



## Oneida Business Committee

Executive Session  
9:30 AM Tuesday, September 07, 2021  
Microsoft Teams

Regular Meeting  
8:30 AM Wednesday, September 08, 2021  
BC Conference Room, 2nd floor, Norbert Hill Center

### Agenda

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Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://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

**Effective August 20, 2021, the Norbert Hill Center Administrative Offices are closed to the public; this include OBC meetings. Any person who has comments or questions regarding open session items may submit them via e-mail to the OBC at [Secretary@oneidanation.org](mailto:Secretary@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. The meeting will also be conducted using Microsoft Teams, please contact the BC Support Office at 920-869-4364 for instructions on how to join virtually.**

**The decision to close Norbert Hill Center Administrative Offices to the public is due to both the rise in COVID-19 cases throughout both Brown and Outagamie Counties, as well as to ensure compliance with protocols relating to public access to the Oneida Nation High School.**

- I. CALL TO ORDER**
- II. OPENING**
- III. ADOPT THE AGENDA**

**IV. OATH OF OFFICE**

- A. Anna John Resident Centered Care Community Board - Patricia Moore**  
Sponsor: Lisa Liggins, Secretary
- B. Oneida Nation Veterans Affairs Committee - Arthur Cornelius, Benjamin Skenandore**  
Sponsor: Lisa Liggins, Secretary
- C. Oneida Trust Enrollment Committee - Jennifer Hill-Kelley**  
Sponsor: Lisa Liggins, Secretary
- D. Oneida Land Commission - Frederick Muscavitch**  
Sponsor: Lisa Liggins, Secretary
- E. Oneida Police Department - Officer Jessica Trimberger and Officer Jose Deras**  
Sponsor: Richard Van Boxtel, Chair/Oneida Police Commission
- F. Judiciary - Court of Appeals - Michele Doxtator**  
Sponsor: Lisa Liggins, Secretary

**V. MINUTES**

- A. Approve the August 25, 2021, regular Business Committee meeting minutes**  
Sponsor: Lisa Liggins, Secretary

**VI. RESOLUTIONS**

- A. Adopt resolution entitled Adoption of the Public Peace Law**  
Sponsor: David P. Jordan, Councilman
- B. Adopt resolution entitled Public Peace Law Citation Schedule**  
Sponsor: David P. Jordan, Councilman



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

1. **Accept the August 18, 2021, regular Legislative Operating Committee meeting minutes**  
Sponsor: David P. Jordan, Councilman
2. **Adopt Leasing law rule # 5 - Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**  
Sponsor: David P. Jordan, Councilman
3. **Adopt amendments to Leasing law rule # 6 - Homeownership by Independent Purchase (HIP) Program**  
Sponsor: David P. Jordan, Councilman

**VIII. STANDING ITEMS**

- A. ARPA FRF Updates and Requests/Proposals** *(No submissions to consider)*

**IX. TRAVEL REPORTS**

- A. Approve the travel report - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - National Indian Gaming Tradeshow & Convention - Las Vegas, NV - July 19-23, 2021**  
Sponsor: Tehassi Hill, Chairman
- B. Approve the travel report - Councilman Kirby Metoxen - National Indian Gaming Tradeshow & Convention - Las Vegas, NV - July 19-22, 2021**  
Sponsor: Kirby Metoxen, Councilman

**X. TRAVEL REQUESTS**

- A. Approve the travel request - Treasurer Tina Danforth - NAFOA 2021 Fall Finance & Economies Conference - San Antonio, TX - September 25-29, 2021**  
Sponsor: Tina Danforth, Treasurer
- B. Approve the travel request - Chairman Tehassi Hill - Meeting with U.S. Interior Secretary Haaland - Washington DC - September 28, 2021**  
Sponsor: Tehassi Hill, Chairman

**XI. NEW BUSINESS**

- A. Consider requests made in the dissertation entitled Oneida college lacrosse perspectives of the sacred game of lacrosse (9/8 - 10:00 a.m.)**  
Sponsor: Dr. Thomas Reed PhD, Tribal Member
- B. Consider request for an APRA food card distribution in November and December 2021**  
Sponsor: Nancy Barton, Tribal Member
- C. Approve Debra Miller to participate as a panelist for a Dementia in Indian Country caregiver support Extension for Community Health Care Outcomes (ECHO)**  
Sponsor: Mark W. Powless, General Manager
- D. Enter the e-poll results into the record regarding the Chairman's recommendation for the Nation's Authorized Representatives for ARPA FRF reporting**  
Sponsor: Lisa Liggins, Secretary

**XII. REPORTS****A. CORPORATE BOARDS**

- 1. Accept the Bay Bancorporation Inc. FY-2021 3rd quarter report**  
Sponsor: Jeff Bowman, President/Bay Bank
- 2. Accept the Oneida ESC Group, LLC FY-2021 3rd quarter report**  
Sponsor: John Breuninger, Chair/Oneida ESC Group, LLC
- 3. Accept the Oneida Airport Hotel Corporation FY-2021 3rd quarter executive report**  
Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation
- 4. Accept the Oneida Golf Enterprise FY-2021 3rd quarter report**  
Sponsor: James Petitjean, Agent/Oneida Golf Enterprise

**XIII. GENERAL TRIBAL COUNCIL**

- A. Reschedule the December 13, 2021 tentatively schedule General Tribal Council meeting**  
Sponsor: Lisa Liggins, Secretary
- B. Accept General Tribal Council safety assessment Update #1 and determine next steps**  
Sponsor: Lisa Liggins, Secretary

**XIV. EXECUTIVE SESSION****A. REPORTS**

1. **Accept the Chief Counsel report**  
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the General Manager report**  
Sponsor: Mark W. Powless, General Manager
3. **Accept the Gaming General Manager's September 2021 update regarding the implementation of Sports Wagering (9/7 - 11:00 a.m.)**  
Sponsor: Louise Cornelius, Gaming General Manager
4. **Accept the Bay Bancorporation Inc. FY-2021 3rd quarter executive report (9/7 - 9:30 a.m. - 9:50 a.m.)**  
Sponsor: Jeff Bowman, President/Bay Bank
5. **Accept the Oneida ESC Group, LLC FY-2021 3rd quarter executive report (9/7 - 9:50 a.m. - 10:10 a.m.)**  
Sponsor: John Breuninger, Chair/Oneida ESC Group, LLC
6. **Accept the Oneida Airport Hotel Corporation FY-2021 3rd quarter executive report (9/7 - 10:10 a.m. - 10:30 a.m.)**  
Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation
7. **Accept the Oneida Golf Enterprise FY-2021 3rd quarter executive report (9/7 - 10:30 a.m. - 10:50 a.m.)**  
Sponsor: James Petitjean, Agent/Oneida Golf Enterprise

**B. NEW BUSINESS**

1. **Determine next steps regarding the Gaming wage chart (9/7 - 11:30 a.m.)**  
Sponsor: Louise Cornelius, Gaming General Manager
2. **Review request to address compensation issues within the MIS Department and determine next steps**  
Sponsor: Mark W. Powless, General Manager
3. **Approve 89 new enrollments and 2 relinquishments**  
Sponsor: Debbie Danforth, Chair/Oneida Trust Enrollment Committee
4. **Adopt resolution entitled Regarding Pardon of Sheila M. Shawanokasic**  
Sponsor: Lisa Liggins, Secretary
5. **Accept the August 30, 2021, BC Officer meeting notes**  
Sponsor: Jessica Vandekamp, Employee Relations Representative

6. **Enter the e-poll results into the record regarding the authorization for the Oneida Law Office to vote on the Mallinckrodt Bankruptcy Plan**  
Sponsor: Lisa Liggins, Secretary
7. **Enter the e-poll results into the record regarding the authorization for the Chairman to sign the letter to the Town of Oneida**  
Sponsor: Lisa Liggins, Secretary

## **XV. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://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/](http://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

Anna John Resident Centered Care Community Board - Patricia Moore

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/08/21

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 checked="" 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:

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| <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: Brooke Doxtator

Additional Requestor: (Name, Title/Entity)


Additional Requestor: (Name, Title/Entity)

Submitted By: BDOXTAT1



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2021

RE: Oath of Office – Anna John Resident Centered Care Community Board

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### Background

On August 25, 2021 the Oneida Business Committee appointed Patricia Moore to the Anna John Resident Centered Care Community Board.

§ 105.9-1 All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting.

Oneida Nation Veterans Affairs Committee - Arthur Cornelius, Benjamin Skenandore

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/08/21

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

Justification: *Choose reason for Executive.*

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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: August 31, 2021

RE: Oath of Office – Oneida Nation Veterans Affairs Committee

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### Background

On August 25, 2021 the Oneida Business Committee appointed Arthur Cornelius and Benjamin Skenandore to the Oneida Nation Veterans Affairs Committee.

§ 105.9-1 All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting.



Oneida Trust Enrollment Committee - Jennifer Hill-Kelley

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**Business Committee Agenda Request****1. Meeting Date Requested:** 09/08/21**2. General Information:**Session: ☒ Open ☐ Executive – must qualify under §107.4-1.Justification: *Choose reason for Executive.***3. Supporting Documents:**

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**5. Submission:**Authorized Sponsor: Lisa Liggins, SecretaryPrimary Requestor: Brooke Doxtator, BCC SupervisorAdditional Requestor: (Name, Title/Entity)Additional Requestor: (Name, Title/Entity)Submitted By: BDOXTAT1



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2021

RE: Oath of Office – Oneida Trust Enrollment Department

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### Background

On July 10, 2021 the Oneida 2021 Special Election was held.

On August 11, 2021 the Oneida Business Committee accepted the 2021 Special Election Final Report and declared the official results.

Oneida Trust Enrollment Committee – Jennifer Hill-Kelley

§102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

§105.9-1 All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting.

Oneida Land Commission - Frederick Muscavitch

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**Business Committee Agenda Request****1. Meeting Date Requested:** 09/08/21**2. General Information:**Session: ☒ Open ☐ Executive – must qualify under §107.4-1.Justification: *Choose reason for Executive.***3. Supporting Documents:**

- |  |  |   |
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**4. Budget Information:**


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**5. Submission:**Authorized Sponsor: Lisa Liggins, SecretaryPrimary Requestor: Brooke DoxtatorAdditional Requestor: (Name, Title/Entity)Additional Requestor: (Name, Title/Entity)Submitted By: BDOXTAT1



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2021

RE: Oath of Office – Oneida Land Commission

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### Background

On July 10, 2021 the Oneida 2021 Special Election was held.

On August 11, 2021 the Oneida Business Committee accepted the 2021 Special Election Final Report and declared the official results.

Oneida Land Commission – Frederick Muscavitch

§102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

§105.9-1 All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting.

**Oneida Business Committee Agenda Request**

Oneida Police Department - Officer Jessica Trimmerger and Officer Jose Deras

**1. Meeting Date Requested:** 09 / 08 / 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: Eric Boulanger, Chief of Police  
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:

Oath of Office for two new hires:

Officer Jessica Trimberger

Officer Jose Deras

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](mailto:BC_Agenda_Requests@oneidanation.org)

Judiciary - Court of Appeals - Michele Doxtator

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**Business Committee Agenda Request****1. Meeting Date Requested:** 09/08/21**2. General Information:**Session: ☒ Open ☐ Executive – must qualify under §107.4-1.Justification: *Choose reason for Executive.***3. Supporting Documents:**

- |  |  |   |
|--|--|---|
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**4. Budget Information:**

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**5. Submission:**Authorized Sponsor: Lisa Liggins, SecretaryPrimary Requestor: Brooke Doxtator, BCC SupervisorAdditional Requestor: (Name, Title/Entity)Additional Requestor: (Name, Title/Entity)Submitted By: BDOXTAT1



## Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor 

DATE: August 31, 2021

RE: Oath of Office – Judiciary

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### Background

On July 10, 2021 the Oneida 2021 Special Election was held.

On August 11, 2021 the Oneida Business Committee accepted the 2021 Special Election Final Report and declared the official results.

Judiciary – Michele Doxtator

§102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

§105.9-1 All appointed and elected positions are official upon taking an oath during a regular or special Oneida Business Committee meeting.



Approve the August 25, 2021, regular Business Committee meeting minutes

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/08/21

2. General Information:

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

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- |   |  |   |
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| <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: LLIGGINS

**DRAFT****Oneida Business Committee**

**Regular Meeting**  
**8:30 AM Wednesday, August 25, 2021**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes****REGULAR MEETING**

**Present:** Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Secretary Lisa Liggins, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Marie Summers (via Microsoft Teams<sup>1</sup>), Jennifer Webster;

**Not Present:** n/a

**Arrived at:** Treasurer Tina Danforth at 8:35 a.m.;

**Others present:** Jo Anne House, Larry Barton, Mark W. Powless, Melinda J. Danforth (via Microsoft Teams), Danelle Wilson (via Microsoft Teams), Melinda K. Danforth (via Microsoft Teams), Stephanie Metoxen (via Microsoft Teams), Pamela Nohr (via Microsoft Teams), John Breuninger (via Microsoft Teams), Dakota A. Webster (via Microsoft Teams), Sherrole Benton (via Microsoft Teams), Donald McLester (via Microsoft Teams), Tsyoslake House (via Microsoft Teams), Barbara J. Cornelius (via Microsoft Teams), Vicki Cornelius (via Microsoft Teams), Julie Barton (via Microsoft Teams), Dellora Cornelius (via Microsoft Teams), Mike Denny (via Microsoft Teams), Janice McLester (via Microsoft Teams), Winnifred Thomas (via Microsoft Teams), Twylite Moore (via Microsoft Teams), Dylan Benton (via Microsoft Teams), Shannon Davis (via Microsoft Teams), Rae Skenandore (via Microsoft Teams), Mary Graves (via Microsoft Teams), Carmen Vanlanen (via Microsoft Teams), Debbie Melchert (via Microsoft Teams), Lori Hill (via Microsoft Teams), Jessica Vandekamp (via Microsoft Teams), Melanie Burkhart (via Microsoft Teams), Justin Nishimoto (via Microsoft Teams), Rhiannon Metoxen (via Microsoft Teams), Mike Debraska (via Microsoft Teams), Amy Spears (via Microsoft Teams), Kristal Hill (via Microsoft Teams), Lisa Duff (via Microsoft Teams), Clorissa Santiago (via Microsoft Teams), Nancy Barton (via Microsoft Teams), Fawne Rasmussen (via Microsoft Teams), Vanessa Miller (via Microsoft Teams), Louise Cornelius (via Microsoft Teams), Jameson Wilson (via Microsoft Teams), Kristen Hooker (via Microsoft Teams), Mark A. Powless Sr. (via Microsoft Teams), Nicole Rommel (via Microsoft Teams), Ralinda Ninham-Lambert (via Microsoft Teams), Kaylynn Gresham (via Microsoft Teams), Katsitsiyo Danforth (via Microsoft Teams), James Petitjean (via Microsoft Teams), Loucinda Conway (via Microsoft Teams), Debra J. Danforth (via Microsoft Teams), Tina Jorgenson (via Microsoft Teams), Chad Fuss (via Microsoft Teams), Jacque Boyle (via Microsoft Teams), Donald Dechamps (via Microsoft Teams), Michelle Danforth-Anderson (via Microsoft Teams), Eric Bristol (via Microsoft Teams), Renita Hernandez (via Microsoft Teams), Candice Skenandore (via Microsoft Teams), James Bittorf (via Microsoft Teams), Kelly McAndrews (via Microsoft Teams), Krystal John (via Microsoft Teams), Carl Artman (via Microsoft Teams);

**I. CALL TO ORDER**

*Meeting called to order by Chairman Tehassi Hill at 8:30 a.m.*

*For the record: Councilwoman Marie Summers is attending virtually. Treasurer Tina Danforth will be leaving at 3:30 p.m. for a personal appointment. Vice-Chairman Brandon Stevens will be leaving at 3:45 p.m. for a personal appointment.*

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

# DRAFT

## II. OPENING (00:00:08)

*Opening provided by Chairman Tehassi Hill.*

## III. ADOPT THE AGENDA (00:03:35)

*Treasurer Tina Danforth arrived at 8:35 a.m.*

Motion by David P. Jordan to adopt the agenda with four (4) changes [1) add Minutes item entitled "Approve the August 4, 2021, emergency Business Committee meeting minutes" 2) before the New Business Section, add "Travel Requests" section and item entitled "Approve the travel request in accordance with § 219.16-1 – Seven (7) Gaming staff – Sportsbook Training and Observation – Philadelphia, MS – September 14-17, 2021"; 3) add New Business item entitled "Approve exception to resolution # BC-01-22-20-A and schedule executive discussion on Tuesday, September 7, 2021"; and 4) correct title of Reports/Elected Boards, Committees, and Commissions item 2. to "Accept the Oneida Gaming Commission FY-2021 3rd quarter report"], 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

## IV. OATH OF OFFICE (00:06:19)

*Oaths of office administered by Secretary Lisa Liggins. Melinda K. Danforth, Stephanie Metoxen, Pamela Nohr, John Breuninger, Dakota A. Webster, Sherrole Benton, Donald McLester, Tsyoslake House, Barbara J. Cornelius, Vicki Cornelius, Julie Barton, Dellora Cornelius, Mike Denny, Janice McLester, Winnifred Thomas, Twylite Moore, and Dylan Benton were present (via Microsoft Teams). Fred Muscavitch and Jennifer Hill-Kelley were not present.*

- A. Oneida Election Board - Melinda K. Danforth, Stephanie Metoxen, and Pamela Nohr**  
Sponsor: Lisa Liggins, Secretary
- B. Oneida ESC Group, LLC, Board of Managers - John Breuninger**  
Sponsor: Lisa Liggins, Secretary
- C. Oneida Land Claims Commission - Dakota A. Webster**  
Sponsor: Lisa Liggins, Secretary
- D. Oneida Land Commission - Sherrole Benton, Donald McLester, and Fred Muscavitch**  
Sponsor: Lisa Liggins, Secretary
- E. Oneida Legal Resource Center - Tsyoslake House**  
Sponsor: Lisa Liggins, Secretary
- F. Oneida Nation School Board - Barbara J. Cornelius, Vicki Cornelius and Melinda K. Danforth**  
Sponsor: Lisa Liggins, Secretary

**DRAFT**

- G. Oneida Nation Commission on Aging - Julie Barton, Barbara J. Cornelius, Dellora Cornelius, Mike Denny, Janice McLester and Winnifred Thomas**  
Sponsor: Lisa Liggins, Secretary
- H. Oneida Personnel Commission - Twylite Moore**  
Sponsor: Lisa Liggins, Secretary
- I. Oneida Trust Enrollment Committee - Dylan Benton and Jennifer Hill-Kelley**  
Sponsor: Lisa Liggins, Secretary

**V. MINUTES**

- A. Approve the August 11, 2021, regular Business Committee meeting minutes (00:13:54)**  
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the August 11, 2021, regular Business Committee meeting minutes with one (1) change [on page 7, item XII.B., corrected "January 6, 2021" to "January 6, 2022"], seconded by Lisa Liggins. Motion carried:

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

Abstained: Jennifer Webster

- B. Approve the August 4, 2021, emergency Business Committee meeting minutes (00:18:29)**  
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the August 4, 2021, emergency Business 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

**VI. RESOLUTIONS**

- A. Adopt resolution entitled Rescinding resolution # BC-12-27-17-A and Removing the Maximum Vehicle Fuel Purchase Restriction (00:19:20)**  
Sponsor: James Petitjean, Interim Retail General Manager

Motion by Jennifer Webster to adopt resolution 08-25-21-A Rescinding resolution # BC-12-27-17-A and Removing the Maximum Vehicle Fuel Purchase Restriction, 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. APPOINTMENTS****A. Determine next steps regarding four (4) vacancies - Anna John Resident Centered Care Community Board (00:24:24); (02:48:28)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, 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*Item VII.B. was addressed next.*

Motion by Lisa Liggins to accept the selected the applicant, appoint Pat Moore to a term ending July 31, 2024, and request the Secretary to re-notice the remaining vacancies, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

*Item VII.B. was re-addressed next.***B. Determine next steps regarding four (4) vacancies - Oneida Nation Veterans Affairs Committee (00:25:03); (02:49:06)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, 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*Item VIII.A.1. was addressed next*

Motion by Lisa Liggins to accept the selected the applicants, appoint Benjamin Skenandore and Arthur Cornelius to terms ending December 31, 2023, and request the Secretary to re-notice the remaining vacancy, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

*Item XIV.A.1. was addressed next.*

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

1. **Accept the August 2, 2021, regular Finance Committee meeting minutes (00:25:46)**

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to accept the August 2, 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

2. **Accept the August 16, 2021, regular Finance Committee meeting minutes (00:26:21)**

Sponsor: Tina Danforth, Treasurer

Motion by Kirby Metoxen to accept the August 16, 2021, regular Finance Committee meeting minutes, 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. LEGISLATIVE OPERATING COMMITTEE**

1. **Accept the August 4, 2021, regular Legislative Operating Committee meeting minutes (00:26:56)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the August 4, 2021, regular Legislative Operating Committee meeting minutes, 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

# DRAFT

## IX. STANDING ITEMS

### A. ARPA FRF Updates and Requests/Proposals

#### 1. Adopt resolution entitled **Obligation for CIP #15-001, Food Innovation Center, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds (00:27:34)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to adopt resolution 08-25-21-B Obligation for CIP #15-001, Food Innovation Center, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds with one (1) change [in line 42, insert "Mark W. Powless, General Manager"], seconded by Marie Summers. Motion carried:

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

Abstained: Tina Danforth

*Councilman Kirby Metoxen left at 9:03 a.m.*

*Councilman Kirby Metoxen returned at 9:06 a.m.*

#### 2. Adopt resolution entitled **Obligation for CIP #23-005, Residential Home Sites, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds (00:50:27)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to adopt resolution 08-25-21-C Obligation for CIP #23-005, Residential Home Sites, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds with one (1) change [in line 42, insert "Mark W. Powless, General Manager"], 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

#### 3. Adopt resolution entitled **Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds (01:07:17)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Marie Summers to adopt resolution 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds with two (2) changes [1] in line 35 and 43, insert "\$7,367,335.72"; and 2) in line 43, insert "Mark W. Powless, General Manager"], 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

## X. TRAVEL REQUESTS

*Vice-Chairman Brandon Stevens left at 9:40 a.m.*

- A. Approve the travel request in accordance with § 219.16-1 – Seven (7) Gaming staff – Sportsbook Training and Observation – Philadelphia, MS – September 14-17, 2021 (01:09:31)**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Lisa Liggins to approve the travel request in accordance with § 219.16-1 for seven (7) Gaming staff to attend Sportsbook Training and Observation in Philadelphia, MS – September 14-17, 2021, seconded by Marie Summers. Motion carried:

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

Not Present: Brandon Stevens

## XI. NEW BUSINESS

- A. Approve a limited waiver of sovereign immunity - Thermo Scientific Portable Analytical Instruments Inc. terms and conditions of sale - file # 2021-0406 (01:10:44)**

Sponsor: Richard Van Boxtel, Chair/Oneida Police Commission

Motion by Lisa Liggins to approve a limited waiver of sovereign immunity for the Thermo Scientific Portable Analytical Instruments Inc. terms and conditions of sale - file # 2021-0406, seconded by Jennifer Webster. Motion carried:

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

Not Present: Brandon Stevens

- B. Consider request for an ARPA Education Program for the Fall 2021 (01:11:29)**

Sponsor: Mary Graves, Tribal Member

*Vice-Chairman Brandon Stevens returned at 9:45 a.m.*

*Chairman Tehassi Hill left at 9:52 a.m.; Vice-Chairman Brandon Stevens assumed the responsibilities of the Chair.*

*Chairman Tehassi Hill returned at 9:56 a.m. and resumed the responsibilities of the Chair.*

Motion by Lisa Liggins to accept the tribal member request for an ARPA Education Program for the Fall 2021 [semester] and to direct the General Manager to bring back an initial report at the October 13, 2021, regular Business Committee meeting and a final report no later than the December 8, 2021, regular Business Committee meeting on a [Higher] Education program funded by FRF funds to be implemented for the Spring 2022 semester, 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



**DRAFT****C. Approve the Higher Education request to post one (1) tribal contribution funded Administrative Assistant (01:51:36)**

Sponsor: Mark W. Powless, General Manager

*Councilman Daniel Guzman King left at 10:22 a.m.*

*Councilman Daniel Guzman King returned at 10:26 a.m.*

Motion by Jennifer Webster to accept the Chief Financial Officer input provided in accordance with section 121.8-3.(a) and approve the Higher Education request to hire one (1) tribal contribution funded emergency temp for an Administrative Assistant, 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

**D. Accept the April/May 2020 hotel placement program report (02:05:05)**

Sponsor: Mark W. Powless, General Manager

*Councilman David P. Jordan left at 10:35 a.m.*

*Councilman David P. Jordan returned at 10:45 a.m.*

Motion by Marie Summers to accept the April/May 2020 hotel placement program report, 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

**E. Approve exception to resolution # BC-01-22-20-A and schedule executive discussion on Tuesday, September 7, 2021 (02:16:41)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to approve an exception to resolution # BC-01-22-20-A, to schedule executive session discussion on Tuesday, September 7, 2021, and to request the Secretary to bring back a resolution to revise the regular Business Committee schedule [based on today's discussion], 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

**DRAFT****XII. REPORTS****A. OPERATIONAL****1. Accept the Comprehensive Health Division FY-2021 3rd quarter report (02:30:51)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Comprehensive Health Division FY-2021 3rd quarter report, seconded by Brandon Stevens. Motion carried:

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

**2. Accept the Environmental, Health, Safety, Land and Agriculture Division FY-2021 3rd quarter report (02:31:24)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Environmental, Health, Safety, Land and Agriculture Division FY-2021 3rd quarter report, 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

**3. Accept the Governmental Services Division FY-2021 3rd quarter report (02:31:52)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Governmental Services Division FY-2021 3rd quarter report, 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

**4. Accept the Public Works Division FY-2021 3rd quarter report (02:32:22)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Public Works Division FY-2021 3rd quarter report, 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

**5. Accept the Management Information Systems FY-2021 3rd quarter report (02:32:53)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Management Information Systems FY-2021 3rd quarter report, 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

**DRAFT****6. Accept the Tribal Action Plan FY-2021 3rd quarter report (02:33:29)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Tribal Action Plan FY-2021 3rd quarter report, 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

**7. Accept the Big Bear Media FY-2021 3rd quarter report (02:33:57)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Big Bear Media FY-2021 3rd quarter report, 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

**8. Accept the Education and Training FY-2021 3rd quarter report (02:34:24)**

Sponsor: Mark W. Powless, General Manager

Motion by Marie Summers to accept the Education and Training FY-2021 3rd quarter report, 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

**9. Accept the Grants FY-2021 3rd quarter report (02:34:50)**

Sponsor: Mark W. Powless, General Manager

Motion by Kirby Metoxen to accept the Grants FY-2021 3rd quarter report, 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. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Anna John Resident Centered Care Community Board FY-2021 3rd quarter report (02:35:21)**

Sponsor: Joshua Hicks, Interim Chair/Anna John Resident Centered Care Community Board

Motion by Marie Summers to accept the Anna John Resident Centered Care Community Board FY-2021 3rd quarter report, seconded by Brandon Stevens. Motion carried:

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

**2. Accept the Oneida Police Commission FY-2021 3rd quarter report (02:35:55)**

Sponsor: Richard VanBoxtel, Chair/Oneida Police Commission

Motion by Lisa Liggins to accept the Oneida Police Commission FY-2021 3rd quarter report, 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

# DRAFT

## C. ELECTED BOARDS, COMMITTEES, COMMISSIONS

### 1. Accept the Oneida Election Board FY-2021 3rd quarter report (02:36:17)

Sponsor: Candace House, Chair/Oneida Election Board

Motion by David P. Jordan to accept the Oneida Election Board FY-2021 3rd quarter report, 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

### 2. Accept the Oneida Gaming Commission FY-2021 3rd quarter report (02:36:47)

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

Motion by Marie Summers to accept the Oneida Gaming Commission FY-2021 3rd quarter report, 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

### 3. Accept the Oneida Land Commission FY-2021 2nd quarter report (02:37:19)

Sponsor: Becky Webster, Chair/Oneida Land Commission

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2021 2nd quarter report, 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

### 4. Accept the Oneida Nation School Board FY-2021 3rd quarter report (02:37:48)

Sponsor: Aaron Manders, Chair/Oneida Nation School Board

Motion by Lisa Liggins to accept the Oneida Nation School Board FY-2021 3rd quarter report, 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

### 5. Accept the Oneida Trust Enrollment Committee FY-2021 3rd quarter report (02:38:16)

Sponsor: Debbie Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Lisa Liggins to accept the Oneida Trust Enrollment Committee FY-2021 3rd quarter report, 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****D. STANDING COMMITTEES**

1. **Accept the Quality of Life Committee FY-2021 3rd quarter report (02:38:46)**  
Sponsor: Marie Summers, Councilwoman

Motion by Jennifer Webster to accept the Quality of Life Committee FY-2021 3rd quarter report, 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. **Accept the Community Development Planning Committee FY-2021 3rd quarter report (02:39:12)**  
Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the Community Development Planning Committee FY-2021 3rd quarter report, 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

3. **Accept the Legislative Operating Committee FY-2021 3rd quarter report (02:39:41)**  
Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the Legislative Operating Committee FY-2021 3rd quarter report, 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

4. **Accept the Finance Committee FY-2021 3rd quarter report (02:40:16)**  
Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the Finance Committee FY-2021 3rd quarter report, 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

**E. OTHER**

1. **Accept the Oneida Youth Leadership Institute Board FY-2021 3rd quarter report (02:40:42)**  
Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Oneida Youth Leadership Institute Board FY-2021 3rd quarter report, 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****XIII. GENERAL TRIBAL COUNCIL****A. Consider additional materials regarding Comprehensive Housing processes for the tentatively scheduled December 13, 2021, special General Tribal Council meeting (02:41:55)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to add the three (3) flowcharts to the materials for the tentatively scheduled December 13, 2021, special General Tribal Council meeting, 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

*Treasurer Tina Danforth and Councilwoman Jennifer Webster left at 11:15 a.m.*

**XIV. EXECUTIVE SESSION (02:47:32)**

Motion by David P. Jordan to go into executive session at 11:18 a.m., 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

*Secretary Lisa Liggins left at 11:20 a.m.*

*Treasurer Tina Danforth and Councilwoman Jennifer Webster returned at 11:22 a.m.*

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

*Meeting called to order by Chairman Tehassi Hill at 1:30 p.m. Councilwoman Marie Summers is attending in person.*

*Roll call for the record:*

*Present: Chairman Tehassi Hill; Treasurer Tina Danforth; Councilman Daniel Guzman King; Councilman David P. Jordan; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilwoman Marie Summers; Councilwoman Jennifer Webster*

*Not Present: Secretary Lisa Liggins;*

*Secretary Lisa Liggins returned at 2:02 p.m.*

*Treasurer Tina Danforth left at 3:33 p.m.*

*Vice-Chairman Brandon Stevens left at 3:47 p.m.*

Motion by Jennifer Webster to come out of executive session at 4:08 p.m., seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

*Item VII.A. was re-addressed next.*

**DRAFT****A. REPORTS****1. Accept the July 2021 Treasurer's report (02:49:48)**

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the July 2021 Treasurer's report, seconded by Jennifer Webster.

Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

**2. Accept the Intergovernmental Affairs, Communications, and Self-Governance August 2021 report (02:50:01)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by David P. Jordan to accept the Intergovernmental Affairs, Communications, and Self-Governance August 2021 report, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

Motion by Jennifer Webster to approve the Memorandum of Understanding (MOU) between the Oneida Nation and Appraisal and Valuation Services Office (AVSO) - file # 2021-0586, authorize the Chairman to sign the MOU and direct Self-Governance to submit the signed MOU to AVSO and the BIA Office of Self Governance for signature, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

Motion by Jennifer Webster to authorize Councilwoman Marie Summers to speak and participate in the 2021 Diversity Awards Ceremony on Friday, October 29, 2021, in Madison, WI, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

**3. Accept the Emergency Management FY-2021 3rd quarter report (02:51:16)**

Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Lisa Liggins to accept the Emergency Management FY-2021 3rd quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens



**DRAFT****4. Accept the Chief Counsel report (02:51:31)**

Sponsor: Jo Anne House, Chief Counsel

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

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

Motion by David P. Jordan to adopt resolution 08-25-21-E Revenue Allocation Plan FY-2021 and move only the resolution to open session, seconded by Lisa Liggins. Motion carried:

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

**5. Accept the Chief Financial Officer August 2021 report (02:52:06)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to accept the Chief Financial Officer August 2021 report, seconded by Marie Summers. Motion carried:

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

**6. Accept the General Manager report (02:52:21)**

Sponsor: Mark W. Powless, General Manager

Motion by Kirby Metoxen to accept the General Manager report, seconded by Marie Summers. Motion carried:

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

**B. AUDIT COMMITTEE****1. Accept the Audit Committee FY-2021 3rd quarter report (02:52:41)**

Sponsor: David P. Jordan, Councilman

Motion by Kirby Metoxen to accept the Audit Committee FY-2021 3rd quarter report, seconded by Jennifer Webster. Motion carried:

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



**DRAFT****C. NEW BUSINESS****1. Approve amendment #2 - HRD Area Manager employment contract - file # 2021-0328 (02:52:52)**

Sponsor: Lisa Liggins, Secretary

Motion by Marie Summers to approve amendment #2 to the HRD Area Manager employment contract - file # 2021-0328, seconded by Lisa Liggins. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

**2. Review application(s) for four (4) vacancies - Anna John Resident Centered Care Community Board (02:53:10)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the discussion regarding the Anna John Resident Centered Care Community Board application as information, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

**3. Review application(s) for four (4) vacancies - Oneida Nation Veterans Affairs Committee (02:53:33)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the discussion regarding the Oneida Nation Veterans Affairs Committee applications as information, seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

**4. Accept the August 3, 2021, regular OBC Officer meeting notes (02:53:49)**

Sponsor: Jessica Vandekamp, Employee Relations Representative

Motion by Jennifer Webster to accept the August 3, 2021, regular OBC Officer meeting notes, seconded by Marie Summers. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

# ***DRAFT***

## **XV. ADJOURN (02:54:37)**

Motion by Marie Summers to adjourn at 4:15 p.m., seconded by David P. Jordan. Motion carried:

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

Not Present: Tina Danforth, Brandon Stevens

Minutes prepared by Lisa Liggins, Secretary  
Minutes approved as presented on \_\_\_\_\_.

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Lisa Liggins, Secretary  
ONEIDA BUSINESS COMMITTEE

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Adoption of the Public Peace Law

**1. Meeting Date Requested:** 9 / 8 / 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](http://Oneida-nsn.gov)



TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson [Signature]  
 DATE: September 8, 2021  
 RE: Adoption of the Public Peace Law

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Please find the following attached backup documentation for your consideration of the adoption of the Public Peace law:

1. Resolution: Adoption of the Public Peace Law
2. Statement of Effect: Adoption of the Public Peace Law
3. Public Peace Law Legislative Analysis
4. Public Peace Law
5. Public Peace Law Fiscal Impact Statement

#### *Overview*

On October 7, 2020, the Legislative Operating Committee added the Public Peace law to its Active Files List. The Public Peace law had been carried over from the last two (2) Legislative Operating Committee terms, with it originally added to the Active Files List in December 2016. The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [1 O.C. 309.1-1].

This resolution adopts the Public Peace law which will:

- Delegate jurisdiction to the Trial Court for any action brought under this law [3 O.C. 309.4-1];
- Delegate authority to the Oneida Police Department to investigate complaints involving civil infractions under this law and issue citations for violations of this law [3 O.C. 309.4-3];
- Prohibit a person from committing a civil infraction under this law [3 O.C. 309.4-4];
- Provide the various civil infractions including:
  - Civil infractions against property [3 O.C. 309.5];
  - Civil infractions against the peace [3 O.C. 309.6];
  - Civil infractions against government [3 O.C. 309.7];
  - Civil infractions against the person [3 O.C. 309.8];
  - Civil infractions involving alcohol, tobacco, and drugs [3 O.C. 309.9]; and
  - Civil Infractions affecting health and safety [3 O.C. 309.10];
- Provide that a citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 309.11-1(b)];
- Require that an Oneida Police Department officer provide notice to the Oneida Law Office attorney assigned to the Comprehensive Housing Division of any citation issued to an

individual located at a property rented or leased through the Comprehensive Housing Division [3 O.C. 309.11-1(c)]; and

- Provide various penalties to be utilized by the Trial Court upon a finding that a violation of this law has occurred, including:
  - Fines [3 O.C. 309.11-2(a)];
  - Community service [3 O.C. 309.11-2(b)];
  - Counseling and/or other programs [3 O.C. 309.11-2(c)];
  - Restitution [3 O.C. 309.11-2(d)]; and/or
  - Any other penalty as deemed appropriate by the Trial Court [3 O.C. 309.11-2(e)].

The Legislative Operating Committee developed the Public Peace law through collaboration with representatives from the Oneida Business Committee, Oneida Law Office, Oneida Police Department, Strategic Planner, Tribal Action Plan (TAP), and the Comprehensive Housing Division. The Legislative Operating Committee held twelve (12) work meetings on the development of this law.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed Public Peace law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until September 26, 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, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, and BC-07-28-21-N.

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

Although no public meeting for the proposed Public Peace law was held in person, the public comment period was still held open until June 9, 2021, for the submission of written comments. Six (6) individuals submitted written comments during the public comment period. All public comments received were reviewed and considered by the Legislative Operating Committee on July 7, 2021, and July 13, 2021.

### **Requested Action**

Adopt the Resolution: Adoption of the Public Peace Law

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Adoption of the Public Peace Law

- 1  
2  
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
4 recognized by the laws of the United States of America; and  
5  
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
7  
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
10  
11 **WHEREAS,** the purpose of the Public Peace law ("the Law") is to set forth community standards and  
12 expectations which preserve the peace, harmony, safety, health, and general welfare of  
13 individuals who live within the boundaries of the Reservation; and  
14  
15 **WHEREAS,** the Law delegates jurisdiction to the Trial Court for any action brought under this Law; and  
16  
17 **WHEREAS,** the Law delegates authority to the Oneida Police Department to investigate complaints  
18 involving civil infractions under this Law and issue citations for violations of this Law; and  
19  
20 **WHEREAS,** the Law prohibits a person from committing a civil infraction under this Law; and  
21  
22 **WHEREAS,** the Law provides the various civil infractions including:  
23     • Civil infractions against property;  
24     • Civil infractions against the peace;  
25     • Civil infractions against government;  
26     • Civil infractions against the person;  
27     • Civil infractions involving alcohol, tobacco, and drugs;  
28     • Civil Infractions affecting health and safety; and  
29  
30 **WHEREAS,** the Law provides that a citation for a violation of this Law shall be processed in accordance  
31 with the procedure contained in the Nation's laws and policies governing citations, which  
32 is currently the Citations law; and  
33  
34 **WHEREAS,** the Law requires that an Oneida Police Department officer provide notice to the Oneida  
35 Law Office attorney assigned to the Comprehensive Housing Division of any citation issued  
36 to an individual located at a property rented or leased through the Comprehensive Housing  
37 Division; and  
38  
39 **WHEREAS,** the Law provides the various penalties to be utilized by the Trial Court upon a finding that  
40 a violation of this Law has occurred, including fines, community service, participation in  
41 counseling and/or other programs, restitution, and/or any other penalty as deemed  
42 appropriate by the Trial Court; and

43  
44 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
45 statement were developed for this Law; and  
46

47 **WHEREAS,** a public meeting on this proposed Law was not held in accordance with the Legislative  
48 Procedures Act due to the COVID-19 pandemic; and  
49

50 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*  
51 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for  
52 the Nation until April 12, 2020, which was then subsequently extended through September  
53 26, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-  
54 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-  
55 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, BC-  
56 03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, and BC-07-28-21-N; and  
57

58 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a  
59 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which  
60 suspended the Legislative Procedures Act's requirement to hold a public meeting during  
61 the public comment period for the duration of the Public Health State of Emergency, but  
62 allows members of the community to still participate in the legislative process by submitting  
63 written comments, questions, data, or input on proposed legislation to the Legislative  
64 Operating Committee via e-mail during the public comment period; and  
65

66 **WHEREAS,** although a public meeting was not held for this proposed Law, the public comment period  
67 for this Law was held open until June 9, 2021, and six (6) individuals submitted written  
68 comments during the public comment period; and  
69

70 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered all public  
71 comments received on July 7, 2021, and July 13, 2021; and  
72

73 **NOW THEREFORE BE IT RESOLVED,** that the Public Peace law is hereby adopted and shall become  
74 effective on September 22, 2021.  
75



## **Statement of Effect** *Adoption of the Public Peace Law*

### ***Summary***

This resolution adopts the Public Peace law.

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

*Date: August 27, 2021*

### ***Analysis by the Legislative Reference Office***

This resolution adopts the Public Peace law. The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [1 O.C. 309.1-1].

This resolution adopts the Public Peace law which will:

- Delegate jurisdiction to the Trial Court for any action brought under this law [3 O.C. 309.4-1];
- Delegate authority to the Oneida Police Department to investigate complaints involving civil infractions under this law and issue citations for violations of this law [3 O.C. 309.4-3];
- Prohibit a person from committing a civil infraction under this law [3 O.C. 309.4-4];
- Provide the various civil infractions including:
  - Civil infractions against property [3 O.C. 309.5];
  - Civil infractions against the peace [3 O.C. 309.6];
  - Civil infractions against government [3 O.C. 309.7];
  - Civil infractions against the person [3 O.C. 309.8];
  - Civil infractions involving alcohol, tobacco, and drugs [3 O.C. 309.9]; and
  - Civil Infractions affecting health and safety [3 O.C. 309.10];
- Provide that a citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 309.11-1(b)];
- Require that an Oneida Police Department officer provide notice to the Oneida Law Office attorney assigned to the Comprehensive Housing Division of any citation issued to an individual located at a property rented or leased through the Comprehensive Housing Division [3 O.C. 309.11-1(c)]; and
- Provide various penalties to be utilized by the Trial Court upon a finding that a violation of this law has occurred, including:
  - Fines [3 O.C. 309.11-2(a)];
  - Community service [3 O.C. 309.11-2(b)];
  - Counseling and/or other programs [3 O.C. 309.11-2(c)];
  - Restitution [3 O.C. 309.11-2(d)]; and/or



- Any other penalty as deemed appropriate by the Trial Court [3 O.C. 309.11-2(e)].

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 requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The proposed Public Peace law complies with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed Public Peace law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until September 26, 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, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, and BC-07-28-21-N.

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

Although a public meeting for the proposed Public Peace law was not held, the public comment period was still held open until June 9, 2021. The Legislative Operating Committee reviewed and considered the public comments that were received on July 7, 2021, and July 13, 2021.

Adoption of this resolution complies with the process and procedures of the LPA as it has been modified by the COVID-19 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

This resolution provides that the Public Peace law would become effective on September 22, 2021, in accordance with the LPA. [1 O.C. 109.9-3].

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation’s laws, as it complies with the Legislative Procedures Act as it has been modified by the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.



## PUBLIC PEACE LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Law</b>	<ul style="list-style-type: none"> <li>▪ Delegate jurisdiction to the Trial Court for any action brought under this law [3 O.C. 309.4-1];</li> <li>▪ Delegate authority to the Oneida Police Department to investigate complaints involving civil infractions under this law and issue citations for violations of this law [3 O.C. 309.4-3];</li> <li>▪ Prohibit a person from committing a civil infraction under this law [3 O.C. 309.4-4];</li> <li>▪ Provide the various civil infractions including: <ul style="list-style-type: none"> <li>▪ Civil infractions against property [3 O.C. 309.5];</li> <li>▪ Civil infractions against the peace [3 O.C. 309.6];</li> <li>▪ Civil infractions against government [3 O.C. 309.7];</li> <li>▪ Civil infractions against the person [3 O.C. 309.8];</li> <li>▪ Civil infractions involving alcohol, tobacco, and drugs [3 O.C. 309.9]; and</li> <li>▪ Civil Infractions affecting health and safety [3 O.C. 309.10];</li> </ul> </li> <li>▪ Provide that a citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 309.11-1(b)];</li> <li>▪ Require that an Oneida Police Department officer provide notice to the Oneida Law Office attorney assigned to the Comprehensive Housing Division of any citation issued to an individual located at a property rented or leased through the Comprehensive Housing Division [3 O.C. 309.11-1(c)]; and</li> <li>▪ Provide various penalties to be utilized by the Trial Court upon a finding that a violation of this law has occurred, including: <ul style="list-style-type: none"> <li>▪ Fines [3 O.C. 309.11-2(a)];</li> <li>▪ Community service [3 O.C. 309.11-2(b)];</li> <li>▪ Counseling and/or other programs [3 O.C. 309.11-2(c)];</li> <li>▪ Restitution [3 O.C. 309.11-2(d)]; and/or</li> <li>▪ Any other penalty as deemed appropriate by the Trial Court [3 O.C. 309.11-2(e)].</li> </ul> </li> </ul>
<b>Purpose</b>	To set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [1 O.C. 309.1-1].
<b>Affected Entities</b>	Oneida Nation Judiciary, Oneida Police Department, Oneida Law Office, Comprehensive Housing Division.
<b>Related Legislation</b>	Citations law, Per Capita law, Garnishment law, Eviction and Termination law, Leasing law.
<b>Public Meeting</b>	A public comment period was held open until June 9, 2021. A public meeting was not held in accordance with the Nation's COVID-19 Core Decision Making Team's declaration titled, " <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> "
<b>Fiscal Impact</b>	A fiscal impact statement was provided by the Finance Department on August 17, 2021.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. *Background.*** The request for the Legislative Operating Committee to develop and adopt a Public Peace law (“the Law”) was originally submitted on December 7, 2016. On October 26, 2016, the Oneida Police Commission, in its quarterly report to the Oneida Business Committee, made a recommendation to develop a Public Peace law in an effort to exercise the Nation’s sovereignty and jurisdiction. This recommendation was made based on input received during a community meeting held in Site 2 by the Oneida Police Department and Oneida Housing Authority due to a homicide investigation. The Oneida Business Committee then forwarded this request to the LOC who originally placed this item on the Active Files List in December 2016. The purpose of developing a Public Peace law would be to address community issues such as trespassing, damage to property, noise nuisances, and loitering.
- B.** On October 7, 2020, the Legislative Operating Committee added the Public Peace law to its Active Files List with Jennifer Webster as the sponsor. This item had been carried over from the last two (2) Legislative Operating Committee terms. Since that time, a work group of representatives from the Oneida Police Department, Oneida Law Office, Tribal Action Plan (TAP), Comprehensive Housing Division, and the Oneida Business Committee has met to work on the development of the Law.
- C.** On November 13, 2020, the LOC received a request from Vice Chairman Brandon Stevens to develop a Nuisance law on an emergency basis. Vice Chairman Stevens provided that he would like a Nuisance law developed on an emergency basis to preserve the welfare of the community from homes that are suspected drug houses. He also provided that currently the Comprehensive Housing Division and the Oneida Police Department have little authority over some homes on the Reservation, especially conveyed homes, and he would like to see that changed. The Legislative Operating Committee denied the request to develop a Nuisance law because the Legislative Operating Committee already had the development of a Public Peace law on its Active Files List, and the Public Peace law would address the social issues the request for a Nuisance law identified.

## SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments of the Nation participated in the development of this Law and legislative analysis:
- Oneida Business Committee;
  - Oneida Law Office;
  - Oneida Police Department;
  - Strategic Planner;
  - Tribal Action Plan (TAP); and
  - Comprehensive Housing Division.
- B.** The following laws of the Nation were reviewed in the drafting of this analysis:
- Citations law;
  - Per Capita law;
  - Garnishment law;
  - Oneida Judiciary Rules of Civil Procedure;
  - Real Property law;
  - Leasing law;
  - Eviction and Termination law; and
  - Zoning and Shoreland Protection law.

- 44 C. The following laws and ordinances from other States, municipalities, and Tribes were reviewed in the  
45 drafting of this Law and analysis:
- 46     ▪ Ysleta del Sur Pueblo Peace Code;
  - 47     ▪ Stockbridge-Munsee Public Peace and Good Order Ordinance;
  - 48     ▪ Saginaw Chippewa Public Nuisance Order;
  - 49     ▪ Rincon Band of Luiseno Mission Indians Peace and Security Ordinance;
  - 50     ▪ Ho-Chunk Nation Public Nuisance Act;
  - 51     ▪ Village of Hobart Peace and Good Order Law;
  - 52     ▪ Green Bay Public Peace and Good Order Ordinance;
  - 53     ▪ Green Bay Public Nuisance Ordinance;
  - 54     ▪ Brown County Offenses Against Public Peace and Safety; and
  - 55     ▪ Relevant State of Wisconsin statutes.
- 56 D. ***COVID-19 Pandemic's Effect on the Legislative Process.*** The world is currently facing a pandemic  
57 of COVID-19. The COVID-19 outbreak originated in Wuhan, China and has spread to many other  
58 countries throughout the world, including the United States. The COVID-19 pandemic has resulted in  
59 high rates of infection and mortality, as well as vast economic impacts including effects on the stock  
60 market and the closing of all non-essential businesses. A public meeting for this proposed Law will not  
61 be held due to the COVID-19 pandemic, but a public comment period for the submission of written  
62 comments will be held open until June 9, 2021.
- 63     ▪ *Declaration of a Public Health State of Emergency.*
    - 64         ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*  
65         *of Emergency*” regarding the COVID-19 pandemic which declared a Public Health State  
66         of Emergency for the Nation until April 12, 2020, and set into place the necessary authority  
67         for action to be taken and allows the Nation to seek reimbursement of emergency  
68         management actions that may result in unexpected expenses.
    - 69         ▪ The Public Health State of Emergency has since been extended until September 26, 2021,  
70         by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A,  
71         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-  
72         10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-  
73         10-21-D, BC-05-12-21-A, BC-06-23-21-B, and BC-07-28-21-N.
  - 74     ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*  
75     *Legislative Procedures Act.*
    - 76         ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a  
77         “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which  
78         suspended the Legislative Procedures Act's requirement to hold a public meeting during  
79         the public comment period, but allows members of the community to still participate in the  
80         legislative process by submitting written comments, questions, data, or input on proposed  
81         legislation to the Legislative Operating Committee via e-mail during the public comment  
82         period.
    - 83         ▪ Although a public meeting was not held on the proposed Law, a public comment period  
84         was still held open until June 9, 2021, in accordance with the Legislative Procedures Act  
85         and the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under*  
86         *the Legislative Procedures Act*” declaration.
- 87

**SECTION 4. PROCESS**

A. This Law has followed the process set forth in the Legislative Procedures Act (LPA).

- On October 7, 2020, the Legislative Operating Committee added the Public Peace law to its Active Files List.
- On April 21, 2021, the Legislative Operating Committee approved the draft and legislative analysis for this Law.
- On May 5, 2021, the Legislative Operating Committee scheduled a public comment period to be held for this proposed Law.
- The public comment period for this proposed Law was held open until June 9, 2021.
- On July 7, 2021, the Legislative Operating Committee accepted the public comments that were received for this legislative item and deferred this item to a work meeting for consideration.
- On July 7, 2021 and July 13, 2021, the Legislative Operating Committee reviewed and considered the public comments that were received.
- On August 4, 2021, the Legislative Operating Committee approved the final draft of the proposed Law and directed the Finance Department to complete a fiscal impact statement.
- On August 17, 2021, the fiscal impact statement was received from the Finance Department.

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

- December 16, 2020: LOC work meeting held with representatives from the Oneida Police Department, TAP, Comprehensive Housing Division, and Oneida Business Committee.
- January 15, 2021: LOC work meeting held with representatives from the Oneida Police Department, TAP, Comprehensive Housing Division, Oneida Law Office, Oneida Business Committee, and Strategic Planner.
- January 28, 2021: LOC work meeting.
- February 11, 2021: LOC work meeting.
- March 17, 2021: LOC work meeting held with representatives from the Oneida Police Department, TAP, Comprehensive Housing Division, Oneida Law Office, and Oneida Business Committee.
- April 7, 2021: LOC work meeting held with representatives from the Oneida Police Department, TAP, Comprehensive Housing Division, Oneida Law Office, and Oneida Business Committee.
- July 7, 2021: LOC work meeting.
- July 7, 2021: LOC work meeting held with representatives from the Oneida Police Department.
- July 13, 2021: LOC work meeting.
- July 21, 2021: LOC work meeting held with representatives from the Oneida Police Department and Oneida Law Office.
- July 29, 2021: Work meeting with the Oneida Law Office.
- August 18, 2021: LOC work meeting.

**SECTION 5. CONTENTS OF THE LEGISLATION**

A. *Intent of the Law.* The purpose of this Law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. It is the policy of the Nation to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing

civil infractions that occur. [3 O.C. 309.1-2]. The Legislative Operating Committee was motivated to develop this Law after hearing concerns from fellow Oneida Business Committee councilmembers and members of the community regarding issues and problems occurring in neighborhoods throughout the Reservation.

**B. *Prohibition of Civil Infractions.*** This Law prohibits a person from committing a civil infraction. [3 O.C. 309.4-4]. The Law then goes on to provide details on what constitutes various civil infractions and organizes each civil infraction into different categories. The following constitutes the organization of the civil infractions:

▪ *Civil Infractions Against Property [3 O.C. 309.5].*

- Damage to Property;
- Reckless Damage or Destruction;
- Trespass;
- Theft;
- Retail Theft;
- Loitering;
- Fraud; and
- Negligent Handling of Burning Material.

▪ *Civil Infractions Against the Peace [3 O.C. 309.6].*

- Disorderly Conduct;
- Carrying a Prohibited Weapon;
- Gang Related Activity;
- Throwing or Shooting Projectiles;
- Obstructing Streets and Sidewalks;
- Nuisance;
- Maintaining a Chronic Nuisance House; and
- Interfering with Lawful Arrest or Resisting Arrest.

▪ *Civil Infractions Against Government [3 O.C. 309.7].*

- Disrupting a Meeting or Government Function;
- Breach of Confidentiality; and
- Threatening an Official.

▪ *Civil Infractions Against the Person [3 O.C. 309.8].*

- Assault;
- Harassment;
- Abuse of Individuals at Risk; and
- Truancy.

▪ *Civil Infractions Involving Alcohol, Tobacco, and Drugs [3 O.C. 309.9].*

- Public Intoxication;
- Unauthorized Alcohol Beverage;
- Underage Possession of Alcohol;
- Furnishing Alcohol Beverages to Minors;
- Underage Possession of Tobacco;
- Furnishing Tobacco to Minors;
- Misrepresentation of Identification Card;
- Possession of Prohibited Drugs;



- 176                   ▪ Manufacturing Prohibited Drugs;
- 177                   ▪ Maintaining a Drug House; and
- 178                   ▪ Determination of a Prohibited Drug.
- 179       ▪ *Civil Infractions Affecting Health and Safety [3 O.C. 309.10].*
- 180                   ▪ Littering;
- 181                   ▪ Unsightly Areas;
- 182                   ▪ Depositing Human Waste; and
- 183                   ▪ Exposure of a Communicable or Infectious Disease.

184 **C. *Enforcement.*** The Oneida Police Department is delegated the authority to investigate complaints  
 185 involving civil infractions under this Law, and to issue citations for violations of this Law. [3 O.C.  
 186 309.4-3(a)-(b), 309.11-1]. A citation issued for a violation of this Law is required to be processed in  
 187 accordance with the process and procedure contained in the Nation's Citations law. [3 O.C. 309.11-  
 188 1(b)]. Once an Oneida Police Department Officer issues a citation, the Trial Court then has jurisdiction  
 189 over any action brought under this Law. [3 O.C. 309.4-1]. A citation for a violation of this Law and/or  
 190 any orders issued pursuant to this Law may include fines and other penalties, as well as conditional  
 191 orders made by the Trial Court. [3 O.C. 309.11-1(a)]. All matters decided by the Trial Court shall be  
 192 proven by clear and convincing evidence. [3 O.C. 309.4-2]. The Citations law requires that this standard  
 193 of proof be used. [8 O.C. 807.6-2(a)]. Clear and convincing evidence means that the person filing the  
 194 complaint must provide evidence indicating that the allegation to be proved is highly probable or  
 195 reasonably certain. This is a greater burden than "preponderance of the evidence" standard, which is  
 196 the standard used in most civil trials, but a lesser burden than "beyond a reasonable doubt" standard,  
 197 which is used for criminal trials. The Trial Court is then responsible for determining that a violation of  
 198 this Law has occurred, and if so, imposing a penalty on the individual. [3 O.C. 309.11-2].

199 **D. *Penalties.*** Upon a finding by the Trial Court that a violation of this Law has occurred, an individual  
 200 may be subject to the following penalties:

- 201       ▪ *Fines.* An individual may be ordered to pay a fine as a result of a violation of this Law. The Oneida  
 202 Business Committee is given the responsibility to adopt through resolution a citation schedule  
 203 which sets forth specific fine amounts for violations of this Law. [3 O.C. 309.11-2(a)]. The Law  
 204 then goes on to provide details as to who fines should be paid to, and the deadline for paying a fine.  
 205 [3 O.C. 309.11-2(a)(1)-(2)]. If an individual does not pay his or her fine within the required  
 206 timeframe, the Trial Court may seek to collect the money owed through the Nation's garnishment  
 207 and/or per capita attachment process or any other collection process available to the Trial Court. [3  
 208 O.C. 309.11-2(a)(3)].
- 209       ▪ *Community Service.* An individual may be ordered to perform community service, which can be  
 210 used in lieu of, or in addition to, a fine. [3 O.C. 309.11-2(b)]. The Law then goes on to provide  
 211 how community service assignments will be approved, what information the community service  
 212 order is required to contain, and how the community service assignment will be monitored. [3 O.C.  
 213 309.11-2(b)(1)-(3)].
- 214       ▪ *Counseling and/or other programs.* An individual may be ordered to participate in counseling  
 215 and/or any other program relevant and available to the Nation. [3 O.C. 309.11-2(c)].
- 216       ▪ *Restitution.* An individual may be ordered to pay restitution, which may include the repayment of  
 217 any improperly received benefit, or any other payment which is intended to make another whole  
 218 after suffering losses as a result of the actions of the individual. [3 O.C. 309.11-2(d)]. The Trial  
 219 Court is delegated the authority to determine an appropriate amount of restitution to be paid for the

theft or damage of any venerated object, which may be higher than the monetary value of the venerated object due to its venerated status. [3 O.C. 309.11-2(d)(1)].

- *Any other penalty as deemed appropriate by the Trial Court.* The Trial Court is given discretion and flexibility to utilize any other penalty that may be deemed appropriate based on the facts and details of each specific case. [3 O.C. 309.11-2(e)].

E. ***Interaction with the Comprehensive Housing Division.*** An Oneida Police Department officer is required to provide notice of a citation to the Oneida Law Office attorney assigned to the Comprehensive Housing Division if the citation was issued to an individual located at a property rented or leased through the Comprehensive Housing Division. [3 O.C. 309.11-1(c)]. Any information or reports shared by the Oneida Police Department officer with the Oneida Law Office attorney shall remain confidential as agreed upon between the Oneida Law Office and the Oneida Police Department Chief of Police. *Id.* The purpose of this provision is to promote communication between the Oneida Police Department and the Comprehensive Housing Division, and recognize that the Comprehensive Housing Division has its own enforcement mechanisms, that although separate from the process and procedures contained in this Law, may be triggered when an individual who they hold a lease or rental agreement with violates this Law and receives a citation.

## SECTION 6. EXISTING LEGISLATION

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

- *Citations law.* The Citations law provides a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2]. The Citations law provides how a citation action is started – such as who has the authority to issue a citation, the requirements of the form of the citation, and how a citation is served and filed; stipulations for the settlement of a citation; and the citation hearing procedures. [8 O.C. 807].
  - This Law provides that a citation for a violation of this Law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations. [3 O.C. 302.10-2]. The Citations law is the Nation’s law governing citations.
  - Any citations issued by the Oneida Police Department for a violation of this Law must comply with the requirements and procedures of the Citations law. [3 O.C. 309.11-1(b)].
- *Garnishment Law.* The Garnishment law allows the Nation to exercise its authority to provide an effective mechanism for creditors to access an employee’s income for reduction of personal debt. [2 O.C. 204.1-1]. Garnishment of an individual’s income to collect debt owed to an entity of the Nation is allowed under the Garnishment law. [2 O.C. 204.6].
  - If an individual is ordered to pay a fine in accordance with this Law and does not pay according to the deadline, the Trial Court may seek to collect that fine through the Nation’s garnishment process. [3 O.C. 309.11-2(a)(3)].
- *Per Capita Law.* The Per Capita law specifies the procedure to be followed in the event that per capita payments are distributed by the Nation and states the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payments. [1 O.C. 123.1-1]. The Per Capita law allows per capita payments to be subject to attachment prior to distribution for debt owed to an Oneida entity. [1 O.C. 123.4-9, 123.4-9(a)(2)].



- If an individual is ordered to pay a fine in accordance with this Law and does not pay according to the deadline, the Trial Court may seek to collect that fine through the Nation's per capita attachment process. [3 O.C. 309.11-2(a)(3)].

- *Leasing Law.* The Leasing law sets out the Nation's authority to issue, review, approve and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates all powers necessary and proper to the Comprehensive Housing Division to enforce the lease terms, the Leasing law and any rules developed pursuant to the Leasing law. [6 O.C. 602.11-1]. If a lessee or other party causes or threatens to cause immediate and significant harm to the premises, or undertakes criminal activity thereon, the Comprehensive Housing Division may take appropriate emergency action, which may include cancelling the lease and/or securing judicial relief. [6 O.C. 602.11-2].

- If an individual commits a civil infraction under this Law, his or her violations of this Law may be used as a basis of lease enforcement action by the Comprehensive Housing Division.

- *Eviction and Termination Law.* The Eviction and Termination law provides consistent procedures relating to the Nation's rental and leasing programs for terminating a contract and/or evicting an occupant which affords the applicant due process and protects all parties involved. [6 O.C. 610.1-1]. The Eviction and Termination law provides that an owner may terminate the contract prior to the contract term and evict the occupant if the occupant is alleged to have violated any applicable law or rule of the Nation, or is alleged to have committed one or more nuisance activities. [6 O.C. 610.5-1(b)-(c)].

- If an individual commits a civil infraction under this Law, his or her violations of this Law may be used as a basis of eviction or termination of a contract action by the Comprehensive Housing Division.

- *Zoning and Shoreland Protection Law.* One purpose of the Zoning and Shoreland Protection law is to prevent persons from using or maintaining their property in any manner which endangers the public's health, safety or welfare; limits the use or enjoyment of neighboring property; or causes or tends to cause diminution of the value of the property of others in the area in which such property is located. [6 O.C. 605.6-12]. The Zoning and Shoreland Protection law provides that it shall be unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth by the law unless such noise is reasonably necessary for the preservation of life, health, safety or property. [6 O.C. 605.6-12(d)]. The Zoning and Shoreland Protection law also prohibits any liquid, or solid wastes, or other adverse influences which have an objectionable effect upon adjacent or nearby property and provides that all noxious weeds and other rank growth of vegetation are a public nuisance. [6 O.C. 605.6-12(k)-(l)].

- Some of the civil infractions provided in this Law - such as disorderly conduct, littering or unsightly areas - are similar to public nuisances identified and prohibited by the Zoning and Shoreland Protection law.

- The Zoning and Shoreland Protection law provides authority to the Zoning Administrator to take enforcement action against an individual for a violation of the law, with the Land Commission as the ultimate authority who would hear any appeals of the Zoning Administrator's decisions. This Law delegates authority to the Oneida Police Department to take enforcement action against an individual for a violation of

306 this Law, with the ultimate authority over the matter delegated to the Nation's Trial  
307 Court.

- 308 ■ This Law and the Zoning and Shoreland Protection law may govern similar subject  
309 matters, but they have separate enforcement procedures, so it can be said that these  
310 laws have concurrent jurisdiction. This means that one act by an individual could result  
311 in a violation of both the Zoning and Shoreland Protection law and this Law at the  
312 same time. For example, if a person is making excessive noise on their property, they  
313 can receive a citation for disorderly conduct from an Oneida Police Department under  
314 the Public Peace law while simultaneously receiving written notice for compliance or  
315 a fine from the Zoning Administrator under the Zoning and Shoreland Protection law.

## 317 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

318 A. *Effect on Existing Rights.* An individual who is issued a citation for a violation of this Law has due  
319 process protections under the Citations law. The Citations law protects due process rights by:

- 320 ■ Requiring that all citations be properly noticed and served on the defendant, including a notice of  
321 the defendant's rights and privileges, hearing dates and information [8 O.C. 807.4-3, 807.4-4];
- 322 ■ Ensuring that defendants have the right to contest their citations in the Nation's Judiciary [8 O.C.  
323 807.6-1];
- 324 ■ Establishing a formal process for stipulations that require defendants to acknowledge that they are  
325 waiving their rights to contest the citation in court and sign a statement that they enter into the  
326 agreement free of duress and coercion [8 O.C. 807.5]; and
- 327 ■ Providing an opportunity for a defendant to appeal the Trial Court or Family Court's decision to  
328 the Nation's Court of Appeals in accordance with the Rules of Appellate Procedure. [8 O.C. 807.6-  
329 3].

## 331 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

332 A. *Enforcement.* The Oneida Police Department is delegated enforcement authority under this Law.

- 333 ■ The Oneida Police Department has the authority to investigate complaints involving civil  
334 infractions under this Law, and to issue citations for violations of this Law. [3 O.C. 309.4-3(a)-(b),  
335 309.11-1].

336 B. *Citation Schedule Resolution.* The Oneida Business Committee is delegated the authority to adopt  
337 through resolution a citation schedule which sets forth specific fine amounts for violations of this Law.  
338 [3 O.C. 30309.11-2(a)].

## 340 **SECTION 9. OTHER CONSIDERATIONS**

341 A. *Public Peace Law Citation Schedule.* This Law provides that the Oneida Business Committee shall  
342 hereby be delegated the authority to adopt through resolution a citation schedule which sets forth  
343 specific fine amounts for violations of this Law. [3 O.C. 309.11-2(a)]. A citation schedule will need to  
344 be developed and adopted.

- 345 ■ *Conclusion.* The Legislative Operating Committee has worked with the Oneida Law Office and  
346 Oneida Police Department to develop a citation schedule resolution that will be presented to the  
347 Oneida Business Committee for consideration at the time the adoption of this Law is considered.

- 348 **B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all  
349 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
350 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
351 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
352 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
353 completing the fiscal impact statement.
- 354     ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement for the  
355 proposed Law from the Finance Department on August 17, 2021. The fiscal impact statement had  
356 an indeterminate conclusion.

357

### **Title 3. Health & Public Safety - Chapter 309**

#### **PUBLIC PEACE**

309.1. Purpose and Policy  
309.2. Adoption, Amendment, Repeal  
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#### **309.1. Purpose and Policy**

309.1-1. *Purpose.* The purpose of this law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation.

309.1-2. *Policy.* It is the policy of the Nation to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing civil infractions that occur.

#### **309.2. Adoption, Amendment, Repeal**

309.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_.

309.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

309.2-3. 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.

309.2-4. 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.

309.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

#### **309.3. Definitions**

309.3-1. 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) “Adult at risk” means any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

(b) “Alcohol beverage” means a fermented malt beverage and any intoxicating liquor.

(c) “Bodily harm” means physical pain or injury, illness, or any impairment of physical condition.

(d) “Child” means a person who has not attained the age of eighteen (18) years.

(e) “Cigarette” means any roll for smoking made wholly or in part of tobacco, irrespective of size, shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state.

(f) “Drug paraphernalia” means any equipment, product, object or container used or intended for use to cultivate, plant, maintain, manufacture, package or store a prohibited

38 drug or inject, ingest, inhale or otherwise introduce an prohibited drug into the human body,  
39 regardless of the material composition of the instrument used for such purposes.

40 (g) “Elder at risk” means any person age fifty-five (55) or older who has experienced, is  
41 currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial  
42 exploitation.

43 (h) “Electronic cigarette” means device that enables a person to ingest nicotine, or other  
44 chemicals or substances, by inhaling a vaporized liquid and shall include the cartridges and  
45 other products used to refill the device. “Electronic cigarette” shall not include any device  
46 that is prescribed by a healthcare professional.

47 (i) “Fleet vehicle” means a vehicle owned or leased by the Nation.

48 (j) “Gang” means an association of three (3) or more individuals whose members  
49 collectively identify themselves by adopting a group identity which they use to create an  
50 atmosphere of fear or intimidation frequently by employing one (1) or more of the  
51 following: a common name, slogan, identifying sign, symbol, tattoo, or other physical  
52 marking, style or color of clothing, hairstyle, hand sign or graffiti.

53 (k) “Intoxication” means not having the normal use of mental or physical faculties by  
54 reason of the introduction of an alcohol beverage or a prohibited drug, or any other  
55 substance into the body.

56 (l) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was  
57 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later  
58 authorized to administer the judicial authorities and responsibilities of the Nation by  
59 Oneida General Tribal Council resolution GTC-03-19-17-A.

60 (m) “Litter” means all rubbish, waste materials refuse, garbage, trash debris, or other  
61 foreign substances, solid, liquid, or every form, size, and kind.

62 (n) “Merchant” means a person who deals in goods of the kind or otherwise by his or her  
63 occupation holds himself or herself out as having knowledge or skill peculiar to the  
64 practices or goods involved in the transaction or to whom such knowledge or skill may be  
65 attributed by his or her employment of an agent or broker or other intermediary who by his  
66 or her occupation holds himself or herself out as having such knowledge or skill.

67 (o) “Nation” means the Oneida Nation.

68 (p) “Official” means any person who is elected or appointed to serve a position for the  
69 Nation, including, but not limited to, a position on a board, committee, commission, or  
70 office of the Nation, including the Oneida Business Committee and Judiciary.

71 (q) “Pecuniary loss” means a loss of money, or of something by which money or of value  
72 may be acquired.

73 (r) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
74 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance  
75 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
76 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
77 medicine used in an unauthorized or unlawful manner.

78 (s) “Recklessly” mean a person acts recklessly, or is reckless, with respect to circumstance  
79 surrounding his or her conduct, or the result of his or her conduct when he or she is aware  
80 of, but consciously disregards a substantial and unjustifiable risk that the circumstances  
81 exist or the result will occur. The risk must be of such a nature and degree that its disregard  
82 constitutes a gross deviation from the standard of care that an ordinary person would  
83 exercise under all the circumstances as viewed from the person’s standpoint.

(t) "Reservation" means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(u) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

(v) "Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.

(w) "Theft detection device remover" means any tool or device used, designed for use or primarily intended for use in removing a theft detection device from merchandise held for resale by a merchant or property of a merchant.

(x) "Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.

(y) "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(z) "Trial Court" means the Trial Court of the Oneida Nation Judiciary.

(aa) "Tribal property" means all land owned in fee by the Nation or held in trust by the United States for the benefit of the Nation, excluding leased parcels and parcels under a right of way.

(bb) "Venerated object" means any object of worship, devotion, reverence, tradition, or adoration regarded with great respect.

(cc) "Weapon" means guns, switchblade knives, knives with blades longer than three (3) inches that are not being used for food preparation, electric weapons, billy clubs, and any other similar instrument or device.

#### **309.4. Jurisdiction and Authority**

309.4-1. *Jurisdiction of the Court.* The Trial Court shall have jurisdiction over any action brought under this law.

309.4-2. *Standard of Proof.* All matters to be decided by the Trial Court shall be proven by clear and convincing evidence.

309.4-3. *Authority of the Oneida Police Department.* The Oneida Police Department shall have the authority to:

(a) investigate complaints involving civil infractions under this law; and

(b) issue citations for violations of this law.

309.4-4. *General Prohibition of Civil Infractions.* No person shall commit a civil infraction under this law.

#### **309.5. Civil Infractions Against Property**

309.5-1. *Damage to Property.* A person commits the civil infraction of damage to property if he or she, without the consent of the owner:



- 131 (a) damages or destroys the property of the owner;
- 132 (b) tampers with property of the owner and causes pecuniary loss or substantial
- 133 inconvenience to the owner or a third person;
- 134 (c) makes markings, including inscriptions, slogans, drawings, or paintings on the property
- 135 of the owner; or
- 136 (d) alters, defaces, or damages in any way property owned by the Nation.
- 137 309.5-2. *Reckless Damage or Destruction*. A person commits the civil infraction of reckless
- 138 damage or destruction if without the consent of the owner he or she recklessly damages or destroys
- 139 the property of the owner.
- 140 309.5-3. *Trespass*. A person commits the civil infraction of trespass if he or she:
- 141 (a) enters or remains on private property or Tribal property without consent and he or she:
- 142 (1) had notice that the entry was forbidden; or
- 143 (2) received notice or order to depart but failed to do so.
- 144 (b) *Notice*. Notice or an order to depart may be given by:
- 145 (1) written or verbal communication given to the intruder by an Oneida Police
- 146 Department officer, the owner of the property, or a person authorized to act on
- 147 behalf of the owner;
- 148 (2) written notice posted on or about the property in a manner reasonably likely to
- 149 come to the attention of potential intruders; or
- 150 (3) fences, barricades, or other devices manifestly designed to enclose the property
- 151 and to exclude potential intruders.
- 152 309.5-4. *Theft*. A person commits the civil infraction of theft if he or she:
- 153 (a) obtains, exercises control over, or conceals anything of value of another without the
- 154 consent of the owner; or
- 155 (b) having lawfully obtained possession for temporary use of the property, deliberately
- 156 and without consent, fails to return or reveal the whereabouts of said property to the owner,
- 157 his or her representative or the person from which he or she has received it with the intent
- 158 to permanently deprive the owner of its use and benefit.
- 159 309.5-5. *Retail Theft*. A person commits the civil infraction of retail theft if he or she without the
- 160 merchant's consent and with intent to deprive the merchant permanently of possession or the full
- 161 purchase price of the merchandise or property:
- 162 (a) intentionally alters indicia of price or value of merchandise held for resale by a
- 163 merchant or property of a merchant;
- 164 (b) intentionally takes and carries away merchandise held for resale by a merchant or
- 165 property of a merchant;
- 166 (c) intentionally transfers merchandise held for resale by a merchant or property of a
- 167 merchant;
- 168 (d) intentionally conceals merchandise held for resale by a merchant or property of a
- 169 merchant;
- 170 (e) intentionally retains possession of merchandise held for resale by a merchant or
- 171 property of a merchant;
- 172 (f) while anywhere in the merchant's premises, intentionally removes a theft detection
- 173 device from merchandise held for resale by a merchant or property of a merchant;
- 174 (g) uses, or possesses with intent to use, a theft detection shielding device to shield
- 175 merchandise held for resale by a merchant or property of merchant from being detected by
- 176 an electronic or magnetic theft alarm sensor; or

(h) uses, or possesses with intent to use, a theft detection device remover to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.

309.5-6. *Loitering*. A person commits the civil infraction of loitering if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(a) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person:

(1) takes flight upon appearance of an Oneida Police Department Officer;

(2) refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object; or

(3) refuses to leave the premises after being requested to move by an Oneida Police Department officer or by any person in authority at such place.

309.5-7. *Fraud*. A person commits the civil infraction of fraud if, to obtain property, money, gain, advantage, interest, asset, or services for himself or herself or another he or she:

(a) makes a materially false or misleading statement which he or she knows to be untrue or makes a remark with reckless disregard to the accuracy of the statement;

(b) withholds information by misrepresentation or deceit; or

(c) with intent to defraud or harm another, he or she destroys, removes, conceals, alters, substitutes or otherwise impairs the verity, legibility, or availability of a writing.

309.5-8. *Negligent Handling of Burning Material*. A person commits the civil infraction of negligent handling of burning material if he or she handles burning material in a highly negligent manner in which the person should realize that a substantial and unreasonable risk of serious damage to another person or another's property is created.

### **309.6. Civil Infractions Against the Peace**

309.6-1. *Disorderly Conduct*. A person commits the civil infraction of disorderly conduct if he or she engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A civil infraction of disorderly conduct may include, but is not limited to, the following behaviors:

(a) fights with another person within the boundaries of the Reservation;

(b) discharges a firearm or air gun that is prohibited;

(c) makes or causes to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities;

(1) Between the hours of 10:00 p.m. and 6:00 a.m. any excessive noise shall be prohibited.

(d) abuses or threatens a person on Tribal property in an obviously offensive manner;

(e) lies or sleeps on any street, alley or sidewalk, or in any other Tribal property, or upon private property that he or she has no right to occupy; or

(f) uses abusive, indecent, profane, or vulgar language in Tribal property, and the language by its very utterance tends to incite an immediate breach of the peace.

309.6-2. *Carrying a Prohibited Weapon*. A person commits the civil infraction of carrying a prohibited weapon if he or she bears or carries on or about his or her person, whether in the open or concealed, a weapon on Tribal property, including any buildings, gaming or retail business, facility, construction site, fleet vehicle, or at any event sponsored by the Nation.

(a) *Exceptions*. An individual shall not be considered to have committed the civil infraction of carrying a prohibited weapon if he or she is actively engaged in:



(1) the performance of the duties of his or her employment which requires a weapon to be carried, including sworn law enforcement officers or vendors who transport or distribute cash;

(2) hunting, fishing, or trapping in accordance with the Nation's laws and rules governing hunting, fishing, and trapping; or

(3) cultural activities or ceremonies.

309.6-3. *Gang Related Activity*. A person commits the civil infraction of gang activity if he or she participates in any activity with a gang which:

(a) creates an atmosphere of fear and intimidation in the community;

(b) engages in acts injurious to the public health, safety, or morals of the Nation; or

(c) engages in gang-focused illegal activity either individually or collectively.

309.6-4. *Throwing or Shooting Projectiles*. A person commits the civil infraction of throwing or shooting projectiles if he or she throws or shoots any object, stone, snowball, or other projectile by hand or by any other means, at any person, or at or into any building, street, sidewalk, alley, highway, park, playground or other public place.

309.6-5. *Obstructing Streets and Sidewalks*. A person commits the civil infraction of obstructing streets and sidewalks if he or she stands, sits, loafs, loiters, engages in any sport of exercise, or uses or maintains a motor vehicle on any public street, sidewalk, bridge, or public ground within the Reservation in such manner as to:

(a) prevent or obstruct the free passage of pedestrian or vehicular traffic;

(b) prevent or hinder free ingress to or egress from any place of business or amusement or any church, public building or meeting place; or

(c) prevent the Nation from utilizing a snowplow or other maintenance equipment or vehicles.

309.6-6. *Nuisance*. A person commits the civil infraction of nuisance whenever he or she engages in a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(a) substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(b) in any way render the public insecure in life or in the use of property; or

(c) greatly offend the public morals or decency.

309.6-7. *Maintaining a Chronic Nuisance House*. A person commits the civil infraction of maintaining a chronic nuisance house if he or she has three (3) or more police contacts occurring during a twelve (12) month period at the premises that he or she owns or occupies through a lease or rental agreement.

309.6-8. *Interfering with Lawful Arrest or Resisting Arrest*. A person commits the civil infraction of interfering with lawful arrest or resisting arrest if by force, violence or other means, he or she:

(a) interferes, hinders or resists any Oneida Police Department officer in the performance of his or her official duties;

(b) flees from any Oneida Police Department officer who is attempting to lawfully arrest or detain him or her; or

(c) assists another to avoid a lawful arrest or harbors a fugitive.

### **309.7. Civil Infractions Against Government**

309.7-1. *Disrupting a Meeting or Government Function*. A person commits the civil infraction of disrupting a meeting or government function if he or she:

- (a) conducts himself or herself in a manner intended to prevent or disrupt a lawful meeting held in any property owned or controlled by the Nation;
- (b) refuses or fails to leave any Tribal property upon being requested to do so by any official charged with maintaining order in such Tribal property;
- (c) willfully denies any official, employee or member of the Nation the lawful right of such person to enter, to use the facilities, or to leave any Tribal property;
- (d) at or in any Tribal property willingly impedes any official or employee in the lawful performance of his or her duties or activities through the use of restraint, coercion, intimidation or by force and violence or threat thereof; or
- (e) at any meeting or session conducted by any official of the Nation, held in any Tribal property; through the use of restraint, coercion, intimidation or by force and violence or threat thereof; willfully impedes, disrupts, or hinders the normal proceedings of such a meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official to conduct such a meeting.

309.7-2. *Breach of Confidentiality.* A person commits the civil infraction of breach of confidentiality if he or she;

- (a) makes or disseminates any unauthorized audio or video recording within the designated meeting area of a General Tribal Council meeting, or executive session portion of a meeting of the Oneida Business Committee or any other board, committee, or commission of the Nation; or
- (b) disseminates any confidential meeting materials of the General Tribal Council, Oneida Business Committee, or any other board, committee, or commission of the Nation, including but not limited to, meeting packets and meeting minutes, to any individual not authorized to access the materials.

309.7-3. *Threatening an Official.* A person commits the civil infraction of threatening an official if he or she threatens to inflict serious injury against an official, a member of the official's family, or the official's property as a result of any action taken by the official in the course of his or her duties.

### **309.8. Civil Infractions Against the Person**

309.8-1. *Assault.* A person commits the civil infraction of assault if he or she:

- (a) causes bodily harm to another;
- (b) threatens another with imminent bodily harm;
- (c) causes physical contact with another when the person knows or should reasonably believe that the other person will regard the contact as offensive or provocative;
- (d) uses or exhibits a weapon during the commission of the assault; or
- (e) forcibly assaults or intimidates any authorized law enforcement official lawfully discharging an official duty.

309.8-2. *Harassment.* A person commits the civil infraction of harassment if, with intent to harass, alarm, abuse, or torment another he or she:

- (a) initiates communication in person, by telephone, in writing, or through any means of electronic communication and in the course of the communication makes a comment, request, suggestion or proposal that is obscene or false;
- (b) threatens, in person, by telephone, in writing, or through any means of electronic communication in a manner reasonably likely to alarm the person receiving the threat, to inflict serious injury against the person, a member of his or her family, or his or her property;

(c) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyer to be false, that another person has suffered death or serious bodily harm;

(d) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, alarm, abuse, torment, or offend another;

(e) knowingly permits a telephone or electronic device under his or her control to be used by a person to commit an infraction under this section; or

(f) intentionally subjects another to sexual harassment.

309.8-3. *Abuse of Individuals at Risk.* A person commits the civil infraction of abuse of individuals at risk if he or she subjects an adult at risk or elder at risk to any of the following:

(a) physical abuse;

(b) emotional abuse;

(c) sexual abuse;

(d) unreasonable confinement or restraint;

(e) financial exploitation; or

(f) deprivation of a basic need for food, shelter, clothing, or personal or health care, including deprivation resulting from the failure to provide or arrange for a basic need by a person who has assumed responsibility for meeting the need voluntarily or by contract, agreement, or court order.

309.8-4. *Truancy.* A person commits the civil infraction of truancy if he or she fails without good cause to ensure that a child he or she is responsible for the care of attends school in accordance with the rules of the school district in which the child is enrolled.

### **309.9. Civil Infractions Involving Alcohol, Tobacco, and Drugs**

309.9-1. *Public Intoxication.* A person commits the civil infraction of public intoxication if he or she appears intoxicated by alcohol beverages or prohibited drugs on Tribal property to the degree that the person may endanger himself or herself, or another person.

309.9-2. *Unauthorized Alcohol Beverage.* A person commits the civil infraction of unauthorized alcohol beverage if he or she consumes or possesses any open or unsealed container containing an alcohol beverage on any public way, in any parking lot held for public use, or on or within the premises of a public place or on or in any motor vehicle on a public way or in parking lot held out for public use, unless such person is on the premises of an establishment holding a valid license for the on premises consumption of alcoholic beverages. No person may possess or consume an alcohol beverage on school premises or while participating in a school-sponsored activity.

309.9-3. *Underage Possession of Alcohol.* A person commits the civil infraction of underage possession of alcohol if he or she purchases, attempts to purchase, possesses, or consumes an alcohol beverage prior to reaching the age of twenty-one (21) years unless accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

309.9-4. *Furnishing Alcohol Beverages to Minors.* A person commits the civil infraction of furnishing alcohol beverages to minors if he or she procures for, sells, dispenses or gives away any alcohol beverages to any person under the age of twenty-one (21) years who is not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.

309.9-5. *Underage Possession of Tobacco.* A person commits the civil infraction of underage possession of tobacco if he or she purchases, attempts to purchase, possesses, or consumes a cigarette, electronic cigarette, or other tobacco product prior to reaching the age of twenty-one (21) years.

309.9-6. *Furnishing Tobacco to Minors.* A person commits the civil infraction of furnishing tobacco to minors if he or she procures for, sells, dispenses or gives away a cigarette, electronic cigarette, or other tobacco product to any person under the age of twenty-one (21) years.

309.9-7. *Misrepresentation of Identification Card.* A person commits the civil infraction of misrepresentation of identification card if he or she:

(a) intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information;

(b) makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal age to purchase and consume alcohol beverages or cigarettes, electronic cigarettes, or other tobacco products;

(c) presents false information to an issuing officer in applying for an official identification card; or

(d) intentionally carries an official identification card or other documentation showing that the person has attained the legal age to purchase and consume alcohol beverages or cigarettes, electronic cigarettes, or other tobacco products, with knowledge that the official identification card or documentation is false.

309.9-8. *Possession of Prohibited Drugs.* A person commits the civil infraction of possession of prohibited drugs if he or she possesses or consumes a prohibited drug or is in possession of any drug paraphernalia.

309.9-9. *Manufacturing Prohibited Drugs.* A person commits the civil infraction of manufacturing prohibited drugs if he or she manufactures, sells, or distributes any prohibited drug or drug paraphernalia.

309.9-10. *Maintaining a Drug House.* A person commits the civil infraction of maintaining a drug house if he or she owns or occupies any premise that is used to facilitate the use, delivery, distribution or manufacture of a prohibited drug.

309.9-11. *Determination of Prohibited Drugs.* An Oneida Police Department officer shall make the determination as to whether a substance is a prohibited drug using standard law enforcement field testing practices.

### **309.10. Civil Infractions Affecting Health and Safety**

309.10-1. *Littering.* A person commits the civil infraction of littering if he or she deposits, throws, dumps, discards, abandons, leaves any litter on any private property or Tribal property.

309.10-2. *Unightly Areas.* A person commits the civil infraction of unsightly areas if he or she allows any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Reservation that creates unsightly areas or contributes to health and safety hazards.

309.10-3. *Depositing Human Waste.* A person commits the civil infraction of depositing human waste if he or she urinates or defecates upon any public or private property other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.

309.10-4. *Exposure of a Communicable or Infectious Disease.* A person commits the civil infraction of exposure of a communicable or infectious disease if he or she is knowingly infected with a communicable or infectious disease and willfully exposes himself or herself to another person, which puts that person in danger of contracting the communicable or infectious disease.

**309.11. Enforcement and Penalties**

309.11-1. *Issuance of a Citation.* An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer.

(a) A citation for a violation of this law or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

(c) *Notice to the Comprehensive Housing Division.* An Oneida Police Department officer shall provide notice to the Oneida Law Office attorney assigned to the Comprehensive Housing Division of any citation issued to an individual located at a property rented or leased through the Comprehensive Housing Division. Any information or reports shared by the Oneida Police Department officer with the Oneida Law Office attorney shall remain confidential as agreed upon between the Oneida Law Office and the Oneida Police Department Chief of Police.

309.11-2. *Penalties.* Upon a finding by the Trial Court that a violation of this law has occurred, the individual may be subject to the following penalties:

(a) *Fines.* An individual may be ordered to pay a fine as a result of a violation of this law. The Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this law.

(1) All fines shall be paid to the Judiciary.

(2) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later.

(A) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is negotiated by the Oneida Law Office and approved by the Trial Court.

(3) If an individual does not pay his or her fine the Trial Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process or any other collection process available to the Trial Court.

(4) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

(b) *Community Service.* An individual may be ordered to perform community service. Community service can be used in lieu of, or in addition to, a fine.

(1) All community service assignments shall be approved by the Trial Court. The Trial Court shall give preference to culturally relevant community service assignments or community service assignments that focus on the betterment of the individual's community.

(2) The Trial Court shall provide the individual a written statement of the terms of the community service order, and a statement that the community service order is monitored.

(3) The Trial Court's community service order shall specify:

(A) how many hours of community service the individual is required to complete;

(B) the time frame in which the hours shall be completed;

(C) how the individual shall obtain approval for his or her community service assignment;

(D) how the individual shall report his or her hours; and

(E) any other information the Trial Court determines is relevant.

(c) *Counseling or other Programs.* An individual may be ordered to participate in counseling or any other program relevant and available to the Nation.

(d) *Restitution.* An individual may be ordered to pay restitution, which may include the repayment of any improperly received benefit, or any other payment which is intended to make another whole after suffering losses as a result of the actions of the individual.

(1) The Trial Court shall determine an appropriate amount of restitution to be paid for the theft or damage of any venerated object, which may be higher than the monetary value of the venerated object due to its venerated status.

(e) Any other penalty as deemed appropriate by the Trial Court.

*End.*

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Adopted – BC- \_ \_ - \_ - \_



# FINANCE ADMINISTRATION

## Fiscal Impact Statement



# MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer  
FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer  
DATE: August 17, 2021  
RE: **Fiscal Impact of the Public Peace Law**

## I. Estimated Fiscal Impact Summary

Law: Public Peace Law		
Implementing Agency	Oneida Nation Judiciary Oneida Police Department Oneida Law Office Comprehensive Housing Division	
	Fiscal Year 2022	Ten Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

## II. Background

### A. Legislative History

This law would set forth community standards and expectations which preserve peace, harmony, safety, health, and general welfare. The Law was drafted after hearing concerns from Oneida Business Committee and community members regarding issues and problems occurring in neighborhoods throughout the Reservation.

### B. Summary of Content

The law prohibits a person from committing a civil infraction. The law details what constitutes various civil infractions and organizes civil infractions into the following categories:

- Civil infractions against property:
  - Damage to property;

- Reckless damage or destruction;
  - Trespass;
  - Theft;
  - Retail theft;
  - Loitering;
  - Fraud; and
  - Negligent handling of burning material.
- Civil infractions against the peace:
  - Disorderly conduct;
  - Carrying a prohibited weapon;
  - Gang related activity;
  - Throwing or shooting projectiles;
  - Obstructing streets and sidewalks;
  - Nuisance;
  - Maintaining a chronic nuisance house; and
  - Interfering with lawful arrest or resisting arrest.
- Civil infractions against government:
  - Disrupting a meeting or government function;
  - Breach of confidentiality; and
  - Threatening an official.
- Civil infractions against the person:
  - Assault;
  - Harassment;
  - Abuse of individuals at risk; and
  - Truancy.
- Civil infractions involving alcohol, tobacco, and drugs:
  - Public intoxication;
  - Unauthorized alcohol beverage;
  - Underage possession of alcohol;
  - Furnishing alcohol beverages to minors;
  - Underage possession of tobacco;
  - Furnishing tobacco to minors;
  - Misrepresentation of identification card;
  - Possession of prohibited drugs;
  - Maintaining a drug house; and
  - Determination of a prohibited drug.
- Civil infractions affecting health and safety:
  - Littering;
  - Unsightly areas;
  - Depositing human waste; and



- Exposure of a communicable or infectious disease.

Enforcement of the law is delegated to the Oneida Police Department to investigate complaints and to issue citations for violations of the Law. The Trial Court has jurisdiction over any action brought under this Law. Violations of the Law may include fines and other penalties, as well as conditional orders as determined by the Trial Court. The Law requires notification of citations within Comprehensive Housing units by the Oneida Police Department to Oneida Law Office attorney assigned to the Comprehensive Housing Division.

### **III. Methodology and Assumptions**

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

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

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

### **IV. Agency**

The Oneida Police Department has identified the Law can be implemented within existing financial resources currently available to the Oneida Police Department.

The Oneida Judiciary has not provided information additional financial resources would be necessary to implement the Law.

Comprehensive Housing has determined existing policies and procedures would need to be either be written or amended in accordance with the Law. This will require working sessions with various entities including Elder Services, OPD, TAP, Zoning, Behavioral Health, and Comprehensive Housing. Estimated timeline is six (6) months.

Comprehensive Housing has identified a potential increase in the number of rental terminations and homeowner lease terminations that may occur with implementing the Law. These terminations involve personnel time, land lease changes, Law Office personnel time, and Judiciary time.

Comprehensive Housing has identified the fiscal impact may include the cost to buy home at the appraised cost offset by the cost to address any safety/code violations identified by a 3<sup>rd</sup> party home inspection. There is a loss of mortgage income and interest while the home is being renovated. There is an increased cost to maintain the utilities and maintenance of the home while vacant. The renovation may include addressing deficiencies not noted in the 3<sup>rd</sup> party inspection which would be an additional cost. The Law currently has no provision to identify terminated homeowners or renters as ineligible. There may be additional expenses assisting the terminated homeowner or renter a replacement housing unit.

At the time of the financial analysis, information to assess the financial impact brought forward by Comprehensive Housing was unavailable due to a lack of historical trends. The financial impact is indeterminate.

The Law includes the ability to implement fines which may be used to reduce the fiscal impact, however, at the time of the analysis information required to assess the impact such as number of citations to be issued and schedule of fines was unavailable. Due to these variables, the financial impact of this section of the Law is indeterminate.

**V. Financial Impact**

The financial impact of the Law is indeterminate.

**VI. Recommendation**

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

**Oneida Business Committee Agenda Request**

Adopt resolution entitled Public Peace Law Citation Schedule

**1. Meeting Date Requested:** 9 / 8 / 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: Clorissa N. Santiago, LRO Senior Staff Attorney  
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: \_\_\_\_\_  
Name, Title / Dept.Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Public Peace Law Citation Schedule

- 1  
2  
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
4 recognized by the laws of the United States of America; and  
5  
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
7  
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
10  
11 **WHEREAS,** the Public Peace law ("the Law") was adopted by the Oneida Business Committee through  
12 resolution BC- - - - -; and  
13  
14 **WHEREAS,** the purpose of the Law is to set forth community standards and expectations which  
15 preserve the peace, harmony, safety, health, and general welfare of individuals who live  
16 within the boundaries of the Reservation; and  
17  
18 **WHEREAS,** the Law prohibits any person from committing a civil infraction under this Law; and  
19  
20 **WHEREAS,** the Law sets forth various civil infractions including:  
21
  - 22 • Civil infractions against property;
  - 23 • Civil infractions against the peace;
  - 24 • Civil infractions against government;
  - 25 • Civil infractions against the person;
  - 26 • Civil infractions involving alcohol, tobacco, and drugs;
  - 27 • Civil Infractions affecting health and safety; and  
28 **WHEREAS,** the Law provides that an individual who violates a provision of this Law by committing a  
29 civil infraction may be subject to the issuance of a citation by an Oneida Police Department  
30 officer; and  
31  
32 **WHEREAS,** any citation issued for a violation of this Law shall be processed in accordance with the  
33 procedure contained in the Nation's laws and policies governing citations; and  
34  
35 **WHEREAS,** the Trial Court is delegated jurisdiction over any action brought under this Law; and  
36  
37 **WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution  
38 a citation schedule which sets forth specific fine amounts for violations of this Law; and  
39  
40 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby sets forth the  
41 following citation schedule to be used for violations of the Public Peace law:  
42

PUBLIC PEACE LAW CITATION SCHEDULE					
Violation	Reference	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense or More	Mandatory Appearance Required?
Civil Infractions Against Property					
Damage to Property	309.5-1	Loss less than \$50			Yes
		\$50	\$150	\$200	
		Loss more than \$20, less than \$250			
		\$250	\$500	\$1000	
		Loss \$250 or more			
		\$500	\$750	\$2000	
Reckless Damage or Destruction	309.5-2	Loss less than \$20			Yes
		\$50	\$150	\$200	
		Loss more than \$20, less than \$250			
		\$250	\$500	\$1000	
		Loss \$250 or more			
		\$500	\$750	\$2000	
Trespass	309.5-3	\$250	\$500	\$1000	Yes
Theft	309.5-4	Theft less than \$50			Yes
		\$50	\$150	\$200	
		Theft more than \$20, less than \$250			
		\$250	\$500	\$1000	
		Theft \$250 or more			
		\$500	\$750	\$2000	
Retail Theft	309.5-5	Theft less than \$50			Yes, if value of retail theft more than \$50 in value. - No, if value of retail theft less than \$50 in value.
		\$50	\$150	\$200	
		Theft more than \$20, less than \$250			
		\$250	\$500	\$1000	
		Theft \$250 or more			
		\$500	\$750	\$2000	
Loitering	309.5-6	\$100	\$200	\$300	No
Fraud	309.5-7	Loss less than \$50			Yes
		\$50	\$150	\$200	
		Loss more than \$20, less than \$250			
		\$250	\$500	\$1000	
		Loss \$250 or more			
		\$500	\$750	\$2000	
Negligent Handling of Burning Material	309.5-8	\$100	\$200	\$500	No
Civil Infractions Against the Peace					
Disorderly Conduct	309.6-1	\$250	\$500	\$1000	No for 1 <sup>st</sup> or 2 <sup>nd</sup> Offense —

					Yes for 3 <sup>rd</sup> Offense or More
Carrying a Prohibited Weapon	309.6-2	\$250	\$500	\$1000	No
Gang Related Activity	309.6-3	\$250	\$500	\$1000	No
Throwing or Shooting a Projectile	309.6-4	\$100	\$200	\$300	No
Obstructing Streets or Sidewalks	309.6-5	\$25	\$50	\$100	No
Nuisance	309.6-6	\$100	\$200	\$300	Yes
Maintaining a Chronic Nuisance House	309.6-7	\$250	\$500	\$1000	Yes
Interfering with Lawful Arrest or Resisting Arrest	309.6-8	\$250	\$500	\$1000	Yes
<i>Civil Infractions Against Government</i>					
Disrupting a Meeting or Government Function	309.7-1	\$100	\$250	\$500	No for 1 <sup>st</sup> Offense – Yes for 2 <sup>nd</sup> Offense or More
Breach of Confidentiality	309.7-2	\$100	\$250	\$500	No for 1 <sup>st</sup> Offense – Yes for 2 <sup>nd</sup> Offense or More
Threatening an Official	309.7-3	\$250	\$500	\$1000	Yes
<i>Civil Infractions Against the Person</i>					
Assault	309.8-1	\$250	\$500	\$1000	Yes
Harassment	309.8-2	\$100	\$300	\$500	Yes
Abuse of Individuals at Risk	309.8-3	\$500	\$750	\$1000	Yes
Truancy	309.8-4	\$50	\$75	\$100	Yes
<i>Civil Infractions Involving Alcohol, Tobacco, and Drugs</i>					
Public Intoxication	309.9-1	\$100	\$200	\$300	No
Unauthorized Alcohol Beverage	309.9-2	\$100	\$200	\$300	No
Underage Possession of Alcohol	309.9-3	\$100	\$200	\$300	Yes
Furnishing Alcohol Beverages to Minors	309.9-4	\$250	\$500	\$1000	Yes
Underage Possession of Tobacco	309.9-5	\$50	\$75	\$100	Yes
Furnishing Tobacco to Minors	309.9-6	\$150	\$300	\$500	Yes
Misrepresentation of Identification Card	309.9-7	\$100	\$200	\$300	Yes
Possession of Prohibited Drugs	309.9-8	\$250	\$500	\$1000	Yes
Manufacturing Prohibited Drugs	309.9-9	\$750	\$1000	\$2000	Yes
Maintaining a Drug House	309.9-10	\$750	\$1000	\$2000	Yes
<i>Civil Infractions Affecting Health and Safety</i>					
Littering	309.10-1	\$25	\$50	\$100	No
Unsanitary Areas	309.10-2	\$100	\$250	\$350	No for 1st or 2nd Offense – Yes for 3rd Offense or More

BC Resolution # \_\_\_\_\_  
Public Peace Law Citation Schedule  
Page 4 of 4

Depositing Human Waste	309.10-3	\$100	\$200	\$300	No
Exposure of a Communicable or Infectious Disease	309.10-4	\$500	\$750	\$1000	Yes

**BE IT FURTHER RESOLVED**, that in addition to the fines listed above, additional penalties issued by the Trial Court may include community service, participation in counseling or other programs, restitution, or any other penalty as deemed appropriate by the Trial Court as provided for by the Public Peace law.

**BE IT FURTHER RESOLVED**, in addition to the fine amount as provided in the citation schedule above, any citation issued for a violation of this Law shall also include court costs as assessed by the Oneida Nation Judiciary.

**BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are not prohibited.

**BE IT FURTHER RESOLVED**, the Oneida Police Department officer issuing the citation shall have the discretion to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for any violation of this Law if deemed appropriate.

**BE IT FURTHER RESOLVED**, the issuance of a citation to any offender who has not attained the age of eighteen (18) years shall require the mandatory appearance of the offender and their parent(s), guardian(s), or legal custodian(s) at the Trial Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, for any offender who has not attained the age of eighteen (18) years, a violation committed within twelve (12) months of a previous violation shall be considered a second or subsequent violation.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on September 22, 2021.



## **Statement of Effect** *Public Peace Law Citation Schedule*

### ***Summary***

Through this resolution the Oneida Business Committee adopts a citation schedule for violations of the Public Peace law.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*  
*Date: August 27, 2021*

### ***Analysis by the Legislative Reference Office***

The Public Peace law (“the Law”) was adopted to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1].

The Law sets forth various civil infractions and prohibits any person from committing a civil infraction. [3 O.C. 309.4-4]. Civil infractions provided for in the Law include:

- Civil infractions against property [3 O.C. 309.5];
- Civil infractions against the peace [3 O.C. 309.6];
- Civil infractions against government [3 O.C. 309.7];
- Civil infractions against the person [3 O.C. 309.8];
- Civil infractions involving alcohol, tobacco, and drugs [3 O.C. 309.9]; and
- Civil Infractions affecting health and safety [3 O.C. 309.10].

Officers of the Oneida Police Department are delegated the authority to issue a citation to any individual who violates a provision of this Law by committing a civil infraction. [3 O.C. 309.4-3, 309.11-1]. Any citation issued for a violation of this Law shall be processed in accordance with the procedures contained in the Nation’s laws and policies governing citations, which is the Citations law. [3 O.C. 309.11-1(b)]. The Nation’s Trial Court is then delegated jurisdiction over any action brought under this Law. [3 O.C. 309.4-1].

One penalty the Trial Court may utilize upon a finding that an individual has committed a violation of the Law is the issuance of fines. [3 O.C. 309.11-2(a)]. The Law delegates authority to the Oneida Business Committee to adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law. [3 O.C. 309.11-2(a)].

This resolution sets forth the citation schedule which includes the specific fine amounts for various violations of this Law. This resolution also sets forth additional information regarding citations, including:

- Whether a mandatory appearance at the citation pre-hearing is required for each violation of the Law in accordance with the Citations law [8 O.C. 807.6-1(a)];



- This resolution also requires a mandatory appearance at the citation pre-hearing for an offender who has not attained the age of eighteen (18) years, along with their parent(s), guardian(s), or legal custodian(s), no matter what violation occurred.
- This resolution also delegates discretion to the Oneida Police Department officer issuing the citation to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for any violation of this Law if deemed appropriate.
- Criminal charges and referrals may be appropriate in certain cases and are not prohibited by this Law;
- In addition to the fine amount as provided in the citation schedule, any citation issued for a violation of this Law shall also include court costs as assessed by the Oneida Nation Judiciary; and
- When determining whether a violation is a subsequent violation for an offender who has not attained the age of eighteen (18), a violation committed within twelve (12) months of a previous violation shall be considered a second or subsequent violation.

Upon adoption by the Oneida Business Committee this resolution will become effective on September 22, 2021.

#### ***Conclusion***

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

**Oneida Business Committee Agenda Request**

Accept the August 18, 2021, regular Legislative Operating Committee meeting minutes

**1. Meeting Date Requested:** 9 / 8 / 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](http://Oneida-nsn.gov)



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 August 18, 2021  
 9:00 a.m.

**Present:** David P. Jordan, Marie Summers, Kirby Metoxen, Daniel Guzman King

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Santiago, Kristen Hooker, Lawrence Barton, Shannon Davis, Justin Nishimoto (Microsoft Teams), Eric Boulanger (Microsoft Teams), Geraldine Danforth (Microsoft Teams), Nic Reynolds (Microsoft Teams), Kristal Hill (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Lorna Skenandore (Microsoft Teams), Wendy Alvarez (Microsoft Teams)

**I. Call to Order and Approval of the Agenda**

David P. Jordan called the August 18, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Marie Summers to adopt the agenda as is; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

**1. August 4, 2021 LOC Meeting Minutes**

Motion by Marie Summers to approve the minutes of August 4, 2021 and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried.

**III. Current Business**

**1. Furlough Law Amendments**

Motion by Kirby Metoxen to approve the draft amendments to the Furlough law and legislative analysis and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.

**2. Local Land Use Regulation Reimbursement Policy Repeal**

Motion by Kirby Metoxen to approve the Local Land Use Regulation Reimbursement Policy Repeal legislative analysis and public meeting notice, and tentatively schedule a public meeting for the repeal of the Local Land Use Regulation Reimbursement Policy to be held on September 9, 2021; seconded by Marie Summers. Daniel Guzman King abstained. Motion carried.

**IV. New Submissions**

**1. Fire Signs Law**

Motion by Marie Summers to add the Fire Signs law to the Active Files List with David Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.



**2. Personnel Policies and Procedures Amendments – Revision of HRD Manager Title**

Motion by Marie Summers to accept the information provided in the request as FYI; seconded by Kirby Metoxen. Motion carried unanimously.

**3. Workplace Violence Law Amendments**

Motion by Kirby Metoxen to accept the information provided in the request as FYI; seconded by Marie Summers. Motion carried unanimously.

**4. Personnel Policies and Procedures Amendments – Selection Policy**

Motion by Marie Summers to accept for emergency LOC process with Marie Summers as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**V. Additions**

**VI. Administrative Items**

**1. Legislative Operating Committee FY21 Third Quarter Report**

Motion by Marie Summers to approve the LOC FY21 Third Quarter Report and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Daniel Guzman King to adjourn at 9:35 a.m.; seconded by Marie Summers. Motion carried unanimously.

**Oneida Business Committee Agenda Request**

Adopt Leasing law rule # 5 - Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

**1. Meeting Date Requested:** 09 / 08 / 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.



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 Legislative Operating Committee  
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TO: Oneida Business Committee  
 FROM: David P. Jordan, Legislative Operating Committee Chairman  
 DATE: September 1, 2021  
 RE: Certification of Leasing law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

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On September 1, 2021, the Legislative Operating Committee reviewed and certified Leasing law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (“Rule”), finding good cause under section 106.7-1(a) of the Administrative Rulemaking law (“Law”) to certify the Rule, despite being presented for certification outside of the time limits allowed by Law upon closure of the public comment period. [1 O.C. 106.7-1(a)]. Certification by the Legislative Operating Committee means:

- The certification packet provided by the Comprehensive Housing Division for the Rule contained all documentation required by Law for a complete administrative record<sup>1</sup>;
- Subject to the aforementioned finding of good cause, the promulgation of the Rule complied with the procedural requirements contained in the Law; and
- The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

The purpose of the THRIFTT program for which the Rule was promulgated is to increase the Nation’s land base while maintaining individual homeownership. Through the program, eligible homeowners can sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division that will allow them to retain ownership of the improvements, as well as rights to the land upon which those improvements are located.

The Rule was developed in accordance with the Leasing law, which was adopted for purposes of setting forth the Nation’s authority to issue, review, approve, and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining residential, agricultural, or business leases. [6 O.C. 602.5-1]. Land Management is defined in the Leasing law as “the Division of Land Management or other entity responsible for entering into leases of tribal land”. [6 O.C. 602.3-1(i)]. According to the Real Property law, the Comprehensive Housing Division is the entity responsible for processing all residential leases of Tribal land. [6 O.C. 601.9-1]. Therefore, the Comprehensive Housing Division is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The Rule would become effective within ten (10) business days following adoption by the Oneida Business Committee in accordance with section 106.9-1 of the Administrative Rulemaking law.

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<sup>1</sup> The Statement of Effect u/d/o February 10, 2020 that was included within the agency’s certification packet is not the most current version as it was updated on July 13, 2021 to account for the fact that the Real Property Rule referenced in the February version was replaced by a reference to Land Management’s Land Acquisition for Residential Leasing Standard Operating Procedure. The July 13, 2021 version is attached to this memo and was incorporated into the certification packet by reference during the September 1, 2021 LOC meeting.

**Requested Action**

Adopt Leasing law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT).



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## **Statement of Effect**

### *Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)*

#### **Summary**

The purpose of Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) is to increase the Oneida Nation's land base while maintaining individual homeownership. Through the THRIFTT program, eligible homeowners can sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division that will allow them to retain ownership of the improvements, as well as rights to the land upon which those improvements are located.

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

*Date: July 13, 2021*

#### **Analysis by the Legislative Reference Office**

The Administrative Rulemaking law affords authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided, the rule does not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. And, an authorized agency is defined as "any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority." [1 O.C. 106.3-1(a)].

The Leasing law was adopted for the purpose of setting out the Nation's authority to issue, review, approve and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining a residential, agricultural or business lease. [6 O.C. 602.5-1]. Land Management is defined as "the Division of Land Management or other entity responsible for entering into leases of tribal land." [6 O.C. 602.3-1(i)]. Per the Nation's Real Property law, the Comprehensive Housing Division ("CHD") is the entity that is responsible for processing all leases of Tribal land for residential purposes. [6 O.C. 601.9-1]. Thus, CHD is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The Leasing law further provides that Land Management shall develop, and the Oneida Land Commission shall approve, the format and requirements set out in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents. [6 O.C. 602.5-1(a)].

The THRIFTT program was created to increase the Nation's land base, while still maintaining individual homeownership, by providing eligible homeowners an opportunity to sell their land to



the Nation and then enter into a residential lease with CHD that will allow them to retain ownership of the improvements, as well as certain rights to the land upon which those improvements are located. Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) sets certain eligibility requirements, application processes and approval procedures to govern administration of the THRIFTT program, including that property is sold pursuant to the Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure and leased in accordance with the Leasing law, as well as the requirements of the Residential Leasing Rule promulgated thereunder.

### ***Conclusion***

This analysis did not include a review or analysis of the Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure that is referred to within the Rule. Provided it does not conflict with the Nation's laws or the authority granted therein, there are no legal bars to adopting Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT).



To: David P. Jordan, Legislative Operating Committee Chairman

From: Jacque Boyle, DPW Director **Jacque Boyle**

Digitally signed by Jacque Boyle  
DN: cn=Jacque Boyle, o=Oneida Nation, ou=DPW,  
email=jboyle@oneidanation.org, c=US  
Date: 2021.08.09 11:44:03 -0500

Date: July 29, 2021

Re: Certification of Leasing Law Rules: No. 5 – THRIFTT Program & No. 6 – HIP Program

---

Comprehensive Housing Division (“CHD”) received the memorandum from the Legislative Operating Committee regarding the certification of Leasing Rules 5 & 6 for the THRIFTT and HIP Rules respectively (collectively, “Rules”) and is appreciative of your explanation of the remaining hurdles to certification of the rules.

Comprehensive Housing Division respectfully requests consideration from the Legislative Operating Committee for certification of the rules even though the public meeting comments were collected more than six (6) months from the date CHD submitted them for certification based on good cause. *See* 1 O.C. 106-7(a)(1). For both Rules there were staffing issues at play as well as the onset and the Oneida Nation’s response to COVID-19, which reallocated available funding for transactions pursuant to the Rules.

In terms of staffing, CHD staff were working under the guidance of CHD attorney, Krystal John, who took an unexpectedly early maternity leave in the first week of February 2020 just as CHD was preparing to submit the rules for certification. These rules were and are a priority for CHD and the Oneida Land Commission. In the time after the comment period closed for the public meeting on January 17, 2020 and the time of our attorney’s unexpected leave, we had already reviewed comments, drafted responses, made minimal revisions and forwarded the finished rules to the Oneida Land Commission for their consideration. With our attorney’s unexpected early leave, we paused the work on the rules and presumed we would pick it up with her when she returned from maternity leave, which would have been within the allowable six (6) month period for certification. Instead, CHD had to shift its focus to the COVID-19 response and its impacts on CHD staff, tenants, and lessees. It was during this time that CHD and the CEDD began reporting to DPW and priorities were established to address the vacant housing units and address homelessness. My focus was on creating processes to reduce the vacancy rates and develop plans for the CARES funding. Because there was not available Tribal Contribution funding to implement the HIP or THRIFTT programs at the time, the work to pass these rules was not as urgent given competing issues needing attention. Oneida’s response to the global COVID-19 pandemic required the rerouting of the land acquisition budget to the general fund, so there was no longer any available budget to complete acquisitions pursuant to the Rules. With so many other things to focus on to keep CHD running as smoothly as possible throughout the COVID-19 pandemic, CHD de-prioritized the Rules because it was temporarily financially impossible to


implement them. Since the adoption of BC Resolution 06-09-21- A, which re-allocated funds to acquisitions pursuant to the Rules, CHD has been working diligently to move these Rules forward for certification.

While CHD understands the importance of the public comment period and receipt of input from the community, CHD truly believes it is presenting rules that would not be largely, if at all, impacted by the offering of an additional comment period. Further, CHD strongly believes that the community would be the only party harmed by any further delay in certifying and implementing these Rules that help Oneida tribal members achieve affordable homeownership. Again, Comprehensive Housing Division respectfully requests consideration from the Legislative Operating Committee for certification of the rules even though the public meeting comments were collected more than six (6) months from the date CHD submitted them for certification based on good cause as identified in this memorandum. *See* 1 O.C. 106-7(a)(1).

## Comprehensive Housing Division



TO: Legislative Operating Committee

FROM: Lisa Rauschenbach, Residential & Finance Area Manager 

DATE: June 23, 2020

SUBJECT: Request for Certification of Procedural Compliance  
Leasing Rule #5 - Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

The Comprehensive Housing Division (CHD) and the Oneida Land Commission are exercising their joint rulemaking authority to implement a new Rule for Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT).

There were 11 people in attendance at the public meeting and written comments were submitted by 3. (attached). Minimal revisions were made since the public comment period such that was determined that an additional public meeting was not necessary.

Rulemaking Timeline	
Required Action	Date Completed
Public Meeting notice for the rule is posted in the Kaliwisaks and on the Oneida Register	December 19, 2019
Public Meeting held	January 9, 2020
Public Comment Period closed	January 17, 2020

The following attachments are included for your review:

1. Leasing Rule #5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)
2. Department of Public Works Director Approval Memo
3. Oneida Land Commission Minutes approving Rule
4. Summary Report
5. Financial Analysis
6. Statement of Effect
7. Copy of Public Meeting Published in the Kaliwisaks -December 19, 2019, issue pg.39
8. Sign in sheet from the January 9, 2020 Public Meeting
9. Public meeting transcription and comments from the January 9, 2020 meeting.

Following certification and the Oneida Business Committee adoption, this rule shall become effective in ten (10) business days.





## Title 6. Property and Land – Chapter 602 LEASING Rule #5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 General
- 1.5 Eligible Homeowners
- 1.6 Eligible Properties
- 1.7 Required Process

### 1.1. Purpose and Authority

1.1-1. *Purpose.* The purpose for this rule is to increase the Nation's land base while maintaining individual homeownership by allowing eligible homeowners to sell their land to the Nation and enter a residential lease. Upon sale, the homeowner will retain ownership of the improvements and rights to the land through a residential lease with the Comprehensive Housing Division pursuant to the Leasing Law and the requirements of the Residential Leasing Rule.

1.1-2. *Authority.* The Leasing Law section 602.5-1 delegates rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission pursuant to the Administrative Rulemaking law.

### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Comprehensive Housing Division and the Oneida Land Commission in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Comprehensive Housing Division and the Oneida Land Commission and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to entering a residential lease following sale of land with maintenance of the improvements.

### 1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) "Appraisal" means a valuation or estimation of value of property completed by a disinterested person of suitable qualifications. For trust property, the appraiser must be a Certified General Appraiser.

- (b) “Defect” means a condition that would have a significant adverse effect on the value of the property; that would significantly impair the health or safety of future occupants of the property; or that if not repaired, removed or replaced would significantly shorten or adversely affect the expected normal life of the premises.
- (c) “Improvement” means buildings, other structures, and associated infrastructure attached to land.
- (d) “Offer to Purchase” means the written agreement in which the Nation commits to purchase a seller’s land under certain circumstances.
- (e) “Refinancing” means an exchange of an old debt for a new debt, as by renegotiating a different interest rate, term of the debt, or by repaying the existing loan with money acquired from a new loan.
- (f) “Residential Lease” means the legal document issued by the Nation pursuant to its applicable leasing laws and rules which establishes a buyer’s right to occupy Tribal land for residential purposes.
- (g) “Survey” means the measurement of the boundaries of land and its area. A survey will reveal building setbacks as well as any encroachments.
- (h) “Tax Assessed Value” means the value the local taxing authority uses to distinguish the value of the land from the improvements.
- (i) “Tribal fee land” means land held in fee status by the Nation.
- (j) “Tribal Trust Land” means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

#### 1.4. General

1.4-1. *Program Education.* CHD and Bay Bank shall make these rules and all relevant educational pieces and required paperwork available electronically on its website and in hard-copy format at their respective offices.

1.4-2. *Subject to Available Funding.* All offers submitted to the Nation are subject to the Nation’s available funding with all purchases taking place pursuant to ~~Real Property Rule No. 4~~ Land Management’s Land Acquisition for Residential Leasing Standard Operating Procedure.

1.4-3. *Nation Determines Defects.* The Nation reserves the sole right to determine whether defects exist in relation to the contingencies related to the title commitment, survey and environmental investigation required under the Land Acquisition for Residential Leasing Rule.

1.4-4. *Real Estates Taxes.* All homeowners, upon signing a residential lease, will be responsible for all taxes assessed against the improvements. The homeowner’s real estate tax payment shall be the percentage of the total assessed taxes equal to the assessed value of the improvements divided by the assessed value of the improvements and the land combined plus any municipal fees and/or special assessments. If/when the property converts from tribal fee land to tribal trust land, the homeowner will have no tax responsibility for the improvements.

1.4-5. *Increased Lease Fee for Non Tribal Members.* If there is no tribal member party on the residential lease at the time it is entered, the lessee shall pay an increased annual residential lease fee equal the amount of taxes assessed against the land plus any municipal fees and/or special assessments. If/when the property converts from tribal fee land to tribal trust land, the lessee’s annual residential lease fee will be held at the prior year’s rate for the remaining duration of the



92 lease.

93 1.4-6. *Financing*. In the event refinancing or a new loan is required for the improvements,  
94 homeowners may secure said financing from Bay Bank or the Comprehensive Housing Division  
95 Finance Department, provided that any financing secured from the Comprehensive Housing  
96 Division is subject to the Mortgage and Foreclosure law and any accompanying rules.

97 1.4-6. *THRIFTT Program E-Mail Address and Shared Drive*. Comprehensive Housing  
98 Division shall work with the Nation's MIS Department to establish a THRIFTT Program e-mail,  
99 which shall be available to accept all required submittals electronically, and a shared drive so  
100 that THRIFTT Program documents may be jointly accessed by the Comprehensive Housing  
101 Division and Land Management. The Comprehensive Housing Division Residential Leasing  
102 Specialist shall be the THRIFTT point of contact and the administrator of the shared THRIFTT  
103 Program e-mail and shall be the only party to respond to homeowner e-mails.

### 105 1.5. Eligible Homeowners

106 1.5-1. In order to be eligible to participate in the THRIFTT Program and enter a THRIFTT  
107 Residential Lease, the homeowner must:

- 108 (a) If the property is subject to liens, have adequate equity in the improvements to cover  
109 the value of the mortgaged improvements or be able to secure refinancing or a new  
110 loan;
- 111 (b) Meet any applicable minimum down payment requirements and/or refinancing  
112 guidelines; and
- 113 (c) Meet the requirements pursuant to the Residential Leasing rule.

### 115 1.6. Eligible Properties

116 1.6-1. In order for a property to be eligible for an offer to purchase pursuant to the THRIFTT  
117 Program, it must comply with the requirements of ~~Real Property Rule No. 1—Land~~  
118 ~~Management's~~ Land Acquisition for Residential Leasing ~~Rule~~Standard Operating Procedure.

### 120 1.7. Required Process

121 1.7-1. *Initial Meeting with CHD*. In order to initiate the THRIFTT process, the homeowner shall  
122 schedule a meeting with CHD Residential Leasing Specialist. At the initial meeting the  
123 Residential Leasing Specialist shall review the THRIFTT application and checklist with the  
124 homeowner. The Residential Leasing Specialist shall forward the address to the Acquisition  
125 Manager to confirm it is an eligible property in accordance with ~~Real Property Rule No. 1—Land~~  
126 ~~Management's~~ Land Acquisition for Residential Leasing ~~Standard Operating Procedure~~. The  
127 Residential Leasing Specialist shall collect information from the homeowner and the Acquisition  
128 Manager to determine if the homeowner and property are eligible and, if eligible, determine  
129 whether the next steps are with the financing party or the Land Management Acquisition  
130 Manager.

131 (a) The Residential Leasing Specialist shall:

- 132 (1) Review the applicant's information to determine if the homeowner is eligible  
133 for a residential lease, and collect any Land Commission approvals that may be  
134 required pursuant to the Residential Leasing Rule.
- 135 (2) If the homeowner is eligible, forward all information to the Acquisition  
136 Manager to complete review and notify the homeowner if anything in the  
137 Acquisition Manager's review determines the property is ineligible;

(3) If the homeowner and their property are eligible, notice the homeowner that they are tentatively eligible and direct them to obtain an appraisal for the land only with a company approved by the Nation and submit to the Residential Leasing Specialist upon receipt.

(4) If the property is either not subject to any liens, or the appraised value of the land exceeds the amount of any liens on the property:

(A) Forward any offer to purchase received from the Acquisition Manager to the homeowner and notify the Acquisition Manager whether it is accepted by the homeowner; and

(B) Take the homeowner through the residential lease process once the offer to purchase is accepted by the homeowner.

(5) If the homeowner and their property are eligible and the property is subject to liens that exceed the appraised value of the property:

(A) Forward all information and direct the homeowner to Bay Bank or the Comprehensive Housing Division Finance Department for pre-approval for refinancing or a new loan;

(B) Have the homeowner complete the residential lease application and complete a residential lease upon notice from Bay Bank or the Comprehensive Housing Division Finance Department that the homeowner secured adequate financing based on final loan approval; and

(C) Forward any offer to purchase received from the Acquisition Manager to the homeowner and notify Bay Bank or Comprehensive Housing Division Finance Department and the Acquisition Manager whether it is accepted by the homeowner.

(b) The Acquisition Manager shall:

(1) Notify the Residential Leasing Specialist of any time acquisition funds are depleted or near depletion.

(2) Do all checks required under ~~Real Property Rule No. 1—Land Management's~~ Land Acquisition for Residential Leasing Standard Operating Procedure to determine if the property is eligible and notify the Residential Leasing Specialist if there are any defects to title that would make the homeowner or their property ineligible pursuant to ~~Real Property Rule No. 1—Land Management's~~ Land Acquisition for Residential Leasing Standard Operating Procedure.

(3) If the property is eligible and is either not subject to any liens, or the appraised value of the land exceeds the amount of any liens on the property, prepare an offer to purchase and forward to the Residential Leasing Specialist, provided that the Acquisition Manager shall obtain any Land Commission approvals required under ~~Real Property Rule No. 1—Land Management's~~ Land Acquisition for Residential Leasing Standard Operating Procedure.

(4) If the property is eligible and the property is subject to liens that exceed the appraised value of the property, prepare an offer to purchase upon receipt of financing pre-approval and forward to the Residential Leasing Specialist, provided that the Acquisition Manager shall obtain any Land Commission approvals required under ~~Real Property Rule No. 1—Land Management's~~ Land Acquisition for Residential Leasing Standard Operating Procedure.



- 184 (5) Ensure all offers to purchase which require the homeowner to secure  
185 financing include a contingency that the homeowner is able to secure adequate  
186 financing based on final loan approval.
- 187 1.7-2. *When Financing is Required.* If preapproval is required based on 1.7-1, the homeowner  
188 shall request preapproval from Bay Bank or the Comprehensive Housing Division Finance  
189 Department which will provide the maximum amount of financing available towards refinancing  
190 or a new loan. Bay Bank or the Comprehensive Housing Division Finance Department shall  
191 forward a copy of the homeowner's preapproval to the Acquisition Manager and the Residential  
192 Leasing Specialist.
- 193 (a) *Accepting an Offer to Purchase.* Offers to purchase issued by the Oneida Nation are  
194 not negotiable. Homeowners wishing to accept an offer to purchase shall sign the  
195 offer and return it to the Residential Leasing Specialist within the timeframe provided  
196 in the offer to purchase.
- 197 (b) *Final Loan Approval.* Upon receipt of a completed offer to purchase from the  
198 Residential Leasing Specialist, Bay Bank or the Comprehensive Housing Division  
199 Finance Department shall process the loan to seek full approval and notify the  
200 Residential Leasing Specialist and provide a copy of the final loan approval or notice  
201 that the loan was not approved. If the loan is not approved, the Residential Leasing  
202 Specialist shall confirm with the homeowner that they are not eligible for a THRIFTT  
203 residential lease.
- 204 (c) *Assignment of Lease for Financing.* If there is a refinancing or a new loan and the  
205 property is held in fee title, upon receipt of the final loan approval, the Residential  
206 Leasing Specialist shall forward information, including the closing date, to the Senior  
207 Loan Officer to create an assignment of lease for financing using the closing date as  
208 the effective date. The Senior Loan Officer shall forward the assignment of lease for  
209 financing to the Residential Leasing Specialist prior to the closing date.
- 210 1.7-3. *Land Commission Approval.* Land Commission approval is deemed granted based on  
211 approval of this rule and is not required for each purchase except as specifically noted in the  
212 Residential Leasing Rule or ~~the Real Property Rule No. 1—Land Management's~~ Land Acquisition  
213 for Residential Leasing Standard Operating Procedure.
- 214 1.7-4. *BIA Approval for Individual Trust Land.* For any offer to purchase individual trust title  
215 the Land Title and Trust Manager shall prepare the following to be sent for the BIA's  
216 consideration for approval:
- 217 (a) The appraisal noting the value of the land and the improvements separately;  
218 (b) If refinancing or a new loan is required, a certified Title Status Report and any  
219 refinancing or loan documents;  
220 (c) If no refinancing or new loan is required, an informational Title Status Report;  
221 (d) Proof of the Tribal member's enrollment;  
222 (e) An application for trust deed indicating voluntary sale by the homeowner; and  
223 (f) The deed to restricted Indian land.
- 224 1.7-5. *Closing.* Closing responsibilities are distributed as follows:  
225 (a) The Acquisition Manager shall attend closing and:  
226 (1) Bring the check for the value of the land to the closing;  
227 (2) Bring any other documents required by the Nation to the closing, which may  
228 include affidavits; and  
229 (3) Sign closing documents on behalf of the Nation.

- 230 (b) The Residential Leasing Specialist shall attend closing and:  
231 (1) Bring the residential lease documents that have been signed on behalf of the  
232 Nation to the closing; and  
233 (2) If applicable, bring the assignment of lease for financing that has been signed  
234 on behalf of the Nation to the closing.
- 235 (c) The homeowner shall sign the following documents at the closing:  
236 (1) Any applicable loan documents;  
237 (2) Closing statements;  
238 (3) The three (3) original residential leases;  
239 (4) If applicable, the assignment of lease for financing;  
240 (5) The deed; and  
241 (6) Any other required documents.
- 242 (d) If there is a refinancing or new loan, the financing party shall bring the following to  
243 the closing:  
244 (1) The loan documents and any other bank required documents; and  
245 (2) Closing statements for the improvements.
- 246 (e) If the offer to purchase is for fee title, Bay Title shall bring the following to the  
247 closing:  
248 (1) Closing statements for the land and improvements;  
249 (2) The deed; and  
250 (3) Any other required documents.
- 251 (f) If the offer to purchase is for individual trust land, the Land Title and Trust Manager  
252 shall:  
253 (1) Bring the deed to restricted Indian land to the closing;  
254 (2) Bring the application for trust deed indicating voluntary sale by the  
255 homeowner to the closing;  
256 (3) Bring any other required documents to the closing; and  
257 (4) Send the payment check for the land to the BIA lockbox.
- 258 1.7-6. *Post-Closing*. Post-Closing responsibilities are distributed as follows:  
259 (a) If there was a refinancing or a new loan, Bay Bank shall:  
260 (1) Provide Bay Title with the mortgage, the assignment of lease for financing  
261 and an original residential lease;  
262 (2) Ensure that Bay Title recorded the mortgage and the assignment of lease for  
263 financing; and  
264 (3) Provide the original recorded mortgage and assignment of lease for financing  
265 to Comprehensive Housing Division's Finance Department.
- 266 (b) CHD shall:  
267 (1) Ensure that Bay Title provided a final title policy and provide said policy to  
268 the Acquisition Manager to be included in the Land Management file;  
269 (2) Ensure that Bay Title complied with Wisconsin's electronic transfer return  
270 requirements;  
271 (3) Ensure that Bay Title recorded the deed with the county register of deeds;  
272 (4) Once all the original recorded documents have been received, record the  
273 following with the Oneida Nation Register of Deeds:  
274 (A) The deed;  
275 (B) The residential lease;

276 (C) If applicable, the mortgage; and

277 (D) If applicable, the assignment of lease for financing.

278 (5) If there was a refinancing or a new loan through Bay Bank, return the original  
279 mortgage and assignment of lease for financing to Bay Bank once they have  
280 been recorded with the Oneida Nation Register of Deeds.

281  
282  
283 *End.*

284 \_\_\_\_\_  
285 Original effective date: [add effective date established by authorized entity] (Certified by LOC on )  
286



To: Legislative Operating Committee  
From: Jacque Boyle, Public Works Director  
Date: May 13, 2021  
RE: THRIFTT Rule

A handwritten signature in black ink, appearing to read "Jacque Boyle", written over the "From:" line of the header.

I approve of Leasing Rule #5 Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT), which is presented in this packet and includes all supporting documentation.





## Oneida Land Commission

Regular Meeting  
5:00 p.m. Tuesday, November 12, 2019  
Little Bear Conference Room

### Minutes

#### REGULAR MEETING

Present: Vice Chair Rebecca Webster, Secretary Michael Mousseau, Commissioners: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester

Not Present: Chair Rae Skenandore

Others Present: Aliskwet Ellis, Jennifer Garcia, Michelle Hill, Jeff House, JoAnne House, Brenda John, Krystal John, Steve Linskins, Dana McLester, Troy Parr, Patrick Pelky, Lisa Rauschenbach, Nicole Rommel, Beverly Scow, Debbie Thundercloud, Diane Wilson, Jeff Witte

#### I. CALL TO ORDER AND ROLL CALL

Meeting called to order by Vice-Chair Rebecca Webster at 5:01 p.m.

#### II. ADOPT THE AGENDA

Motion by Donald McLester to adopt the agenda with an addition of VII.N. Grant for a Trail - Planning and XI.D. Holding Company; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

#### III. TASK LIST

No update.

#### IV. READING OF MINUTES

##### A. Approve 2019 10 03 Emergency Meeting Minutes

Motion by Donald McLester to approve the October 3<sup>rd</sup>, 2019 Emergency Meeting Minutes; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

##### B. Approve 2019 10 14 Regular Monthly Meeting Minutes

Motion by Julie Barton to approve the October 14<sup>th</sup>, 2019 Regular Meeting Minutes; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Item VII. D. addressed next.

**V. TABLED BUSINESS**

*None.*

**VI. OLD BUSINESS**

*None.*

**VII. NEW BUSINESS****A. E-poll #1 – Lee Cornelius**

Motion by Michael Mousseau to accept E-Poll and enter into the record; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**B. E-poll #2 – Lee Cornelius**

Motion by Michael Mousseau to accept E-Poll and enter into the record; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**C. Non-tribal Member Lessees – Jennifer Garcia**

Motion by Michael Mousseau for:

1.a. OCHD to bring requests for lease eligibility under 1:4-1. (a) (3) of the Residential Leasing Rule to the Land Commission for approval.

1.b. Residential Lease fees to exclusively non-tribal members shall be calculated by requiring lessees to pay land and improvement tax while the property is in fee and pay the previous portion of the taxes attributable to the land for the remainder of the lease when the property is taken into trust.

2. Oneida Land Commission to hereby rescind the Oneida Land Commission Resolution #LC-05-12-2008-F which sets out the full fare residential lease rates and recognize the practices contained in the Residential Leasing Rule to apply to pre-HEARTH leases.

3. Cap acreage under Residential Leases to three (3) contiguous acres to be used for residential and agricultural purposes, but not commercial purposes without meeting requirements of Tribal Law and obtaining Oneida Land Commission approval.

; seconded by Julie Barton, Motion carried:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Michael Mousseau  
Opposed: Donald McLester

*Item VII. E. addressed next.*

**D. Land Use Phase II – Louis Cottrell**

Motion by Sherrole Benton to approve the Phase II report and to set use of this property aside for one (1) year to explore developing the site for Wise Women Gathering place's permanent supportive housing project; seconded by Julie Barton. Motion carried:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester  
Abstained: Michael Mousseau

*Item VII. G. addressed next.*

**E. Probates and Domiciliary letters – Carla Clark**

Motion by Michael Mousseau to set a tentative hearing date for January 13, 2020 contingent upon a legal opinion confirming the request complies with Tribal Law and direct Land Management to attempt to collect full information to hold a full probate hearing if the current request does not comply with Tribal Law; seconded by Julie Barton. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**F. HBO Rule #4 – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the following two changes – 1. Increase minimum financing to \$100,000 & 2. Create an exception for the Land Commission to approve financing less than \$100,000; seconded by Julie Barton. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

*Item VII. H. addressed next.*

**G. Expansion of Bellin Retention Pond – Becky Demmuth**

Motion by Julie Barton to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Donald McLester to go into Executive Session at 5:22 p.m.; seconded by Patricia Cornelius. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Patricia Cornelius to come out of Executive Session at 5:51 p.m.; seconded by Donald McLester. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

*Item VII A. addressed next.*

**H. Official e-mail – Rae Skenandore**

Motion by Donald McLester to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously;

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**I. Real Property Rule # 1 – Land Acquisition for Residential Leasing – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the modification to allow Land Commission to set the list of approved financiers by resolution; seconded by Donald McLester. Motion carried unanimously;



Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**J. CHD Parking Lot Update – Dana McLester**

Motion by Julie Barton to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously:  
Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**K. Bay Bank Financing Program – Nicole Rommel**

Motion by Michael Mousseau to approve the official request; seconded by Donald McLester. Motion carried unanimously:  
Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**L. THRIFTT – Leasing rule – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting noting Section 1.4-6 THRIFTT program e-mail address and shared drive as well as the changes made in Item VII. C. Non-tribal members Lessees; seconded by Donald McLester. Motion carried unanimously:  
Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

**M. HIPP Rule – Krystal John**

Motion by Donald McLester to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the changes made in Item VII. C. Non-tribal members Lessees; seconded by Michael Mousseau. Motion carried unanimously:  
Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

**N. Grant for a Trail – Planning**

Motion by Michael Mousseau to support the concept of developing trails for safely crossing Mason St. and side roads and working with adjoining land owners; seconded by Donald McLester. Motion carried unanimously:  
Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

**VIII. REPORTS**

*None.*

**IX. OTHER BUSINESS**

*None.*

**X. ADDITIONS**

*None.*



**XI. EXECUTIVE SESSION**

Motion by Donald McLester to go into Executive Session at 8:20 p.m.; seconded by Pat Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Donald McLester to come out of Executive Session at 9:10 p.m.; seconded by Pat Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**A. Other****1. Partnership Drive LLC. – Becky Demmuth**

Motion by Donald McLester to accept as FYI and to set up an E-poll when proper approvals have been obtained.; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**2. OLC Performance Assurance Audit reissued – Rae Skenandore**

Motion by Sherrole Benton for Michael Mousseau and Nicole Rommel to prepare response to three (3) audit issues by November 25<sup>th</sup>; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**3. Discussion on Church on 172 – Pat Cornelius**

Motion by Patricia Cornelius to accept as FYI; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**B. Leases/Commercial****1. Commercial Lease request – Diane Wilson**

Motion by Michael Mousseau to deny the Commercial Lease request and to begin the process to re-zone the property to commercial in anticipation of the lease being set to expire/renew in three (3) years; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**C. HIP****1. 10201902H – MaryJo Nash 177 179**

Motion by Donald McLester to approve file #10201902H Residential Lease, Assignment of lease for financing and loan contingent upon all HIP rules and parameters having been met along with the commitment letter from the bank and Resolution 10-14-19-A; seconded by Sherrole Benton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**2. 11201901H – MaryJo Nash**

Motion by Sherrole Benton to approve file #1201901H Residential Lease, Assignment of lease for financing and loan contingent upon all HIP rules and parameters having been met along with the commitment letter from the bank and Resolution 10-14-19-B, seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

**D. Holding Company**

Motion by Patricia Cornelius to accept as FYI; seconded by Donald McLester. Motion carried unanimously:

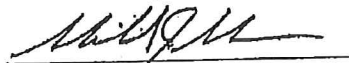
Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

**XII. ADJOURNMENT**

Motion by Donald McLester to adjourn at 9:14 pm; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

Minutes prepared by Aliskwet Ells, BCC Recording Clerk  
Minutes approved as presented/corrected on November 25, 2019

  
Michael Mousseau, Secretary  
ONEIDA LAND COMMISSION

**Summary Report for  
Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**

**Original effective date:** N/A

**Amendment effective date:** N/A

**Name of rule:** Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

**Name of law being interpreted:** Title 6, Property and Land - Chapter 602 Leasing

**Rule number:** 5

**Other laws or rules that may be affected:** N/A

**Brief summary of the proposed rule:** The purpose of the rule is to set the process and requirements for the Nation to buy land from interested parties and also to enter a residential lease with the selling party for continued use of the homesite.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.

**Financial Analysis for  
Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	Would be absorbed within the current budget	\$0
Personnel	An additional residential leasing specialist needed to assist in the management of increased number of residential leases.	\$60,000 (fringe included)
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	One week	\$0
Other:	N/A	\$0
Total Cost (Annual)	N/A	\$60,000





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



### **Statement of Effect**

#### ***Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)***

#### ***Summary***

The purpose of Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) is to increase the Oneida Nation's land base while maintaining individual homeownership. Through the THRIFTT program, eligible homeowners can sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division, per the Nation's Leasing law and Real Property Rule No. 1 – Land Acquisition for Residential Leasing, which allows the homeowners to retain ownership of the improvements and rights to the land they sold.

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

*Date: February 10, 2020*

#### ***Analysis by the Legislative Reference Office***

The Administrative Rulemaking law affords authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided, the rule does not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) ("Rule No. 5") was promulgated under the authority granted in section 602.5-1 of the Nation's Leasing law.

The Leasing law ("Law") was adopted for the purpose of setting out the Nation's authority to issue, review, approve and enforce leases. The Law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining a residential, agricultural or business lease. [6 O.C. 602.5-1]. Specifically, the Law provides that Land Management shall develop, and the Oneida Land Commission shall approve, the format and requirements set out in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents. [6 O.C. 602.5-1(a)].

The THRIFTT program operates to increase the Nation's land base while maintaining individual homeownership by allowing eligible homeowners to sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division that allows them to retain ownership of the improvements and rights to the land they sold. Rule No. 5 sets certain eligibility requirements, application processes, and approval procedures to govern operation of the THRIFTT program, which include that property is sold and leased in compliance with Real Property Rule No. 1 – Land Acquisition for Residential Leasing and the Nation's Leasing law.

#### ***Conclusion***

There are no legal bars to adopting Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT).



NOTICE OF  
**PUBLIC MEETING**

TO BE HELD  
**January 9, 2020 at 9:00 A.M.**  
 IN THE  
**OBC Conference Room**  
**2nd Floor Norbert Hill Center**

In accordance with the Administrative Rulemaking Law, the Oneida Comprehensive Housing Division (CHD), Land Management Area and Oneida Land Commission are hosting this Public Meeting to gather feedback from the community regarding the following rules:

**Real Property Rule No. 1 — Land Acquisition for Residential Leasing**

This is a proposal to adopt a new rule which would:

- ♦ Identify requirements for eligible parcels of land for residential purchases on behalf of individual homeowners for programs including but not limited to HIP and THRETT, and
- ♦ Set the acquisition process and any required approvals.

**Leasing Rule No. 4 — Home Building Opportunities Residential Leasing (HBO)**

This is a proposal to adopt a new rule (former SOP) which would:

- ♦ Modify the application/selection process for parties to apply for vacant lots for the purpose of home building; and
- ♦ Set timelines following selection to enter a residential lease and complete necessary loan, planning and construction phases.

**Leasing Rule No. 5 — Tribal Housing Reacquisition of Individual Fee and Trust Title (THRETT)**

This is a proposal to adopt a new rule which would:

- ♦ Set the process and requirements for the Nation to buy land from interested parties and enter a residential lease with the selling party for continued use of the homesite.

**Leasing Rule No. 6 — Home Ownership by Independent Purchase (HIP) Program**

This is a proposal to amend a rule which would:

- ♦ Modify the existing HIP process based on the division of CHD and Land Management;
- ♦ Incorporate updated residential leasing rules allowing parties to have more than 1 lease at a time; and
- ♦ Open the process up to non-Tribal Members.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nh.gov/Register/PublicMeetings](http://www.oneida-nh.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD**

**OPEN UNTIL January 16, 2020**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Comprehensive Housing Division by U.S. mail, interoffice mail, e-mail or fax.

Oneida Comprehensive Housing Division  
 2913 Commissioner Street, Oneida, WI 54155  
[tthomas@oneidanation.org](mailto:tthomas@oneidanation.org)

PH: 715.860.0000 FAX: 715.860.0000

Oneida Nation  
Comprehensive Housing Division  
Land Management  
Land Commission  
PO Box 365 • Oneida, WI 54155-0365



COMPREHENSIVE HOUSING DIVISION, LAND MANAGEMENT AND LAND COMMISSION  
PUBLIC MEETING for

Real Property Rule #1: Land Acquisition for Residential Leasing

Leasing Rule #4: Home Building Opportunities (HBO)

Leasing Rule #5: Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

Leasing Rule #6: Home Ownership by Independent Purchase (HIP) Program

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
January 9, 2020 9:00 a.m.

PUBLIC MEETING SIGN IN SHEET

	Name: (Print clearly)	Email Address / Phone #	Department/Roll #	Oral Testimony (Y) or (N)
1.	Bart Cornellus	Chopper dude 662 yaloo 920-246-8287	0756	N
2.	Jason Aguerre	jason.aguerre75@ 920-615-6466 smf1	—	N
3.	Patrick Young	psyoung@new.ric.com 920-676-3389	—	N
4.	Jeff Young	jy2906@att.net 920-410-3128	6614	N
5.	James Petter	920-8694574	9774	N
6.	Amy Hacker	W1351 Tall Feather	8104	N
7.	Trish King		QBC	N
8.	Chuck McCarrere	McCarrere 4860 @ BARRIC 920 530 3693 com		
9.	Kim Nishimoto	920-562-0176	921	N
10.	Laura Laitinen-Warren	920/676-6202	9834	
11.	Emio Stenem		4382	Y
12.				



Oneida Nation  
Comprehensive Housing Division  
Land Management  
Land Commission  
PO Box 365 • Oneida, WI 54155-0365



**COMPREHENSIVE HOUSING DIVISION, LAND MANAGEMENT AND LAND COMMISSION**

**PUBLIC MEETING for**

**Real Property Rule #1: Land Acquisition for Residential Leasing**

**Leasing Rule #4: Home Building Opportunities (HBO)**

**Leasing Rule #5: Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**

**Leasing Rule #6: Home Ownership by Independent Purchase (HIP) Program**

**Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
January 9, 2020 9:00 a.m.**

**PUBLIC MEETING SIGN IN SHEET**

	Name: (Print clearly)	Email Address / Phone #	Department/Roll #	Oral Testimony (Y) or (N)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				



## Comprehensive Housing Division



**PUBLIC MEETING COMMENT RESPONSE MEMO ISSUED BY THE ONEIDA LAND COMMISSION,  
COMPREHENSIVE HOUSING DIVISION and LAND MANAGEMENT on FEBRUARY 10, 2020**

**Real Property Rule #1 – Land Acquisition for Residential Leasing**  
**Leasing Rule #4 – Home Building Opportunities (HBO) Residential Leasing**  
**Leasing Rule #5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**  
**Leasing Rule #6 – Homeownership by Independent Purchase (HIP) Program**

This public meeting was held at the Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center, on January 9, 2020 at 9:00 a.m. Following the meeting, public comment was held open until January 16, 2020 for written comments. Both verbal and written comments were received. Present at the meeting on behalf of the hosting parties was: Dana McLester, Comprehensive Housing Division; Kelly McAndrews, Attorney, Lisa Rauschenbach, Residential and Finance Area Manager, Jenny Garcia, Residential Leasing Specialist.

**REAL PROPERTY RULE NO. 1 – LAND ACQUISITION FOR RESIDENTIAL LEASING**

**Question:** Amy Hacker: I was just wondering if there is like a list of land or where they can like find out where they can get the land to do for the HIP or the THRIFTT to try to build or? So it's just looking for a like where to find a list of land to be able to lease or build on.

**Response:** There is no list for land not owned by Nation. The HIP and THRIFTT programs are created to acquire land not owned by the Nation within the boundaries and meets the requirements of the program for properties that already have a home on it. As far as building, we do not have a program where the Nation buys vacant land for the purpose of building. We do have a separate program, Home Building Opportunities that allows Tribal members to lease land already owned by the Nation for the purpose of building. When those lots are available, the HBO properties list will be maintained on the CHD website and includes advertising.

**Question:** Bart Cornelius: My question is, I already own a house and it's not on tribal land but it's in the reservation boundaries. I know we were trying to make a plan before when I was on the Board for Oneida that the something about buying the house and the land and then leasing it back. Does this fall into this category? That's.

**Response:** Yes, as long as the property meets the requirements of this rule, we would be authorized to purchase the land. The applicant will also have to meet the requirements of the Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Rule under the Leasing Law. Through this program, you sell the land and maintain ownership of the improvements and enter into a residential lease with the Nation to lease the land back.

**Question:** Fred Muscavitch (Written Comment): The back-up document says that the time expected to go through the process is 0. I would like to see a realistic timeline.

**Response:** That is a realistic timeline for the acquisition rule. Land Management is already performing this function, the only real change is removal of approvals from Land Commission.

**Question: Fred Muscavitch:** One issue which stands out for me is the suggestion that the Land Commission is slow-acting and will relinquish its ability to review individual applications by allowing these new rules to act as LC approval. Is there a belief that these rules will open the floodgates and have 10-20-30 applications a month? I do not agree with articles 1.5. b that relinquishes LC approval for each applicant. This is repeated in Title 6 Rule 5 1. 7-3 and 1. 7-6.

**Response:** The Oneida Land Commission has set their requirements for leases through the Leasing law which is HEARTH and rules so that there is no need to approve on a case by case basis (except that non-Tribal member leases require individual approval). The leasing law and rules include approval of financing. Based on the changes that were amended previously through leasing, the only thing Land Commission was still approving related to HIP was the acquisition of the land itself. The acquisition rule removes that approval, again because substantial requirements are included in the rule for land eligibility in relation to cost, location and potential title defects and encroachments.

#### LEASING RULE NO. 4 – HOME BUILDING OPPORTUNITIES

**Question: Jason Aguirre (Written Comment)** For the Home Builder Opportunity the major hurdle is little to no land available to members currently. Is there land currently available?

**Response:** There are not any lots currently available as CHD wanted to solidify the process before reoffering lots. We anticipate offering 36 HBO lots in September 2020 in Bread Creek Village (Overland and Florist) with another 36 anticipated to become available at a date to be determined in 2020 in Cattail Marsh (West of Chief Hill Drive). Will this program extend to non-tribal members? No

**Question: Jason Aguirre (Written Comment)** Can tribal members work with non Bay Bank lenders for these programs? Particularly the section 184 program there are other eligible lenders that can lend here in WI.

**Response:** We are not aware of any other lenders that offer the 184 program that are willing to use the Residential Lease as collateral. The rule limits available lenders to Bay Bank and CHD.

**Question: Jason Aguirre (Written Comment)** Is there an annual budget for CHD financed properties? Is this made public?

**Response:** There is a budget for CHD approved by GTC. There is not an annual budget for CHD's loan program, it is a revolving program funded by loan payments from existing loans. Currently, CHD does not have loans generally available except for Veterans. Aside from the Veteran loans, the only loans currently available are for residential sales offered by CHD.

**Question: Jason Aguirre (Written Comment)** Are CHD residential sales going to be open to non-tribal members?

**Response:** No.

**Question:** Jason Aguirre (Written Comment) Regarding the down payment loan through the CHD for use in coordination with the section 184 loan program:

**Response:** When CHD is offering loans, there is a down payment loan available, see the Mortgage and Foreclosure law and corresponding rule. At present, aside from the Veteran loans, the only loans currently available are for residential sales offered by CHD.

**Question:** Jason Aguirre (Written Comment) What are the qualifications?

**Response:** The eligibility requirements can be found in the Mortgage and Foreclosure law and corresponding rule.

**Question:** Jason Aguirre (Written Comment) What is the maximum loan amount?

**Response:** Pursuant to the Mortgage and Foreclosure rule, section 1.10-2. Down Payments, "Tribal members applying for a TLC loan for the purpose of securing a down payment may receive a maximum loan amount of the 2.25% of the total purchase price, as required by HUD's section 184 loan program."

**Question:** Jason Aguirre (Written Comment) Are these loans directly through CHD or is this a loan through Bay Bank?

**Response:** If the loan is offered pursuant to the Mortgage and Foreclosure law and corresponding rule it is solely a CHD loan.

**Question:** Jason Aguirre (Written Comment) Is there a Register of Deeds department within the Oneida organization?

**Response:** Yes, the Oneida Nation Register of Deeds.

**Question:** Jason Aguirre (Written Comment) If so where is it located?

**Response:** The Oneida Nation Register of Deeds is managed by Land Management.

**Question:** Jason Aguirre (Written Comment) Who are the contacts?

**Response:** Land Management is the contact.

**Question:** Jason Aguirre (Written Comment) Is there a list of tribally owned properties that will be available to build on in the future?

**Response:** Once the proposed HBO rules are adopted, any vacant residential lots that become available specific to building a home will be advertised and the proposed HBO process will be followed. The HBO rules do not allow Tribal members to select *any* vacant lot owned by the Nation within the boundaries, they must be designated and prepared for HBO.

**Question:** Jason Aguirre (Written Comment) For the HBO program can the Tribal member use any builder they want?



**Response:** The HBO program requires check ins for the lessees to ensure the construction process is moving along, but does not restrict which builders maybe used.

#### **LEASING RULE NO. 5 – TRIBAL REACQUISITION OF INDIVIDUAL FEE AND TRUST TITLE (THRIFTT)**

**Question: Chuck McCarol:** A I I just have a question. A because I just got this packet in the mail yesterday and I haven't really gone through any of this but, ah, the question is if I were to locate a parcel of land within the tribal a boundaries, ah it's already owned by the tribe, would that property be available for me to lease so that I could in turn build a home?

**Response:** The program you are talking about is Home Building Opportunity Program (HBO). Once the proposed HBO rules are adopted, any vacant residential lots that become available specific to building a home will be advertised and the proposed HBO process will be followed. The HBO rules do not allow Tribal members to select *any* vacant lot owned by the Nation within the boundaries, they must be designated and prepared for HBO.

**Question: Justine Hill (Written Comment)** Has the Nation considered all the impacts of opening land leases to non-tribal member in the THRIFTT Rule?

**Response:** The rule has followed the administrative rulemaking process for more information regarding policy considerations please see the Oneida Land Commission's policy statement regarding opening the HIP and THRIFTT programs to non-Tribal members.

**Question: Fred Muscavitch (Written Comment):** Clause 1.5 talks about liens on properties and tries to negate the liens with a few "unless"es. We should require that all liens be paid off (except the refinance). No liens.

**Response:** The intent was to allow only liens from lenders willing to provide a partial satisfaction (i.e. Bay Bank). We will provide a revision that clarifies that one of the following must be true to be eligible:

- A. There are no existing liens;
- B. The purchase of the land will satisfy any existing liens;
- C. There is an existing lien with either Bay Bank or CHD with adequate equity in the improvements to cover the value of the mortgaged improvements after a partial satisfaction of mortgage is provided for the land value; or
- D. The applicant is able to secure refinancing through Bay Bank or CHD.

**Question: Jason Aguirre (Written Comment)** Regarding the THRIFTT program and being open to non-tribal members: Will non tribal people be eligible for current homes owned by tribal members both on trust and non-trust properties?

**Response:** CHD has requested that for the time being Land Commission only approve residential leases to non-tribal members where the purchase of the improvements would also expand the Nation's land base.

**Question:** Jason Aguirre (Written Comment) Will the lease with non-tribal members be different than the lease currently being used for tribal members?

**Response:** The only difference in lease terms will be the lease fee. When the land is in fee status, both Tribal members and non-Tribal members alike will be responsible to pay the improvement taxes with the lease fee for non-Tribal members set at the amount of the Nation's land tax responsibility. When the land goes into trust, the non-Tribal members' annual lease fee will lock into the amount of the Nation's land tax responsibility for the last taxed year and the requirement to pay improvement taxes will drop off. Regardless of fee or trust status, the lease fee for Tribal members is \$150 with a \$25 processing fee for the entire duration of the lease. This will be clarified further in the general section of the general section of both the HIP and THRIFFT rules.

**Question:** Jason Aguirre (Written Comment) Will the public have access to these documents?

**Response:** It is unclear what documents are being references. All rules are posted on the Oneida Register located at: <https://oneida-nsn.gov/government/register/laws/#TITLE-6-PROPERTY-LAND>. Requests for any other related documents should be forward to Land Management for acquisitions and CHD for any other part of the process.

**Question:** Jason Aguirre (Written Comment) In THRIFFT transactions: Why limit to appraised value or assessed value? Why not use one or the other depending on what is in the Tribe's best interest for each situation? For example if the market value is higher than the assessed value the Tribe could offer to pay assessed value. If the market value is lower than assessed value (this does happen) then the Tribe could offer to pay market value.

**Response:** All THRIFFT transactions will use the appraised value and all HIP transactions will use the tax assessed value – see Acquisition for Residential Leasing 1.4-1. The consideration is the same within the programs for all participants for seller fairness and equity. We would ideally like to use appraised value for all programs which follows the market more closely, but the tax assessed value is required for HIP in order to maintain the loan approval timelines.

**Question:** Jason Aguirre (Written Comment) For the THRIFFT program is the application and checklist available for public view?

**Response:** Yes, once the program is operating all required documents will be available on CHD's website.

**Question:** Jason Aguirre (Written Comment) Is the list of appraisal companies approved by the Oneida Nation available for public view?

**Response:** Based on consideration of this question, we will be revising the requirement in THRIFFT to require use of the Nation's appraiser (the Nation will order the appraisal) with costs paid up front from the seller and reimbursed to seller through closing. If the seller walks away, the Nation will not reimburse the seller for the appraisal.



**Question:** Jason Aguirre (Written Comment) I noticed a possible discrepancy in Title 6. Chapter 602 Leasing Rule #5 1.4-4 General

"If the homeowner is not a Tribal member, upon signing the lease, they will be responsible for all taxes assessed against the property and the improvements." This seems to contradict the Oneida Land Commission Statement of Policy January 2020 under Other Policy Considerations. At least how I interpret that. #7 "opening residential leasing to non-Oneidas would give them a reason to support the Nation's fee to trust process since they would directly benefit through lower lease / tax payments." So would they be required to pay all taxes? Or only taxes on improvements until the land would be placed in trust? Additionally my industry opinion is that it may be difficult to get a non-tribal member to agree to sell their land to the Tribe yet still pay taxes on that land. Thank you for your time.

**Response:** When the land is in fee status, both Tribal members and non-Tribal members alike will be responsible to pay the improvement taxes with the lease fee for non-Tribal members set at the amount of the Nation's land tax responsibility. When the land goes into trust, the non-Tribal members' annual lease fee will lock into the amount of the Nation's land tax responsibility for the last taxed year and the requirement to pay improvement taxes will drop off.

**Question:** Fred Muscavitch (Written Comment) In Title 6 Rule 5 1.4-5 there is a word missing.

**Response:** Thank you – It will be corrected.

**Question:** Jason Aguirre (Written Comment): For the HIP/THRIFT programs are 1-4 unit properties eligible?

**Response:** Single family dwellings only.

**Question:** Jason Aguirre (Written Comment): I believe at least allowing 2 unit duplexes to be part of this program will allow even more tribal members to realize home ownership especially during this very low inventory real estate market.

**Response:** We do not currently have any processes that would allow for purchase of a duplex or a multi-family unit through the Nation's homeownership programs.

#### LEASING RULE NO 6 – HOMEOWNERSHIP BY INDEPENDENT PURCHASE (HIP) PROGRAM

**Question:** Patrick Young: Good Morning. For the record my name is Patrick Young. My wife is a tribal member, we own a tribal home. Ah, as it stands now with the HIP Process, if we want to use the HIP Process, we have to sell our home, move into an apartment or a duplex, and then use the HIP process to purchase a new home. Um, I'm also a Licensed Real Estate Broker. So I deal with this, and I've deal with the HIP Program a several times and this process and there's always an objection that comes up when the tribal member says okay right now I'm doing this well with my life. If I want to buy a bigger home or purchase a different home what is the process? Well that process is, you have to sell this home, move into a duplex or an apartment and then use the HIP Process to come back in or buy a tribal home to come back in. So allowing tribal members to have more than one lease would be advantageous to them because they could negotiate on selling their home and buying a new home and moving the transaction

along like a regular real estate a process. Um, so I think they should consider doing that because it's an objection that we encounter on a regular basis when we're selling a tribal homes and and and HIP homes. And we have also been involved in the first member to member a sale of of of a home. And that's another, that's the same question that comes up. If I want a bigger home or I want to move myself up to a a nicer home in the future what's the process? Again that object objection continues to come up. So I think that this by implementing this would be advantageous to the tribal member. Thank you.

**Response:** Yes, allowing for more than one residential lease at a time is advantageous to the tribal member – it was already included in the Residential Leasing rule, and now with these amendments will be included in the HIP Process as well. The proposed amendments update the residential leasing portion of the HIP rule to allow parties to have more than one lease at a time.

**Question: Patricia King:** Morning. Trish King, Um I just have a comment on the educational information and training in regards to um Land Management and working with others involved in the parties. As far as the operations go that that's um very good and I appreciate the effort to try and do that to educate realtors and the bank and Land Management and the operations in how they work together a to accomplish this goal. Um, within this Rule, the only question I have is has there been any kind of public meetings in regards to how all of these Rules work together um, for the public for for rather than public hearing where we can only give comment? Um, so a two way communication to the member would be helpful and how these work and what the actual impact is. And I understand there's a deadline date of um January 16 to um make written comments. So I haven't had a chance either to go thoroughly through all of these documents. But I would like to understand what the impact is. Um, it's confusing cause the LOC um Statement of Effect refers to Rule No. 1 and I'm thinking that the amendment in Rule No. 1 is changed to allow these other laws go together. But it's confusing because it says there are legal bars that doesn't allow for um rulemaking. So, I need clarification on that and I would um a definitely like to see a a community event that helps people understand what the benefits are with these rules, and how they can apply and how it could affect them. Um, also I don't know if any of the rules just generally talk about single units verses a individual buying a multifamily complex and using the HIP Program. Is that allowable? A because then they would be allowed to sublease I understand. So if that's available um that might also help some of our tribal members to get housing that's more affordable um that fall between the cracks of Housing and HUD and um the General Assistance Programs that we have. So there're there're people out there that just miss that some some reason so um if people can help them get housing in that manner then I think a using our own members to do that as well as non-members to help us do that would be beneficial. Thank you.

**Response:** I am understanding you to be asking the following questions:

**Question: Patricia King:** Will there be a community meeting explaining how these rules work together and what the benefit to each rule is?

**Response:** In following the administrative rulemaking law we provided notice in the Kaliwisaks, in addition to the requirements we mailed a notice to all Tribal Members to solicit more feedback from



community members. Once the rules have been adopted the Comprehensive Housing Division and Land Management will hold informational/open house meetings with the community to explain the inner workings of the programs.

**Question: Patricia King:** Can you explain the LOC's statement of effect referencing legal bars to adoption and rulemaking authority?

**Response:** When the rules went to public meeting the position of the LOC was that the Real Property law did not delegate rulemaking authority to Land Management to implement the Real Property Rule #1 – Land Acquisition for Residential Leasing. That rule is the part of the HIP and THRIFTT programs that actually allows for the acquisition of land and the remainder of the rules pertain to leasing and other programs requirements. Since then, the Legislative Operating Committee considered a request for emergency amendments to the Real Property Law on January 15<sup>th</sup>, 2020 to add in a delegation of rulemaking authority to the Oneida Land Commission and Land Management as it relates to the approval and denial, and processing of land acquisitions. Those emergency amendments were approved by the Oneida Business Committee on January 22, 2020 – there are no present bars to adopting these rules.

**Question: Patricia King:** Do any of the rules allow Tribal members to purchase a multi-family complex and lease the land from the tribe and then sublease the units out to help provide additional housing within the community?

**Response:** We do not currently have any processes that would allow for purchase of a duplex or a multi-family unit through the Nation's homeownership programs.

**Question: Ernie Stevens III:** Morning, Ernie Stevens III. Um I have a couple ge, a few a general comments a I think they pertain I believe they pertain to a Rule No. 1, 5, and 6. Um, so one of them is, a in the law it states contingent I don't know the exact verbiage I forgot I'm sorry. It states um, I'll just, of course now I'm not going to find it. This regards um the the funding available funding. Um, just a recommendation to to kind of have that part figured out. The last time that was discussed there's no plan of what that looks like from Bay Bank to Land Management, um Housing and the options for financing and funding available for THRIFTT and HIP and and as if these are implemented, what fiscal impact this has is to have a better understanding of that and a communicate that thoroughly um cause that's that's the part that to me is very unclear and concerns me as I support these. Um, but from a fiscal standpoint not just the financing for membership to a to receive for housing a potential homeownership. But um, the impacts of tax um liability. So if this a THRIFTT for example is successful for membership and non-membership in acquiring properties in Hobart for example, tax bases, I will use the word, ridiculous, and and so we are going to take that on so if that's successful and suddenly we have a line of people um res assuming the funding is even there and whatever that level of funding is available if it's all utilized by membership and non-membership, what's that tax liability going to be. Um, so that's one concern that I think needs to be thoroughly figured out and communicated to the membership and and potential clients or customers I should say. Um, the other one is a, give me a sec here, I apologize. I think it also pertains to all three of them. Um, it was okay taxes I covered that one,



um, I'm sorry I'm just blanking here. Oh, so um, I think this is also pertains to a list of a I guess that Bay Bank, Housing, Land Management, possibly other areas, could possible have and again as if and and when THRIFTT and HIP and these new rules are successful in there implementation, um, it would be helpful as as far as the a um restrictive covenant, having and understanding and list, map, a plat map or whatever that is, um for all entities to have, somewhere where they know exactly where to find it, so when membership, or a member comes in, and they want to find a home and they have a specific budget, specific location needs, specific tax payment abilities, all those factors, um, having an understanding of what homes have and don't have restrictive covenants I think it's going to be crucial timing. Because as we know we are competing with other people for these homes. We're going to lose that, um, a a if if we don't have that process laid out in front of us as a a we a try to find a membership, I'm sorry, find homes. And then also um I think lastly, kinda going off of what Trish said, is the communication. Ah when we hold public meetings if we know the answer we just provide it. A I think the gentleman, Patrick, I believe, um, made the statement, but if he would've had asked, you know, does this fix that problem, it does. A but I think a he was aware of that. So I think things like that, but I think if it's a simple yes, a just let them know to ease their anxiety there at least because a I think that's the big one for me is, does it fix that problem? As a current homeowner who has been wanting to um, get a new home, but it's it's the competitiveness nature of it, I can't get a home because of that process. I know that it fixes that so those those kinds of things I think to what Trish was saying is a better way to communicate that. Um, this process happened pretty quickly. A gentleman back here um also mentioned that he just got this yesterday, so um, to be able to comment to to garner those com those those answers, needs to be improved. Um but in the mean time if we are able to provide that answer here in these meetings, then please do so. A thank you.

**Response:** My understanding is that the following questions are being asked:

**Question:** Ernie Stevens III: Is there financial planning for available funding for these programs?

**Response:** There is no acquisition budget for HIP and THRIFTT programs specifically. Available funding is based on the acquisition budget. To date, the Nation has never run out of available acquisition funding for HIP purchases.

**Question:** Ernie Stevens III: Is there a plan for covering tax liability for the newly acquired parcels?

**Response:** Currently tax liability for land is covered by the Oneida Business Committee. There is question right now about changing that and possibly shifting that responsibility back to Land Management. The residential leases to non-tribal members do include increased fees to the Comprehensive Housing Division that could potentially be allocated to payment of taxes while awaiting completion of the fee to trust process. The tax liability for the Nation would remain the same for Tribal Members as the Nations pays for the taxes on the land until the land goes into trust with the Tribal member paying taxes for the improvements.

**Question:** Ernie Stevens III: Will there be a listing of all available homes for purchase within the reservation boundaries that includes searchable metrics like restrictive covenants, tax costs, purchase price and location?

**Response:** There is no list for land not owned by Nation. The HIP and THRIFTT programs are created to acquire land not owned by the Nation within the boundaries and meets the requirements of the program. To create a searchable list would require the Nation to have access to all residential listings, which is not the case. For help navigating this information, use of a realtor would be beneficial.

**Question:** Ernie Stevens III: The informational mailout was just received by someone in the room yesterday – that process needs to be improved upon.

**Response:** The mailout you are referencing having just been received was something that CHD, Land Management and the Land Commission did in excess of the requirements of the Administrative Rulemaking law to solicit more feedback from community members. It was sent out as soon as possible once the hearing date was determined and printing could accommodate – as a reminder there is a 10 day written comment period following the in-person public meeting. In following the Administrative Rulemaking law we provided notice in the Kaliwisaks as required.

**Question:** Ernie Stevens III: It is frustrating that answers are not provided where they could be immediately. There should be more information provided to the community.

**Response:** Once the rules have been adopted the Comprehensive Housing Division and Land Management will hold informational/open house meetings. For consistency purposes, we use these public meetings only to solicit feedback but we do respond through written memorandum, which is shared with all commenters.

**Question:** Patricia King: Again, Trish King again. Um, I just want to make one a positive comment because I think this is a a the four law or a rules a allow for um, some flexibility in the programming and it it allows us to get to our goals of providing homes for the membership. And so I think you know I want I support the all of them and the concept of what's trying to be accomplished. Um, but I really wanna just talk about the communication because that's, that's where we need most of the support. Um and this will be new Rules I am understanding, so ah then in a year from now we will be assessing how well they are working and we can consider the amendments, any amendments at that time. So I just want to offer um some support to continue with the effort and keep working with Housing and the banks and um, I know it's just Bay Bank, so that that causes some um back log possibly. Um but the initiative overall is is beneficial for the people. So I think that is what what I want to make um clear. Thank you.

**Response:** There is no question included. Comprehensive Housing Division, Land Management and Land Commission appreciate the words of support and encouragement from Treasurer King.



**Question:** Jason Aguirre (Written Comment) The most recent HIP program information I had it shows that the land value cannot exceed \$75,000 to be eligible. In the land commission statement of policy that number was at \$100,000. Is \$100,000 a new maximum?

**Response:** Yes, \$100,000 is the new maximum stated in the Land Acquisition for Residential Leasing.

**Question:** Jason Aguirre (Written Comment). When are the HIP amendments expected to go into effect?

**Response:** The earliest date the rules could be adopted by the Oneida Business Committee is February 26, 2020 and there is no anticipated waiting period for HIP to become effective.

#### GENERAL WRITTEN COMMENTS

**Question:** Justine Hill: I'm not quite understanding the term, non-tribal. Does that mean non-Oneida or does that include other tribes?

**Response:** The term non-tribal is not defined, but Tribal member is defined in the Residential Leasing Rule as "an individual who is an enrolled member of the [Oneida] Nation." The Residential Leasing rule is incorporated into each of the programs so a non-Tribal member is anyone who is not enrolled Oneida.

**Question:** Justine Hill: Maybe we can just start out with buying other Tribe's members' land in the area, just to test the waters.

**Response:** There is no way to measure if this route would achieve the Land Commission's stated policy goal of increased tribal land base, jurisdiction and sovereignty.

**Question:** Justine Hill: How does this [opening HIP and THRIFT to non-tribal members] affect foreclosures?

**Response:** There is no impact on foreclosures. Comprehensive Housing Division has a memorandum of understanding with Bay Bank regarding foreclosures on leases premises which gives the Nation the right of first refusal.

**Question:** Justine Hill: Who holds their [non-tribal member's] mortgage?

**Response:** Bay Bank would hold the non-tribal mortgages because our Mortgage and Foreclosure law requires the applicant to be a Tribal member in order to be eligible.

**Question:** Justine Hill: Will they [non-tribal members] have to go through Bay Bank as well?

**Response:** Yes, HIP and THRIFT rules both identify the Nation's CHD and Bay Bank as the only available lenders, so based on the response above, the non-Tribals would have to go through Bay Bank.

**Question: Justine Hill:** Are the tribal courts notified of the changes?

**Response:** The public notice goes to everyone so through the public notice process they will have been notified. They have also been informally noticed in a meeting with CHD.

**Question: Justine Hill:** We will have more vacant units that sit if no one wants to buy a house without the land or if nobody can afford the mortgage. Since they will be under our laws and rules, if they get in trouble with the law, do they lose their lease (home) too like Oneida members do?

**Response:** It is unclear what is being reference or implied in the first sentence. As far as the second sentence/question, anyone using the HIP/THRIFT programs would be required to have a lease with the Nation that would make the Nation's rules and laws apply to the non-Tribal lessees. Non-tribal lessees would be subject to the same lease enforcement as non-tribal members, meaning the lessee could lose their home if they violate their residential lease.

**Question: Justine Hill:** What are some of the other hidden costs to these changes? And I don't just mean financial costs. My largest concern is the treatment of tribal members/children when the word gets out. Why not just seek vacant land/homes?

**Response:** Not sure of what hidden costs are being referred to. Without specific examples, the best response we are able to provide is that all residential leases will be subject to the same lease terms and enforcement. We currently purchase homes and vacant land through strategic land acquisition purchases however that does not achieve the social and political goals discussed in the Oneida Land Commission's policy statement. Those goals include giving non-Tribal members a vested interest in our fee-to-trust process, tribal government and the relationships between our government and surrounding municipalities.

**Question: Justine Hill:** These changes could have an impact on the relationships we have with other municipalities. I know that the Nation pays in lieu of taxes, but with the Nation seeking negotiations with Green Bay on a Service Agreement, will this hinder those efforts?

**Response:** The Intergovernmental Affairs Area, the Law Office and the Business Committee are all aware of these pending changes and there is no current concern related to any potential negotiations with the City of Green Bay. In addition, the Nation is moving away from making payments in lieu of taxes and towards cooperative governance agreements where we co-fund mutually beneficial projects and initiatives.

**Question: Justine Hill:** Some Oneida community members have expressed they don't like the idea of non-natives being able to move into their neighborhood. Are you looking at the big picture or just your efforts to obtain land?

**Response:** The acquisition component is without a doubt a big part of expanding these programs. It is important for us to remember that we retain ownership of our land when entering a lease with a non-Tribal member and are able to contractually extend our laws and rules to those properties where we otherwise would not have jurisdiction. As much as it is about increased land ownership and jurisdiction, it is also about relationship building with our surrounding communities. In addition, there is nothing in place currently that would prevent a non-tribal member with fee land from selling to another non-Tribal within the boundaries. If anything non-Tribal members living within our boundaries following our laws/rules is better for Tribal members than non-Tribal members living within our boundaries following only the local municipalities laws/rules.

**Question: Justine Hill:** How many leases can someone hold? Is there a limit?

**Response:** Two leases can be held and that is the limit.

**Question: Justine Hill:** I haven't received any kind of notice in the mail for these rule changes via USPS to date. And I agree that community meetings should be held to better understand these changes and to contribute to the thought process and the outcomes of these changes prior to making these decisions. At least give the membership more advance notice of changes when a Public Meeting is scheduled with a copy of the new rule(s).

**Response:** The mailout you are referencing was something that CHD, Land Management and the Land Commission did in excess of the requirements of the Administrative Rulemaking law to solicit more feedback from community members. It was sent out as soon as possible once the hearing date was determined and printing could accommodate – as a reminder there is a 10 day written comment period following the in-person public meeting. In following the Administrative Rulemaking law we provided notice in the Kaliwisaks as required. Once the rules have been adopted, the Comprehensive Housing Division and Land Management will hold informational/open house meetings to explain one on one the changes that have been made.

**Question: Fred Muscavitch:** Are we using non-Tribal to mean anyone who is not an enrolled member of the Oneida Nation? Perhaps it should be non-Nation member.

**Response:** The term non-tribal is not defined, but Tribal member is defined in the Residential Leasing Rule as "an individual who is an enrolled member of the [Oneida] Nation." The Residential Leasing rule is incorporated into each of the programs so a non-Tribal member is anyone who is not enrolled Oneida.

**Question: Fred Muscavitch:** The rule change allows non-Tribals to get a mortgage from the CHO (Comprehensive Housing Div). I strongly oppose this. The Acquisition funds could be deeply affected by this. In my opinion and in various GTC and BC documents, the key purpose of the Land Commission is to reacquire the land as quickly as possible. Buying residential lots is very costly and ill-advised.



**Response:** That is not accurate. These rules indicate that Bay Bank and CHD are able to be potential lenders, but the Mortgage and Foreclosure law has not been amended so CHD would continue to require applicants be Tribal members in order to receive financing from CHD.

**Question: Fred Muscavitch:** I oppose the change to allow more than one lease to a person. This change is open to great abuse.

**Response:** That change has already occurred through the Residential Leasing rules, which are not the subject of this public meeting. These rules merely extend that allowance to participants in the HIP program.

**Question: Fred Muscavitch:** In summary, I'd like to say that the Land Commission's role is basically to reacquire the land as best it can and to serve our nation's people. The new rules spell out ways to slow acquisition at a higher cost, it opens avenues to assist non-Tribal people to use resources established for Tribal members, and it takes decision making out of the hands of the Land Commission. I am available to discuss my concerns.

**Response:** Land Management, CHD and the Oneida Land Commission thank you for your feedback.

**Statement: Jason Aguirre:** Hello, Thanks to all that work to put these programs together. As a real estate agent it is very encouraging to see these programs work as designed and help Oneida families to live the dream of home ownership. Recently I have been working with numerous Tribal families to utilize these programs and the following are a number of questions/ concerns that have come up during these conversations.

**Question: Jason Aguirre (Written Comment):** Is there any specific department or individual/s who understand the full scope of real estate services offered through the Tribe?

**Response:** CHD is the central point of contact for consumers for all of these programs.

**Question: Jason Aguirre (Written Comment)** I see an amendment allowing more than 1 lease to be held by a tribal member is being proposed. I think this is a great addition and allows for more flexibility to those individuals affected. Is there a maximum number of leases? If the goal of the Tribe is to acquire land and an individual Tribal member is able to acquire say 3 or more properties through this program I feel it is a win win situation. The Tribal member can work to build wealth (own and operate rental homes) and the Tribe continues to acquire land.

**Response:** The maximum is set by the Residential Lease rule and is two (2).

**Oneida Business Committee Agenda Request**

Adopt amendments to Leasing law rule # 6 - Homeownership by Independent Purchase (HIP) Program

**1. Meeting Date Requested:** 09 / 08 / 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](http://Oneida-nsn.gov)



TO: Oneida Business Committee  
 FROM: David P. Jordan, Legislative Operating Committee Chairman  
 DATE: September 1, 2021  
 RE: Certification of Amendments Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program

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On September 1, 2021, the Legislative Operating Committee reviewed and certified the amendments to Leasing law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program (“Rule”), finding good cause under section 106.7-1(a) of the Administrative Rulemaking law (“Law”) to certify the Rule, despite being presented for certification outside of the time limits allowed by Law upon closure of the public comment period. *[1 O.C. 106.7-1(a)]*. Certification by the Legislative Operating Committee means:

- The certification packet provided by the Comprehensive Housing Division for the Rule contained all documentation required by Law for a complete administrative record;
- Subject to the aforementioned finding of good cause, the promulgation of the amendments to the Rule complied with the procedural requirements contained in the Law; and
- The amendments to the Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

The purpose of the HIP Program for which the Rule was originally promulgated is to expand the services being offered by the Nation through a program in which the prospective lessee buyer initiates a purchase where the buyer purchases the improvements; the Nation purchases the land per the Land Management’s Land Acquisitions for Residential Leasing Standard Operating Procedure; and the buyer then enters into a HIP residential lease for the land through the Comprehensive Housing Division.

Amendments to the Rule are being pursued to modify the existing HIP Program process to account for the division of the Comprehensive Housing Division and Land Management; to incorporate the updated residential leasing rules which now allow parties to have more than one (1) lease at a time; and to open up the HIP Program to non-Tribal members.

The Rule was developed in accordance with the Leasing law, which was adopted for purposes of setting forth the Nation’s authority to issue, review, approve, and enforce leases. *[6 O.C. 602.1-1]*. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining residential, agricultural, or business leases. *[6 O.C. 602.5-1]*. Land Management is defined in the Leasing law as “the Division of Land Management or other entity responsible for entering into leases of tribal land”. *[6 O.C. 602.3-1(i)]*. According to the Real Property law, the Comprehensive Housing Division is the entity responsible for processing all residential leases of Tribal land. *[6 O.C. 601.9-1]*. Therefore, the Comprehensive Housing Division is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The amendments to the Rule would become effective within ten (10) business days following adoption by the Oneida Business Committee in accordance with section 106.9-1 of the Administrative Rulemaking law.

**Requested Action**

Adopt amendments to the Leasing law Rule No. 5 – Homeownership by Independent Purchase (HIP) Program.



To: David P. Jordan, Legislative Operating Committee Chairman

From: Jacque Boyle, DPW Director **Jacque Boyle**

Digitally signed by Jacque Boyle  
DN: cn=Jacque Boyle, o=Oneida Nation, ou=DPW,  
email=jboyle@oneidanation.org, c=US  
Date: 2021.08.09 11:44:03 -05'00'

Date: July 29, 2021

Re: Certification of Leasing Law Rules: No. 5 – THRIFTT Program & No. 6 – HIP Program

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Comprehensive Housing Division (“CHD”) received the memorandum from the Legislative Operating Committee regarding the certification of Leasing Rules 5 & 6 for the THRIFTT and HIPP Rules respectively (collectively, “Rules”) and is appreciative of your explanation of the remaining hurdles to certification of the rules.

Comprehensive Housing Division respectfully requests consideration from the Legislative Operating Committee for certification of the rules even though the public meeting comments were collected more than six (6) months from the date CHD submitted them for certification based on good cause. *See* 1 O.C. 106-7(a)(1). For both Rules there were staffing issues at play as well as the onset and the Oneida Nation’s response to COVID-19, which reallocated available funding for transactions pursuant to the Rules.

In terms of staffing, CHD staff were working under the guidance of CHD attorney, Krystal John, who took an unexpectedly early maternity leave in the first week of February 2020 just as CHD was preparing to submit the rules for certification. These rules were and are a priority for CHD and the Oneida Land Commission. In the time after the comment period closed for the public meeting on January 17, 2020 and the time of our attorney’s unexpected leave, we had already reviewed comments, drafted responses, made minimal revisions and forwarded the finished rules to the Oneida Land Commission for their consideration. With our attorney’s unexpected early leave, we paused the work on the rules and presumed we would pick it up with her when she returned from maternity leave, which would have been within the allowable six (6) month period for certification. Instead, CHD had to shift its focus to the COVID-19 response and its impacts on CHD staff, tenants, and lessees. It was during this time that CHD and the CEDD began reporting to DPW and priorities were established to address the vacant housing units and address homelessness. My focus was on creating processes to reduce the vacancy rates and develop plans for the CARES funding. Because there was not available Tribal Contribution funding to implement the HIP or THRIFTT programs at the time, the work to pass these rules was not as urgent given competing issues needing attention. Oneida’s response to the global COVID-19 pandemic required the rerouting of the land acquisition budget to the general fund, so there was no longer any available budget to complete acquisitions pursuant to the Rules. With so many other things to focus on to keep CHD running as smoothly as possible throughout the COVID-19 pandemic, CHD de-prioritized the Rules because it was temporarily financially impossible to

implement them. Since the adoption of BC Resolution 06-09-21- A, which re-allocated funds to acquisitions pursuant to the Rules, CHD has been working diligently to move these Rules forward for certification.

While CHD understands the importance of the public comment period and receipt of input from the community, CHD truly believes it is presenting rules that would not be largely, if at all, impacted by the offering of an additional comment period. Further, CHD strongly believes that the community would be the only party harmed by any further delay in certifying and implementing these Rules that help Oneida tribal members achieve affordable homeownership. Again, Comprehensive Housing Division respectfully requests consideration from the Legislative Operating Committee for certification of the rules even though the public meeting comments were collected more than six (6) months from the date CHD submitted them for certification based on good cause as identified in this memorandum. *See* 1 O.C. 106-7(a)(1).



## Comprehensive Housing Division



TO: Legislative Operating Committee

FROM: Lisa Rauschenbach, Residential & Finance Area Manager *LR*

DATE: June 23, 2020

SUBJECT: Request for Certification of Procedural Compliance  
Leasing Rule #6 – Homeownership by Independent Purchase Program (HIPP)

The Comprehensive Housing Division (CHD) and the Oneida Land Commission are exercising their joint rulemaking authority to implement a new Rule for Homeownership by Independent Purchase Program (HIPP)

There were 11 people in attendance at the public meeting and written comments were submitted by 3. (attached). The revisions made since public comment are demonstrated in the attached redline drafts.

Rulemaking Timeline	
Required Action	Date Completed
Public Meeting notice for the rule is posted in the Kaliwisaks and on the Oneida Register	December 19, 2019
Public Meeting held	January 9, 2020
Public Comment Period closed	January 17, 2020

The following attachments are included for your review:

1. Leasing Rule #6 – Homeownership by Independent Purchase Program (HIPP)
2. Department of Public Works Director Approval Memo
3. Oneida Land Commission Minutes approving Rule
4. Summary Report
5. Financial Analysis
6. Statement of Effect
7. Copy of Public Meeting Published in the Kaliwisaks -December 19, 2019, issue pg.39
8. Sign in sheet from the January 9, 2020 Public Meeting
9. Public meeting transcription and comments from the January 9, 2020 meeting.

Following certification and the Oneida Business Committee adoption, this rule shall become effective immediately.





## Title 6. Property and Land – Chapter 602

### LEASING

#### Rule # 6 – Homeownership by Independent Purchase (HIP) Program

- 1.1. Purpose and Policy
- 1.2. Adoption, Amendment and Repeal
- 1.3. Definitions
- 1.4. General
- 1.5. Eligible Buyers
- 1.6. Eligible Properties
- 1.7. Required Process

#### 1.1. Purpose and Authority

1.1-1. *Purpose.* The purpose of the Homeownership by Independent Purchase (HIP) Program is to expand the services being offered by the Nation by providing a program in which the prospective lessee buyer initiates a purchase in which the buyer purchases the improvements and the Nation purchases the land pursuant to Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure ~~Real Property Rule No. 1 Land Acquisition for Residential Leasing~~. The buyer will then enter a HIP residential lease for the land through the Comprehensive Housing Division.

1.1-2. *Authority.* The Leasing Law section 602.5-1 delegates rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission pursuant to the Administrative Rulemaking law.

#### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Comprehensive Housing Division and the Oneida Land Commission in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Comprehensive Housing Division and the Oneida Land Commission and/or the Oneida Business Committee pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to entering a residential lease following simultaneous purchase of improvements by the buyer and the land by the Nation.

#### 1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

- (a) "Buyer" means the potential lessee entering into the offer to purchase to purchase the improvements.
- (b) "Defect" means a condition that would have a significant adverse effect on the value of the property; that would significantly impair the health or safety of future occupants of the property; or that if not repaired, removed or replaced would significantly shorten or adversely affect the expected normal life of the premises.
- (c) "Improvement" means buildings, other structures, and associated infrastructure



attached to land.

- (g) "Offer to Purchase" means the written contract made by the buyer, accepted by the seller and approved by the Nation in which the buyer agrees to purchase the improvements upon the land and the Nation agrees to purchase to land.
- (h) "Reservation" means all the property within the exterior boundaries of the Reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (i) "Residential Lease" means the legal document issued by the Nation pursuant to its applicable leasing laws and rules which establishes a buyer's right to occupy Tribal land for residential purposes.
- (j) "Survey" means the measurement of the boundaries of land and its area. A survey will reveal building setbacks as well as any encroachments.
- (k) ~~(k)~~ "Tax Assessed Value" means the value the local taxing authority uses to distinguish the value of the land from the improvements.
- ~~(k)~~(l) "Total Purchase Price" means the total amount offered to the seller for the acquisition of the improvements and the land.
- ~~(m)~~ "Tribal Fee Land" means land held in fee status by the Nation.
- ~~(n)~~ "Tribal Trust Land" means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

#### 1.4. General

1.4-1. *Program Education.* CHD ~~and Bay Bank~~ shall make these rules and all relevant educational pieces and required paperwork available electronically on its website and in hard-copy format at their respective offices.

1.4-2. *Subject to Available Funding.* All offers submitted to the Nation are subject to the Nation's available funding with all purchases taking place pursuant to Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure ~~Real Property Rule No. 1~~ Land Acquisition for Residential Leasing.

1.4-3. *Nation Determines Defects.* The Nation reserves the sole right to determine whether defects exist in relation to the contingencies related to the title commitment, survey and environmental investigation required under Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure ~~the Land Acquisition for Residential Leasing Rule.~~

1.4-4. ~~Real Estate~~ Estate Taxes. ~~If the homeowner is a Tribal member~~ All homeowners, upon signing ~~the~~ a residential lease, ~~they~~ will be responsible for all taxes assessed against the improvements ~~and not the land~~. The homeowner's real estate tax payment shall be the percentage of the total assessed taxes equal to the assessed value of the improvements divided by the assessed value of the improvements and the land combined plus any municipal fees and/or special assessments. ~~If/when the property converts from tribal fee land to tribal trust land, the homeowner is not a Tribal member, upon signing the lease, they will be responsible~~ have no tax responsibility for all taxes assessed against the property and the improvements, including any municipal fees and/or special assessments.

~~1.4 5. Financing. In the event refinancing or a new~~ 1.4-5. Increased Lease Fee for Non-Tribal



Members. If there is no tribal member party on the residential lease at the time it is entered, the lessee shall pay an increased annual residential lease fee equal the amount of taxes assessed against the land plus any municipal fees and/or special assessments. If/when the property converts from tribal fee land to tribal trust land, the lessee's annual residential lease fee will be held at the prior year's rate for the remaining duration of the lease.

1.4-6. Financing. In the event a loan is required for the improvements, homeowners may secure said financing from Bay Bank or the Comprehensive Housing Division Finance Department, provided that any financing secured from the Comprehensive Housing Division is subject the Mortgage and Foreclosure law and any accompanying rules.

1.4-67. HIP Program E-Mail Address and Shared Drive. Comprehensive Housing Division shall work with the Nation's MIS Department to establish a HIP Program e-mail, which shall be available to accept all required submittals electronically, and a shared drive so that HIP Program documents may be jointly accessed by the Comprehensive Housing Division and Land Management. The Comprehensive Housing Division Residential Leasing Specialist shall be the HIP point of contact and the administrator of the shared HIP Program e-mail and shall be the only party to respond to buyer e-mails, except that the Acquisition Manager is authorized to respond to offers to purchase that require an immediate response outside of business hours in accordance with section 1.7-45.

#### **1.5. Eligible Buyers**

1.5-1. In order to be eligible to participate in the HIP Program, the buyer must:

~~(a) Meet the requirements pursuant the Residential Leasing rule;~~

~~(b)(a) Have adequate funds available for the purchase of the improvements or be able to secure financing, including any required down payments, provided that the total purchase price after the tax assessed value of the land is deducted may not exceed \$250,000; and~~

~~(c) Meet any applicable minimum down payment requirements established by Bay Bank and HUD's guidelines for refinancing; and~~

~~(d)(b) Be eligible to enter a residential lease with the Oneida Nation based on the Leasing law and any applicable residential leasing rules.~~

#### **1.6. Eligible Properties**

~~1.6-1. In order for a property to be eligible for an offer to purchase pursuant to the THRIFFT HIP Program, it must comply with the requirements of Land Management's Land Acquisition for Residential Leasing Standard Operating ProcedureReal Property Rule No. 1—Land Acquisition for Residential Leasing Rule.~~

#### **1.7. Required Process**

~~1.7-1. Residential Lease Application. In order to initiate the HIP process, the buyer shall complete an Oneida residential lease application with either the Residential Leasing Specialist or the lender, which shall include notice of process provisions related to this program.~~

~~1.7-2. Pre-approval. In order to initiate the HIP processOnce the Oneida residential lease application is complete, the buyer shall request a certificate of pre-approval from Bay Bank and/or the Comprehensive Housing Division Finance Department which expires within one hundred twenty (120) days and provides the maximum amount of financing available towards a home purchase. Bay Bank and/or the Comprehensive Housing Division Finance Department~~



141 The lender shall provide a copy of the pre-approval to the Residential Leasing Specialist.

142 1.7-23. *Real Estate Agent Representation Optional*. Upon receipt of a certificate of pre-approval,  
143 the buyer may choose to be represented by a real estate agent, but representation is not required.  
144 The buyer may request a list of real estate agents familiar with the HIP Program from the  
145 Residential Leasing Specialist. The Acquisition Manager shall maintain said list based on the  
146 real estate agents that have completed the training pursuant to Land Management's Land  
147 Acquisition for Residential Leasing Standard Operating Procedure Real Property Rule No. 1—  
148 Land Acquisition for Residential Leasing Rule and shall provide updated lists to the Residential  
149 Leasing Specialist as needed.

150 1.7-34. If the buyer finds a potentially eligible property they would like to purchase, the buyer  
151 shall make an offer to purchase to the seller using the offer to purchase form available with  
152 Comprehensive Housing Division. The Nation may not assist buyers in making and/or  
153 negotiating an offer to purchase.

154 (a) The offer to purchase form available with the Comprehensive Housing Division must,  
155 at a minimum, contain contingencies relating to:

- 156 (1) The real estate condition report in the format required by Wisconsin law;
- 157 (2) The home inspection, which is an examination of the improvements'  
158 construction, condition and internal systems to establish the structural and  
159 mechanical integrity completed by certified home inspector.
- 160 (3) The environmental inspection, which must be completed by the Nation at the  
161 Nation's expense;
- 162 (4) The title commitment, which is the document by which a title insurer  
163 discloses to all interested parties the liens, defects, burdens and obligations  
164 that affect the subject property;
- 165 (5) The survey or plat map, which provides the measurement of the boundaries of  
166 land and its area and reveals building setbacks as well as any encroachments;
- 167 (6) If the property is on a septic system, the septic system inspection;
- 168 (7) If the property is served by a well, the well water testing, which must analyze  
169 the water's bacteria and nitrate levels, and, if in Outagamie County, the  
170 arsenic levels, to determine whether the water is safe for human consumption;
- 171 (8) If the property is served by a well, the well system inspection, which reveals  
172 information such as the well depth, date of construction, protective clay  
173 layers, drilling stipulations; ~~and~~
- 174 (9) The closing papers and costs; ~~and~~
- 175 ~~(9)~~(10) The requirement that the Oneida Land Commission approve any  
176 residential lease which does not include a Tribal member party.

177 (b) All terms of the offer to purchase are non-negotiable with the exception of the  
178 following:

- 179 (1) Whether the buyer or seller is responsible for paying for the reports and forms  
180 required by the contingencies, except the environmental report, which is the  
181 responsibility of the Nation;
- 182 (2) The closing date, provided that, it must be a minimum of sixty (60) calendar  
183 days from the date the offer is accepted by all required approving parties  
184 unless an alternative closing date is agreed upon by all parties;
- 185 (3) The purchase price for the improvements; the purchase price of the land must  
186 be determined by the tax assessed value of the land;



- 187 (4) The items included in the purchase price;  
188 (5) The amount of the earnest money; and  
189 (6) The closing prorations.
- 190 1.7-45. *Nation's Approval*. If the buyer makes an offer to purchase that is accepted by the seller,  
191 the buyer shall present the accepted offer to purchase to the Leasing Specialist within five (5)  
192 calendar days from the date of acceptance; this initiates the Nation's approval process.
- 193 (a) Immediately upon receipt of an accepted offer, the Residential Leasing Specialist  
194 shall:
- 195 (1) Forward the offer to purchase to the Acquisition Manager along with the  
196 buyer's pre-approval and residential lease application;  
197 (2) If the offer to purchase is not submitted with the Land History Questionnaire  
198 and/or the Real Estate Condition Report, provide notice to the buyer that said  
199 documents must be submitted to the Comprehensive Housing Division within  
200 five (5) business days from the date the offer to purchase is submitted – when  
201 received, the Leasing Specialist shall immediately forward said documents to  
202 the Acquisition Manager; and  
203 (3) Notice the buyer that the survey is due to the Comprehensive Housing  
204 Division no later than twenty (20) calendar days prior to closing. Immediately  
205 upon receipt of a survey from the buyer, the Leasing Specialist shall forward  
206 the survey to the Acquisition Manager.
- 207 (b) Upon receipt of an accepted offer, the Acquisition Manager shall:
- 208 (1) Notify the Residential Leasing Specialist of any time acquisition funds are  
209 depleted or near depletion.
- 210 (2) Do all checks required under Land Management's Land Acquisition for  
211 Residential Leasing Standard Operating Procedure~~Real Property Rule No. 1—~~  
212 ~~Land Acquisition for Residential Leasing~~ to determine if the property is  
213 eligible and notify the Residential Leasing Specialist if there are any defects to  
214 title that would make the homeowner or their property ineligible pursuant to  
215 Land Management's Land Acquisition for Residential Leasing Standard  
216 Operating Procedure~~Real Property Rule No. 1—~~ Land Acquisition for  
217 Residential Leasing.
- 218 (3) If the property is determined to be eligible sign the offer to purchase on behalf  
219 of the Nation and forward to the Residential Leasing Specialist, provided that  
220 prior to signing, the Acquisition Manager shall obtain any Land Commission  
221 approvals required under Land Management's Land Acquisition for  
222 Residential Leasing Standard Operating Procedure~~Real Property Rule No. 1—~~  
223 ~~Land Acquisition for Residential Leasing~~.
- 224 (c) Upon receipt of an offer to purchase signed by the Nation, the Residential Leasing  
225 Specialist shall:
- 226 (1) ~~forward~~ Forward the offer to purchase received from the Acquisition  
227 Manager to the homeowner and the ~~financing party~~ lender; and  
228 (2) Obtain any Oneida Land Commission approvals required in order to enter a  
229 residential lease with the buyer (i.e. if there is not a Tribal member included as  
230 a party to the residential lease).
- 231 (d) If, subsequent to signing the offer to purchase, the Nation has a concern related to the  
232 contingencies, the Acquisition Manager or their designee shall work with relevant



parties to resolve the issue and shall immediately notify the Residential Leasing Specialist and the ~~financing party~~ lender of the issue and provide instructions as to whether and how the issue may be corrected so that the information is able to be communicated to the buyer and ~~eligible~~ eligibility is able to be confirmed in accordance with Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure ~~Real Property Rule No. 1—Land Acquisition for Residential Leasing Rule.~~

1.7-56. *Pre-Closing.* The ~~financing party~~ lender shall notify the buyer, the Residential Leasing Specialist and the Acquisition Manager of the date, time and location of the closing.

~~(a) Prior to the closing date, the Residential Leasing Specialist and the Acquisition Manager shall obtain any required Oneida Land Commission approvals required pursuant to any applicable rules.~~

~~(b)~~ If Bay Bank is providing financing, then upon receipt of closing date, the Residential Leasing Specialist shall forward information, including the closing date, to the Senior Loan Officer to create an assignment of lease for financing using the closing date as the effective date. The Senior Loan Officer shall provide the assignment of lease for financing to the Residential Leasing Specialist prior to the closing date.

1.7-67. *Land Commission Approval.* Land Commission approval is deemed granted based on approval of this rule and is not required for each purchase except as specifically noted in the Residential Leasing Rule or Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure ~~the Real Property Rule No. 1—Land Acquisition for Residential Leasing.~~

1.7-78. *Closing.* Closing responsibilities are distributed as follows:

(a) The Acquisition Manager shall attend closing and:

- (1) Bring the check for the value of the land to the closing;
- (2) Bring any other documents required by the Nation to the closing, which may include affidavits; and
- (3) Sign closing documents on behalf of the Nation.

(b) The Residential Leasing Specialist shall attend closing and:

- (1) Bring the residential lease documents that have been signed on behalf of the Nation to the closing; and

~~(2) Bring~~ (2) If Bay Bank is providing financing, bring the assignments of lease for financing that has been signed on behalf of the Nation to the closing.

(c) The homeowner shall sign the following documents at the closing:

- (1) Any applicable loan documents;
- (2) Closing statements;
- (3) The three (3) original residential leases;
- (4) If applicable, the assignment of lease for financing;
- ~~(5) The deed;~~ and
- ~~(6)~~ Any other required documents.

(d) The ~~financing party~~ lender shall bring the following to the closing:

- (1) The loan documents and any other bank required documents; and
- (2) Closing statements for the improvements.

(e) Bay Title shall bring the following to the closing:

- (1) Closing statements for the land and improvements;
- (2) The deed; and

(3) Any other required documents.

1.7-69. *Post-Closing.*

(a) If Bay Bank is the lender, ~~Postpost-Closing-closing~~ responsibilities are distributed as follows:

(1) ~~(a) The financing party~~ Bay Bank shall:

(1A) Provide Bay Title with the mortgage, the assignment of lease for financing and an original residential lease;

(2B) Ensure that Bay Title recorded the mortgage and the assignment of lease for financing; and

(3C) Provide the original recorded mortgage and assignment of lease for financing to the Comprehensive Housing Division's Finance Department.

(b2) The ~~Comprehensive Housing Division~~ Acquisition Manager shall:

(1A) Ensure that Bay Title provided a final title policy ~~and provide said policy to the Acquisition Manager to be~~ include said policy in the Land Management file;

(2B) Ensure that Bay Title complied with Wisconsin's electronic transfer return requirements;

(3C) Ensure that Bay Title recorded the deed with the county register of deeds ~~and once received, record the county recorded deed with the~~ Oneida Nation Register of Deed;

(43) ~~The Comprehensive Housing Division shall:~~

(A) Once all the original recorded documents have been received, record the following with the Oneida Nation Register of Deeds:

~~(A) —The deed;~~

~~(B1) —The residential lease;~~

~~(C2) If applicable, the mortgage; and~~

~~(D3) If applicable, the assignment of lease for financing.~~

(5B) ~~As applicable, r~~Return the original mortgage and assignment of lease for financing to Bay Bank once they have been recorded with the Oneida Nation Register of Deeds.

(b) If the Comprehensive Housing Division Finance Department is the lender, post-closing responsibilities are distributed as follows:

(1) The Acquisition Manager shall:

(A) Ensure that Bay Title provided a final title policy include said policy in the Land Management file;

(B) Ensure that Bay Title complied with Wisconsin's electronic transfer return requirements;

(C) Ensure that Bay Title recorded the deed with the county register of deeds and once received, record the county recorded deed with the Oneida Nation Register of Deed;

(2) The Comprehensive Housing Division shall record the following with the Oneida Nation Register of Deeds:

(A) The residential lease; and

(B) The mortgage.

End.

326

327 Original effective date: 02-22-2016

328 Amendment effective date:

329

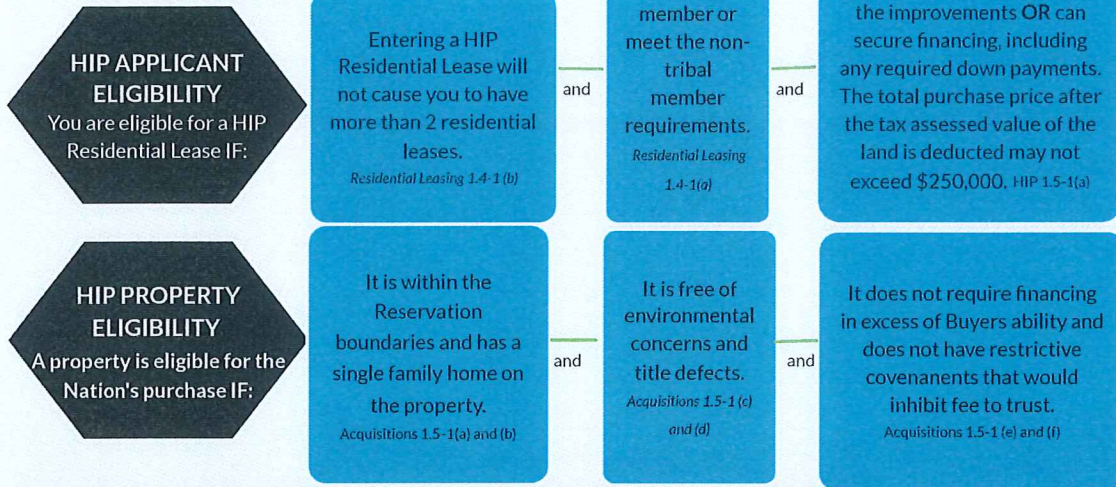
330



## Homeownership by Independent Purchase (HIP)



The HIP Program works with the HIP rule and Acquisition for Residential Leasing rule to create a process where the applicant purchases the improvements while the Nation simultaneously purchases the land for a property within Reservation boundaries.



**HIP PROCESS** - The HIP Process is initiated by an interested buyer contacting CHD or Bay Bank. Upon inquiry, CHD or Bay Bank will have the buyer fill out an application, notice them of the HIP email for communications with CHD and the real estate agents familiar with the HIP process for use at their discretion, and direct them to get a financial preapproval from the lender (Bay Bank or CHD Financing Department). CHD's Leasing Specialist is the Nation's primary HIP contact.

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**Seller Accepts Offer to Purchase (OTP):** Buyer searches for a home within the Nation's boundaries until a seller accepts their OTP using the form provided by CHD (see HIP 1.7-3(b) for which OTP terms are negotiable). Leasing Specialist is available to perform boundary checks for potential properties. Buyer must submit the signed OTP to the Leasing Specialist within 5 calendar days of acceptance by Seller. HIP 1.7-5

**Leasing Specialist Receives an Accepted OTP:** (1) Leasing Specialist immediately forwards the seller accepted OTP, application and prequalification letter to the Acquisition Manager. (2) If the OTP doesn't include a Land History Questionnaire and/or the Real Estate Condition Report, the Leasing Specialist shall notice the Buyer they must be submitted within 5 business days from submitting the OTP. (3) The Leasing Specialist shall notice the buyer a survey is due back to the Leasing Specialist no later than 20 days prior to closing. All forms submitted to Leasing Specialist shall be immediately forwarded to the Acquisition Manager. HIP 1.7-5(a)

**Acquisition Manager Receives an Accepted OTP:** (1) The Acquisition Manager shall perform all checks required under the Acquisition for Residential Leasing rule to ensure the property is eligible and notice the Leasing Specialist if there are any defects that make the property ineligible. (See HIP 1.7-5(b)(3) if defects are discovered after the Nation signs the OTP) (2) If all checks show the property is eligible, the Acquisition Manager shall sign the OTP on behalf of the Nation and return to the Leasing Specialist. (3) Leasing Specialist shall forward the fully executed OTP to the Buyer and the lender and obtain any required Land Commission lease approvals. HIP 1.7-5(c)

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**Closing Date and Land Commission Approvals:** The lender shall notice the Buyer, the Leasing Specialist and the Acquisition Manager of the date, time and location of closing. HIP 1.7-6

**Assignment of Lease for Financing:** If Bay Bank is the lender, the Leasing Specialist shall forward information related to closing to the Senior Loan Officer to create an assignment of lease for financing to be provided to the Leasing Specialist prior to closing. HIP 1.7-6



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**Acquisition Manager:** The Acquisition Manager shall attend closing and (1) bring the check for the value of the land to closing; (2) bring any other documents required by the Nation to the closing; and (3) sign closing documents on behalf of the Nation. HIP 1.7-8(a)

**Leasing Specialist:** The Leasing Specialist shall attend closing and bring the lease documents signed on behalf of the Nation and, if Bay Bank is the lender, the assignment of lease for financing. The leasing specialist shall collect the residential lease fee and processing fee at closing unless agreed otherwise. HIP 1.7-8(b)

**Homeowner:** The homeowner shall attend the closing and sign the following documents at closing: (1) any applicable loan documents; (2) closing documents; (3) 3 original residential leases; (4) if applicable, the assignment of lease for financing; and (5) any other required documents. HIP 1.7-8(c)

**Lender:** The lender shall attend closing and bring the loan documents, closing statements for improvements and any other documents required by the lender. HIP 1.7-8(d)

**Bay Title:** Bay Title shall attend the closing and bring the closing documents for the improvements and land, the deed, and any other required documents. HIP 1.7-8(e)

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**If Bay Bank is the Lender, post-closing responsibilities are as follows:**

**Bay Bank shall:** (A) Provide Bay Title with the mortgage, the assignment of lease for financing and an original residential lease; (B) Ensure Bay Title recorded the mortgage and the assignment of lease for financing; and (C) Provide the original recorded mortgage and assignment of lease for financing to the CHD Finance Department. HIP 1.7-9(a)(1)

**Acquisition Manager shall:** (A) Ensure Bay Title provided a final title policy and include said policy in the Land Management file; (B) Ensure Bay Title complied with WI's electronic transfer return requirements; and (C) Ensure Bay Title recorded the deed with the county register of deeds and, once received, record the county recorded deed with the Oneida Nation Register of Deeds. HIP 1.7-9(a)(2)

**CHD shall:** (A) Once all the original recorded documents have been received, record the following with the Oneida Nation Register of Deeds: the residential lease and, if applicable, the mortgage and assignment of lease for financing; and (B) Return the original mortgage and assignment of lease for financing to Bay Bank once they have been recorded with the Oneida Nation Register of Deeds. HIP 1.7-9(a)(3)

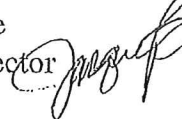
**If the CHD Finance Department is the Lender, post-closing responsibilities are as follows:**

**The Acquisition Manager shall:** (A) Ensure Bay Title provided a final title policy include said policy in the Land Management file; (B) Ensure Bay Title complied with WI's electronic transfer return requirements; and (C) Ensure Bay Title recorded the deed with the county register of deeds and once received, record the county recorded deed with the Oneida Nation Register of Deeds. HIP 1.7-9(b)(1)

**CHD shall record the residential lease and the mortgage with the Oneida Nation Register of Deeds. HIP 1.7-9(b)(2)**





To: Legislative Operating Committee  
From: Jacque Boyle, Public Works Director   
Date: May 13, 2021  
RE: Land Acquisition for Residential Leasing Rule

I approve of Leasing Rule #6 – Homeownership by Independent Purchase (HIP) Program, which is presented in this packet and includes all supporting documentation.



## Oneida Land Commission

Regular Meeting  
5:00 p.m. Tuesday, November 12, 2019  
Little Bear Conference Room

### Minutes

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#### REGULAR MEETING

Present: Vice Chair Rebecca Webster, Secretary Michael Mousseau, Commissioners: Julie Barton, Sherrole Benton, Patricia Cornelius Donald McLester

Not Present: Chair Rae Skenandore

Others Present: Aliskwet Ellis, Jennifer Garcia, Michelle Hill, Jeff House, JoAnne House, Brenda John, Krystal John, Steve Linskins, Dana McLester, Troy Parr, Patrick Pelky, Lisa Rauschenbach, Nicole Rommel, Beverly Scow, Debbie Thundercloud, Diane Wilson, Jeff Witte

#### I. CALL TO ORDER AND ROLL CALL

*Meeting called to order by Vice-Chair Rebecca Webster at 5:01 p.m.*

#### II. ADOPT THE AGENDA

Motion by Donald McLester to adopt the agenda with an addition of VII.N. Grant for a Trall - Planning and XI.D. Holding Company; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

#### III. TASK LIST

*No update.*

#### IV. READING OF MINUTES

##### A. Approve 2019 10 03 Emergency Meeting Minutes

Motion by Donald McLester to approve the October 3<sup>rd</sup>, 2019 Emergency Meeting Minutes; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

##### B. Approve 2019 10 14 Regular Monthly Meeting Minutes

Motion by Julie Barton to approve the October 14<sup>th</sup>, 2019 Regular Meeting Minutes; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

*Item VII. D. addressed next.*

**V. TABLED BUSINESS**

*None.*

**VI. OLD BUSINESS**

*None.*

**VII. NEW BUSINESS****A. E-poll #1 – Lee Cornelius**

Motion by Michael Mousseau to accept E-Poll and enter into the record; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**B. E-poll #2 – Lee Cornelius**

Motion by Michael Mousseau to accept E-Poll and enter into the record; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**C. Non-tribal Member Lessees – Jennifer Garcia**

Motion by Michael Mousseau for:

1.a. OCHD to bring requests for lease eligibility under 1:4-1. (a) (3) of the Residential Leasing Rule to the Land Commission for approval.

1.b. Residential Lease fees to exclusively non-tribal members shall be calculated by requiring lessees to pay land and improvement tax while the property is in fee and pay the previous portion of the taxes attributable to the land for the remainder of the lease when the property is taken into trust.

2. Oneida Land Commission to hereby rescind the Oneida Land Commission Resolution #LC-05-12-2008-F which sets out the full fare residential lease rates and recognize the practices contained in the Residential Leasing Rule to apply to pre-HEARTH leases.

3. Cap acreage under Residential Leases to three (3) contiguous acres to be used for residential and agricultural purposes, but not commercial purposes without meeting requirements of Tribal Law and obtaining Oneida Land Commission approval.

; seconded by Julie Barton. Motion carried:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Michael Mousseau  
Opposed: Donald McLester

*Item VII. E. addressed next.*

**D. Land Use Phase II – Louis Cottrell**

Motion by Sherrole Benton to approve the Phase II report and to set use of this property aside for one (1) year to explore developing the site for Wise Women Gathering place's permanent supportive housing project; seconded by Julie Barton. Motion carried:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester  
Abstained: Michael Mousseau

*Item VII. G. addressed next.*

**E. Probates and Domiciliary letters – Carla Clark**

Motion by Michael Mousseau to set a tentative hearing date for January 13, 2020 contingent upon a legal opinion confirming the request complies with Tribal Law and direct Land Management to attempt to collect full information to hold a full probate hearing if the current request does not comply with Tribal Law; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**F. HBO Rule #4 – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the following two changes – 1. Increase minimum financing to \$100,000 & 2. Create an exception for the Land Commission to approve financing less than \$100,000; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

*Item VII. H. addressed next.*

**G. Expansion of Bellin Retention Pond – Becky Demmith**

Motion by Julie Barton to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Donald McLester to go into Executive Session at 5:22 p.m.; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Patricia Cornelius to come out of Executive Session at 5:51 p.m.; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

*Item VII A. addressed next.*

**H. Official e-mail – Rae Skenandore**

Motion by Donald McLester to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**I. Real Property Rule # 1 – Land Acquisition for Residential Leasing – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the modification to allow Land Commission to set the list of approved financiers by resolution; seconded by Donald McLester. Motion carried unanimously:



Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**J. CHD Parking Lot Update – Dana McLester**

Motion by Julie Barton to accept as FYI; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**K. Bay Bank Financing Program – Nicole Rommel**

Motion by Michael Mousseau to approve the official request; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Patricia Cornelius, Donald McLester, Michael Mousseau  
Not Present: Sherrole Benton

**L. THRIFTT – Leasing rule – Krystal John**

Motion by Michael Mousseau to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting noting Section 1.4-6 THRIFTT program e-mail address and shared drive as well as the changes made in Item VII. C. Non-tribal members Lessees; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**M. HIPP Rule – Krystal John**

Motion by Donald McLester to approve the rule to be forwarded to the LRO for a statement of effect for the purpose of setting a public meeting with the changes made in Item VII. C. Non-tribal members Lessees; seconded by Michael Mousseau. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**N. Grant for a Trail – Planning**

Motion by Michael Mousseau to support the concept of developing trails for safely crossing Mason St. and side roads and working with adjoining land owners; seconded by Donald McLester. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

**VIII. REPORTS**

*None.*

**IX. OTHER BUSINESS**

*None.*

**X. ADDITIONS**

*None.*

## XI. EXECUTIVE SESSION

Motion by Donald McLester to go into Executive Session at 8:20 p.m.; seconded by Pat Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

Motion by Donald McLester to come out of Executive Session at 9:10 p.m.; seconded by Pat Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

### A. Other

#### 1. Partnership Drive LLC. – Becky Demmith

Motion by Donald McLester to accept as FYI and to set up an E-poll when proper approvals have been obtained.; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

#### 2. OLC Performance Assurance Audit reissued – Rae Skenandore

Motion by Sherrole Benton for Michael Mousseau and Nicole Rommel to prepare response to three (3) audit issues by November 25<sup>th</sup>; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

#### 3. Discussion on Church on 172 – Pat Cornelius

Motion by Patricia Cornelius to accept as FYI; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

### B. Leases/Commercial

#### 1. Commercial Lease request – Diane Wilson

Motion by Michael Mousseau to deny the Commercial Lease request and to begin the process to re-zone the property to commercial in anticipation of the lease being set to expire/renew in three (3) years; seconded by Patricia Cornelius. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

### C. HIP

#### 1. 10201902H – MaryJo Nash 177 179

Motion by Donald McLester to approve file #10201902H Residential Lease, Assignment of lease for financing and loan contingent upon all HIP rules and parameters having been met along with the commitment letter from the bank and Resolution 10-14-19-A; seconded by Sherrole Benton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester,  
Michael Mousseau

#### 2. 11201901H – MaryJo Nash

Motion by Sherrole Benton to approve file #11201901H Residential Lease, Assignment of lease for financing and loan contingent upon all HIP rules and parameters having been met along with the commitment letter from the bank and Resolution 10-14-19-B, seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

#### D. Holding Company

Motion by Patricia Cornelius to accept as FYI; seconded by Donald McLester. Motion carried unanimously:


Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

#### XII. ADJOURNMENT

Motion by Donald McLester to adjourn at 9:14 pm; seconded by Julie Barton. Motion carried unanimously:

Ayes: Julie Barton, Sherrole Benton, Patricia Cornelius, Donald McLester, Michael Mousseau

Minutes prepared by Allskwet Ellis, BCC Recording Clerk  
Minutes approved as presented/corrected on November 25, 2019



Michael Mousseau, Secretary  
ONEIDA LAND COMMISSION

**Summary Report for  
Home Ownership by Independent Purchase (HIP) Program**

Original effective date: N/A

Amendment effective date: N/A

Name of rule: Home Ownership by Independent Purchase (HIP) Program

Name of law being interpreted: Title 6. Property and Land – Chapter 602 Leasing

Rule number: 6

Other laws or rules that may be affected: N/A

**Brief summary of the proposed rule:** The purpose is to amend the rule to modify the existing HIP process based on the division of Comprehensive Housing Division and Land Management, to incorporate updated residential leasing rules allowing parties to have more than 1 lease at a time and to open up the process to non-Tribal members.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** See Attached.



**Financial Analysis for  
Home Ownership by Independent Purchase (HIP) Program**

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	Would be absorbed within the current budget	\$0
Personnel	An additional residential leasing specialist needed to assist in the management of increased number of residential leases.	\$60,000 (including fringe)
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	One week	\$0
Other:	N/A	\$0
Total Cost (Annual)	N/A	\$60,000



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



## Statement of Effect

### *Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program*

#### *Summary*

The purpose of the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program is to expand the services being offered by the Nation through a program in which the prospective lessee buyer initiates a purchase where the buyer purchases the improvements; the Nation purchases the land per the Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure; and the buyer then enters into a HIP residential lease for the land through the Comprehensive Housing Division.

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

*Date: July 13, 2021*

#### *Analysis by the Legislative Reference Office*

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation's laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. And, an authorized agency is defined as "any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority." [1 O.C. 106.3-1(a)].

The Leasing law was adopted for the purpose of setting out the Nation's authority to issue, review, approve and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining a residential, agricultural, or business lease. [6 O.C. 602.5-1]. Land Management is defined as "the Division of Land Management or other entity responsible for entering into leases of tribal land." [6 O.C. 602.3-1(i)]. Per the Nation's Real Property law, the Comprehensive Housing Division ("CHD") is the entity that is responsible for processing all leases of Tribal land for residential purposes. [6 O.C. 601.9-1]. Thus, CHD is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The Leasing law further provides that Land Management shall develop, and the Oneida Land Commission shall approve, the format and requirements set out in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents. [6 O.C. 602.5-1(a)].

The purpose of the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program ("the Rule") is to expand the services being offered by the Nation through the creation of

a program in which the prospective lessee buyer initiates a purchase where the buyer would purchase the improvements and the Nation, subject to available funding, would purchase the land pursuant to the process and eligibility requirements set forth in the Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure. [Rule 1.1-1 and 1.6-1]. Under this Rule the buyer would then enter a HIP residential lease for the land through the Comprehensive Housing Division. [Rule 1.1-1].

### ***Conclusion***

This analysis did not include a review or analysis of the Land Management's Land Acquisition for Residential Leasing Standard Operating Procedure referenced within the Rule. Provided it does not conflict with the Nation's laws or the authority granted therein, there are no legal bars to adopting the Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program.



NOTICE OF  
**PUBLIC MEETING**

TO BE HELD  
**January 9, 2020 at 9:00 A.M.**  
IN THE  
**OBC Conference Room**  
**2nd Floor Norbert Hill Center**

In accordance with the Administrative Rulemaking Law, the Oneida Comprehensive Housing Division (CHD), Land Management Area, and Oneida Land Commission are hosting this Public Meeting to gather feedback from the community regarding the following rules:

**Real Property Rule No. 1 — Land Acquisition for Residential Leasing**

This is a proposal to adopt a new rule which would:

- ♦ Identify requirements for eligible parcels of land for residential purchases on behalf of individual homeowners for programs including but not limited to HIP and THRP/HTL, and
- ♦ Set the acquisition process and any required approvals.

**Leasing Rule No. 4 — Home Building Opportunities Residential Leasing (HBO)**

This is a proposal to adopt a new rule (former SOP) which would:

- ♦ Modify the application/selection process for parties to apply for vacant lots for the purpose of home building, and
- ♦ Set timelines following selection to enter a residential lease and complete necessary loan, planning and construction phases.

**Leasing Rule No. 5 — Tribal Housing Reacquisition of Individual Fee and Trust Title (THRP/HTL)**

This is a proposal to adopt a new rule which would:

- ♦ Set the process and requirements for the Nation to buy land from interested parties and enter a residential lease with the selling party for continued use of the homesite.

**Leasing Rule No. 6 — Home Ownership by Independent Purchaser (HIP) Program**

This is a proposal to amend a rule which would:

- ♦ Modify the existing HIP process based on the division of CHD and Land Management;
- ♦ Incorporate updated residential leasing rules allowing parties to have more than 1 lease at a time, and
- ♦ Open the process up to non-Tribal Members.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD**  
**OPEN UNTIL January 16, 2020**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Comprehensive Housing Division by U.S. mail, interoffice mail, e-mail or fax.

Oneida Comprehensive Housing Division  
2913 Commissioner Street, Oneida, WI 54155  
tthomas@oneidanation.org



Oneida Nation  
Comprehensive Housing Division  
Land Management  
Land Commission  
PO Box 365 • Oneida, WI 54155-0365



COMPREHENSIVE HOUSING DIVISION, LAND MANAGEMENT AND LAND COMMISSION  
PUBLIC MEETING for  
Real Property Rule #1: Land Acquisition for Residential Leasing  
Leasing Rule #4: Home Building Opportunities (HBO)  
Leasing Rule #5: Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)  
Leasing Rule #6: Home Ownership by Independent Purchase (HIP) Program

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
January 9, 2020 9:00 a.m.

PUBLIC MEETING SIGN IN SHEET

	Name: (Print clearly)	Email Address / Phone #	Department/Roll #	Oral Testimony (Y) or (N)
1.	BART CORNELIUS	Chopper dude 662 yalw 920-246-8297	0756	N
2.	JASON AGUIRE	jason.aguire75@ 920-615-6466 smf	—	N
3.	PATRICK YOUNG	pyoung@WEN.PT.COM 920-676-3389	—	N
4.	JEFF YOUNG	jy2906@att.net 920-410-3128	6614	N
5.	JAMES PETTIC	920-8644574	9774	N
6.	AMY HACKER	W1357 Tall Feather	8104	N
7.	Trish King		036	N
8.	CHUCK McCARRELL	McCarrell 4860 @ B.M.C. 920 530 3693		
9.	Kim Nishimoto	920-562-0176	921	N
10.	Lana Laufner-Warren	920/676-6202	9834	
11.	Enio Stenen		4382	Y
12.				

Oneida Nation  
Comprehensive Housing Division  
Land Management  
Land Commission  
PO Box 365 • Oneida, WI 54155-0365



**COMPREHENSIVE HOUSING DIVISION, LAND MANAGEMENT AND LAND COMMISSION**  
**PUBLIC MEETING for**  
**Real Property Rule #1: Land Acquisition for Residential Leasing**  
**Leasing Rule #4: Home Building Opportunities (HBO)**  
**Leasing Rule #5: Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**  
**Leasing Rule #6: Home Ownership by Independent Purchase (HIP) Program**

**Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center**  
**January 9, 2020 9:00 a.m.**

**PUBLIC MEETING SIGN IN SHEET**

	Name: (Print clearly)	Email Address / Phone #	Department/Roll #	Oral Testimony (Y) or (N)
1.				
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## Comprehensive Housing Division



**PUBLIC MEETING COMMENT RESPONSE MEMO ISSUED BY THE ONEIDA LAND COMMISSION,  
COMPREHENSIVE HOUSING DIVISION and LAND MANAGEMENT on FEBRUARY 10, 2020**

**Real Property Rule #1 – Land Acquisition for Residential Leasing**  
**Leasing Rule #4 – Home Building Opportunities (HBO) Residential Leasing**  
**Leasing Rule #5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)**  
**Leasing Rule #6 – Homeownership by Independent Purchase (HIP) Program**

This public meeting was held at the Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center, on January 9, 2020 at 9:00 a.m. Following the meeting, public comment was held open until January 16, 2020 for written comments. Both verbal and written comments were received. Present at the meeting on behalf of the hosting parties was: Dana McLester, Comprehensive Housing Division; Kelly McAndrews, Attorney, Lisa Rauschenbach, Residential and Finance Area Manager, Jenny Garcia, Residential Leasing Specialist.

**REAL PROPERTY RULE NO. 1 – LAND ACQUISITION FOR RESIDENTIAL LEASING**

**Question:** Amy Hacker: I was just wondering if there is like a list of land or where they can like find out where they can get the land to do for the HIP or the THRIFTT to try to build or? So it's just looking for a like where to find a list of land to be able to lease or build on.

**Response:** There is no list for land not owned by Nation. The HIP and THRIFTT programs are created to acquire land not owned by the Nation within the boundaries and meets the requirements of the program for properties that already have a home on it. As far as building, we do not have a program where the Nation buys vacant land for the purpose of building. We do have a separate program, Home Building Opportunities that allows Tribal members to lease land already owned by the Nation for the purpose of building. When those lots are available, the HBO properties list will be maintained on the CHD website and includes advertising.

**Question:** Bart Cornelius: My question is, I already own a house and it's not on tribal land but it's in the reservation boundaries. I know we were trying to make a plan before when I was on the Board for Oneida that the something about buying the house and the land and then leasing it back. Does this fall into this category? That's.

**Response:** Yes, as long as the property meets the requirements of this rule, we would be authorized to purchase the land. The applicant will also have to meet the requirements of the Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Rule under the Leasing Law. Through this program, you sell the land and maintain ownership of the improvements and enter into a residential lease with the Nation to lease the land back.

**Question:** Fred Muscavitch (Written Comment): The back-up document says that the time expected to go through the process is 0. I would like to see a realistic timeline.



**Response:** That is a realistic timeline for the acquisition rule. Land Management is already performing this function, the only real change is removal of approvals from Land Commission.

**Question: Fred Muscavitch:** One issue which stands out for me is the suggestion that the Land Commission is slow-acting and will relinquish its ability to review individual applications by allowing these new rules to act as LC approval. Is there a belief that these rules will open the floodgates and have 10-20-30 applications a month? I do not agree with articles 1.5. b that relinquishes LC approval for each applicant. This is repeated in Title 6 Rule 5 1. 7-3 and 1. 7-6.

**Response:** The Oneida Land Commission has set their requirements for leases through the Leasing law which is HEARTH and rules so that there is no need to approve on a case by case basis (except that non-Tribal member leases require individual approval). The leasing law and rules include approval of financing. Based on the changes that were amended previously through leasing, the only thing Land Commission was still approving related to HIP was the acquisition of the land itself. The acquisition rule removes that approval, again because substantial requirements are included in the rule for land eligibility in relation to cost, location and potential title defects and encroachments.

#### LEASING RULE NO. 4 – HOME BUILDING OPPORTUNITIES

**Question: Jason Aguirre (Written Comment)** For the Home Builder Opportunity the major hurdle is little to no land available to members currently. Is there land currently available?

**Response:** There are not any lots currently available as CHD wanted to solidify the process before reoffering lots. We anticipate offering 36 HBO lots in September 2020 in Bread Creek Village (Overland and Florist) with another 36 anticipated to become available at a date to be determined in 2020 in Cattail Marsh (West of Chief Hill Drive). Will this program extend to non-tribal members? **No**

**Question: Jason Aguirre (Written Comment)** Can tribal members work with non Bay Bank lenders for these programs? Particularly the section 184 program there are other eligible lenders that can lend here in WI.

**Response:** We are not aware of any other lenders that offer the 184 program that are willing to use the Residential Lease as collateral. The rule limits available lenders to Bay Bank and CHD.

**Question: Jason Aguirre (Written Comment)** Is there an annual budget for CHD financed properties? Is this made public?

**Response:** There is a budget for CHD approved by GTC. There is not an annual budget for CHD's loan program, it is a revolving program funded by loan payments from existing loans. Currently, CHD does not have loans generally available except for Veterans. Aside from the Veteran loans, the only loans currently available are for residential sales offered by CHD.

**Question: Jason Aguirre (Written Comment)** Are CHD residential sales going to be open to non-tribal members?

**Response:** No.



**Question:** Jason Aguirre (Written Comment) Regarding the down payment loan through the CHD for use in coordination with the section 184 loan program:

**Response:** When CHD is offering loans, there is a down payment loan available, see the Mortgage and Foreclosure law and corresponding rule. At present, aside from the Veteran loans, the only loans currently available are for residential sales offered by CHD.

**Question:** Jason Aguirre (Written Comment) What are the qualifications?

**Response:** The eligibility requirements can be found in the Mortgage and Foreclosure law and corresponding rule.

**Question:** Jason Aguirre (Written Comment) What is the maximum loan amount?

**Response:** Pursuant to the Mortgage and Foreclosure rule, section 1.10-2. Down Payments, "Tribal members applying for a TLC loan for the purpose of securing a down payment may receive a maximum loan amount of the 2.25% of the total purchase price, as required by HUD's section 184 loan program."

**Question:** Jason Aguirre (Written Comment) Are these loans directly through CHD or is this a loan through Bay Bank?

**Response:** If the loan is offered pursuant to the Mortgage and Foreclosure law and corresponding rule it is solely a CHD loan.

**Question:** Jason Aguirre (Written Comment) Is there a Register of Deeds department within the Oneida organization?

**Response:** Yes, the Oneida Nation Register of Deeds.

**Question:** Jason Aguirre (Written Comment) If so where is it located?

**Response:** The Oneida Nation Register of Deeds is managed by Land Management.

**Question:** Jason Aguirre (Written Comment) Who are the contacts?

**Response:** Land Management is the contact.

**Question:** Jason Aguirre (Written Comment) Is there a list of tribally owned properties that will be available to build on in the future?

**Response:** Once the proposed HBO rules are adopted, any vacant residential lots that become available specific to building a home will be advertised and the proposed HBO process will be followed. The HBO rules do not allow Tribal members to select *any* vacant lot owned by the Nation within the boundaries, they must be designated and prepared for HBO.

**Question:** Jason Aguirre (Written Comment) For the HBO program can the Tribal member use any builder they want?

**Response:** The HBO program requires check ins for the lessees to ensure the construction process is moving along, but does not restrict which builders maybe used.

**LEASING RULE NO. 5 – TRIBAL REACQUISITION OF INDIVIDUAL FEE AND TRUST TITLE (THRIFTT)**

**Question:** Chuck McCarol: A I I just have a question. A because I just got this packet in the mail yesterday and I haven't really gone through any of this but, ah, the question is if I were to locate a parcel of land within the tribal a boundaries, ah it's already owned by the tribe, would that property be available for me to lease so that I could in turn build a home?

**Response:** The program you are talking about is Home Building Opportunity Program (HBO). Once the proposed HBO rules are adopted, any vacant residential lots that become available specific to building a home will be advertised and the proposed HBO process will be followed. The HBO rules do not allow Tribal members to select *any* vacant lot owned by the Nation within the boundaries, they must be designated and prepared for HBO.

**Question:** Justine Hill (Written Comment) Has the Nation considered all the impacts of opening land leases to non-tribal member in the THRIFTT Rule?

**Response:** The rule has followed the administrative rulemaking process for more information regarding policy considerations please see the Oneida Land Commission's policy statement regarding opening the HIP and THRIFTT programs to non-Tribal members.

**Question:** Fred Muscavitch (Written Comment): Clause 1.5 talks about liens on properties and tries to negate the liens with a few "unless"es. We should require that all liens be paid off (except the refinance). No liens.

**Response:** The intent was to allow only liens from lenders willing to provide a partial satisfaction (i.e. Bay Bank). We will provide a revision that clarifies that one of the following must be true to be eligible:

- A. There are no existing liens;
- B. The purchase of the land will satisfy any existing liens;
- C. There is an existing lien with either Bay Bank or CHD with adequate equity in the improvements to cover the value of the mortgaged improvements after a partial satisfaction of mortgage is provided for the land value; or
- D. The applicant is able to secure refinancing through Bay Bank or CHD.

**Question:** Jason Aguirre (Written Comment) Regarding the THRIFTT program and being open to non-tribal members: Will non tribal people be eligible for current homes owned by tribal members both on trust and non-trust properties?

**Response:** CHD has requested that for the time being Land Commission only approve residential leases to non-tribal members where the purchase of the improvements would also expand the Nation's land base.



**Question:** Jason Aguirre (Written Comment) Will the lease with non-tribal members be different than the lease currently being used for tribal members?

**Response:** The only difference in lease terms will be the lease fee. When the land is in fee status, both Tribal members and non-Tribal members alike will be responsible to pay the improvement taxes with the lease fee for non-Tribal members set at the amount of the Nation's land tax responsibility. When the land goes into trust, the non-Tribal members' annual lease fee will lock into the amount of the Nation's land tax responsibility for the last taxed year and the requirement to pay improvement taxes will drop off. Regardless of fee or trust status, the lease fee for Tribal members is \$150 with a \$25 processing fee for the entire duration of the lease. This will be clarified further in the general section of the general section of both the HIP and THRIFT rules.

**Question:** Jason Aguirre (Written Comment) Will the public have access to these documents?

**Response:** It is unclear what documents are being references. All rules are posted on the Oneida Register located at: <https://oneida-nsn.gov/government/register/laws/#TITLE-6-PROPERTY-LAND>. Requests for any other related documents should be forward to Land Management for acquisitions and CHD for any other part of the process.

**Question:** Jason Aguirre (Written Comment) In THRIFT transactions:

Why limit to appraised value or assessed value? Why not use one or the other depending on what is in the Tribe's best interest for each situation? For example if the market value is higher than the assessed value the Tribe could offer to pay assessed value. If the market value is lower than assessed value (this does happen) then the Tribe could offer to pay market value.

**Response:** All THRIFT transactions will use the appraised value and all HIP transactions will use the tax assessed value – see Acquisition for Residential Leasing 1.4-1. The consideration is the same within the programs for all participants for seller fairness and equity. We would ideally like to use appraised value for all programs which follows the market more closely, but the tax assessed value is required for HIP in order to maintain the loan approval timelines.

**Question:** Jason Aguirre (Written Comment) For the THRIFT program is the application and checklist available for public view?

**Response:** Yes, once the program is operating all required documents will be available on CHD's website.

**Question:** Jason Aguirre (Written Comment) Is the list of appraisal companies approved by the Oneida Nation available for public view?

**Response:** Based on consideration of this question, we will be revising the requirement in THRIFT to require use of the Nation's appraiser (the Nation will order the appraisal) with costs paid up front from the seller and reimbursed to seller through closing. If the seller walks away, the Nation will not reimburse the seller for the appraisal.

**Question:** Jason Aguirre (Written Comment) I noticed a possible discrepancy in Title 6. Chapter 602 Leasing Rule #5 1.4-4 General

"If the homeowner is not a Tribal member, upon signing the lease, they will be responsible for all taxes assessed against the property and the improvements." This seems to contradict the Oneida Land Commission Statement of Policy January 2020 under Other Policy Considerations. At least how I interpret that. #7 "opening residential leasing to non-Oneidas would give them a reason to support the Nation's fee to trust process since they would directly benefit through lower lease / tax payments." So would they be required to pay all taxes? Or only taxes on improvements until the land would be placed in trust? Additionally my industry opinion is that it may be difficult to get a non-tribal member to agree to sell their land to the Tribe yet still pay taxes on that land. Thank you for your time.

**Response:** When the land is in fee status, both Tribal members and non-Tribal members alike will be responsible to pay the improvement taxes with the lease fee for non-Tribal members set at the amount of the Nation's land tax responsibility. When the land goes into trust, the non-Tribal members' annual lease fee will lock into the amount of the Nation's land tax responsibility for the last taxed year and the requirement to pay improvement taxes will drop off.

**Question:** Fred Muscavitch (Written Comment) In Title 6 Rule 5 1.4-5 there is a word missing.

**Response:** Thank you – it will be corrected.

**Question:** Jason Aguirre (Written Comment): For the HIP/THRIFT programs are 1-4 unit properties eligible?

**Response:** Single family dwellings only.

**Question:** Jason Aguirre (Written Comment): I believe at least allowing 2 unit duplexes to be part of this program will allow even more tribal members to realize home ownership especially during this very low inventory real estate market.

**Response:** We do not currently have any processes that would allow for purchase of a duplex or a multi-family unit through the Nation's homeownership programs.

#### LEASING RULE NO 6 – HOMEOWNERSHIP BY INDEPENDENT PURCHASE (HIP) PROGRAM

**Question:** Patrick Young: Good Morning. For the record my name is Patrick Young. My wife is a tribal member, we own a tribal home. Ah, as it stands now with the HIP Process, if we want to use the HIP Process, we have to sell our home, move into an apartment or a duplex, and then use the HIP process to purchase a new home. Um, I'm also a Licensed Real Estate Broker. So I deal with this, and I've deal with the HIP Program a several times and this process and there's always an objection that comes up when the tribal member says okay right now I'm doing this well with my life. If I want to buy a bigger home or purchase a different home what is the process? Well that process is, you have to sell this home, move into a duplex or an apartment and then use the HIP Process to come back in or buy a tribal home to come back in. So allowing tribal members to have more than one lease would be advantageous to them because they could negotiate on selling their home and buying a new home and moving the transaction



along like a regular real estate a process. Um, so I think they should consider doing that because it's an objection that we encounter on a regular basis when we're selling a tribal homes and and and HIP homes. And we have also been involved in the first member to member a sale of of of a home. And that's another, that's the same question that comes up. If I want a bigger home or I want to move myself up to a a nicer home in the future what's the process? Again that object objection continues to come up. So I think that this by implementing this would be advantageous to the tribal member. Thank you.

**Response:** Yes, allowing for more than one residential lease at a time is advantageous to the tribal member – it was already included in the Residential Leasing rule, and now with these amendments will be included in the HIP Process as well. The proposed amendments update the residential leasing portion of the HIP rule to allow parties to have more than one lease at a time.

**Question: Patricia King:** Morning. Trish King, Um I just have a comment on the educational information and training in regards to um Land Management and working with others involved in the parties. As far as the operations go that that's um very good and I appreciate the effort to try and do that to educate realtors and the bank and Land Management and the operations in how they work together a to accomplish this goal. Um, within this Rule, the only question I have is has there been any kind of public meetings in regards to how all of these Rules work together um, for the public for for rather than public hearing where we can only give comment? Um, so a two way communication to the member would be helpful and how these work and what the actual impact is. And I understand there's a deadline date of um January 16 to um make written comments. So I haven't had a chance either to go thoroughly through all of these documents. But I would like to understand what the impact is. Um, it's confusing cause the LOC um Statement of Effect refers to Rule No. 1 and I'm thinking that the amendment in Rule No. 1 is changed to allow these other laws go together. But it's confusing because it says there are legal bars that doesn't allow for um rulemaking. So, I need clarification on that and I would um a definitely like to see a a community event that helps people understand what the benefits are with these rules, and how they can apply and how it could affect them. Um, also I don't know if any of the rules just generally talk about single units verses a individual buying a multifamily complex and using the HIP Program. Is that allowable? A because then they would be allowed to sublease I understand. So if that's available um that might also help some of our tribal members to get housing that's more affordable um that fall between the cracks of Housing and HUD and um the General Assistance Programs that we have. So there're there're people out there that just miss that some some reason so um if people can help them get housing in that manner then I think a using our own members to do that as well as non-members to help us do that would be beneficial. Thank you.

**Response:** I am understanding you to be asking the following questions:

**Question: Patricia King:** Will there be a community meeting explaining how these rules work together and what the benefit to each rule is?

**Response:** In following the administrative rulemaking law we provided notice in the Kaliwisaks, in addition to the requirements we mailed a notice to all Tribal Members to solicit more feedback from

community members. Once the rules have been adopted the Comprehensive Housing Division and Land Management will hold informational/open house meetings with the community to explain the inner workings of the programs.

**Question:** Patricia King: Can you explain the LOC's statement of effect referencing legal bars to adoption and rulemaking authority?

**Response:** When the rules went to public meeting the position of the LOC was that the Real Property law did not delegate rulemaking authority to Land Management to implement the Real Property Rule #1 – Land Acquisition for Residential Leasing. That rule is the part of the HIP and THRIFTT programs that actually allows for the acquisition of land and the remainder of the rules pertain to leasing and other programs requirements. Since then, the Legislative Operating Committee considered a request for emergency amendments to the Real Property Law on January 15<sup>th</sup>, 2020 to add in a delegation of rulemaking authority to the Oneida Land Commission and Land Management as it relates to the approval and denial, and processing of land acquisitions. Those emergency amendments were approved by the Oneida Business Committee on January 22, 2020 – there are no present bars to adopting these rules.

**Question:** Patricia King: Do any of the rules allow Tribal members to purchase a multi-family complex and lease the land from the tribe and then sublease the units out to help provide additional housing within the community?

**Response:** We do not currently have any processes that would allow for purchase of a duplex or a multi-family unit through the Nation's homeownership programs.

**Question:** Ernie Stevens III: Morning, Ernie Stevens III. Um I have a couple ge, a few a general comments a I think they pertain I believe they pertain to a Rule No. 1, 5, and 6. Um, so one of them is, a in the law it states contingent I don't know the exact verbiage I forgot I'm sorry. It states um, I'll just, of course now I'm not going to find it. This regards um the the funding available funding. Um, just a recommendation to to kind of have that part figured out. The last time that was discussed there's no plan of what that looks like from Bay Bank to Land Management, um Housing and the options for financing and funding available for THRIFTT and HIP and and as if these are implemented, what fiscal impact this has is to have a better understanding of that and a communicate that thoroughly um cause that's that's the part that to me is very unclear and concerns me as I support these. Um, but from a fiscal standpoint not just the financing for membership to a to receive for housing a potential homeownership. But um, the impacts of tax um liability. So if this a THRIFTT for example is successful for membership and non-membership in acquiring properties in Hobart for example, tax bases, I will use the word, ridiculous, and and so we are going to take that on so if that's successful and suddenly we have a line of people um res assuming the funding is even there and whatever that level of funding is available if it's all utilized by membership and non-membership, what's that tax liability going to be. Um, so that's one concern that I think needs to be thoroughly figured out and communicated to the membership and and potential clients or customers I should say. Um, the other one is a, give me a sec here, I apologize. I think it also pertains to all three of them. Um, it was okay taxes I covered that one,



um, I'm sorry I'm just blanking here. Oh, so um, I think this is also pertains to a list of a I guess that Bay Bank, Housing, Land Management, possibly other areas, could possible have and again as if and and when THRIFTT and HIP and these new rules are successful in there implementation, um, it would be helpful as as far as the a um restrictive covenant, having and understanding and list, map, a plat map or whatever that is, um for all entities to have, somewhere where they know exactly where to find it, so when membership, or a member comes in, and they want to find a home and they have a specific budget, specific location needs, specific tax payment abilities, all those factors, um, having an understanding of what homes have and don't have restrictive covenants I think it's going to be crucial timing. Because as we know we are competing with other people for these homes. We're going to lose that, um, a a if if we don't have that process laid out in front of us as a a we a try to find a membership, I'm sorry, find homes. And then also um I think lastly, kinda going off of what Trish said, is the communication. Ah when we hold public meetings if we know the answer we just provide it. A I think the gentleman, Patrick, I believe, um, made the statement, but if he would've had asked, you know, does this fix that problem, it does. A but I think a he was aware of that. So I think things like that, but I think if it's a simple yes, a just let them know to ease their anxiety there at least because a I think that's the big one for me is, does it fix that problem? As a current homeowner who has been wanting to um, get a new home, but it's it's the competitiveness nature of it, I can't get a home because of that process. I know that it fixes that so those those kinds of things I think to what Trish was saying is a better way to communicate that. Um, this process happened pretty quickly. A gentleman back here um also mentioned that he just got this yesterday, so um, to be able to comment to to garner those com those those answers, needs to be improved. Um but in the mean time if we are able to provide that answer here in these meetings, then please do so. A thank you.

**Response:** My understanding is that the following questions are being asked:

**Question: Ernie Stevens III:** Is there financial planning for available funding for these programs?

**Response:** There is no acquisition budget for HIP and THRIFTT programs specifically. Available funding is based on the acquisition budget. To date, the Nation has never run out of available acquisition funding for HIP purchases.

**Question: Ernie Stevens III:** Is there a plan for covering tax liability for the newly acquired parcels?

**Response:** Currently tax liability for land is covered by the Oneida Business Committee. There is question right now about changing that and possibly shifting that responsibility back to Land Management. The residential leases to non-tribal members do include increased fees to the Comprehensive Housing Division that could potentially be allocated to payment of taxes while awaiting completion of the fee to trust process. The tax liability for the Nation would remain the same for Tribal Members as the Nations pays for the taxes on the land until the land goes into trust with the Tribal member paying taxes for the improvements.

**Question: Ernie Stevens III:** Will there be a listing of all available homes for purchase within the reservation boundaries that includes searchable metrics like restrictive covenants, tax costs, purchase price and location?

**Response:** There is no list for land not owned by Nation. The HIP and THRIFTT programs are created to acquire land not owned by the Nation within the boundaries and meets the requirements of the program. To create a searchable list would require the Nation to have access to all residential listings, which is not the case. For help navigating this information, use of a realtor would be beneficial.

**Question: Ernie Stevens III:** The informational mailout was just received by someone in the room yesterday – that process needs to be improved upon.

**Response:** The mailout you are referencing having just been received was something that CHD, Land Management and the Land Commission did in excess of the requirements of the Administrative Rulemaking law to solicit more feedback from community members. It was sent out as soon as possible once the hearing date was determined and printing could accommodate – as a reminder there is a 10 day written comment period following the in-person public meeting. In following the Administrative Rulemaking law we provided notice in the Kaliwisaks as required.

**Question: Ernie Stevens III:** It is frustrating that answers are not provided where they could be immediately. There should be more information provided to the community.

**Response:** Once the rules have been adopted the Comprehensive Housing Division and Land Management will hold informational/open house meetings. For consistency purposes, we use these public meetings only to solicit feedback but we do respond through written memorandum, which is shared with all commenters.

**Question: Patricia King:** Again, Trish King again. Um, I just want to make one a positive comment because I think this is a a the four law or a rules a allow for um, some flexibility in the programming and it it allows us to get to our goals of providing homes for the membership. And so I think you know I want I support the all of them and the concept of what's trying to be accomplished. Um, but I really wanna just talk about the communication because that's, that's where we need most of the support. Um and this will be new Rules I am understanding, so ah then in a year from now we will be assessing how well they are working and we can consider the amendments, any amendments at that time. So I just want to offer um some support to continue with the effort and keep working with Housing and the banks and um, I know it's just Bay Bank, so that that causes some um back log possibly. Um but the initiative overall is is beneficial for the people. So I think that is what what I want to make um clear. Thank you.

**Response:** There is no question included. Comprehensive Housing Division, Land Management and Land Commission appreciate the words of support and encouragement from Treasurer King.



**Question:** Jason Aguirre (Written Comment) The most recent HIP program information I had it shows that the land value cannot exceed \$75,000 to be eligible. In the land commission statement of policy that number was at \$100,000. Is \$100,000 a new maximum?

**Response:** Yes, \$100,000 is the new maximum stated in the Land Acquisition for Residential Leasing.

**Question:** Jason Aguirre (Written Comment). When are the HIP amendments expected to go into effect?

**Response:** The earliest date the rules could be adopted by the Oneida Business Committee is February 26, 2020 and there is no anticipated waiting period for HIP to become effective.

#### GENERAL WRITTEN COMMENTS

**Question:** Justine Hill: I'm not quite understanding the term, non-tribal. Does that mean non-Oneida or does that include other tribes?

**Response:** The term non-tribal is not defined, but Tribal member is defined in the Residential Leasing Rule as "an individual who is an enrolled member of the [Oneida] Nation." The Residential Leasing rule is incorporated into each of the programs so a non-Tribal member is anyone who is not enrolled Oneida.

**Question:** Justine Hill: Maybe we can just start out with buying other Tribe's members' land in the area, just to test the waters.

**Response:** There is no way to measure if this route would achieve the Land Commission's stated policy goal of increased tribal land base, jurisdiction and sovereignty.

**Question:** Justine Hill: How does this [opening HIP and THRIFTT to non-tribal members] affect foreclosures?

**Response:** There is no impact on foreclosures. Comprehensive Housing Division has a memorandum of understanding with Bay Bank regarding foreclosures on leases premises which gives the Nation the right of first refusal.

**Question:** Justine Hill: Who holds their [non-tribal member's] mortgage?

**Response:** Bay Bank would hold the non-tribal mortgages because our Mortgage and Foreclosure law requires the applicant to be a Tribal member in order to be eligible.

**Question:** Justine Hill: Will they [non-tribal members] have to go through Bay Bank as well?

**Response:** Yes, HIP and THRIFTT rules both identify the Nation's CHD and Bay Bank as the only available lenders, so based on the response above, the non-Tribals would have to go through Bay Bank.

**Question: Justine Hill:** Are the tribal courts notified of the changes?

**Response:** The public notice goes to everyone so through the public notice process they will have been notified. They have also been informally noticed in a meeting with CHD.

**Question: Justine Hill:** We will have more vacant units that sit if no one wants to buy a house without the land or if nobody can afford the mortgage. Since they will be under our laws and rules, if they get in trouble with the law, do they lose their lease (home) too like Oneida members do?

**Response:** It is unclear what is being reference or implied in the first sentence. As far as the second sentence/question, anyone using the HIP/THRIFTT programs would be required to have a lease with the Nation that would make the Nation's rules and laws apply to the non-Tribal lessees. Non-tribal lessees would be subject to the same lease enforcement as non-tribal members, meaning the lessee could lose their home if they violate their residential lease.

**Question: Justine Hill:** What are some of the other hidden costs to these changes? And I don't just mean financial costs. My largest concern is the treatment of tribal members/children when the word gets out. Why not just seek vacant land/homes?

**Response:** Not sure of what hidden costs are being referred to. Without specific examples, the best response we are able to provide is that all residential leases will be subject to the same lease terms and enforcement. We currently purchase homes and vacant land through strategic land acquisition purchases however that does not achieve the social and political goals discussed in the Oneida Land Commission's policy statement. Those goals include giving non-Tribal members a vested interest in our fee-to-trust process, tribal government and the relationships between our government and surrounding municipalities.

**Question: Justine Hill:** These changes could have an impact on the relationships we have with other municipalities. I know that the Nation pays in lieu of taxes, but with the Nation seeking negotiations with Green Bay on a Service Agreement, will this hinder those efforts?

**Response:** The Intergovernmental Affairs Area, the Law Office and the Business Committee are all aware of these pending changes and there is no current concern related to any potential negotiations with the City of Green Bay. In addition, the Nation is moving away from making payments in lieu of taxes and towards cooperative governance agreements where we co-fund mutually beneficial projects and initiatives.



**Question: Justine Hill:** Some Oneida community members have expressed they don't like the idea of non-natives being able to move into their neighborhood. Are you looking at the big picture or just your efforts to obtain land?

**Response:** The acquisition component is without a doubt a big part of expanding these programs. It is important for us to remember that we retain ownership of our land when entering a lease with a non-Tribal member and are able to contractually extend our laws and rules to those properties where we otherwise would not have jurisdiction. As much as it is about increased land ownership and jurisdiction, it is also about relationship building with our surrounding communities. In addition, there is nothing in place currently that would prevent a non-tribal member with fee land from selling to another non-Tribal within the boundaries. If anything non-Tribal members living within our boundaries following our laws/rules is better for Tribal members than non-Tribal members living within our boundaries following only the local municipalities laws/rules.

**Question: Justine Hill:** How many leases can someone hold? Is there a limit?

**Response:** Two leases can be held and that is the limit.

**Question: Justine Hill:** I haven't received any kind of notice in the mail for these rule changes via USPS to date. And I agree that community meetings should be held to better understand these changes and to contribute to the thought process and the outcomes of these changes prior to making these decisions. At least give the membership more advance notice of changes when a Public Meeting is scheduled with a copy of the new rule(s).

**Response:** The mailout you are referencing was something that CHD, Land Management and the Land Commission did in excess of the requirements of the Administrative Rulemaking law to solicit more feedback from community members. It was sent out as soon as possible once the hearing date was determined and printing could accommodate – as a reminder there is a 10 day written comment period following the in-person public meeting. In following the Administrative Rulemaking law we provided notice in the Kaliwisaks as required. Once the rules have been adopted, the Comprehensive Housing Division and Land Management will hold informational/open house meetings to explain one on one the changes that have been made.

**Question: Fred Muscavitch:** Are we using non-Tribal to mean anyone who is not an enrolled member of the Oneida Nation? Perhaps it should be non-Nation member.

**Response:** The term non-tribal is not defined, but Tribal member is defined in the Residential Leasing Rule as “an individual who is an enrolled member of the [Oneida] Nation.” The Residential Leasing rule is incorporated into each of the programs so a non-Tribal member is anyone who is not enrolled Oneida.

**Question: Fred Muscavitch:** The rule change allows non-Tribals to get a mortgage from the CHO (Comprehensive Housing Div). I strongly oppose this. The Acquisition funds could be deeply affected by this. In my opinion and in various GTC and BC documents, the key purpose of the Land Commission is to reacquire the land as quickly as possible. Buying residential lots is very costly and ill-advised.

**Response:** That is not accurate. These rules indicate that Bay Bank and CHD are able to be potential lenders, but the Mortgage and Foreclosure law has not been amended so CHD would continue to require applicants be Tribal members in order to receive financing from CHD.

**Question:** Fred Muscavitch: I oppose the change to allow more than one lease to a person. This change is open to great abuse.

**Response:** That change has already occurred through the Residential Leasing rules, which are not the subject of this public meeting. These rules merely extend that allowance to participants in the HIP program.

**Question:** Fred Muscavitch: In summary, I'd like to say that the Land Commission's role is basically to reacquire the land as best it can and to serve our nation's people. The new rules spell out ways to slow acquisition at a higher cost, it opens avenues to assist non-Tribal people to use resources established for Tribal members, and it takes decision making out of the hands of the Land Commission. I am available to discuss my concerns.

**Response:** Land Management, CHD and the Oneida Land Commission thank you for your feedback.

**Statement:** Jason Aguirre: Hello, Thanks to all that work to put these programs together. As a real estate agent it is very encouraging to see these programs work as designed and help Oneida families to live the dream of home ownership. Recently I have been working with numerous Tribal families to utilize these programs and the following are a number of questions/ concerns that have come up during these conversations.

**Question:** Jason Aguirre (Written Comment): Is there any specific department or individual/s who understand the full scope of real estate services offered through the Tribe?

**Response:** CHD is the central point of contact for consumers for all of these programs.

**Question:** Jason Aguirre (Written Comment) I see an amendment allowing more than 1 lease to be held by a tribal member is being proposed. I think this is a great addition and allows for more flexibility to those individuals affected. Is there a maximum number of leases? If the goal of the Tribe is to acquire land and an individual Tribal member is able to acquire say 3 or more properties through this program I feel it is a win win situation. The Tribal member can work to build wealth (own and operate rental homes) and the Tribe continues to acquire land.

**Response:** The maximum is set by the Residential Lease rule and is two (2).



**Oneida Business Committee Agenda Request**

Approve the travel report - Chairman Tehassi Hill and Vice-Chairman Brandon Stevens - National Indian..

**1. Meeting Date Requested:** 09 / 08 / 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 Member

Additional Requestor:

---

Name, Title / Dept.

Additional Requestor:

---

Name, Title / Dept.

**6. Cover Memo:**

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

Chairman was requested to attend the Indian Gaming Association Trade Show and Convention to provide an Opening prayer and encouraging words about our resiliency through the COVID -19 pandemic.

Vice Chairman Stevens attended the Indian Gaming Association Trade Show and Convention, as the liaison to Gaming Commission. NIGA covered all travel costs.

Requested Action:

Accept Travel Report

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# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Tehassi Hill  
Brandon Yellowbird-  
Stevens  
National Indian Gaming Association Gaming Tradeshow &  
Convention

**Travel Event:** \_\_\_\_\_

**Travel Location:** \_\_\_\_\_ Las Vegas, NV

**Departure Date:** \_\_\_\_\_ 07/19/2021 **Return Date:** \_\_\_\_\_ 07/23/2021

**Projected Cost:** \_\_\_\_\_ 0 **Actual Cost:** \_\_\_\_\_ 0

**Date Travel was Approved by OBC:** \_\_\_\_\_ 07/07/2021

## Narrative/Background:

Chairman was requested to attend the Indian Gaming Association Trade Show and Convention to provide an Opening prayer and encouraging words about our resiliency through the COVID -19 pandemic. This was a part of the Opening Ceremony for the Convention. He also attended as a show of support at the Executive Board meeting, the discussion about starting the process for changing the name, but more specifically the acronym of National Indian Gaming Association.

Vice-Chairman Stevens did a great job explaining the need and reasoning for the change.

Vice Chairman Stevens attended the Indian Gaming Association Trade Show and Convention, as the liaison to Gaming Commission. NIGA covered all travel costs.

## Item(s) Requiring Attention:

None

## Requested Action:

Accept travel report

Approve the travel report - Councilman Kirby Metoxen - National Indian Gaming Tradeshow & Convention  
**Oneida Business Committee Agenda Request**

1. Meeting Date Requested: 09 / 08 / 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:

Requesting approval of Councilman Kirby Metoxen's Travel Report for the Indian Gaming Tradeshow and Convention.

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:

Requesting approval of Councilman Kirby Metoxen's Travel Report for the Indian Gaming Tradeshow and Convention.

July 19-23, 2021 Las Vegas

Reimbursed by GLITC/NATOW

The largest gathering of tribal leaders and casino executives in the country, the Indian Gaming Tradeshow & Convention is both the meeting place where the community gathers to learn, network and exchange industry-specific ideas and a cultural celebration of success, strength and self-reliance.

Attendance was to promote the properties of the 11 Wisconsin tribes as potential destinations for conferences and meetings in both Indian Country and non-Native industries, to raise additional funds to augment NATOW's budget, to promote NATOW's position as the largest state tribal tourism organization in the country.

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# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Kirby Metoxen                      Brandon Stevens  
Tehassi Hill

**Travel Event:** Indian Gaming Tradeshow & Convention

**Travel Location:** Las Vegas, NV

<b>Departure Date:</b>	07/19/2021	<b>Return Date:</b>	07/23/2021
	reimbursed by		reimbursed by
<b>Projected Cost:</b>	GLITC/NATOW	<b>Actual Cost:</b>	GLITC/NATOW

**Date Travel was Approved by OBC:** 07/09/2021

## Narrative/Background:

The largest gathering of tribal leaders and casino executives in the country, the Indian Gaming Tradeshow & Convention is both the meeting place where the community gathers to learn, network and exchange industry-specific ideas and a cultural celebration of success, strength and self-reliance.

Attendance was to promote the properties of the 11 Wisconsin tribes as potential destinations for conferences and meetings in both Indian Country and non-Native industries, to raise additional funds to augment NATOW's budget, to promote NATOW's position as the largest state tribal tourism organization in the country.

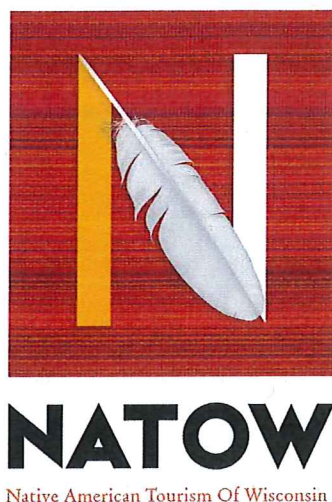
## Item(s) Requiring Attention:

NATOW Executive Director submitted a written request to VGT gaming via Mr. Starr for approval and confirmation of their donation, submitted a written request to NIGA to restart their \$5,000 donation for NATOW and submitted a written request to ISI Ltd. for an additional \$5,000 request.

## Requested Action:

Continuing to follow up with those indicating that they wanted to partner with NATOW.

(Reimbursment from GLITC/NATOW has be completed.)



## **NIGA Trip Report Executive Summary July 19-23, 2021**

**Attendee Names:** Suzette Brewer, NATOW Executive Director  
Kirby Metoxen, NATOW Board VP

**Purposes:** On July 19-23, 2021, Kirby Metoxen and I attended the National Indian Gaming Association's 2021 conference in Las Vegas, Nevada. The purposes for our attendance was three-fold:

1. To promote the properties of the 11 Wisconsin tribes as potential destinations for conferences and meetings in both Indian Country and non-Native industries;
2. To raise additional funds to augment our budget that can be used in our discretionary line item;
3. To promote NATOW's position as the largest state tribal tourism organization in the country.

### **Highlights:**

1. I arrived on Monday, July 19, and organized the conference registration for myself and Councilman Metoxen and identified our booth site on the tradeshow floor.
2. That afternoon, Kirby and I set up our booth and attended the welcome address given by Chairman Stevens and the keynote by Jamestown S'Klallam tribal chairman W. Ron Allen.
3. I introduced Councilman Metoxen to a number of key players at the conference, including its organizers, tribal leaders, Native organizations and other contacts that could be potential partners in terms of associate members and sponsorships.

4. Councilman Metoxen and I also attended the NIGA opening reception where we had the opportunity to network and make more introductions.
5. On Tuesday, July 19, we met with James Starr, executive vice president of VGT gaming and requested a donation for NATOW of \$5,000. (Follow up: See below)
6. We spoke to a number of Native and non-Native businesses about supporting NATOW and the 11 Wisconsin tribes through associate memberships, sponsorships, donations and partnerships.
7. We had over 250 visitors at our booth over the two days we were there. Overall reaction to our booth and our efforts was very positive.

**Follow up:**

1. I have submitted a written request to VGT gaming via Mr. Starr for approval and confirmation of their donation. Still awaiting the approval process through their community relations department.
2. I have submitted a written request to NIGA to restart their \$5,000 donation for NATOW.
3. I will be submitting a written request to ISI Ltd. for an additional \$5,000 request.
4. Continuing to follow up with those indicating that they wanted to partner with us.

**Conclusion:**

Our visit to NIGA was very successful in showcasing the Wisconsin tribes; our new marketing strategy; our willingness to partner with our Native allies and non-Native businesses working in Indian Country and our efforts to promote the state as a destination for conferences.

Wisconsin was the only state tribal tourism organization in attendance (though AIANTA also attended) and we believe that our efforts will pay off as we continue building new alliances and partners in the coming years.



**Oneida Business Committee Travel Request**

Approve the travel request - Treasurer Tina Danforth - NAFOA 2021 Fall Finance &amp; Economies...

**1. OBC Meeting Date Requested:** 09 / 08 / 21 ☐ e-poll requested**2. General Information:**Event Name: 2021 Fall Finance & Tribal Economies ConferenceEvent Location: San Antonio, TX Attendee(s): Cristina DanforthDeparture Date: Sep 25, 2021 Attendee(s): Return Date: Sep 29, 2021 Attendee(s): **3. Budget Information:**

- ☐ Funds available in individual travel budget(s)
- ☐ Unbudgeted
- ☐ Grant Funded or Reimbursed

Cost Estimate: 0**4. Justification:**

Describe the justification of this Travel Request:

Treasurer Danforth, serves as the Chair of NAFOA and has been requested to attend the 2021 Fall & Finance Tribal Economies Conference. All travel expenses will be covered by NAFOA.

**5. Submission**Sponsor: Cristina Danforth, Treasurer

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# 2021 Fall Finance & Tribal Economies Conference

## September 26-28, 2021

### Agenda

CONFERENCE HOME

[Sun, Sep 26](#)

[Mon, Sep 27](#)

[Tue, Sep 28](#)

7:30 AM - 8:30 AM ET

#### Breakfast

8:30 AM - 11:00 AM ET

#### General Session

##### Opening Prayer and Cultural Sharing

##### NAFOA Welcome Remarks

##### Conference Chair Remarks

##### Department of Commerce Update

The Deputy Secretary will discuss federal resources available through the U.S. Commerce Department for Tribal communities including resources for economic development and broadband infrastructure.

##### Speaker:

**Don Graves**, Deputy Secretary, US Department of Commerce

##### Economy: Recovery Road Paved With ... ?

In the wake of the Covid recession, the economy is rebounding. What will this rebound look like? What will a post-Covid economy look like? What, if any, structural changes are in store? What does the short-term covid rebound look like and how will the long-term economy adjust to a new

the short-term COVID rebound took like and how will the long-term economy adjust to a new

landscape? How should tribes think about the short and long-term prospects for the economy in this new post-pandemic world?

**Speakers:**

**Aaron Klein**, Economic Advisor, NAFOA

**Beth Ann Bovino**, Chief Economist, Standard & Poor’s Ratings Services

**Update on White House Policy for Indian Country**

Libby Washburn, Special Assistant to the President for Native Affairs will provide an update on White House policy affecting Indian Country.

**CFO/Tribal Treasurer Roundtable**

The last year and a half has seen unprecedented challenges but also new opportunities in Indian Country. How are Tribes using ARP and CARES funding? Handling reporting requirements or audits? Are there new economic development opportunities in a work-from-home world? Infrastructure projects? Join us in a roundtable with your fellow Tribal Financial Leaders to survey the emerging landscape post-pandemic.

**Speakers:**

**Cristina Danforth**, Treasurer, Oneida Nation of Wisconsin and NAFOA President

**Carrie Carlson**, CFO, Little Traverse Bay Band of Odawa Indians

**Wade Pahmahmie**, Treasurer, Prairie Band Potawatomi Nation

**Kristian Poncho**, Secretary/Treasurer, Coushatta Tribe of Louisiana

**Carla Wallace**, Treasurer, Sac and Fox Nation

11:00 AM - 11:30 AM ET

**Refreshment Break**

11:30 AM - 12:30 PM ET

**Breakout Sessions**

**Confidently Cruise CARES Act Compliance**

With the passage of the CARES ACT, there were tens of billions of dollars distributed to Tribal Governments over the last year. While these programs provided welcome relief during difficult times, they also came with a seemingly never-ending stream of guidance, deadlines, extensions, regulations, and reporting requirements. Our panelists will dive deep into these issues to help our attendees navigate the complex compliance regime with confidence.

**Moderator:**

**Wesley Benally**, Senior Manager, REDW

**Speakers:**

**Peter George**, Partner, Tribal Services Group, Macias Gini & O'Connell, LLP

**CryptoWorld: BitCoin and Blockchain - The New Way or Passing Fad?**

Crypto currency has taken the world by storm, surging in value and generating substantial interest as the future of money may be changing. Supporters believe crypto offers a new chance to reimagine as the transformation of record keepings through blockchain unlocks possibilities previously unimagined. Detractors worry that these 'innovations' are generating large bubbles in unregulated spaces with potentially systemic financial consequences. Passing fad or next revolution: who is right? Join this panel for a spirited conversation about the potential of Crypto and blockchain for Tribes.

**Moderator:**

**Aaron Klein**, Economic Advisor, NAFOA

**Speakers:**

**William Henning**, Executive Professor of Law, Texas A&M University School of Law

Updates on The Latest on Federal Legislation

This panel discussion will focus on legislative and Administration updates on issues affecting Indian tribes and businesses. In particular, the panel will focus on the latest information regarding the Infrastructure Investment and Jobs Act, Federal appropriations, the \$3.1 trillion budget reconciliation proposal and administration actions expected from Treasury and the Department of Interior that could affect tribes and tribal operations.

12:30 PM - 2:00 PM ET

Luncheon

2:15 PM - 3:15 PM ET

Breakout Sessions

More Money More Problems: ARP Compliance

The American Rescue Plan investment of \$1.75 billion in American Indian and Alaska Native government programs is arriving to a compliance weary Indian Country. To help manage spending stress, this panel will specifically address concerns related to funding under the oversight of the Assistant Secretary of Indian Affairs. Hear from our panel regarding how those funds have been administered. What help tribal governments and communities can expect and what remains uncertain?

Speakers:

**Fatima Abbas**, Senior Advisor, Office of Recovery Programs, US Department of the Treasury  
**Suresh Geer**, Director, Wipfli LLP

Harnessing the Growing Power of Microgrids

Microgrids are revolutionizing U.S. electrical utilities and Indian Country is helping to lead the way. This growing source of energy distribution is helping tribes meet their own power needs, as well as provide a major business opportunity. Recently the BIA issued four grants for microgrid projects, as part of their Tribal Energy & Mineral Development Program. Hear how microgrids have benefited tribal members and businesses.

Speakers:

**Mark Harding**, Managing Partner, Sovereign Resiliency Partners

SSBCI: What Tribes Need to Know

ARP provided \$10 billion to fund the State Small Business Credit Initiative (SSBCI), with the goal of funding state, territory, and Tribal government small business credit support and investment programs. With Tribal applications due at the end of this year, hear from Treasury officials on the progress of the SSBCI, how the program is performing, and what is next for SSBCI.

Speakers:

**Jay Calhoun**, Managing Partner, Apis Holdings  
**Tracy Stanhoff**, President, American Indian Chamber of Commerce of CA

3:15 PM - 3:45 PM ET

Refreshment Break

3:45 PM - 4:45 PM ET

Breakout Sessions

A Tribal Green Revolution: Weighing the Costs of Hemp and Cannabis

Entering the hemp and cannabis industries each provides its own unique challenges. While hemp has been descheduled Cannabis remains a Schedule 1 substance under the CSA. At the same time, a majority of states have decriminalized cannabis for medical purposes and a growing number have decriminalized it recreationally. The intricacies of cultivation, banking, vertical integration, and finding a market will be covered by our panelists for both cannabis and hemp.

Speakers:



**La Vonne Peck**, Partner, Native Network Consulting  
**Seth Pearman**, In House Counsel, Flandreau Santee Sioux Tribe

**Diversification: Turning a Buzzword Into A Strategic Plan**

With the historic injection of cash into Indian Country, Tribes are seeking investment opportunities in which to place their funds. Having a diverse investment portfolio is key to reducing risk. But how do you know what industries, projects or companies are attractive investments? What due diligence protocols should be in place? Join our panel of tribal investors and practitioners as they explore strategies to answer these questions and others.

**Moderator:**  
**Dawson Her Many Horses**, SVP & Head of Native American Banking, Wells Fargo Commercial Banking  
**Speakers:**  
**Dennis Johnson**, Chief Investment Officer, Ho-Chunk, Inc.  
**Sarah Meacham**, Managing Director, PFM Asset Management LLC

5:00 PM - 7:00 PM ET

**President's Reception**



Growing Tribal Economies.  
Strengthening Tribal Finance.

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**OUR ADDRESS**

1101 30th Street, NW  
Suite 500  
Washington, DC  
20007  
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**Oneida Business Committee Travel Request**

Approve the travel request - Chairman Tehassi Hill - Meeting with U.S. Interior Secretary Haaland -...

**1. OBC Meeting Date Requested:** 09 / 08 / 21 ☐ e-poll requested**2. General Information:**Event Name: Meeting with Secretary HaalandEvent Location: Washington, DC Attendee(s): Tehassi HillDeparture Date: Sep 28, 2021 Attendee(s): Return Date: Sep 28, 2021 Attendee(s): **3. Budget Information:**

- ☐ Funds available in individual travel budget(s)
- ☐ Unbudgeted
- ☐ Grant Funded or Reimbursed

Cost Estimate: 0**4. Justification:**

Describe the justification of this Travel Request:

Lobbyist, Tom Rodgers, invited Chairman to a meeting with Secretary Deb Haaland in Washington, DC, oSept. 28th regarding delisting of the Gray Wolf.  
Attached is the letter sent to Secretary Haaland on Sept. 1.

Travel will be covered by Tom Rodgers firm.

**5. Submission**Sponsor: Tehassi Hill, Chairman

- 1) Save a copy of this form for your records.
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Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
[oneida-nsn.gov](http://oneida-nsn.gov)



September 1, 2021

The Honorable Deb Haaland  
Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Haaland:

As you know, the federal government's trust responsibility to sovereign Indian nations dates back to the very beginning of the country. First acknowledged as early as 1831 in the trio of Supreme Court cases known as the "Marshall Trilogy," it was the Court's holding in *Worcester v. Georgia* in 1832 that laid the foundations for tribal sovereignty. This foundation has survived several eras in federal Indian policy. From termination and relocation to allotment and assimilation, we are now living in the era of self-determination, yet recent actions remind us that we still have much work to do.

In recent years, the federal government often has failed in its treaty and trust responsibility and its regulatory framework to engage in meaningful consultation with tribal nations. Time and again, the federal government has taken actions averse to sovereign tribal nations positions, and the delisting of the gray wolf is a glaring example.

We know you understand the rocks and soil that form our landscapes, and the plants and animals that live upon our lands, are central to our belief systems and compose the fabric that ties our communities together. Rather than respecting our way of life and honoring the hundreds of treaties, without any tribal input, the government has authorized oil drilling and mining, encouraged forest loggings, and decimated wildlife populations – ignoring the significance of land and animals to tribal communities. Most recently, and without engaging in the required consultation with Indian Country, the Trump administration delisted the Gray Wolf from the endangered species list, putting the wolves' tenuous recovery at risk. Not only did the federal government further erode tribal sovereignty by not consulting with Indian Country, this action by the federal government silences our collective voices – Native voices – in determining wolf management policies on our lands without giving a thought to our interests, sacred ceremonies, and culture. Tribes should have the opportunity to be free in developing and implementing culturally sensitive wolf population management programs. By allowing tribes a seat at the table, through meaningful consultation, such solutions are possible.

Given the immediate threat facing the gray wolf as a result of states enacting anti-wolf policies that have the real probability of decimating wolf populations, we write to urge you to **immediately act upon the emergency relisting petition** filed on May 26, 2021, to relist the Gray Wolf as endangered or threatened under the Endangered Species Act (ESA). Just as important, we also call on you to

exercise existing authority to list the gray wolf as such on an emergency basis. Emergency listing is a temporary measure that ensures immediate protection and expires 240 days following the publication date. **This 240-day pause will allow the federal government to engage in proper and meaningful consultation with tribes.**

Today, the wolf is functionally extinct in over 80% of its historic range, with only 6,000 surviving in the United States. Wolves figure prominently in the folklore of nearly every Native American tribe. In most Native cultures, the wolf is considered a medicine being associated with courage, strength, loyalty, and success at hunting. Like bears, wolves are considered closely related to humans by many North American tribes, and the origin stories of some Northwest Coastal tribes tell of their first ancestors being transformed from wolves into men. In Shoshone mythology, the wolf plays the role of the noble Creator god, while in Anishinabe mythology a wolf character is the brother and true best friend of the culture hero. Among the Pueblo tribes, wolves are considered one of the six directional guardians, associated with the east and the color white, and associated with protection, ascribing to them both healing and hunting powers. Wolves are also one of the most common clan animals in Native American cultures. Tribes with Wolf Clans include the Creek, Cherokee, Chickasaw, Chippewa, and Algonquian tribes like the Shawnee, Menominee, and Iroquois tribes, Plains tribes like the Caddo and Osage, the Pueblo tribes of New Mexico, and Northwest Coastal tribes.

The wolf is a sacred creature and an integral part of our land-based identity that shapes our communities, beliefs, and customs and traditions. For the Oneida Nation, the wolf is one of three named clans within our traditional form of government. The Wolf Clan are path finders, and are responsible to ensure that our people are living their lives the way the Creator intended.

The Department of the Interior Secretarial Order No. 3206, Federal-Tribal trust responsibilities and the Endangered Species Act, is displayed on Fish & Wildlife Services website under the tab “working with tribes”. The Secretarial Order lists a number of principles the Department endeavors to follow. Principle number 4 states the “Department shall be sensitive to Indian culture, religion and spirituality.” In the appendix to the Order, dated June 5, 1997, under § 3., subsections B and C; the order reaffirms the right of tribes to participate fully in the listing process. Part 6 states, “Having first provided the affected Indian tribe(s) the opportunity to actively review and comment on proposed listing actions, provide affected Indian tribe(s) with a written explanation whenever a final decision on any of the following activities conflicts with comments provided by an affected Indian tribe: (i) list a species as endangered or threatened; (ii) designate critical habitat; (iii) reclassify a species from endangered to threatened (or vice versa); **(iv) remove a species from the list;** (Emphasis added) or (v) designate experimental populations.”

Finally, when President Biden took office, he loudly signaled to Indian Country his commitment to the responsibility this nation has to honor treaty and trust obligations to tribal nations. On January 26, 2021, less than a week into his presidency, the President issued an executive memorandum requiring each executive agency, in accordance with Executive Order 13175 (November 6, 2000), to consult with Tribal nations when making policies impacting Indian tribes.



As such, to avoid rendering President Biden's commitment and promise to Indian Country meaningless, and to put a hold on the continued slaughter of the gray wolf, we respectfully request that you **immediately grant the emergency relisting petition** to give the federal government the chance to follow precedent and engage in consultation with tribes.

The failure of the Department of Interior to engage in meaningful consultation is a serious breach of trust, and we fully expect that you will understand this to be as such, and take the action that is required and grant an emergency listing. This would allow for the Biden Administration to continue to show its commitment to Indian Country, and correct a wrong birthed by the previous administration.

We appreciate all of the hard work you have done in Indian Country thus far, and if the Oneida Nation can be of assistance in any way, please do not hesitate to contact us.

With a Good Mind, a Good Heart and Strong Fire,



Tehassi tasi Hill, Chairman  
Oneida Nation

Cc: Honorable Senator Tammy Baldwin

Bryan Newland  
Assistant Secretary for Indian Affairs

Tommy Beaudreau  
Deputy Secretary

Martha Williams  
Principal Deputy Director, Fish & Wildlife Service

Darryl LaCounte  
Director, Bureau of Indian Affairs

Elizabeth Washburn  
Special Assistant to the President for Native Affairs

**Oneida Business Committee Agenda Request**

Consider requests made in the dissertation entitled Oneida college lacrosse perspectives of the sacred...

**1. Meeting Date Requested:** 09 / 08 / 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:

Consider requests made by my co-collaborators and I in the dissertation, "Oneida college lacrosse perspectives of the sacred game of lacrosse." Main requests to consider: 1) Request for a mentorship program (big-brother, little brother/ big sister, little sister); and 2) Multi-Sport Training Facility, Lacrosse and Embroidery Store, Traditional Foods Restaurant, and a Shake Bar for Athletes

**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.

These ideas were put together by my 12 co-collaborators and I: Fox Christjohn, Jack Robert Mehoja, Richard Summers III, CJ Summers, Austin Baillie, Nate Padron, Gavin White, Floyd Silas, Masen Powless, Hayden Powless, Dylan Granquist, and Byran Halona, for without all of them, this dissertation would not be possible

**Recommendation for action steps for Oneida Business Committee.** After discussion through talking circles over Zoom and Instagram group chat, the following are recommendations to the Oneida Business Committee, assembled by the co-collaborators, on how to create permanent, sustainable change for Oneida youth lacrosse players pursuing an education. These recommendations were assembled starting with our first talking circle through our last talking circle as co-collaborators where we discussed the findings. For the last talking circle in particular, six of the co-collaborators were together on a Zoom call near Oneida, Wisconsin, and we spent a couple of hours sharing ideas for what we want to see in the Oneida community for generations to come, as well as, what ideas and concepts we find most valuable to share. To clarify, these recommendations are not merely the result of our co-collaborators and a storm of ideas, moreover, these recommendations are the result of research, the findings, and empirical research we conducted..

### **Mentorships.**

- Create a mentorship program in the Oneida community, similar to a Big-Brother or Big-Sister program. Mentors would build up mentees by direct-messaging and communicating regularly.
- Co-collaborate with the organization, Turtle Island Lacrosse, to create more exposure for Native American college athletes and professional lacrosse players to be role models for Oneida youth.

### **Lacrosse/Training.**

- Initiate lessons and training sessions for Oneida youth lacrosse players led by Byran, Dylan, Masen and others using facilities of the Oneida Fitness Center.
- Apply for grants or funding for an “11th man” goalie prop from Elevate lacrosse, 200 lacrosse balls, and a back stop to save missed shots from being lost used for training sessions.

- Create a high-school level preparatory lacrosse team which offers an instructional lacrosse program.

**Multi-Sport Training Facility, Lacrosse and Embroidery Store, and Traditional Foods Restaurant and Shake Bar.**

- Request for the Oneida Business Committee to set aside and allocate future funds for the creation of an indoor lacrosse training facility for Oneida Nation High School to be used by our Oneida youth and community (examples being the Cattaraugus Community Center in Seneca, New York, and the Onondaga Nation Fieldhouse, also known as the Tsha' Thoñ'nhes Arena, in Onondaga, New York). Oneida could attract more top-tier athletes to Oneida Nation High School if they offer top-tier facilities. Richard Summers III says, “we should take a leap of faith and invest in the reservation school.” A facility of premiere quality would create exposure, pride in our community, and act as a symbol of the community growing together through our collective work. Oneida can take over Green Bay as the leader in premiere sports facilities.
- The creation of a new indoor training facility can create jobs for those needed to build and maintain the facilities.
- Search for local businesses to sponsor the creation of a new indoor facility for Oneida Nation High School.
- Search for possible federal grants to help with the implementation of this facility. One possible grant would be a categorical grant issued by the United States Congress. We are estimating the project to be approximately \$41.5 million based off estimates of similar projects.
- Oneida High School can attract local college lacrosse teams to use the turf field or box facilities. Local teams include NCAA DII program Concordia University Wisconsin and MCLA schools, such as UW Madison and St. Norbert College. New facilities could be designed to host games for nearby colleges, bringing exposure to the reservation and generating revenue for the local community. The development of facilities which local colleges can use, or visit, will further bring coaches to the reservation for coaches to learn and understand the roots of lacrosse, as well as, to scout and recruit Oneida players.



- Plan for an Oneida Jamboree, a tournament with colleges playing in Oneida, as well as, a showcase of Oneida talent, culture, and traditional ways.
- A new indoor training facility can help develop the Team Wisconsin lacrosse program in preparation for representing our community at the next the Indigenous Games. Building a cutting-edge facility would be a turning point for our Standing Stone athletes and an investment for future generations.
- After the completion of a new facility, athletes will learn and carry forth their culture at Oneida Nation High School, allowing more Oneida people to learn their Native language. An investment in new facilities is part of the revival of our language, too. A creation of a premiere facility would ensure more kids will want to reside and be invested in the Oneida community.
- A new, indoor turf facility would create revenue from teams needing to rent a sports facility. This facility can be catered to multi-sport use. Soccer and football teams can utilize the turf, basketball courts can be constructed, hockey rinks can be included, and boxing facilities can be built. Inspiration for the hockey rink can be the Shakopee Ice Arena in Minnesota, next to the Mystic Lake Casino, where a whole ice hockey rink is included. Various Oneida organizations, such as Soaring Eagle Boxing Club, could utilize the facilities. The facilities can include a large weight room, a community swimming pool, a jacuzzi and sauna, similar to the IMG academy. The proposed multi-sport facility could offer yoga classes, spin classes, basketball classes, soccer classes, etc. College athletes could hold a summer job as a “coach” at this new sports facility. Similar to “D1 Sports Training Green Bay” facilities, athletes can push weight sleds, do explosive training, and speed training with a coach, creating a new job for an individual within the community.
- The NFL organization of the Green Bay Packers could use the new facility as a satellite workout facility, as the Packers already have a working partnership with the Oneida.
- The newly proposed facilities could have a cafeteria or restaurant attached which serves Indian Tacos, corn soup, and various traditional foods, as well as, a nutritional shake bar to help fuel athletes. This further serves to create jobs for community members.

- Multi-sport store with emphasis on lacrosse. This newly proposed building could have a multi-sport store with an emphasis in lacrosse. This store could sell arm guards, cages, balls, etc. which could be bought in bulk from distributors at a discount and then sold to Oneida and the surrounding community for revenue for the Oneida Nation. This lacrosse store could utilize skilled community members by having custom embroidery for gloves, bags, etc. Dana Isaac and Richard Summers III could be hired to put designs on t-shirts which the lacrosse store could sell as additional revenue for the Oneida Tribal Nation. Further, traditional Oneida wood workers can sell wooden lacrosse sticks to add another traditional element to the facility and support local artisans. All traditional lacrosse gear can be sold in store and online, shipping internationally for Oneida artists to be represented around the world.
- This proposed facility could be utilized as a night school or for cultural education classes. The new building could offer financial classes, Oneida language classes, artwork classes, and blanket or basket classes. The new center could add parenting classes and childcare.
- While we, as co-collaborators, are grateful for our current Oneida Fitness Center, it is not designed as a multi-purpose training facility. The “Fit” only has a basketball court and is dangerous for multiple sports to use simultaneously. This new center will have separate areas for lacrosse, basketball, workout classes, and weightlifting. Furthermore, the “Fit” allows people to come to work out, but it does not have a big-brother or big-sister program designed for our community on the reservation. We can create a job to develop, implement, and oversee the big-brother and big-sister program in the Oneida community.
- This is one step closer to being less reliant on the casino as the main source of generated revenue for our Oneida Tribal Nation.
- A proposed location for the facility would be using some of the space right next to Oneida High School. By having a location in the heart of Oneida, the proposed facility would be next to Oneida Nation high school, as well as, the pow-wow grounds.
- For the architecture and design of the facility, it would be conducted in a traditional style with a similar theme to the Turtle School, also known as Oneida Nation High School. Similar architectural themes would be used, showcasing and integrating the wampum belt. Each of these wampum belts tells a story to individuals when walking through the

facilities. We recommend hiring Dana Isaac to work on art and wood burning designs within the facility.

- In the newly proposed facility, community artists could display their art for more exposure all year long. Camile, an artist in the Oneida community, can put her art in there. Malia and Norma Skenandore Primeau can put their beading on display, as well.
- Recently, we have lost people in our community, such as Loretta Metoxen, and this proposed multi-sport building with a lacrosse store and traditional foods restaurant could be named after community leaders who we have lost as a way to honor their memories.

These concepts of a mentorship program, lacrosse training, a multi-sport training facility, lacrosse and embroidery store, traditional foods restaurant and shake bar would be instrumental in investing in the youth of our Oneida community. Multiple co-collaborators emphasized the central importance of attaining a multi-sport facility for year-round use. In creating this proposal, the Oneida co-collaborators desired to share their vision for what our Oneida community could be.

Full Dissertation can be accessed via the link:

<https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1205&context=dissertations>

**Oneida Business Committee Agenda Request**

Consider request for an APRA food card distribution in November and December 2021

**1. Meeting Date Requested:** 09 / 08 / 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:

Approve food card distribution using ARPA funding source with distributions in November and December of 2021.

**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:

Would like to request a mailing to go out prior to distribution to inform the membership of the food card.

Requested Action:

Approve food card distribution using ARPA funding source with distributions in November and December of 2021.

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](mailto:BC_Agenda_Requests@oneidanation.org)

## Food Distribution Cards – November & December 2020

\*13,600 food cards were given out to the membership.

The cards in Oneida were for Festival Foods. The cards in Milwaukee were for Kroger. Cards were handed out in November and December (see attached flyer). The first distribution in Oneida was a drive through event at the Turtle school. The second was at the Radisson. We worked with MIS to develop an app for ease of distribution. The only requirements were that the members be over 18 and provide proof of enrollment. Due to COVID, we did allow member to pick up cards for others if they provided their ID and signed permission.

There was also a safety plan that was approved before both events, for the different locations.

It was a very successful and well received distribution.

# Winter Food Cards

November 12<sup>th</sup> & 13<sup>th</sup>, 2020

9:00 AM – 4:00 PM

Oneida Turtle School  
N7125 Seminary Rd  
Oneida, WI 54155

Please see map below for Entrance/Exit Locations

With Covid-19 cases on the rise, the Nation wants to help Oneida members experiencing food insecurity. The Nation will be distributing Food Cards redeemable at the local Festival Foods stores. Funding provided by CRF funds.

- All enrolled Oneidas over 18 are eligible.
- One Food Card per member.
- Members must present proof of enrollment (Tribal ID).
- Members may pick up cards for others who are homebound, etc. They must present that individual's ID and a signed note giving them permission to receive the card.
- This is a drive through event. Please stay in your car and wear a mask when picking up your Food Card.
- To avoid traffic issues, please don't line up early. Start time is 9:00 am. No cards will be handed out prior to that time.



Approve Debra Miller to participate as a panelist for a Dementia in Indian Country caregiver support...

## Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 08 / 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:

Accept participation for Debra Miller as a panelist for dementia in Indian Country caregiver ECHO ( Extension for Community Health Care Outcomes)

### 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

Mark W. Powless, General Manager: **Mark W. Powless**

Digitally signed by Mark W. Powless  
Date: 2021.08.30 16:57:18 -05'00'

Authorized Sponsor / Liaison:

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

**Debra Miller**  
Digitally signed by Debra J. Danforth RN, BSN  
Date: 2021.08.27 13:41:15 -05'00'

Additional Requestor:   
Name, Title / Dept.

Digitally signed by Debra J. Danforth RN, BSN  
Date: 2021.08.30 09:44:41 -05'00'

Additional Requestor:   
Name, Title / Dept.

Digitally signed by Debra J. Danforth RN, BSN  
Date: 2021.08.30 09:44:50 -05'00'



## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Debra Miller has been invited to participate as a panelist for dementia in Indian Country caregiver support ECHO. It is proposed that she would serve as a panelist for the caregiver support ECHO to answer questions participants/caregivers have about caring for people with dementia.

Expectations will be participation in a monthly zoom meeting with other ECHO panelists for people in areas without dementia expertise to be able to learn about dementia and caring for those who have dementia. Each one will have a talk about a caregiver issue with opportunities throughout for people joining to ask questions and get feedback from participants and panelists about how to address those things. I

This opportunity will allow the Oneida Nation to access dementia information from speakers in Indian Country and allow for the work we do in Comprehensive Health around dementia to be known to other Native American communities.

Thank you for your consideration.

Debra Miller

- 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](mailto:BC_Agenda_Requests@oneidanation.org)

**Debra A. Miller**

---

**From:** Winchester, Blythe (CIHA/IHS) <Blythe.Winchester@chokeehospital.org>  
**Sent:** Thursday, August 19, 2021 3:35 PM  
**To:** Debra A. Miller  
**Subject:** dementia in indian country ECHO please exempt

Hi there!

Jolie Crowder gave me your info – she said you may be interested in helping me out with my dementia ECHO for caregiver support because of your role as a DCS.

I am starting a dementia in indian country ECHO in September. There will be a clinical echo on the 2<sup>nd</sup> Thursday of the month, and a caregiver support ECHO will happen the 4<sup>th</sup> Thursday of the month at 12 MT/mountain time.

The purpose of the ECHO is to have a virtual/zoom meeting for people in areas without dementia expertise to be able to learn about dementia and caring for those who have dementia. Each one will have a talk about a caregiver issue with opportunities throughout for people joining to ask questions and get feedback from participants and panelists about how to address those things. Some of the topics we have are listed below.

- Dementia basics-Blythe Winchester,MD
- Timing of dementia diagnosis: Why is earlier better? Bruce Finke, MD
- Aging advocacy and personal experience: Dave Baldrige
- Staging: what do I need to know?
- Behavioral expressions: proactive approaches-Dr. Jennifer Carson
- Behavioral approaches: responding to duress-Dr. Jennifer Carson
- Traditional foods and brain protection- Dr. Neil Henderson
- Activities
- Self-care series: need *at least* three sessions on this. \*anxiety and depression, \*effects on health/self-neglect,\*not enough time in the day
- Sleep
- Behaviors nobody wants to talk about: hypersexuality, delusions

I would love for you to be involved, and you would be a great asset to the faculty. I would love for you to join as many sessions as you can to provide your expertise.

Please let me know if you have any questions or if there is more information I can provide for you. I am happy to have a phone chat if that helps.

If I have made you excited and you want to join in on this, just let me know how often you think you could join in. I am hoping this will continue for a long time, but we are planning out 6 months so far. The schedule is listed below:

- SEPTEMBER 23<sup>rd</sup> @ 12pm MT (Caregiver Support)
- OCTOBER 28<sup>th</sup> @ 12pm MT (Caregiver Support)
- DECEMBER 23<sup>rd</sup> @ 12pm MT (Caregiver Support)
- JANUARY 27<sup>th</sup> @ 12pm MT (Caregiver Support)
- FEBRUARY 24<sup>th</sup> @ 12pm MT (Caregiver Support)

Thanks so much!!

Blythe S. Winchester, MD, MPH, CMD, AGSF  
Director of Geriatrics Services, Cherokee Indian Hospital  
Certified Medical Director, Tsali Care Center  
Chief Clinical Consultant, Geriatrics and Palliative Care, Indian Health Service  
Ph (828) 497 9163 ext 6312 or 6237  
Fax (828) 497 4773

Enter the e-poll results into the record regarding the Chairman's recommendation for the Nation's...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/08/21

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 checked="" 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: LLIGGINS



**Lisa A. Liggins**

---

**From:** Secretary  
**Sent:** Tuesday, August 24, 2021 10:18 AM  
**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; Daniel P. Guzman; David P. Jordan; Ethel M. Summers; Jennifer A. Webster; Kirby W. Metoxen; Lisa A. Liggins; Tehassi Tasi Hill  
**Cc:** Secretary; Danelle A. Wilson; Rhiannon R. Metoxen; Kristal E. Hill; Melinda J. Danforth  
**Subject:** E-POLL RESULTS: Accept the Chairman's recommendations for the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and the Nation's Authorized Representatives for ARPA Fiscal Recovery Fund Reporting.  
**Attachments:** Accept the Chairman's recommendations for the PoC for ARPA Fiscal Recovery Fund Reporting and the Nations Authorized Representatives for ARPA Fiscal Recovery Fund Reporting.pdf

**E-POLL RESULTS**

The e-poll to accept the Chairman's recommendation to appoint Jennifer Schabow and Cindy Seelye to serve as the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and to authorize Ralinda Ninham-Lamberies and Jennifer Anderson to be the Nation's Authorized Representatives for ARPA Fiscal Recovery Fund Reporting, **has carried**. As of the deadline, below are the results:

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

Brooke Doxtator  
BCC Supervisor  
Business Committee Support Office (BCSO)

office 920.869.4452  
fax 920.869.4040

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**From:** Secretary <TribalSecretary@oneidanation.org>  
**Sent:** Monday, August 23, 2021 11:22 AM  
**To:** Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>  
**Cc:** Secretary <TribalSecretary@oneidanation.org>; Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>  
**Subject:** E-POLL REQUEST: Accept the Chairman's recommendations for the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and the Nation's Authorized Representatives for ARPA Fiscal Recovery Fund Reporting.

**E-POLL REQUEST**

**Summary:** The U.S. Department of the Treasury requires recipients of the American Rescue Plan Fiscal Recovery Funds to submit online reporting. The first report is due on August 31, 2021 and the Nation must designate the following positions.

1) Account Administrator **Contact: Chairman Hill**

*Chairman will be responsible to maintain the list of designated individuals for reporting in the Treasury's online portal.*

## 2) Point of Contact for Reporting

**Recommended: Jennifer Schabow (Grants Accounting Manager) and Cindy Seelye (Senior Accountant)**

*Responsible for receiving official Treasury notifications about reporting (including upcoming reporting dates/instruction, deadlines, etc). These individuals will also be responsible for completing the reports on-line through the Treasury's reporting portal.*

## 3) Authorized Representative for Reporting

**Recommended: Ralinda Ninham-Lamberies and Jennifer Anderson (Assistant Controller)**

*Individual responsible for certifying and submitting the official reports. This person will also be responsible for communications with Treasury on matters such as extension requests or any changes on previous reports submitted.*

**Justification:** The first report is due August 31, 2021 and the points of contact have to create accounts and have their identity verified prior to accessing the online reporting portal.

**Requested Action:** Accept the Chairman's recommendation to appoint Jennifer Schabow and Cindy Seelye to serve as the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and to authorize Ralinda Ninham-Lamberies and Jennifer Anderson to be the Nation's Authorized Representatives for ARPA Fiscal Recovery Fund Reporting.

**Deadline for response:**

Responses are due no later than **4:30 p.m., Tuesday, August 24, 2021.**

**Voting:**

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

Brooke Doxtator

BCC Supervisor

Business Committee Support Office (BCSO)

office 920.869.4452

fax 920.869.4040

**Oneida Business Committee Agenda Request****1. Meeting Date Requested:**    \_\_\_ / \_\_\_ / \_\_\_**2. General Information:**Session:    ☒ Open    ☐ Executive - See instructions for the applicable laws, then choose one:

EPOLL

Agenda Header: 

New Business

☐ Accept as Information only☒ Action - please describe:

EPOLL REQUEST: To accept the Chairmans recommendation to appoint Ralinda Ninham-Lambries and Cindy Seelye to be appointed the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and to authorize Cindy Seelye to be the Nation's Authorized Representative for ARPA Fiscal Recovery Fund Reporting.

**3. Supporting Materials**☐ Report    ☐ Resolution    ☐ Contract☒ Other:1. 

See attached email and justification

3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution    ☐ Budgeted - Grant Funded    ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: 

Tehassi Hill, Chairman

Primary Requestor/Submitter: 

Melinda J. Danforth, IGAC Director

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:

#### EPOLL REQUEST

Summary: The U.S. Department of the Treasury requires recipients of the American Rescue Plan Fiscal Recovery Funds to submit online reporting. The first report is due on August 31, 2021 and the Nation must designate the following positions.

1) Account Administrator

Contact: Chairman Hill

Chairman will be responsible to maintain the list of designated individuals for reporting in the Treasury's on-line portal.

2) Point of Contact for Reporting

Recommended: Jennifer Schabow and Cindy Seelye

Responsible for receiving official Treasury notifications about reporting (including upcoming reporting dates/instruction, deadlines, etc). These individuals will also be responsible for completing the reports on-line through the Treasury's reporting portal.

3) Authorized Representative for Reporting

Recommended: Ralinda Ninham-Lamberies and Jennifer Anderson

Individual responsible for certifying and submitting the official reports. This person will also be responsible for communications with Treasury on matters such as extension requests or any changes on previous reports submitted.

Justification: The first report is due August 31, 2021 and the points of contact have to create accounts and have their identity verified prior to accessing the online reporting portal.

Requested Action: To accept the Chairmans recommendation to appoint Jennifer Schabow and Cindy Seelye to serve as the Point of Contacts for ARPA Fiscal Recovery Fund Reporting and to authorize Ralinda Ninham-Lamberies and Jennifer Anderson to be the Nation's Authorized Representatives for ARPA Fiscal Recovery Fund Reporting.

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



**Brooke M. Duxtator**

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**From:** slfrp@treasury.gov  
**Sent:** Monday, August 9, 2021 6:58 PM  
**To:** Melinda J. Danforth  
**Cc:** CARESITforms@treasury.gov  
**Subject:** Coronavirus State & Local Fiscal Recovery Funds Treasury's Portal Now Available  
**Attachments:** SLTPortalRegistration DetailedInstructions.pdf; Hints and Tips for Using the Treasury Portal for Designating Points of Contact.pdf

Today, Treasury released the online portal which allows [Coronavirus State and Local Fiscal Recovery Funds](#) (SLFRF) recipients to submit data associated with the SLFRF program by August 31, 2021.

As a Tribal Government, you are required to submit the following report by August 31:

- Interim Report

**User Guide and Other Resources**

An associated user guide with step-by-step instructions on how recipients will submit the required reports is posted in the [www.treasury.gov/SLFRPReporting](http://www.treasury.gov/SLFRPReporting) webpage.

**Online Portal Access**

As part of SLFRF award administration, each SLFRF recipient must designate individuals to serve as its official points of contact for SLFRF reporting to Treasury. As a recipient you will need to designate individual(s) in your organization for each of the following three roles: 1) Account Administrator; 2) Point of Contact for Reporting; 3) Authorized Representative for Reporting.

We are attaching the following three documents with more information:

- Treasury Portal Registration Instructions
- Hints and Tips for using the Treasury Portal for Designating Points of Contact

Please note that the online portal link (<https://portal.treasury.gov/cares/s/slt>) will direct you to the ID.me verification website. You are required to create an ID.me account first and after your account has been created and verified, you will be redirected to Treasury's State, Local, and Tribal Support Portal to log in and provide your SLFRF reports. For instructions on navigating the ID.me verification website, please review the attached PDF.

For best site performance, it is recommended that you use Google Chrome.

If you have not already done so, please access Treasury's Portal and create your ID.me account as soon as possible. The attached guide provides additional information and a link to detailed instructions to help you navigate the ID.me registration process.

If you need additional assistance, please visit the ID.me Support website for accessing Treasury with ID.me, where you can receive technical support: <https://help.id.me/hc/en-us/categories/360004467533-Accessing-Treasury-with-ID-me>.

If you are unable to log in to Treasury's State, Local, and Tribal Support Portal after establishing your ID.me account, please send us an email at [covidreliefitsupport@treasury.gov](mailto:covidreliefitsupport@treasury.gov) for assistance.

**For more information**

To access the Reporting Guidance and learn more about the Coronavirus State and Local Fiscal Recovery Funds, including the Interim Final Rule that governs the use of this funding, please visit Treasury's [Coronavirus State and Local Fiscal Recovery Funds website](#). To ensure they are meeting the full scope of the compliance and reporting responsibilities, recipients should read the Reporting Guidance in concert with the Award Terms and Conditions, the authorizing statute, the Interim Final Rule, and other regulatory and statutory requirements.

Treasury appreciates your timely action to fulfil this reporting requirement.

Thank you,

**Office of Recovery Programs**



## Getting Started in the SLT Portal

Verifying your identity with ID.me to meet your requirements

### Creating a certified digital identity

Thank you for your participation in the State, Local, and Tribal Governments Support Programs.

In order to more efficiently and transparently meet the terms and conditions, all participants must have **certified digital identity**.

There is a **three-step process** to receive verified credentials from our certified identity provider (ID.me). We expect the entire process will take about 10 minutes for most people.

To get started, visit <https://portal.treasury.gov/cares/s/slt>, click on **create an account**, and follow the instructions.

STEP	NOTES
Step 1: <b>Verify your email</b>	Use same email address from your SLT Portal welcome email.
Step 2: <b>Set up two-factor authentication</b>	For this step we recommend using a cell phone, but other options are available.
Step 3: <b>Verify your identity</b>	For this step you'll need an official photo ID. We recommend using a device with a camera where available, but identity verification calls are also available at no cost to you.

Throughout this process, your information will remain completely secure. The process does not require a credit check.

When you've finished, you'll get a confirmation email that means you can now log in to the [SLT Portal](#) with your new ID.me account. The CARES Portal works best with [Google Chrome](#).

If you have questions about using ID.me to establish your credentials, please contact ID.me support at <https://help.id.me/>. For assistance with technical issues with SLT Portal, please contact us at [covidreliefitsupport@treasury.gov](mailto:covidreliefitsupport@treasury.gov). We appreciate your timely action to fulfill these requirements.

#### For More Information

While the ID.me site has excellent instructions on creating and validating your digital identity, some participants may want step-by-step instructions with screen shots. These detailed instructions are available here:

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>

The requirements for CARES Act credentials are defined by [NIST SP 800-63 v3](#) (Digital Identity Guidelines). ID.me is a certified commercial identity provider offering Identity Assurance Level (IAL) 2 and Authentication Assurance Level (AAL) 2 credentials. No Personally Identifiable Information will be retained by ID.me.

For additional information on verifying your information with ID.me, navigate to the [ID.me + Treasury support page](#).



# SLT Portal

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Create an ID.me Account  
April 2021





This document outlines the processes associated for credentialing and identity proofing as defined by NIST SP 800-63 v3, Digital Identity Guidelines, to obtain an ID.me credential. ID.me is a certified commercial identity provider offering Identity Assurance Level (IAL) 2 and Authentication Assurance Level (AAL) 2 credential.

- ▶ All recipients who attempt to logon to the Treasury COVID-19 Relief Hub for the first time need to sign up with ID.me through the following three-step process:
  - Email Confirmation (Slides 4 - 5)
  - Two Factor Authentication Verification (Slides 6 – 9)
  - Identity Verification (Slides 10 – 32)
    - Examples are provided for the following Identity Verification Options
      - Option 1: Upload Photos of Your License or State ID (Slides 10 – 20)
      - Option 2: Virtual In-Person Identity Proofing (Slides 21 – 32)
- ▶ Process to logon to Treasury COVID-19 Relief Hub once ID.me registration is complete (Slides 33 through 35)
- ▶ Additional Resources (Slide 36)
- ▶ NIST SP 800-63 v3
  - <http://www.nist.gov/nstic/>



- ▶ Click the following link:
  - <https://portal.treasury.gov/cares/s/slt>
  - *For best site performance, it is recommended that you use Google Chrome*
- ▶ Select **create an ID.me account**
  - Input the email address and create a password
  - Check Box – **Accept terms of service and privacy policy**
  - Select **Create an ID.me account**



### Sign in to ID.me

[Or create an ID.me account](#)

Email

Enter your email

Password

Enter your password

Sign in to ID.me



### Create an ID.me account

[Or sign in to your account](#)

Email

Enter your email

Password

Enter your password

Confirm Password

Confirm your password

☐ I accept the ID.me [Terms of Service](#) and [Privacy Policy](#)

Create an ID.me account




- ▶ ID.me will send a confirmation email to the email account you used to register
  - ID.me will send a confirmation email with 6 digit code
  - Once you select **Confirm Your Email** in your email, ID.me will verify automatically
  - Select **Continue**

**Note:** Web browser session is suspended until you respond to the ID.me email confirmation. The email confirmation link and code will expire after 15 minutes.


**ID.me + TREASURY**

**CONFIRM YOUR EMAIL ADDRESS**



We sent an email to [thaobtle@gmail.com](mailto:thaobtle@gmail.com) with the subject line "ID.me - Please Confirm Your Email."

If you cannot find the email, please check your spam folder. It can take up to 10 minutes to receive the email.



After your email is confirmed, return to this page to continue.

Didn't receive the email? [Send it again](#)

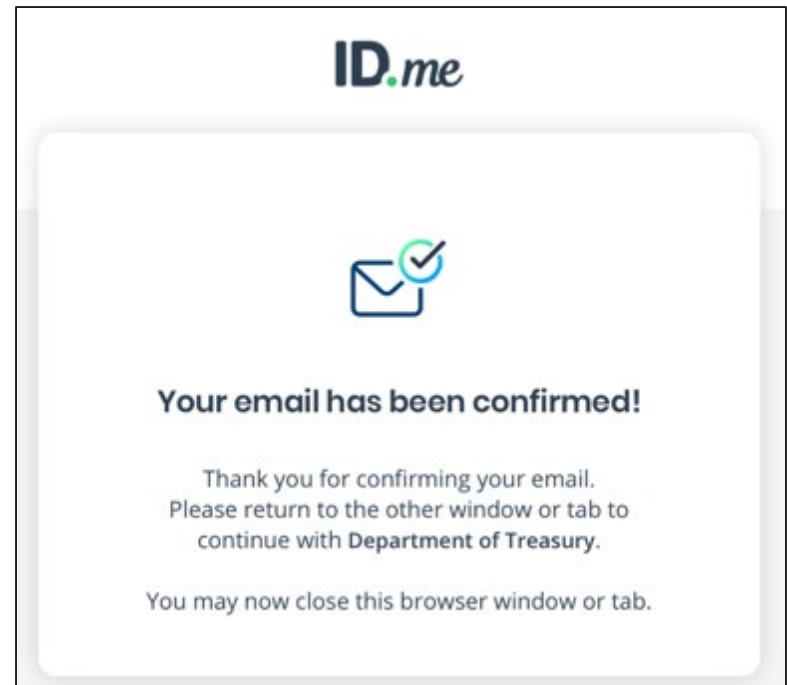
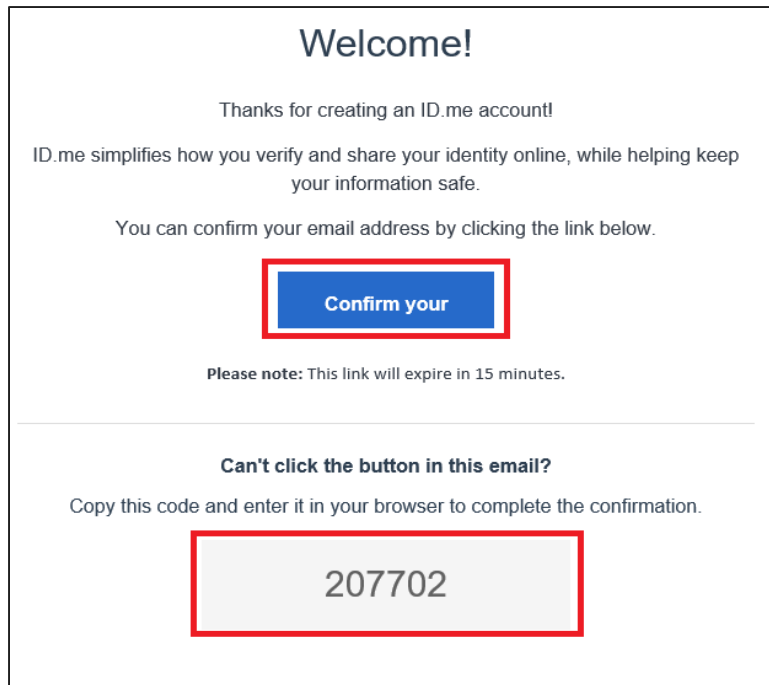
**Can't click on the button in your email?**

Enter the 6-digit code from the email below.

**Continue**



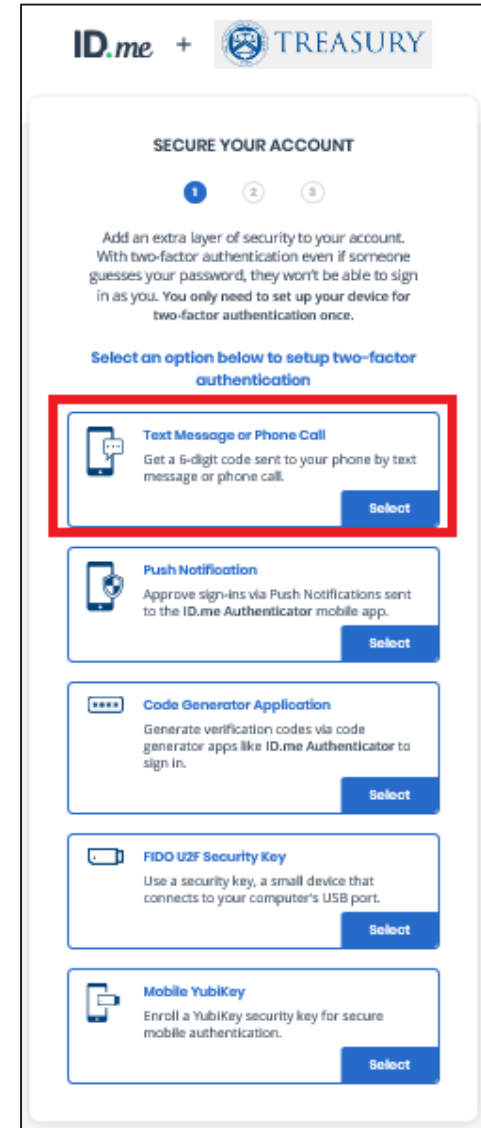
- ▶ Open the ID.me email and acknowledge the receipt
  - Below is a example of the email you will receive (left image) with conformation and 6 digit code
  - Select **Confirm your Email** button, you will see the confirmation notice (right image)
  - You should return to your initial session with the browser that prompted you enter the 6 digit code





- ▶ Select one of the options to setup multi-factor authentication options
  - Text Message or Phone Call (**Preferred**)
  - Push Notification
  - Code Generator Application
  - FIDO U2F Security Key
  - Mobile Yubikey

**Note:** This presentation captures screen shots for the first option: Text Message or Phone Call.

The screenshot shows the ID.me + Treasury Two-Factor Authentication setup interface. At the top, it says 'ID.me + TREASURY'. Below that, it says 'SECURE YOUR ACCOUNT' with a progress indicator showing step 1 of 3. The main text explains that two-factor authentication adds an extra layer of security. Below this, it says 'Select an option below to setup two-factor authentication'. There are five options, each with a 'Select' button. The first option, 'Text Message or Phone Call', is highlighted with a red border. The other options are 'Push Notification', 'Code Generator Application', 'FIDO U2F Security Key', and 'Mobile YubiKey'.

ID.me + TREASURY

SECURE YOUR ACCOUNT

1 2 3

Add an extra layer of security to your account. With two-factor authentication even if someone guesses your password, they won't be able to sign in as you. You only need to set up your device for two-factor authentication once.

Select an option below to setup two-factor authentication

**Text Message or Phone Call**  
Get a 6-digit code sent to your phone by text message or phone call.  
Select

**Push Notification**  
Approve sign-ins via Push Notifications sent to the ID.me Authenticator mobile app.  
Select

**Code Generator Application**  
Generate verification codes via code generator apps like ID.me Authenticator to sign in.  
Select

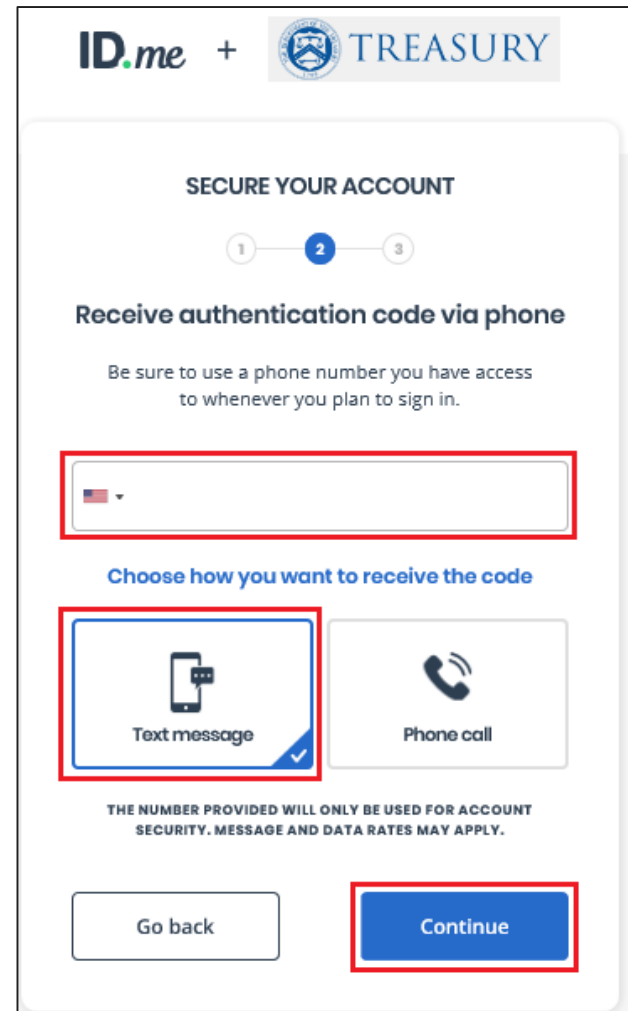
**FIDO U2F Security Key**  
Use a security key, a small device that connects to your computer's USB port.  
Select

**Mobile YubiKey**  
Enroll a YubiKey security key for secure mobile authentication.  
Select

# Two-Factor Authentication: Text Message or Phone Call

- ▶ Select Text message
  - Enter **your phone number**
  - Select **Text message**
  - Select **Continue**

**Note:** Please use your valid mobile phone number.



The screenshot shows the ID.me + U.S. Treasury Two-Factor Authentication setup interface. At the top, the logos for ID.me and the U.S. Treasury are displayed. Below them, the heading "SECURE YOUR ACCOUNT" is followed by a progress indicator with three steps: 1, 2 (highlighted), and 3. The main heading is "Receive authentication code via phone". A note states: "Be sure to use a phone number you have access to whenever you plan to sign in." Below this is a red-bordered input field for the phone number, which includes a dropdown menu for the country code (currently showing the US flag). Underneath the input field is the heading "Choose how you want to receive the code". There are two options: "Text message" (highlighted with a red border and a blue checkmark icon) and "Phone call". At the bottom, there are two buttons: "Go back" and "Continue" (highlighted with a red border). A disclaimer at the bottom reads: "THE NUMBER PROVIDED WILL ONLY BE USED FOR ACCOUNT SECURITY. MESSAGE AND DATA RATES MAY APPLY."

# Two-Factor Authentication: Text Message or Phone Call



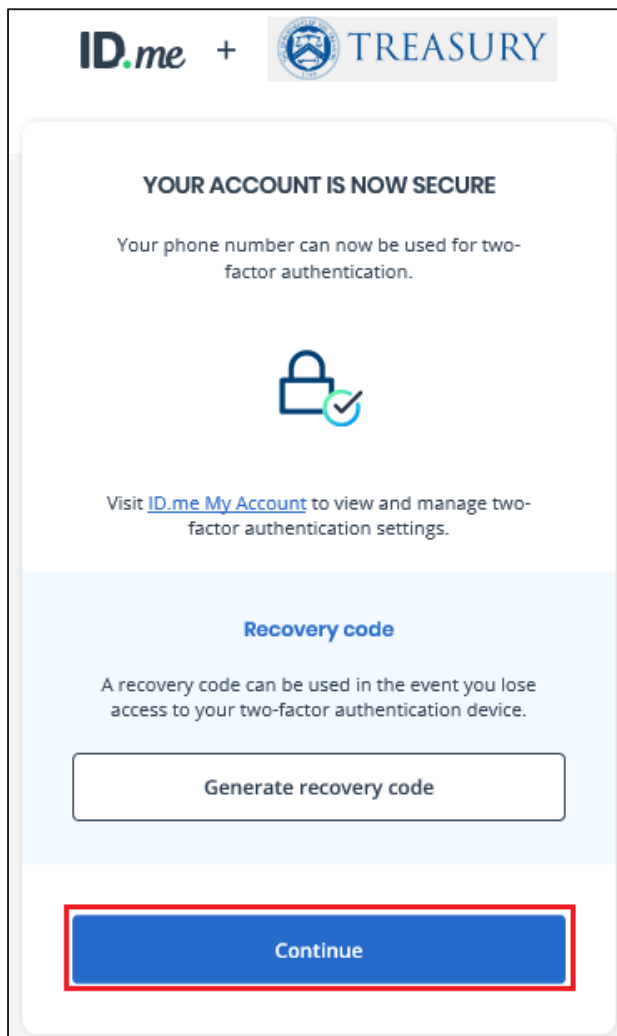
- ▶ Verify phone number
  - 6 digit verification code generated automatically
  - Select **Continue**


Your [ID.me](#) verification code is **882353**. Don't share it. We will never call to ask for it.

**Note:** The code will expire after 15 minutes.

The screenshot shows the ID.me + Treasury account security interface. At the top, the ID.me logo is followed by a plus sign and the Treasury Department seal and name. Below this, the heading "SECURE YOUR ACCOUNT" is displayed. A progress indicator shows three steps, with the third step (a blue circle with the number 3) being the active one. The main heading is "Confirm your phone number". Below this, a message says "Please check your phone for the 6-digit code that we just sent to you at". A label "Enter the 6-digit code" is positioned above a text input field that contains the code "882353". Below the input field, a link "Didn't receive the code? [Send it again](#)" is visible. At the bottom, there are two buttons: "Go back" and "Continue". The "Continue" button is highlighted with a red border.


► Confirmation

A screenshot of a confirmation page from ID.me and the U.S. Treasury. The page has a white background with a light blue header bar containing the "ID.me" logo and the Treasury seal. The main content area is white and contains the following text: "YOUR ACCOUNT IS NOW SECURE", "Your phone number can now be used for two-factor authentication.", a lock icon with a green checkmark, and "Visit ID.me My Account to view and manage two-factor authentication settings." Below this is a light blue section titled "Recovery code" with the text "A recovery code can be used in the event you lose access to your two-factor authentication device." and a button labeled "Generate recovery code". At the bottom is a blue button labeled "Continue", which is highlighted with a red rectangular border.

**ID.me** +  **TREASURY**

**YOUR ACCOUNT IS NOW SECURE**

Your phone number can now be used for two-factor authentication.



Visit [ID.me My Account](#) to view and manage two-factor authentication settings.

**Recovery code**

A recovery code can be used in the event you lose access to your two-factor authentication device.

**Generate recovery code**

**Continue**

**Congratulations!** You have enabled multi-factor authentication for your account. Next step is to verify your identity.

ID.me will send you an email notification that you enabled multi-factor authentication.

## You have enabled two-factor authentication for your account

Thank you for enabling two-factor authentication for your ID.me account.

Two-factor authentication is an additional layer of security designed to prevent unauthorized access to your account and protect your information with ID.me.

From now on, whenever you sign in, you can authenticate yourself using the following two-factor authentication option:

Text Message or Phone Call — (\*\*\*) \*\*\*-703





► Choose a verification method

▪ **Option 1:**

- Upload photos of your license or state ID (**Preferred**)
  - » **Slides 11-21**
- Upload a photo of your passport
- Upload a photo of your passport card

▪ **Option 2:**

- I don't live in the United States (**International**)
  - » **Slides 21-30**

**Note:** You must use an active / valid license, state ID, or Passport

The screenshot shows the ID.me + U.S. Department of the Treasury identity verification interface. At the top, it says "ID.me + U.S. DEPARTMENT OF THE TREASURY". Below this is the heading "VERIFY YOUR IDENTITY". The text explains that there are several options to verify identity and that the process only takes a few minutes, and that the user will only need to verify their identity once. It also states that the system will need permission to use details from the user's credit profile and other public sources to verify their identity, and that this won't affect their credit score. Below this is a section titled "Choose a verification method". There are three options listed, each with an icon and a "Start now" button. The first option, "Upload photos of your license or state ID", is highlighted with a red box. The second option is "Upload a photo of your passport", and the third is "Upload photos of your passport card". At the bottom, there is a link "I don't live in the United States" which is also highlighted with a red box.

**ID.me + U.S. DEPARTMENT OF THE TREASURY**

**VERIFY YOUR IDENTITY**

There are several options for you to verify your identity and this process only takes a few minutes. You'll only need to verify your identity once.

We'll need your permission to use details from your credit profile and other public sources to verify your identity. Don't worry, this won't affect your credit score.

**Choose a verification method**

**Upload photos of your license or state ID**  
Upload photos of your driver's license or state ID, and enter your social security number.  
**Start now**

**Upload a photo of your passport**  
Upload a photo of your passport and enter your social security number.  
**Start now**

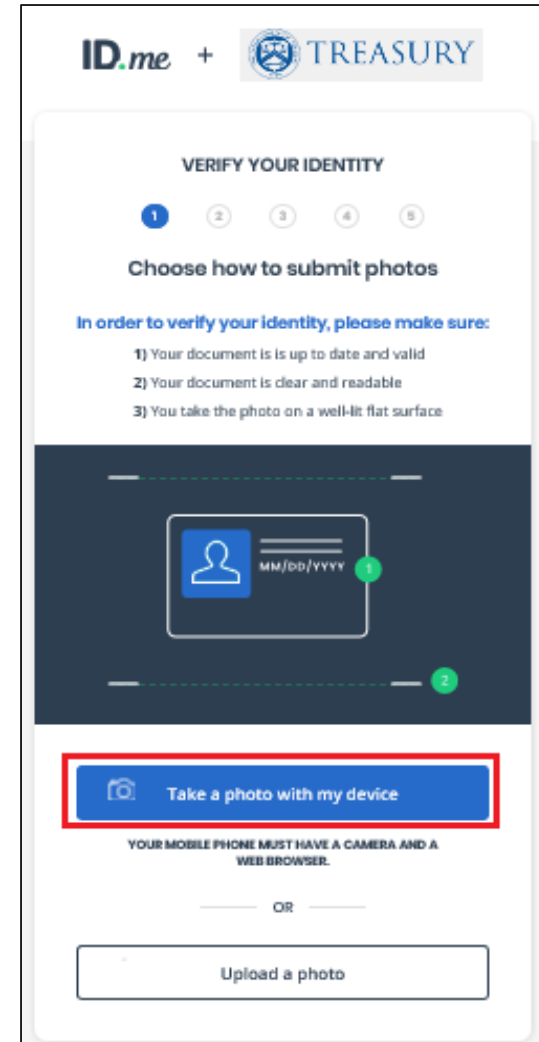
**Upload photos of your passport card**  
Upload photos of your passport card and enter your social security number.  
**Start now**

[I don't live in the United States](#)

## ► Step 1

- Choose how to submit photos
  - Take a picture with my device
  - Upload a photo

**Note:** This presentation captures screen shots for the first option: Take a picture with my device.




The screenshot shows the ID.me + TREASURY verification interface. At the top, it says "ID.me + TREASURY". Below that, it says "VERIFY YOUR IDENTITY" with a progress bar showing steps 1 through 5, with step 1 being the current step. The main heading is "Choose how to submit photos". Below that, it says "In order to verify your identity, please make sure:" followed by three numbered instructions: 1) Your document is up to date and valid, 2) Your document is clear and readable, and 3) You take the photo on a well-lit flat surface. Below the instructions, there is a dark blue box with a white outline of a document. Inside the outline, there is a blue square with a white person icon, and to its right, the text "MM/DD/YYYY" with a green circle containing the number 1. Below the dark blue box, there is a red-bordered button with a camera icon and the text "Take a photo with my device". Below the button, it says "YOUR MOBILE PHONE MUST HAVE A CAMERA AND A WEB BROWSER." Below that, it says "OR" and then a button with the text "Upload a photo".

# Option 1: Upload Photos of Your License or State ID



- ▶ Step 1 (continued)
  - Enter **your phone number**
  - Select **Continue**

**ID.me** +  **TREASURY**

**VERIFY YOUR IDENTITY**

1 — 2 — 3 — 4 — 5

**Take photos with your phone**

Enter your mobile phone number, and we'll text you a link to take photos of your document.

[Enter your mobile phone number](#)

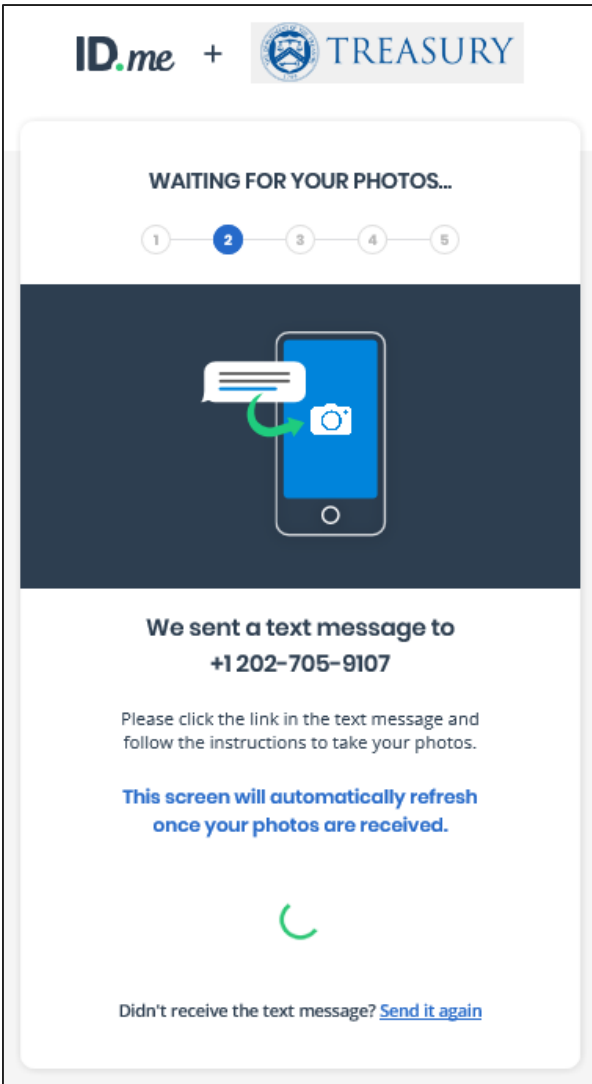
( ) - - - -

**YOUR MOBILE PHONE MUST HAVE A CAMERA AND A WEB BROWSER.**

**Back** **Continue**

- ▶ Step 1 (continued)
  - A text message will be sent to your phone

**Note:** Your current web browser session is suspended until you respond to the action required.



The screenshot shows a web interface for ID.me + TREASURY. At the top, the text "WAITING FOR YOUR PHOTOS..." is displayed above a progress bar with five steps, where step 2 is currently active. Below this is a dark blue section featuring an illustration of a smartphone with a camera icon and a green circular arrow indicating a refresh or retry action. The main content area is white and contains the text: "We sent a text message to +1 202-705-9107". Below this, it says "Please click the link in the text message and follow the instructions to take your photos." A blue note states: "This screen will automatically refresh once your photos are received." At the bottom, there is a green circular arrow icon and a link that says "Didn't receive the text message? [Send it again](#)".



# Option 1: Upload Photos of Your License or State ID




## ► Step 2

- ID.me will send a text to your phone
- Select the link from your phone to upload the front and back of your photo ID


This message is from [ID.me](https://verify.id.me/en/phone/PHrxGQeQ).  
Please click the following link to  
upload a picture of your ID:  
[https://verify.id.me/en/phone/  
PHrxGQeQ](https://verify.id.me/en/phone/PHrxGQeQ)

TAKE PHOTOS WITH YOUR PHONE


1 — 2 — 3 — 4 — 5



Take photo of your driver's license  
(FRONT)



Take photo of your driver's license  
(BACK)



► Step 3

- Consent to ID.me capturing biometric information
- Select upload a video selfie
- Follow the instructions carefully to take the video selfie

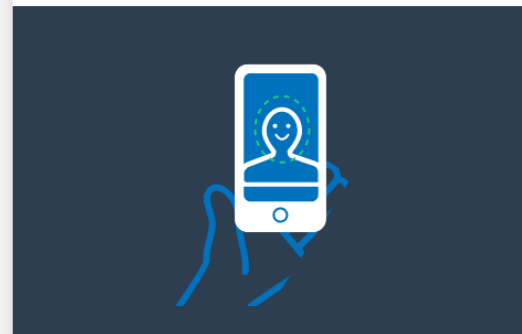
*For more information on how to upload a video selfie, please reference this [help article](#) or this [user guide](#).*

ID.me +  TREASURY

VERIFY YOUR IDENTITY



Let's take a selfie

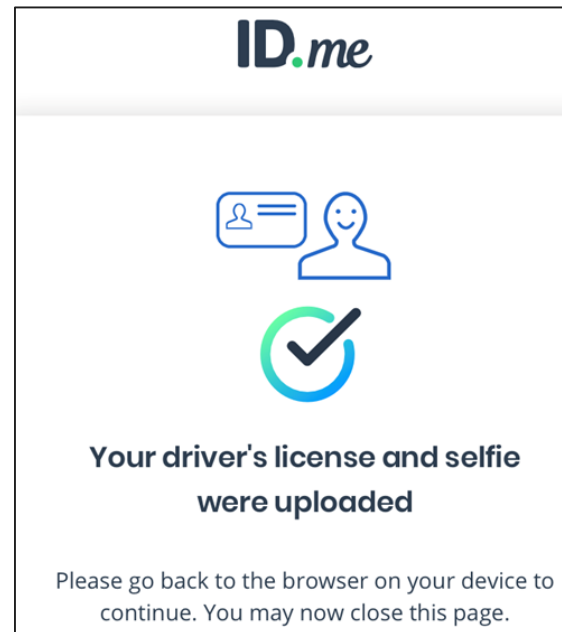


Take a photo with my device

YOUR MOBILE PHONE MUST HAVE A CAMERA AND A  
WEB BROWSER.

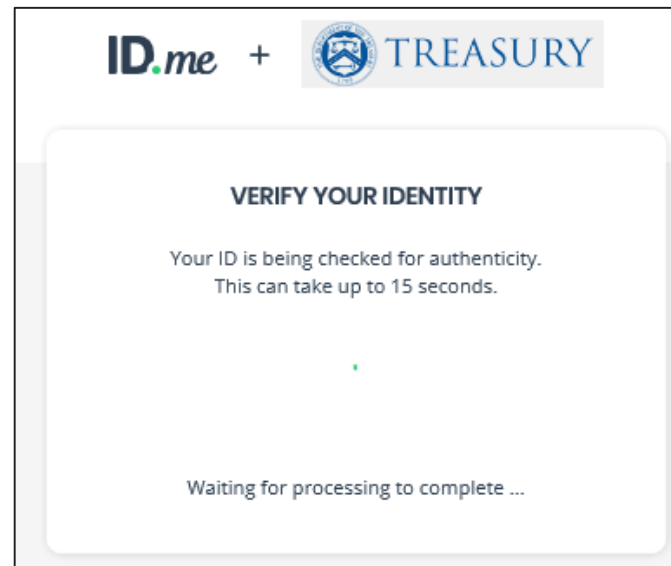
[What is ID.me?](#) | [Terms of Service](#) | [Privacy Policy](#)

- ▶ Step 3 (continued)
  - Once you have completed the front and back license photos and video selfie, the following message is displayed on your phone.
  - You should return to your browser session



► Step 3 (continued)


- Your browser session indicates the system is in process of verifying your identity
- It may take up to 15 seconds
- An additional screen may appear for manual data input if ID.me cannot verify information on your license



**Note:** If ID.me cannot verify your information from your license, an additional screen may appear for you to input your data manually.

## ► Step 4

- Enter **9 digit Social Security Number**
- A text will be sent to cell phone number
- Select **Continue**



**VERIFY YOUR IDENTITY**

1 — 2 — 3 — **4** — 5

**Enter your Social Security number**

The Social Security number is used as a unique identifier to confirm identity. This will not affect your credit score.

**Social Security Number \***

#####

Back Continue





► Step 5

- Confirm information
- Check box – **Accept the use of Fair Credit Reporting Act**
- Select **Continue**

**Note:** Please verify the information listed

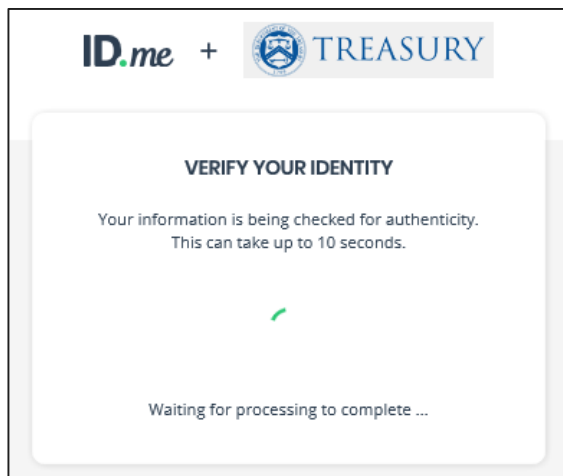
The screenshot shows the 'VERIFY YOUR IDENTITY' interface for ID.me + Treasury. It is Step 5 of a 5-step process. The section is titled 'Confirm your information' and states: 'We will securely use the following information to verify your identity against trusted sources.' Below this is a dropdown menu labeled 'What does this mean?'. The form contains several sections with blue headers and 'EDIT' links:

- Personal information:** Fields for First Name, Middle Name, Last Name, Gender, and Date of birth, all with blacked-out text.
- Home address:** Fields for Street, City, State (VA), and Zip Code, all with blacked-out text.
- Phone number:** Field for Mobile Phone with blacked-out text.

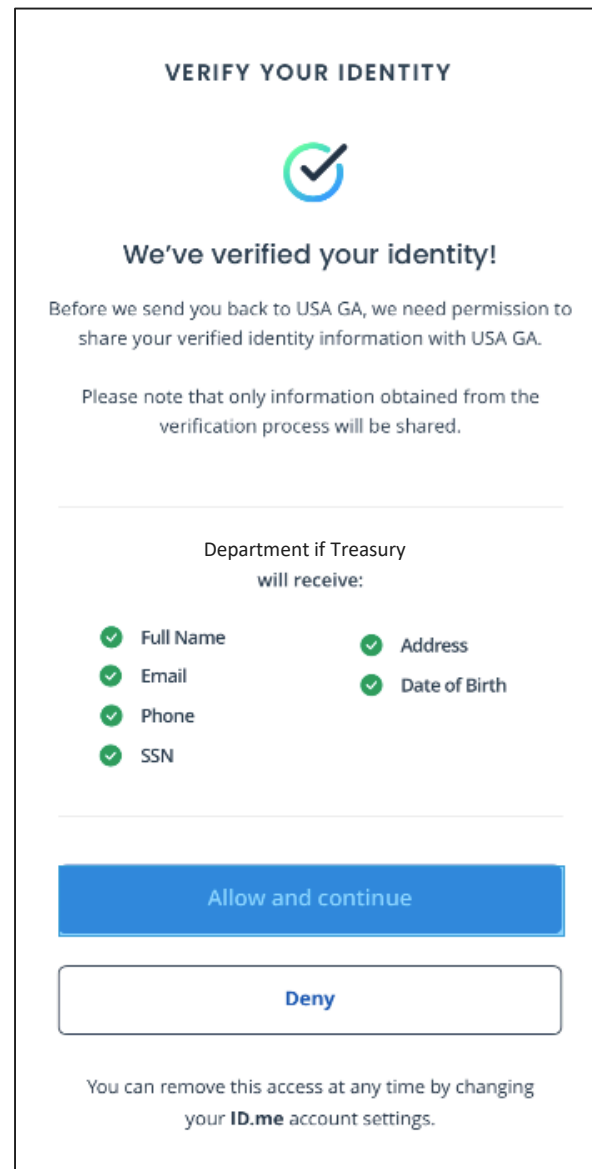
At the bottom, there is a checkbox with a red border and the text: 'The information I've provided is correct, and I accept the use of [Fair Credit Reporting Act](#) data to verify my identity.' Below this is another dropdown menu labeled 'What is The Federal Fair Credit Reporting Act?'. At the very bottom are two buttons: 'Back' and 'Continue'. The 'Continue' button is highlighted with a red border.

► Step 5 (continued)

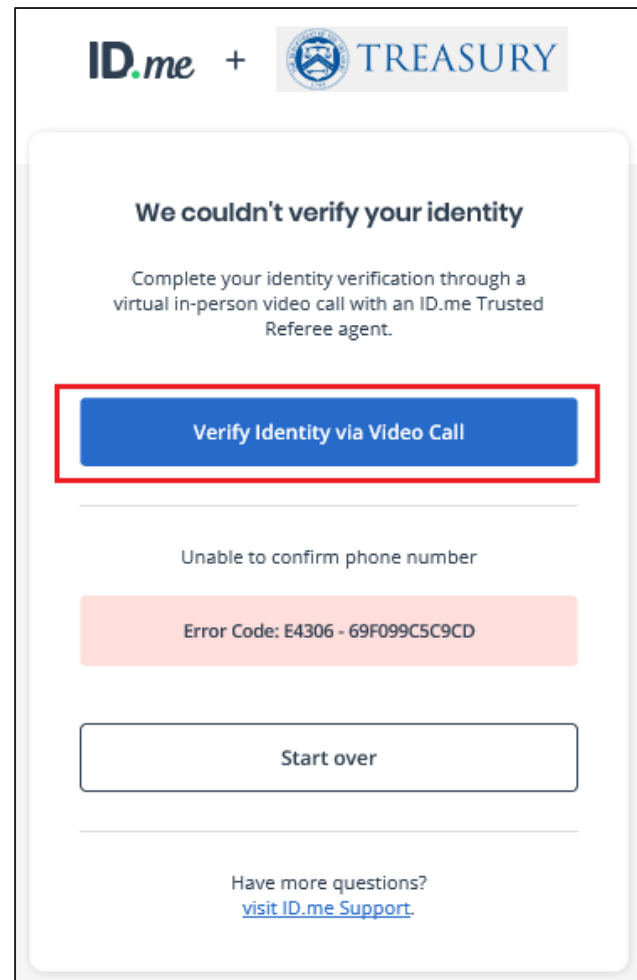
- Your browser session indicates the system is in process of verifying your identity
- Consent to sharing your information with the Department of Treasury
- ID.me will send you a Congratulations email
- **Skip to Slide 36** if ID.me completed your identity verification



**Note:** If ID.me cannot verify your SSN or phone number, an additional screen may appear for you to input your data manually.

A screenshot of the "VERIFY YOUR IDENTITY" screen. It features a large green checkmark icon and the text: "We've verified your identity!". Below this, it states: "Before we send you back to USA GA, we need permission to share your verified identity information with USA GA." and "Please note that only information obtained from the verification process will be shared." A section titled "Department of Treasury will receive:" lists the following information: Full Name, Address, Email, Date of Birth, Phone, and SSN. At the bottom, there are two buttons: "Allow and continue" (blue) and "Deny" (white). A footer note says: "You can remove this access at any time by changing your ID.me account settings."

- ▶ If ID.me could not verify your identity:
  - Select Verify Identify via Video Call
  - Start Over (Optional)
    - Select one of the options to setup two-factor authentication
      - » Text Message or Phone Call **(Preferred)**
      - » Push Notification
      - » Code Generator Application
      - » FIDO U2F Security Key
      - » Mobile Yubikey

A screenshot of the ID.me verification interface. At the top, it says "ID.me + U.S. DEPARTMENT OF THE TREASURY". The main heading is "We couldn't verify your identity". Below it, a message says: "Complete your identity verification through a virtual in-person video call with an ID.me Trusted Referee agent." A blue button labeled "Verify Identity via Video Call" is highlighted with a red rectangle. Below this, it says "Unable to confirm phone number" and shows an "Error Code: E4306 - 69F099C5C9CD" in a pink box. At the bottom, there is a "Start over" button and a link to "visit ID.me Support".

ID.me + U.S. DEPARTMENT OF THE TREASURY

**We couldn't verify your identity**

Complete your identity verification through a virtual in-person video call with an ID.me Trusted Referee agent.

**Verify Identity via Video Call**

Unable to confirm phone number

Error Code: E4306 - 69F099C5C9CD

**Start over**

Have more questions?  
[visit ID.me Support.](#)



**Option A:** User initiates Virtual In-Person Identity Proofing by selecting “I don’t live in the United States”

**VERIFY YOUR IDENTITY**

There are several options for you to verify your identity and this process only takes a few minutes. You'll only need to verify your identity once.

We'll need your permission to use details from your credit profile and other public sources to verify your identity. Don't worry this won't affect your credit score.

This process only takes a few minutes.

**Choose a verification method**

**Upload photos of your driver's license**  
Upload photos of your driver's license and enter your social security number. Then we'll confirm your identity with public records. [Start Now](#)

**Upload a photo of your passport**  
Upload a photo of your passport and enter your social security number. Then we'll confirm your identity with public records. [Start Now](#)

**Upload photos of your passport Card**  
Upload photos of your passport and enter your social security number. Then we'll confirm your identity with public records. [Start Now](#)

[I don't live in the United States](#)

**Option B:** User initiates Virtual In-Person Identity Proofing after one unsuccessful online (self-service) identity proofing attempt

**ID.me +**

**We couldn't verify your identity**

Complete your identity verification through a virtual in-person video session with an ID.me Trusted Referee agent.

[Verify Identity via Video Call](#)

We're sorry, but your information could not be verified. Please ensure that your information was entered correctly and try again.

**Error Code: E4201 - B7E4D6E15713**

[Retry Verification](#)


Have more questions?  
[Visit ID.me Support](#)

What is ID.me? | [Terms of Service](#) | [Privacy Policy](#)


# Option 2: How to start a Virtual In-Person Proofing Session



- ▶ Review the overview of the 3 step identity verification process
- ▶ When you are ready to proceed, select “Get Started”



### BOOK A FREE LIVE VIDEO IDENTITY VERIFICATION SESSION



Complete your identity verification via a Trusted Referee in three easy steps

- 1) Confirm your personal information
- 2) Select and upload identification documents  
[View list of eligible documents](#)
- 3) Attend the live video web session

Get your identity verified in 15 minutes or less!

TRUSTED REFEREES ARE TRAINED AND CERTIFIED TO INSPECT YOUR IDENTIFICATION DOCUMENTS AND VERIFY YOUR IDENTITY DURING YOUR ONLINE SESSION.

Go BackGet Started


[What is ID.me?](#) | [Terms of Service](#) | [Privacy Policy](#)



# Option 2: How to start a Virtual In-Person Proofing Session



- Confirm that your personal information shown on the screen is accurate and select **Continue**



**MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY**

Confirm your personal information

Please update any personal details in the form below.

**Email\***

**Phone**

**First Name\***

**Middle Name**

**Last Name\***

**Suffix**

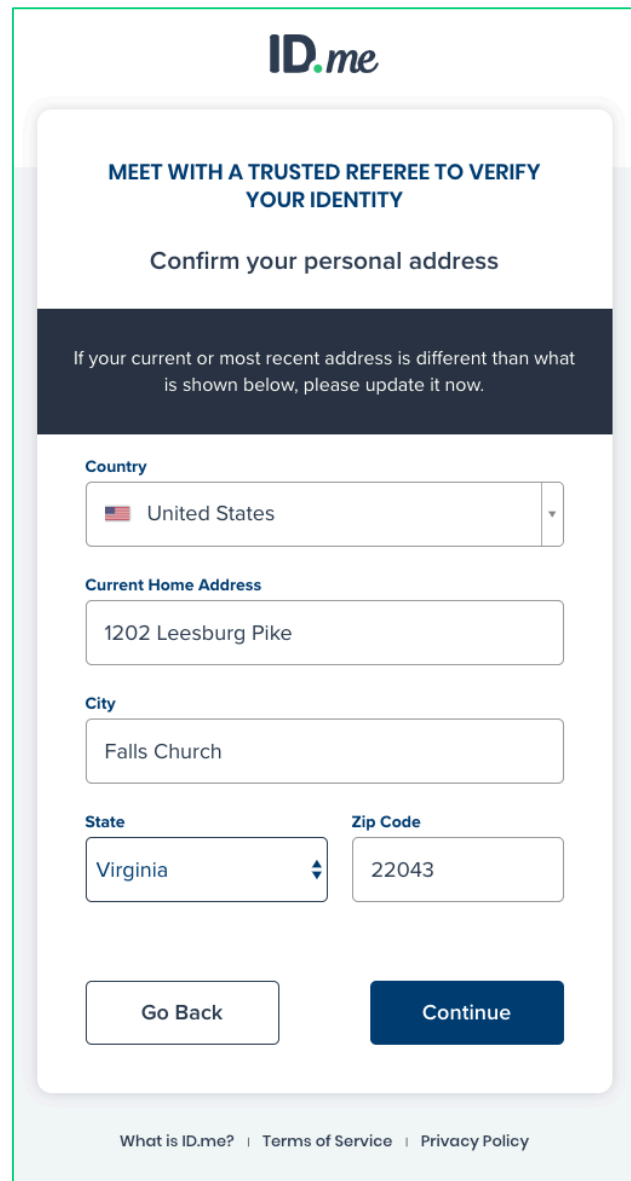
**Social Security\***

**Date of Birth\***

**Continue**

[What is ID.me?](#) | [Terms of Service](#) | [Privacy Policy](#)

- Confirm that the address shown on the screen is your current or most recent address and select **Continue**



The image shows a screenshot of the ID.me verification interface. At the top, the ID.me logo is displayed. Below it, the heading reads "MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY". The main instruction is "Confirm your personal address". A dark blue banner contains the text: "If your current or most recent address is different than what is shown below, please update it now." The form fields are as follows: "Country" is a dropdown menu showing "United States" with a US flag icon; "Current Home Address" is a text box containing "1202 Leesburg Pike"; "City" is a text box containing "Falls Church"; "State" is a dropdown menu showing "Virginia"; and "Zip Code" is a text box containing "22043". At the bottom, there are two buttons: "Go Back" and "Continue". A footer at the very bottom contains links: "What is ID.me?", "Terms of Service", and "Privacy Policy".

**ID.me**

**MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY**

Confirm your personal address

If your current or most recent address is different than what is shown below, please update it now.

**Country**

United States

**Current Home Address**

1202 Leesburg Pike

**City**

Falls Church

**State**

Virginia

**Zip Code**

22043

Go Back Continue

What is ID.me? | Terms of Service | Privacy Policy

# Option 2: How to start a Virtual In-Person Proofing Session



- ▶ You can either upload two (2) Primary IDs or one (1) Primary and two (2) Secondary IDs as evidence
- ▶ In the example shown on this slide, the user chose two Primary IDs and was prompted to select them via the dropdown menu at the bottom of the screen
- ▶ The user chose the U.S. Passport and Driver's License, which we will see on the next screen

**Note:** You must use an active / valid license, state ID, or Passport

The screenshot shows the ID.me verification screen. At the top is the ID.me logo. Below it is the heading "MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY". An illustration shows a hand pointing to a document with checkmarks. The text states: "We need two primary IDs or one primary plus two secondary IDs to proceed". Below this is a grey box with the text: "A TRUSTED REFEREE WILL VERIFY YOUR IDENTITY BY INSPECTING THE DOCUMENTS YOU UPLOAD." There are two selection boxes: "2 Primary" (selected with a blue checkmark) and "1 Primary & 2 Secondary". Below these is a link: "What is a Primary or Secondary Document?". A note says: "You'll need to submit images of the original documents, not photo copies." There are two dropdown menus for "Primary ID #1" and "Primary ID #2". The first dropdown is set to "U.S. Passport" and has a green checkmark with the text "You have already uploaded this document." below it. The second dropdown is set to "Select a document". At the bottom are "Go Back" and "Continue" buttons.

**ID.me**

MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY

We need two primary IDs or one primary plus two secondary IDs to proceed

A TRUSTED REFEREE WILL VERIFY YOUR IDENTITY BY INSPECTING THE DOCUMENTS YOU UPLOAD.

2 Primary

1 Primary & 2 Secondary

[What is a Primary or Secondary Document?](#)

You'll need to submit images of the original documents, not photo copies.

Primary ID #1 U.S. Passport

✓ You have already uploaded this document.

Primary ID #2 Select a document

Go Back Continue

# Option 2: How to start a Virtual In-Person Proofing Session



- The user in this example is given the option to either upload photos of their documents from their computer or take them directly with their mobile phone

The screenshot shows the ID.me verification process. At the top is the ID.me logo. Below it, the text reads "MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY". The next section is titled "Chose how to securely submit photos" (note the typo "Chose"). Under this is a "Quick tips" section with two numbered instructions: "1) Verify that your documents are up-to-date" and "2) Take the photo in a well-lit area on a flat surface". Below the tips, a message states: "You can submit photos from your current connection or we can send a text to your mobile phone so you can take photos with it." The interface then splits into two main options. The first option, highlighted with a blue background, shows a placeholder for a photo and a date field "MM/DD/YYYY" with a green circle containing the number "1" next to it. Below this is a green circle containing the number "2". The second option is a button labeled "Take photos with phone" with a camera icon. Below this button is a note: "YOUR MOBILE PHONE MUST HAVE A CAMERA AND A WEB BROWSER." Below this is the word "OR" flanked by horizontal lines. The third option is a button labeled "Upload photos from your computer" with an upload icon. At the bottom is a "Go Back" button.

ID.me

MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY

Chose how to securely submit photos

Quick tips

1) Verify that your documents are up-to-date

2) Take the photo in a well-lit area on a flat surface

You can submit photos from your current connection or we can send a text to your mobile phone so you can take photos with it.

1

2

Take photos with phone

YOUR MOBILE PHONE MUST HAVE A CAMERA AND A WEB BROWSER.

OR

Upload photos from your computer

Go Back



- ▶ You will be taken through each step of the upload process based on the pieces of identity evidence you select

**ID.me**

**MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY**

Required documentation

**Driver's License**

**FRONT** **BACK**

✓

We have a photo of the  
Front your Driver's License

[Change](#)

**Choose**

**U.S. Passport**

**FRONT**

✓

We have a photo of the  
Front your U.S. Passport

[Change](#)

**Go Back** **Continue**





- ▶ Enter your mobile phone number, and you will be texted a link to capture a photo of yourself (selfie capture)

The screenshot shows the ID.me verification screen. At the top is the ID.me logo. Below it, the text reads "MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY". This is followed by the instruction "Take a selfie". Below that, it says "Enter your mobile phone number, and we'll text you a link to take a selfie." There is a "Phone" label above a text input field. The input field contains a dropdown menu showing the United States flag and the phone number "(703) 953-2346". Below the input field, a note states "Your mobile phone must have a camera and web browser." At the bottom, there are two buttons: "Go Back" and "Continue".


**ID.me**

**MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY**

Take a selfie

Enter your mobile phone number, and we'll text you a link to take a selfie.

Phone

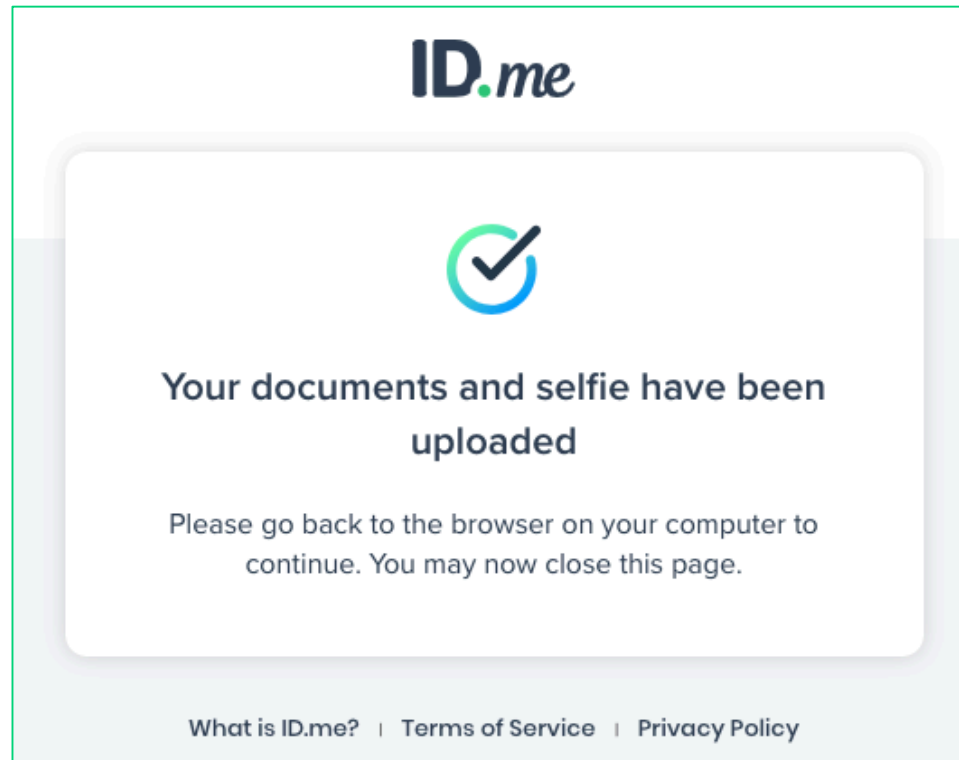
 (703) 953-2346

Your mobile phone must have a camera and web browser.

[Go Back](#) [Continue](#)



- Once you capture and successfully upload your selfie, you will receive a confirmation screen that prompts you to return to your original browser to resume the session



# Option 2: How to start a Virtual In-Person Proofing Session



- Review your personal information to ensure it is correct and then select **Continue**

The screenshot shows the ID.me verification interface. At the top, the ID.me logo is displayed. Below it, the heading reads "MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY". The main section is titled "Confirm your information" and includes a subtext: "We'll verify the information you've entered with details from your credit profile". The form is divided into several sections, each with a dark blue header and an "EDIT" link. The first section is "Full Legal Name", which includes fields for First Name (VERONICA), Middle Name, Last Name (PERSINGER), and Date of Birth (07/09/1942). The second section is "Current home address", which includes fields for Street (1202 Leesburg Pike), City (Falls Church), State (VA), Zip Code (22043), and Country (US). The third section is "Phone", which includes a field for Mobile Number (+1 703-953-2346). Below these sections is a "Documents and Selfie" section, which includes three rows, each with a green checkmark, a label, and a button: "Driver's License" with a "Reupload" button, "U.S. Passport" with a "Reupload" button, and "Selfie" with a "Retake" button. At the bottom of the form is a large dark blue button labeled "Continue".

**ID.me**

**MEET WITH A TRUSTED REFEREE TO VERIFY YOUR IDENTITY**

**Confirm your information**

We'll verify the information you've entered with details from your credit profile

**Full Legal Name** [EDIT](#)

First Name VERONICA

Middle Name

Last Name PERSINGER

Date of Birth 07/09/1942

**Current home address** [EDIT](#)

Street 1202 Leesburg Pike

City Falls Church

State VA

Zip Code 22043

Country US

**Phone** [EDIT](#)

Mobile Number +1 703-953-2346

**Documents and Selfie**

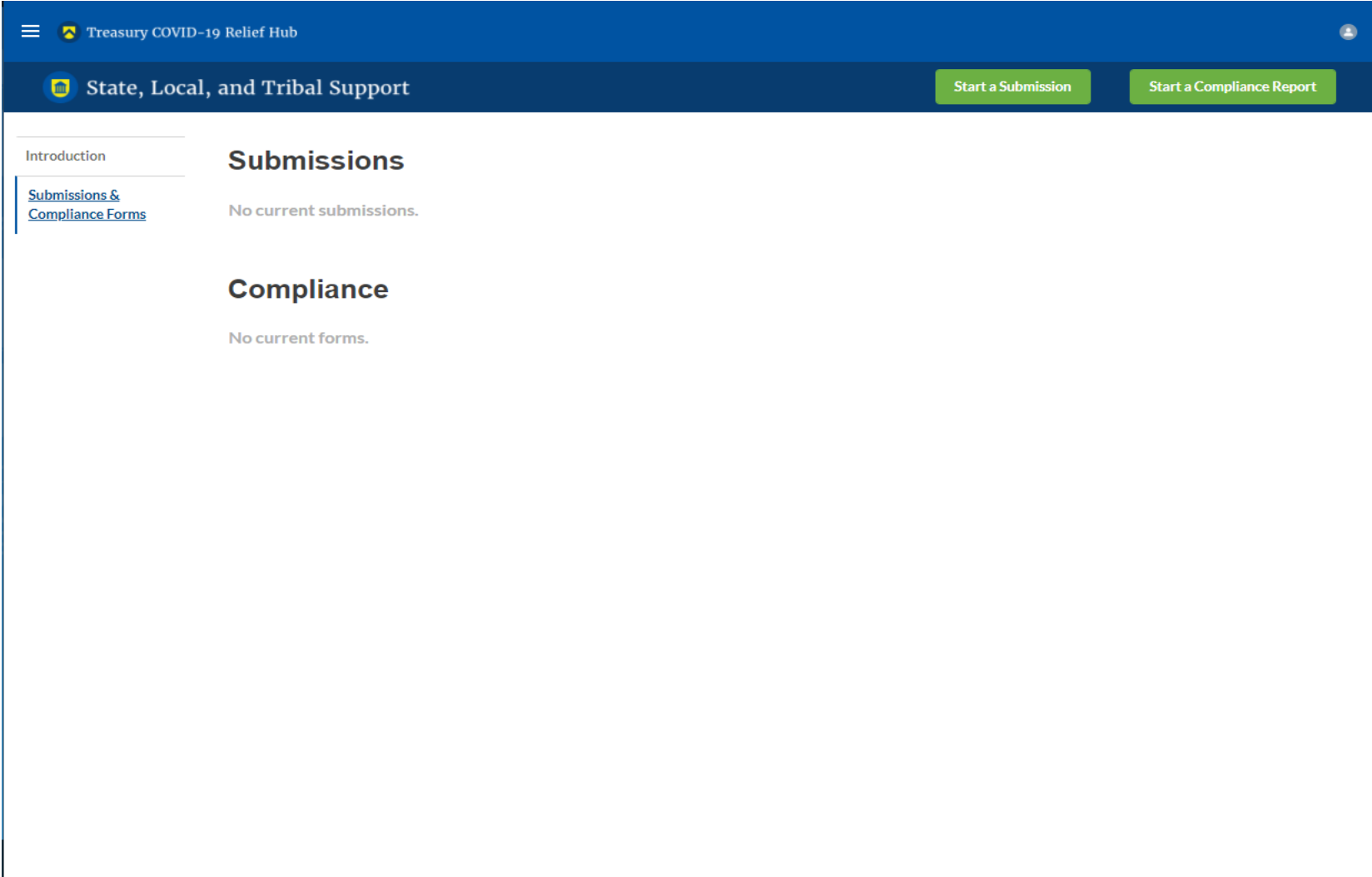
✓ Driver's License [Reupload](#)

✓ U.S. Passport [Reupload](#)

✓ Selfie [Retake](#)

**Continue**

- Once ID.me identity verification is complete, you will be redirected to the SLT Application Portal landing page



The screenshot displays the Treasury COVID-19 Relief Hub interface. The top navigation bar is blue with a hamburger menu icon, a Treasury logo, and the text "Treasury COVID-19 Relief Hub". Below this, a dark blue banner reads "State, Local, and Tribal Support" with two green buttons: "Start a Submission" and "Start a Compliance Report". The main content area has a left sidebar with links for "Introduction", "Submissions & Compliance Forms", and "Compliance Forms". The main content area is divided into two sections: "Submissions" with the text "No current submissions." and "Compliance" with the text "No current forms."



- Sign in with ID.me Account



Sign in to ID.me

[Or create an ID.me account](#)

Email

Enter your email

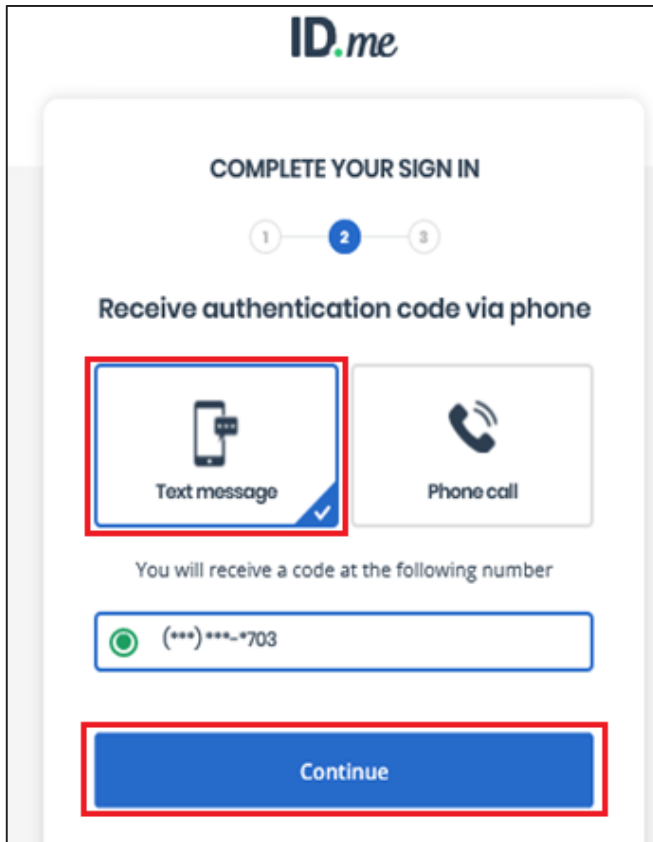
Password

Enter your password

Sign in to ID.me



- ▶ Complete Logon
  - ▶ Receive authentication code via phone
  - ▶ Select Continue (left)
  - ▶ Select Continue (right)



**ID.me**

COMPLETE YOUR SIGN IN

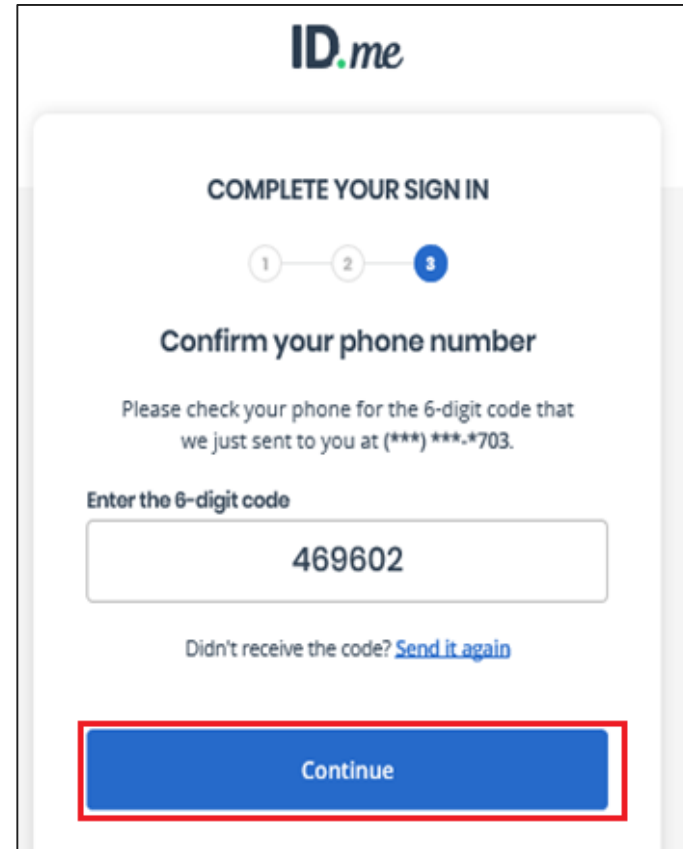
1 — 2 — 3

Receive authentication code via phone

☒ Text message ☐ Phone call

You will receive a code at the following number

**Continue**



**ID.me**

COMPLETE YOUR SIGN IN

1 — 2 — 3

Confirm your phone number

Please check your phone for the 6-digit code that we just sent to you at ((\*)\*)\*703.

Enter the 6-digit code

Didn't receive the code? [Send it again](#)

**Continue**

Treasury COVID-19 Relief Hub

State, Local, and Tribal Support

Start a Submission

Start a Compliance Report

Introduction

Submissions & Compliance Forms

Submissions

No current submissions.

Compliance

No current forms.

**Note:** Successful logon (authentication) to SLT Portal



For assistance with technical issues with SLT Portal, please contact [covidreliefitsupport@treasury.gov](mailto:covidreliefitsupport@treasury.gov)

For additional information on verifying your information with ID.me, navigate to the [ID.me + Treasury support page](#). Some helpful articles and user guides are linked below.

► Help Articles:

- [Can I use Native American / Tribal documents as a form of evidence for identity verification?](#)
- [How do I verify my identity to access my Treasury account?](#)
- [How do I take and submit a selfie or video selfie?](#)
- [How do I 'upgrade my credential' with a video selfie?](#)

► User Guides:

- [How to verify your identity](#)
- [How to take a video selfie](#)
- [How to verify your identity on a video call](#)

Frequently Asked Questions	Answer
<b>How do I contact ID.me for assistance?</b>	Please navigate to <a href="https://help.id.me">help.id.me</a> to interact with ID.me's virtual assistant (on the lower right) or to submit a help request. ID.me's support team is available 24 hours a day, 7 days a week and will respond to your question as soon as possible.

# Hints and Tips for Using Treasury's Portal

## Designating SLFRF Points of Contact by SLFRF Account Administrators

This Hints and Tips document provides a brief instruction for SLFRF Account Administrators on accessing Treasury's Portal to provide the names and contact information of officials to be designated as your organization's points of contact for the SLFRF award(s). The following pages provide step-by-step guidance. See Section B for commonly asked questions/answers on this topic.

Note- the screens noted below may be subject to change.

### Section A: Instructions

#### Step 1

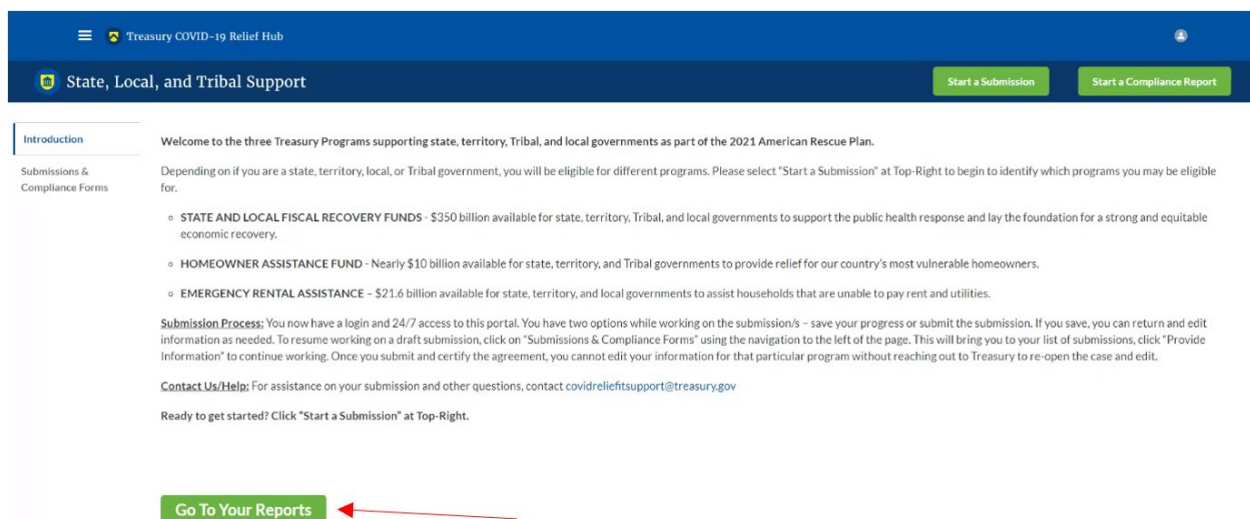
You must be registered in the ID.me system to access Treasury's Portal. You can refer to the accompanying guidance on registering in the ID.me system. If you have questions about registering in ID.me, please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov).

#### Step 2

Once you are registered in ID.me, click on the link in the email you received requesting the POC designations. If you do not have the email link, please email us via [SLFRP@Treasury.gov](mailto:SLFRP@Treasury.gov) and we will provide the link.

#### Step 3

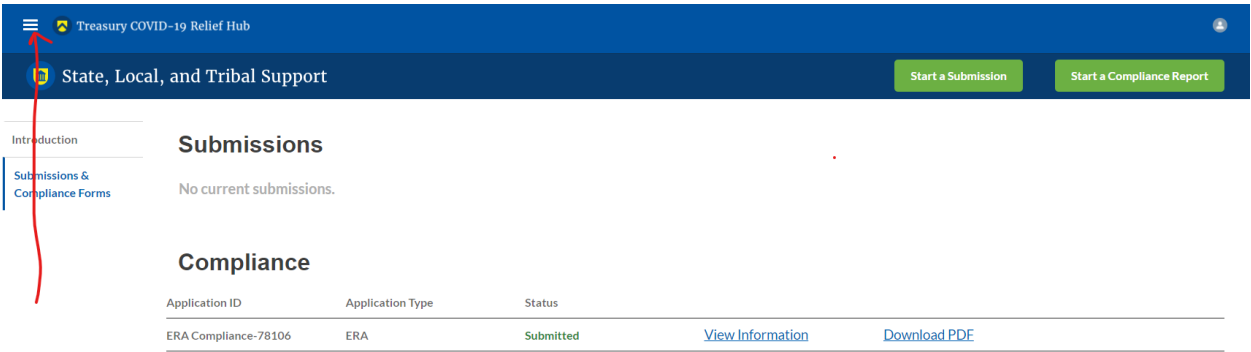
The link will take you to the Treasury Portal "State, Local, and Tribal Support" landing page as shown below. Once on that page, click on the *Go to Your Report* button at the bottom left of the screen, as indicated in by the red arrow below.



#### Step 4

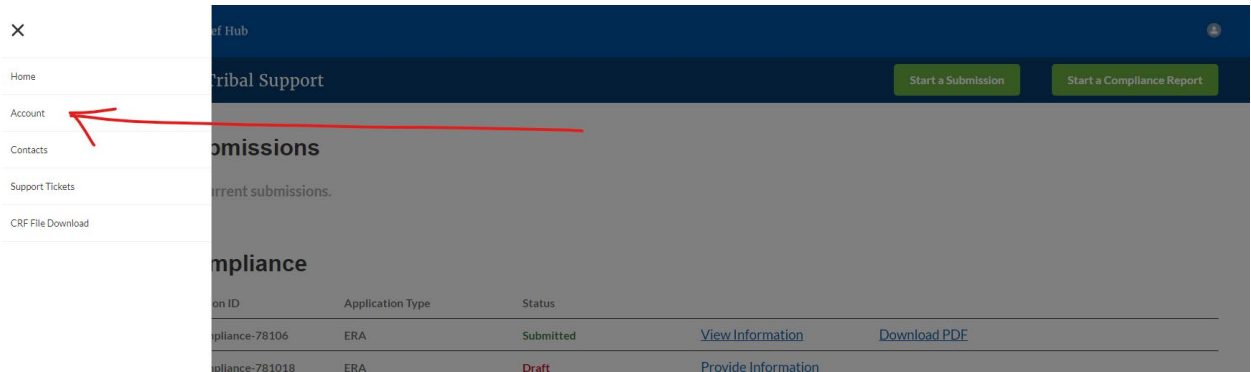
The green *Go to Your Report* button will take you to the Submissions and Compliance page as

shown below. Once on that page, click on the three-line navigation icon at the top left of the screen. The red arrow below is pointing to the icon.



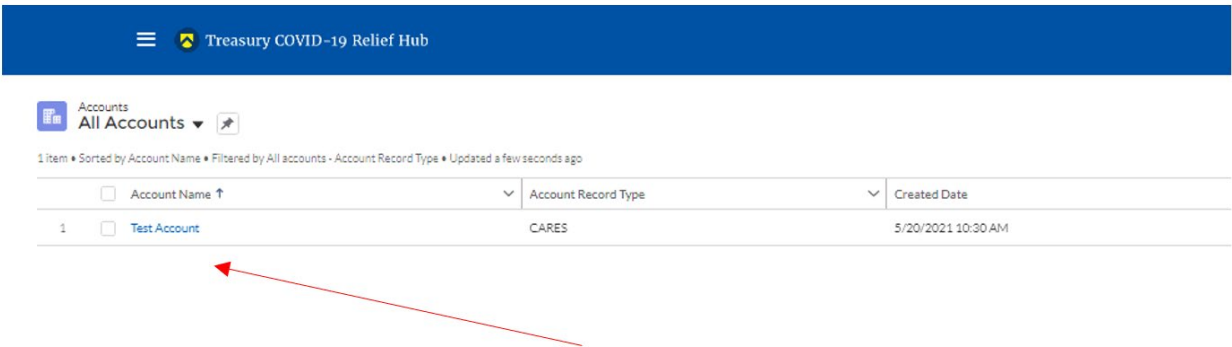
Step 5

After clicking on the three-line navigation icon, a drop-down menu will appear on the top left of the screen as shown below. Please click on “Account” from the drop-down menu, as shown by the red arrow below.



Step 6

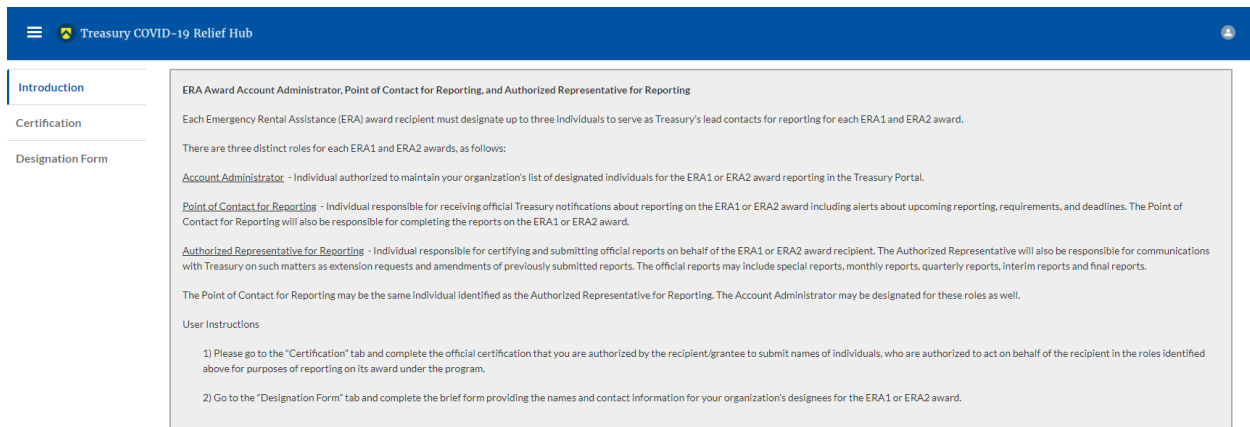
Next you will see the screen below. Under the “Account Name” heading, click on the name of your organization (as shown by the red arrow).



Step 7

By clicking the name of your organization, Treasury’s portal will open to allow you to provide names and contact information on your organization’s designees for the SLFRF reports, as shown below. The landing page provides basic information about the designations. Please see section B for more details about the roles and responsibilities for each or the three roles.





**Treasury COVID-19 Relief Hub**

**Introduction**

**Certification**

**Designation Form**

**ERA Award Account Administrator, Point of Contact for Reporting, and Authorized Representative for Reporting**

Each Emergency Rental Assistance (ERA) award recipient must designate up to three individuals to serve as Treasury's lead contacts for reporting for each ERA1 and ERA2 award.

There are three distinct roles for each ERA1 and ERA2 awards, as follows:

**Account Administrator** - Individual authorized to maintain your organization's list of designated individuals for the ERA1 or ERA2 award reporting in the Treasury Portal.

**Point of Contact for Reporting** - Individual responsible for receiving official Treasury notifications about reporting on the ERA1 or ERA2 award including alerts about upcoming reporting, requirements, and deadlines. The Point of Contact for Reporting will also be responsible for completing the reports on the ERA1 or ERA2 award.

**Authorized Representative for Reporting** - Individual responsible for certifying and submitting official reports on behalf of the ERA1 or ERA2 award recipient. The Authorized Representative will also be responsible for communications with Treasury on such matters as extension requests and amendments of previously submitted reports. The official reports may include special reports, monthly reports, quarterly reports, interim reports and final reports.

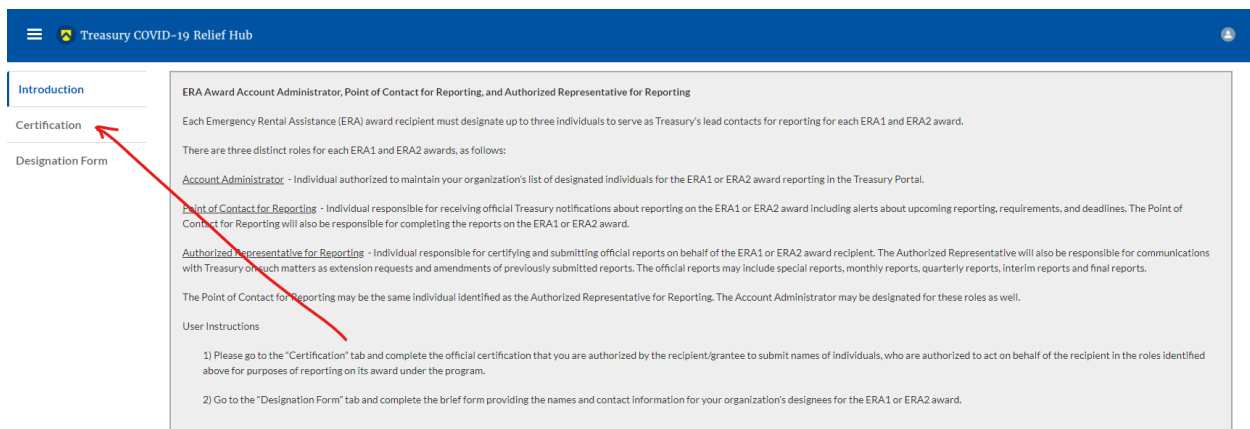
The Point of Contact for Reporting may be the same individual identified as the Authorized Representative for Reporting. The Account Administrator may be designated for these roles as well.

**User Instructions**

- 1) Please go to the "Certification" tab and complete the official certification that you are authorized by the recipient/grantee to submit names of individuals, who are authorized to act on behalf of the recipient in the roles identified above for purposes of reporting on its award under the program.
- 2) Go to the "Designation Form" tab and complete the brief form providing the names and contact information for your organization's designees for the ERA1 or ERA2 award.

## Step 8

When you are ready to key in the names of the designated individuals, click on the "Certification" button on the left navigation bar, as noted in the red arrow as shown below.



**Treasury COVID-19 Relief Hub**

**Introduction**

**Certification**

**Designation Form**

**ERA Award Account Administrator, Point of Contact for Reporting, and Authorized Representative for Reporting**

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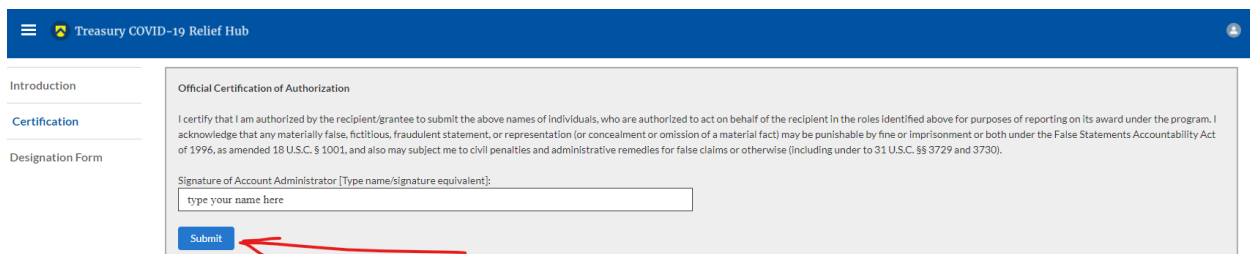
The Point of Contact for Reporting may be the same individual identified as the Authorized Representative for Reporting. The Account Administrator may be designated for these roles as well.

**User Instructions**

- 1) Please go to the "Certification" tab and complete the official certification that you are authorized by the recipient/grantee to submit names of individuals, who are authorized to act on behalf of the recipient in the roles identified above for purposes of reporting on its award under the program.
- 2) Go to the "Designation Form" tab and complete the brief form providing the names and contact information for your organization's designees for the ERA1 or ERA2 award.

## Step 9

On the "Official Certification of Authorization" screen, you should type in your name to indicate you are authorized to submit the names of the designated individuals. Once you enter your name, click on the **Submit** button.



**Treasury COVID-19 Relief Hub**

**Introduction**

**Certification**

**Designation Form**

**Official Certification of Authorization**

I certify that I am authorized by the recipient/grantee to submit the above names of individuals, who are authorized to act on behalf of the recipient in the roles identified above for purposes of reporting on its award under the program. I acknowledge that any materially false, fictitious, fraudulent statement, or representation (or concealment or omission of a material fact) may be punishable by fine or imprisonment or both under the False Statements Accountability Act of 1996, as amended 18 U.S.C. § 1001, and also may subject me to civil penalties and administrative remedies for false claims or otherwise (including under to 31 U.S.C. §§ 3729 and 3730).

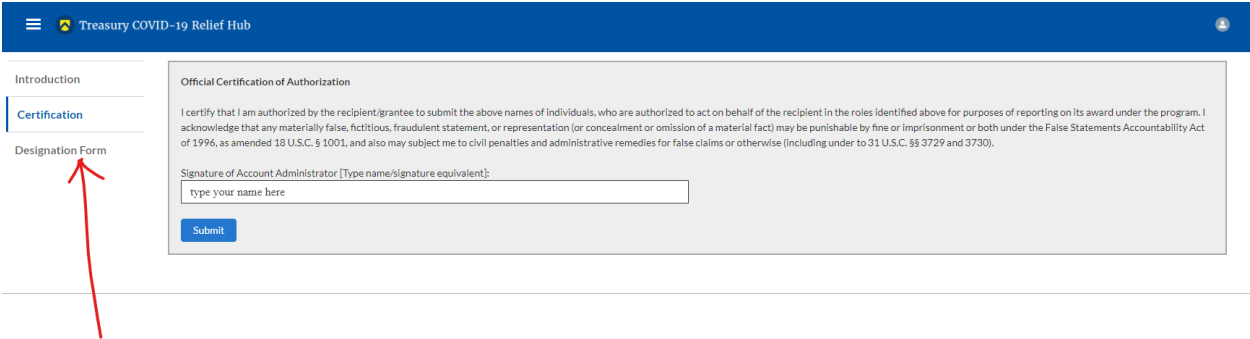
Signature of Account Administrator [Type name/signature equivalent]:

type your name here

**Submit**

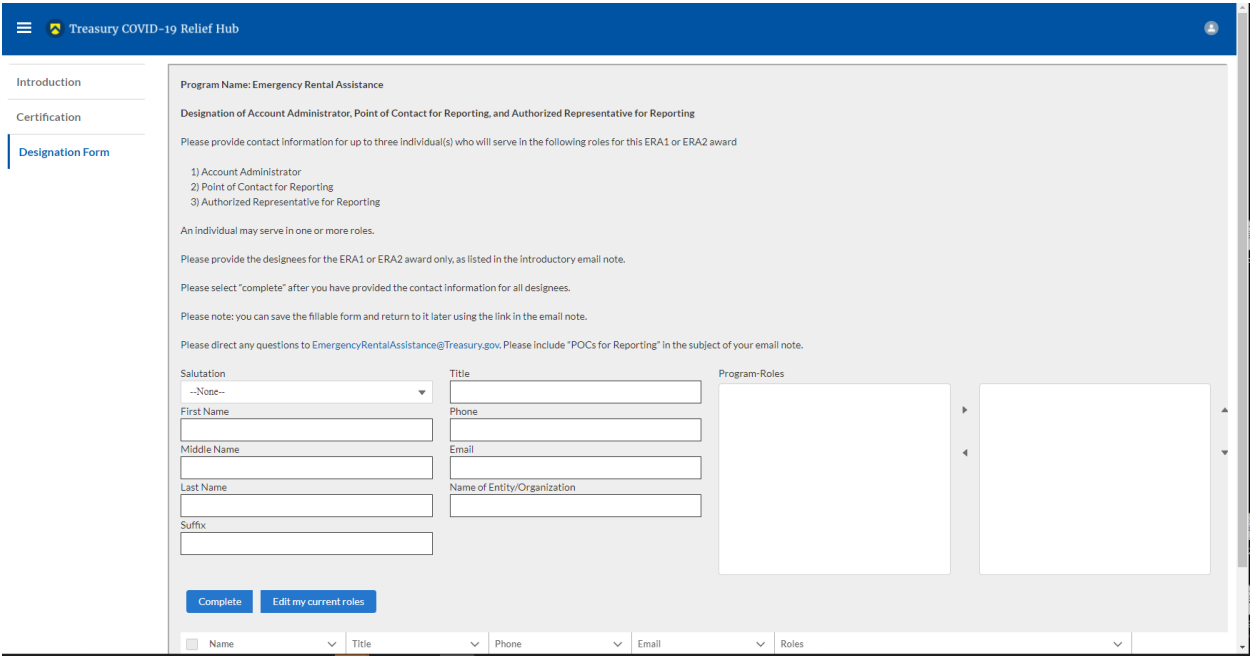
Step 10

Next, click on the “Designation Form” button on the left navigation bar, as noted by the red arrow shown below.



Step 11

Clicking on the “Designation Form” button will open the “Designation of Account Administrator, Point of Contact for Reporting, and Authorized Representative for Reporting” screen shown below.



You can use the Designation Form to enter the names and contact information for each of the three designations for each of you SLFRF allocations.

The roles for the SLFRF allocations are displayed as follows:

- SLFRF – Account Administrator
- SLFRF – Point of Contact for Reporting
- SLFRF – Authorized Representative for Reporting

The Designation Form screen shows nine data fields for entering key information about the individual being designated. These include:

- Salutation (optional)
- First Name
- Middle Name (optional)
- Last Name
- Suffix (optional)
- Title
- Phone
- Email
- Name of Entity/Organization (Recipient entity)

Note: The screen will display a list at the bottom of the screen with the names and contact information of individuals (if any) who have previously been designated for any of the three roles. This list will be important in maintaining and updating your organization's designees in the future.

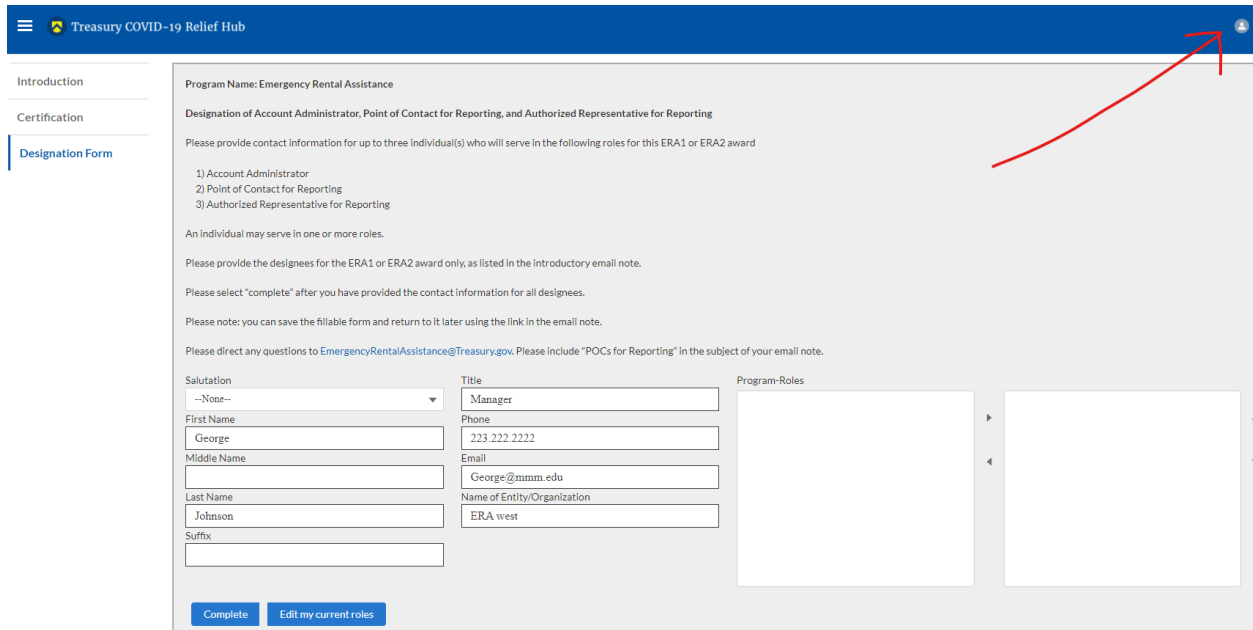
#### **a. Designation of the Account Administrator**

Remember, we have temporarily authorized you as the SLFRF – Account Administrator. There is no need to re-enter your name and contact information if you plan to continue in that role. If you need to designate someone else as the SLFRF Account Administrator,

- Find your name at the bottom of the screen.
- Hit the blue *Edit* button located to right of your name.
- Enter the name and contact information of the new SLFRF Account Administrator.
- Hit the blue *Complete* button.

#### **b. Designation of Point of Contact for Reporting and Authorized Representative for Reporting**

- Enter the next designee's name and contact information.
- After entering their name and required contact information, select the Program Role(s) for which he/she is being designated.
- Once the role is selected, click on the small arrow to the right of the role, which will move the role to the box on the right.
- Click on the *Complete* button at the bottom of the screen.
- Follow the same process for each of the remaining designees.
- When you have entered all three designations, please press the *Complete* button.
- As a final step, go to the icon on the upper right of the screen as shown below to exit the system.



**Treasury COVID-19 Relief Hub**

Introduction

Certification

**Designation Form**

Program Name: Emergency Rental Assistance

Designation of Account Administrator, Point of Contact for Reporting, and Authorized Representative for Reporting

Please provide contact information for up to three individual(s) who will serve in the following roles for this ERA1 or ERA2 award

- 1) Account Administrator
- 2) Point of Contact for Reporting
- 3) Authorized Representative for Reporting

An individual may serve in one or more roles.

Please provide the designees for the ERA1 or ERA2 award only, as listed in the introductory email note.

Please select "complete" after you have provided the contact information for all designees.

Please note: you can save the fillable form and return to it later using the link in the email note.

Please direct any questions to [EmergencyRentalAssistance@Treasury.gov](mailto:EmergencyRentalAssistance@Treasury.gov). Please include "POCs for Reporting" in the subject of your email note.

Salutation: --None--

First Name: George

Middle Name:

Last Name: Johnson

Suffix:

Title: Manager

Phone: 223.222.2222

Email: George@mmm.edu

Name of Entity/Organization: ERA west

Program-Roles:

[Complete](#) [Edit my current roles](#)

## Section B: Questions and Answers

### Who is authorized to designate the Account Administrator, the Point of Contact for Reporting, and the Authorized Representative for Reporting for my organization's SLFRF's award?

Treasury requests that each SLFRF should follow its own decision-making procedures in making the three designations for each award.

### What is the deadline for making the designation?

Treasury requests that use Treasury's portal to make the three designations as soon as possible to enable your organization to submit its Interim Report and Recovery Plan Performance Report (if applicable) by the August 31, 2021 submission due date.

### What are the responsibilities for each of the three designated roles?

The required roles are as follows:

- Account Administrator** for the SLFRF award has the administrative role of maintaining the names and contact information of the designated individuals for SLFRF reporting. The Account Administrator is also responsible for working within your organization to determine its designees for the roles of Point of Contact for Reporting and Authorized Representative for Reporting and providing their names and contact information via Treasury's Portal. The Account Administrator can also view and submit reports. Finally, the Account Administrator is responsible for making any changes or updates as needed over the award period. We recommend that the Account Administrator identify an individual to serve in his/her place in the event of staff changes.

- **Point of Contact for Reporting** is the primary contact for receiving official Treasury notifications about reporting on the SLFRF award, including alerts about upcoming reporting, requirements, and deadlines. The Point of Contact for Reporting is responsible for completing the SLFRF reports, but cannot certify and submit these reports.
- **Authorized Representative for Reporting** is responsible for certifying and submitting official reports on behalf of the SLFRF award recipient. Treasury will accept reports or other official communications only when submitted by the Authorized Representative for Reporting. The Authorized Representative for Reporting is also responsible for communications with Treasury on such matters as extension requests and amendments of previously submitted reports. The official reports may include special reports, monthly reports, quarterly reports, interim reports, and final reports.

**May my organization designate one individual for multiple roles?**

Yes, an individual may be designated for multiple roles. For example, the individual designated as the Account Administrator can also be designated as the Authorized Representative for Reporting or Point of Contact for Reporting. It is also acceptable for an organization to designate one individual for all three roles however it should also adhere to any applicable rules on personnel checks and balances.

**May my organization designate more than one individual per role?**

Yes, you may designate more than one person per each role but are encouraged to limit the number of users assigned to each role.

**May my organization change the designations from time to time?**

Yes, an organization may make changes and updates to the list of designation individuals whenever needed.

**Must each of the designated individuals register for using Treasury's Portal?**

Yes, everyone designated for any of the roles must register with ID.me before they will be given access to Treasury's portal. Please contact us at the email address below for more information and guidance on registering with ID.me.

**Additional Questions or Additional Assistance?**

If you have additional questions about accessing or using Treasury's portal to provide the designees' names and contact information, please send us an email via [SLRFP@treasury.gov](mailto:SLRFP@treasury.gov).



**Oneida Business Committee Agenda Request**

Accept the Bay Bancorporation Inc. FY-2021 3rd quarter report

**1. Meeting Date Requested:** 9 / 8 / 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 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:

Bay Bank is presenting its quarterly corporate report to the BC in Open Session. Management of Bay Bank will provide a summary of the Bank's financial results for the quarter ended 6/30/21.

- 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](mailto:BC_Agenda_Requests@oneidanation.org)

**Bay Bank**  
**QUARTERLY REPORT**

Quarter ended June 30, 2021

A. BAY BANK

Submitted by: Jeff Bowman, Board Member  
Directors: Fern Orie, Bob Jossie, Jeff Bowman,  
Todd Van Den Heuvel, Elaine Skenandore-Cornelius

Oneida Business Committee Contact: David Jordan

B. MINUTES

None Submitted

ACTION TAKEN

No Tribal Policy changes.

D. FINANCIAL

Note that various financial reports

December 31, 2021 is Bay Bank's fiscal year end.

E. SPECIAL EVENTS AND TRAVEL

None

F. PERSONAL COMMENTS

Bay Bank account numbers as of June 30, 2021:

1,582	Checking Accounts
467	Business Checking Accounts
143	Money Market Accounts

1,683	Savings Accounts
300	Certificates of Deposit
108	Commercial Real Estate Loans
1,073	Residential Real Estate Loans
340	Business Loans
566	Consumer Loans
34	Oneida Small Business 2000 Loan Program Loans

The Oneida Small Business Loan Program 2000 that is administered by Bay Bank started on May 1, 2002. As of this date over \$ 14.8 million in new loans have been made to over 142 new or growing Oneida tribal member owned businesses.

The Section 184 mortgage loans serviced under FHLB MPF program totaled \$85.3 million at June 30, 2021. There are 693 loans in the program currently.

#### G. GOALS AND OBJECTIVES

##### 2021 GOALS:

GOAL A: Bay Bank will strive to attain a minimum 0.70% Return on Assets for the year ending December 31, 2021. Return on Assets (ROA) is a common measurement of a bank's profitability. This ratio informs you how well the bank is managing and investing the bank's assets.

2021 ROA Goal	2021 YTD ROA Actual	2021 Peer Group Average
0.70 %	0.96%	1.18%

GOAL B: Bay Bank will strive to attain a minimum 7.00 % Return on Equity for the year ending December 31, 2021. Return on Equity (ROE) is the measurement of how well the bank is performing for its stockholder.

2021 ROE Goal	2021 YTD ROE Actual	2021 Peer Group Average
7.00 %	8.95 %	11.02 %

Bay Bank had budgeted total loans for the quarter ended June 30, 2021 in the amount of \$ 79.5 million. Total loans at June 30, 2021 were \$ 80.6 million, an increase of \$ 1.1 million from budget. Loans increased \$ 2.1 million over the 12-month period ended June 30, 2021.

Bay Bank had budgeted total deposits for the quarter ended June 30, 2021 in the amount of \$ 111.4 million. Total deposits at June 30, 2021 were \$ 183.2 million, an increase of \$ 71.8 million over budget. Deposits increased \$ 85.2 million for the past twelve months, the result of increase in transaction accounts, savings deposits and time deposits.

H.

#### MEETINGS

Monthly meeting on the fourth Thursday of each month. Well attended.



Accept the Oneida ESC Group, LLC FY-2021 3rd quarter report



# **Oneida ESC Group, LLC**

**3<sup>rd</sup> Quarter Report – FY 2021**

**August 10, 2021**

**OESC Board of Managers:**

**John L. Breuninger, Chairman**

**Jacquelyn Zalim**

**Leslie Wheelock**

Oneida ESC Group, LLC (OESC), was formed in 2012 as a holding company to house subsidiaries to do business with the federal government. OESC has six subsidiaries, Oneida Total Integrated Enterprises (OTIE), Mission Support Services (MS2) and General Mechanical Corp (GMC), Sustainment and Restoration Services (SRS), Oneida Engineering Solutions (OES) and 1822 Land and Development Company of Oneida (1822).

OESC's subsidiaries are supported by OESC with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

### **Narrative Report**

#### **a. Explanation of the core of the Corporation's business practices and market overview**

OESC's subsidiary limited liability companies focus on contracts issued by the government agencies for engineering, science and construction work. OESC's revenue is derived from the subsidiaries that operate in the full and open market as well as the Small Business Administration Business Development Markets primarily as 8(a) and Small Business designated companies.

OESC and its subsidiaries are a highly technical organization providing research /investigation, design, engineering and project management. Oneida ESC Group operates in five core services:

- Environmental services – Assessment, investigation, design, testing and monitoring
- Remediation – Action Planning, project management, extraction of contaminated materials.
- Construction and demolition – Repair, service, abatement, renovation and new.
- Engineering Services – Design and project managements for sites and site design, structural, mechanical, plumbing, civil, structural, water / wastewater systems and storm water management.
- Munitions response services – Investigation and remediation of munitions and ordinances.

**Oneida Total Integrated Enterprises (OTIE)** – Competes in the full and open marketplace as a small business (less than 750 employees). Core competencies include environmental services, environmental remediation, engineering services and project management.

**Mission Support Services (MS2)** – 8a Graduation date is 3/15/2023. MS2 is focused on construction management contracts. Core competencies include construction management services, New and renovated structures, HVAC systems and controls Utility systems - water, sewer, gas, electrical, Electrical power generators, transformers, and distribution, Communication and security systems, Interior remodeling, upgrades focused on the federal market with supplemental markets includes commercial and tribal construction projects.

General Mechanical Corporation (GMC) is subsidiary company to MS2 and operates mainly as an HVAC Contractor and General Contractor in Daytona FL.

**Sustainment & Restoration Services (SRS)** – 8a Graduation date is 2/18/2024.

SRS core competencies include facility investigations, corrective measures design/implementation, remedial designs/remedial actions, including characterization, assessment, and cleanup, Wetlands assessment and wetlands restoration design, Brownfields – Phase I & II ESAs, Technical Enforcement Support Facility and asset inventory, evaluation, and assessment Engineering design for site development, utility systems, facilities Engineering design for wastewater treatment and sewerage systems, and specialized professional services manpower solutions.

**Oneida Engineering Solutions (OES)** – OES focuses on performing transportation engineering services for governmental agencies (Federal, State and Local). Work is federally funded and abides by the Brooks Act; requiring selection based on competency, qualifications and experience. OES has been certified as a Disadvantage Business Enterprise in the State of Wisconsin.

**1822 Land and Development Company of Oneida (1822)** – 1822 is a real estate holding company that owns, leases and sub-lease various real estate holdings in and around the Oneida Nation Reservation. The overall goal is to grow the portfolio that meets the needs of the Oneida Nation and the Northeastern WI.

**b. Explanation of the Corporation's current place within the market**

OESC operates in a fiercely competitive and expanding market. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OESC. Competitive factors for our success include performance reputation, network, price, geographic location, and availability of technically skilled personnel (flexibility).

Three of the top five federal spending agencies awarding non-competitive contracts are OESC customers.

**c. Explanation of the outlines of strategies by the Corporation for improved value in the market**

OESC's subsidiaries are positioned to take advantage of existing relationships, contracts and networks OTIE established since 2008.

We continuously evaluate solutions to broaden and capture a larger share of the Federal and State markets. Each subsidiary operates based on primary NAICS codes with secondary NAIC codes that overlap with the sister companies.

**d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market**

Our competitors include: Small Businesses, Alaskan Native Corporations (ANCs); Native American Owned, tribally-owned small businesses; and Native Hawaiian Organizations (NHOs). Each of these businesses is in a category of small business that may be awarded

prime contracts without competition. Oneida ESC subsidiaries also compete against other 8(a) firms for set-aside acquisitions, including small businesses that are categorized as Woman-Owned, HUB Zone, Service Disabled Veteran Owned small business, and others. Finally, Oneida ESC competes in the full and open markets without restrictions.

Typical competitors include Small Business firms with fewer than 750 employees in NAICS 562910. Another area of significant competition is the regional Transportation Engineering firms in Wisconsin for WI DOT work (OES).

**e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period.**

We are responding to several major proposals and anticipate additional RFPs to be published in the final quarters. Keep in mind these are best estimates and the government may or may not publish request for proposals at their intended dates. There are several smaller opportunities that we are tracking and proposing on including sole source opportunities. We are also prepared for year-end pursuits where we will position for sole additional source opportunities.

**f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same**

***Goals for Oneida ESC Group***

Growth at a reasonable rate is the primary business goal for OESC. Financial reward for OESC is when we align our investment strategies according to our client's mission priorities.

***Targets for OESC Subsidiaries:***

Opportunities continue to exist in geographies where OTIE, MS2, SRS and OES have successful past performance; and where personnel involved in such projects have established strong relationships with teaming partners and clients. Opportunities continue to emerge based on combined efforts of OESC's marketing and sales efforts. Target clients continue to include Department of Defense agencies (various bases – Navy, Air Force, and Army), Environmental Protection Agency, WI Department of Transportation, Milwaukee Metropolitan Sewer District and the Oneida Nation.

New target clients include extended services on existing bases, geographical growth on "new" bases where OESC has not performed work on in the past, municipalities geographically related to OESC offices and other Tribal Nations.

**g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies**

***Key elements for success in the OESC model include:***

- Meeting performance indicators, including safety, staff turnover, profitability, staff utilization, backlog and capacity.

- Adapting to a changing customer base, contract type, or key skill set. We recognize and reconfigure based on identified needs to delivery strategic growth.
- Identification of contract capacity and access is under regular review.
- Increasing our geographic footprint and capabilities.

***Risk in the marketplace***

- We operate in highly competitive industries
- Contracting is often erratic and unpredictable; cancellations or delays in pending awards by government agencies could adversely affect us
- International operations carries additional risk
- Loss of key personnel
- Adoption of new contract laws or regulations.

**h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks**

Our medium and long range prospects for sustainability are balanced by business diversification and consistent project management delivery.

We have successfully groomed long-term business relationships with key US Agencies for services delivered around the world. Contracting with the US government remains a reliable strategy in terms of payment, stability, and growth opportunity.

***Medium-term prospects***

OESC's prospects in the two- to five-year term rely on our sturdy performance in engineering, science and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients. OESC continues to focus on business development and talent acquisition to meet our growth metrics.

***Long-term prospects***

OESC envisions steady growth with our key customers over the long term. OESC is nimble and agile, allowing us to focus on governments funding flows.

Continued reliance on low-price awards is a staple in our business model and we continue to adjust the pricing structure to ensure that we remain competitive. We continue to concentrate marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either small business participation or our specialized expertise.



- i. **Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)**

We have made a concerted effort on our fence-to-fence contracts which is environmental operations and compliance services. We also see growth in our traditional engineering services such as civil, mechanical, electrical, etc.

- j. **Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.**

OESC ASSETS
<b><u>Financial (On Balance Sheet)</u></b> Cash –Checking Account Work In Process on Current Projects Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment Other Assets such as Prepaid Expenses, Investment
<b><u>Employees</u></b> OESC - 47 employees (includes 1822 employees) OTIE – 136 employees MS2 – 78 employees (includes GMC employees) SRS - 120 employees OES – 37 employees OPS – 1 employee
<b><u>Customers</u></b> 75% of Revenue from Federal clients.

- k. **Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.**

USACE Huntington District has directed OTIE to perform additional excavation work that OTIE considers to be out of scope on one of OTIE’s remediation projects at the Plum Brook Ordnance Works site in Ohio. OTIE worked with counsel and submitted a claim on April 14 for a price of \$1,087,160.15. The government responded to confirm that we will receive the Contracting Officer’s Final Decision by November 15, 2021.

**Oneida Business Committee Agenda Request****1. Meeting Date Requested:** 9 / 8 / 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.

**Portland Business Commission FY 2021 Agenda Request**

**1. Meeting Date Requested:** 09 / 08 / 21

## 2. General Information:

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

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Agenda Header: Reports

Reports
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☐ Accept as Information only

☒ Action - please describe:

Motion to accept the FY21 3rd Quarter Report
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### 3. Supporting Materials

☒ Report      ☐ Resolution      ☐ Contract

☐ Other:1. OAHC d/b/a Radisson 3rd Qtr Report

### 3. Three Clans Airport 3rd Qtr Report

2.

4.

☐ Business Committee signature required

#### 4. Budget Information

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

## 5. Submission

Authorized Sponsor / Liaison:

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Primary Requestor/Submitter:

Kathy Hughes, OAHC Board Chairwoman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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Name, Title / Dept.

Name, Title / Dept.

Additional Requestor:

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Name, Title / Dept.

Name, Title / Dept.

Oneida Airport Hotel Corporation  
Radisson Hotel & Conference Center  
Quarterly Report  
For the quarter ended: June 30, 2021

## **Narrative Section**

### Business practice, market overview, place within market:

- Q3 STR Occupancy YOY index up 92.5%; ADR YOY down 0.7%; RevPar YOY index up 91.1% - compared to comp set.
- Q3 saw an uptick in business once vaccinations started near end of January/February. More sports blocks booking in and transient pick up with the Casino attached. Groups returning in June w/ AmVets and DAV.
- Sales team currently at Director Sales, Sales Manager, Corporate Revenue Manager, 2 Catering Manager's, Sales Admin and Catering Coordinator

### Competitive analysis:

- Green Bay area hotels currently fighting for same pieces of transient business and putting offers and deals/packages out to gain occupancy.
- Corporate guests just starting to travel a little, not as much as prior due to state restrictions/travel restrictions etc.

### Strategies for improved value:

- Developed packaging & incentive bookings for Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for need months.
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition, as well as utilizing their Meeting Planner incentive programs and transient booking promotions.
- Working with Aimbridge Regional properties to gain leverage and recognition.
- Working closely with Green Bay CVB in all Sales markets to keep top of mind and participate in all sales initiatives.
- Ensuring all Safety Protocols being enforced in meeting and catering groups booked.

### Material changes or developments in market/business:

- Red Lion in Appleton announced soon to be a Hilton – in our STR comp set.
- Holiday Inn Appleton now a DoubleTree by Marriott – in our STR comp set.

### Market growth:

- Legacy Hotel due to break ground 2021 – 80 room property.
- My Place – completed, opened November 2020 – 64 room property.
- TBD property rumored to be built near SpringHill Suites - TBD

Pending legal action:

- Yes



Oneida Airport Hotel Corporation  
Three Clans Airport, LLC  
Quarterly Report  
For the quarter ended: June 30, 2021

Business practice, market overview, place within market:

- Ranking for the third quarter from the STR Report the Wingate is 1 out of 7 based on REVPAR and 2 out of 7 based on Occupancy.
- The Wingate averaged a 53.3% occupancy for the third quarter and a RevPar of \$43.04  
For the third Quarter, the Wingate ended with a 106.3 ADR Index.
- Revenues for the third quarter were \$324,198 which is up \$262,242 YOY and down \$135,864 to 2019. The increase is due to the vaccine, fans in the stands and people traveling again.
- Green Bay hotels are still in completion for the same piece of business.

Competitive analysis:

- The competitors ran a REVPAR of \$44.83 for the quarter.
- The competitive set had an occupancy of 57.7% and an ADR of \$77.67.

Strategies for improved value:

- The Wingate's strategy is to continually grow rate. Discounted rates will still be offered for slower dates but not as much as they have been in the past.
- The Wingate continues to use all 3<sup>rd</sup> party booking channels to increase bookings on low demand dates but is not using opaque rates as often.
- The Wingate will be getting a Wyndham remote sales associate to help increase room revenue along with meetings.
- The Wingate is also focusing on growing its small meeting business
- We continue to focus our attention on customer service to ensure the best possible service for all our guest.
- Wyndham now allows us to run our own mobile deals, flash sales and member deals to help increase occupancy.
- The Wingate Sales Team continues to reach out to existing and new companies.

Material changes or developments in market/business:

Market growth:

- Legacy Hotel to tentatively open 2023. This is a five (5) story luxury hotel with 80 suite rooms. Will be located at 1004 Brett Favre Way GB.

Pending legal action:

- Nothing at the moment

Accept the Oneida Golf Enterprise FY-2021 3rd quarter report

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## Business Committee Agenda Request

1. Meeting Date Requested: 09/08/21

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 checked="" 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 checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

5. Submission:

Authorized Sponsor: James Petitjean, Agent/Oneida Golf Enterprise

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS



## Oneida Golf Enterprise Corporation

### Fiscal year-To-Date Reporting for period Ending:

**June 2021**

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Nation established to oversee and manage the business known as Thornberry Creek at Oneida.

## **Narrative Report**

### ***Business Overview***

#### **3<sup>rd</sup> Quarter FY21 – April, May & June**

The 3<sup>rd</sup> quarter had great results compared to budget and LY with the golf season starting out strong and food and beverage showing a boost post pandemic. The restaurant numbers are increasing and banquet numbers and golf outing revenue increased dramatically over 2020. Net Operating Income (NOI) exceeded budget by \$122,389 for the Quarter and \$411,829 for the year. The team continues to drive revenue and cut expenses, while focusing on customer experience and TrueService.

- Overall revenues exceeded budget by 11% or \$130,631 and exceeded PY by \$535,917
- Operating expenses saved 8.3% or \$25,696 compared to budget.
- **Q2 Net Operating Income is at a savings of \$122,389 vs budget and \$256,921 better than PY.**

#### **Personnel Update:**

- General and Administrative
  - Holly Williams – General Manager
  - Kathleen Kaminski – Controller
- Course & Grounds
  - Steve Archibald – Golf Course Superintendent (furlough for the month of January)
  - Pete Nowak – Assistant Golf Course Superintendent
  - Ed Brusky – Golf Course Fleet Mechanic
- Golf
  - Justin Nishimoto – Head Golf Professional (through April 17)
  - Travis Relyea – Head Golf Professional (started June 28)
  - Nate Kroll – Assistant Golf Professional (seasonal)

- Food and Beverage
  - Adam Marty – Executive Chef and Food & Beverage Director
  - Banquet Chef – Oakley Arnold
  - Brittni Hemauer – Food & Beverage Manager
  - Joy Lundberg – Sr. Food & Beverage Manager
- Clubhouse Maintenance
  - Mike Gottfried – Clubhouse Supervisor
- Sales and Marketing
  - Chelsea Kocken - Director, Sales & Marketing
  - Tawny Casey - Manager, Marketing & Events
  - Tammy Hardwick - Event Coordinator

**Key Performance Highlights Q3:**

- Overall golf rounds were up 3,474 rounds YTD compared to LY with total paid rounds up 2,839.
- The banquet business started the wedding season out strong with (11) weddings, (14) golf outings and (11) social events. Both the 1<sup>st</sup> level ballroom and the lower level Tap Room have been used for events with back-to-back days of two consecutive events at the end of May.
- The TCO Team developed and executed many creative internal events during Q3 to drive revenue including the 1<sup>st</sup> Annual Easter Egg Hunt, Yoga for Golfers, Ladies Trunk Show, Spring Big Cup, Mother's Day Brunch and Women's Wellness Retreat.
- Golf Leagues began in May and Junior Golf Programs began in June.
- Heavy Top Dressing and seeding of tees and the range in the months of April and May led to great course conditions in the month of June.
- Major cart path repairs on the Iroquois Course began in April to include repairing the tree root damage near hole #4 and the edging of the paths. Cart path repairs will be an ongoing project throughout the golf season.
- Fabric was removed from all of the bunkers on the Legends Course that have been a nuisance for many years, the bunkers were then filled with sand to the appropriate levels. Bunker maintenance will be an ongoing project throughout the golf season.

**Key Performance Issues Q3:**

- The former Head Golf Professional left Thornberry Creek at Oneida in the middle of April, which caused more overtime/payroll budget until the new Head Golf Professional began on June 28<sup>th</sup>.
- Hiring for many positions in food & beverage, course & grounds and outside golf operations have been difficult due to the pandemic.

**Player Development Q3:**

- Leagues began in May and Junior Golf Programs, to include PGA Jr. League, Prep Program and Junior Players Program, began in June.
- Pro Tip Tuesday has returned to social media and content has been scheduled through August



- Activities for Player Development Month and Women's Golf Day were postponed until a Head Golf Professional was hired. The Women's Wellness Retreat went on as scheduled as it did not include instruction.