.* All businesses within the Oneida Reservation are encouraged to maintain public
48 health safety protocols at least as stringent as those set by the Wisconsin Economic Development
49 Corporation or the Center for Disease Controls, whichever is greater.
- 50 3. *Prohibited Activities.* All public and private gatherings are discouraged. Individuals are encouraged to
51 follow Centers for Disease Control recommendations on public and private gatherings to avoid the spread
52 of COVID-19. Nothing in this policy prohibits the gathering of members of a single household or living unit.
53 Landlords or rental property managers shall avoid entering leased residential premises unless emergency
54 maintenance is required.
- 55 4. *Libraries.* Libraries should consider re-opening consistent with surround jurisdictions and in compliance
56 with public safety guidelines issued by the Oneida Nation or that of the surrounding jurisdictions, whichever
57 is greater. In the interim, public libraries shall remain closed for all in-person services, except that they may
58 provide the following services:
- 59 a. On-line services and programming.
60 b. Curb-side pick-up of books and other library materials, if all operations are performed by one
61 person in a room or confined space. Materials must be requested online or by phone before pick-
62 up. The library may not require a signature from the patron. The library must schedule pick-ups to
63 ensure compliance with Social Distancing Requirements as defined in Section 16 of this policy.
- 64 5. *Playgrounds and Parks.* Public parks and open space are reopened. Ball fields and other recreation
65 areas used for sporting activities are re-opened subject to the policies identified by athletic organizations of
66 Social Distancing Requirements. Provided that, notices shall be placed at playgrounds and public parks
67 that public restroom facilities and drinking fountains are cleaned daily and park users should take personal
68 precautions utilizing Social Distancing Requirements as defined in Section 16 of this policy. Provided further
69 that the Public Health Officer, if any of the following occur:
- 70 a. The number of people frequenting the area at one time makes it difficult to comply with Social
71 Distancing Requirements.
72 b. Repeated vandalism or disturbing the peace.
73 c. Repeated violations of this policy that create a risk to individuals in the area.
- 74 6. *Public Transit.* Individuals riding on public transit shall wear face masks and must comply with Social
75 Distancing Requirements to the greatest extent possible.
- 76 7. *Elderly and At-Risk Persons.* Elderly people and those who are vulnerable as a result of underlying health
77 conditions should take additional precautions. People at high risk of severe illness from COVID-19 and
78 people who are sick are urged to stay in their home or residence to the extent possible except as necessary
79 to seek medical care. Nothing in this policy prevents the Public Health Officer from issuing and enforcing
80 isolation and quarantine orders pursuant to the Emergency Management Law, Chapter 302.
- 81 8. *Travel.* Individuals engaged in any travel are encouraged to comply with Social Distancing Requirements
82 to the extent possible.
- 83 9. *Social Distancing Requirements.* For purposes of this policy, Social Distancing Requirements includes:
84 a. Maintaining social distancing of six (6) feet between people;
85 b. Washing hands with soap and water for at least 20 seconds as frequently as possible or using
86 hand sanitizer;
87 c. Wearing face coverings in public and in all situations where the individual encounters others as
88 identified by the U.S. Centers for Disease Control;
89 d. Covering coughs or sneezes (into the sleeve or elbow, not hands);
90 e. Regularly cleaning high-touch surfaces;
91 f. Not shaking hands; and
92 g. Following all other public health recommendations issued by the U.S. Centers for Disease
93 Control.
- 94 10. *Enforcement.* This policy is enforceable by any local law enforcement official in accordance with section
95 302.10 of the Emergency Management Law. Violation or obstruction of this policy is punishable by a fine
96 up to \$200 in accordance with the *Declaration: Emergency Management and Homeland Security Law Fine*
97 *and Penalty Schedule*, issued March 19, 2020.

98 11. *Severability*. If any provision of this policy or its application to any person or circumstance is held to be
99 invalid, then the remainder of the policy, including the application of such part or provision to other persons
100 or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions
101 of this policy are severable.



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



Statement of Effect

Staying Safer At Home Policy – COVID-19 Pandemic

Summary

This resolution adopts this *Staying Safer At Home Policy* plan for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 pandemic in accordance with section 302.9-6 of the Emergency Management law superseding any prior declaration that conflicts with this policy, specifically superseding the “*Safer at Home*” and updates and the “*Stay Safer at Home*” declarations issued by the COVID-19 Core Decision Making Team.

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

Date: April 6, 2021

Analysis by the Legislative Reference Office

The Oneida Business Committee adopted the Emergency Management law, formally known as the Emergency Management and Homeland Security law, for the purpose of providing for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; providing for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System (NIMS); and designating authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and which poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(p)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than sixty (60) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-2].

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D. [3 O.C. 302.8-2].

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management law through resolution BC-03-17-20-E to create and delegate authority to a COVID-19 Core Decision Making Team so that upon the declaration of a public health emergency, the COVID-19 Core Decision Making Team would have 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. 302.9-2]. These declarations remain in effect for the duration of the Public Health State of Emergency, unless identified to be effective for a shorter period of time. [3 O.C. 302.9-4]. The Oneida Business Committee then permanently adopted amendments to the Emergency Management law through resolution BC-03-10-21-A which incorporated the authority of an Emergency Core Decision Making Team to make declarations.

On March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders 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, the COVID-19 Core Decision Making Team issued a "*Safer at Home Declaration, Amendment, Open for Business*" which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can 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. Then on July 17, 2020, the "*Safe Re-opening Governmental Offices*" declaration was issued which provides guidance on how buildings will be safely re-opened to the public.

The Emergency Management law allows the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by an Emergency Core Decision Making Team. [3 O.C. 302.9-6]. Through this resolution the Oneida Business Committee adopts this *Staying Safer at Home Policy* for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 Pandemic in accordance with section 302.9-6 of the Emergency Management law superseding any prior declaration that conflicts with this policy, specifically superseding the "*Safer at Home*" declaration and updates and the "*Stay Safer at Home*" declaration issued by the COVID-19 Core Decision Making Team. The *Staying Safer at Home Policy* addresses and provides guidance for the following issues:

- Recommendation to Stay at Home or Place of Residence;
- Business Operations;
- Prohibited Activities;
- Libraries;
- Playgrounds and Parks;
- Public Transit;
- Elderly and At-Risk Persons;
- Travel;
- Social Distancing Requirements;

- Enforcement; and
- Severability.

Conclusion

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

Oneida Business Committee Agenda Request

Adopt resolution entitled Safer Re-Opening of Government Offices – COVID-19 Pandemic

1. Meeting Date Requested: 05 / / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:

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

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

The attached resolution supersedes all prior declarations addressing public safety during the pandemic. The amendments were discussed at two Work Sessions and reviewed by the Public Health Officer.

- 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 # Safer Re-Opening of Government Offices – COVID-19 Pandemic

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 adopted amendments to the Emergency Management and Homeland Security Law to create the COVID-19 Core Decision Making Team at the beginning of the Public Health State of Emergency and delegated authority to issue declarations to protect the health and safety of members and those living within the Oneida Reservation ; and

WHEREAS, the COVID-19 Core Decision Making Team issued several declarations intended to protect the public health within the Oneida Reservation and updated those declarations from time to time as the U.S. Center for Disease Control, the medical community and the scientific community were able to update and identify the impacts and transmission of the COVID-19 virus; and

WHEREAS, the Oneida Nation Public Health State of Emergency declared on March 12, 2020 has been extended and currently remains in effect through May 12, 2021; and

WHEREAS, the Emergency Management Law has been adopted, which supersedes the Emergency Management and Homeland Security Law, which continues the authorization of the Oneida Business Committee to “modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team,” *section 302.9-6*; and

WHEREAS, the Oneida Business Committee has determined that the *Safe Re-Opening of Governmental Offices*, issued July 17, 2020 by the COVID-19 Core Decision Making Team should be updated to reflect the current status and understanding of the pandemic and vaccinations; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee adopts this *Safer Re-Opening of Government Offices* for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 Pandemic in accordance with section 302.9-6 of the Emergency Management Law superseding any prior Declaration that conflicts with this policy, specifically

superseding the Safe Re-Opening of Government Offices Declaration issued by the COVID-19 Core Decision Making Team.

1. Sanitization. Employee and public areas require ongoing sanitization during the day as it is accessed and daily as it is used as recommended by the U.S. Centers for Disease Control.
2. Notice of Re-Opening of Offices/Building. The Department of Public Works Division Director and Building Manager of the building shall be notified by the program manager or business unit manager that he or she intends to re-open the office or building to the public. The notice shall provide an estimate of the number of employees and public that will be in and/or accessing the office and/or building daily and the time including the days of the week that the office or building will be accessible. The program manager or business unit manager shall request the Division Director to identify when appropriate staffing can be scheduled to allow the building to be cleaned.
3. Employee Offices. Employee offices, cubicles, workspaces shall be maintained in a clean and clutter free manner to assist in sanitization and cleaning. Personal items on shelves, cabinets, bookshelves should be removed or boxed up. Papers should be filed or placed within drawers at the end of the workday, desktops should be clean of all items except phones and computers. Provided that, in offices where no employees or public enter offices, a sign may be placed on the door that the employee will clean their own offices.
4. Employee and Public Social Distancing. No business unit may re-open a building where the social distancing requirements cannot be maintained by both personnel and public.
5. Signage. All public access points, entrances to business units, and in prominent places within the building shall have signage which identifies masking requirements, social distancing, and whether the area is limited to employees only.
 - a. Public access points shall have prominently displayed notice that face masks are required inside the building and that failure to wear face masks will result in the individual being asked to leave the facility.
 - b. Internal signage will remind all parties that face masks are required in public areas and hallways, as requested within offices and cubicles, and in breakrooms. Internal signage may designate where public areas end and employees only areas begin.

BE IT FURTHER RESOLVED, that the organization shall make all attempts to safely re-open to the public and in accordance with U.S. Centers for Disease Control.

BE IT FINALLY RESOLVED, that the Public Health Officer shall provide assistance to ensure safe re-opening of buildings, offices, programs and services subject to the needs of maintain public health and safety during the Public Health State of Emergency.



Statement of Effect

Safer Re-Opening of Government Offices – COVID-19 Pandemic

Summary

This resolution adopts this *Safer Re-Opening of Government Offices* plan for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 Pandemic in accordance with section 302.9-6 of the Emergency Management law superseding any prior Declaration that conflicts with this policy, specifically superseding the Safe Re-Opening of Government Offices Declaration issued by the COVID-19 Core Decision Making Team.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: April 6, 2021

Analysis by the Legislative Reference Office

The Oneida Business Committee adopted the Emergency Management law, formally known as the Emergency Management and Homeland Security law, for the purpose of providing for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; providing for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establishing the use of the National Incident Management System (NIMS); and designating authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

Under the Emergency Management law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and which poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(p)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than sixty (60) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-2].

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D. [3 O.C. 302.8-2].

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management law through resolution BC-03-17-20-E to create and delegate authority to a COVID-19 Core Decision Making Team so that upon the declaration of a public health emergency, the COVID-19 Core Decision Making Team would have 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. 302.9-2]. These declarations remain in effect for the duration of the Public Health State of Emergency, unless identified to be effective for a shorter period of time. [3 O.C. 302.9-4]. The Oneida Business Committee then permanently adopted amendments to the Emergency Management law through resolution BC-03-10-21-A which incorporated the authority of an Emergency Core Decision Making Team to make declarations.

On March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders 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, the COVID-19 Core Decision Making Team issued a "*Safer at Home Declaration, Amendment, Open for Business*" which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can 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. Then on July 17, 2020, the "*Safe Re-opening Governmental Offices*" declaration was issued which provides guidance on how buildings will be safely re-opened to the public.

The Emergency Management law allows the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by an Emergency Core Decision Making Team. [3 O.C. 302.9-6]. Through this resolution the Oneida Business Committee adopts this *Safer Re-Opening of Government Offices* plan for immediate implementation and lasting until the conclusion of the Public Health State of Emergency regarding the COVID-19 pandemic in accordance with section 302.9-6 of the Emergency Management law superseding any prior declaration that conflicts with this policy, specifically superseding the "*Safe Re-Opening of Government Offices*" declaration issued by the COVID-19 Core Decision Making Team. The *Safer Re-Opening of Government Offices* plan addresses and provides guidance for the following issues:

- Sanitization;
- Notice of Re-Opening of Offices and Buildings;
- Employee Offices;
- Employee and Public Social Distancing; and
- Signage.

This resolution then provides that the organization shall make all attempts to safely re-open to the public and in accordance with the U.S. Centers for Disease Control. This resolution also directs the Public Health Officer to provide assistance to ensure safe re-opening of buildings, offices,

programs, and services subject to the needs of maintaining public health and safety during the Public Health State of Emergency.

Conclusion

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

Oneida Business Committee Agenda Request


Adopt the resolution entitled Emergency Amendments to the Budget Management and Control Law

1. Meeting Date Requested: 5 / 12 / 21**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: May 12, 2021
RE: Budget Management and Control Law Emergency Amendments

Please find the following attached backup documentation for your consideration of the Budget Management and Control Law Emergency Amendments:

1. Resolution: Emergency Amendments to the Budget Management and Control Law
2. Statement of Effect: Emergency Amendments to the Budget Management and Control Law
3. Budget Management and Control Law Emergency Amendments Legislative Analysis
4. Budget Management and Control Law (Redline)
5. Budget Management and Control Law (Clean)

Overview

Emergency amendments to the Budget Management and Control law (the “Law”) are being sought to address the Nation’s non-compliance with the budget development process and deadlines contained in the Law. The emergency amendments to the Law will remove much of the details of the budget process, requirements, and deadlines from the Law, and instead provide that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation’s budget development process, to be reviewed and approved by the Oneida Business Committee. [1 O.C. 121.5-3(a)].

On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” due to the COVID-19 pandemic which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D. [3 O.C. 302.8-2].

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

The emergency amendments to this Law are necessary for the preservation of the general welfare of the Reservation population. The COVID-19 pandemic interrupted many processes and

procedures of the Nation, including the development of the Nation's Fiscal Year 2021 and Fiscal Year 2022 budgets. The Law aims to provide a transparent process and requirements for the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval. The Nation is not currently in compliance with the various requirements and deadlines contained in the Law. The proposed emergency amendments to the Law will remove the details of the budget process from the Law and instead require that the Treasurer develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, which will then ensure that enough flexibility is provided to allow the Nation to determine the most effective process for the adoption of the budget as we transition through the effects of the COVID-19 pandemic. Additionally, the proposed emergency amendments to the Law will ensure that a transparent budget process is available to the Oneida Business Committee and Oneida fund units as we move forward with the development and adoption of the Fiscal Year 2022 budget.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. The Fiscal Year 2022 Budget is required to be adopted by September 30, 2021, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that a transparent budget process is made available to members of the Nation prior to the adoption of the Fiscal Year 2022 Budget.

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

Requested Action

Adopt the Resolution: Emergency Amendments to the Budget Management and Control Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Emergency Amendments to the Budget Management and Control 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 Budget Management and Control law ("the Law") was adopted by the Oneida Business
- 10 Committee through resolution BC-02-08-17-C, and most recently amended on an
- 11 emergency basis through resolution BC-11-24-20-E; and
- 12
- 13 **WHEREAS,** the Law sets forth the requirements to be followed by the Oneida Business Committee and
- 14 Oneida fund units when preparing the budget to be presented to the General Tribal Council
- 15 for approval and to establish a triennial strategy planning process for the Nation's budget;
- 16 and
- 17
- 18 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
- 19 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
- 20 the Nation until April 12, 2020, and set into place the necessary authority for action to be
- 21 taken and allows the Nation to seek reimbursement of emergency management actions
- 22 that may result in unexpected expenses; and
- 23
- 24 **WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida
- 25 Business Committee until May 12, 2021, through the adoption of the following resolutions:
- 26 BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-
- 27 09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-
- 28 A, and BC-03-10-21-D; and
- 29
- 30 **WHEREAS,** the COVID-19 pandemic interrupted many processes and procedures of the Nation,
- 31 including the development of the Nation's Fiscal Year 2021 and Fiscal Year 2022 budgets;
- 32 and
- 33
- 34 **WHEREAS,** emergency amendments to the Law are being sought to address the Nation's non-
- 35 compliance with the budget development process and deadlines contained in the Law; and
- 36
- 37 **WHEREAS,** the emergency amendments to the Law will remove the details of the budget process,
- 38 requirements, and deadlines from the Law, and instead provide that the Treasurer shall

39 develop the necessary guidelines and procedures, including specific deadlines, for the
40 Nation's budget development process, to be reviewed and approved by the Oneida
41 Business Committee; and
42

43 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
44 legislation on an emergency basis when legislation is necessary for the immediate
45 preservation of the public health, safety, or general welfare of the Reservation population,
46 and the adoption of the legislation is required sooner than would be possible under the
47 Legislative Procedures Act; and
48

49 **WHEREAS,** the emergency adoption of amendments to this Law are necessary for the preservation of
50 the general welfare of the Reservation population in order to ensure that enough flexibility
51 is provided to allow the Nation to determine the most effective process for the adoption of
52 the budget as we transition through the effects of the COVID-19 pandemic, and to ensure
53 that a transparent budget process is available to the Oneida Business Committee and
54 Oneida fund units as we move forward with the development and adoption of the Fiscal
55 Year 2022 budget; and
56

57 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of the
58 emergency amendments to this Law would be contrary to public interest since the Fiscal
59 Year 2022 Budget is required to be adopted by September 30, 2021, and the process and
60 requirements of the Legislative Procedures Act cannot be completed in time to ensure that
61 a transparent budget process is made available to members of the Nation prior to the
62 adoption of the Fiscal Year 2022 Budget; and
63

64 **WHEREAS,** adoption of emergency amendments to this Law would remain in effect for a period of six
65 (6) months, renewable by the Oneida Business Committee for an additional six (6) month
66 term; and
67

68 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
69 when considering emergency legislation; and
70

71 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency
72 amendments to the Budget Management and Control law effective immediately.
73

74 **BE IT FINALLY RESOLVED,** the Treasurer shall present a resolution at the May 18, 2021, Oneida
75 Business Committee work session for review, and then at the May 26, 2021, Oneida Business Committee
76 meeting for consideration of adoption which provides the general framework for the Fiscal Year 2022 budget
77 development process, which shall include, but is not limited to, information such as the budget calendar,
78 opportunities for community input and discussion, line item guidance, and new position definition, guidance,
79 and review process.



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

Emergency Amendments to the Budget Management and Control Law

Summary

This resolution adopts emergency amendments to the Budget Management and Control law which remove the details of the budget process, requirements, and deadlines from the Law, and instead provide that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee.

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

Date: April 30, 2021

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Budget Management and Control law ("the Law"). The purpose of the Law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget. [1 O.C. 121.1-1]. The emergency amendments to the Law remove the details of the budget process, requirements, and deadlines from the Law, and instead provide that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee. [1 O.C. 121.5-3(a)].

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 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]. 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)].

On March 12, 2020, in accordance with the Emergency Management law, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee has extended this Public Health State of Emergency until May 12, 2021, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D. [3 O.C. 302.8-2]. The COVID-19 pandemic interrupted many processes and procedures of the Nation, including the development of the Nation's Fiscal Year 2021 and Fiscal Year 2022 budgets.

The resolution provides that the emergency amendments to this Law are necessary for the preservation of the general welfare of the Reservation population in order to ensure that enough flexibility is provided to allow the Nation to determine the most effective process for the adoption of the budget as we transition through the effects of the COVID-19 pandemic, and to ensure that a transparent budget process is available to the Oneida Business Committee and Oneida fund units as we move forward with the development and adoption of the Fiscal Year 2022 budget.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of this law would be contrary to public interest. The Fiscal Year 2022 Budget is required to be adopted by September 30, 2021, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that a transparent budget process is made available to members of the Nation prior to the adoption of the Fiscal Year 2022 Budget.

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

This resolution also directs that the Treasurer shall present a resolution at the May 18, 2021, Oneida Business Committee work session for review, and then at the May 26, 2021, Oneida Business Committee meeting for consideration of adoption which provides the general framework for the Fiscal Year 2022 budget development process, which shall include, but is not limited to, information such as the budget calendar, opportunities for community input and discussion, line item guidance, and new position definition, guidance, and review process. This directive is in compliance with the proposed emergency amendments to the Law which require that the Treasurer develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, and that those guidelines be submitted to the Oneida Business Committee for review and approval. *[1 O.C. 121.5-3(a)].*

Conclusion

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



EMERGENCY AMENDMENTS TO THE BUDGET MANAGEMENT AND CONTROL LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Remove details of the budget process from the law and instead direct that Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process. The Treasurer is then required to submit the guidelines for the development of the budget to the Oneida Business Committee for review and approval. <i>[1 O.C. 121.5-3(a)].</i>
Purpose	Set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget. <i>[1 O.C. 121.1-1].</i>
Affected Entities	Oneida Business Committee, Oneida Fund Units, Chief Financial Officer
Public Meeting	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 109.9-5(a)].</i>
Fiscal Impact	A fiscal impact statement is not required for emergency legislation <i>[1 O.C. 109.9-5(a)].</i>
Expiration of Emergency Legislation	Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Budget Management and Control law ("the Law") was adopted by the Oneida Business Committee through resolution BC-02-08-17-C and then most recently amended on an emergency basis through resolution BC-11-24-20-E. The purpose of the Law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget. *[1 O.C. 121.1-1].*
- B. Request for Emergency Amendments.** At the April 28, 2021, Oneida Business Committee meeting the Nation's Secretary provided a memorandum which expressed concerns regarding the Nation's lack of compliance with the Law and requested that the Oneida Business Committee make one of the following considerations: an emergency repeal of the Law due to the fact that the processes and procedures, specifically the deadlines for the various steps of the budget process contained in the law are not currently being followed; or emergency amendments to the Law to remove much of the budget process and/or deadlines and revise the Law so it simply states a budget should be adopted by September 30th. The Oneida Business Committee then adopted a motion directing the Legislative Operating Committee to develop emergency amendments to the Law to address this issue.
- C. COVID-19 Pandemic.** The world is currently facing a pandemic of 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 May 12, 2021, 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, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, and BC-03-10-21-D.

▪ *COVID-19 Core Decision Making Team.*

- 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”). [BC-03-17-20-E - 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. [BC-03-17-20-E - 3 O.C. 302.10-2].

- These declarations remain in effect for the duration of the Public Health State of Emergency. [BC-03-17-20-E - 3 O.C. 302.10-3].

- On March 10, 2021, the Oneida Business Committee adopted permanent amendments to the Emergency Management and Homeland Security law, now known as the Emergency Management law, through the adoption of resolution BC-03-10-21-A which incorporated an emergency core decision time with the authority to make emergency declarations on a permanent basis/

▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*

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

- 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.

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

- On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration*,

64 *Amendment, Open for Business”* while still providing guidance and some restrictions. This
65 declaration prohibits all public and private gatherings of more than twenty (20) people that
66 are not part of a single household or living unit.

- 67 ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”
68 which sets minimum standards for the safe re-opening of a building or recall of employees
69 to work.

- 70 ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*
71 *Legislative Procedures Act.*

- 72 ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a
73 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which
74 suspended the Legislative Procedures Act's requirement to hold a public meeting during
75 the public comment period, but allows members of the community to still participate in the
76 legislative process by submitting written comments, questions, data, or input on proposed
77 legislation to the Legislative Operating Committee via e-mail during the public comment
78 period.

79 80 **SECTION 3. CONSULTATION AND OUTREACH**

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

- 83 ▪ Oneida Business Committee.

- 84 B. The Legislative Operating Committee has held the following work meetings specific to the proposed
85 emergency amendments to this Law:

- 86 ▪ April 29, 2021: LOC work meeting.

87 88 **SECTION 4. PROCESS**

- 89 B. These amendments are being considered on an emergency basis. The Oneida Business Committee may
90 temporarily enact an emergency law where legislation is necessary for the immediate preservation of
91 public health, safety, or general welfare of the Reservation population and enactment or amendment of
92 legislation is required sooner than would be possible under this law. [1 O.C. 109.9-5].

- 93 ▪ Emergency amendments to this Law are being pursued for the preservation of the general welfare
94 of the Reservation population. The COVID-19 pandemic interrupted many processes and
95 procedures of the Nation, including the development of the Nation’s Fiscal Year 2021 and Fiscal
96 Year 2022 budgets. The Law aims to provide a transparent process and requirements for the Oneida
97 Business Committee and Oneida fund units when preparing the budget to be presented to the
98 General Tribal Council for approval. The Nation is not currently in compliance with the various
99 requirements and deadlines contained in the Law. The proposed emergency amendments to the
100 Law will remove the details of the budget process from the Law and instead require that the
101 Treasurer develop the necessary guidelines and procedures, including specific deadlines, for the
102 Nation’s budget development process, which will then ensure that enough flexibility is provided to
103 allow the Nation to determine the most effective process for the adoption of the budget as we
104 transition through the effects of the COVID-19 pandemic. Additionally, the proposed emergency
105 amendments to the Law will ensure that a transparent budget process is available to the Oneida

Business Committee and Oneida fund units as we move forward with the development and adoption of the Fiscal Year 2022 budget.

- Observance of the requirements under the Legislative Procedures Act for the adoption of this Law would be contrary to public interest. The Fiscal Year 2022 Budget is required to be adopted by September 30, 2021, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that a transparent budget process is made available to members of the Nation prior to the adoption of the Fiscal Year 2022 Budget.

C. Emergency legislation typically expires six (6) months after adoption, with one (1) opportunity for a six (6) month extension of the emergency legislation. [1 O.C. 109.9-5(b)].

D. The Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact statement will eventually be required when considering permanent adoption of this Law.

SECTION 5. CONTENTS OF THE LEGISLATION

A. **Removal of the Budget Process.** The proposed emergency amendment to the Law remove much of the details of the budget process, requirements, and deadlines from the Law, and instead provide that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process. [1 O.C. 121.5-3(a)]. The Law then requires that the Treasurer submit the guidelines for the development of the budget to the Oneida Business Committee for review and approval. [1 O.C. 121.5-3(a)]. Previously, the Law contained great detail as to the various steps of the budget process and their deadlines, which included: community input budget meetings, establishment of a priority list by the Oneida Business Committee, development of annual proposed budgets, review of the draft budget, final draft budget, and community meetings. The Law still provides that the final draft budget shall be approved by the Oneida Business Committee through resolution prior to presentation to the General Tribal Council, which shall occur with a request for adoption by resolution no later than September 30th of each year. [1 O.C. 121.5-3(b)]. The Law also still provides that in the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution(s) until such time as a budget is adopted. [1 O.C. 121.5-3(b)]. The emergency budget adoption provision adopted by the Oneida Business Committee through resolution BC-11-24-20-E, which provides that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget, also still remains in the law. [1 O.C. 121.5-3(b)(1)].

- **Effect.** The proposed emergency amendment to the Law address the Nation's non-compliance with the Law and provides flexibility to allow the Nation to determine the most effective process for the adoption of the budget as we transition through the effects of the COVID-19 pandemic. Additionally, the proposed emergency amendments to the Law ensure that a transparent budget process is available to the Oneida Business Committee and Oneida fund units as we move forward with the development and adoption of the Fiscal Year 2022 budget.

SECTION 6. EXISTING LEGISLATION

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

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

183 **SECTION 7. OTHER CONSIDERATIONS**

- 184 **A. *Deadline for Permanent Adoption of Legislation.*** The adoption of emergency amendments to this Law
185 will expire six (6) months after adoption. The emergency legislation may be renewed for an additional
186 six (6) month period.
 - 187 ▪ *Conclusion:* The Legislative Operating Committee has already been working diligently with the
188 Nation's Treasurer and Finance Administration on the development of comprehensive permanent
189 amendments to the Law. The Legislative Operating Committee will need to consider the adoption
190 of these permanent amendments to the Law within the next six (6) to twelve (12) months.
- 191 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.
 - 192 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except

193 emergency legislation *[1 O.C. 109.6-1]*.
194

Title 1. Government and Finances – Chapter 121**Twahwistatye'nítha?***We have a certain amount of money***BUDGET MANAGEMENT AND CONTROL**

121.1.	Purpose and Policy	121.7.	Appropriation of the Nation's Funds
121.2.	Adoption, Amendment, Repeal	121.8.	Budget Authority
121.3.	Definitions	121.9.	Budget Transfers; Amendments
121.4.	Strategic Planning	121.10.	Reporting
121.5.	Budget Process	121.11.	Authorizations and Signatures
121.6.	Capital Improvements	121.12.	Enforcement and Penalties

121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget.

121.1-2. *Policy.* It is the policy of the Nation to rely on value-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-08-17-C, and emergency amended by ~~resolution~~ **resolutions** BC-11-24-20-E, **and BC- - - -**.

121.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. 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.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. 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) "Appropriation" means the legislative act of designating funds for a specific purpose in accordance with the provisions contained in this law.

(b) "Capital expenditure" means any non-recurring and non-physical improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000.00) or more and an estimated life of one (1) year or more; or

(2) Items purchased together where none of the items individually costs more than two thousand dollars (\$2,000.00), but the total purchase price for all of the items is ten thousand dollars (\$10,000.00) or more.

- (c) “Capital improvement” means non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and an estimated life of one (1) year or more.¹
- (d) “CFO” means the Nation’s Chief Financial Officer.
- (e) “Debt” means the secured or unsecured obligations owed by the Nation.
- (f) “Economic life” means the length of time an asset is expected to be useful.
- (g) “Executive manager” means any one of the following positions within the Nation: Chief Executive Officer/General Manager, Gaming General Manager, Chief Legal Counsel and/or Chief Financial Officer.
- (h) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities and a statement of financial position.
- (i) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.
- (j) “Fund unit” means any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation approved by the Nation.
- (k) “General reserve fund” means the Nation’s main operating fund which is used to account for all financial resources not accounted for in other funds.
- (l) “GTC allocations” means expenditures directed by the General Tribal Council as required payments and/or benefits to the Nation’s membership and are supported by either a General Tribal Council or Oneida Business Committee resolution.
- (m) “Line item” means the specific account within a fund unit’s budget or category that expenditures are charged to.
- (n) “Manager” means the person in charge of directing, controlling and administering the activities of a fund unit.
- (o) “Nation” means the Oneida Nation.
- (p) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and enforce this law.
- (q) “Treasurer” means the elected Oneida Nation Treasurer or his or her designee.

¹ Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in the definition of “Capital Improvement.”

121.4. Strategic Planning

121.4-1. *Triennial Strategic Plan.* Prior to December 1st of each year, the Oneida Business Committee, in consultation with the Executive Managers, shall develop a triennial strategic plan which includes, but is not limited to:

- (a) Major policy and budgetary goals for the Nation, both long and short term;
- (b) Specific strategies and planned actions for achieving each goal; and
- (c) Performance targets and indicators to track progress which, to the extent available, includes, but is not limited to:

- (1) Statistics and trending data for, at a minimum, the last three (3) complete fiscal years; and

- (2) Performance targets for, at a minimum, the next three (3) complete fiscal years moving forward.

121.4-2. *Fund Units' Contributions to the Triennial Strategic Plan.* Managers shall annually develop, submit and maintain a triennial strategic plan for the fund unit's operations which aligns with the triennial strategic plan established by the Oneida Business Committee pursuant to 121.4-1. Managers shall submit the fund unit's triennial strategic plan to the CFO when the fund unit's budget is due and, at a minimum, shall include the following in the plan:

- (a) A statement of the fund unit's mission;
- (b) Specific goals including a description of the fund unit's strategies as part of its service group provided in 121.5-3(c) which aligns with the goals established in the Nation's triennial strategic plan;
- (c) Specific strategies for achieving each of the fund unit's goals; and
- (d) Performance targets and indicators to track progress which, to the extent available, includes, but is not limited to:

- (1) Statistics and trending data for, at a minimum, the last three (3) complete fiscal years; and

- (2) Performance targets for, at a minimum, the next three (3) complete fiscal years moving forward.

121.4-3. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO, executive managers and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. The Oneida Business Committee shall approve, by resolution, the budget contingency plan and any amendments thereto. The Oneida Business Committee is responsible for the implementation of the budget contingency plan, provided that such implementation is predicated on the Oneida Business Committee's determination that the Nation is under extreme financial distress. For the purposes of this section, extreme financial distress includes, but is not limited to, natural or human-made disasters, United States Government shutdown, Tribal shutdown (which occurs when the General Tribal Council has not approved a budget for the Nation prior to the beginning of a new fiscal year) and economic downturns.

- (a) *Cost Savings Tools.* As part of the budget contingency plan, the Oneida Business Committee may require stabilization funds, reductions of expenditures, furloughs and other cost saving tools provided that such tools are in compliance with the Nation's laws, specifically the Nation's employment laws, rules and policies.

- (b) *Business Continuity Fund.* The Oneida Business Committee shall maintain a Permanent Executive Contingency account within the ownership investment report to be used to prevent default on debt and to sustain operations during times of extreme financial

distress. The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve, the level of business continuity funds required in the Permanent Executive Contingency account. The Treasurer shall set aside business continuity funds in the Permanent Executive Contingency account until the established level has been achieved. Funds in the Permanent Executive Contingency may only be used for the following purposes and only to the extent that alternative funding sources are unavailable:

- (1) Payments to notes payable to debt service, both principal and interest, and applicable service fees;
- (2) Employee payroll, including all applicable taxes;
- (3) Payments to vendors for gaming and retail;
- (4) Payments to vendors for governmental operations;
- (5) Payments to any other debt; and
- (6) To sustain any of the Nation's other operations during implementation of the budget contingency plan.

(c) *Grant Funds.* Grant funds are exempt from requirements of the budget contingency plan and any cost containment initiatives as such funding is not reliant on Tribal contributions. Grant funds shall be spent according to any non-negotiable grant requirements and guidelines of the granting agency to include purchases, travel, training, hiring grant required positions and any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

121.5. Budget Process

121.5-1. *General.* The Nation shall develop, adopt, and manage an annual budget. All revenues and expenditures of the Nation shall be in accordance with the annual budget adopted by the ~~General Tribal Council. In creating the budget to present to the General Tribal Council for consideration, the Oneida Business Committee, executive managers and managers shall follow the processes provided in this law. The Oneida Business Committee may alter the deadlines provided in this law only upon a showing of good cause, provided that, the Oneida Business Committee shall approve any such alterations by resolution~~Nation.

~~121.5-2. Community Input Budget Meeting(s). The Treasurer's office shall schedule, at a minimum, one (1) community input budget meeting(s) prior to December 1st of each year. At the community input budget meeting(s), the Treasurer shall afford community members an opportunity to provide input as to what should be included in the upcoming fiscal year budget. Any fund units that plan to request forecast variations for the upcoming budget shall present the need and anticipated dollar amount of the requested forecast variation. For the purposes of this section, a forecast variation is a fund unit's requested deviation from the performance targets the fund unit submitted pursuant to 121.4-2(d)(2).~~

~~(a) The Treasurer shall ensure the community budget input meeting(s) are voice recorded and transcribed.~~

~~(b) The CFO shall provide recommendations as to any forecast variations requested by fund units.~~

~~(c) The CFO and any relevant managers shall provide responses and/or recommendations to all comments and considerations presented by community members.~~

~~(d) The Treasurer shall work with the CFO to place a community budget input meeting~~

packet on the Oneida Business Committee agenda no later than the last Oneida Business Committee Meeting in January. At a minimum, the packet is required to include:

- (1) The community input budget meeting(s) transcript(s);
- (2) Any applicable fund unit's requested forecast variations; and
- (3) Responses and/or recommendations by the CFO and any relevant managers regarding requests for forecast variations and community members' comments and considerations related to forecast variations.

~~121.5-3. Priority List Established by the Oneida Business Committee.~~ The Oneida Business Committee shall review the community input budget meeting packet and shall hold work meetings to create a priority list.

~~(a) The Oneida Business Committee shall establish the priority list by placing the following services provided by the Nation in chronological order with the lowest number having the highest priority. The order of the following service groups provided below has no relation to the service groups' anticipated and/or required placement within the Oneida Business Committee's priority list; the Oneida Business Committee's priority list may vary from year to year based on the needs of the Nation.~~

- ~~(1) Protection and Preservation of Natural Resources~~
- ~~(2) Protection and Preservation of Oneida Culture and Language~~
- ~~(3) Education and Literacy~~
- ~~(4) Health Care~~
- ~~(5) Economic Enterprises~~
- ~~(6) Building and Property Maintenance~~
- ~~(7) Human Services~~
- ~~(8) Public Safety~~
- ~~(9) Housing~~
- ~~(10) Utilities, Wells, Wastewater and Septic~~
- ~~(11) Planning, Zoning and Development~~
- ~~(12) Membership Administration~~
- ~~(13) Government Administration~~

~~(b) The Oneida Business Committee shall approve the priority list by resolution no later than the last meeting in February.~~

~~(c) The CFO shall maintain a list which places each fund unit into a corresponding service group.~~

~~121.5-4. Annual Proposed Budgets.~~ The CFO shall develop the necessary guidelines, including specific deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. Upon review of the Nation's economic state, the CFO shall include in the guidelines the exact amount that each service group's cumulative budget is required to be increased/decreased in accordance with its placement on the priority list. The CFO shall submit the guidelines, as approved by the Treasurer, to the Oneida Business Committee for review in accordance with the deadline as set by the Oneida Business Committee. The Oneida Business Committee may revise the guidelines as it deems necessary and shall approve a set of budgetary guidelines within thirty (30) calendar days of the date the budgetary guidelines proposed by the CFO were received.

~~(a) In accordance with the approved budgetary guidelines, fund units offering like services shall meet together to review each fund unit's budget and discuss strategies for attaining compliance with the approved budgetary guidelines. Each service group shall submit one~~

(1) ~~draft budget which contains each fund unit's individual proposed budget and demonstrates cumulative compliance with the approved budgetary guidelines.~~

(b) ~~The CFO shall receive, review and compile the proposed budgets into the Nation's draft budget which the CFO shall present to the Oneida Business Committee no later than the last Oneida Business Committee meeting in May. The CFO may not alter any proposed budgets until such budgets have been reviewed by the Oneida Business Committee.~~

(1) ~~The CFO shall return any service group's draft budget that is in non-compliance with the approved budgetary guidelines within ten (10) business days of the date the budget was submitted to the CFO.~~

(2) ~~Upon return, the CFO shall notice the service group of the amount of its non-compliance and provide the service group with a deadline for a compliant resubmission.~~

(3) ~~Any service group's budget that remains in non-compliance upon the expiration of the deadline provided by the CFO shall be included in the draft budget submitted to the Oneida Business Committee noting the dollar amount of the service group's non-compliance. A service group's continued non-compliance may result in employee discipline according to the Nation's laws, rules and policies governing employment.~~

~~121.5-5. *Content of Budget.* The CFO shall present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's spending priorities and budget strategy. The Nation's draft budget shall include, but is not limited to:~~

121.5-2. *Content of Budget.* The Nation's budget shall include, but is not limited to, the following information:

- (a) ~~Estimated revenues to be received from all sources for the year which the budget covers;~~
- (b) ~~The individual budgets of each fund unit;~~
- (c) ~~A description of each line item within each fund unit's budget;~~
- (d) ~~The estimated expenditures by each fund unit; and~~
- (e) ~~Each fund unit's strategic plan showing alignment with the Nation's goals.~~

~~121.5-6. *Review of Draft Budget.* In the month of May, the CFO shall meet with the Oneida Business Committee to review the draft budget and provide any recommendations for modifications.~~
3. *Budget Adoption Procedure.* The Nation shall develop and adopt its budget according to the following procedures:

(a) Following *Budget Schedule and Guidelines.* The Treasurer shall develop the Oneida Business Committee's review of the draft necessary guidelines and procedures, including specific deadlines, for the Nation's budget with the CFO, development process. The Treasurer shall submit the guidelines for the development of the budget to the Oneida Business Committee shall schedule meetings with managers of each fund unit for which the Oneida Business Committee is considering altering the fund unit's proposed budget for review and approval.

(b) ~~The Oneida Business Committee shall complete all meetings with fund unit managers required by this section by the end of June each year.~~

~~121.5-7. *Final Draft Budget.* The Oneida Business Committee shall work with fund unit managers and the CFO to compile a~~
Budget Adoption. The final draft budget shall be approved by the Oneida Business Committee through resolution prior to be presented presentation to the General Tribal Council. The Oneida Business Committee shall approve, by resolution, the final draft budget to be presented to the General Tribal Council by the end of July each year.

~~121.5-8. *Community Meetings.* Once the Oneida Business Committee has approved the final draft budget, the Treasurer shall hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council.~~

~~121.5-9. *Budget Adoption.*~~ The Oneida Business Committee shall present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. -In the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution(s) until such time as a budget is adopted.

(a) *Emergency Budget Adoption.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management and Homeland Security law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget.

121.6. Capital Improvements

121.6-1. *Capital Improvement Plan for Government Services.* The Oneida Business Committee shall develop and the General Tribal Council shall approve a capital improvement plan for government services and shall reassess the plan once every five (5) years. The capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities. The Oneida Business Committee shall provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment.

121.6-2. *Capital Improvement Plan for Enterprises.* Capital improvement plans for enterprises may be brought forward as needed in accordance with the capital improvement rules which the Community Development Planning Committee and the Development Division shall jointly create, provided that the rules shall include a provision that the Oneida Business Committee shall approve all capital improvement plans.

121.6-3. *Capital Improvement Plan Implementation.* Capital Improvement plans shall be implemented, contingent on available funding capacity, using the capital improvement rules.

121.7. Appropriation of the Nation's Funds

121.7-1. *Unexpended Capital Improvement Funds.* Unless the fund unit qualifies for an exception as provided in the capital improvement rules, unexpended capital improvement funds carry over to the next fiscal year's budget, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the general fund to be re-allocated in accordance with the Oneida Business Committee's priority list under 121.5-3 using the regular budget process under 121.5.

121.7-2. *Unexpended Capital Expenditure Funds.* The CFO shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended. Such unexpended funds shall be re-allocated in accordance with the Oneida Business Committee's priority list under 121.5-3 using the regular budget process under 121.5.

121.8. Budget Authority

121.8-1. *Authority to Expend Funds.* The Treasurer's authority to expend appropriated funds is delegated to the CFO, who shall make such expenditures in accordance with the adopted budget. This authority is necessarily delegated to other managers, including executive managers, of the Nation who manage the budgets, pursuant to their job descriptions based on the procurement manual rules developed by the Purchasing Department.

121.8-2. *Exhaustion of Non-Tribal Funds.* When grant funds provide for forward funding as applicable to a function for which the Nation's funds have also been appropriated, those grant funds shall be used before appropriating the Nation's funds unless the Nation's funds are needed to make up an otherwise shortfall in the overall fund unit budget or there is a restriction on the grant funds that provide otherwise.

121.8-3. In addition to the authority and responsibilities provided elsewhere in this law, the following positions and fund units shall have the authority and responsibilities as outlined below:

(a) *Oneida Business Committee.* Once the Nation's annual budget is adopted by the General Tribal Council, the authority of the Oneida Business Committee is limited to budget oversight except as otherwise provided in this law. However, these limitations do not prevent the Oneida Business Committee, with input from the CFO, from taking necessary action, on an emergency basis and within the scope of its authority, to protect and safeguard the resources and general welfare of the Nation and ensure compliance with applicable laws, regulations and requirements. The OBC shall ensure that the CFO performs the duties and responsibilities as assigned under this law.

(b) *Treasurer.* In addition to the Treasurer's Constitutional responsibilities, the Nation's Treasurer shall:

(1) Submit expenditure reports and other financial reports as deemed necessary by the Oneida Business Committee and/or the General Tribal Council at:

(A) The annual General Tribal Council meeting;

(B) The semi-annual General Tribal Council meeting; and

(C) Other such times as may be directed by the Oneida Business Committee and/or the General Tribal Council.

(2) Present the proposed draft budget to the General Tribal Council at the annual budget meeting as required by section 121.5-9.

(c) *Chief Financial Officer.* Once the Nation's budget is properly adopted, the CFO shall ensure that it is properly implemented. The CFO shall:

(1) Provide managers with monthly revenue and expense reports in order for the managers to track their expenditures;

(2) Submit, to the Oneida Business Committee, a written report of any monthly variances that are either a difference of three percent (3%) or more from the adopted annual budget or \$50,000 or more in total; and

(3) Conduct financial condition meetings with the Nation's management on a quarterly basis.

(d) *Managers.* Managers of each business unit shall:

(1) Ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant this law;

(2) Report to the CFO explanations and corrective actions for any monthly variance that are either a difference of three percent (3%) or more from the adopted annual budget or \$50,000 or more in total; and

(3) Submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month.

121.9. Budget Transfers; Amendments

121.9-1. *Budget Transfers*. After the budget is adopted, transfer of funds within the budget is not permitted except as provided in section 121.8-3(a) and to allow the CFO to adjust the approved budget as required to accurately reflect the amount of grant funding actually received.

121.9-2. *Budget Amendments*. After the budget is adopted, amendments of the budget are not permitted except as provided in section 121.8-3(a).

121.10. Reporting

121.10-1. *Monthly Reporting*. The CFO shall provide copies of the monthly Treasurer's reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee Meeting held for the acceptance of such reports.

121.10-2. *Audits*. The Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Audit Law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to the Internal Audit Department. The Oneida Business Committee may, as it deems necessary, contract with an independent audit firm to conduct such audits.

121.11. Authorizations and Signatures

121.11-1. *General*. The procurement manual rules developed by the Purchasing Department shall provide the sign-off process and authorities required to expend funds on behalf of the Nation.

121.11-2. *Fees and Charges*. Managers of programs and services requiring Tribal contribution that desire to charge fees for their services shall determine the full cost of providing the program and/or service and, only then, may charge fees to cover operational costs. The full cost of providing a program and/or service includes all costs including operation costs, overhead such as direct and indirect costs, and depreciation. Fees and charges may cover the full cost of service and/or goods whenever such fee or charge would not present an undue financial burden to recipient. Programs and services charging fees may offer fee waivers, provided that the program/service has developed rules outlining the fee waiver eligibility and requirements.

121.12. Enforcement

121.12-1. *Compliance and Enforcement*. All employees and officials of the Nation shall comply with and enforce this law to the greatest extent possible.

121.12-2. *Violations*. Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation's laws, policies and rules, including but not limited to, those related to employment with the Nation, conflicts of interest, ethics and removal from an elected position.

121.12-3. *Civil and/or Criminal Charges*. This law shall not be construed to preclude the Nation from pursuing civil and/or criminal charges under applicable law. Violations of applicable federal or state civil and/or criminal laws may be pursued in a court having jurisdiction over any such matter.

391 *End.*
392 _____
393 Adopted-BC-02-08-17-C
394 Emergency Amended – BC-11-24-20-E
395 Emergency Amended – BC- - - -

Title 1. Government and Finances – Chapter 121**Twahwistatye'nítha?***We have a certain amount of money***BUDGET MANAGEMENT AND CONTROL**

121.1.	Purpose and Policy	121.7.	Appropriation of the Nation's Funds
121.2.	Adoption, Amendment, Repeal	121.8.	Budget Authority
121.3.	Definitions	121.9.	Budget Transfers; Amendments
121.4.	Strategic Planning	121.10.	Reporting
121.5.	Budget Process	121.11.	Authorizations and Signatures
121.6.	Capital Improvements	121.12.	Enforcement and Penalties

121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget.

121.1-2. *Policy.* It is the policy of the Nation to rely on value-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-08-17-C, and emergency amended by resolutions BC-11-24-20-E, and BC-__-__-__-__.

121.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. 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.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. 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) "Appropriation" means the legislative act of designating funds for a specific purpose in accordance with the provisions contained in this law.

(b) "Capital expenditure" means any non-recurring and non-physical improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000.00) or more and an estimated life of one (1) year or more; or

(2) Items purchased together where none of the items individually costs more than two thousand dollars (\$2,000.00), but the total purchase price for all of the items is ten thousand dollars (\$10,000.00) or more.

- (c) “Capital improvement” means non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and an estimated life of one (1) year or more.¹
- (d) “CFO” means the Nation’s Chief Financial Officer.
- (e) “Debt” means the secured or unsecured obligations owed by the Nation.
- (f) “Economic life” means the length of time an asset is expected to be useful.
- (g) “Executive manager” means any one of the following positions within the Nation: Chief Executive Officer/General Manager, Gaming General Manager, Chief Legal Counsel and/or Chief Financial Officer.
- (h) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities and a statement of financial position.
- (i) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.
- (j) “Fund unit” means any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation approved by the Nation.
- (k) “General reserve fund” means the Nation’s main operating fund which is used to account for all financial resources not accounted for in other funds.
- (l) “GTC allocations” means expenditures directed by the General Tribal Council as required payments and/or benefits to the Nation’s membership and are supported by either a General Tribal Council or Oneida Business Committee resolution.
- (m) “Line item” means the specific account within a fund unit’s budget or category that expenditures are charged to.
- (n) “Manager” means the person in charge of directing, controlling and administering the activities of a fund unit.
- (o) “Nation” means the Oneida Nation.
- (p) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and enforce this law.
- (q) “Treasurer” means the elected Oneida Nation Treasurer or his or her designee.

¹ Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in the definition of “Capital Improvement.”

121.4. Strategic Planning

121.4-1. *Triennial Strategic Plan.* Prior to December 1st of each year, the Oneida Business Committee, in consultation with the Executive Managers, shall develop a triennial strategic plan which includes, but is not limited to:

- (a) Major policy and budgetary goals for the Nation, both long and short term;
- (b) Specific strategies and planned actions for achieving each goal; and
- (c) Performance targets and indicators to track progress which, to the extent available, includes, but is not limited to:

- (1) Statistics and trending data for, at a minimum, the last three (3) complete fiscal years; and

- (2) Performance targets for, at a minimum, the next three (3) complete fiscal years moving forward.

121.4-2. *Fund Units' Contributions to the Triennial Strategic Plan.* Managers shall annually develop, submit and maintain a triennial strategic plan for the fund unit's operations which aligns with the triennial strategic plan established by the Oneida Business Committee pursuant to 121.4-1. Managers shall submit the fund unit's triennial strategic plan to the CFO when the fund unit's budget is due and, at a minimum, shall include the following in the plan:

- (a) A statement of the fund unit's mission;
- (b) Specific goals including a description of the fund unit's strategies as part of its service group provided in 121.5-3(c) which aligns with the goals established in the Nation's triennial strategic plan;
- (c) Specific strategies for achieving each of the fund unit's goals; and
- (d) Performance targets and indicators to track progress which, to the extent available, includes, but is not limited to:

- (1) Statistics and trending data for, at a minimum, the last three (3) complete fiscal years; and

- (2) Performance targets for, at a minimum, the next three (3) complete fiscal years moving forward.

121.4-3. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO, executive managers and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation. The Oneida Business Committee shall approve, by resolution, the budget contingency plan and any amendments thereto. The Oneida Business Committee is responsible for the implementation of the budget contingency plan, provided that such implementation is predicated on the Oneida Business Committee's determination that the Nation is under extreme financial distress. For the purposes of this section, extreme financial distress includes, but is not limited to, natural or human-made disasters, United States Government shutdown, Tribal shutdown (which occurs when the General Tribal Council has not approved a budget for the Nation prior to the beginning of a new fiscal year) and economic downturns.

(a) *Cost Savings Tools.* As part of the budget contingency plan, the Oneida Business Committee may require stabilization funds, reductions of expenditures, furloughs and other cost saving tools provided that such tools are in compliance with the Nation's laws, specifically the Nation's employment laws, rules and policies.

(b) *Business Continuity Fund.* The Oneida Business Committee shall maintain a Permanent Executive Contingency account within the ownership investment report to be used to prevent default on debt and to sustain operations during times of extreme financial

distress. The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve, the level of business continuity funds required in the Permanent Executive Contingency account. The Treasurer shall set aside business continuity funds in the Permanent Executive Contingency account until the established level has been achieved. Funds in the Permanent Executive Contingency may only be used for the following purposes and only to the extent that alternative funding sources are unavailable:

- (1) Payments to notes payable to debt service, both principal and interest, and applicable service fees;
- (2) Employee payroll, including all applicable taxes;
- (3) Payments to vendors for gaming and retail;
- (4) Payments to vendors for governmental operations;
- (5) Payments to any other debt; and
- (6) To sustain any of the Nation's other operations during implementation of the budget contingency plan.

(c) *Grant Funds.* Grant funds are exempt from requirements of the budget contingency plan and any cost containment initiatives as such funding is not reliant on Tribal contributions. Grant funds shall be spent according to any non-negotiable grant requirements and guidelines of the granting agency to include purchases, travel, training, hiring grant required positions and any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

121.5. Budget Process

121.5-1. *General.* The Nation shall develop, adopt, and manage an annual budget. All revenues and expenditures of the Nation shall be in accordance with the annual budget adopted by the Nation.

121.5-2. *Content of Budget.* The Nation's budget shall include, but is not limited to, the following information:

- (a) Estimated revenues to be received from all sources for the year which the budget covers;
- (b) The individual budgets of each fund unit;
- (c) A description of each line item within each fund unit's budget;
- (d) The estimated expenditures by each fund unit; and
- (e) Each fund unit's strategic plan showing alignment with the Nation's goals.

121.5-3. *Budget Adoption Procedure.* The Nation shall develop and adopt its budget according to the following procedures:

(a) *Budget Schedule and Guidelines.* The Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process. The Treasurer shall submit the guidelines for the development of the budget to the Oneida Business Committee for review and approval.

(b) *Budget Adoption.* The final draft budget shall be approved by the Oneida Business Committee through resolution prior to presentation to the General Tribal Council. The Oneida Business Committee shall present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. In the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida

Business Committee may adopt a continuing budget resolution(s) until such time as a budget is adopted.

(1) *Emergency Budget Adoption.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management and Homeland Security law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget.

121.6. Capital Improvements

121.6-1. *Capital Improvement Plan for Government Services.* The Oneida Business Committee shall develop and the General Tribal Council shall approve a capital improvement plan for government services and shall reassess the plan once every five (5) years. The capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities. The Oneida Business Committee shall provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment.

121.6-2. *Capital Improvement Plan for Enterprises.* Capital improvement plans for enterprises may be brought forward as needed in accordance with the capital improvement rules which the Community Development Planning Committee and the Development Division shall jointly create, provided that the rules shall include a provision that the Oneida Business Committee shall approve all capital improvement plans.

121.6-3. *Capital Improvement Plan Implementation.* Capital Improvement plans shall be implemented, contingent on available funding capacity, using the capital improvement rules.

121.7. Appropriation of the Nation's Funds

121.7-1. *Unexpended Capital Improvement Funds.* Unless the fund unit qualifies for an exception as provided in the capital improvement rules, unexpended capital improvement funds carry over to the next fiscal year's budget, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the general fund to be re-allocated in accordance with the Oneida Business Committee's priority list under 121.5-3 using the regular budget process under 121.5.

121.7-2. *Unexpended Capital Expenditure Funds.* The CFO shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended. Such unexpended funds shall be re-allocated in accordance with the Oneida Business Committee's priority list under 121.5-3 using the regular budget process under 121.5.

121.8. Budget Authority

121.8-1. *Authority to Expend Funds.* The Treasurer's authority to expend appropriated funds is delegated to the CFO, who shall make such expenditures in accordance with the adopted budget. This authority is necessarily delegated to other managers, including executive managers, of the Nation who manage the budgets, pursuant to their job descriptions based on the procurement manual rules developed by the Purchasing Department.

121.8-2. *Exhaustion of Non-Tribal Funds.* When grant funds provide for forward funding as applicable to a function for which the Nation's funds have also been appropriated, those grant

funds shall be used before appropriating the Nation's funds unless the Nation's funds are needed to make up an otherwise shortfall in the overall fund unit budget or there is a restriction on the grant funds that provide otherwise.

121.8-3. In addition to the authority and responsibilities provided elsewhere in this law, the following positions and fund units shall have the authority and responsibilities as outlined below:

(a) *Oneida Business Committee*. Once the Nation's annual budget is adopted by the General Tribal Council, the authority of the Oneida Business Committee is limited to budget oversight except as otherwise provided in this law. However, these limitations do not prevent the Oneida Business Committee, with input from the CFO, from taking necessary action, on an emergency basis and within the scope of its authority, to protect and safeguard the resources and general welfare of the Nation and ensure compliance with applicable laws, regulations and requirements. The OBC shall ensure that the CFO performs the duties and responsibilities as assigned under this law.

(b) *Treasurer*. In addition to the Treasurer's Constitutional responsibilities, the Nation's Treasurer shall:

(1) Submit expenditure reports and other financial reports as deemed necessary by the Oneida Business Committee and/or the General Tribal Council at:

(A) The annual General Tribal Council meeting;

(B) The semi-annual General Tribal Council meeting; and

(C) Other such times as may be directed by the Oneida Business Committee and/or the General Tribal Council.

(2) Present the proposed draft budget to the General Tribal Council at the annual budget meeting as required by section 121.5-9.

(c) *Chief Financial Officer*. Once the Nation's budget is properly adopted, the CFO shall ensure that it is properly implemented. The CFO shall:

(1) Provide managers with monthly revenue and expense reports in order for the managers to track their expenditures;

(2) Submit, to the Oneida Business Committee, a written report of any monthly variances that are either a difference of three percent (3%) or more from the adopted annual budget or \$50,000 or more in total; and

(3) Conduct financial condition meetings with the Nation's management on a quarterly basis.

(d) *Managers*. Managers of each business unit shall:

(1) Ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant this law;

(2) Report to the CFO explanations and corrective actions for any monthly variance that are either a difference of three percent (3%) or more from the adopted annual budget or \$50,000 or more in total; and

(3) Submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month.

121.9. Budget Transfers; Amendments

121.9-1. *Budget Transfers*. After the budget is adopted, transfer of funds within the budget is not permitted except as provided in section 121.8-3(a) and to allow the CFO to adjust the approved budget as required to accurately reflect the amount of grant funding actually received.

121.9-2. *Budget Amendments.* After the budget is adopted, amendments of the budget are not permitted except as provided in section 121.8-3(a).

121.10. Reporting

121.10-1. *Monthly Reporting.* The CFO shall provide copies of the monthly Treasurer's reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee Meeting held for the acceptance of such reports.

121.10-2. *Audits.* The Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Audit Law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to the Internal Audit Department. The Oneida Business Committee may, as it deems necessary, contract with an independent audit firm to conduct such audits.

121.11. Authorizations and Signatures

121.11-1. *General.* The procurement manual rules developed by the Purchasing Department shall provide the sign-off process and authorities required to expend funds on behalf of the Nation.

121.11-2. *Fees and Charges.* Managers of programs and services requiring Tribal contribution that desire to charge fees for their services shall determine the full cost of providing the program and/or service and, only then, may charge fees to cover operational costs. The full cost of providing a program and/or service includes all costs including operation costs, overhead such as direct and indirect costs, and depreciation. Fees and charges may cover the full cost of service and/or goods whenever such fee or charge would not present an undue financial burden to recipient. Programs and services charging fees may offer fee waivers, provided that the program/service has developed rules outlining the fee waiver eligibility and requirements.

121.12. Enforcement

121.12-1. *Compliance and Enforcement.* All employees and officials of the Nation shall comply with and enforce this law to the greatest extent possible.

121.12-2. *Violations.* Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation's laws, policies and rules, including but not limited to, those related to employment with the Nation, conflicts of interest, ethics and removal from an elected position.

121.12-3. *Civil and/or Criminal Charges.* This law shall not be construed to preclude the Nation from pursuing civil and/or criminal charges under applicable law. Violations of applicable federal or state civil and/or criminal laws may be pursued in a court having jurisdiction over any such matter.

End.

Adopted-BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-__-__-__-__

Oneida Business Committee Agenda Request


Adopt resolution entitled Emergency Amendments to the Oneida Nation Gaming Ordinance

1. Meeting Date Requested: 5 / 12 / 21**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: May 12, 2021
RE: Oneida Nation Gaming Ordinance Emergency Amendments

Please find the following attached backup documentation for your consideration of the Oneida Nation Gaming Ordinance Emergency Amendments:

1. Resolution: Emergency Amendments to the Oneida Nation Gaming Ordinance
2. Statement of Effect: Emergency Amendments to the Oneida Nation Gaming Ordinance
3. Oneida Nation Gaming Ordinance Emergency Amendments Legislative Analysis
4. Oneida Nation Gaming Ordinance (Redline)
5. Oneida Nation Gaming Ordinance (Clean)

Overview

Emergency amendments to the Oneida Nation Gaming Ordinance (“ONGO”) are being sought to protect the Nation against exposure to litigation and/or legal claims relating to ONGO’s placement of the Gaming Security Department (“Security”) within the Nation’s organizational structure. Specifically, the emergency amendments seek to remove an avenue for potential liability that has been raised with respect to Security being placed within the Oneida Police Department under section 501.9-1 of the law. *[5 O.C. 501.9-1]*. The emergency amendments to ONGO will re-assign Security to the Oneida Business Committee to expeditiously dispose of any legal risks associated with its current placement.

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

The emergency amendments to ONGO are necessary for the preservation of the general welfare of the Reservation population. The emergency amendments are needed to shield the Reservation population against the legal risks that exist with respect to the current placement of Security within the Nation’s organizational structure. By re-assigning Security to the Oneida Business Committee, the legal risk is disposed of, as is the cost of having to defend claims that may be raised under the status quo, even if the claims/legal theories are without merit.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of these amendments would be contrary to public interest. So long as Security remains under the Oneida Police Department, the potential exists for claims relating thereto to be raised

against the Nation, which, even if successfully defended against in the end, will still cost the Nation money that could be put towards a use more beneficial to the Reservation population. Given the ease within which claims can be filed, regardless of merit, the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure against the amount of money that the Nation could incur in defense costs if this issue is not expeditiously resolved.

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

Requested Action

Adopt the Resolution: Emergency Amendments to the Oneida Nation Gaming Ordinance.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Emergency Amendments to the Oneida Nation Gaming Ordinance

- 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 Nation Gaming Ordinance ("ONGO") was adopted by the Oneida General
- 10 Tribal Council through resolution GTC-07-05-04-A and subsequently amended by the
- 11 Oneida Business Committee through resolutions BC-10-06-04-D, BC-03-23-05-C, BC-09-
- 12 23-09-D, BC-06-24-14-B and BC-09-09-15-A; and
- 13
- 14 **WHEREAS,** the purpose of ONGO is to govern all Gaming Activities that occur on lands under the
- 15 jurisdiction of the Nation and all individuals or entities that engage in said Gaming Activities,
- 16 including those who provide goods or services to persons or entities engaged in Gaming
- 17 Activities; and
- 18
- 19 **WHEREAS,** section 501.9 of ONGO assigns certain responsibilities to the Gaming Security Department
- 20 ("Security") that are meant to protect Gaming assets, patrons and Gaming Employees from
- 21 an activity, repeat activity or ongoing activities which could injure or jeopardize Gaming
- 22 assets, patrons and Gaming Employees; and
- 23
- 24 **WHEREAS,** section 501.9 further provides that Security is a department within the Oneida Police
- 25 Department and directs the Oneida Police Department, Gaming General Manager and
- 26 Oneida Gaming Commission to enter into an agreement, subject to ratification by the
- 27 Oneida Business Committee, describing their responsibilities, as well as their reporting
- 28 requirements, under ONGO; and
- 29
- 30 **WHEREAS,** the Oneida Law Office has raised a concern over possible legal issues that exists with
- 31 respect to ONGO's placement of Security under the Oneida Police Department, which
- 32 could expose the Nation to unnecessary litigation costs, regardless of merit; and
- 33
- 34 **WHEREAS,** emergency amendments to ONGO are being sought to remove this legal issue and
- 35 possible avenue for liability by temporarily re-assigning Security to the Oneida Business
- 36 Committee under section 501.9-1 of the law, while a more appropriate permanent
- 37 placement can be established and vetted, absent the legal risks that exist under the status
- 38 quo; and

39
40 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact
41 legislation on an emergency basis, to be in effect for a period of six (6) months, renewable
42 for an additional six (6) months; and
43

44 **WHEREAS,** emergency adoption of temporary legislation is allowed when necessary for the immediate
45 preservation of the public health, safety or general welfare of the Reservation population,
46 and the amendment of the legislation is required sooner than would be possible under the
47 Legislative Procedures Act; and
48

49 **WHEREAS,** emergency amendments to ONGO are necessary for the preservation of the general
50 welfare of the Reservation population to shield it against the legal risk that exists with
51 respect to the current placement of Security within the organizational structure of the
52 Nation; and
53

54 **WHEREAS,** by temporarily re-assigning Security to the Oneida Business Committee, the legal risk is
55 disposed of, as is the cost of having to defend claims that may be raised under the status
56 quo, even if said claims/legal theories are without merit; and
57

58 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this
59 amendment would be contrary to the public interest because: (1) so long as Security
60 remains under the Oneida Police Department, the potential exists for claims relating thereto
61 to be raised against the Nation, which, even if successfully defended against in the end,
62 will still cost the Nation money that could be put towards a use more beneficial to the
63 Reservation population; and (2) given the ease within which claims can be filed, regardless
64 of merit, the process and requirements of the Legislative Procedures Act cannot be
65 completed in time to ensure against the financial burden that the Nation could incur in
66 defense costs if this issue is not expeditiously resolved before a more permanent solution
67 can be established and vetted; and
68

69 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement
70 when considering emergency legislation; and
71

72 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts emergency
73 amendments to the Oneida Nation Gaming Ordinance, effective immediately.



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

Emergency Amendments to the Oneida Nation Gaming Ordinance

Summary

This resolution adopts emergency amendments to the Oneida Nation Gaming Ordinance to protect the Nation against exposure to certain legal risks that relate to the ordinance's current placement of the Gaming Security Department within the Nation's organizational structure.

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

Date: April 30, 2021

Analysis by the Legislative Reference Office

This resolution adopts emergency amendments to the Oneida Nation Gaming Ordinance. The Oneida Nation Gaming Ordinance ("ONGO") was adopted to govern all Gaming Activities that occur on lands under the jurisdiction of the Nation and all individuals or entities that engage in said Gaming Activities, including those who provide goods or services to persons or entities engaged in Gaming Activities. [5 O.C. 501.1-1].

Section 501.9 of ONGO assigns certain responsibilities to the Gaming Security Department ("Security") that are meant to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity or ongoing activities which could injure or jeopardize Gaming assets, patrons and Gaming Employees. [5 O.C. 501.9-1]. It also states that Security "is a department within the Oneida Police Department" and directs the Oneida Police Department, Gaming General Manager and Oneida Gaming Commission to enter into an agreement, subject to approval by the Oneida Business Committee, that sets forth their responsibilities and reporting requirements under ONGO. [5 O.C. 501.9-1 and 501.9-2].

The Oneida Law Office recently raised a concern over possible legal issues that exist with respect to the placement of Security within the Oneida Police Department under section 501.9 of ONGO. Emergency amendments to this section are being sought to remove these issues by temporarily re-assigning Security to the Oneida Business Committee, while a more appropriate permanent placement can be established and vetted, absent the possible risks associated with the legal issues that currently exist.

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].

The resolution provides that emergency amendments to ONGO are necessary for the preservation of the general welfare of the Reservation population to shield it against the legal risks that exist with respect to the current placement of Security within the Nation's organizational structure.

Specifically, by temporarily re-assigning Security to the Oneida Business Committee, the legal risk is disposed of, as is the cost of having to defend claims that may be raised under the status quo, even if said claims/legal theories are without merit.

Additionally, the resolution provides that observance of the requirements under the LPA for adoption of this amendment would be contrary to public interest because: (1) so long as Security remains under the Oneida Police Department, the potential exists for claims relating thereto to be raised against the Nation, which, even if successfully defended against in the end, will still cost the Nation money that could be put towards a use more beneficial to the Reservation population; and (2) given the ease within which claims can be filed, regardless of merit, the process and requirements of the LPA cannot be completed in time to ensure against the financial burden that the Nation could incur in defense costs if the issue is not expeditiously resolved before a more permanent solution can be established and vetted.

The emergency amendments to ONGO will take effect immediately upon adoption by the Oneida Business Committee and will remain effective for six (6) months. The LPA provides the possibility to extend the emergency amendments for an additional six (6) months, or until the emergency amendments expire or are permanently adopted. [*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 ONEIDA NATION GAMING ORDINANCE 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"> ▪ To remove the legal risks associated with the Oneida Nation Gaming Ordinance's placement of the Gaming Security Department ("Security") under the Oneida Police Department within the Nation's organizational structure by temporarily re-assigning Security to the Oneida Business Committee while a more appropriate permanent placement is being developed and vetted; and ▪ To make non-material changes to certain language within the Oneida Nation Gaming Ordinance that will bring it up to date with the Nation's current customs/practices.
Purpose	<ul style="list-style-type: none"> ▪ The Oneida Nation Gaming Ordinance was established to govern: <ul style="list-style-type: none"> • all Gaming Activities that occur on lands under the jurisdiction of the Nation; • all individuals or entities that engage in said Gaming Activities; and • those who provide goods or services to such individuals or entities engaged in said Gaming Activities <i>[5 O.C. 501.1-1]</i>.
Affected Entities	Internal Security Department; Oneida Police Department, Oneida Gaming Commission, Oneida Gaming Management, Oneida Business Committee.
Related Legislation	Legislative Procedures Act, Removal Law, Administrative Procedures Act, Internal Audit law, Vendor Licensing law.
Public Meeting	A public meeting is not required for emergency legislation <i>[1 O.C. 109.8-1(b) and 109.9-5(a)]</i> .
Fiscal Impact	A fiscal impact statement is not required for emergency legislation <i>[1 O.C. 109.9-5(a)]</i> .
Expiration of Emergency Amendments	Emergency amendments expire six (6) months after adoption and may be renewed for one additional six (6) month period. <i>[1 O.C. 109.9-5(b)]</i> .

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Oneida Nation Gaming Ordinance ("ONGO") was adopted by the Oneida General Tribal Council through resolution GTC-07-05-04-A and subsequently amended by the Oneida Business Committee through resolutions BC-10-06-04-D, BC-03-23-05-C, BC-09-23-09-D, BC-06-24-14-B and BC-09-09-15-A. *[5 O.C. 501.2-1]*. ONGO regulates all Gaming Activities under the jurisdiction of the Oneida Nation and is intended to govern the Gaming Activities of all persons, Gaming Employees, consultants, business entities, vendors, boards, committees, commissions and hearing bodies, including, but not limited to:
- All Gaming Activities occurring on lands under the jurisdiction of the Nation;
 - All individuals or entities engaged in Gaming Activities occurring on lands under the jurisdiction of the Nation; and

- All individuals or entities providing goods or services to any individual or entity who is engaged in Gaming Activities occurring on lands under the jurisdiction of the Nation. [5 O.C. 501.1-1].

B. *Gaming Security Department.* Section 501.9-1 of ONGO relates to the Gaming Security Department and provides, in pertinent part, that:

The Gaming Security Department is a department within the Oneida Police Department.

The purpose of the Gaming Security Department is to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity or ongoing activities that could injure or jeopardize Gaming assets, patrons and Gaming Employees and report these activities to the Oneida Police Department for further review and/or investigation. [5 O.C. 501.9-1].

Section 501.9-1 further provides that the Oneida Police Department, Gaming General Manager and Oneida Gaming Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, describing their responsibilities and reporting requirements under ONGO. [5 O.C. 501.9-2].

C. *Oneida Law Office Request/Concern.* On December 2, 2020, the Legislative Operating Committee added ONGO to the Active Files List per a November 10, 2020 directive from the Oneida Business Committee that it be added to address a concern raised by the Oneida Law Office over the placement of Security within the Nation's organizational structure under section 501.9-2. More specifically, the concern is that the placement of Security under the Oneida Police Department has given rise to certain legal claims that could expose the Nation to unnecessary litigation costs, regardless of merit or prevailing party, if not disposed of in an expeditious manner. Based on this concern, the Legislative Operating Committee decided to emergency amend section 501.9-2 of ONGO by temporarily re-assigning Security to the Oneida Business Committee, while a more appropriate permanent placement is developed and vetted within the period of time allotted for emergency amendments to be in effect under the Nation's Legislative Procedures Act.

SECTION 3. CONSULTATION AND OUTREACH

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

- Oneida Law Office;
- Oneida Police Department;
- Internal Security Department;
- Oneida Gaming Commission;
- Gaming Management; and
- Oneida Police Commission.

B. The following laws and bylaws were reviewed in the drafting of this analysis:

- Oneida Nation Constitution and Bylaws;
- Legislative Procedures Act;
- Oneida Gaming Commission Bylaws; and
- Internal Audit law.

SECTION 4. PROCESS

A. 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

- 55 of public health, safety or general welfare of the Reservation population and enactment or amendment
56 of legislation is required sooner than would be possible under this law” [1 O.C. 109.9-5].
- 57 **B.** Emergency amendments are being sought to immediately preserve the general welfare of the
58 Reservation population by shielding the Nation against the legal risk that exists with respect to the
59 current placement of Security under the Oneida Police Department in section 501.9-1 of ONGO. By
60 temporarily re-assigning Security to the Oneida Business Committee, the legal risk is disposed of, as is
61 the cost of having to defend claims that may be raised under the status quo, even if said claims/legal
62 theories are without merit.
- 63 **C.** Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of
64 these amendments would be contrary to public interest because:
- 65 ▪ So long as Security remains under the Oneida Police Department, the potential exists for claims
66 relating thereto to be raised against the Nation, which, even if successfully defended against in the
67 end, will still cost the Nation money that could be put towards a use more beneficial to the
68 Reservation population; and
 - 69 ▪ Given the ease within which claims can be filed, regardless of merit, the process and requirements
70 of the Legislative Procedures Act cannot be completed in time to ensure against the financial burden
71 that the Nation could incur in defense costs if this issue is not expeditiously resolved before the
72 time it would take to develop and vet a more appropriate permanent solution.
- 73 **D.** Emergency amendments typically expire six (6) months after adoption, with one (1) opportunity for a
74 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
- 75 **E.** The following work meetings were held by the Legislative Reference Office in the development of the
76 emergency amendments to ONGO:
- 77 ▪ January 7, 2021, a work meeting was held with attorneys from the Oneida Law Office.
 - 78 ▪ January 14, 2021, a work meeting was held with the Legislative Operating Committee.
 - 79 ▪ February 19, 2021, a work meeting was held with the Legislative Operating Committee, as well as
80 members from the Oneida Gaming Commission, Oneida Police Department, Internal Security
81 Department, Gaming Management, Oneida Law Office and Oneida Police Commission.
 - 82 ▪ February 25, 2021, a work meeting was held with the Legislative Operating Committee.
 - 83 ▪ March 11, 2021, a work meeting was held with the Legislative Operating Committee and the
84 Nation’s Chief Council.
 - 85 ▪ April 7, 2021, a work meeting was held with the Legislative Operating Committee.
 - 86 ▪ April 29, 2021, a work meeting was held with the Legislative Operating Committee.
- 87 **F.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when
88 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact
89 statement will eventually be required if permanent adoption of these amendments is considered.

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

- 92 **A. *Re-Assignment of Security.*** Section 501.9-1 of ONGO will be amended to re-assign Security to the
93 Oneida Business Committee. Instead of stating that Security is a department within the Oneida Police
94 Department, section 501.9-1 will now state that the “Oneida Business Committee shall be responsible
95 for the supervision, as well as oversight, of the Gaming Security Department and the Gaming Security
96 Department shall report directly to the Oneida Business Committee per the process and schedule set by
97 the Oneida Business Committee; provided, all reports of the Gaming Security Department must be
98 copies to the Commission. [Proposed Emergency Amendments, 5 O.C. 501.9-1(a)]. And, with respect

to the Oneida Police Department, section 501.9-2 will now provide that “[w]hen investigations involve or uncover a possible criminal or quasi-criminal activity, the Gaming Security Department shall report the activity to the Oneida Police Department for further review and investigation by the Oneida Police Department under its separate departmental authority. *[Proposed Emergency Amendments, 5 O.C. 501.9-2(a)]*.

- *Effect.* The proposed emergency amendments will remove the legal risks associated with Security’s placement under section 501.9-1 of ONGO by temporarily moving it to the Oneida Business Committee. This will provide the Nation with at least six (6) months, but no more than twelve (12) months, to develop a more appropriate permanent placement for Security without the risk of being sued or having other claims filed against it in the interim.

SECTION 6. EXISTING LEGISLATION

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

- *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal Council on January 7, 2013, for the purpose of providing a standard process for the adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies of the Nation. *[1 O.C. 109.1-1, 109.1-2]*.
 - The Legislative Procedures Act provides a process for the adoption of emergency legislation when the legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and the enactment or amendment of legislation is required sooner than would be possible under this law. *[1 O.C. 109.9-5]*.
 - The Legislative Operating Committee is responsible for first reviewing the emergency legislation and for forwarding the legislation to the Oneida Business Committee for consideration. *[1 O.C. 109.9-5(a)]*.
 - The proposed emergency legislation is required to have a legislative analysis completed and attached prior to being sent to the Oneida Business Committee for consideration. *[1 O.C. 109.9-5(a)]*.
 - A legislative analysis is a plain language analysis describing the important features of the legislation being considered and factual information to enable the Legislative Operating Committee to make informed decisions regarding legislation. A legislative analysis includes a statement of the legislation’s terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations. *[1 O.C. 109.3-1(g)]*.
 - Emergency legislation does not require a fiscal impact statement to be completed or a public comment period to be held. *[1 O.C. 109.9-5(a)]*.
 - Upon the determination that an emergency exists, the Oneida Business Committee can adopt emergency legislation. The emergency legislation becomes effective immediately upon its approval by the Oneida Business Committee. *[1 O.C. 109.9-5(b)]*.

- Emergency legislation remains in effect for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months. [1 O.C. 109.9-5(b)].
- Adoption of these proposed emergency amendments would conform with the requirements of the Legislative Procedures Act.

SECTION 7. OTHER CONSIDERATIONS

- A. *Deadline for Permanent Adoption of Amendments.*** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for an extension of an additional six (6) month period.
- *Conclusion:* The Legislative Operating Committee will need to consider the development and adoption of permanent amendments to this Law within the next six (6) to twelve (12) months.
- B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation. [1 O.C. 109.6-1].

Title 5. Business - Chapter 501~~**ONEIDA NATION GAMING ORDINANCE**~~**Thatiwi·?Stunya·tha Olihwa·ke***Matters of interest to where they make the money***ONEIDA NATION GAMING ORDINANCE**

501.1. Purpose and Policy	501.11. Licenses, Generally
501.2. Adoption, Amendment, Repeal	501.12. Gaming Employee License
501.3. Jurisdiction <u>Definitions</u>	501.13. Gaming Services Licensing and Non-Gaming Services Permitting
501.4. Definitions <u>Jurisdiction</u>	501.14. Gaming Facility License
501.5. Oneida Business Committee: Powers and Duties	501.15. Gaming Operator License
501.6. Oneida Gaming Commission	501.16. Games
501.7. Gaming Surveillance: Powers, Duties and Limitations	501.17. Allocation of Gaming Funds
501.8. [Reserved for future use.]	501.18. Audits
501.9. Gaming Security Department	501.19. Enforcement and Penalties
501.10. Background Investigations	

501.1. Purpose and Policy

501.1-1. Purpose. -The purpose of this Ordinance is to set forth the laws of the Oneida ~~Tribe of~~ Indians of Wisconsin Nation regarding all Gaming Activities conducted within the jurisdiction set forth in this Ordinance. - It is intended to govern the Gaming Activities of all persons, Gaming Employees, consultants, business entities, vendors, boards, committees, commissions and hearing bodies. -This Ordinance does not authorize the operation of Gaming by a private person or private entity for gain. -This Ordinance shall govern all Gaming Activities occurring on lands under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in Gaming Activities, including those providing goods or services to any person or entity engaged in Gaming Activities.

501.1-2. Policy. -It is the policy of this Ordinance to ensure that the Oneida ~~Tribe~~Nation is the primary beneficiary of its Gaming Operations and has the sole proprietary interest, ~~and~~ that Gaming Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly, ~~and~~ that all internal departments, enterprises, officials and employees of the ~~Oneida Tribe~~Nation work cooperatively to advance the best interests of the ~~Oneida Tribe~~Nation, to protect ~~the Tribe's~~sits gaming resources, to protect the integrity of all Gaming Activities operated under the jurisdiction set forth in this Ordinance, ~~and~~ to ensure fairness of all games offered to the ~~Tribe's~~Nation's gaming patrons.

501.2. Adoption, Amendment, Repeal

501.2-1. ~~Adoption.~~ -This Ordinance was adopted by the Oneida General Tribal Council by resolution GTC-07-05-04-A ~~and~~; amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-B and BC-09-09-15-A-; and emergency amended by resolution BC- - -

501.2-2. ~~Amendment.~~ -This Ordinance may be amended or repealed by the Oneida Business Committee and/or ~~the~~ Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

501.2-3 ~~Severability.~~ -Should a provision of this Ordinance or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Ordinance which are considered to have legal force without the invalid portions.

501.2-4. In the event of a conflict between a provision of this Ordinance and a provision of another law, the provisions of this Ordinance shall control. ~~Provided; provided,~~ that, this Ordinance repeals the following:

- (a) BC-04-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- (b) ~~___~~ GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo standards);
- (c) ~~___~~ GTC-07-06-92-A (Amendments to Gaming SOP Manual);
- (d) GTC-07-06-92-B (Adoption of the Comprehensive Gaming Ordinance);
- (e) ~~___~~ BC-03-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- (f) BC-04-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

501.2-5. This Ordinance is adopted under authority of the Constitution of the Oneida ~~Tribe of~~ Indians of Wisconsin Nation.

501.2-6. ~~Name. This Ordinance is to be known as the Oneida Nation Gaming Ordinance or ONGO.~~

501.2-7. ~~Preemptive Authority.~~ The Oneida Gaming Commission shall be the original hearing body authorized to hear licensing decisions as set forth in this Ordinance.

501.3. Definitions ~~Jurisdiction~~

~~501.3-1. Territorial Jurisdiction. This Ordinance extends to all land within the exterior boundaries of the Reservation of the Tribe, as established pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.~~

~~501.3-2. Subject Matter Jurisdiction. This Ordinance applies to all Gaming conducted within the territorial jurisdiction of the Oneida Tribe as set forth in section 501.3-1.~~

~~501.3-3. Personal Jurisdiction.~~ 501.3-1. This Ordinance governs:

- (a) ~~the Tribe;~~
- (b) ~~tribal members; and~~
- (c) ~~individuals and businesses leasing, occupying, or otherwise using Tribal Fee Land on the Reservation and all Tribal Trust Land.~~

501.4. Definitions

~~501.4-1.~~ This section shall govern the definitions of words and phrases used within this Ordinance. Words and phrases capitalized throughout this document refer to the defined words and phrases in this section. ~~All words or phrases not defined herein shall be used in their ordinary and everyday sense.~~

(a) “Applicant” means any person or entity who has applied for a License from the Oneida Gaming Commission or the Oneida Business Committee.

(b) “Background Investigation” means a standard and thorough investigation conducted by the Oneida Tribe Nation in compliance with this Ordinance, Commission regulations, Oneida Gaming Minimum Internal Controls, the IGRA and the Compact. ~~Such investigations may be in cooperation with federal, state, or Tribal law enforcement agencies.~~

(c) “Class I Gaming” means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

(d) “Class II Gaming” means:

(1) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:

(A) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations.

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(B) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.

(C) The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

(2) Card games that:

(A) Are explicitly authorized by the laws of the State; or

(B) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. ~~Class II Gaming~~ does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

(e) “Class III Gaming” means all forms of Gaming that are not Class I or Class II Gaming.

(f) “Commission” means the Oneida Gaming Commission as established by this Ordinance.

(g) “Commissioner” means a duly elected member of the Oneida Gaming Commission.

(h) “Compact” means the 1991 Tribe-State Gaming Compact between the TribeNation and the State of Wisconsin, as amended and including any future amendments or successor compact entered into by the TribeNation and the State of Wisconsin and approved by the Secretary of the United States Department of Interior.

(i) “Compliance Certificate” means a certificate issued by an agency with the authority and responsibility to enforce applicable environmental, health or safety standards, which states that a Gaming Facility complies with these standards.

(j) “Environmental Assessment” means a document prepared and issued in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 *et seq.*, and all related ~~Federal~~federal regulations.

(k) “Fraud” means any act of trickery or deceit used to or intended to gain control or possession of the property of another.

(l) “Games, Gaming, or Gaming Activity” means all forms of any activity, operation, or game of chance that is considered Class II or Class III Gaming, provided that this definition does not include Class I Gaming.

(m) “Gaming Employee” means any person employed by a Gaming Operation.

(n) “Gaming Facility or Gaming Facilities” means any location or structure, stationary or movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility or Gaming Facilities does not include the site of a fair, carnival, exposition, or similar occasion.

(o) “Gaming Operation” means the conduct of Gaming Activities and related business activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.

(p) “Gaming Operator” means the TribeNation, an enterprise owned by the TribeNation,

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or such other entity of the TribeNation as the TribeNation may from time-to-time designate as the wholly-owned entity having full authority and responsibility for the operation and management of Gaming Operations.

(q) “Gaming Services” means the provision of any goods and services, except legal services and accounting services, to a Gaming Operation, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services.

(r) “Indian Gaming Regulatory Act or IGRA” means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. sec. 2701, *et seq.*, as amended.

(s) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC #1-01-07-13-B to administer the judicial authorities and responsibilities of the TribeNation.

(t) “License” means a certificate or other document that represents the grant of a revocable authorization to conduct the licensed activity. -A License must be supported by a physical document, badge, certification or other physical manifestation of the issuance of the revocable authorization to conduct the licensed activity.

(u) “Licensee” means a person or entity issued a valid License.

(v) “Nation” means the Oneida Nation.

(w) “NIGC” means the National Indian Gaming Commission.

~~(w-x)~~ “Oneida Business Committee” means the elected governing body of the Tribe exercising Nation that exercises the authority delegated ~~from it by~~ the Oneida General Tribal Council ~~of the Oneida Tribe of Indians of Wisconsin~~ under Article IV of the Constitution and By-laws ~~for of~~ the Oneida ~~Tribe of Indians of Wisconsin, approved December 21, 1936~~ Nation, as ~~thereafter may be~~ amended from time-to-time hereafter.

~~(x-y)~~ “Oneida General Tribal Council” means the Nation’s governing body, as established by the Constitution and By-laws of the Oneida ~~Tribe of Indians of Wisconsin as determined by the Tribe’s Constitution~~ Nation and as may be amended from time-to-time hereafter.

~~(y-z)~~ “Ordinance or ONGO” means the Oneida Nation Gaming Ordinance, ~~as it~~ may be amended from time-to-time ~~be amended~~ hereafter.

~~(z-aa)~~ “Regulatory Incident” means the occurrence of any event giving rise to a potential or alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person or Licensee on the premises of a Gaming Facility.

~~(aa-bb)~~ “Remediation” means efforts taken to reduce the source and migration of environmental contaminants at a site.

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

~~(ee-dd)~~ “Senior Gaming Management” means the gaming general manager, assistant gaming general managers, gaming directors and assistant gaming directors.

~~(dd-ee)~~ “State” means the State of Wisconsin, along with its authorized officials, agents and representatives.

~~(ee)~~ Tribe means the Oneida Tribe of Indians of Wisconsin.

(ff) “Tribal Fee Land” means all land to which the TribeNation holds title in fee simple.

(gg) “Tribal Trust Land” means all land to which the United States holds title for the

benefit of the ~~Tribe~~Nation pursuant to federal law.

501.4. Jurisdiction

501.4-1. Territorial Jurisdiction. This Ordinance extends to all land within the exterior boundaries of the Reservation.

501.4-2. Subject Matter Jurisdiction. This Ordinance applies to all Gaming conducted within the territorial jurisdiction of the Nation as set forth in section 501.4-1.

501.4-3. Personal Jurisdiction. This Ordinance governs:

(a) The Nation;

(b) Members of the Nation; and

(c) Individuals and businesses leasing, occupying, or otherwise using Tribal Fee Land on the Reservation and all Tribal Trust Land.

501.5. Oneida Business Committee: Powers and Duties

501.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or compacts with the State under the Indian Gaming Regulatory Act.

501.5-2. The Oneida Business Committee retains the power and duty to enter into agreements with local governments and other Tribal governments for services or cooperative ventures for the Gaming Operations.

501.5-3. The Oneida Business Committee has the exclusive power and duty to enter into contracts and agreements affecting the assets of the ~~Tribe~~Nation, except for those assets that were placed under the responsibility of the Oneida Land Commission under Chapter 67; ~~of the~~ Real Property ~~Law~~law.

501.5-4. The Oneida Business Committee delegates to the Commission, ~~as set out~~ in section 501.6-14 ~~of this Ordinance~~, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and ~~the~~ enforcement of laws and regulations, ~~as identified in this Ordinance~~.

501.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all funds generated by the Gaming Operations and all other authorities and responsibilities not delegated by a specific provision of this Ordinance.

501.5-6. The Chairperson of the ~~Tribe~~Nation must be the designated and registered agent to receive notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming Regulatory Act and the Compact.

501.6. Oneida Gaming Commission

501.6-1. ~~Establishment and Purpose.~~ The Oneida Business Committee has established the Oneida Gaming Commission for the purpose of regulating all Gaming Activities. ~~The~~ Commission is an elected body comprised of four (4) members, provided that, the Oneida Business Committee may, upon request of the Commission, increase the number of Commissioners by resolution ~~without~~with-out requiring amendment of this Ordinance.

501.6-2. ~~Location and Place of Business.~~ The Commission shall maintain its offices and principal place of business within the Reservation.

501.6-3. ~~Duration and Attributes.~~ The Commission will have perpetual existence and succession in its own name, unless dissolved by ~~Tribal~~law ~~of the Nation~~. Operations of the Commission must be conducted on behalf of the ~~Tribe~~Nation for the sole benefit of the ~~Tribe~~Nation and its members. ~~The~~ ~~Tribe~~Nation reserves unto itself the right to bring suit against

any person or entity in its own right, on behalf of the TribeNation, or on behalf of the Commission, whenever the TribeNation considers it necessary to protect the sovereignty, rights, and interests of the TribeNation or the Commission.

501.6-4. Sovereign Immunity of the Tribe.

~~(a)~~ Nation. All inherent sovereign rights of the TribeNation with ~~regard~~ respect to the existence and activities of the Commission are hereby expressly reserved.

~~(b)~~ a The TribeNation confers upon the Commission sovereign immunity from suit as set forth in the Tribe'sNation's Sovereign Immunity Ordinance ~~law~~.

~~(e)~~ b Nothing in this Ordinance nor any action of the Commission may be construed to be ~~a~~ (1) A waiver of ~~its~~ the sovereign immunity ~~or that~~ of the Tribe, Commission or ~~consent~~ the Nation;

(2) Consent by the Commission or the TribeNation to the jurisdiction of the Judiciary, the United States, ~~any~~ a state, or any other tribe; ~~or consent~~

(3) Consent by the TribeNation to any suit, cause of action, case or controversy; ~~or the levy of any judgment, lien, or attachment upon any property of the Commission or the TribeNation.~~

501.6-5. Requirements of Commission Membership.

(a) Qualifications. Candidates for election or appointment to the Commission must be at least twenty-one (21) years of age on the day of the election or on the day of appointment.

~~In addition, candidates~~

(1) Candidates for election to the Commission shall further meet the following qualifications within five (5) business days after a caucus for elected positions on the Commission. Candidates for appointment to the Commission shall meet the following qualifications on the day of appointment to a vacancy on the Commission under section 501.6-13 of this Ordinance:

~~(1)~~ A Be an enrolled member of the TribeNation;

~~(2)~~ B Have a minimum of three (3) years of education experience, employment experience and/or regulatory experience in Gaming Operations related to Gaming Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of any combination of the foregoing; and

~~(3)~~ C Meet all other qualifications set forth in this Ordinance.

(b) Conflict of Interest. No person may be considered for election or appointment as a Commissioner until the candidate has disclosed all conflicts of interest as defined ~~by~~ in the OneidaNation's Conflict of Interest Policy ~~law~~.

(c) Background Investigation. No person may be considered for election or appointment as a Commissioner until a preliminary Background Investigation has been completed and the person has been found to meet all qualifications.

~~(d)~~ (1) Swearing into office is subject to a Background Investigation regarding the qualifications set forth in sections 501.6-5 and 501.6-6 upon being elected or appointed to office.

501.6-6. Unless pardoned for activities under subsections ~~subsections~~ (a) and/or (d) by the TribeNation, or pardoned for an activity under subsections ~~subsections~~ (a) and/or (d) by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for an activity under subsections ~~subsections~~ (a) and/or (d) by the State or Federal government, no individual may be eligible for election or appointment to, or

to continue to serve on, the Commission, who:

(a) Has been convicted of, or entered a plea of guilty or no contest to, any of the following:¹

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of ~~chs. Chapters~~ 562 or 565, ~~Wis. Stats., of the Wisconsin Statutes,~~ any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of ~~Tribal~~the Nation's law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

(b) Has been determined by the ~~Tribe~~Nation to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming or the carrying on of the business and financial arrangements incidental thereto;

(c) Possesses a financial interest in or management responsibility for any Gaming Activity or Gaming Services vendor;

(d) Has been convicted of a crime involving theft, Fraud, or conversion against the ~~Tribe~~Nation;

(e) Has been removed from any office pursuant to the ~~Oneida~~Nation's Removal Law within the past five (5) years; or

(f) Is a sitting Commissioner whose term is not concluded at the time of that election or appointment action.

501.6-7. Term of Office. - Commissioners shall serve five (5) year terms and shall serve until a successor takes the oath of office. ~~Terms of office must be staggered.~~

(a) Terms of office must be staggered.

501.6-8. Official Oath. - Each Commissioner shall take the official oath at a regular or special Oneida Business Committee meeting prior to assuming office.

(a) Upon being administered the oath of office, a Commissioner shall assume the duties of office and must be issued a security card setting forth his or her title and term of office.

501.6-9. ~~Full-time Status. The Commission shall identify the appropriate work schedule for its members.~~ Full-Time Status. Each Commissioner shall perform his or her duties and responsibilities on a full-time basis and shall devote his or her entire work and professional time, attention and energies to Commission business, ~~and may not.~~

(a) No Commissioner shall, during his or her tenure in office, be engaged in any other profession or business activity that may impede ~~the Commissioner's~~his or her ability to perform duties on behalf of the Commission or that competes with the ~~Tribe's~~Nation's interests.

(b) The Commission shall identify the appropriate work schedule for its members.

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

501.6-10. *Bylaws.* - The Commission shall adopt bylaws subject to review and approval by the Oneida Business Committee.

501.6-11. ~~*Budget and Compensation.*~~ -The Commission shall function pursuant to an annual budget.

(a) The Oneida Business Committee shall submit the operating budget of the Commission for approval in the same fashion as all other Tribal budgets. Compensation of Commissioners is not subject to the Tribe's Comprehensive Policy Governing Boards, Committees, and Commissions, but must be established by the Commission in a manner consistent with the Commission's internal rules and bylaws. The Commission shall adopt internal rules consistent with the existing Tribal accounting practices to verify its budgetary expenditures.

(b) Compensation of Commissioners is not subject to the Nation's Boards, Committees and Commissions law, but must be established by the Commission in a manner consistent with the Commission's internal rules and bylaws.

(1) The Commission shall adopt internal rules consistent with the Nation's existing accounting practices to verify its budgetary expenditures.

501.6-12. *Removal.* -Removal of Commissioners must be pursuant to the ~~Oneida~~Nation's Removal Law.

501.6-13. *Vacancies.* - Any vacancy in an unexpired term of office, however caused, must be filled by appointment by the Oneida Business Committee, of a person qualified ~~pursuant to under~~ sections 501.6-5 and 501.6-6 ~~pursuant to of this Ordinance, in accordance with the Comprehensive Policy Governing~~Nation's Boards, Committees and Commissions law.

501.6-14. *Authority and Responsibilities.* - Subject to any restrictions contained in this Ordinance or other applicable law, the Commission is vested with powers including, but not limited to, the following:

(a) To exercise all power and authority necessary to effectuate the gaming regulatory purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the Compact.

(1) Unless otherwise indicated in this Ordinance or Commission regulation, or authorized by majority vote of the Commission, no Commissioner may act independently of the Commission. Any such action may constitute grounds for removal.

(b) To promote and ensure the integrity, security, honesty, and fairness of the regulation and administration of Gaming.

(c) ~~To draft and approve, subject~~ Subject to review and adoption by the Oneida Business Committee, ~~to draft and approve~~ regulations pursuant to this Ordinance for the regulation of all Gaming Activity, including processes for the enforcement of such regulations consistent with ~~Tribal law~~the laws of the Nation.

(d) To draft and approve the Rules of Play and Oneida Gaming Minimum Internal Controls; provided ~~that, the~~ Rules of Play and Oneida Gaming Minimum Internal Controls require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

(1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum standards with which the Gaming Operations are required to comply and are audited against.

(2) Comments received from Senior Gaming Management must be included in

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any submission to the Oneida Business Committee.

(3) Rules of Play and Oneida Gaming Minimum Internal Controls are effective upon adoption by the Commission. -

(4) The Commission shall provide notice of adoption of the Rules of Play and/or Oneida Gaming Minimum Internal Controls to the Oneida Business Committee at the next available regularly scheduled Oneida Business Committee meeting following such adoption. -

(A) If the Oneida Business Committee has any concerns and/or requested revisions upon review of the Rules of Play and Oneida Gaming Minimum Internal Controls, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions.

(A) (i) Unless the Oneida Business Committee repeals the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect while the Commission and the Oneida Business Committee jointly work to amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(i)-(ii) Should the Oneida Business Committee repeal the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls that were in effect immediately previous to those repealed will be automatically reinstated and effective immediately upon the repeal of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(B) If the Commission does not receive written notice from the Oneida Business Committee of intent to repeal or amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls within thirty (30) days of the date the Oneida Business Committee is provided notice of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect as adopted by the Commission.

(C) Should the Oneida Business Committee pursue amendments to the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the amendments must be completed through one (1) of the following actions within six (6) months from the date the amendments are initiated by the Oneida Business Committee:

(i) if the Commission and the Oneida Business Committee reach an agreement as to the content of the amendments, the Commission must adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that have been discussed with and agreed upon by the Oneida Business Committee; or

(ii) if the Commission and the Oneida Business Committee do not reach an agreement as to the content of the amendments, the Oneida Business Committee may adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that incorporate the amendments it deems necessary.

(D) If revised Rules of Play and/or Oneida Gaming Minimum Internal

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Controls are not adopted by either the Commission or the Oneida Business Committee within six (6) months from the date the amendments are initiated by the Oneida Business Committee, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls originally adopted by the Commission will remain in effect.

(e) To prepare proposals, including budgetary and monetary proposals, which might enable the ~~Tribal~~Nation to carry out the purpose and intent of this Ordinance, and to submit the same for consideration by the Oneida Business Committee; provided, however, that no such proposal shall have any force or effect unless it is approved by the Oneida Business Committee.

(f) To monitor and enforce all laws and regulations governing the operation and conduct of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this Ordinance and/or regulations setting forth hearing or enforcement processes.

(g) To monitor and investigate all Gaming Operators for compliance with internal audits, and external audits.

(h) To inspect, examine, and photocopy all papers, books, and records of Gaming Activities and any other matters necessary to carry out the duties pursuant hereto; ~~provided, that,~~ all photocopies of documents must be maintained in a confidential manner or in the same manner as the original.

(i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming Employees, Gaming Services vendors, and Gaming Operators.

(j) To conduct hearings relating to Licenses issued under this Ordinance by the Commission.

(k) To review all vendors doing business with the Gaming Operator to verify that such persons or entities hold a valid License, where required, to do business with a Gaming Operator.

(l) To retain professional advisors such as attorneys, law enforcement specialists, and Gaming professionals consistent with ~~Tribal law~~the Nation's laws and practices.

(m) To arbitrate, negotiate, or settle any dispute to which it is a party, and which relates to its authorized activities.

(n) To act as the designated agent to receive all regulatory notices not included in section 501.5-6 of this Ordinance.

(o) To investigate all Regulatory Incidents.

(p) To issue warnings or notices of violation, in accordance with regulations, to Gaming Operators and Licensees for non-compliance with the Compact, Oneida Gaming Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.

(q) To make determinations regarding suitability for licensing.

(r) To establish an administrative structure by regulation to carry out its authority and responsibilities.

(s) To establish, where needed, additional processes for conducting licensing hearings by regulation.

(t) To establish and collect fees for processing License applications by regulation.

(u) To establish and impose a point system for findings of regulatory violations by any Gaming Employee by regulation.

(v) To establish and impose a fine system for findings of regulatory violations by any Gaming Services vendor or permittee by regulation.

(w) To approve procedures that provide for the fair and impartial resolution of patron complaints.

501.6-15. *Reporting Requirements.* -The Commission shall adhere to the following reporting requirements:

(a) A true, complete and accurate record of all proceedings of the Commission must be kept and maintained;

(b) Complete and accurate minutes of all Commission meetings must be filed with the Secretary of the Oneida Business Committee within thirty (30) days of their approval by the Commission;

(c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the Commission's activities, including information regarding funding, income and expenses and any other matters to which the parties may agree, must be submitted to the Oneida Business Committee.

501.6-16. *Oneida Gaming Commission Personnel.* - The Commission shall hire an Executive Director who is responsible for hiring and managing the personnel of the Commission.

(a) The Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its responsibilities under this Ordinance, the IGRA, ~~and the Compact,~~ and all governing regulations, including the Oneida Gaming Minimum Internal Controls.

(b) The Executive Director and personnel of the Commission must be hired through the ~~Tribe's~~Nation's regular personnel procedure and are subject to its personnel policies and salary schedules.-

(1) The Executive Director and personnel shall meet the requirements set forth in section 501.12-3 of this Ordinance at hiring and during employment.

501.7. Gaming Surveillance: Powers, Duties and Limitations

501.7-1. *Purpose.* - The purpose of Gaming Surveillance is to observe and report Regulatory Incidents to the Commission and Gaming General Manager to provide for the regulation, operation, and compliance of Gaming Activities under this Ordinance.

(a) Gaming Surveillance is a department within the Commission's administrative structure and supervision must be identified within the organizational chart adopted by the Commission; ~~provided that,~~ nothing in the designation of supervisory responsibility may be deemed to prohibit the responsibility of Gaming Surveillance to provide information and/or video and/or audio records to the parties identified in section 501.7-3 of this Ordinance.

501.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities including, but not limited to, equipment and maintenance of equipment, observation and reporting of all persons to include Gaming Employees, customers, consultants, and Gaming Services vendors.

501.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission, or Gaming Security a copy of any time-recorded video and accompanying audio (if available) within twenty-four (24) hours of request.

501.7-4. Gaming Surveillance shall:

(a) Develop, implement and maintain written policies and procedures for the conduct and integrity of the Surveillance Department.

(b) Develop, implement and maintain additional procedures governing the use and release of the surveillance recordings or reports.

(c) Work cooperatively with the Gaming Security Department to carry out its official duties and to coordinate its activities in order to effectuate the protection of patrons and the assets of the Gaming Operation.

(d) Develop, implement and maintain written policies and procedures for implementation of duties and responsibilities identified with the Oneida Gaming Minimum Internal Controls, subject to approval by the Commission.

501.8. [Reserved for future use.]

501.9. Gaming Security Department

~~501.9-1. *Purpose.* The Gaming Security Department is a department within the Oneida Police Department.~~ *Purpose.* The purpose of the Gaming Security Department is to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which could injure or jeopardize Gaming assets, patrons and Gaming Employees ~~and report these activities to the Oneida Police Department for further review and/or investigation. Provided that, all reports of the Gaming Security Department must be copied to the Commission.~~

(a) The Oneida Business Committee shall be responsible for the supervision, as well as oversight, of the Gaming Security Department and the Gaming Security Department shall report directly to the Oneida Business Committee per the process and schedule set by the Oneida Business Committee; provided, all reports of the Gaming Security Department must be copied to the Commission. ~~501.9-2. *Reporting.* The Oneida Police Department, Gaming General Manager and the~~

~~501.9-2. *Reporting.* The Internal Security Director, Gaming General Manager and~~ Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, ~~which describes~~ describing their responsibilities and reporting requirements under this Ordinance.–

(a) When investigations involve or uncover a possible criminal or quasi-criminal activity, the Gaming Security Department shall report the activity to the Oneida Police Department for further review and investigation by the Oneida Police Department under its separate departmental authority.

501.9-3. The Gaming Security Department shall:

(a) Develop, implement and maintain written policies and procedures for the conduct and integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal Controls and subject to approval by the Commission.

(b) Develop, implement and maintain additional procedures governing the use and release of the investigation reports.

(c) Work cooperatively with Gaming Surveillance to carry out its official duties and to coordinate activities between the departments.

501.9-4. *Investigations.*– This section is intended to authorize report gathering, information gathering, and preliminary review, to be conducted by the Gaming Security Department.

501.10. Background Investigations

501.10-1. The Human Resources Department and the Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, for carrying out Background Investigations for employees as required under this Ordinance.

501.10-2. Background Investigations must be conducted on all persons or entities as specified under this Ordinance. -

(a) All Background Investigations must be conducted to ensure that the ~~Tribe~~Nation in its Gaming Operations may not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods in the conduct of such Gaming.

(1) The identity of any person interviewed in order to conduct a Background Investigation must be confidential.

501.11. Licenses, Generally

501.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing of all applications for a License.

(a) All Gaming Employees, Gaming Services vendors, and Gaming Operators shall apply for a License from the Commission prior to their participation in any Gaming Activity.

(b) All Gaming Facilities must be licensed by the Oneida Business Committee.

501.11-2. *Temporary License.* -All Applicants, upon receipt by the Commission of a completed application for a License and completion of a preliminary Background Investigation, may receive a temporary license for a ninety (90) day period, unless a Background Investigation of the application demonstrates grounds to disqualify the Applicant. ~~Such~~

(a) A temporary license, ~~as defined in this section~~, permits the Licensee to engage in such activities ~~and~~ pursuant to any terms and conditions imposed and specified by the Commission. ~~The~~

(b) A temporary license is valid until either replaced by a License, the ninety (90) day temporary license period has concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

501.11-3. *Revocable.* -A License is revocable only in accordance with the procedures set forth in this Ordinance.

(a) A Licensee has only those rights and protections regarding a License granted in this Ordinance.

501.11-4. All Applicants:

(a) Consent to the release of any information relevant to the Applicant's Background Investigation by any person or entity in possession of such information.

(b) Consent to the jurisdiction of the ~~Tribe~~Nation and are subject to all applicable ~~Tribal~~Oneida, Federal, and State laws, regulations, and/or policies.

501.11-5. All Licensees are subject to ongoing review at least every two (2) years by the Commission.

501.11-6. *Status of Licenses.* The Commission shall notify the Gaming Operation of the status of all Licenses, whether temporary or permanent, including all Commission action to revoke, suspend, or condition a License.

501.11-7. *Commission Licensing Actions.* - The Commission may grant, deny, revoke, condition, suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this Ordinance.

(a) Authority to place conditions on a License may be exercised only upon promulgation of regulations.

501.11-8. *Noncompliance.* - The Commission may issue a notice of noncompliance when the Commission has developed regulations that identify procedures that notices of noncompliance may

be issued to Licensees and permittees which provide an opportunity to correct actions.

~~(a)~~ Such regulations must include procedures for appeal of such notices. ~~Regulations~~
~~and~~ may include the ability to issue fines not to exceed one thousand dollars (\$1000.00)
per violation for Gaming Services vendors and permittees.

501.12. Gaming Employee License

501.12-1. *Scope of Section.*— This section applies only to Gaming Employee Licenses and licensing actions.

501.12-2. *License Application.*— Every Applicant for a License shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified, which must certify:

(a) Applicant's full name and all other names used (oral or written), Social Security Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or written).

(b) Currently, and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license number(s).

(c) The names and current addresses, of at least three (3) personal references, including one (1) personal reference, who ~~were~~was acquainted with the Applicant during each period of residence listed in subsection (b) above.

(d) Current business and residence telephone numbers.

(e) A description of any existing and previous business relationships with Indian Tribes, including ownership interest in those businesses.

(f) A description of any existing and previous business relationship with the Gaming industry generally, including ownership interest in those businesses.

(g) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted.

(h) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted.

(i) For each felony conviction or ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition, if any.

(j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for which jail time is not part of the potential sentence) within ten (10) years of the date of the application, the name and address of the court involved, and the date and disposition.

(k) For each criminal charge (excluding charges for which jail time is not part of the potential sentence) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to ~~subsection~~sub-sections (i) or (j) of this section, the criminal charge, the name and address of the court involved and the date and disposition.

(l) A photograph.

(m) Fingerprints consistent with procedures adopted by the Commission which meet the criteria set forth in 25 C.F.R. section 522.2(h). ~~The Commission is the agency that takes the fingerprints.~~

(1) The Commission is the agency that takes the fingerprints.

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(n) Any other information the Commission deems relevant for a Gaming Employee License.

(o) A statement that each Applicant has read and understands notices and ~~the~~ NIGC requirements relating to:

(1) The Privacy Act of 1974;

(2) Fraud and False Statements Act; and

(3) Fair Credit Reporting Act.

501.12-3. License Qualifications. ~~No License may be granted if the Applicant:~~

(a) Is under the age of eighteen (18).

(b) Unless pardoned for activities under this subsection by the ~~Tribe~~Nation, or pardoned for activities under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for activities under this subsection by the state or Federal government, has been convicted of, or entered a plea of guilty or no contest to, any of the following:

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of ~~chs. Chapters~~ 562 or 565, ~~Wis. Stats., of the Wisconsin Statutes,~~ any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming, or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of ~~Tribal~~the Nation's law ~~regulating that regulates~~ the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

(c) Is determined to be a person whose prior activities, criminal record, reputation, habits, or associations pose a threat to the public interest or to the effective regulation and control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

(d) Possesses a financial interest in or management responsibility for any Gaming Activity or Gaming Services vendor, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or the ~~Nation's~~ Conflict of Interest ~~Policy~~law.

(e) Each person licensed as a Gaming Employee has a continuing obligation to inform the Commission immediately upon the existence of any circumstance or the occurrence of any event which may disqualify him or her from being licensed as a Gaming Employee.

(1) Failure to report any such occurrence may result in suspension or revocation of the Gaming Employee's License.

501.12-4. Initial Eligibility Determination.

(a) Based on the results of the preliminary Background Investigation, the Commission shall make an initial determination regarding an Applicant's eligibility and either:

(1) Grant a temporary license, with or without conditions, to the Applicant; or

(2) Deny the License application and provide notice to the Applicant that he or she may request a hearing regarding the decision consistent with subsection (b) below.

(b) If the Commission determines that an Applicant is ineligible for a License, the Commission shall notify the Applicant.

(1) The Commission shall set forth regulations for an Applicant to review any information discovered during the preliminary Background Investigation prior to scheduling a hearing under section 501.12-10. ~~The suspension or revocation hearing provisions set forth at section 501.12-9 do not apply to Initial Eligibility Determinations of this Ordinance.~~

(2) The suspension or revocation hearing provisions set forth at section 501.12-9 of this Ordinance do not apply to Initial Eligibility Determinations.

501.12-5. *Eligibility Determination and Notification to NIGC.* ~~When a Gaming Employee begins employment at a Gaming Operation, the Commission shall:~~

(a) ~~Require the Gaming Employee to submit a completed application for employment that contains the notices and information listed in section 501.12-2~~ of this Ordinance;

(b) ~~Review the Background Investigation of the Gaming Employee;~~

(1) Within sixty (60) days after a Gaming Employee begins employment at a Gaming Facility under a temporary license, the Commission shall make an eligibility determination regarding whether the Gaming Employee may receive a License based upon the results of the Background Investigation.

(c) ~~Create an investigative report based on each Background Investigation performed;~~

(1) The investigative report must include the steps in conducting the Background Investigation, results obtained, conclusions reached and the basis for those conclusions.

(d) ~~Prior to issuing a License to a Gaming Employee and within sixty (60) days after the Gaming Employee begins employment at a Gaming Facility, submit a notice of results of the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual Record System;~~ and

(1) The notice of results must include the following, provided that any additional or alternate information must be forwarded as directed in regulations or rules adopted by the NIGC:

~~(4)-A) The Gaming Employee's name, date of birth, and social security number.~~ Social Security Number;

~~(2)- (B) The date on which the Gaming Employee began employment;~~

~~(3)- (C) A summary of the information presented in the investigative report, including:~~

~~(A)- (i) License(s) that have previously been denied;~~

~~(B)- ii) Gaming licenses that have been revoked, even if subsequently reinstated;~~

~~(Ciii) Every known criminal charge brought against the Gaming Employee within the last ten (10) years of the date of the application;~~

and

~~(Div) Every felony of which the Gaming Employee has been convicted or any ongoing prosecution.~~

~~(4)- a (D) A copy of the eligibility determination made under section 501.12-5 (b)-) of this Ordinance.~~

(e) ~~All applications, Background Investigations, investigative reports, suitability determinations, findings and decisions of the Commission must be retained in the~~

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Commission's files for a period of at least three (3) years from the date the Gaming Employee's employment is terminated.

501.12-6. *License Issuance.* -The Commission may issue a License to a Gaming Employee at any time after providing the NIGC with a notice of results as required under section 501.12-5(d); of this Ordinance; however, a Gaming Employee who does not have a License ninety (90) days after the start of employment must have his or her employment terminated.

(a) The Commission shall notify the NIGC of the issuance or denial of a License to a Gaming Employee within thirty (30) days after the License is issued or denied.

(a)-b) Any Gaming Employee License issued under this section is effective from the date of issuance and must contain the Gaming Employee's photograph, the Gaming Employee's name, and the date that the License became effective.

(1) If a Gaming Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming Employee shall notify in writing the Commission, and the Commission shall review the Gaming Employee's License.

(c) The Commission retains the right to grant, deny, revoke, condition, suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set forth in this Ordinance.

501.12-7. *Requirement to Wear License.* -During working hours, all Licensees shall wear their License in a conspicuous place that is plainly visible by all employees, the Nation's Gaming patrons and surveillance.

501.12-8. *NIGC Review.*

(a) During a thirty (30) day period, beginning when the NIGC receives a notice of results submitted pursuant to section 501.12-5(d) above, the Chairman of the NIGC may request additional information from the Commission concerning the Gaming Employee.

(1) Such a request suspends the thirty (30) day period until the Chairman receives the additional information.

(b) If, within the thirty (30) day period after the NIGC receives the notice of results, the NIGC notifies the Commission that it has no objection to the issuance of a License, and the Commission has not yet issued a License to the Gaming Employee, the Commission may grant the License to the Gaming Employee.

(c) If, within the thirty (30) day period after the NIGC receives the notice of results, the NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC.

(1) The Commission shall make the final decision whether to issue a License to the Gaming Employee, or if the Gaming Employee has already been licensed, whether to suspend or revoke the License in accordance with section 501.12-9 of this Ordinance.

(d) Upon receipt of notification from the NIGC that a Gaming Employee who has already been licensed is not eligible for employment, the Commission shall immediately suspend the License in accordance with section 501.12-9 of this Ordinance.

501.12-9. *Suspension or Revocation of Licenses.* -Except as provided in section 501.12-8(d) or 501.12-9(c); of this Ordinance, no License may be suspended or revoked except after notice and opportunity for hearing.

(a) *Basis for Licensing Action.* -The Commission may suspend, condition, or revoke any License issued under this Ordinance if:

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- (1) After the issuance of a License, the Commission receives from the NIGC or other source reliable information indicating that a Gaming Employee is not eligible for a License under section 501.12-3 of this Ordinance; or such information would justify the denial of the renewal of any License, the Commission shall issue a written notice of suspension;
- (2) The Commission issues a written notice of suspension demonstrating that the Licensee:
- (A) Has knowingly made a materially false or misleading statement in any application for a License, in any amendment thereto, or in response to a request by the Commission for supplemental information or in connection with any investigation of the Commission;
 - (B) Has knowingly promoted, played, or participated in any gaming activity Gaming Activity operated in violation of the Compact, Tribal Oneida or federal law, and this Ordinance;
 - (C) ~~Has bribed or~~ attempted to bribe, or has received a bribe from, a Commissioner or any other person in an attempt to avoid or circumvent any applicable law;
 - (D) Has falsified any books or records relating to any transaction connected with the operation of a Gaming Activity;
 - (E) Has refused to comply with any lawful directive of the Tribe, the Nation, Federal government, or any court of competent jurisdiction; or
 - (F) Has been convicted of, or entered a plea of guilty or no contest to, a crime involving the sale of illegal narcotics or controlled substances.
- (b) Suspension Notice. - The Commission's notice of suspension must be in writing and must, at a minimum, notify the Licensee of the following:
- (1) The Licensee's right to review a file prior to any hearing regarding the notice of suspension, and to make copies of any documents contained in that file;
 - (2) The Licensee's right to request a hearing on the proposed licensing action, to present documents and witness testimony at that hearing, and to be represented by counsel;
 - (3) The specific grounds upon which the proposed licensing action is based, including citations to relevant sections of this Ordinance, the IGRA, and any applicable Regulations regulations and/or the Compact; and
 - (4) The time and place set by the Commission for the Licensee's hearing.
- (c) Immediate Suspension. - If, in the judgment of the Commission, the public interest, and effective regulation and control of Gaming Activities requires the immediate exclusion of a Licensee, the Commission may immediately suspend a License prior to the conduct of a hearing on the matter.
- (1) Such an immediate suspension may take effect upon service of the notice of immediate suspension.
- (d) Any notice of suspension or notice of immediate suspension must set forth the times and dates for when the Licensee may review his or her file and the date for a hearing on any proposed licensing action.
- (e) Within fifteen (15) business days after a hearing, the Commission shall issue a final written licensing decision and decide whether to suspend, uphold an immediate suspension, revoke, or take other action concerning a License. -

§13 _____ (1) If the License was suspended, conditioned or revoked based on information
§14 from the NIGC or other source under section 501.12-8(d) or 501.12-9(a)(1), ~~of this~~
§15 Ordinance, the Commission shall forward a copy of its decision to the NIGC within
§16 forty-five (45) days of receiving the NIGC's or the other source's notification
§17 indicating that a Gaming Employee is not eligible for a License.

§18 (f) _____ If a Licensee fails to appear for his or her hearing before the Commission, that right
§19 is deemed to have been waived and the Commission will proceed on the proposed licensing
§20 action by default.

§21 (g) _____ Unless identified in this Ordinance or regulations of the Commission, the hearing
§22 processes set forth in the ~~Tribe's administrative procedures law~~ Nation's Administrative
§23 Procedures Act shall apply.

§24 501.12-10. ~~Original Hearing Body.~~ Any person aggrieved by a licensing decision of the
§25 Commission may appeal the decision by filing a request for an original hearing before the
§26 Commission.

§27 _____ (a) The Licensee may file any such request with the Commission in writing on or before
§28 the fifteenth (15th) day following receipt of the Commission's decision.

§29 _____ (b) The Commission shall certify the record, developed in accordance with section
§30 501.12-4 or 501.12-9(a), ~~of this Ordinance~~, within thirty (30) days of the date of the filing
§31 of the request for an original hearing. ~~The~~

§32 _____ (c) ~~Those~~ Commissioners serving on the original hearing body may not include the
§33 Commissioners who participated in the licensing decision from which the original hearing
§34 is scheduled.

§35 _____ (d) The Commission may ~~determine~~ decide to review the decision solely on the licensing
§36 decision record and briefs filed regarding the request for reconsideration. -

§37 _____ (1) The Commission may also, in its sole discretion, grant oral ~~argument.~~
§38 arguments.

§39 _____ (e) The Commission shall issue a written decision determining whether to uphold the
§40 Commission's licensing decision, including whether to revoke or reinstate a License,
§41 within one hundred twenty (120) days from receipt of the request for the original hearing.

§42 _____ (1) The Commission's decision is considered an original hearing decision and an
§43 appeal may be made to the Judiciary as an appeal of an original hearing body.

§44 501.12-11. ~~Notice to Oneida Business Committee.~~ Prior to any suspension or revocation of a
§45 License of the ~~gaming general manager~~ Gaming General Manager, the Commission shall provide
§46 notice to the Oneida Business Committee twenty-four (24) hours prior to the issuance of the
§47 suspension or revocation.

§48 501.12-12. ~~Record of Proceedings.~~ The Commission shall maintain a complete and accurate
§49 record of all licensure proceedings.

§50 501.12-13. ~~Revocation of a License is solely limited to the licensing matter.~~ Employment related
§51 processes resulting from revocation of a License are determined solely through the personnel
§52 processes and procedures of the ~~Tribe~~ Nation and are not licensing matters governed by this
§53 Ordinance.

§54

§55 **501.13. Gaming Services Licensing and Non-Gaming Services Permitting**

§56 501.13-1. Scope of Section. This section applies to all individuals and entities providing Gaming
§57 Services.

§58 _____ (a) The requirements of this Section are in addition to, and do not alter or amend any

- §59 requirements imposed by the ~~Oneida Nation's~~ Vendor Licensing ~~Law~~².
- §60 501.13-2. Gaming Services License or Non-Gaming Services Permit Required.
- §61 (a) Gaming Services License.- Any Gaming Services vendor providing Gaming related
- §62 contract goods or services as defined under Article VII(A) of the Compact to the Gaming
- §63 Operation shall possess a valid Gaming Services License.
- §64 (b) Non-Gaming Services Permit.- Any vendor providing non-gaming related goods or
- §65 services to the Gaming Operation shall possess a valid Non-Gaming Services permit.
- §66 (c) Determinations regarding the issuance of a License or permit under this section must
- §67 be made by the Commission which may be subject to requests for reconsideration by the
- §68 Gaming Services vendor within fourteen (14) business days of receipt by the Gaming
- §69 Services vendor of the notice of License or permit determination.
- §70 501.13-3. Approved Gaming Services Vendor List.- The Commission shall maintain an updated
- §71 and complete list of all Gaming Services vendors that possess current and valid Gaming Services
- §72 Licenses or Non-Gaming Services permits from the Commission, which is known as the Approved
- §73 License and Permit List.
- §74 (a) Gaming Operations may only do business with vendors that possess valid and current
- §75 Gaming Services Licenses or Non-Gaming Services permits and who appear on the
- §76 Approved License and Permit List.
- §77 501.13-4. Gaming Services License/Permit Application.- Every Applicant for a License or
- §78 permit shall file with the Commission a written application in the form prescribed by the
- §79 Commission, duly executed and verified, which must provide and certify the following-~~Provided~~
- §80 ~~that; provided~~, Non-Gaming Services vendors with less than two thousand five hundred dollars
- §81 (\$2,500.00) in services for the prior fiscal year are only required to file a notice of doing business
- §82 with the Commission-;
- §83 (a) The Applicant's name and mailing address;
- §84 (b) The names and addresses of each officer or management official of the Applicant;
- §85 (c) A copy of the Applicant's articles of incorporation and ~~by laws~~bylaws, or if not a
- §86 corporation, the Applicant's organizational documents;
- §87 (d) Identification of an agent of service for the Applicant;
- §88 (e) The name and address of each person having a direct or indirect financial interest in
- §89 the Applicant;
- §90 (f) The nature of the License or permit applied for, describing the activity to be engaged
- §91 in under the License or permit;
- §92 (g) Explicit and detailed disclosure of any criminal record, including any delinquent
- §93 taxes owed to the United States, or any state, of the Applicant, any person involved in the
- §94 organization, and any person of interest whose name appears or is required to appear on
- §95 the application;
- §96 (h) Whether the Applicant is or has been licensed by the ~~state~~State of Wisconsin Office
- §97 of Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;
- §98 (i) Whether the Applicant has been licensed in the ~~state~~State of New Jersey, Nevada, or
- §99 by any other gaming jurisdiction, including any Indian Tribe or Tribal governmental
- 900 organization and, if so, proof of such licensure and the status of any such License;
- 901 (j) Whether the Applicant has been denied a License by any gaming jurisdiction and, if

² See also Appendix 1. Vendor Licensing/Permit.

so, the identity of the jurisdiction, the date of such decision and the circumstances surrounding that decision;

(k) Whether any License held by the Applicant has been refused renewal, conditioned, suspended or revoked by an issuing authority and, if so, the circumstances surrounding that action;

(l) A statement of waiver allowing the ~~Tribe~~Nation to conduct a Background Investigation of the Applicant and any person whose name appears or is required to appear on the application;

(m) Whether the Applicant or any person whose name appears or is required to appear on the application has or has had any business with the ~~Tribe~~Nation or any business or personal relationship with any of the ~~Tribe's~~Nation's officers or employees;

(n) The name and contact information for all Tribes or Tribal organizations with whom the Applicant or any person whose name appears or is required to appear on the application has done business;

(o) Whether the Applicant or any person whose name appears or is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages;

(p) A statement that the Applicant has read and understands notices and ~~the~~ NIGC requirements relating to:

(1) The Privacy Act of 1974;

(2) False statements; and

(3) The Fair Credit Reporting Act.

(q) All additional information necessary to allow the Commission to investigate the Applicant and any person whose name appears or is required to appear on the application.

501.13-5. Signature on Application.- Applications for Licenses or permits must be signed by the following person:

(a) For companies and corporations (both for profit and non-profit), the highest ranking official of the corporation; or ~~another~~other person to whom the authority to execute the ~~Application~~application has been properly delegated.

(b) For a sole proprietorship, the principal owner.

(c) For a partnership, all partners.

(d) For a limited partnership, the general partner or partners.

501.13-6. Incomplete Applications.- Applications that do not contain all information requested, including proper signatures, will be considered incomplete. -

(a) Incomplete applications will not be considered by the Commission.

(b) The Commission shall notify an Applicant if an application is incomplete and what additional information is necessary to complete the application.

(1) If an Applicant who has submitted an incomplete application, and been notified of the deficiency in that application, fails to provide the information requested by the Commission, the application will be returned to the Applicant and the file closed.

501.13-7. Supplemental Information. -The Commission may, in its discretion, request supplemental information from the Applicant.

(a) Supplemental information requested by the Commission must be promptly submitted by the Applicant.

(1) An Applicant's failure or refusal to submit supplemental information

948 requested by the Commission may constitute grounds for the denial of the
949 application.

950 501.13-8. Continuing Duty to Provide Information.- Applicants, permittees, and Licensees owe
951 a continuing duty to provide the Commission with information and materials relevant to the
952 Applicant's, permittee's, or Licensee's character or fitness to be licensed, including but not limited
953 to any change in the licensing or permitting status of the Applicant, permittee, or Licensee in any
954 foreign jurisdiction.

955 (a) An Applicant's, permittee's, or Licensee's failure to notify the Commission promptly
956 of inaccuracies on an application or new information or materials relevant to ~~the~~
957 ~~Applicant~~him or her may constitute grounds to deny, suspend or revoke a License or
958 permit.

959 501.13-9. Background Investigations. -Background Investigations for Gaming Services vendors
960 must be conducted as follows:

961 (a) Gaming Related Equipment Gaming Services Vendors under Fifty Thousand Dollars
962 (\$50,000.00) in Goods and/or Services Annually. -The Commission shall conduct the
963 Background Investigations that are sufficient to determine the eligibility for licensing of
964 all Gaming Services vendors that provide or anticipate providing under fifty thousand
965 dollars (\$50,000.00) in goods and services annually.

966 (b) Gaming Related Equipment Gaming Services Vendors over Fifty Thousand Dollars
967 (\$50,000.00) in Goods and/or Services Annually. -The Commission shall review the
968 background investigation conducted by the Wisconsin Office of Indian Gaming
969 Regulation; and shall conduct any necessary additional Background Investigation to ensure
970 that the ~~state~~State background investigation is complete and current.

971 (c) Other Non-Gaming Related Goods and/or Services Gaming Services Vendors.- The
972 Commission shall conduct Background Investigations on a sufficient number of randomly
973 selected applications in order to verify the accuracy of all applications. ~~The random~~
974 ~~selection process must be identified by regulation of the Commission.~~

975 (1) The random selection process must be identified by regulation of the
976 Commission.

977 501.13-10. Licensing Action in a Foreign Jurisdiction. -If the ~~states~~States of Wisconsin, New
978 Jersey, Nevada or any other gaming jurisdiction ~~refuses~~refuse to renew a License or permit, or
979 conditions, suspends, or revokes the License or permit of an Applicant, permittee, or Licensee,
980 such action may constitute grounds for similar action by the Commission.

981 501.13-11. Claim of Privilege.- At any time during the licensing or permitting process, the
982 Applicant may claim any privilege afforded by law.

983 (a) An Applicant's claim of privilege with respect to the production of requested
984 information or documents or the provision of required testimony or evidence may
985 constitute grounds for the denial, suspension or revocation of a License or permit.

986 501.13-12. Withdrawal of an Application.- An Applicant may request to withdraw an application
987 by submitting a written request to the Commission.

988 (a) The Commission retains the right, in its exclusive discretion, to grant or deny a
989 request for withdrawal.

990 (b) An Applicant who withdraws an application is precluded from ~~reapplying~~re-applying
991 for a Gaming Services License or Non-Gaming Services permit for a period of one (1) year
992 from the date the application was withdrawn.

993 501.13-13. Suspension or Revocation of Gaming Services Licenses or Permits. -Except as

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provided in section 501.13-13(c), of this Ordinance, no License or permit may be suspended or revoked except after notice and opportunity for hearing.

(a) Basis for Licensing or Permitting Action. - The Commission may suspend, modify, or revoke any Gaming Services License or Non-Gaming Services permit issued under this Ordinance if, after issuance of the License or permit, the Commission receives reliable information that would justify denial of the issuance or renewal of a License or permit, or if the Commission determines that the Licensee or permittee has:

(1) Knowingly made a materially false or misleading statement in any application for a License or permit, in any amendment thereto, or in response to a request by the Commission for supplemental information or in connection with any investigation of the Commission;

(2) Knowingly promoted, played, or participated in any Gaming Activity operated in violation of the Compact, or any Tribal law of the Nation, or other applicable law;

(3) Bribed or attempted to bribe a Commissioner or any other person in an attempt to avoid or circumvent any applicable law;

(4) Falsified any books or records relating to any transaction connected with operation of a Gaming Activity;

(5) Refused to comply with a lawful directive of the Tribe Nation, the federal government, or any court of competent jurisdiction; or

(6) Been convicted of, or entered a plea of guilty or no contest to, a crime involving the sale of illegal narcotics or controlled substances.

(b) Suspension Notice. - The Commission shall provide a Licensee or permittee with written notice of suspension, which must, at a minimum, notify the Licensee or permittee of the following:

(1) The Licensee's or permittee's right to conduct a file review prior to any hearing regarding the notice of suspension, and to make copies of any documents in that file;

(2) The Licensee's or permittee's right to present documents and witness testimony at the hearing and to be represented by counsel;

(3) The specific grounds upon which the suspension is based, including citations to relevant sections of this Ordinance, the IGRA, any applicable regulations and/or the Compact; and

(4) The time and place set by the Commission for the Licensee's or permittee's file review and hearing.

(c) Immediate Suspension. -If, in the judgment of the Commission, the public interest, and effective regulation and control of others require the immediate exclusion of a Licensee or permittee, the Commission may immediately suspend a License or permit prior to a hearing on the matter. ~~Such an immediate suspension takes effect upon service of the notice of immediate suspension.~~

(1) Such an immediate suspension takes effect upon service of the notice of immediate suspension.

(d) File Review and Hearing. - Any notice of suspension or notice of immediate suspension must set forth the time and date for the Licensee or permittee to conduct a file review and for a hearing.

(e) Final Written Decision. - Within fifteen (15) business days after a hearing, the

Commission shall issue a final written decision and decide whether to suspend, uphold an immediate suspension, revoke, or take other action concerning a License or permit.

(f) Default. - If a Licensee or permittee fails to appear for his or her hearing before the Commission, that right is deemed to have been waived and the Commission will proceed on the proposed licensing action by default.

(g) Unless identified in this Ordinance or regulations of the Commission, the hearing processes set forth in the Oneida Nation's Administrative Procedures Act shall apply.

501.13-14. Original Hearing Body. - Any person aggrieved by a licensing or permitting decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission.

(a) The Applicant, Licensee or permittee may file such request with the Commission in writing on or before the fifteenth (15th) day following the receipt of the Commission's decision.

(b) The Commission shall certify the record, developed in accordance with section 501.13-9 or 501. 13 -13(a), of this Ordinance, within thirty (30) days of the date of the filing ~~on~~of the request for an original hearing. ~~The~~

(1) ~~Those~~ Commissioners participating in the initial licensing or permitting decision may not participate in the original hearing.

(c) The Commission may determine to review the decision solely on the licensing or permitting decision record and briefs filed regarding the request for reconsideration.

(1) The Commission may also, in its sole discretion, grant oral ~~argument.~~ arguments.

(d) The Commission shall issue a written decision within one hundred twenty (120) days from receipt of the request for the original hearing.

(1) The Commission's decision is considered an original hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing body.

501.14. Gaming Facility License

501.14-1. The construction and maintenance of any Gaming Facility, and the operation of Gaming Activities, must be conducted in a manner which adequately protects the environment and the public health and safety, and must comply with requirements of the Compact and all other applicable health, safety, and environmental standards.

501.14-2. The Oneida Business Committee must receive, review and grant or deny any application for licensing any Gaming Facilities located within the Reservation. Applicants shall provide the Oneida Business Committee sufficient information to show the following:

(a) The Gaming Facility meets all applicable ~~Federal and Tribal~~ health and safety standards of the Nation and Federal government.

(1) To show compliance with applicable health and safety standards, Gaming Operator shall submit certified copies of Compliance Certificates issued by the agencies responsible for the enforcement of the health and safety standards.

(2) If health and safety standards are not met, proof must be submitted by Gaming Operator that the Gaming Facility is in the process of improvements which will place the Gaming Facility in compliance with the applicable standards.

(b) The Gaming Facility meets applicable ~~federal and Tribal~~ environmental standards of the Nation and Federal government.

(1) To show compliance with applicable environmental standards, Gaming

Operator shall submit certified copies of an Environmental Assessment of the Gaming Facility which were prepared by the agency responsible for the enforcement of applicable environmental standards.

(2) If the applicable environmental standards are not met, proof must be submitted by Gaming Operator that Remediation of the Gaming Facility is being actively sought which will place the Gaming Facility in compliance with the applicable standards.

501.14-3. Upon receipt and review of the above information, the Oneida Business Committee shall deliberate and either grant or deny for failure to meet the requirements of protecting the health and safety of patrons, public and employees of a Gaming Facility License to the Applicant.

(a) The Oneida Business Committee shall submit to the NIGC a copy of each Gaming Facility License issued.

501.14-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida Business Committee that a Gaming Facility will be closed by a governmental agency with proper authority due to environmental, health or safety concerns, the Oneida Business Committee shall suspend the License of the Gaming Facility.

(a) The Oneida Business Committee shall re-License the Gaming Facility after receiving the information required in section 501.14-2 of this Ordinance.

501.15. Gaming Operator License

501.15-1. Consent to Jurisdiction. -The application for License and the conduct of Gaming within the jurisdiction of the ~~Tribe~~Nation is considered consent to the jurisdiction of the ~~Tribe~~Nation in all matters arising from the conduct of Gaming, and all matters arising under any of the provisions of this Ordinance or other ~~Tribal~~laws of the Nation.

501.15-2. License Required. - No Gaming Operator may conduct Gaming Activity unless such entity holds a valid and current Gaming Operator License issued by the Commission.

501.15-3. Types of Licenses. - The Commission may issue each of the following types of Gaming Operator Licenses:

(a) Tribally-Owned or Tribally-Operated Class II. - This License is required of all Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II Gaming Activities.

(b) Tribally-Owned or Tribally-Operated Class III. -This License is required ~~for~~of all Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III Gaming Activities.

501.15-4. Gaming Operator License Qualifications. - The Commission shall issue a Gaming Operator License to any Gaming Operation if:

(a) The Gaming Operation is to be located within the Reservation, or land taken into trust after October 17, 1988, for Gaming purposes;

(b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or Class III Gaming as defined by this Ordinance and IGRA; and

(c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business Committee.

501.15-5. Provisions of General Applicability to All Gaming Operators.

(a) Site and Gaming Operator Specified. - Each Gaming Operator License may be applicable only to one (1) Gaming Operation and the Gaming Facility named on the License.

(b) License Not Assignable. -No Gaming Operator License may be sold, lent, assigned or otherwise transferred.

(c) Regulations Posted or Available. - Each Gaming Operator must have a copy of this Ordinance and any regulations promulgated thereunder available for inspection by any person at each Gaming Facility.

(d) Display of License. -Each Gaming Operator must prominently display its License at each Gaming Facility.

501.15-6. Grandfathered Gaming Facilities. - All Gaming Operators operating on the effective date of July 5, 2007, are hereby granted a License under this section.

501.15-7. License Application Fees and License Taxes. -No application fees or License taxes may be required by the ~~Tribe~~Nation for a Gaming Operator License.

501.15-8. Closure of a Gaming Operation. - If the Commission finds that any Gaming Operation is operating in violation of this Ordinance, or otherwise presents a threat to the public, the Commission shall immediately notify the Oneida Business Committee.

(a) The Oneida Business Committee may close any Gaming Operation temporarily or permanently at any time with or without cause, at its sole discretion.

501.16. Games

501.16-1. Class II and Class III Games are hereby authorized by this Ordinance.

501.16-2. Gaming Procedures. - Games operated under this Ordinance must be consistent with the Compact and any amendments thereto and the Internal Control Standards and Rules of Play of the Gaming Operation.

501.16-3. Who May Not Play. -It is the policy of the ~~Tribe~~Nation that particular Gaming Employees, employees of the Commission, particular governmental officials, and consultants who directly advise the Commission or employees at Gaming Facilities regarding gaming related activities may not participate in Gaming Activities conducted at Gaming Operations.

(a) At a minimum, members of the Oneida Business Committee, the Commission, the ~~gaming general manager~~Gaming General Manager, assistant gaming general managers, directors of individual Games and assistant directors of individual Games may not participate in any Gaming Activity within the Reservation.

~~(a-b)~~ The Oneida Business Committee may identify by resolution additional positions restrictions on Gaming Activity conducted at Gaming Facilities. ~~Such resolution must be on file with the Commission.~~

~~(b)~~ (1) Such resolution must be on file with the Commission.

(c) The Commission and Senior Gaming Management shall each develop and maintain their own standard operating procedure identifying other positions and any applicable restrictions on Gaming Activity conducted at Gaming Facilities.

(1) The standard operating procedure and the list of positions must be on file with the Commission.

501.17. Allocation of Gaming Funds

501.17-1. Net Gaming revenues may only be used for the following purposes:

(a) To fund ~~Tribal~~ government operations, programs, or services ~~of the Nation;~~

(b) To provide for the general welfare of the ~~Tribe~~Nation and its members; provided, that per capita payments may only be made pursuant to an approved revenue allocation plan;

(c) To promote ~~Tribal~~ economic development ~~of the Nation;~~

- (d) ~~__~~ To contribute to charitable organizations~~;~~
 (e) ~~__~~ To assist in funding operations of other local governments~~;~~
 (f) ~~__~~ To fund programs designed to provide education, referrals, and treatment of Gaming addiction disorders~~;~~ and
 (g) ~~Any~~ For any other purpose as determined by the Oneida General Tribal Council or the Oneida Business Committee which is not inconsistent with the Oneida Nation Constitution ~~of the Tribe~~ and IGRA.

501.18. Audits

501.18-1. Annual Audit. - An annual audit of each Gaming Operation must be conducted by an independent, certified public accounting firm according to generally accepted accounting principles. ~~Copies of the annual audit must be provided to the Oneida Business Committee, the Oneida Audit Committee, the Commission, and the NIGC by said certified public accounting firm.~~

~~(a)~~ (a) Copies of the annual audit must be provided to the Oneida Business Committee, the Nation's Audit Committee, the Commission, and the NIGC by said certified public accounting firm.

(b) All contracts for supplies, services, or concessions for the Gaming Operations in excess of twenty-five thousand dollars (\$25,000.00) are subject to audit as prescribed in this section. ~~Contracts for legal services and accounting services are exempt from this requirement of the Ordinance.~~

(1) Contracts for legal services and accounting services are exempt from this requirement.

501.18-2. Other Audits. -All audits, other than the annual audit under section 501.18-1 of this Ordinance, must be conducted pursuant to the Oneida Nation's Internal Audit Law or any other applicable law of the TribeNation, and other audits authorized under the Compact.

501.18-3. Request for Audits. -Any audit, except the annual audit ~~which that~~ is mandated by IGRA, may be authorized at any time by the Oneida General Tribal Council, the Oneida Business Committee or the Oneida Nation's Audit Committee.

501.19. Enforcement and Penalties

501.19-1. No individual or entity may own or operate a Gaming Facility unless specifically authorized to do so pursuant to this Ordinance.

501.19-2. Violations/Prosecutions. -Violators of this Ordinance may be subject to disciplinary action ~~and, as well as~~ civil and/or criminal prosecutions.

501.19-3. Remedies. - The Oneida Business Committee may authorize commencement of an action in any court of competent jurisdiction to recover losses, restitution, and forfeitures resulting from violations of this Ordinance.

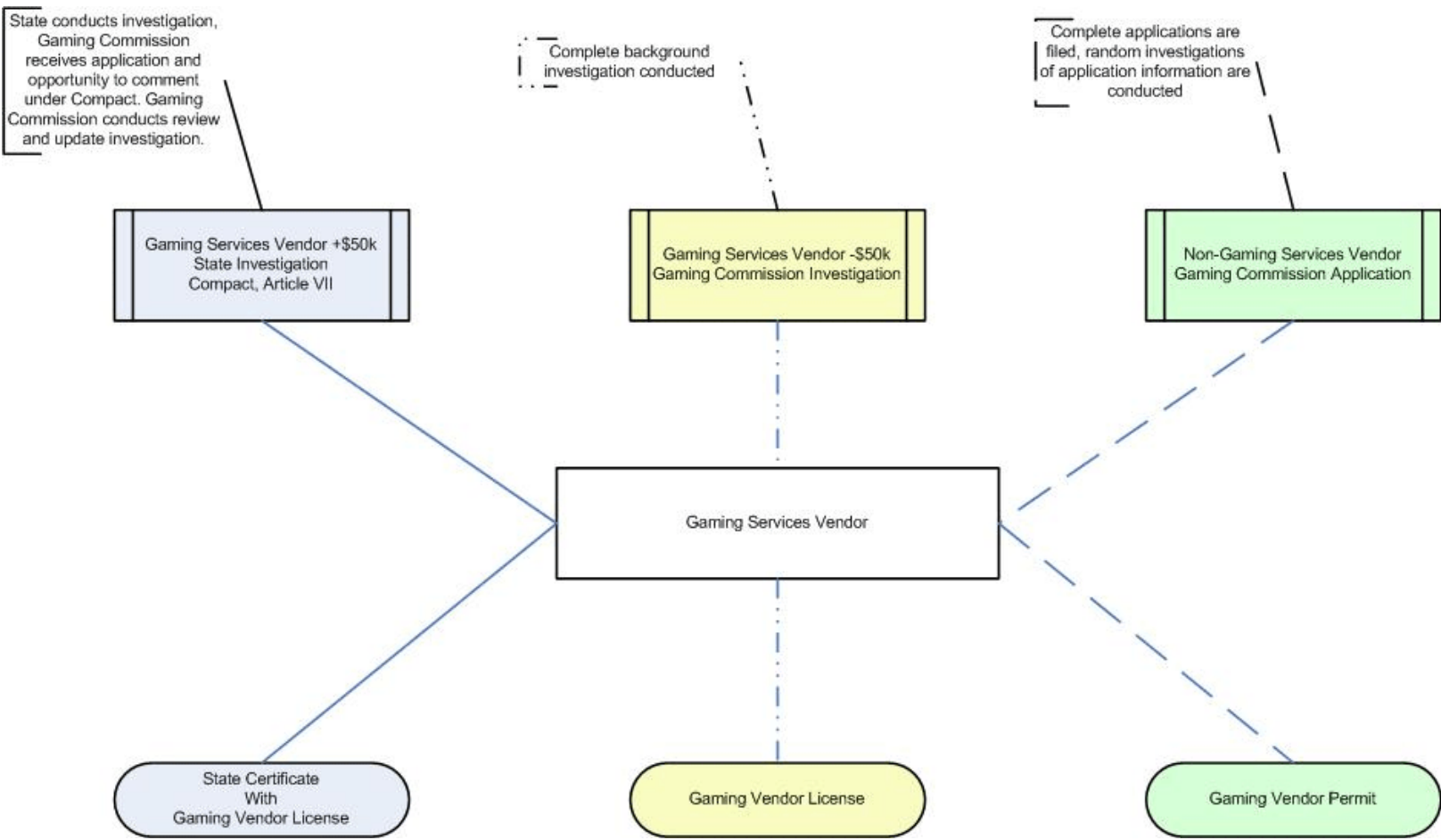
End.

Adopted	GTC-7-05-04-A
Emergency Amended	BC-7-14-04-A
Amendment	BC-10-06-04-D
Emergency Amended	BC-11-03-04-A
Permanent Adoption	BC-3-23-05-C
Amended	BC-9-23-09-D
Amended	BC-06-25-14-C (effective 11 01 2014)
Emergency Amended	BC-10-08-14-C (effective 11 01 2014)

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1227 Amended BC-09-09-15-A (effective 09 09 2015)
1228 Emergency Amended BC- - - -

Appendix 1. Vendor License/Permit



Title 5. Business - Chapter 501**Thatiwi·ʔStunya·tha Olihwa·ke***Matters of interest to where they make the money***ONEIDA NATION GAMING ORDINANCE**

501.1. Purpose and Policy	501.11. Licenses, Generally
501.2. Adoption, Amendment, Repeal	501.12. Gaming Employee License
501.3. Definitions	501.13. Gaming Services Licensing and Non-Gaming Services Permitting
501.4. Jurisdiction	501.14. Gaming Facility License
501.5. Oneida Business Committee: Powers and Duties	501.15. Gaming Operator License
501.6. Oneida Gaming Commission	501.16. Games
501.7. Gaming Surveillance: Powers, Duties and Limitations	501.17. Allocation of Gaming Funds
501.8. [Reserved for future use.]	501.18. Audits
501.9. Gaming Security Department	501.19. Enforcement and Penalties
501.10. Background Investigations	

501.1. Purpose and Policy

501.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Nation regarding all Gaming Activities conducted within the jurisdiction set forth in this Ordinance. It is intended to govern the Gaming Activities of all persons, Gaming Employees, consultants, business entities, vendors, boards, committees, commissions and hearing bodies. This Ordinance does not authorize the operation of Gaming by a private person or private entity for gain. This Ordinance shall govern all Gaming Activities occurring on lands under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in Gaming Activities, including those providing goods or services to any person or entity engaged in Gaming Activities.

501.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Nation is the primary beneficiary of its Gaming Operations and has the sole proprietary interest; that Gaming Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly; and that all internal departments, enterprises, officials and employees of the Nation work cooperatively to advance the best interests of the Nation, to protect its gaming resources, to protect the integrity of all Gaming Activities operated under the jurisdiction set forth in this Ordinance, and to ensure fairness of all games offered to the Nation's gaming patrons.

501.2. Adoption, Amendment, Repeal

501.2-1. This Ordinance was adopted by the Oneida General Tribal Council by resolution GTC-07-05-04-A; amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-B and BC-09-09-15-A; and emergency amended by resolution BC-__-__-__-__.

501.2-2. This Ordinance may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

501.2-3. Should a provision of this Ordinance or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Ordinance which are considered to have legal force without the invalid portions.

501.2-4. In the event of a conflict between a provision of this Ordinance and a provision of another law, the provisions of this Ordinance shall control; provided, that this Ordinance repeals the following:

- (a) BC-04-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo standards);

- (c) GTC-07-06-92-A (Amendments to Gaming SOP Manual);
- (d) GTC-07-06-92-B (Adoption of the Comprehensive Gaming Ordinance);
- (e) BC-03-16-94-A (Comprehensive Gaming Ordinance Interpretation); and
- (f) BC-04-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

501.2-5. This Ordinance is adopted under authority of the Constitution of the Oneida Nation.

501.2-6. *Preemptive Authority.* The Oneida Gaming Commission shall be the original hearing body authorized to hear licensing decisions as set forth in this Ordinance.

501.3. Definitions

501.3-1. This section shall govern the definitions of words and phrases used within this Ordinance. Words and phrases capitalized throughout this document refer to the defined words and phrases in this section. All words or phrases not defined herein shall be used in their ordinary and everyday sense.

(a) “Applicant” means any person or entity who has applied for a License from the Oneida Gaming Commission or the Oneida Business Committee.

(b) “Background Investigation” means a standard and thorough investigation conducted by the Nation in compliance with this Ordinance, Commission regulations, Oneida Gaming Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in cooperation with federal, state, or Tribal law enforcement agencies.

(c) “Class I Gaming” means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

(d) “Class II Gaming” means:

(1) The game of chance commonly known as bingo (whether or not electronic, computer or other technological aids are used in connection therewith) in which:

(A) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations.

(B) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.

(C) The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

(2) Card games that:

(A) Are explicitly authorized by the laws of the State; or

(B) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

(e) “Class III Gaming” means all forms of Gaming that are not Class I or Class II Gaming.

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- (f) “Commission” means the Oneida Gaming Commission as established by this Ordinance.
- (g) “Commissioner” means a duly elected member of the Oneida Gaming Commission.
- (h) “Compact” means the 1991 Tribe-State Gaming Compact between the Nation and the State of Wisconsin, as amended and including any future amendments or successor compact entered into by the Nation and the State of Wisconsin and approved by the Secretary of the United States Department of Interior.
- (i) “Compliance Certificate” means a certificate issued by an agency with the authority and responsibility to enforce applicable environmental, health or safety standards, which states that a Gaming Facility complies with these standards.
- (j) “Environmental Assessment” means a document prepared and issued in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 *et seq.*, and all related federal regulations.
- (k) “Fraud” means any act of trickery or deceit used to or intended to gain control or possession of the property of another.
- (l) “Games, Gaming or Gaming Activity” means all forms of any activity, operation, or game of chance that is considered Class II or Class III Gaming, provided that this definition does not include Class I Gaming.
- (m) “Gaming Employee” means any person employed by a Gaming Operation.
- (n) “Gaming Facility or Gaming Facilities” means any location or structure, stationary or movable, wherein Gaming is permitted, performed, conducted or operated. Gaming Facility or Gaming Facilities does not include the site of a fair, carnival, exposition or similar occasion.
- (o) “Gaming Operation” means the conduct of Gaming Activities and related business activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.
- (p) “Gaming Operator” means the Nation, an enterprise owned by the Nation, or such other entity of the Nation as the Nation may from time-to-time designate as the wholly-owned entity having full authority and responsibility for the operation and management of Gaming Operations.
- (q) “Gaming Services” means the provision of any goods and services, except legal services and accounting services, to a Gaming Operation, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services.
- (r) “Indian Gaming Regulatory Act or IGRA” means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. sec. 2701, *et seq.*, as amended.
- (s) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.
- (t) “License” means a certificate or other document that represents the grant of a revocable authorization to conduct the licensed activity. A License must be supported by a physical document, badge, certification or other physical manifestation of the issuance of the revocable authorization to conduct the licensed activity.
- (u) “Licensee” means a person or entity issued a valid License.
- (v) “Nation” means the Oneida Nation.
- (w) “NIGC” means the National Indian Gaming Commission.

(x) “Oneida Business Committee” means the elected governing body of the Nation that exercises the authority delegated it by the Oneida General Tribal Council under Article IV of the Constitution and By-laws of the Oneida Nation, as may be amended from time-to-time hereafter.

(y) “Oneida General Tribal Council” means the Nation’s governing body, as established by the Constitution and By-laws of the Oneida Nation and as may be amended from time-to-time hereafter.

(z) “Ordinance or ONGO” means the Oneida Nation Gaming Ordinance, as may be amended from time-to-time hereafter.

(aa) “Regulatory Incident” means the occurrence of any event giving rise to a potential or alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person or Licensee on the premises of a Gaming Facility.

(bb) “Remediation” means efforts taken to reduce the source and migration of environmental contaminants at a site.

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

(dd) “Senior Gaming Management” means the gaming general manager, assistant gaming general managers, gaming directors and assistant gaming directors.

(ee) “State” means the State of Wisconsin, along with its authorized officials, agents and representatives.

(ff) “Tribal Fee Land” means all land to which the Nation holds title in fee simple.

(gg) “Tribal Trust Land” means all land to which the United States holds title for the benefit of the Nation pursuant to federal law.

501.4. Jurisdiction

501.4-1. *Territorial Jurisdiction.* This Ordinance extends to all land within the exterior boundaries of the Reservation.

501.4-2. *Subject Matter Jurisdiction.* This Ordinance applies to all Gaming conducted within the territorial jurisdiction of the Nation as set forth in section 501.4-1.

501.4-3. *Personal Jurisdiction.* This Ordinance governs:

(a) The Nation;

(b) Members of the Nation; and

(c) Individuals and businesses leasing, occupying, or otherwise using Tribal Fee Land on the Reservation and all Tribal Trust Land.

501.5. Oneida Business Committee: Powers and Duties

501.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or compacts with the State under the Indian Gaming Regulatory Act.

501.5-2. The Oneida Business Committee retains the power and duty to enter into agreements with local governments and other Tribal governments for services or cooperative ventures for the Gaming Operations.

501.5-3. The Oneida Business Committee has the exclusive power and duty to enter into contracts and agreements affecting the assets of the Nation, except for those assets that were placed under the responsibility of the Oneida Land Commission under Chapter 67 of the Real Property law.

501.5-4. The Oneida Business Committee delegates to the Commission, in section 501.6-14 of this Ordinance, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and the enforcement of laws and regulations.

501.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all funds generated by the Gaming Operations and all other authorities and responsibilities not delegated by a specific provision of this Ordinance.

501.5-6. The Chairperson of the Nation must be the designated and registered agent to receive notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming Regulatory Act and the Compact.

501.6. Oneida Gaming Commission

501.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the Oneida Gaming Commission for the purpose of regulating all Gaming Activities. The Commission is an elected body comprised of four (4) members, provided that, the Oneida Business Committee may, upon request of the Commission, increase the number of Commissioners by resolution without requiring amendment of this Ordinance.

501.6-2. *Location and Place of Business.* The Commission shall maintain its offices and principal place of business within the Reservation.

501.6-3. *Duration and Attributes.* The Commission will have perpetual existence and succession in its own name, unless dissolved by a law of the Nation. Operations of the Commission must be conducted on behalf of the Nation for the sole benefit of the Nation and its members. The Nation reserves unto itself the right to bring suit against any person or entity in its own right, on behalf of the Nation, or on behalf of the Commission, whenever the Nation considers it necessary to protect the sovereignty, rights, and interests of the Nation or the Commission.

501.6-4. *Sovereign Immunity of the Nation.* All inherent sovereign rights of the Nation with respect to the existence and activities of the Commission are hereby expressly reserved.

(a) The Nation confers upon the Commission sovereign immunity from suit as set forth in the Nation's Sovereign Immunity law.

(b) Nothing in this Ordinance nor any action of the Commission may be construed to be:

(1) A waiver of the sovereign immunity of the Commission or the Nation;

(2) Consent by the Commission or the Nation to the jurisdiction of the Judiciary, the United States, a state or any other tribe; or

(3) Consent by the Nation to any suit, cause of action, case or controversy; or the levy of any judgment, lien, or attachment upon any property of the Commission or the Nation.

501.6-5. *Requirements of Commission Membership.*

(a) *Qualifications.* Candidates for election or appointment to the Commission must be at least twenty-one (21) years of age on the day of the election or on the day of appointment.

(1) Candidates for election to the Commission shall further meet the following qualifications within five (5) business days after a caucus for elected positions on the Commission. Candidates for appointment to the Commission shall meet the following qualifications on the day of appointment to a vacancy on the Commission under section 501.6-13 of this Ordinance:

(A) Be an enrolled member of the Nation;

(B) Have a minimum of three (3) years of education experience,

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219 employment experience and/or regulatory experience in Gaming
220 Operations related to Gaming Activity, Gaming law, Gaming control or
221 regulation, or Gaming accounting or of any combination of the foregoing;
222 and

223 (C) Meet all other qualifications set forth in this Ordinance.

224 (b) *Conflict of Interest.* No person may be considered for election or appointment as a
225 Commissioner until the candidate has disclosed all conflicts of interest as defined in the
226 Nation's Conflict of Interest law.

227 (c) *Background Investigation.* No person may be considered for election or appointment
228 as a Commissioner until a preliminary Background Investigation has been completed and
229 the person has been found to meet all qualifications.

230 (1) Swearing into office is subject to a Background Investigation regarding the
231 qualifications set forth in sections 501.6-5 and 501.6-6 upon being elected or
232 appointed to office.

233 501.6-6. Unless pardoned for activities under subsections (a) and/or (d) by the Nation, or
234 pardoned for an activity under subsections (a) and/or (d) by another Federally-recognized Indian
235 Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or
236 pardoned for an activity under subsections (a) and/or (d) by the State or Federal government, no
237 individual may be eligible for election or appointment to, or to continue to serve on, the
238 Commission, who:

239 (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the
240 following:¹

241 (1) Any gambling-related offense;

242 (2) Any offense involving Fraud or misrepresentation;

243 (3) Any offense involving a violation of any provision of Chapters 562 or 565 of
244 the Wisconsin Statutes, any rule promulgated by the State of Wisconsin Department
245 of Administration, Division of Gaming or any rule promulgated by the Wisconsin
246 Racing Board;

247 (4) A felony not addressed in paragraphs 1, 2 or 3 during the immediately
248 preceding ten (10) years; or

249 (5) Any offense involving the violation of any provision of the Nation's law
250 regulating the conduct of Gaming Activities, or any rule or regulation promulgated
251 pursuant thereto.

252 (b) Has been determined by the Nation to be a person whose prior activities, criminal
253 record, if any, or reputation, habits, and associations pose a threat to the public interest or
254 to the effective regulation and control of Gaming, or create or enhance the dangers of
255 unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming or
256 the carrying on of the business and financial arrangements incidental thereto;

257 (c) Possesses a financial interest in or management responsibility for any Gaming
258 Activity or Gaming Services vendor;

259 (d) Has been convicted of a crime involving theft, Fraud, or conversion against the
260 Nation;

261 (e) Has been removed from any office pursuant to the Nation's Removal Law within the

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

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262 past five (5) years; or

263 (f) Is a sitting Commissioner whose term is not concluded at the time of that election or
264 appointment action.

265 501.6-7. *Term of Office.* Commissioners shall serve five (5) year terms and shall serve until a
266 successor takes the oath of office.

267 (a) Terms of office must be staggered.

268 501.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special
269 Oneida Business Committee meeting prior to assuming office.

270 (a) Upon being administered the oath of office, a Commissioner shall assume the duties
271 of office and must be issued a security card setting forth his or her title and term of office.

272 501.6-9. *Full-Time Status.* Each Commissioner shall perform his or her duties and
273 responsibilities on a full-time basis and shall devote his or her entire work and professional time,
274 attention and energies to Commission business.

275 (a) No Commissioner shall, during his or her tenure in office, be engaged in any other
276 profession or business activity that may impede his or her ability to perform duties on
277 behalf of the Commission or that competes with the Nation's interests.

278 (b) The Commission shall identify the appropriate work schedule for its members.

279 501.6-10. *Bylaws.* The Commission shall adopt bylaws subject to review and approval by the
280 Oneida Business Committee.

281 501.6-11. *Budget and Compensation.* The Commission shall function pursuant to an annual
282 budget.

283 (a) The Oneida Business Committee shall submit the operating budget of the
284 Commission for approval in the same fashion as all other budgets of the Nation.

285 (b) Compensation of Commissioners is not subject to the Nation's Boards, Committees
286 and Commissions law, but must be established by the Commission in a manner consistent
287 with the Commission's internal rules and bylaws.

288 (1) The Commission shall adopt internal rules consistent with the Nation's
289 existing accounting practices to verify its budgetary expenditures.

290 501.6-12. *Removal.* Removal of Commissioners must be pursuant to the Nation's Removal Law.

291 501.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, must be filled
292 by appointment by the Oneida Business Committee, of a person qualified under sections 501.6-5
293 and 501.6-6 of this Ordinance, in accordance with the Nation's Boards, Committees and
294 Commissions law.

295 501.6-14. *Authority and Responsibilities.* Subject to any restrictions contained in this Ordinance
296 or other applicable law, the Commission is vested with powers including, but not limited to, the
297 following:

298 (a) To exercise all power and authority necessary to effectuate the gaming regulatory
299 purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the
300 Compact.

301 (1) Unless otherwise indicated in this Ordinance, Commission regulation, or
302 authorized by majority vote of the Commission, no Commissioner may act
303 independently of the Commission. Any such action may constitute grounds for
304 removal.

305 (b) To promote and ensure the integrity, security, honesty and fairness of the regulation
306 and administration of Gaming.

307 (c) Subject to review and adoption by the Oneida Business Committee, to draft and

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308 approve regulations pursuant to this Ordinance for the regulation of all Gaming Activity,
309 including processes for the enforcement of such regulations consistent with the laws of the
310 Nation.

311 (d) To draft and approve the Rules of Play and Oneida Gaming Minimum Internal
312 Controls; provided, the Rules of Play and Oneida Gaming Minimum Internal Controls
313 require review and comment by Senior Gaming Management prior to approval by the
314 Commission and are subject to review by the Oneida Business Committee.

315 (1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum
316 standards with which the Gaming Operations are required to comply and are
317 audited against.

318 (2) Comments received from Senior Gaming Management must be included in
319 any submission to the Oneida Business Committee.

320 (3) Rules of Play and Oneida Gaming Minimum Internal Controls are effective
321 upon adoption by the Commission.

322 (4) The Commission shall provide notice of adoption of the Rules of Play and/or
323 Oneida Gaming Minimum Internal Controls to the Oneida Business Committee at
324 the next available regularly scheduled Oneida Business Committee meeting
325 following such adoption.

326 (A) If the Oneida Business Committee has any concerns and/or requested
327 revisions upon review of the Rules of Play and Oneida Gaming Minimum
328 Internal Controls, the Commission shall work with the Oneida Business
329 Committee to address such concerns and/or requested revisions.

330 (i) Unless the Oneida Business Committee repeals the Rules of
331 Play and/or the Oneida Gaming Minimum Internal Controls adopted
332 by the Commission, they will remain in effect while the
333 Commission and the Oneida Business Committee jointly work to
334 amend the Rules of Play and/or the Oneida Gaming Minimum
335 Internal Controls adopted by the Commission.

336 (ii) Should the Oneida Business Committee repeal the Rules of
337 Play and/or the Oneida Gaming Minimum Internal Controls adopted
338 by the Commission, the Rules of Play and/or the Oneida Gaming
339 Minimum Internal Controls that were in effect immediately previous
340 to those repealed will be automatically reinstated and effective
341 immediately upon the repeal of the Rules of Play and/or the Oneida
342 Gaming Minimum Internal Controls adopted by the Commission.

343 (B) If the Commission does not receive written notice from the Oneida
344 Business Committee of intent to repeal or amend the Rules of Play and/or
345 the Oneida Gaming Minimum Internal Controls within thirty (30) days of
346 the date the Oneida Business Committee is provided notice of the Rules of
347 Play and/or the Oneida Gaming Minimum Internal Controls adopted by the
348 Commission, they will remain in effect as adopted by the Commission.

349 (C) Should the Oneida Business Committee pursue amendments to the
350 Rules of Play and/or the Oneida Gaming Minimum Internal Controls
351 adopted by the Commission, the amendments must be completed through
352 one (1) of the following actions within six (6) months from the date the
353 amendments are initiated by the Oneida Business Committee:

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(i) if the Commission and the Oneida Business Committee reach an agreement as to the content of the amendments, the Commission must adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that have been discussed with and agreed upon by the Oneida Business Committee; or

(ii) if the Commission and the Oneida Business Committee do not reach an agreement as to the content of the amendments, the Oneida Business Committee may adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that incorporate the amendments it deems necessary.

(D) If revised Rules of Play and/or Oneida Gaming Minimum Internal Controls are not adopted by either the Commission or the Oneida Business Committee within six (6) months from the date the amendments are initiated by the Oneida Business Committee, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls originally adopted by the Commission will remain in effect.

(e) To prepare proposals, including budgetary and monetary proposals, which might enable the Nation to carry out the purpose and intent of this Ordinance, and to submit the same for consideration by the Oneida Business Committee; provided, however, that no such proposal shall have any force or effect unless it is approved by the Oneida Business Committee.

(f) To monitor and enforce all laws and regulations governing the operation and conduct of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this Ordinance and/or regulations setting forth hearing or enforcement processes.

(g) To monitor and investigate all Gaming Operators for compliance with internal audits, and external audits.

(h) To inspect, examine, and photocopy all papers, books, and records of Gaming Activities and any other matters necessary to carry out the duties pursuant hereto; provided, that all photocopies of documents must be maintained in a confidential manner or in the same manner as the original.

(i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming Employees, Gaming Services vendors, and Gaming Operators.

(j) To conduct hearings relating to Licenses issued under this Ordinance by the Commission.

(k) To review all vendors doing business with the Gaming Operator to verify that such persons or entities hold a valid License, where required, to do business with a Gaming Operator.

(l) To retain professional advisors such as attorneys, law enforcement specialists, and Gaming professionals consistent with the Nation's laws and practices.

(m) To arbitrate, negotiate, or settle any dispute to which it is a party, and which relates to its authorized activities.

(n) To act as the designated agent to receive all regulatory notices not included in section 501.5-6 of this Ordinance.

(o) To investigate all Regulatory Incidents.

(p) To issue warnings or notices of violation, in accordance with regulations, to Gaming Operators and Licensees for non-compliance with the Compact, Oneida Gaming Minimum

Internal Controls, Rules of Play, IGRA, or this Ordinance.

(q) To make determinations regarding suitability for licensing.

(r) To establish an administrative structure by regulation to carry out its authority and responsibilities.

(s) To establish, where needed, additional processes for conducting licensing hearings by regulation.

(t) To establish and collect fees for processing License applications by regulation.

(u) To establish and impose a point system for findings of regulatory violations by any Gaming Employee by regulation.

(v) To establish and impose a fine system for findings of regulatory violations by any Gaming Services vendor or permittee by regulation.

(w) To approve procedures that provide for the fair and impartial resolution of patron complaints.

501.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting requirements:

(a) A true, complete and accurate record of all proceedings of the Commission must be kept and maintained;

(b) Complete and accurate minutes of all Commission meetings must be filed with the Secretary of the Oneida Business Committee within thirty (30) days of their approval by the Commission;

(c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the Commission's activities, including information regarding funding, income and expenses and any other matters to which the parties may agree, must be submitted to the Oneida Business Committee.

501.6-16. *Oneida Gaming Commission Personnel.* The Commission shall hire an Executive Director who is responsible for hiring and managing the personnel of the Commission.

(a) The Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its responsibilities under this Ordinance, the IGRA, the Compact and all governing regulations, including the Oneida Gaming Minimum Internal Controls.

(b) The Executive Director and personnel of the Commission must be hired through the Nation's regular personnel procedure and are subject to its personnel policies and salary schedules.

(1) The Executive Director and personnel shall meet the requirements set forth in section 501.12-3 of this Ordinance at hiring and during employment.

501.7. Gaming Surveillance: Powers, Duties and Limitations

501.7-1. *Purpose.* The purpose of Gaming Surveillance is to observe and report Regulatory Incidents to the Commission and Gaming General Manager to provide for the regulation, operation, and compliance of Gaming Activities under this Ordinance.

(a) Gaming Surveillance is a department within the Commission's administrative structure and supervision must be identified within the organizational chart adopted by the Commission; provided, nothing in the designation of supervisory responsibility may be deemed to prohibit the responsibility of Gaming Surveillance to provide information and/or video and/or audio records to the parties identified in section 501.7-3 of this Ordinance.

501.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities including, but not limited to, equipment and maintenance of equipment, observation and reporting

of all persons to include Gaming Employees, customers, consultants, and Gaming Services vendors.

501.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission, or Gaming Security a copy of any time-recorded video and accompanying audio (if available) within twenty-four (24) hours of request.

501.7-4. Gaming Surveillance shall:

(a) Develop, implement and maintain written policies and procedures for the conduct and integrity of the Surveillance Department.

(b) Develop, implement and maintain additional procedures governing the use and release of the surveillance recordings or reports.

(c) Work cooperatively with the Gaming Security Department to carry out its official duties and to coordinate its activities in order to effectuate the protection of patrons and the assets of the Gaming Operation.

(d) Develop, implement and maintain written policies and procedures for implementation of duties and responsibilities identified with the Oneida Gaming Minimum Internal Controls, subject to approval by the Commission.

501.8. [Reserved for future use.]

501.9. Gaming Security Department

501.9-1. *Purpose.* The purpose of the Gaming Security Department is to protect Gaming assets, patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which could injure or jeopardize Gaming assets, patrons and Gaming Employees.

(a) The Oneida Business Committee shall be responsible for the supervision, as well as oversight, of the Gaming Security Department and the Gaming Security Department shall report directly to the Oneida Business Committee per the process and schedule set by the Oneida Business Committee; provided, all reports of the Gaming Security Department must be copied to the Commission.

501.9-2. *Reporting.* The Internal Security Director, Gaming General Manager and Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, describing their responsibilities and reporting requirements under this Ordinance.

(a) When investigations involve or uncover a possible criminal or quasi-criminal activity, the Gaming Security Department shall report the activity to the Oneida Police Department for further review and investigation by the Oneida Police Department under its separate departmental authority.

501.9-3. The Gaming Security Department shall:

(a) Develop, implement and maintain written policies and procedures for the conduct and integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal Controls and subject to approval by the Commission.

(b) Develop, implement and maintain additional procedures governing the use and release of the investigation reports.

(c) Work cooperatively with Gaming Surveillance to carry out its official duties and to coordinate activities between the departments.

501.9-4. *Investigations.* This section is intended to authorize report gathering, information gathering, and preliminary review, to be conducted by the Gaming Security Department.

501.10. Background Investigations

501.10-1. The Human Resources Department and the Commission shall enter into an agreement, subject to ratification by the Oneida Business Committee, for carrying out Background Investigations for employees as required under this Ordinance.

501.10-2. Background Investigations must be conducted on all persons or entities as specified under this Ordinance.

(a) All Background Investigations must be conducted to ensure that the Nation in its Gaming Operations may not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods in the conduct of such Gaming.

(1) The identity of any person interviewed in order to conduct a Background Investigation must be confidential.

501.11. Licenses, Generally

501.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing of all applications for a License.

(a) All Gaming Employees, Gaming Services vendors and Gaming Operators shall apply for a License from the Commission prior to their participation in any Gaming Activity.

(b) All Gaming Facilities must be licensed by the Oneida Business Committee.

501.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed application for a License and completion of a preliminary Background Investigation, may receive a temporary license for a ninety (90) day period, unless a Background Investigation of the application demonstrates grounds to disqualify the Applicant.

(a) A temporary license permits the Licensee to engage in such activities pursuant to any terms and conditions imposed and specified by the Commission.

(b) A temporary license is valid until either replaced by a License, the ninety (90) day temporary license period has concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

501.11-3. *Revocable.* A License is revocable only in accordance with the procedures set forth in this Ordinance.

(a) A Licensee has only those rights and protections regarding a License granted in this Ordinance.

501.11-4. All Applicants:

(a) Consent to the release of any information relevant to the Applicant's Background Investigation by any person or entity in possession of such information.

(b) Consent to the jurisdiction of the Nation and are subject to all applicable Oneida, Federal, and State laws, regulations and/or policies.

501.11-5. All Licensees are subject to ongoing review at least every two (2) years by the Commission.

501.11-6. *Status of Licenses.* The Commission shall notify the Gaming Operation of the status of all Licenses, whether temporary or permanent, including all Commission action to revoke, suspend or condition a License.

501.11-7. *Commission Licensing Actions.* The Commission may grant, deny, revoke, condition, suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this Ordinance.

(a) Authority to place conditions on a License may be exercised only upon promulgation of regulations.

501.11-8. *Noncompliance*. The Commission may issue a notice of noncompliance when the Commission has developed regulations that identify procedures that notices of noncompliance may be issued to Licensees and permittees which provide an opportunity to correct actions.

(a) Such regulations must include procedures for appeal of such notices and may include the ability to issue fines not to exceed one thousand dollars (\$1000.00) per violation for Gaming Services vendors and permittees.

501.12. Gaming Employee License

501.12-1. *Scope of Section*. This section applies only to Gaming Employee Licenses and licensing actions.

501.12-2. *License Application*. Every Applicant for a License shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified, which must certify:

(a) Applicant's full name and all other names used (oral or written), Social Security Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or written).

(b) Currently, and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license number(s).

(c) The names and current addresses, of at least three (3) personal references, including one (1) personal reference who was acquainted with the Applicant during each period of residence listed in subsection (b) above.

(d) Current business and residence telephone numbers.

(e) A description of any existing and previous business relationships with Indian Tribes, including ownership interest in those businesses.

(f) A description of any existing and previous business relationship with the Gaming industry generally, including ownership interest in those businesses.

(g) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted.

(h) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted.

(i) For each felony conviction or ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition, if any.

(j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for which jail time is not part of the potential sentence) within ten (10) years of the date of the application, the name and address of the court involved, and the date and disposition.

(k) For each criminal charge (excluding charges for which jail time is not part of the potential sentence) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (i) or (j) of this section, the criminal charge, the name and address of the court involved and the date and disposition.

(l) A photograph.

(m) Fingerprints consistent with procedures adopted by the Commission which meet the criteria set forth in 25 C.F.R. section 522.2(h).

(1) The Commission is the agency that takes the fingerprints.

(n) Any other information the Commission deems relevant for a Gaming Employee License.

(o) A statement that each Applicant has read and understands notices and the NIGC requirements relating to:

(1) The Privacy Act of 1974;

(2) Fraud and False Statements Act; and

(3) Fair Credit Reporting Act.

501.12-3. *License Qualifications.* No License may be granted if the Applicant:

(a) Is under the age of eighteen (18).

(b) Unless pardoned for activities under this subsection by the Nation, or pardoned for activities under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for activities under this subsection by the state or Federal government, has been convicted of, or entered a plea of guilty or no contest to, any of the following:

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of Chapters 562 or 565 of the Wisconsin Statutes, any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming, or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of the Nation's law that regulates the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

(c) Is determined to be a person whose prior activities, criminal record, reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of Gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the operation of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

(d) Possesses a financial interest in or management responsibility for any Gaming Activity or Gaming Services vendor, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or the Nation's Conflict of Interest law.

(e) Each person licensed as a Gaming Employee has a continuing obligation to inform the Commission immediately upon the existence of any circumstance or the occurrence of any event which may disqualify him or her from being licensed as a Gaming Employee.

(1) Failure to report any such occurrence may result in suspension or revocation of the Gaming Employee's License.

501.12-4. *Initial Eligibility Determination.*

(a) Based on the results of the preliminary Background Investigation, the Commission shall make an initial determination regarding an Applicant's eligibility and either:

(1) Grant a temporary license, with or without conditions, to the Applicant; or

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- 630 (2) Deny the License application and provide notice to the Applicant that he or
631 she may request a hearing regarding the decision consistent with subsection (b)
632 below.
- 633 (b) If the Commission determines that an Applicant is ineligible for a License, the
634 Commission shall notify the Applicant.
- 635 (1) The Commission shall set forth regulations for an Applicant to review any
636 information discovered during the preliminary Background Investigation prior to
637 scheduling a hearing under section 501.12-10 of this Ordinance.
- 638 (2) The suspension or revocation hearing provisions set forth at section 501.12-9
639 of this Ordinance do not apply to Initial Eligibility Determinations.
- 640 501.12-5. *Eligibility Determination and Notification to NIGC.* When a Gaming Employee begins
641 employment at a Gaming Operation, the Commission shall:
- 642 (a) Require the Gaming Employee to submit a completed application for employment
643 that contains the notices and information listed in section 501.12-2 of this Ordinance;
- 644 (b) Review the Background Investigation of the Gaming Employee;
- 645 (1) Within sixty (60) days after a Gaming Employee begins employment at a
646 Gaming Facility under a temporary license, the Commission shall make an
647 eligibility determination regarding whether the Gaming Employee may receive a
648 License based upon the results of the Background Investigation.
- 649 (c) Create an investigative report based on each Background Investigation performed;
- 650 (1) The investigative report must include the steps in conducting the Background
651 Investigation, results obtained, conclusions reached and the basis for those
652 conclusions.
- 653 (d) Prior to issuing a License to a Gaming Employee and within sixty (60) days after the
654 Gaming Employee begins employment at a Gaming Facility, submit a notice of results of
655 the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual
656 Record System; and
- 657 (1) The notice of results must include the following, provided that any additional
658 or alternate information must be forwarded as directed in regulations or rules
659 adopted by the NIGC:
- 660 (A) The Gaming Employee's name, date of birth, and Social Security
661 Number;
- 662 (B) The date on which the Gaming Employee began employment;
- 663 (C) A summary of the information presented in the investigative report,
664 including:
- 665 (i) License(s) that have previously been denied;
- 666 (ii) Gaming licenses that have been revoked, even if subsequently
667 reinstated;
- 668 (iii) Every known criminal charge brought against the Gaming
669 Employee within the last ten (10) years of the date of the application;
670 and
- 671 (iv) Every felony of which the Gaming Employee has been
672 convicted or any ongoing prosecution.
- 673 (D) A copy of the eligibility determination made under section 501.12-5
674 (b) of this Ordinance.
- 675 (e) All applications, Background Investigations, investigative reports, suitability

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determinations, findings and decisions of the Commission must be retained in the Commission's files for a period of at least three (3) years from the date the Gaming Employee's employment is terminated.

501.12-6. *License Issuance.* The Commission may issue a License to a Gaming Employee at any time after providing the NIGC with a notice of results as required under section 501.12-5(d) of this Ordinance; however, a Gaming Employee who does not have a License ninety (90) days after the start of employment must have his or her employment terminated.

(a) The Commission shall notify the NIGC of the issuance or denial of a License to a Gaming Employee within thirty (30) days after the License is issued or denied.

(b) Any Gaming Employee License issued under this section is effective from the date of issuance and must contain the Gaming Employee's photograph, the Gaming Employee's name, and the date that the License became effective.

(1) If a Gaming Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming Employee shall notify in writing the Commission, and the Commission shall review the Gaming Employee's License.

(c) The Commission retains the right to grant, deny, revoke, condition, suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set forth in this Ordinance.

501.12-7. *Requirement to Wear License.* During working hours, all Licensees shall wear their License in a conspicuous place that is plainly visible by all employees, the Nation's Gaming patrons and surveillance.

501.12-8. *NIGC Review.*

(a) During a thirty (30) day period, beginning when the NIGC receives a notice of results submitted pursuant to section 501.12-5(d) above, the Chairman of the NIGC may request additional information from the Commission concerning the Gaming Employee.

(1) Such a request suspends the thirty (30) day period until the Chairman receives the additional information.

(b) If, within the thirty (30) day period after the NIGC receives the notice of results, the NIGC notifies the Commission that it has no objection to the issuance of a License, and the Commission has not yet issued a License to the Gaming Employee, the Commission may grant the License to the Gaming Employee.

(c) If, within the thirty (30) day period after the NIGC receives the notice of results, the NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC.

(1) The Commission shall make the final decision whether to issue a License to the Gaming Employee, or if the Gaming Employee has already been licensed, whether to suspend or revoke the License in accordance with section 501.12-9 of this Ordinance.

(d) Upon receipt of notification from the NIGC that a Gaming Employee who has already been licensed is not eligible for employment, the Commission shall immediately suspend the License in accordance with section 501.12-9 of this Ordinance.

501.12-9. *Suspension or Revocation of Licenses.* Except as provided in section 501.12-8(d) or 501.12-9(c) of this Ordinance, no License may be suspended or revoked except after notice and opportunity for hearing.

(a) *Basis for Licensing Action.* The Commission may suspend, condition, or revoke any

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License issued under this Ordinance if:

(1) After the issuance of a License, the Commission receives from the NIGC or other source reliable information indicating that a Gaming Employee is not eligible for a License under section 501.12-3 of this Ordinance; or such information would justify the denial of the renewal of any License, the Commission shall issue a written notice of suspension.

(2) The Commission issues a written notice of suspension demonstrating that the Licensee:

(A) Has knowingly made a materially false or misleading statement in any application for a License, in any amendment thereto, or in response to a request by the Commission for supplemental information or in connection with any investigation of the Commission;

(B) Has knowingly promoted, played, or participated in any Gaming Activity operated in violation of the Compact, Oneida or federal law, and this Ordinance;

(C) Has bribed, attempted to bribe, or has received a bribe from a Commissioner or any other person in an attempt to avoid or circumvent any applicable law;

(D) Has falsified any books or records relating to any transaction connected with the operation of a Gaming Activity;

(E) Has refused to comply with any lawful directive of the Nation, Federal government, or any court of competent jurisdiction; or

(F) Has been convicted of, or entered a plea of guilty or no contest to, a crime involving the sale of illegal narcotics or controlled substances.

(b) *Suspension Notice.* The Commission's notice of suspension must be in writing and must, at a minimum, notify the Licensee of the following:

(1) The Licensee's right to review a file prior to any hearing regarding the notice of suspension, and to make copies of any documents contained in that file;

(2) The Licensee's right to request a hearing on the proposed licensing action, to present documents and witness testimony at that hearing, and to be represented by counsel;

(3) The specific grounds upon which the proposed licensing action is based, including citations to relevant sections of this Ordinance, the IGRA and any applicable regulations and/or the Compact; and

(4) The time and place set by the Commission for the Licensee's hearing.

(c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest and effective regulation and control of Gaming Activities requires the immediate exclusion of a Licensee, the Commission may immediately suspend a License prior to the conduct of a hearing on the matter.

(1) Such an immediate suspension may take effect upon service of the notice of immediate suspension.

(d) Any notice of suspension or notice of immediate suspension must set forth the times and dates for when the Licensee may review his or her file and the date for a hearing on any proposed licensing action.

(e) Within fifteen (15) business days after a hearing, the Commission shall issue a final written licensing decision and decide whether to suspend, uphold an immediate suspension,

768 revoke, or take other action concerning a License.

769 (1) If the License was suspended, conditioned or revoked based on information
770 from the NIGC or other source under section 501.12-8(d) or 501.12-9(a)(1) of this
771 Ordinance, the Commission shall forward a copy of its decision to the NIGC within
772 forty-five (45) days of receiving the NIGC's or the other source's notification
773 indicating that a Gaming Employee is not eligible for a License.

774 (f) If a Licensee fails to appear for his or her hearing before the Commission, that right
775 is deemed to have been waived and the Commission will proceed on the proposed licensing
776 action by default.

777 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
778 processes set forth in the Nation's Administrative Procedures Act shall apply.

779 501.12-10. *Original Hearing Body.* Any person aggrieved by a licensing decision of the
780 Commission may appeal the decision by filing a request for an original hearing before the
781 Commission.

782 (a) The Licensee may file any such request with the Commission in writing on or before
783 the fifteenth (15th) day following receipt of the Commission's decision.

784 (b) The Commission shall certify the record, developed in accordance with section
785 501.12-4 or 501.12-9(a) of this Ordinance, within thirty (30) days of the date of the filing
786 of the request for an original hearing.

787 (c) Those Commissioners serving on the original hearing body may not include the
788 Commissioners who participated in the licensing decision from which the original hearing
789 is scheduled.

790 (d) The Commission may decide to review the decision solely on the licensing decision
791 record and briefs filed regarding the request for reconsideration.

792 (1) The Commission may also, in its sole discretion, grant oral arguments.

793 (e) The Commission shall issue a written decision determining whether to uphold the
794 Commission's licensing decision, including whether to revoke or reinstate a License,
795 within one hundred twenty (120) days from receipt of the request for the original hearing.

796 (1) The Commission's decision is considered an original hearing decision and an
797 appeal may be made to the Judiciary as an appeal of an original hearing body.

798 501.12-11. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a
799 License of the Gaming General Manager, the Commission shall provide notice to the Oneida
800 Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.

801 501.12-12. *Record of Proceedings.* The Commission shall maintain a complete and accurate
802 record of all licensure proceedings.

803 501.12-13. Revocation of a License is solely limited to the licensing matter. Employment related
804 processes resulting from revocation of a License are determined solely through the personnel
805 processes and procedures of the Nation and are not licensing matters governed by this Ordinance.

806
807 **501.13. Gaming Services Licensing and Non-Gaming Services Permitting**

808 501.13-1. *Scope of Section.* This section applies to all individuals and entities providing Gaming
809 Services.

810 (a) The requirements of this Section are in addition to, and do not alter or amend any

requirements imposed by the Nation's Vendor Licensing law.²

501.13-2. *Gaming Services License or Non-Gaming Services Permit Required.*

(a) *Gaming Services License.* Any Gaming Services vendor providing Gaming related contract goods or services as defined under Article VII(A) of the Compact to the Gaming Operation shall possess a valid Gaming Services License.

(b) *Non-Gaming Services Permit.* Any vendor providing non-gaming related goods or services to the Gaming Operation shall possess a valid Non-Gaming Services permit.

(c) Determinations regarding the issuance of a License or permit under this section must be made by the Commission which may be subject to requests for reconsideration by the Gaming Services vendor within fourteen (14) business days of receipt by the Gaming Services vendor of the notice of License or permit determination.

501.13-3. *Approved Gaming Services Vendor List.* The Commission shall maintain an updated and complete list of all Gaming Services vendors that possess current and valid Gaming Services Licenses or Non-Gaming Services permits from the Commission, which is known as the Approved License and Permit List.

(a) Gaming Operations may only do business with vendors that possess valid and current Gaming Services Licenses or Non-Gaming Services permits and who appear on the Approved License and Permit List.

501.13-4. *Gaming Services License/Permit Application.* Every Applicant for a License or permit shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified, which must provide and certify the following; provided, Non-Gaming Services vendors with less than two thousand five hundred dollars (\$2,500.00) in services for the prior fiscal year are only required to file a notice of doing business with the Commission:

(a) The Applicant's name and mailing address;

(b) The names and addresses of each officer or management official of the Applicant;

(c) A copy of the Applicant's articles of incorporation and bylaws, or if not a corporation, the Applicant's organizational documents;

(d) Identification of an agent of service for the Applicant;

(e) The name and address of each person having a direct or indirect financial interest in the Applicant;

(f) The nature of the License or permit applied for, describing the activity to be engaged in under the License or permit;

(g) Explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the United States, or any state, of the Applicant, any person involved in the organization, and any person of interest whose name appears or is required to appear on the application;

(h) Whether the Applicant is or has been licensed by the State of Wisconsin Office of Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;

(i) Whether the Applicant has been licensed in the State of New Jersey, Nevada or by any other gaming jurisdiction, including any Indian Tribe or Tribal governmental organization and, if so, proof of such licensure and the status of any such License;

(j) Whether the Applicant has been denied a License by any gaming jurisdiction and, if

² See also Appendix 1. Vendor Licensing/Permit.

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so, the identity of the jurisdiction, the date of such decision and the circumstances surrounding that decision;

(k) Whether any License held by the Applicant has been refused renewal, conditioned, suspended or revoked by an issuing authority and, if so, the circumstances surrounding that action;

(l) A statement of waiver allowing the Nation to conduct a Background Investigation of the Applicant and any person whose name appears or is required to appear on the application;

(m) Whether the Applicant or any person whose name appears or is required to appear on the application has or has had any business with the Nation or any business or personal relationship with any of the Nation's officers or employees;

(n) The name and contact information for all Tribes or Tribal organizations with whom the Applicant or any person whose name appears or is required to appear on the application has done business;

(o) Whether the Applicant or any person whose name appears or is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages;

(p) A statement that the Applicant has read and understands notices and the NIGC requirements relating to:

(1) The Privacy Act of 1974;

(2) False statements; and

(3) The Fair Credit Reporting Act.

(q) All additional information necessary to allow the Commission to investigate the Applicant and any person whose name appears or is required to appear on the application.

501.13-5. *Signature on Application.* Applications for Licenses or permits must be signed by the following person:

(a) For companies and corporations (both for profit and non-profit), the highest ranking official of the corporation or other person to whom the authority to execute the application has been properly delegated.

(b) For a sole proprietorship, the principal owner.

(c) For a partnership, all partners.

(d) For a limited partnership, the general partner or partners.

501.13-6. *Incomplete Applications.* Applications that do not contain all information requested, including proper signatures, will be considered incomplete.

(a) Incomplete applications will not be considered by the Commission.

(b) The Commission shall notify an Applicant if an application is incomplete and what additional information is necessary to complete the application.

(1) If an Applicant who has submitted an incomplete application, and been notified of the deficiency in that application, fails to provide the information requested by the Commission, the application will be returned to the Applicant and the file closed.

501.13-7. *Supplemental Information.* The Commission may, in its discretion, request supplemental information from the Applicant.

(a) Supplemental information requested by the Commission must be promptly submitted by the Applicant.

(1) An Applicant's failure or refusal to submit supplemental information

900 requested by the Commission may constitute grounds for the denial of the
901 application.

902 501.13-8. *Continuing Duty to Provide Information.* Applicants, permittees, and Licensees owe
903 a continuing duty to provide the Commission with information and materials relevant to the
904 Applicant's, permittee's, or Licensee's character or fitness to be licensed, including but not limited
905 to any change in the licensing or permitting status of the Applicant, permittee, or Licensee in any
906 foreign jurisdiction.

907 (a) An Applicant's, permittee's, or Licensee's failure to notify the Commission promptly
908 of inaccuracies on an application or new information or materials relevant to him or her
909 may constitute grounds to deny, suspend or revoke a License or permit.

910 501.13-9. *Background Investigations.* Background Investigations for Gaming Services vendors
911 must be conducted as follows:

912 (a) *Gaming Related Equipment Gaming Services Vendors under Fifty Thousand Dollars*
913 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall conduct the
914 Background Investigations that are sufficient to determine the eligibility for licensing of
915 all Gaming Services vendors that provide or anticipate providing under fifty thousand
916 dollars (\$50,000.00) in goods and services annually.

917 (b) *Gaming Related Equipment Gaming Services Vendors over Fifty Thousand Dollars*
918 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall review the
919 background investigation conducted by the Wisconsin Office of Indian Gaming Regulation
920 and shall conduct any necessary additional Background Investigation to ensure that the
921 State background investigation is complete and current.

922 (c) *Other Non-Gaming Related Goods and/or Services Gaming Services Vendors.* The
923 Commission shall conduct Background Investigations on a sufficient number of randomly
924 selected applications in order to verify the accuracy of all applications.

925 (1) The random selection process must be identified by regulation of the
926 Commission.

927 501.13-10. *Licensing Action in a Foreign Jurisdiction.* If the States of Wisconsin, New Jersey,
928 Nevada or any other gaming jurisdiction refuse to renew a License or permit, or conditions,
929 suspends or revokes the License or permit of an Applicant, permittee or Licensee, such action may
930 constitute grounds for similar action by the Commission.

931 501.13-11. *Claim of Privilege.* At any time during the licensing or permitting process, the
932 Applicant may claim any privilege afforded by law.

933 (a) An Applicant's claim of privilege with respect to the production of requested
934 information or documents or the provision of required testimony or evidence may
935 constitute grounds for the denial, suspension or revocation of a License or permit.

936 501.13-12. *Withdrawal of an Application.* An Applicant may request to withdraw an application
937 by submitting a written request to the Commission.

938 (a) The Commission retains the right, in its exclusive discretion, to grant or deny a
939 request for withdrawal.

940 (b) An Applicant who withdraws an application is precluded from re-applying for a
941 Gaming Services License or Non-Gaming Services permit for a period of one (1) year from
942 the date the application was withdrawn.

943 501.13-13. *Suspension or Revocation of Gaming Services Licenses or Permits.* Except as
944 provided in section 501.13-13(c) of this Ordinance, no License or permit may be suspended or
945 revoked except after notice and opportunity for hearing.

Draft 1 Emergency Amendments for OBC Consideration

2021 05 12

946 (a) *Basis for Licensing or Permitting Action.* The Commission may suspend, modify, or
947 revoke any Gaming Services License or Non-Gaming Services permit issued under this
948 Ordinance if, after issuance of the License or permit, the Commission receives reliable
949 information that would justify denial of the issuance or renewal of a License or permit, or
950 if the Commission determines that the Licensee or permittee has:

951 (1) Knowingly made a materially false or misleading statement in any application
952 for a License or permit, in any amendment thereto, or in response to a request by
953 the Commission for supplemental information or in connection with any
954 investigation of the Commission;

955 (2) Knowingly promoted, played or participated in any Gaming Activity operated
956 in violation of the Compact, any law of the Nation, or other applicable law;

957 (3) Bribed or attempted to bribe a Commissioner or any other person in an
958 attempt to avoid or circumvent any applicable law;

959 (4) Falsified any books or records relating to any transaction connected with
960 operation of a Gaming Activity;

961 (5) Refused to comply with a lawful directive of the Nation, the federal
962 government, or any court of competent jurisdiction; or

963 (6) Been convicted of or entered a plea of guilty or no contest to a crime involving
964 the sale of illegal narcotics or controlled substances.

965 (b) *Suspension Notice.* The Commission shall provide a Licensee or permittee with
966 written notice of suspension, which must, at a minimum, notify the Licensee or permittee
967 of the following:

968 (1) The Licensee's or permittee's right to conduct a file review prior to any
969 hearing regarding the notice of suspension, and to make copies of any documents
970 in that file;

971 (2) The Licensee's or permittee's right to present documents and witness
972 testimony at the hearing and to be represented by counsel;

973 (3) The specific grounds upon which the suspension is based, including citations
974 to relevant sections of this Ordinance, the IGRA, any applicable regulations and/or
975 the Compact; and

976 (4) The time and place set by the Commission for the Licensee's or permittee's
977 file review and hearing.

978 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest and
979 effective regulation and control of others require the immediate exclusion of a Licensee or
980 permittee, the Commission may immediately suspend a License or permit prior to a hearing
981 on the matter.

982 (1) Such an immediate suspension takes effect upon service of the notice of
983 immediate suspension.

984 (d) *File Review and Hearing.* Any notice of suspension or notice of immediate
985 suspension must set forth the time and date for the Licensee or permittee to conduct a file
986 review and for a hearing.

987 (e) *Final Written Decision.* Within fifteen (15) business days after a hearing, the
988 Commission shall issue a final written decision and decide whether to suspend, uphold an
989 immediate suspension, revoke, or take other action concerning a License or permit.

990 (f) *Default.* If a Licensee or permittee fails to appear for his or her hearing before the
991 Commission, that right is deemed to have been waived and the Commission will proceed

on the proposed licensing action by default.

(g) Unless identified in this Ordinance or regulations of the Commission, the hearing processes set forth in the Nation's Administrative Procedures Act shall apply.

501.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission.

(a) The Applicant, Licensee or permittee may file such request with the Commission in writing on or before the fifteenth (15th) day following the receipt of the Commission's decision.

(b) The Commission shall certify the record, developed in accordance with section 501.13-9 or 501.13-13(a) of this Ordinance, within thirty (30) days of the date of the filing of the request for an original hearing.

(1) Those Commissioners participating in the initial licensing or permitting decision may not participate in the original hearing.

(c) The Commission may determine to review the decision solely on the licensing or permitting decision record and briefs filed regarding the request for reconsideration.

(1) The Commission may also, in its sole discretion, grant oral arguments.

(d) The Commission shall issue a written decision within one hundred twenty (120) days from receipt of the request for the original hearing.

(1) The Commission's decision is considered an original hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing body.

501.14. Gaming Facility License

501.14-1. The construction and maintenance of any Gaming Facility, and the operation of Gaming Activities, must be conducted in a manner which adequately protects the environment and the public health and safety, and must comply with requirements of the Compact and all other applicable health, safety, and environmental standards.

501.14-2. The Oneida Business Committee must receive, review and grant or deny any application for licensing any Gaming Facilities located within the Reservation. Applicants shall provide the Oneida Business Committee sufficient information to show the following:

(a) The Gaming Facility meets all applicable health and safety standards of the Nation and Federal government.

(1) To show compliance with applicable health and safety standards, Gaming Operator shall submit certified copies of Compliance Certificates issued by the agencies responsible for the enforcement of the health and safety standards.

(2) If health and safety standards are not met, proof must be submitted by Gaming Operator that the Gaming Facility is in the process of improvements which will place the Gaming Facility in compliance with the applicable standards.

(b) The Gaming Facility meets applicable environmental standards of the Nation and Federal government.

(1) To show compliance with applicable environmental standards, Gaming Operator shall submit certified copies of an Environmental Assessment of the Gaming Facility which were prepared by the agency responsible for the enforcement of applicable environmental standards.

(2) If the applicable environmental standards are not met, proof must be submitted by Gaming Operator that Remediation of the Gaming Facility is being

1038 actively sought which will place the Gaming Facility in compliance with the
1039 applicable standards.

1040 501.14-3. Upon receipt and review of the above information, the Oneida Business Committee
1041 shall deliberate and either grant or deny for failure to meet the requirements of protecting the health
1042 and safety of patrons, public and employees of a Gaming Facility License to the Applicant.

1043 (a) The Oneida Business Committee shall submit to the NIGC a copy of each Gaming
1044 Facility License issued.

1045 501.14-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida
1046 Business Committee that a Gaming Facility will be closed by a governmental agency with proper
1047 authority due to environmental, health or safety concerns, the Oneida Business Committee shall
1048 suspend the License of the Gaming Facility.

1049 (a) The Oneida Business Committee shall re-License the Gaming Facility after receiving
1050 the information required in section 501.14-2 of this Ordinance.

1051

1052 **501.15. Gaming Operator License**

1053 501.15-1. *Consent to Jurisdiction.* The application for License and the conduct of Gaming
1054 within the jurisdiction of the Nation is considered consent to the jurisdiction of the Nation in all
1055 matters arising from the conduct of Gaming, and all matters arising under any of the provisions of
1056 this Ordinance or other laws of the Nation.

1057 501.15-2. *License Required.* No Gaming Operator may conduct Gaming Activity unless such
1058 entity holds a valid and current Gaming Operator License issued by the Commission.

1059 501.15-3. *Types of Licenses.* The Commission may issue each of the following types of Gaming
1060 Operator Licenses:

1061 (a) *Tribally-Owned or Tribally-Operated Class II.* This License is required of all
1062 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II
1063 Gaming Activities.

1064 (b) *Tribally-Owned or Tribally-Operated Class III.* This License is required of all
1065 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III
1066 Gaming Activities.

1067 501.15-4. *Gaming Operator License Qualifications.* The Commission shall issue a Gaming
1068 Operator License to any Gaming Operation if:

1069 (a) The Gaming Operation is to be located within the Reservation, or land taken into trust
1070 after October 17, 1988, for Gaming purposes;

1071 (b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or
1072 Class III Gaming as defined by this Ordinance and IGRA; and

1073 (c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business
1074 Committee.

1075 501.15-5. *Provisions of General Applicability to All Gaming Operators.*

1076 (a) *Site and Gaming Operator Specified.* Each Gaming Operator License may be
1077 applicable only to one (1) Gaming Operation and the Gaming Facility named on the
1078 License.

1079 (b) *License Not Assignable.* No Gaming Operator License may be sold, lent, assigned or
1080 otherwise transferred.

1081 (c) *Regulations Posted or Available.* Each Gaming Operator must have a copy of this
1082 Ordinance and any regulations promulgated thereunder available for inspection by any
1083 person at each Gaming Facility.

1084 (d) *Display of License.* Each Gaming Operator must prominently display its License at
1085 each Gaming Facility.

1086 501.15-6. *Grandfathered Gaming Facilities.* All Gaming Operators operating on the effective
1087 date of July 5, 2007, are hereby granted a License under this section.

1088 501.15-7. *License Application Fees and License Taxes.* No application fees or License taxes
1089 may be required by the Nation for a Gaming Operator License.

1090 501.15-8. *Closure of a Gaming Operation.* If the Commission finds that any Gaming Operation
1091 is operating in violation of this Ordinance, or otherwise presents a threat to the public, the
1092 Commission shall immediately notify the Oneida Business Committee.

1093 (a) The Oneida Business Committee may close any Gaming Operation temporarily or
1094 permanently at any time with or without cause, at its sole discretion.

1095

1096 **501.16. Games**

1097 501.16-1. Class II and Class III Games are hereby authorized by this Ordinance.

1098 501.16-2. *Gaming Procedures.* Games operated under this Ordinance must be consistent with
1099 the Compact and any amendments thereto and the Internal Control Standards and Rules of Play of
1100 the Gaming Operation.

1101 501.16-3. *Who May Not Play.* It is the policy of the Nation that particular Gaming Employees,
1102 employees of the Commission, particular governmental officials, and consultants who directly
1103 advise the Commission or employees at Gaming Facilities regarding gaming related activities may
1104 not participate in Gaming Activities conducted at Gaming Operations.

1105 (a) At a minimum, members of the Oneida Business Committee, the Commission, the
1106 Gaming General Manager, assistant gaming general managers, directors of individual
1107 Games and assistant directors of individual Games may not participate in any Gaming
1108 Activity within the Reservation.

1109 (b) The Oneida Business Committee may identify by resolution additional positions
1110 restrictions on Gaming Activity conducted at Gaming Facilities.

1111 (1) Such resolution must be on file with the Commission.

1112 (c) The Commission and Senior Gaming Management shall each develop and maintain
1113 their own standard operating procedure identifying other positions and any applicable
1114 restrictions on Gaming Activity conducted at Gaming Facilities.

1115 (1) The standard operating procedure and the list of positions must be on file with
1116 the Commission.

1117

1118 **501.17. Allocation of Gaming Funds**

1119 501.17-1. Net Gaming revenues may only be used for the following purposes:

1120 (a) To fund government operations, programs, or services of the Nation;

1121 (b) To provide for the general welfare of the Nation and its members; provided, that per
1122 capita payments may only be made pursuant to an approved revenue allocation plan;

1123 (c) To promote economic development of the Nation;

1124 (d) To contribute to charitable organizations;

1125 (e) To assist in funding operations of other local governments;

1126 (f) To fund programs designed to provide education, referrals, and treatment of Gaming
1127 addiction disorders; and

1128 (g) For any other purpose as determined by the Oneida General Tribal Council or the
1129 Oneida Business Committee which is not inconsistent with the Oneida Nation Constitution

1130 and IGRA.

1131

1132 **501.18. Audits**

1133 501.18-1. *Annual Audit.* An annual audit of each Gaming Operation must be conducted by an
1134 independent, certified public accounting firm according to generally accepted accounting
1135 principles.

1136 (a) Copies of the annual audit must be provided to the Oneida Business Committee, the
1137 Nation's Audit Committee, the Commission, and the NIGC by said certified public
1138 accounting firm.

1139 (b) All contracts for supplies, services, or concessions for the Gaming Operations in
1140 excess of twenty-five thousand dollars (\$25,000.00) are subject to audit as prescribed in
1141 this section of the Ordinance.

1142 (1) Contracts for legal services and accounting services are exempt from this
1143 requirement.

1144 501.18-2. *Other Audits.* All audits, other than the annual audit under section 501.18-1 of this
1145 Ordinance, must be conducted pursuant to the Nation's Internal Audit law or any other applicable
1146 law of the Nation, and other audits authorized under the Compact.

1147 501.18-3. *Request for Audits.* Any audit, except the annual audit that is mandated by IGRA,
1148 may be authorized at any time by the Oneida General Tribal Council, the Oneida Business
1149 Committee or the Nation's Audit Committee.

1150

1151 **501.19. Enforcement and Penalties**

1152 501.19-1. No individual or entity may own or operate a Gaming Facility unless specifically
1153 authorized to do so pursuant to this Ordinance.

1154 501.19-2. *Violations/Prosecutions.* Violators of this Ordinance may be subject to disciplinary
1155 action, as well as civil and/or criminal prosecutions.

1156 501.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an
1157 action in any court of competent jurisdiction to recover losses, restitution, and forfeitures resulting
1158 from violations of this Ordinance.

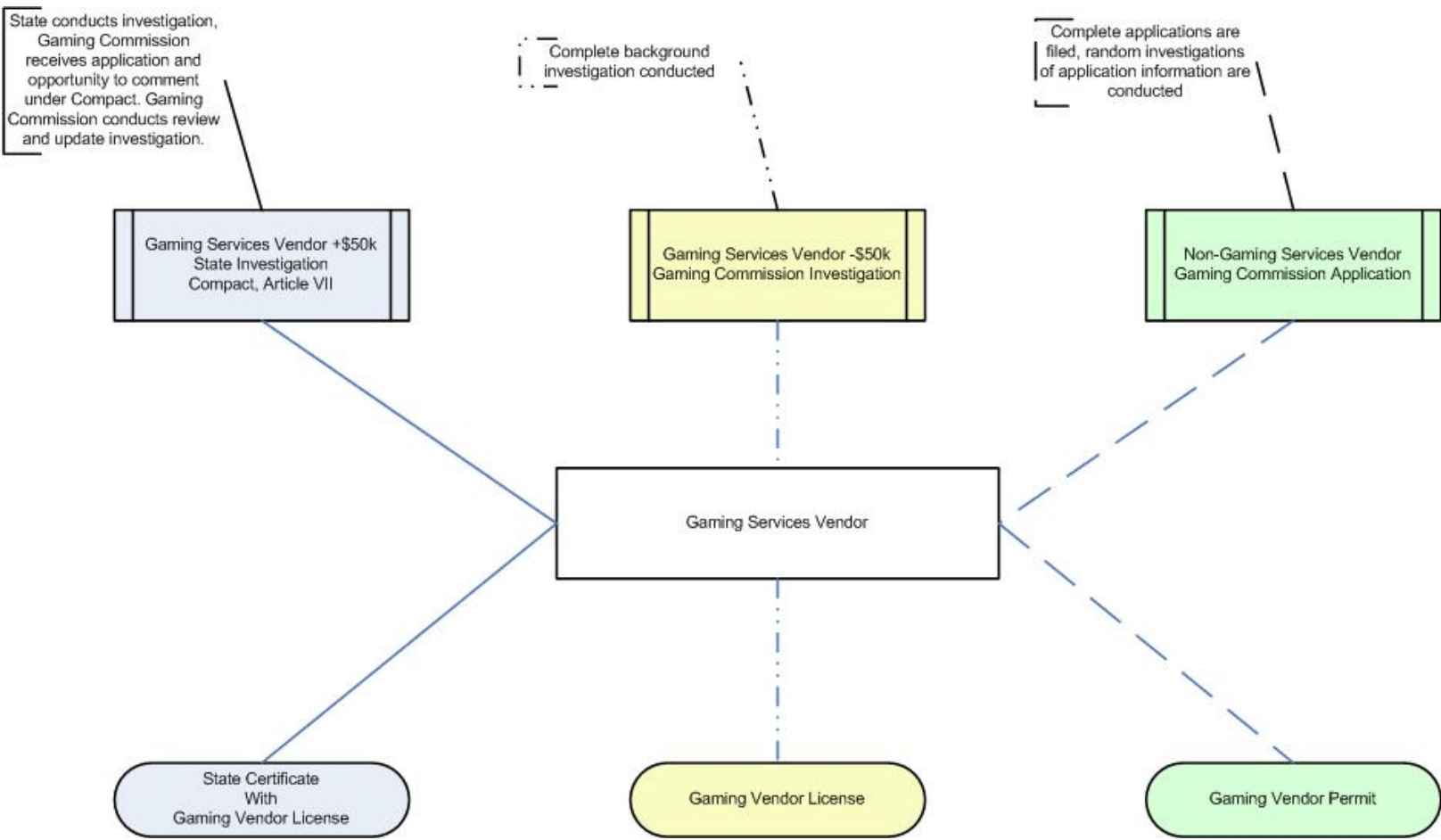
1159

1160 *End.*

1161

1163	Adopted	GTC-7-05-04-A
1164	Emergency Amended	BC-7-14-04-A
1165	Amendment	BC-10-06-04-D
1166	Emergency Amended	BC-11-03-04-A
1167	Permanent Adoption	BC-3-23-05-C
1168	Amended	BC-9-23-09-D
1169	Amended	BC-06-25-14-C (effective 11 01 2014)
1170	Emergency Amended	BC-10-08-14-C (effective 11 01 2014)
1171	Amended	BC-09-09-15-A (effective 09 09 2015)
1172	Emergency Amended	BC-__-__-__-__

Appendix 1. Vendor License/Permit



Oneida Business Committee Agenda Request

Adopt resolution entitled Approval of Use of Economic Development, Diversification and Community...

1. Meeting Date Requested: 05 / 12 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:

Adopt BC Resolution #
Approval of Use of Economic Development, Diversification and Community Development Fund for
Cemetery Improvements, CIP 14-002

3. Supporting Materials☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☒ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Adopt BC Resolution #
Approval of Use of Economic Development, Diversification and Community Development Fund for Cemetery Improvements, CIP 14-002

- 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

Approval of Use of Economic Development, Diversification and Community Development Fund for Cemetery Improvements, CIP 14-002

- 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 Economic Development, Diversification and Community Development Fund was created by resolutions # BC-09-28-16-B, BC-07-12-17-A, and the procedures for use of the fund set forth in resolution # BC-12-12-18-B, *Updating and Clarifying Access to the Economic Development, Diversification and Community Development Fund*; and
- WHEREAS,** the Oneida Nation has set aside land for use as a cemetery for members and their families which is governed by the Cemetery Law, Chapter 127; and
- WHEREAS,** the land set-aside for the Oneida Sacred Burial Grounds has been identified as having a high water table and other geological formations consistent with the Oneida Reservation; and
- WHEREAS,** there have been Capital Improvement Projects implemented to address the issue through site grading and groundwater management systems; and
- WHEREAS,** the Capital Improvement Project has been implemented in phases to address the immediate needs and develop a long-term proposal to manage the groundwater issues in this area; and
- WHEREAS,** the current Capital Improvement Project, Phase IV, has a budget estimate of \$237,000 set-aside, with approximately \$164,000 remaining unobligated; and
- WHEREAS,** the final estimate to conclude this portion of the Capital Improvement Project which will result in rendering the site suitable to continue to operate as the Oneida Sacred Burial Grounds requires an additional \$72,800 to complete; and
- WHEREAS,** utilizing the Economic Development, Diversification and Community Development Fund to finalize these site improvements in the best interests of the members and their families to provide a suitable resting place for those members who have passed on; and

43
44 **NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee does approve the allocation of
45 \$73,000 from the Economic Development, Diversification and Community Development Fund for the
46 purposes of Capital Improvement Project # 14-002; identifies Paul Witek, as the responsible party for
47 expenditure of these funds; and finally, all unexpended funds at the conclusion of Fiscal Year 2021 shall
48 be returned to the Economic Development, Diversification and Community Development Fund.
49
50 **BE IT FINALLY RESOLVED**, that the Oneida Business Committee authorizes this exception to the
51 Economic Development, Diversification and Community Development fund approval processes requiring
52 the recommendation of the Community and Economic Development Division Director until such time
53 updated processes can be presented.



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



Statement of Effect

Approval of Use of Economic Development, Diversification and Community Development Fund for Cemetery Improvements, CIP 14-002

Summary

The resolution approves an allocation of seventy-three thousand dollars (\$73,000) from the Economic Development, Diversification and Community Development Fund for the purposes of Capital Improvement Project #14-002 – Cemetery Improvements.

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

Date: May 6, 2021

Analysis by the Legislative Reference Office

The Oneida Business Committee has adopted resolutions which set aside funds disbursed from corporations to the Nation in an Economic Development, Diversification and Community Development fund (“the Fund”) and describes the process for accessing those funds. [Resolutions BC-09-28-16-B, BC-07-12-17-A, BC-12-12-18-B, BC-01-23-19-C and BC-01-23-19-D]. When a request to utilize monies from the Fund is received, the Community and Economic Development Division Director reviews the request for use of the Fund and determines if the proposed use is consistent with the Fund. The Community and Economic Development Division Director is then required to provide a written recommendation to the Oneida Business Committee regarding whether to authorize the allocation from the Fund to a specific project identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation. The Oneida Business Committee is then responsible for authorizing use of the Fund by a resolution clearly identifying the amount of funds authorized and purpose of the funds, which may be identified by a contract number, CIP number, economic development opportunity number or other easily trackable number or designation, and the employee responsible for authorizing expenditures of the authorized amount.

Through this resolution the Oneida Business Committee approves an allocation of seventy-three thousand dollars (\$73,000) from the Fund for the purposes of Capital Improvement Project # 14-002 which will address site improvements at the Oneida Sacred Burial Grounds. This resolution provides that utilizing the Fund to finalize the Oneida Sacred Burial Ground site improvements is in the best interests of the members and their families in order to provide a suitable resting place for those members who have passed on. The resolution then identifies Paul Witek, as the responsible party for expenditure of these funds. This resolution provides that all unexpended funds at the conclusion of Fiscal Year 2021 shall be returned to the Fund.

A review and recommendation from the Community and Economic Development Division Director was not completed for this allocation from the Fund. Through this resolution the Oneida Business Committee recognizes that the process for utilization of the Funds as provided by

resolution BC-01-2-19-C was not complied with, and then authorizes an exception to the Fund approval processes requiring the recommendation of the Community and Economic Development Division Director until such time updated processes can be presented.

Conclusion

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

5/07/21
12:03:00

ONEIDA NATION

PAGE 1

ENGINEERING PROJECT BUDGET HISTORY

EGGVDTSUM EGTVD TBD

PROJECT: CIP 14-002 (001-1201500-002) Cemetery Improvements

Proj Pref	Proj#	Trans Date	Approved or Transfer Amt	Type	Notes
CIP	14-002	4/08/2015	25,000.00	BUDG	FY2015 CIP FUNDS
CIP	14-002	3/09/2016	63,000.00	BUDG	FY2016 CIP FUNDS
CIP	14-002	1/24/2019	208,000.00	BUDG	FY2019 CIP FUNDS
CIP	14-002	9/28/2016	60,013.32	OTH	TRANSFER 13-005 UNOBLIGATED FUNDS TO 14-002
CIP	14-002	9/28/2016	180,551.41	OTH	TRANSFER 13-004 UNOBLIGATED BALANCE TO 14-002

536,564.73

Additional funding of \$ 72,800.00 is being requested from the Economic Development, Diversification and Community Development Fund via a resolution on the OBC agenda for May 12, 2021.

Adopt the resolution entitled 'You Are Not Alone' Mental Health Awareness Month – May 2021

Business Committee Agenda Request

1. Meeting Date Requested: 05/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: HANDOUT | | |

4. Budget Information:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Daniel Guzman King, Councilman

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

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

Business Committee Agenda Request

1. Meeting Date Requested: 5/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: May 4, 2021

RE: Oneida Youth Leadership Institute Board Appointment

Background

Three (3) vacancies were posted for the Oneida Youth Leadership Institute Board. The vacancies are to complete terms ending June 30, 2022.

The application deadline is listed as “until filled”. One (1) application(s) was received for the following applicant(s):

- Cheryl Aliskwet-Ellis

Select action(s) provided below:

- 1) accept the selected the applicant(s) and appoint to a term ending June 30, 2022 OR
- 2) reject the selected applicant(s) and oppose the vote**; OR
- 3) request the Secretary to re-notice the vacancy(ies)

Determine next steps regarding three (3) vacancies - Oneida Airport Hotel Corporation

Business Committee Agenda Request

1. Meeting Date Requested: 5/12/2021

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: May 6, 2021

RE: Oneida Airport Hotel Corporation Appointment

Background

Three (3) vacancies were posted for the Oneida Airport Hotel Corporation. Two (2) vacancies are to fill uncompleted terms and one (1) vacancy is for a new term.

The application deadline was April 16, 2021 and four (4) application(s) were received for the following applicant(s):

- Marlene Garvey
- Patricia Lassila
- Joshua Easlick
- Vern Doxtator

Please note: Corporate Boards are not governed by the Boards, Committees, and Commissions law.

Select action(s) provided below:

- 1) accept the selected the applicant(s) and appoint to term(s) ending January 31, 2022, January 31, 2023 or January 31, 2026; OR
- 2) reject the selected applicant(s) and oppose the vote**; OR
- 3) request the Secretary to re-notice the vacancy(ies)

Determine next steps regarding one (1) Oneida Social Services Division Representative - Pardon and...

Business Committee Agenda Request

1. Meeting Date Requested: 5/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|---|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: Brooke Doxtator, BCC Supervisor

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: May 5, 2021

RE: Pardon and Forgiveness Screening Committee Appointment

Background

According to the Pardon and Forgiveness Screening Committee Bylaws, section 1-5. Membership

(a) Number of Members. The PFSC shall consist of four (4) members and four (4) alternates from three (3) representative areas who shall serve a term consistent with that of the Oneida Business Committee's term of office.

(2) The three (3) representative areas shall be made up of:

(B) One (1) member and one (1) alternate representative from the Oneida Social Services Department; and

Tina Jorgenson, Governmental Services Division Director recommended Julie King as the alternate Social Services representative.

Select action(s) provided below:

- 1) accept the selected the applicant(s) and appoint to a term ending August 31, 2023 OR
- 2) reject the selected applicant(s) and oppose the vote**; OR
- 3) request the Secretary to re-notice the vacancy(ies)

Oneida Business Committee Agenda Request

Accept the April 21, 2021, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 5 / 12 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☐ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 April 21, 2021
 9:00 a.m.

Present: David P. Jordan, Kirby Metoxen Jennifer Webster, Marie Summers, Daniel Guzman King

Others Present: Clorissa N. Santiago, Kristen Hooker, Kristal Hill, Rhiannon Metoxen, Aliskwet Ellis

I. Call to Order and Approval of the Agenda

David P. Jordan called the April 21, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda as is; seconded by Marie Summers. Motion carried unanimously.

II. Minutes to be Approved

1. April 7, 2021 LOC Meeting Minutes

Motion by Jennifer Webster to approve the April 7, 2021 LOC meeting minutes and forward to the Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

III. Current Business

1. Election Law Emergency Amendments

Motion by Jennifer Webster to approve the Election Law amendments emergency adoption packet and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

2. Public Peace Law

Motion by Daniel Guzman King to approve the Public Peace law draft and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

1. Pardon and Forgiveness Law Emergency Amendments

Motion by Jennifer Webster to add the Pardon and Forgiveness law emergency amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marie Summers. Motion carried unanimously.

Motion by Kirby Metoxen to approve the Pardon and Forgiveness law amendments emergency adoption packet and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

2. Pardon and Forgiveness Screening Committee Bylaws Amendments

Motion by Jennifer Webster to add the Pardon and Forgiveness Screening Committee

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



bylaws amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Marie Summers. Motion carried unanimously.

Motion by Kirby Metoxen to approve the Pardon and Forgiveness Screening Committee bylaws amendments draft and legislative analysis and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

3. Petition: L. Elm – Real Property Law Eviction and Termination

Motion by Marie Summers to add the Petition: L. Elm – Real Property Law Eviction and Termination to the Active Files List with Kirby Metoxen as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn at 9:36 a.m.; seconded by Marie Summers. Motion carried unanimously.

Approve the March 18, 2021, regular Quality of Life meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 05/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Marie Summers, Councilwoman

Primary Requestor: Aliskwet Ellis, Recording Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1



Quality of Life Committee

Regular Meeting
9:00 a.m. Thursday, March 18th, 2021
Teleconference

Minutes

Present: QOL Chair Marie Summers, QOL Vice-Chair Daniel Guzman-King, QOL Members: Kirby Metoxen, Brandon Stevens,

Others Present: Eric Boulanger, Craig Clausen, Leslie Doxtater, Aliskwet Ellis, Renita Hernandez, Kristal Hill, Tina Jorgensen, Mari Kriescher, RC Metoxen, Michelle Myers, Joann Ninham, Melissa Nuthals, Patrick Pelky, Rae Skenandore, Ravinder Vir, Danelle Wilson;

I. CALL TO ORDER AND ROLL CALL

Meeting called to order by QOL Chair Marie Summers at 9:00 a.m.

II. APPROVAL OF THE AGENDA

Motion by Kirby Metoxen to approve the agenda with the addition of Item VI. D. Food Security Report and Item VI. E. Rights of Nature Report, seconded by Daniel Guzman-King. Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

III. APPROVAL OF MEETING MINUTES

A. February 18, 2021 Quality of Life Meeting Minutes – Aliskwet Ellis

Motion by Kirby Metoxen to approve the February 18, 2021 Quality of Life meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Kirby Metoxen, Brandon Stevens
Abstained: Daniel Guzman-King

IV. UNFINISHED BUSINESS – NONE

V. NEW BUSINESS – NONE

VI. REPORTS

A. Oneida Native American Drug and Gang Initiative – Eric Boulanger

Motion by Daniel Guzman-King to approve the Oneida Native American Drug and Gang Initiative report, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

B. Tribal Action Plan – Renita Hernandez

Motion by Daniel Guzman-King to approve the Tribal Action Plan report, seconded by Kirby Metoxen.

Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

C. Zero Suicide Report – Mari Kriescher

Motion by Brandon Stevens to approve the Zero Suicide report, seconded by Daniel Guzman-King.

Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

D. Food Security Report – Pat Pelky

Motion by Daniel Guzman-King to approve support to send back to the Food Security Team to submit to the Business Committee once they are ready to submit the Food Sovereignty Strategic Plan, seconded by Kirby Metoxen. Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

Motion by Daniel Guzman-King to approve the Food Security report, seconded by Brandon Stevens.

Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

E. Rights of Nature Report – Pat Pelky

Motion by Daniel Guzman-King to approve the Rights of Nature Proclamation and to send back to the Food Security Team to submit to the Business Committee once they are ready to submit the Food Sovereignty Strategic Plan, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

Motion by Kirby Metoxen to approve the Rights of Nature report, seconded by Daniel Guzman-King.

Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

VII. ADDITIONS

For the record: Dr. Vir had requested committee support in vaccination testimony to get the community to get registered for their COVID-19 vaccination.

VIII. ADJOURN

Motion by Kirby Metoxen to adjourn at 10:06 a.m., seconded by Daniel Guzman-King. Motion carried unanimously:

Ayes: Daniel Guzman-King, Kirby Metoxen, Brandon Stevens

Approve an exception to the Stay Safer at Home declaration for the travel request from Election Board -...

Oneida Nation
Oneida Election Board



MEMORANDUM

To: Oneida Business Committee

From: Candace House, Chair
Oneida Election Board

Date: April 27, 2021

Subject: Procedural Exception for Election Board Travel
Milwaukee, Wisconsin - July 9-10, 2021 (two nights)

On behalf of the Oneida Election Board, I hereby respectfully request approval for travel to the Milwaukee polling site for the 2021 Special Election scheduled for Saturday, July 10, 2021.

To be in compliance with the Election Law in regards to the election process, six (6) Election Board Members (including alternates) are required, one (1) Enrollments Department staff will be there to assist in the voter registration process, and one (1) Oneida Police Officers will be there for a total of eight (8).

Costs will include hotel for seven (7) individuals for Friday night (7/9/2021) and Saturday night (7/10/2021), mileage and per diem for all three days (7/9 – 7/11/2021). The OPD Officer will only require cost for hotel for Friday night (7/9/2021).

Thank you for your time and consideration regarding this matter.

Business Committee Agenda Request

1. Meeting Date Requested: 05/12/21

2. General Information:

Session: ☒ Open ☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|--|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input checked="" type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Candace House, Election Board Chair

Primary Requestor: Aliskwet Ellis, BCC Clerk

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CELLIS1

Oneida Business Committee Agenda Request

Accept the Emergency Management FY-2021 2nd quarter report

1. Meeting Date Requested: 05 / 12 / 21**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution☐ Budgeted - Grant Funded☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:

Emergency Management Department
Kaylynn Gresham – Director

Objectives and Metrics

Mission Statement

Through planning and mitigation activities Emergency Management works to ensure the Oneida Nation is in a constant state of readiness to respond to, and recover from an emergency or disaster, that threatens the life or safety of community members, the environment, or the assets of the Oneida Nation.

Purpose

Emergency Management serves to aid, counsel, and assist the agencies and entities of the Oneida Nation that respond to emergencies or disasters that affect the Oneida Community and its members, through coordination of local and regional, police, fire, Emergency Management Services or rescue response when necessary.

Planned Activities

Goal Number	Goal	Activity	Outputs
1	Develop emergency management capacity	Grant applications, budget and staffing request, training and succession plan, technology implementation	Emergency Management (EM) program, staffing model and succession plan is developed and adopted, technology resources are in place
2	Seasonal Review of Shelters and warming & cooling centers.	Vulnerability and needs analysis, meetings, reports and updates.	Locations identified and Departments trained.
3	Develop and implement Emergency Action Plans (EAP)	Vulnerability and needs analysis, meetings, reports and updates. Identify facility or event leads, EAP or EMP assessments, outreach and education, EAP and EMP documents	Funding agreements, staff commitments from Oneida divisions and departments. Number of buildings and events that have current and updated EAP
4	Oneida Nation Emergency Planning Committee (ONEPC) Implementation.	Identify qualified Team members from across the Oneida Nation organization to have lead roles in their area of expertise.	Letters of commitment, regular scheduled meeting with agendas and minutes.
5	Expand the Capabilities of RAVE alert system	Needs analysis, technology acquisition and deployment, outreach and education.	Emergency notification system reaches intended audience

Emergency Management Department
Kaylynn Gresham – Director

Goal #1 Develop Emergency Management Capacity

Strategic Plan Linkage

Goal ▲	Types of Activities
Develop emergency management capacity	Grant applications, budget and staffing request, training and succession plan, technology implementation

Activities Supporting the Development of emergency management capacity

Activity Type ▲	Number	Reported Hours
Emergency Management Program Administration, Development and Evaluation	14	22.50
Staff Meeting	6	6.50
Total	20	29.00

Supporting the Development of Emergency Management Capacity

Project Name	Comments ▲
ESWG HMA and BRIC meeting on zoom	Attend as an ESWG alumni discussion about FMA, HMA, BRIC and FEMA Go
Review of ERP for OBC Work session	Continue to review the ERP for work session with OBC
Discussion on ONEPC ByLaw Changes	Discussion on phone with KH for bylaw changes
Discussion on EM Response and future training	Discussion with RF about EM's current response and potential future training for RF in EM classes
Filing, emailing and follow up in EM office	Filing paperwork, emailing and following up on EM activities in office
Office filing and email follow up	Follow up on emails phone calls and filing of paperwork from last week
WISIC Civil unrest webinar	Listen to WISIC Presentation for concerns in reference to innaguration next Wednesday
Strategic Plan info and report for VF	Looking for Strategic Plan info and updating reporting method for quarterly reports with VF
Monthly EC Regional Teams meeting	Monthly East Central Regional Meeting on Teams
Training schedule and planning	Putting together training schedule for department and planning training for ESF's
RAVE	RAVE - review video/user guide and updating info for RBAC and collaborate
RAVE collaborate and alerting	Rave follow up and watching training videos
Review ESF's and outreach info for Grant deliverables	Review current ESF's and request training from WEM for new Directors and Managers
RAVE Collaborate info review	Review of the information provided on the purchase of RAVE Collaborate
ERP Review for OBC Workmeeting	Review old and new ERP for BC Work meeting
ONEPC Bylaws Review	Review suggested changes to ONEPC Bylaws
Safer Parking update	Safer Parking and shelter update with Wise Women
Weekly Safer Parking update	Safer Parking update with Wise Women
EM Vehicle selection through GSA	Selection of replacement vehicle for EM through GSA portal
Emerge Closure SOP updates	Updates and comination of the 2 emerg closure and compensation SOP's into 1 SOP

Emergency Management Department
Kaylynn Gresham – Director

Goal #2 Seasonal Review of Shelters and Warming and Cooling Centers

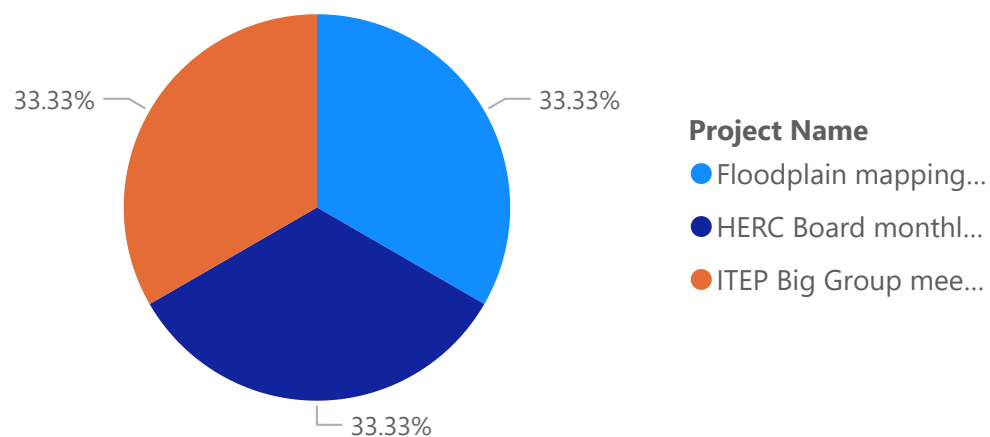
Strategic Plan Linkage

Goal	Activity
Seasonal Review of Shelters and warming & cooling centers.	Vulnerability and needs analysis, meetings, reports and updates.

Activities Related to the Seasonal Review of Shelters and warming & cooling centers

Activity Type	Project Name	Comments
Environmental Planning	Floodplain mapping webinar	Brown County update on floodplain mapping
Public Health Planning	HERC Board monthly meeting	Monthly HERC Board Meeting - Tribal Rep on Region 3 Board
Environmental Planning	ITEP Big Group meeting	ITEP Large Group monthly meeting

Activities Related to the Seasonal Review of Shelters and warming & cooling centers



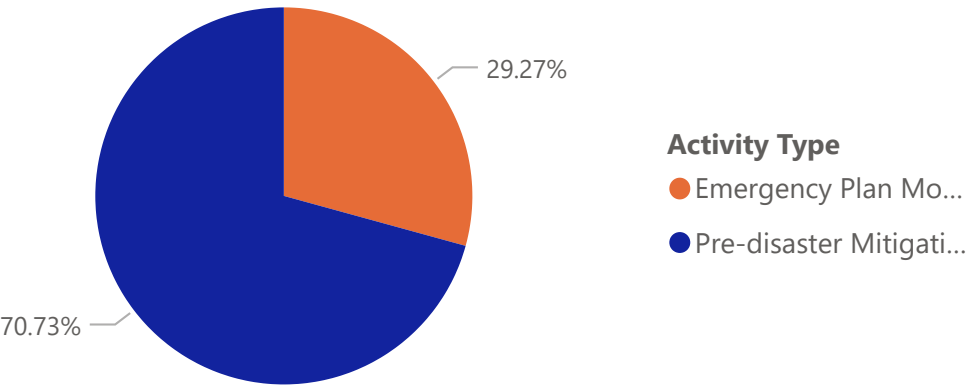
Emergency Management Department
Kaylynn Gresham – Director

Goal #3 Develop and Implement Emergency Action Plans

Strategic Plan Linkage	
Goal	Types of Activities
Develop and implement Emergency Action Plans (EAP)	Vulnerability and needs analysis, meetings, reports and updates. Identify facility or event leads, EAP or EMP assessments, outreach and education, EAP and EMP documents

Activity Type	Number	Reported Hours
Emergency Plan Modification or Update	12	17.00
Pre-disaster Mitigation Planning	29	36.50
Total	41	53.50

Activities Supporting Developing and Implementing Emergency Action Plans



Goal #3 Develop and Implement Emergency Action Plans (Continued)

Project Name	Comments
Community input for plan	Coordination of plan for input from community and employees
Compile info for public comment	Compile info from Public Comment of Draft Plan
COOP	COOP Review and Discussion for development of BCP
COOP Plan	Review COOP plan for FEMA Training next week.
Draft PDMP for Public Comment	Follow up with communications about getting the PDMP draft on the Nations webpage
Draft Plan Review	Review updated draft plan Angela sent
ESF 12 and Emergency Fuel Plan	Discussion with Drew and Megan about ESF 12 and beginning of Emergency Fuel Plan Development
ESF review for training request from Comp Health	Review ESFs to see which ESF's will be included in training for Comp Health
Follow up on posting of Plan - survey for response	Work with MIS and graphics team for unblocking feedback form created as a google doc
Follow up on presentation	Follow up on presentation for tomorrow and FB Live
Meeting Prep and plan distribution	Prep for Teams meetings on Thursday and Friday and plan distribution to individuals requesting info and to EMI for E580 course
ONEPC Bylaws Review	Review updates to the ONEPC Bylaws
PDMP Meeting and follow up	Steering Committee Meeting and follow up for public comment
Photos for plan	Photos for plan
Plan comment period closure and review	Close out of public review for plan and comment review
Plan posted and follow-up	Draft plan has been posted - follow-up on comments
Plan Presentation	2nd of 2 plan presentation on TEAMS to employees
Plan Review	Continue Review of updated plan
Plan/Community input	Review finalplan, invoice and set-up community input
Pre-disaster Mitigation Plan presentation	Presentation and follow up
Prep for presentations tomorrow and Friday	Getting things ready for presentation for Thursday and Friday public meeting
Presentation on FB Live	Provide presentation on FB Live for Plan update
Public Comment Follow-up	MIS -help with capture public comments for presentations
Retail EAP - Michelle Danforth	Reviewing Retail's updated EAP - follow up with Michelle Danforth for needed updates for Gas Station SOP's
Review Draft Plan	Continue review of draft plan for meeting on Jan 26th
Review Draft Plan	Review updated draft plan
Review Draft Plan - prepare for meeting	Review Draft plan get ready for meeting on 26th
Review EAP's	Election Board/Retail
Review of Draft Plan	Continue to review final draft of PDMP
Review of ERP for OBC Work session	work on ERP review for OBC work session
Review of updated plan for OBC meeting 1-27-21	Update with LL for approval of Oneida Emergency Response Plan
Review retail and Election Board info for EAP's	Reviewing Retail's final draft EAP and Election Board start of EAP for Woodland Church
Reviewing Cold Weather Plan	Rebviewing Dane County Cold weather plan - researching for sheltering updatees and info per agreements in performance standards
Update Oneida Nation PA Plan for FEMA - Declaration	Should the Nation choose to go direct to FEMA for a PA Declaration a PA Plan is needed

FY-2021 Quarterly Report (Jan - March 2021)

Emergency Management Department
Kaylynn Gresham – Director

Goal #4 Oneida Nation Emergency Planning Committee Implementation

Strategic Plan Linkage

Goal ▲	Types of Activities
Oneida Nation Emergency Planning Committee (ONEPC) Implementation.	Identify qualified Team members from across the Oneida Nation organization to have lead roles in their area of expertise.

Activity Type ▲	Number	Reported Hours
Information Management	26	33.50
Interdepartmental Meeting	12	10.50
Total	38	44.00

Project Name	Comments ▲
Weather webinar	Attend weather webinar for impending snow storm Alexander
EM Vehicle info and SOP	Confirm info on EM Vehicle and research SOP
Discussion about upcoming training and exercise	Discussion for planning of upcoming trainings to be offered and exercise planning
FEMA GO webinar	FEMA GO webinar - watching presentation
Attend Grant Modernization Monthly Call	FEMA Grants monthly Zoom call
Final Selection of Interviews	Final Selection of Candidates for WEM Bureau position
Audit Committee Close out report	Finalize report and submit to audit
Finalize interview info for WEM	Finalize typing up info from WEM interviews
Follow up Energy Emergency from Gov Evers	Follow up on information about Energy Emergency For WI for Propane
Follow up on ONEPC Bylaws for LOC approval	Follow up with KH on ONEPC Bylaws for approval with LOC
FY 2020 EM Report	FY 2020 EM Report to OBC Sec committee
Garner BCP - conference call	Garner Business Continuity Plan discussion
Operational Round Table	Operational Roundtable
Sustain Oneida discussion	Participate in the Sustain Oneida Discussion
Review ONEPC Bylaws and send updates to KH at LOC	Review changes to bylaws for ONEPC and request changes from LOC
Strategic Planning	Strategic Planning for EM Department and update Quarter 1 Report
Safer Parking Weekly meeting	Update with all involved with Safer Parking Project
Job Description update	Updating info on job description for Assistant Director EM
Flood watch info webinar	Watching Mississippi River Basin potential flooding
Safer Parking Weekly meeting	Weekly meeting for updates on Safer Parking
Safer Parking Weekly meeting	Weekly update on Safer Parking/Shelter remodel
FY20 Report	Working on FY20 Report due to OBC
Finalization and posting of position for DD	Working with HRD to get position posted for DD
Grants management discussion w FEMA	Zoom call for Grants Management - FEMA presenting

Emergency Management Department
Kaylynn Gresham – Director

Goal #5 Expand the Capabilities of the Rave Alert System

Strategic Plan Linkage

Goal	Activity
Expand the Capabilities of RAVE alert system	Needs analysis, technology acquisition and deployment, outreach and education.

Activity Type	Number ▼	Reported Hours
Emergency Management Program Administration, Development and Evaluation	8	11.50
Training	5	5.75
Information Management	2	3.50
Interdepartmental Meeting	2	2.00
Disaster Response	1	1.00
Emergency Management Team Meetings	1	1.00
Grant Workplan and Budget Development	1	1.00
Total	20	25.75

Project Name	Comments ▲
RAVE	Continued Coordination on updates to RAVE alerting
Follow-up on RAVE smartloader issue	Coordinate with HRD and OCHC for RAVE smartloader and collaborate
RAVE	Follow up on RAVE and scheduling user refresher course - MIS to provide access to upload info through Smartloader platform
RAVE - collaborate meeting	Meeting with planning team from RAVE Collaborate
RAVE Collaborate meeting	Meeting with RAVE for Collaborate kick off
RAVE smartloader meeting	Meeting with TP from RAVE about smartloader platform
RAVE Midwest users group	Participate in webinar for RAVE Collaborate Midwest users group
RAVE Collaborate Presentation	Participate on RAVE Collaborate phone call
RAVE	RAVE - review video/user guide and updating info for RBAC and collaborate
RAVE	RAVE Alert updates and emails and sending alerts, process invoice
RAVE collaborate and alerting	Rave follow up and watching training videos
Training RAVE System	RAVE notification system phone call and training
Review RAVE documents	Review and familiarize myself on updates on RAVE platform
RAVE Collaborate info review	Review of the information provided on the purchase of RAVE Collaborate
RAVE collaborate and RBAC	Reviewing information from RAVE about user guide and Admin guide for collaborate
RAVE updates and info for platform update	Reviewing updates to information for weekly scheduled updates to platform
RAVE updating info	Updating info through RAVE and discussion on push notifications
RAVE updates to info	Working to update info within RAVE for employees

Emergency Management Department
Kaylynn Gresham – Director

Other Uncategorized Emergency Management Activities and External Collaborations

Other Uncategorized Emergency Management Activities

Activity Type	Count
Communication and public outreach	3
COVID Internal Outreach and Education	4
COVID monitoring	6
COVID Public Outreach and Education	25
Development of new policies and procedures	8
Emergency Management Program Administration, Development and Evaluation	39
Emergency Management Team Meetings	19
Emergency Plan Modification or Update	40
Health updates	67
Impact tracking	33
Information Management	52
Interaction with external entities	13
Interdepartmental Collaboration	16
Interdepartmental Meeting	12
Intergovernmental collaboration and coordination	4
Internal Reporting	4
Medication/supply delivery	13
Oneida Nation Communication Events	18
Professional Development COVID19	2
State or Local government communication events	3
Total	381

Contributing Support

Employee	Department	Job Title	Reported Hours
Brittany Nicholas	EHS HEALTH & INDUSTRIAL	SANITARIAN	229.75
Victoria Flowers	EHS QUALITY	COORD-ENVIRONMENTAL COMPLIANCE	75.25
Total			305.00