



Oneida Business Committee

Executive Session and Regular Meeting
8:30 AM Wednesday, June 10, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

NOTICE

All regular, special, and emergency Business Committee meetings are closed to the public for the duration of the Public Health State of Emergency. This is preventative measure as a result of the COVID-19 pandemic. Audio recordings are made of all meetings of the Business Committee. Video recordings are made of regular meetings of the Business Committee. All recordings are available on the Nation's website at: <https://oneida-nsn.gov/government/business-committee/recordings/>

If you have comments regarding open session items, please submit them to TribalSecretary@oneidanation.org no later than close of business the day prior to a Business Committee meeting. Comments will be noticed to the Business Committee.

I. CALL TO ORDER

II. OPENING

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

- A. Oneida Police Commission - Richard Van Boxel**
Sponsor: Lisa Summers, Secretary

V. MINUTES

- A. Approve the May 27, 2020, regular Business Committee meeting minutes**
Sponsor: Lisa Summers, Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Extension of Declaration of Public Health Emergency Until July 12, 2020**
Sponsor: Lisa Summers, Secretary
- B. Adopt resolution entitled Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act**
Sponsor: Trish King, Treasurer
- C. Adopt resolution entitled Process for Authorization for Use of CARES Act Covid Relief Funds**
Sponsor: Trish King, Treasurer
- D. Adopt resolution entitled COVID-19 Response - Oneida Nation Small Business Assistance Program**
Sponsor: Trish King, Treasurer
- E. Adopt resolution entitled Amendments to the Tobacco Law**
Sponsor: David P. Jordan, Councilman
- F. Adopt resolution entitled Tobacco Law Penalty and Fine Schedule**
Sponsor: David P. Jordan, Councilman
- G. Adopt resolution entitled InterTribal Buffalo Council Surplus Buffalo Program**
Sponsor: Debbie Thundercloud, General Manager

VII. TABLED BUSINESS

- A. Update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (tabled 4/8/20, no requested action)**

VIII. NEW BUSINESS

- A. Authorize the use of a Graphic regarding Intergovernmental Agreements**
Sponsor: Jo Anne House, Chief Counsel
- B. Accept the General Election safety plan**
Sponsor: Lisa Summers, Secretary
- C. Approve a limited waiver of sovereign immunity - Green Metropolitan Sewerage District professional services agreement - file # 2020-0292**
Sponsor: Debbie Thundercloud, General Manager

IX. REPORTS**A. OTHER**

1. **Accept the Oneida Youth Leadership Institute FY-2020 2nd quarter report**
Sponsor: Cheryl Stevens, Executive Manager/Oneida Youth Leadership Institute

X. EXECUTIVE SESSION**A. REPORTS**

1. **Accept the Emergency Management FY-20 2nd quarter report**
Sponsor: Kaylynn Gresham, Director/Emergency Management
2. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
3. **Accept the General Manager report**
Sponsor: Debbie Thundercloud, General Manager

B. TABLED BUSINESS

1. **Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (tabled 4/8/20, no requested action)**

C. NEW BUSINESS

1. **Discuss next steps regarding legal review - Emergency Resolutions and Declarations - COVID-19 Pandemic**
Sponsor: David P. Jordan, Councilman
2. **Approve the US Department of the Interior - Multi-Year Funding Agreement amendment #6 - file # 2020-0392**
Sponsor: Jennifer Webster, Councilwoman

XI. ADJOURN

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

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

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

Oneida Business Committee Agenda Request

Oneida Police Commission - Richard Van Boxtel

1. Meeting Date Requested: 06 / 10 / 20

2. General Information:

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

Agenda Header: Oaths of Office

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

Administer Oath of Office to Richard Van Boxtel for Oneida Police Commission

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: Lisa Summers, Secretary

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

On May 27, 2020 the Oneida Business Committee appointed Richard Van Bortel to the Oneida Police Commission.

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

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

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

Approve the May 27, 2020, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 06/10/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☒ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

DRAFT**Oneida Business Committee**

Executive Session and Regular Meeting
8:30 AM Wednesday, May 27, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**EXECUTIVE SESSION**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King (via Microsoft Teams¹), Secretary Lisa Summers (via Microsoft Teams), Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III;

Not Present: Councilwoman Jennifer Webster;

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Debbie Thundercloud, Jeff Bowman (via Microsoft Teams), Nate King (via Microsoft Teams), Jeff House (via Microsoft Teams), John Breuninger (via Microsoft Teams), Lisa Turpin (via Microsoft Teams), Steve Ninham (via Microsoft Teams), Patricia Lassila (via Microsoft Teams), Holly Williams (via Microsoft Teams), Steve Loomis (via Microsoft Teams);

REGULAR MEETING

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

Not Present: Treasurer Trish King, Secretary Lisa Summers, Councilwoman Jennifer Webster;

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Clorissa Santiago;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:33 a.m.

For the record: Secretary Lisa Summers and Treasurer Trish King are telecommuting today and are observing Open Session via Microsoft Teams. Councilwoman Jennifer Webster is out on personal time.

II. OPENING (00:00:26)

Opening provided by Councilman Daniel Guzman King who asked for a moment of silence for recent loss of members of our community.

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

DRAFT

III. ADOPT THE AGENDA (00:01:46)

Motion by David P. Jordan to adopt the agenda as presented, seconded by Ernie Stevens III. Motion carried:

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

IV. OATH OF OFFICE (00:02:15)

Oaths of office administered by Vice-Chairman Brandon Stevens. Danielle White (via Microsoft Teams) and Wayne Cornelius Jr. (via telephone) were present.

- A. Oneida Electon Board Alternates - Danielle White and Wayne Cornelius Jr.**
Sponsor: Lisa Summers, Secretary

V. MINUTES

- A. Approve the May 13, 2020, regular Business Committee meeting minutes (00:07:32)**
Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the May 13, 2020, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

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

- B. Approve the May 18, 2020, emergency Business Committee meeting minutes (00:08:02)**
Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to approve the May 18, 2020, emergency Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

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

DRAFT

VI. APPOINTMENTS

A. Determine next steps regarding one (1) vacancy(ies) - Oneida Police Commission (00:08:30); (00:41:25)

Sponsor: Lisa Summers, Secretary

Motion by Daniel Guzman King to defer this item until after executive session discussion, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Item VII.A. was addressed next.

Motion by Brandon Stevens to appoint Rich VanBoxtel to the Oneida Police Commission, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Item X. was addressed next.

VII. NEW BUSINESS

A. Post one (1) vacancy - Oneida Police Commission (00:09:20)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to post one (1) vacancy for the Oneida Police Commission, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

B. Review the Oneida Nation Recovery Plan (00:10:03); (00:41:05)

Sponsor: Lisa Summers, Secretary

Motion by Kirby Metoxen to defer this item until after executive session discussion, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Item VIII.A. was addressed next.

Motion by Kirby Metoxen to accept the Oneida Nation Recovery Plan draft as information, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Item VI.A. was addressed next.

DRAFT**VIII. REPORTS²****A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Anna John Resident Centered Care Community Board FY-2020 2nd quarter report (00:11:33)**

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

Motion by Brandon Stevens to accept the Anna John Resident Centered Care Community Board FY-2020 2nd quarter report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

2. Accept the Oneida Police Commission FY-2020 2nd quarter report (00:12:50)

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by Kirby Metoxen to accept the Oneida Police Commission FY-2020 2nd quarter report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

B. ELECTED BOARDS, COMMITTEES, COMMISSIONS**1. Accept the Oneida Election Board FY-2020 2nd quarter report (00:13:30)**

Sponsor: Pat Moore, Interim Vice-Chair/Oneida Election Board

Motion by David P. Jordan to accept the Oneida Election Board FY-2020 2nd quarter report and for the BC liaison to follow-up with the Oneida Election Board to see if a meeting is still needed and to schedule if needed, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

² BC resolution # 04-08-20-B placed the following Boards, Committees, and Commissions on temporary closure status for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021 therefore reports were not submitted/required: Oneida Community Library Board, Oneida Environmental Resources Board, Oneida Nation Arts Board, Oneida Nation Veterans Affairs Committee, Oneida Personnel Commission, Oneida Pow Wow Committee, Pardon and Forgiveness Screening Committee, Southeast Wisconsin Oneida Tribal Social Services Advisory Board, Oneida Land Claims Commission, and Oneida Nation Commission on Aging.

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2. Accept the Oneida Gaming Commission FY-2020 2nd quarter report (00:16:39)

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

Motion by Ernie Stevens III to accept the Oneida Gaming Commission FY-2020 2nd quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Chairman Tehassi Hill noted for the record that the Oneida Gaming Commission requested in the report that Gaming management work closely with them for regulatory compliance and that the Oneida Business Committee continue to update the the Oneida Gaming Commission on governmental dialogue about Oneida Nation's gaming exclusivity and jurisdictional matters

3. Accept the Oneida Land Commission FY-2020 2nd quarter report (00:18:10)

Sponsor: Rae Skenandore, Chair/Oneida Land Commission

Motion by David P. Jordan to accept the Oneida Land Commission FY-2020 2nd quarter report, seconded by Brandon Stevens. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

4. Accept the Oneida Nation School Board FY-2020 2nd quarter report (00:19:02)

Sponsor: Lisa Liggins, Chair/Oneida Nation School Board

Motion by David P. Jordan to accept the Oneida Nation School Board FY-2020 2nd quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Councilman Brandon Stevens noted for the record that the Oneida Nation School Board requested in the report that the Nation support the language immersion program, asking that we take more consideration of the language portion of the school with tribal contribution, to consider programs like the language immersion program for continued funding and support.

5. Accept the Oneida Trust Enrollment Committee FY-2020 2nd quarter report (00:21:15)

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Kirby Metoxen to accept the Oneida Trust Enrollment Committee FY-2020 2nd quarter report, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

DRAFT**C. CORPORATE BOARDS****1. Accept the Bay Bancorporation, Inc. FY-2020 2nd quarter report (00:27:50)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by David P. Jordan to accept the Bay Bancorporation, Inc. FY-2020 2nd quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

2. Accept the Oneida ESC Group, LLC. FY-2020 2nd quarter report (00:29:07)

Sponsor: John L. Brueninger, Chairman/Oneida ESC Group Board

Motion by Ernie Stevens III to accept the Oneida ESC Group, LLC. FY-2020 2nd quarter report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

3. Accept the Oneida Airport Hotel Corporation FY-2020 2nd quarter report (00:29:45)

Sponsor: Robert Barton, President/Oneida Airport Hotel Corporation

Motion by Daniel Guzman King to accept the Oneida Airport Hotel Corporation FY-2020 2nd quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

4. Accept the Oneida Golf Enterprise FY-2020 2nd quarter report (00:31:05)

Sponsor: Eric McLester, Agent/Oneida Golf Enterprise

Motion by David P. Jordan to accept the Oneida Golf Enterprise FY-2020 2nd quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

D. STANDING COMMITTEES**1. Accept the Community Development Planning Committee FY-2020 2nd quarter report (00:31:55)**

Sponsor: Ernie Stevens III, Councilman

Motion by Daniel Guzman King to accept the Community Development Planning Committee FY-2020 2nd quarter report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

DRAFT**2. Accept the Finance Committee FY-2020 2nd quarter report (00:33:31)**

Sponsor: Trish King, Treasurer

Motion by Kirby Metoxen to accept the Finance Committee FY-2020 2nd quarter report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

3. Accept the Legislative Operating Committee FY-2020 2nd quarter report (00:34:31)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Legislative Operating Committee FY-2020 2nd quarter report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

4. Accept the Quality of Life Committee FY-2020 2nd quarter report (00:35:10)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the Quality of Life Committee FY-2020 2nd quarter report, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

E. OTHER**1. Accept the Oneida Youth Leadership Institute FY-2020 2nd quarter report (00:35:50)**Sponsor: *not submitted*

Motion by Kirby Metoxen to direct BC liaison follow-up with the Oneida Youth Leadership Institute regarding the FY-2020 2nd quarter report submission, seconded by Daniel Guzman King. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

DRAFT**IX. EXECUTIVE SESSION (00:36:55)**

Roll call for the record:

Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman Ernie Stevens III; Not Present: Treasurer Trish King; Secretary Lisa Summers; Councilwoman Jennifer Webster;

Motion by Brandon Stevens to go into executive session at 9:11 a.m., seconded by Ernie Stevens III. Motion carried:

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

Motion by David P. Jordan to come out of executive session at 12:46 p.m., seconded by Ernie Stevens III. Motion carried:

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

A. REPORTS**1. Accept the Bay Bancorporation, Inc. FY-2020 2nd quarter executive report (00:38:04)**

Sponsor: Jeff Bowman, President/Bay Bank

Motion by David P. Jordan to accept the Bay Bancorporation, Inc. FY-2020 2nd quarter executive report, seconded by Ernie Stevens III. Motion carried:

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

2. Accept the Oneida ESC Group, LLC. FY-2020 2nd quarter executive report (00:38:24)

Sponsor: John L. Brueninger, Chairman/Oneida ESC Group Board

Motion by Ernie Stevens III to accept the Oneida ESC Group, LLC. FY-2020 2nd quarter executive report, seconded by David P. Jordan. Motion carried:

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

3. Accept the Oneida Airport Hotel Corporation FY-2020 2nd quarter report (00:38:47)

Sponsor: Robert Barton, President/Oneida Airport Hotel Corporation

Motion by David P. Jordan to accept the Oneida Airport Hotel Corporation FY-2020 2nd quarter report, seconded by Kirby Metoxen. Motion carried:

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

DRAFT**4. Accept the Oneida Golf Enterprise FY-2020 2nd quarter executive report (00:39:06)**

Sponsor: Eric McLester, Agent/Oneida Golf Enterprise

Motion by Kirby Metoxen to accept the Oneida Golf Enterprise FY-2020 2nd quarter executive report, seconded by Ernie Stevens III. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

5. Accept the Chief Counsel report (00:39:25)

Sponsor: Jo Anne House, Chief Counsel

Motion by Kirby Metoxen to approve the waiver of conflict and authorize the Chairman to sign the May 21, 2020, correspondence from Husch Blackwell in case # 2020CV000450, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Motion by Kirby Metoxen to accept the Chief Counsel report, seconded by Brandon Stevens. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

6. Accept the General Manager report (00:40:09)

Sponsor: Debbie Thundercloud, General Manager

Motion by Kirby Metoxen to accept the General Manager report, seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

B. AUDIT COMMITTEE**1. Accept the Audit Committee FY-2020 2nd quarter report (00:40:22)**

Sponsor: David P. Jordan, Councilman

Motion by Brandon Stevens to accept the Audit Committee FY-2020 2nd quarter report, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

DRAFT**C. NEW BUSINESS****1. Review application(s) for one (1) vacancy(ies) - Oneida Police Commission (00:40:40)**

Sponsor: Lisa Summers, Secretary

Motion by Brandon Stevens to accept the discussion regarding the Oneida Police Commission applications as information, seconded by Kirby Metoxen. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

Item VII.B. was addressed next.

X. ADJOURN (00:42:05)

Motion by Ernie Stevens III to adjourn at 12:50 p.m., seconded by David P. Jordan. Motion carried:

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

Not Present: Trish King, Lisa Summers, Jennifer Webster

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Adopt resolution entitled Extension of Declaration of Public Health Emergency Until July 12, 2020

Business Committee Agenda Request

1. Meeting Date Requested: 06/10/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☒ Resolution

☒ Correspondence

☐ Minutes

☒ Statement of Effect

☐ Fiscal Impact Statement

☐ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Extension of Declaration of Public Health Emergency Until July 12, 2020

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and
- WHEREAS,** state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and
- WHEREAS,** on March 12, 2020 the Chairman declared a public health state of emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation's gaming operations, and insuring that employees will continued to be paid during the public health emergency as long as the Nation's resources will allow; and
- WHEREAS,** the public health state of emergency was extended by resolutions # BC-03-26-20-A and # BC-05-06-20-A; and
- WHEREAS,** the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain food industries; and
- WHEREAS,** the State of Wisconsin has experienced a growth in cases on June 3rd now identifying 18,917 positive tests, 607 deaths, and of these tests:
- there are 2334 positive results in Brown County and 232 om Outagamie County
 - there are 46 positive results in the Oneida Reservation with 2 recent deaths from COVID-19; and
- WHEREAS,** the State of Wisconsin has general contact with residents of the State of Illinois (122,848 positive tests and 5,525 deaths, most of those positive tests in the Chicago area), the State

BC Resolution _____
Extension of March 12th Declaration of Public Health Emergency
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of Minnesota (25,508 positive tests and 1072 deaths), and the State of Michigan (57,731 positive tests and 5,553 deaths); and

WHEREAS, a positive test does not identify the number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home; and

WHEREAS, the initial Public Health Emergency Declaration issued by the Chairman under section 302.8-2 requested by the Emergency Management Director on March 12th expired on April 11th and was extended until May 12th and was further extended until June 11th; and

WHEREAS, the COVID-19 Team has issued a modified Safer At Home Declaration and an Open for Business amendment which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and Social Distancing should be practiced by all persons which remains effective during the state of emergency which remains effective until June 11th; and

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

WHEREAS, the Oneida Business Committee has determined that continuing the public health state of emergency for another 30 days continues to be necessary;

Extension of Public Health Emergency Declaration

NOW THEREFORE BE IT RESOLVED, that in accordance with section 302.8-5, the Oneida Business Committee extends the public health emergency declaration for an additional 30 days beginning on June 12, 2020 and ending at 11:59 p.m. on July 12, 2020.



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



Statement of Effect

Extension of Declaration of Public Health Emergency Until July 12, 2020

Summary

This resolution extends the Nation's declaration of the Public Health State of Emergency for an additional thirty (30) days beginning on June 12, 2020 and ending on July 12, 2020.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: June 3, 2020

Analysis by the Legislative Reference Office

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

Under the Emergency Management and Homeland Security law the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of a public health emergency. [3 O.C. 302.8-1]. A public health emergency means the occurrence or imminent threat of an illness or health condition which is a quarantinable disease; and which poses a high probability of a large number of deaths or serious or long-term disability among humans. [3 O.C. 302.3-1(o)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than thirty (30) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-5].

The federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses. State governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders.

In accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee took action to extend this Public Health State of Emergency until May 12, 2020, through the adoption of resolution BC-03-28-20-A, "Extension of March 12th Declaration of Public Health State of Emergency." [3 O.C. 302.8-5]. The Oneida Business

Committee then further extended this Public Health State of Emergency until June 11, 2020, through the adoption of resolution BC-05-06-20-A, “*Extension of Declaration of Public Health State of Emergency Until June 11, 2020.*” [3 O.C. 302.8-5].

On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under certain safer business practices, and social distancing should be practiced by all persons. Declarations made by the COVID-19 Core Decision Making Team remain in effect during the duration of the Nation’s Public Health State of Emergency, unless identified to be effective for a shorter time period. [3 O.C. 302.10-3].

The Emergency Management Director and the Public Health Officer have advised extension of the Public Health State of Emergency declaration supported by information from the Centers for Disease Control and the level of spread of COVID-19 throughout the State of Wisconsin, surrounding states, and the United States. This resolution provides that the Oneida Business Committee has determined that it is necessary to continue the Public Health State of Emergency for another thirty (30) days.

Through the adoption of this resolution, in accordance with section 302.8-5 of the Emergency Management and Homeland Security law, the Oneida Business Committee extends the Public Health State of Emergency declaration for an additional thirty (30) days beginning on June 12, 2020 and ending at 11:59 p.m. on July 12, 2020.

Conclusion

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

Oneida Comprehensive Health Division

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



To: Oneida Nation Covid-19 Communications Team

Date: June 1, 2020

RE: Recommendations to Extend the Oneida Nation Public Health Emergency Declaration

An infectious illness such as COVID19 does not follow our jurisdictional boundaries and/or our reservation boundaries. It is critical for the Oneida Nation to continue to work in tandem with our local and state public health departments. COVID-19 does not pick and choose who will be affected nor does it matter where you work, or where you live.

Through our on-going monitoring of the COVID19 pandemic by public health and other health officials, the following are highlights from our current situation:

- There is an **Increase in COVID-19** cases within Brown and Outagamie counties.
- There is an **Increase in COVID19 related deaths** in Wisconsin including Brown and Outagamie Counties.
- There is **Evidence of continued community spread** in Brown and Outagamie Counties and throughout the state of Wisconsin.

Recommendations:

Based on available information we have today, Oneida Public Health Team has the following recommendations:

1. The Oneida Nation extend the Public Health Emergency declaration to August 31, 2020.
2. All Departments/areas within the organization have a plan for maintaining safe reopening and/or continued operations during COVID19 pandemic to include prevention strategies to keep both employees and patrons safe based upon the guidelines that this team has submitted to the COVID-19 Communications Team.
3. Continued Operations to maintain all safe distancing, Universal masking/face covering and sanitation requirements indefinitely throughout the pandemic.
4. Based on current available information our recommendations would remain valid for the next 3-6 months or longer. Recommendations will continue to change based upon available data and updates on the COVID-19 pandemic.

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

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

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

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

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

5. Continue Basic Infection Prevention Measures throughout the Oneida Organization to protect employees and customers must be included as a part of all operational plans. All Departments should maintain good hygiene and infection control practices, including:
 - Promote frequent and thorough hand washing, including by providing employees, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
 - Encourage employees to stay home if they are sick.
 - Encourage respiratory etiquette, including covering coughs and sneezes.
 - Provide customers and the public with tissues and trash receptacles.
6. Departments should continue to maintain flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies.
7. Discourage employees from using other employees' phones, desks, offices, or other work tools and equipment, when possible.
8. Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment. When choosing cleaning chemicals, Departments should consult information on Environmental Protection Agency (EPA)-approved disinfectant labels with claims against emerging viral pathogens. Products with EPA-approved emerging viral pathogens claims are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses. Follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, PPE).
9. All employees of the nation based on their job duties have a facial covering or mask while at work and maintain safe distancing of at least 6 feet from each other.

Project team:

Debra Danforth, Dr Ravi Vir, Michelle Myers, Kaylynn Gresham

Adopt resolution entitled Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act

Business Committee Agenda Request

1. Meeting Date Requested: 06/10/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☒ Resolution

☐ Correspondence

☐ Minutes

☒ Statement of Effect

☐ Fiscal Impact Statement

☒ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☐ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Trish King, Treasurer

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank

Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act

- 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 world has been impacted by the COVID-19 pandemic resulting in increased medical
- 12 needs and costs, economic costs, and community impacts; and
- 13
- 14 **WHEREAS,** the State of Wisconsin has experienced a growth in cases on June 3rd now identifying
- 15 18,917 positive tests, 607 deaths, and of these tests:
- 16
 - there are 2334 positive results in Brown County and 232 om Outagamie County
 - there are 46 positive results in the Oneida Reservation with 2 recent deaths from
- 17 COVID-19; and
- 18
- 19
- 20 **WHEREAS,** the federal government has developed, adopted and implemented the CARES Act which
- 21 contained \$8 billion in funds reserved for Tribal governments, *section 601(a)(2)(B)*; and
- 22
- 23 **WHEREAS,** the CARES Act identified in section 603(d), "USE OF FUNDS.—A State, Tribal
- 24 government, and unit of local government shall use the funds provided under a payment
- 25 made under this section to cover only those costs of the State, Tribal government, or unit
- 26 of local government that—
- 27 (1) are necessary expenditures incurred due to the public health emergency with respect
- 28 to the Coronavirus Disease 2019 (COVID-19);
- 29 (2) were not accounted for in the budget most recently approved as of the date of
- 30 enactment of this section for the State or government; and
- 31 (3) were incurred during the period that begins on March 1, 2020, and ends on December
- 32 30, 2020;" and
- 33
- 34 **WHEREAS,** the Oneida Nation received \$39,665,614.01 under this legislation in early May and placed
- 35 these funds in the appropriate investment accounts until they could be properly disbursed;
- 36 and
- 37
- 38 **WHEREAS,** the Oneida Nation is eligible to receive additional funds under the second disbursement of
- 39 the remaining \$8 billion funds reserved in the CARES Act; and
- 40
- 41 **WHEREAS,** the Oneida Nation began expending Tribal funds addressing the COVID-19 pandemic
- 42 which included closure of buildings and businesses, payment of wages for employees while
- 43 buildings and businesses were closed, upgrading safety measures for employee and public

BC Resolution # _____
Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act
Page 2 of 2

health, etc., during the March 1, 2020 date and today that were not anticipated within the Nation's budget; and

WHEREAS, many of these expenses are reimbursable under the CARES Act funds and the process of identifying and verifying the expenditures for reimbursements has begun; and

WHEREAS, the Oneida Business Committee has determined that the funding, which much be fully expended by December 30th, should be allocated based on the Nation's priorities as identified by the General Tribal Council and the Oneida Business Committee; and

WHEREAS, this resolution provides guidance regarding the use CARES Act COVID-19 Relief Funds for the organization and community; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee identifies the following percentages for use of the CARES Act COVID-19 Relief Funds:

INSERT table from spreadsheet –

CARES Act Funding	%	Amount Allocated	Purpose	Notes
\$39,665,614.00				12
		\$503,428.50	Reimbursements - Gaming	1
		\$337,000.00	OPD Payroll - Reimbursement	1
		\$1,348,000.00	OPD Payroll - Reserve for remainder	1
		\$360,270.20	Unemployment Costs - Reimbursement	1
		\$5,400,000.00	Unemployment Costs - Reserve for remainder	1
		\$3,419,307.98	3-week General Payroll (excluding fringe)	1
		\$2,000,000.00	Reimbursement Reserve	4
		\$3,200,000.00	Personal/Vacation Reimbursement	5
		\$1,700,000.00	Peg Balance for Monthly Transfers	6
		\$1,750,000.00	General Payroll C-19 Reserve (excluding fringe)	7
\$19,647,607.32	50%	\$20,018,006.68	Subtotal - Operational Expenses & Reimbursements	
		\$1,230,000.00	Small Business Grant Assistance Program	1
		\$7,000,000.00	Future programs business related	8
\$11,417,607.32	21%	\$8,230,000.00	Subtotal - Business Programming	
		\$8,000,000.00	Programming	9
\$3,417,607.32	20%	\$8,000,000.00	Subtotal - Infrastructure Housing	
		\$3,000,000.00	Programming	10
		\$417,607.32	Programming	11
\$0.00	9%	\$3,417,607.32	Subtotal - Community Support	
	100%	Total % Funding		

NOTES:

1. Light blue are funds obligated and approved.
2. Light yellow are estimates needed for remainder of year on fund uses.
3. Examples in other lines are presented to show impacts.
4. Estimate for unsubmitted reimbursements. Remainder would be released after the deadline.
5. Estimate for furlough/layoff over 40 hours - reimburse employee.
6. Amount for grant reimbursement delay from spending to receipt of reimbursement
7. As an example applied FEMA funds 75% to some of the costs.; Total estimated amount at \$5m
8. EXAMPLE: Proposal to increase Small Business Grant Assistance or Corporate entities
9. EXAMPLE: providing road and water/sewer in new subdivision area.
10. EXAMPLE: GWE, tangible items for members - re Fridgerators, roof, doors, windows
11. EXAMPLE: Utility assistance.
12. Does not include remaing 40% of \$8b as the funds have not been delivered.



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



Statement of Effect

Setting Allocation Goals for Use of COVID-19 Relief Funds in the Cares Act

Summary

This resolution identifies percentages for how CARES Act COVID-19 Relief Funds will be allocated for use by the Nation.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: June 4, 2020

Analysis by the Legislative Reference Office

The federal government developed, adopted, and implemented the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") to address the economic fallout caused by the COVID-19 pandemic. The CARES Act contained \$8 billion dollars in funds reserved for Tribal governments. Section 603(d) of the CARES Act identified that a Tribal government shall use the funds provided to cover only those costs of the Tribal government that are necessary expenditures incurred due to the public health emergency with respect to the COVID-19; were not accounted for in the budget most recently approved as of the date of enactment of this section for the government; and were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

In May, the Nation received \$39,661,614.01 in relief funding from the CARES Act referred to as COVID-19 Relief Funds. These funds have been placed in the appropriate investment accounts until they could be properly disbursed. The Nation is eligible to receive additional funds under the second disbursement of the remaining \$8 billion funds reserved in the CARES Act.

The resolution provides that the Nation began expending Tribal funds addressing the COVID-19 pandemic which included closure of buildings and businesses, payment of wages for employees while buildings and businesses were closed, upgrading safety measures for employee and public health, etc., during the March 1, 2020 date and today that were not anticipated within the Nation's budget. Many of these expenses are reimbursable under the CARES Act funds and the process of identifying and verifying the expenditures for reimbursements has begun. The Oneida Business Committee has determined that the funding, which must be fully expended by December 30th, should be allocated based on the Nation's priorities as identified by the General Tribal Council and the Oneida Business Committee.

This resolution provides guidance regarding the use of CARES Act COVID-19 Relief Funds for the organization and community by identifying specific percentages for the allocation of use of the CARES Act COVID-19 Relief Funds.

Conclusion

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

Adopt resolution entitled Process for Authorization for Use of CARES Act Covid Relief Funds

Business Committee Agenda Request

1. Meeting Date Requested: 06/10/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☒ Resolution

☐ Correspondence

☐ Minutes

☒ Statement of Effect

☐ Fiscal Impact Statement

☒ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☒ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Trish King, Treasurer

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank

Process for Authorization for Use of CARES Act Covid Relief Funds

- 1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5
6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7
8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10
11 **WHEREAS,** the Oneida Nation has received \$39,661,614.01 under the Tribal government's relief
12 included with the CARES Act, referred as "COVID-19 Relief Funds"; and
13
14 **WHEREAS,** the COVID-19 Relief Funds are unbudgeted funds with specific restrictions and
15 qualifications regarding the use of the funds; and
16
17 **WHEREAS,** the funds can be allocated to restricted activities across the organization and the
18 community and are not assigned to any single program which results in potent; and
19
20 **WHEREAS,** the Oneida Business Committee believes that the approval of use of these funds should
21 be centralized to ensure they are applied in the best and most effective manner reviewing
22 all available resources; and
23
24 **WHEREAS,** the Oneida Business Committee believes that reimbursements will be made regarding
25 expenditures made during the period beginning March 1, 2020 and June --, 2020 which
26 qualify for COVID-19 Relief Funds are finite and can be approved expediently through the
27 Finance COVID-19 Team; and
28
29 **WHEREAS,** the purchasing and procurement processes should be amended to reflect the unique
30 nature of these funds and the special restrictions on the use of these funds; and
31

32 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the following process for
33 the use of the CARES Act COVID-19 Relief Funds (*CRF Government Relief Funds*):
34

Purpose

36 The Oneida Nation has received funds for the COVID-19 pandemic from various granting agencies as well
37 as the CRF government relief funds. Use of the funds must be carefully monitored to avoid overlap
38 regarding reimbursement and proposed expenses. This authorization resolution is broken into three groups
39 –

- 40 • Funds received by individual business units related to COVID-19 pandemic.
- 41 • CRF government relief funds requests for reimbursement.
- 42 • CRF government relief funds requests for new activities.

In general, the process will be for the Requestor to provide the following documentation to the COVID-19_Funding@oneidanation.org e-mail address or the on-line portal, which will be monitored by personnel delegated by the General Manager (*the CRF Funding Coordinator*), to approve the plan and identify funding source. The approved and funded request will then go to the Oneida Business Committee for approval. After approval, the request will be forwarded to the appropriate BU with funds, OR, forwarded to Purchasing to requisition the purchase.

Payroll will be documented through the PAR sheets distributed through Intergovernmental Affairs and Communication. The PAR sheets will have additions to include justifications for COVID-19 time only. Business units which are exclusive to COVID-19 activities (Emergency Management, Public Health, etc.) may receive a blanket approval after review and identification of documentation to authorize the blanket approval. A memo will be provided to those business units when this is finalized.

A summary expense will be provided monthly on personnel time.

COVID-19 Request Form

Every use of COVID-19 related funding must utilize the request form developed for tracking purposes. The request form will include the following information:

- BU Name
- BU Number (could indicate a new COVID-19 grant)
- Requestor (phone, etc.)
- Dollar amount
- Item(s) requested

The Requestor should provide with the request form:

- Justification
- Quotes (Sole Source or 3 quotes attached)

Funding/ Category

The funding/category will be recommended by a team made up of the CRF Funding Coordinator, the Self-Governance Coordinator from Intergovernmental Affairs and Communications, and attorney assigned from the Oneida Law Office.

Funds Received by Individual Business Units Related to COVID-19 Pandemic

There are currently 18 existing BU's/ PRT's with Covid funding that will be monitored monthly and expenses tracked to ensure that items are not requested through multiple sources. All use of these funds should use the request form for documentation and be forwarded to the COVID-19 Funding Coordinator for tracking purposes.

CRF Government Relief Funds Requests for Reimbursement

All reimbursement requests shall use the request form and contain the required backup documentation. The business unit shall identify whether the funds are originally tribal contribution or other funding. Past purchases will be reviewed by the Self Governance Coordinator, Covid-19 Funding Coordinator to ensure that the correct fund unit was used, and corrections made if needed. These requests will also be brought to Finance for post-purchase approval for auditing and tracking purposes.

CRF Government Relief Funds Requests for New Activities

A request to utilize CRF government funds will be accompanied by the request form which clearly identifies the purpose of the request, any activities, and all costs. The business unit may use estimates for costs. Any request shall identify the proposed start date and the completion date must be on or before December 1, 2020.

95 *Timelines*

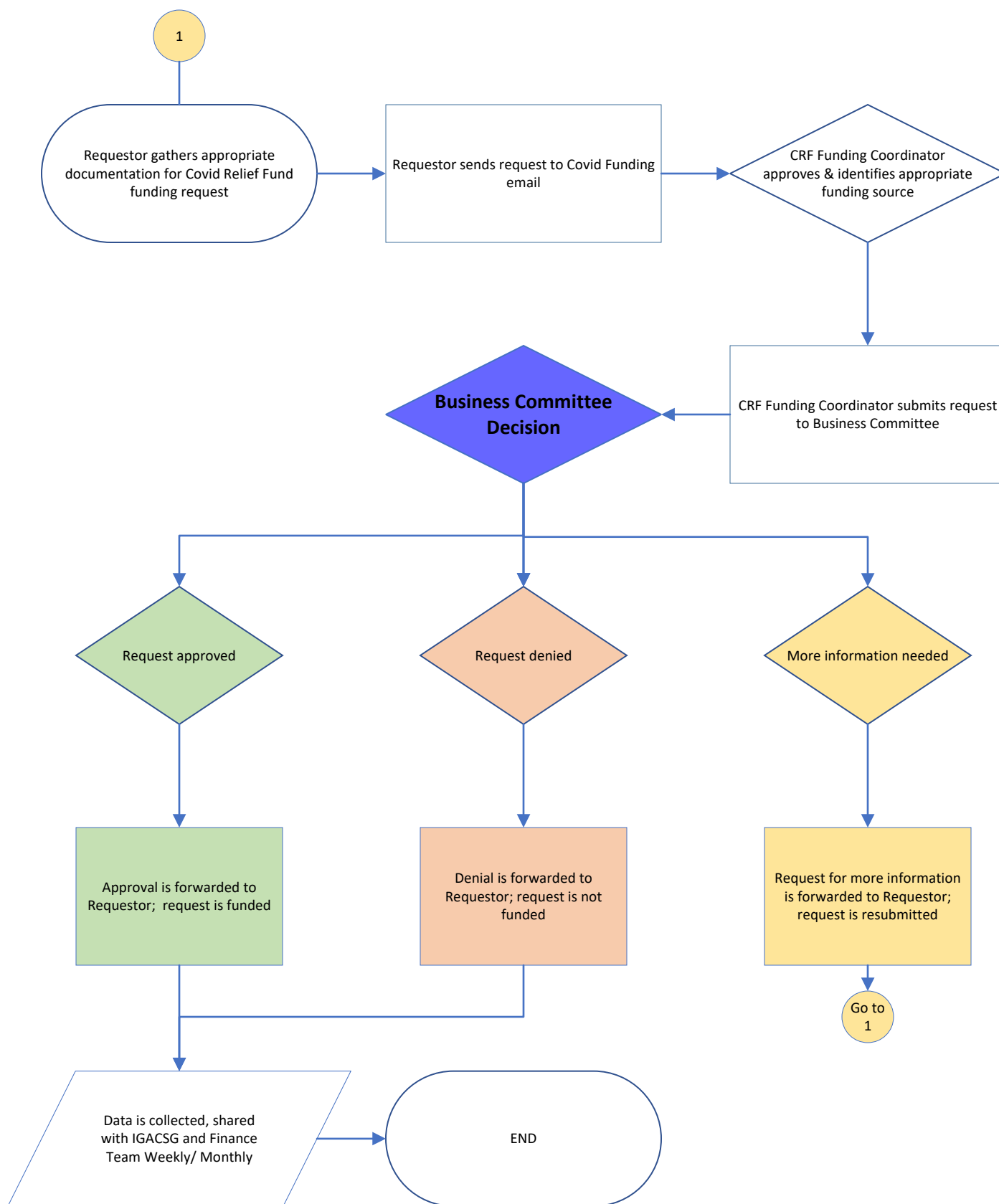
96 The deadline to submit all requests, make all expenditures, complete activities, submit all invoices and pay
97 all invoices is December 1, 2020. It is very important to remember and adhere to the December 1, 2020
98 deadline to ensure that all reports/invoices/checks/services and related activities are completed in a timely
99 manner. There will be no exceptions.

100

101 A flowchart of the approval process is attached to this resolution.

102

103 **BE IT FINALLY RESOLVED**, the Finance COVID-19 Team is authorized to approve all reimbursements
104 made for qualifying purchases between March 1, 2020 and June --, 2020.







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



Statement of Effect

Process for Authorization for Use of CARES Act COVID Relief Funds

Summary

This resolution adopts a process for how the Oneida Nation shall approve and apply the relief funding it received under the Coronavirus Aid, Relief, and Economic Security Act.

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

Date: June 3, 2020

Analysis by the Legislative Reference Office

In March of 2020, U.S. Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") to address the economic fallout caused by the COVID-19 pandemic. Under the CARES Act, the Oneida Nation has received \$39,661,614.01 in relief funding referred to as COVID-19 Relief Funds.

The COVID-19 Relief Funds are unbudgeted funds with specific restrictions and qualifications that attach to the use of such funds. The Oneida Business Committee believes that the process for the approval and use of these funds should be centralized to ensure that they are applied in the best and most effective manner, reviewing all available resources.

This resolution sets forth the process for the Nation's use of COVID-19 Relief Funds, the intent of which is to ensure that the funds are carefully monitored to avoid overlap regarding reimbursement and proposed expenses. It includes as an attachment a flowchart of the approval process described within the resolution. The resolution further authorizes the Finance COVID-19 Team to approve all reimbursements that are made for qualifying purchases that occurred during a set period of time.

Conclusion

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

Oneida Business Committee Agenda Request

Adopt resolution entitled COVID-19 Response - Oneida Nation Small Business Assistance Program

1. Meeting Date Requested: 06 / 10 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

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

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

Background:

The CoVID-19 Finance Team has been developing a grant / loan program to be made available to Small Business Owners, who are enrolled Oneida, and are 51% owners of the business.

Through dialogue with Bay Bank, Finance Division, Law Office, a grant program is made available in the amount of \$30,000.

Requested Motion:

Adopt Resolution titled, "CoVID-19 Response - Oneida Nation Small Business Assistance Program."

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

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

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank COVID-19 Response - Oneida Nation Small Business Assistance Program

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

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

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

11 **WHEREAS,** the Oneida Nation and the community have been negatively impacted by the COVID-19
12 pandemic as positive cases increase and as the economy is slowly recovering; and
13

14 **WHEREAS,** the Oneida Business Committee directed the Nation's gaming operations be closed to the
15 public resulting in \$0 revenues supporting its operations to help stop the spread of the
16 virus, and the COVID-19 Core Decision Making Team (*COVID-19 Team*) issued *Safer at*
17 *Home Declarations* which closed non-essential businesses much the same as occurred
18 across the State of Wisconsin and the United States to slow the spread of the pandemic;
19 and
20

21 **WHEREAS,** the COVID-19 Team recently determined that slowly reopening businesses within the
22 Oneida Nation Reservation (*Reservation*) through the *Open for Business* amendment to
23 the *Updated Safer at Home* declaration; and
24

25 **WHEREAS,** the closure of small businesses within the Oneida Reservation for over two months as a
26 result of a public health state or emergency has resulted in business losses, loss of
27 employment wages, and possibly makes it difficult for the small business to re-open
28 operations; and
29

30 **WHEREAS,** the Oneida Business Committee believes that a vital small business community within the
31 Reservation is vital to the economic vitality of the Oneida Nation and its members; and
32

33 **WHEREAS,** the federal government adopted the CARES Act which included COVID-19 Relief Funding
34 to tribal governments; and
35

36 **WHEREAS,** the Oneida Business Committee believes that adoption of a small business assistance
37 program utilizing the COVID-19 Relief Funding can provide the support to small businesses
38 that will allow their recovery and support of the Reservation economy;
39

40 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee adopts the Oneida Nation Small
41 Business Assistance Program as follows.
42

43 *Name:* Oneida Nation Small Business Assistance Program ("ONSBAP").

Purpose: ONSBAP will assist Oneida member-owned businesses within or near the Oneida Nation Reservation impacted by the COVID-19 emergency after March 1, 2020 and before June 30, 2020, until liquidation of the ONSBAP, or the ONSBAP is terminated through government action, whichever comes first.

Funding: Eligible business entities may qualify for ONSBAP grant from the CRF allocated to the Oneida Nation for this purpose.

Eligible Business: A business will be eligible for ONSBAP grant if it is: a) majority (51%) owned by enrolled member(s) of the Oneida Nation; b) business is located within the Oneida Nation Reservation or on tribal-owned land operated by 1822 Land and Development Company of Oneida, LLC; c) business can certify it has been affected by the COVID-19 emergency and suffered a business interruption due to the same; d) the business is organized pursuant to state business formation laws or, if not organized thereby, has filed a Schedule C (Form 1040) as part of its 2018 and/or 2019 federal tax filing; e) business was in operation prior to March 1, 2020; and f) business certifies it has and may produce, if requested, monthly profit and loss statements for the year prior to March 1, 2020 or for the months it has been in business if less than a year.

Affected by COVID-19 Emergency: A business shall be presumed affected by the COVID-19 emergency if: a) it closed for business pursuant to a COVID-19 related government order from the Oneida Nation or State of Wisconsin; b) it suffered reduced revenues of 5% or more after March 1, 2020 if permitted to remain open for business after promulgation of the of the aforementioned government orders; or c) the business was forced to close or reduce its hours of operation or provision of services due to i) employees unable to work due to COVID-19 related matters (personally inflicted or required to care for a family member inflicted by COVID-19), ii) revenues curtailed due to aforementioned government orders (e.g.: a restaurant limited to only curbside service), or iii) loss of contracts for provision services due to customer/client impacted by COVID-19 emergency.

Amount of Grant: The grant amount may be determined by the following:

1. Payroll costs: a) payroll costs including salary or wages of employees hired prior to March 1, 2020 and still employed or vacated position filled pursuant to ONSBAP grant; b) tips (if customary in the line of business and based on employer records or good faith employer estimates of tips) of employees hired prior to March 1, 2020 and still employed or vacated position filled pursuant to ONSBAP grant; c) benefits including health care coverage and retirement contributions in effect prior to March 1, 2020 or reinstated after vacated position filled; and d) tax assessed on compensation of employees hired prior to March 1, 2020 and still employed or vacated position filled pursuant to ONSBAP grant. Business owner may seek ONSBAP grant for aforementioned costs incurred after March 1, 2020 and until June 30, 2020.
2. Payroll cost limitations: a) Business owners must verify employee salaries, wages, and benefits prior to March 1, 2020; b) employees must have been employed prior to March 1, 2020 or position filled pursuant to ONSBAP grant; c) compensation shall be capped at \$50,000 of an individual employee receiving an annual salary in excess of \$50,000; and d) independent contractors or consultants contracted with the business shall not be included as a part of the grant amount. Business owner may seek ONSBAP grant for payroll costs incurred after March 1, 2020 and until June 30, 2020.
3. Other business-related costs: a) utility payments for service agreements incurred before March 1, 2020; b) rent or interest on mortgage for place of business incurred before March 1, 2020. Business owner may seek ONSBAP grant for these costs incurred after March 1, 2020 and until June 30, 2020.

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COVID-19 Response - Oneida Nation Small Business Assistance Program
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4. Post-COVID-19 emergency marketing and development: Twenty percent (20%) of items nos. 1 and 3 above. The funds allocation in this enumerated section may be used for marketing costs, business development costs, and expenses associated with acquiring personal protection equipment, disinfectants, signage, and other material or items to safeguard business operations and customers.
5. The amount of a grant may be limited to less than the sum of nos. 1, 3, and 4 above at the discretion of the Nation to ensure all eligible businesses have an opportunity to partake in the ONSBAP. ONSBAP grant funds may be used only for reimbursable expenses within the above categories.
6. A business owner may apply for and receive an ONSBAP grant only once. The Nations reserves the right to expand the program to permit additional rounds of application if the member-owned small businesses exhibit a continuous need related to the COVID-19 emergency and the ONSBAP has sufficient funds for additional grants.
7. The maximum ONSBAP grant will not exceed \$30,000.00. The grant request must be substantiated by the requirements contained within this document and any associated laws or procedures. All reimbursements to the applicant pursuant to the ONSBAP must be supported by documentation of the expenses, costs, or loss.
8. Applicants must file for the ONSBAP no later than July 31, 2020. Applicant must seek the final reimbursement from the ONSBAP grant no later than September 30, 2020.
9. Business owner will retain necessary documentation substantiating the request and use of funds. Any grant funds not used by Eligible Business shall be returned to the Oneida Nation by September 30, 2020.
10. The Oneida Nation reserves the right to audit the use of funds within two years of the awarding of the ONSBAP grant. The Oneida Nation reserves the right to clawback all or a portion of the ONSBAP grant made to a business if the grant funds were used for purposes other than those listed in nos. 1, 3, and 4 above.

Documentation and Use of Documents: Business owner should be prepared to document adherence to the above requirements prior to approval of the grant application. Requested and produced documentation will become a part of the record associated with the ONSBAP grant and may be used by the Nation to satisfy the Nation's internal audits, federal data requests, federal audits, or other legal federal request associated with CRF.

Management of ONSBAP Grant: Bay Bank will administer the ONSBAP grants. Bay Bank, in its role as administrator, will 1) develop the application, 2) accept applications, 3) determine eligibility of the business, 4) determine amounts of the grant, and 5) other required acts to compile and complete a grant application. Bay Bank will inform the Nation of its recommendation after review of the grant application.

The Nation, or its delegate, will make the final determination on the award the grant to the Eligible Business upon receipt of the recommendation from Bay Bank. The Nation will transfer the necessary funds to Bay Bank so it may award the grant to the Eligible Business on behalf of the Nation. Bay Bank will pay out the Nation-approved grant award to the Eligible Business only after Bay Bank receives the CRF monies from the Nation to make the aforementioned payment. The following is reiterated for clarity now and in later review: 1) the Nation makes the final determination on the award of the grant to the Eligible Business, and 2) the Nation will transfer CRF monies to Bay Bank for each instance of a grant award payment; the Nation will not transfer to Bay Bank a tranche of funds to be managed or otherwise controlled by Bay Bank.

Bay Bank will create an agreement executed by Bay Bank and Eligible Business that substantially meets the requirements herein. Bay Bank will administer the grant and collect required documentation from Eligible Business for such administration. Bay Bank shall administer the ONSBAP in accordance with the Nation's laws, federal, and applicable state laws. Bay Bank shall ensure its distribution and administration conform to the CARES Act.

147
148 **BE IT FUTHER RESOLVED**, the Oneida Business Committee directs the Treasurer to set up an Oneida
149 Nation account at BayBank in the amount of \$1.2 million as funding for the program.
150
151 **BE IT FURTHER RESOLVED**, the Oneida Business Committee directs the Treasure to deliver to BayBank
152 \$--- as an administrative fee to offset the cost of administering the Oneida Nation Small Business Program.
153
154 **BE IT FINALLY RESOLVED**, the signature of an officer of Bay Bank upon a copy of this resolution shall
155 be considered acceptance by Bay Bank of the terms of this program.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
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Statement of Effect

COVID-19 Response - Oneida Nation Small Business Assistance Program

Summary

This resolution adopts an Oneida Nation Small Business Assistance Program to assist member-owned businesses within or near the Reservation impacted by the COVID-19 emergency.

Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office
Date: June 3, 2020

Analysis by the Legislative Reference Office

The federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses. State governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders.

In accordance with the authority granted to the Oneida Business Committee through the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. The Oneida Business Committee took action to extend this Public Health State of Emergency until May 12, 2020, through the adoption of resolution BC-03-28-20-A, “*Extension of March 12th Declaration of Public Health State of Emergency.*” [3 O.C. 302.8-5]. The Oneida Business Committee then further extended this Public Health State of Emergency until June 11, 2020, through the adoption of resolution BC-05-06-20-A, “*Extension of Declaration of Public Health State of Emergency Until June 11, 2020.*” [3 O.C. 302.8-5]. On June 10, 2020, the Oneida Business Committee will consider an additional extension of the Public Health State of Emergency until July 12, 2020.

On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. The Nation’s gaming operations were closed to the public resulting in no revenues supporting its operations to help stop the spread of the virus, and the closure of all non-essential businesses throughout the Reservation. On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. Then on May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-

open under certain safer business practices, and social distancing should be practiced by all persons.

The closure of small businesses within the Oneida Reservation for over two months as a result of this Public Health State of Emergency has resulted in business losses, loss of employment wages, and possibly makes it difficult for the small business to re-open operations. The Oneida Business Committee believes that a vital small business community within the Reservation is vital to the economic vitality of the Oneida Nation and its members.

The federal government adopted the CARES Act which included COVID-19 Relief Funding to tribal governments. The Oneida Business Committee believes that adoption of a small business assistance program utilizing the COVID-19 Relief Funding can provide the support to small businesses that will allow their recovery and support of the Reservation economy.

This resolution adopts the Oneida Nation Small Business Assistance Program (“ONSBAP”) for the purpose of assisting Oneida member-owned businesses within or near the Oneida Nation Reservation impacted by the COVID-19 emergency after March 1, 2020 and before June 30, 2020, until liquidation of the ONSBAP, or the ONSBAP is terminated through government action, whichever comes first. The resolution provides the following information in regard to the ONSBAP:

- purpose of the ONSBAP;
- funding source of the ONSBAP;
- what businesses are eligible for assistance from the ONSBAP;
- explanation of how “affected by COVID-19 Emergency” will be interpreted;
- the amount of a grant from the ONSBAP a business shall be eligible for;
- documentation requirements for participation in the ONSBAP;
- management of the ONSBAP by Bay Bank and its relationship to the final decision-making authority and release of funds by the Nation.

This resolution also directs the Nation’s Treasurer to set up an Oneida Nation account at BayBank in the amount of \$1.2 million as funding for the program, and to deliver to BayBank funds as an administrative fee to offset the cost of administering the Oneida Nation Small Business Program. The resolution provides that the signature of an officer of Bay Bank upon a copy of this resolution shall be considered acceptance by Bay Bank of the terms of this program.

The ONSBAP uses COVID-19 Relief funding from the CARES Act to assist small businesses owned by a member of the Nation which have been affected by the COVID-19 pandemic. The ONSBAP is a separate program than the loan or grant programs provided by the Nation’s Small Business Loans law which more generally promotes Oneida economic development through the enhancement of credit made available to members of the Nation engaged or proposing to engage in business ventures. [5 O.C. 504.1-1].

Conclusion

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

Oneida Business Committee Agenda Request


Adopt resolution entitled Amendments to the Tobacco Law

1. Meeting Date Requested: 6 / 10 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
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TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson 
 DATE: June 10, 2020
 RE: Tobacco Law Amendments

Please find the following attached backup documentation for your consideration of the proposed amendments to the Tobacco law:

1. Resolution: Amendments to the Tobacco Law
2. Statement of Effect: Amendments to the Tobacco Law
3. Tobacco Law Amendments Legislative Analysis
4. Tobacco Law Amendments (Redline)
5. Tobacco Law Amendments (Clean)
6. Tobacco Law Amendments Fiscal Impact Statement

Overview

On January 15, 2020, the Legislative Operating Committee (LOC) added the Tobacco law amendments (“the Law”) to its Active Files List upon recommendation by the Oneida Law Office and Oneida Retail Enterprise for emergency amendments to be made based on President Trump’s December 20, 2019, action to sign into law an amendment to the Federal Food, Drug, and Cosmetic Act which raised the legal age to purchase tobacco products from at least eighteen (18) to at least twenty-one (21) years old, effective immediately. On February 26, 2020, the Oneida Business Committee adopted the emergency amendments to the Law through resolution BC-02-26-20-A which raised the Nation’s minimum age for the sale of cigarettes and electronic cigarettes from eighteen (18) to twenty-one (21). These emergency amendments are set to expire on August 26, 2020.

The Legislative Operating Committee has now prepared permanent amendments to the Tobacco law for the Oneida Business Committee’s consideration. The purpose of the Tobacco law is to regulate the sale, possession and distribution of cigarettes within the Reservation. [1 O.C. 115.1-1]. This resolution adopts amendments to the Tobacco law which will:

- Provide a definition for “tobacco products” [1 O.C. 115.3-1(h)];
- Permanently change the minimum age of sale from eighteen (18) to twenty-one (21) years old [1 O.C. 115.6-3];
- Clarify that all tobacco products, and not just cigarettes and electronic cigarettes, shall not be sold to any person under the age of twenty-one (21) years [1 O.C. 115.6-3];
- Clarify that no person other than an authorized employee shall sell tobacco products, and not just cigarettes and electronic cigarettes, at an Oneida retail location [1 O.C. 115.6-3];
- Clarify that the process and procedure contained in the Nation’s Citations law will govern citations issued under this Law [1 O.C. 115.8-1(a)-(b)]; and

- Provide authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this Law [1 O.C. 115.8-1(c)].

The Legislative Operating Committee developed the proposed amendments to the Tobacco law through collaboration with representatives from the Oneida Law Office, Oneida Retail Enterprise, and the Community Health Services Department.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed amendments to the Tobacco law due to the COVID-19 pandemic. In early 2020 the world was hit with a COVID-19 pandemic resulting in many countries experiencing the effects of health issues and mortality related to COVID-19 and vast economic impacts. 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. This Public Health State of Emergency was extended through May 12, 2020, through the adoption of resolution BC-03-28-20-A, and then further extended until June 11, 2020, through the adoption of resolution BC-05-06-20-A. On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed. This declaration prohibits all public gatherings of any number of people. Then 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 amendments to the Tobacco law was held in person, the public comment period was still held open until May 7, 2020, for the submission of written comments. No written comments were received during the public comment period.

Requested Action

Approve the Resolution: Amendments to the Tobacco Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Amendments to the Tobacco 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 Tobacco law ("the Law") was adopted by the Oneida Business Committee through
12 resolution BC-11-18-81-A, and then amended by resolutions BC-10-10-07-A, BC-04-09-
13 14-F, and BC-01-25-17-B; and
14
15 **WHEREAS,** the purpose of the Law is to regulate the sale, possession and distribution of cigarettes
16 within the Reservation; and
17
18 **WHEREAS,** the Oneida Business Committee adopted emergency amendments to this Law through
19 resolution BC-02-26-20-A in accordance with the emergency adoption process set forth in
20 the Legislative Procedures Act; and
21
22 **WHEREAS,** the emergency amendments raised the Nation's minimum age for the sale of cigarettes
23 and electronic cigarettes from eighteen (18) to twenty-one (21) years old based on
24 President Trump's December 20, 2019, action to sign into law an amendment to the
25 Federal Food, Drug, and Cosmetic Act which raised the legal age to purchase tobacco
26 products from at least eighteen (18) to at least twenty-one (21) years old, effective
27 immediately; and
28
29 **WHEREAS,** the emergency amendments to the Law are set to expire on August 26, 2020; and
30
31 **WHEREAS,** the adoption of the emergency amendments on a permanent basis are necessary to remain
32 compliant with the Federal Food, Drug, and Cosmetic Act's requirements; and
33
34 **WHEREAS,** additional permanent amendments to the Law were made and include the addition of a
35 definition for tobacco products; and
36
37 **WHEREAS,** the permanent amendments clarify that all tobacco products, and not just cigarettes and
38 electronic cigarettes, shall not be sold to any person under the age of twenty-one (21) years
39 old; and
40
41 **WHEREAS,** the permanent amendments to the Law clarify that no person other than an authorized
42 employee shall sell tobacco products, and not just cigarettes and electronic cigarettes, at
43 an Oneida retail location; and

44
45 **WHEREAS,** the permanent amendments to the Law clarify that the process and procedure contained
46 in the Nation's Citations law will govern citations issued under this Law; and
47

48 **WHEREAS,** the permanent amendments to the Law provide authority to the Oneida Business
49 Committee to adopt through resolution a fine and penalty schedule for citations issued as
50 a result of a violation of this Law; and
51

52 **WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the
53 Oneida Law Office, Oneida Retail Enterprise, and the Community Health Services
54 Department to develop the amendments to this Law; and
55

56 **WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact
57 statement were completed for the amendments to the Law; and
58

59 **WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance
60 with the Legislative Procedures Act due to the COVID-19 pandemic; and
61

62 **WHEREAS,** in the Spring of 2020 the world experienced the spread of the COVID-19 pandemic which
63 resulted in many countries experiencing the effects of health issues and mortality related
64 to COVID-19 and vast economic impacts; and
65

66 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
67 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for
68 the Nation until April 12, 2020, which was then subsequently extended through June 11,
69 2020, through the adoption of resolutions BC-03-28-20-A and BC-05-06-20-A; and
70

71 **WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer*
72 *at Home*" declaration which prohibits all public gatherings of any number of people and
73 orders all individuals present within the Oneida Reservation to stay at home or at their
74 place of residence, with certain exceptions allowed; and
75

76 **WHEREAS,** 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; and
83

84 **WHEREAS,** although a public meeting was not held for the proposed amendments to this Law, the
85 public comment period for the amendments to this Law was held open until May 7, 2020;
86 and
87

88 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Tobacco law are hereby adopted and
89 shall be effective on June 24, 2020.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
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Statement of Effect

Amendments to the Tobacco Law

Summary

This resolution adopts amendments to the Tobacco law.

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

Date: May 26, 2020

Analysis by the Legislative Reference Office

The Tobacco law (“the Law”) was adopted by the Oneida Business Committee for the purpose of regulating the sale, possession, and distribution of cigarettes within the Reservation. [1 O.C. 115.1-1]. The Tobacco law was most recently amended on an emergency basis through the adoption of resolution BC-02-26-20-A for the purpose of bringing the Tobacco law in compliance with changes to the Federal Food, Drug, and Cosmetic Act which raised the legal age to purchase tobacco products from at least eighteen (18) to at least twenty-one (21) years old. These emergency amendments are set to expire on August 26, 2020.

This resolution seeks permanent amendments to the Tobacco law which will:

- Provide a definition for “tobacco products” [1 O.C. 115.3-1(h)];
- Permanently change the minimum age of sale from eighteen (18) to twenty-one (21) years old [1 O.C. 115.6-3];
- Clarify that all tobacco products, and not just cigarettes and electronic cigarettes, shall not be sold to any person under the age of twenty-one (21) years [1 O.C. 115.6-3];
- Clarify that no person other than an authorized employee shall sell tobacco products, and not just cigarettes and electronic cigarettes, at an Oneida retail location [1 O.C. 115.6-3];
- Clarify that the process and procedure contained in the Nation’s Citations law will govern citations issued under this Law [1 O.C. 115.8-1(a)-(b)]; and
- Provide authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this Law [1 O.C. 115.8-1(c)].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The proposed amendments to the Tobacco law comply 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 Tobacco law amendments was not held due to the COVID-19 pandemic. In early 2020 the world experienced a COVID-19 pandemic resulting in many countries experiencing the effects of health issues and mortality related to COVID-19 and vast economic impacts. 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].

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

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

Then 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.

On March 28, 2020, the Oneida Business Committee took action to extend the Public Health State of Emergency through May 12, 2020, through the adoption of resolution BC-03-28-20-A. Then on May 6, 2020, the Oneida Business Committee took action to further extend the Public Health State of Emergency through June 11, 2020, through the adoption of resolution BC-05-06-20-A.

Although a public meeting for the Tobacco law amendments was not held, the public comment period was still held open until May 7, 2020.

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 amendments to the Tobacco law would become effective on June 24, 2020, 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. Adoption of this resolution 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.



AMENDMENTS TO THE TOBACCO LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Amendments	<ul style="list-style-type: none"> Provide a definition for “tobacco products;” Permanently change the minimum age of sale from eighteen (18) to twenty-one (21) years old; Clarify that all tobacco products, and not just cigarettes and electronic cigarettes, shall not be sold to any person under the age of twenty-one (21) years; Clarify that no person other than an authorized employee shall sell tobacco products, and not just cigarettes and electronic cigarettes, at an Oneida retail location; Clarify that the process and procedure contained in the Nation’s Citations law will govern citations issued under this Law; and Provide authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this Law.
Purpose	The purpose of this Law is to regulate the sale, possession and distribution of cigarettes within the Reservation <i>[1 O.C. 115.1-1]</i> .
Affected Entities	Oneida Retail Enterprise, Oneida Judiciary, Oneida Police Department
Related Legislation	Oneida Personnel Policies and Procedures, Citations law
Public Meeting	A public comment period was held open until May 7, 2020. 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> ”
Fiscal Impact	A fiscal impact statement was provided by the Finance Department on May 26, 2020.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Tobacco law (“the Law”) regulates the sale, possession, and distribution of cigarettes within the Reservation. *[1 O.C. 115.1-1]*. The Oneida Business Committee originally adopted this Law on March 15, 1976. The Law was most recently amended on an emergency basis on February 26, 2020.
- B. **Emergency Amendments.** On February 26, 2020, the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-02-26-20-A. The emergency amendment raised the minimum age for the sale of cigarettes and electronic cigarettes from eighteen (18) to twenty-one (21) years.
- The Oneida Business Committee is delegated the authority to temporarily enact an emergency law where legislation is necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and the enactment or amendment of legislation is required sooner than would be possible by utilizing the standard legislative process. *[1 O.C. 109.9-5]*.
 - An emergency amendment to the Law was pursued based on President Trump’s December 20, 2019, action to sign into law an amendment to the Federal Food, Drug, and Cosmetic Act which raised the legal age to purchase tobacco products to at least twenty-one (21) years old, effective

immediately. The Oneida Retail Enterprise began implementing this change on January 1, 2020.

- The Oneida Business Committee determined emergency adoption of the amendment to the Law was necessary for the preservation of the public health and general welfare of the Reservation population because it ensures the Nation is in compliance with federal law. Additionally, the Oneida Business Committee found that observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.
- The emergency amendment to the Law will expire on August 26, 2020. The Legislative Procedures Act allows a one-time emergency law extension of up to six (6) months. [1 O.C. 109.9-5(b)].

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 Retail Enterprise;
 - Community Health Services Department; and
 - Oneida Law Office.
- B. The following laws of the Nation were reviewed in drafting this analysis:
- Oneida Personnel Policies and Procedures; and
 - Citations law.

SECTION 4. PROCESS

- A. Thus far, this Law has followed the process set forth in the Legislative Procedures Act.
- The Tobacco law emergency amendments was added to the Legislative Operating Committee's Active Files List on January 15, 2020.
 - The Oneida Business Committee adopted the emergency amendments on February 26, 2020, through the adoption of resolution BC-02-26-20-A.
 - The emergency amendments will expire on August 26, 2020.
 - A public comment period for the proposed amendments was held open until May 7, 2010.
 - A fiscal impact statement was provided by the Finance Department on May 26m, 2020.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of these amendments:
- January 30, 2020: Work meeting with LOC and Oneida Law Office.
 - March 2, 2020: Work meeting with Oneida Retail Enterprise and Community Health Services Department.
 - March 4, 2020: Work meeting with LOC.
 - April 9, 2020: Work meeting with LOC.
 - May 7, 2020: Work meeting with LOC.
 - May 21, 2020: Work meeting with LOC.
- C. ***COVID-19 Pandemic's Effect on the Legislative Process.*** A public meeting for the proposed amendments to this Law was not held due to the COVID-19 pandemic, but a public comment period was still held open.
- 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, 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.
 - On March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which orders all individuals present within the Oneida Reservation to stay

- at home or at their place of residence, with certain exceptions allowed. This declaration prohibits all public gatherings of any number of people.
- Then 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.
 - On March 28, 2020, the Oneida Business Committee adopted resolution BC-03-28-20-A titled, "*Extension of March 12th Declaration of Public Health State of Emergency*" which extended the Nation's Public Health State of Emergency declaration until May 12, 2020.
 - On May 6, 2020, the Oneida Business Committee adoption resolution BC-05-06-20-A titled, "*Extension of Declaration of Public Health State of Emergency Until June 11, 2020*" which further extended the Nation's Public Health State of Emergency until June 11, 2020.
 - Although a public meeting was not held on the proposed amendments to the Tobacco law, a public comment period was still scheduled. A notice for the Tobacco law public comment period, with an explanation that only written submissions of comments or questions would be accepted, was published in the April 3, 2020, Kalihwisaks edition and posted to the Oneida Register.
 - The public comment period was held open until May 7, 2020. No written comments were received during the public comment period.

SECTION 5. CONTENTS OF THE AMENDMENTS

- A. **Definition of Tobacco Products.** The proposed amendments add a definition for "tobacco products" to the Law. [1 O.C. 115.3-1(h)]. Previously, the Law only defined and referenced "cigarettes" and "electronic cigarettes" and was silent as to other tobacco products. The Oneida Retail Enterprise uses the same minimum age for the sale of tobacco products as cigarettes and electronic cigarettes, the Law just did not reflect this practice.
- *Effect.* The addition of the definition and reference to tobacco products better reflects the Oneida Retail Enterprise's current practice and informs the reader that tobacco products are treated in the same manner as cigarettes and electronic cigarettes.
- B. **Minimum Age of Sale.** The proposed amendments provide that cigarettes, electronic cigarettes, and/or other tobacco products shall not be sold to any person under the age of twenty-one (21). [1 O.C. 115.6-3]. Prior to the adoption of the emergency amendments, the Law only stated that cigarettes and electronic cigarettes shall not be sold to any person under the age of eighteen (18).
- *Effect.* This proposed amendment permanently adopts the emergency amendment which raised the minimum age of sales of cigarettes and electronic cigarettes from eighteen (18) to twenty-one (21). This amendment also clarifies that the minimum age for the sale of tobacco products is twenty-one (21). Although the current version of the Law does not reference tobacco products other than cigarettes and electronic cigarettes, this amendment reflects the Oneida Retail Enterprise's current practice.
- C. **Sale by Authorized Employees Only.** The proposed amendments provide that no person other than an authorized employee shall sell cigarettes, electronic cigarettes, and/or other tobacco products at an Oneida retail location. [1 O.C. 115.6-3]. Previously, the Law only referenced cigarettes and electronic cigarettes in this section.
- *Effect.* This amendment clarifies that the restriction of sales to authorized employees applies to the sale of tobacco products at Oneida retail locations. Although the current version of the Law does not reference tobacco products other than cigarettes and electronic cigarettes, this amendment reflects the Oneida Retail Enterprise's current practice.

- 116 D. **Citations Issued for Violations of this Law.** The proposed amendments provide that an individual who
117 violates a provision of this Law may be issued a citation by the Oneida Police Department. [1 O.C.
118 115.8-1]. The Law goes on to provide that citations, which may include fines and other penalties, shall
119 be processed in accordance with the procedure contained in the Nation's laws and policies governing
120 citations. [1 O.C. 115.8-1(a)-(b)]. The proposed amendments also delegate authority to the Oneida
121 Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a
122 result of a violation of this Law. [1 O.C. 115.8-1(c)]. Previously, the Law provided that violators subject
123 to the jurisdiction of the Nation shall be subject to a fine of not more than ten dollars (\$10) per pack of
124 unstamped cigarettes to be issued by the Oneida Police Department and paid to the Nation. The Law
125 also previously provided that all fines assessed shall be paid within sixty (60) days of issuance of the
126 citation, unless the person contests the citation with the Nation's judicial system before the fine is to be
127 paid.
- 128 ■ **Adoption of a Citations Law.** In February 2020, the Oneida Business Committee adopted a
129 Citations law for the purpose of providing a consistent process that governs all citations that
130 fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1].
 - 131 ■ **Effect.** The proposed amendments better clarify that the process and procedure contained in
132 the Nation's Citations law will govern citations issued under this Law. The proposed
133 amendment's removal of language specific to fines and penalties from the Law to instead be
134 placed into a resolution containing a fine and penalty schedule is also consistent with the
135 Nation's recent legislative drafting practices.
- 136

137 SECTION 6. EFFECT ON EXISTING LEGISLATION

- 138 A. **Reference to other Laws of the Nation.** The following laws of the Nation are referenced in this Law:
- 139 ■ **Oneida Personnel Policies and Procedures.** This Law provides that an employee who violates
140 this Law shall be subject to disciplinary action in accordance with the Nation's laws and
141 policies governing employment. [1 O.C. 115.8-2(b)].
 - 142 ■ The Oneida Personnel Policies and Procedures is the Nation's law which governs
143 employment. The Oneida Personnel Policies and Procedures provides the process for
144 handling complaints, disciplinary actions, and grievances. [Section V.D.].
 - 145 ■ A supervisor would have to follow the disciplinary action procedure contained in the
146 Oneida Personnel Policies and Procedures to hold an employee accountable for a
147 violation of this Law.
 - 148 ■ **Citations law.** This Law provides that a citation for a violation of this Law shall be processed
149 in accordance with the procedure contained in the Nation's laws and policies governing
150 citations.
 - 151 ■ The Citations law is the Nation's law governing citations. The Citations law provides
152 how a citation action is started – such as who has the authority to issue a citation, the
153 requirements of the form of the citation, and how a citation is served and filed;
154 stipulations for the settlement of a citation; and the citation hearing procedures. [8 O.C.
155 807].
 - 156 ■ Any citations issued by the Oneida Police Department for a violation of this Law must
157 comply with the requirements and procedures of the Citations law.
- 158

159 SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- 160 A. **Enforcement.** This Law is enforced in the following ways:
- 161 ■ **Procedures and Policies.** The Oneida Retail Enterprise is the entity responsible for carrying
162 out the process, procedures, and responsibilities of this Law.
 - 163 ■ **Issuance of a Citation.** The Oneida Police Department is authorized to issue a citation for a
164 violation of this Law. [1 O.C. 115.8-1].

- *Seizure of Unstamped Cigarettes.* The Oneida Police Department is authorized to seize any cigarettes acquired, owned, possessed, sold, or distributed in violation of this Law. [1 O.C. 115.8-2(a)].
- *Disciplinary Action.* A supervisor may utilize disciplinary action in accordance with the Oneida Personnel Policies and Procedures for any employee who violates this Law. [1 O.C. 115.8-2(b)].

SECTION 8. OTHER CONSIDERATIONS

- A. ***Timeframe for Permanent Adoption of Amendments.*** The emergency amendments to this Law, as adopted by the Oneida Business Committee through resolution BC-02-26-20-A, will expire on August 26, 2020. The Legislative Procedures Act allows a one-time extension of up to an additional six (6) months. [1 O.C. 109.9-5(b)]. This means that the Legislative Operating Committee has until February 21, 2021, at the latest to adopt these permanent amendments to this Law before the emergency amendments expire.
- B. ***Fine and Penalty Schedule.*** This Law provides that the Oneida Business Committee shall hereby be delegated the authority to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this Law. [1 O.C. 115.8-1(c)]. The fine and penalty schedule resolution for the Tobacco law is currently under development. The Legislative Operating Committee intends to bring this proposed fine and penalty schedule resolution to the Oneida Business Committee at the time these amendments are up for adoption.
- C. ***Fiscal Impact.*** A fiscal impact statement was provided by the Finance Department on May 26, 2020.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation. [1 O.C. 109.6-1].
 - A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted; who may administer a program if the legislation is enacted; who may have financial information concerning the subject matter of the legislation; or by the Finance Office, upon request of the Legislative Operating Committee. [1 O.C. 109.6-1(a and b)].

Title 1. Government and Finances - Chapter 115

~~Oy&=kwa> Olihw@=ke~~
~~matters concerning tobacco~~

TOBACCO

~~Oy&=kwa> Olihw@=ke~~
~~matters concerning tobacco~~

115.1. Purpose and Policy

115.2. Adoption, Amendment, Repeal

115.3. Definitions

115.4. Oneida Retail Locations

115.5. Purchase of, Title to And Possession of Tobacco Products

115.6. Restrictions on Sales

115.7. Liability

115.8. Violations

115.1. Purpose and Policy

115.1-1. *Purpose.* The purpose of this law is to regulate the sale, possession, and distribution of cigarettes within the Reservation.

115.1-2. *Policy.* It is the policy of the Nation to ensure that all cigarette sales on the Reservation are conducted in a lawful manner.

115.2. Adoption, Amendment, Repeal

115.2-1. This law was adopted by the Oneida Business Committee by resolution BC- 11-18-81-A and amended by resolution BC-10-10-07-A, BC-04-09-14-F, ~~and BC-01-25-17-B,~~ and BC- -
- -.

115.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

115.2-3. 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.

115.2-4. 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.

115.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

115.3. Definitions

115.3-1. 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) "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.

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

(c) "Employee" means a person employed by the Oneida Nation working in an Oneida retail location.

(d) "Nation" means the Oneida Nation.

(e) "Oneida Retail Location" means an Oneida Nation retail sales business selling stamped cigarettes within the Oneida Nation Reservation.

(f) "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 land added thereto pursuant to federal law.

(g) "Stamped Cigarettes" means cigarettes bearing valid Wisconsin tax stamps.

(h) "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.

115.4. Oneida Retail Locations

115.4-1. The Nation shall maintain Oneida retail locations within the Reservation as it deems necessary to provide adequate service to consumers of stamped cigarettes.

115.4-2. Each Oneida retail location established hereunder shall be managed and operated by the Oneida Nation.

115.5. Purchase of, Title to and Possession of Tobacco Products

115.5-1. The Nation shall purchase stamped cigarettes from such suppliers as it may choose and shall take title and possession on delivery to an Oneida retail location on the Reservation ~~(the. The~~ title shall be subject to any purchase money security interest~~);~~. Possession of the stamped cigarettes ~~(, but not title)~~, shall be transferred to the manager of the Oneida retail location to be held for sale to the consumers. The Nation shall retain title to stamped cigarettes until sold to a consumer.

115.6. Restrictions on Sales

115.6-1. The Nation shall be the exclusive retailer of cigarettes bearing the Wisconsin Tribal Cigarette tax stamp within the Reservation. Furthermore, only the Nation may claim the tax refunds on cigarettes sold on the Reservation as provided for under state law.

115.6-2. The Nation reserves the right to restrict sales, volume, pricing, and profit margin of stamped cigarettes sold at ~~an~~ Oneida retail location.

115.6-3. Cigarettes ~~and~~, electronic cigarettes, and/or other tobacco products shall not be sold to any person under the age of ~~eighteen (18)~~ twenty-one (21). Cigarettes ~~and~~, electronic cigarettes, and/or other tobacco products for sale at an Oneida retail location shall be on display behind a counter. No person other than an authorized employee shall sell cigarettes ~~and~~, electronic cigarettes, and/or other tobacco products at an Oneida retail location.

115.6-4. No person may sell or offer for sale unstamped cigarettes on the Reservation.

115.7. Liability

115.7-1. The Nation shall be responsible for all risks to the stamped cigarettes and shall carry full insurance against fire, theft, and other hazards, and such insurance shall include as a beneficiary any person owning a purchase money security interest in the products to the extent his or her interest may appear.

115.8 Violations

115.8-1. Issuance of a Citation. An individual who violates a provision of this law may be issued a citation by the Oneida Police Department.

(a) A citation for a violation of this law and/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) The Oneida Business Committee shall hereby be delegated the authority to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this law.

115.8-2. Additional Penalties. In addition to the issuance of a citation and the resulting fine and/or penalty, an individual who violates a provision of this law may be subject to the following:

(a) Seizure. All cigarettes acquired, owned, possessed, sold, or distributed in violation of this law are unlawful property and subject to seizure by ~~any~~the Oneida ~~law enforcement officer~~Police Department.

~~(a) Violators subject to the jurisdiction of the Nation shall be subject to a fine of not more than ten dollars (\$10) per pack of un-stamped cigarettes to be issued by the Oneida Police Department and paid to the Nation.~~

(b) ~~Employees~~Disciplinary Action. An employee who ~~violate~~violates this law shall be subject to disciplinary action in accordance with the Nation's laws, ~~rules~~, and policies governing employment.-

~~115.8-2. All fines assessed under this section shall be paid within sixty (60) days of issuance of the citation, unless the person contests the citation with the Nation's judicial system before the fine is to be paid.~~

End.

Adopted - BC-~~303~~-15-76-A

Adopted - BC-09-07-77-B

Adopted - BC-09-04-79-C

Adopted - BC-11-18-81-A ~~Amended - BC-01-25-17-B~~

~~Adopted - BC 9 7 77 B~~ Amended - BC-10-10-07-A

~~Adopted - BC 9 4 79 C~~ Amended - BC-04-09-14-F

Amended - BC-01-25-17-B

Emergency Amended - BC-02-26-20-A

Amended - BC- - - -

Title 1. Government and Finances - Chapter 115**Oy&=kwa> Olihw@=ke
matters concerning tobacco
TOBACCO**

115.1. Purpose and Policy
115.2. Adoption, Amendment, Repeal
115.3. Definitions
115.4. Oneida Retail Locations

115.5. Purchase of, Title to And Possession of Tobacco Products
115.6. Restrictions on Sales
115.7. Liability
115.8. Violations

115.1. Purpose and Policy

115.1-1. *Purpose.* The purpose of this law is to regulate the sale, possession, and distribution of cigarettes within the Reservation.

115.1-2. *Policy.* It is the policy of the Nation to ensure that all cigarette sales on the Reservation are conducted in a lawful manner.

115.2. Adoption, Amendment, Repeal

115.2-1. This law was adopted by the Oneida Business Committee by resolution BC- 11-18-81-A and amended by resolution BC-10-10-07-A, BC-04-09-14-F, BC-01-25-17-B, and BC-__-__-__-__.

115.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

115.2-3. 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.

115.2-4. 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.

115.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

115.3. Definitions

115.3-1. 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) "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.

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

(c) "Employee" means a person employed by the Oneida Nation working in an Oneida retail location.

(d) "Nation" means the Oneida Nation.

(e) "Oneida Retail Location" means an Oneida Nation retail sales business selling stamped cigarettes within the Oneida Nation Reservation.

(f) "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 land added thereto pursuant to federal law.

(g) “Stamped Cigarettes” means cigarettes bearing valid Wisconsin tax stamps.

(h) “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.

115.4. Oneida Retail Locations

115.4-1. The Nation shall maintain Oneida retail locations within the Reservation as it deems necessary to provide adequate service to consumers of stamped cigarettes.

115.4-2. Each Oneida retail location established hereunder shall be managed and operated by the Oneida Nation.

115.5. Purchase of, Title to and Possession of Tobacco Products

115.5-1. The Nation shall purchase stamped cigarettes from such suppliers as it may choose and shall take title and possession on delivery to an Oneida retail location on the Reservation. The title shall be subject to any purchase money security interest. Possession of the stamped cigarettes, but not title, shall be transferred to the manager of the Oneida retail location to be held for sale to the consumers. The Nation shall retain title to stamped cigarettes until sold to a consumer.

115.6. Restrictions on Sales

115.6-1. The Nation shall be the exclusive retailer of cigarettes bearing the Wisconsin Tribal Cigarette tax stamp within the Reservation. Furthermore, only the Nation may claim the tax refunds on cigarettes sold on the Reservation as provided for under state law.

115.6-2. The Nation reserves the right to restrict sales, volume, pricing, and profit margin of stamped cigarettes sold at an Oneida retail location.

115.6-3. Cigarettes, electronic cigarettes, and/or other tobacco products shall not be sold to any person under the age of twenty-one (21). Cigarettes, electronic cigarettes, and/or other tobacco products for sale at an Oneida retail location shall be on display behind a counter. No person other than an authorized employee shall sell cigarettes, electronic cigarettes, and/or other tobacco products at an Oneida retail location.

115.6-4. No person may sell or offer for sale unstamped cigarettes on the Reservation.

115.7. Liability

115.7-1. The Nation shall be responsible for all risks to the stamped cigarettes and shall carry full insurance against fire, theft, and other hazards, and such insurance shall include as a beneficiary any person owning a purchase money security interest in the products to the extent his or her interest may appear.

115.8 Violations

115.8-1. *Issuance of a Citation.* An individual who violates a provision of this law may be issued a citation by the Oneida Police Department.

(a) A citation for a violation of this law and/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

87 procedure contained in the Nation's laws and policies governing citations.

88 (c) The Oneida Business Committee shall hereby be delegated the authority to adopt
89 through resolution a fine and penalty schedule for citations issued as a result of a violation
90 of this law.

91 115.8-2. *Additional Penalties.* In addition to the issuance of a citation and the resulting fine and/or
92 penalty, an individual who violates a provision of this law may be subject to the following:

93 (a) *Seizure.* All cigarettes acquired, owned, possessed, sold, or distributed in violation of
94 this law are unlawful property and subject to seizure by the Oneida Police Department.

95 (b) *Disciplinary Action.* An employee who violates this law shall be subject to disciplinary
96 action in accordance with the Nation's laws and policies governing employment.

97
98 *End.*

100
101 _____
102 Adopted - BC-03-15-76-A

103 Adopted - BC-09-07-77-B

104 Adopted - BC-09-04-79-C

105 Adopted - BC-11-18-81-A

106 Amended - BC-10-10-07-A

107 Amended - BC-04-09-14-F

108 Amended - BC-01-25-17-B

109 Emergency Amended – BC-02-26-20-A

110 Amended – BC-__-__-__-__
111

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer

FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

DATE: May 26, 2020

RE: **Fiscal Impact of the Tobacco Law Amendment**

I. Estimated Fiscal Impact Summary

Law: Tobacco Law		Draft 1
Implementing Agency	Oneida Police Department Oneida Judiciary Oneida Retail Enterprises	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC 01-18-81A, amended by BC 10-10-07A, BC 04-09-14F, and BC 01-25-17C.

B. Summary of Content

The amendment provides a definition of tobacco products, clarifies all tobacco products shall not be sold to any individual under the age of twenty-one (21); clarifies no person other than an authorized employee may sell tobacco products; clarifies the Nation's Citations Law will govern citations; and provides authority to the Oneida Business Committee to adopt a fine and penalty schedule for issued citations through a resolution.

III. Methodology and Assumptions

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

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

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

IV. Executive Summary of Findings

- The proposed amendment includes a definition of tobacco products to reflect Oneida Retail Enterprises current practice.
- The proposed amendment establishes the minimum age of sale for cigarettes, electronic cigarettes, and/or other tobacco products as twenty-one (21) years.
- The proposed amendment provides that no person other than an authorized employee shall sell cigarettes, electronic cigarettes, and/or other tobacco products.
- The proposed amendment provides that an individual in violation of the law may be issued a citation to be paid within 60 days of issuance unless contested with the Oneida Nation judicial system.
- The Oneida Nation Police Department is authorized to seize any cigarettes acquired, owned, possessed, sold or distributed in violation of the law.

V. Agency

There are no startup, personnel, office or documentation costs associated with this legislation. The amendments will become effective 10 days from adoption.

VI. Financial Impact

The Tobacco Law includes a provision for the issuance of a citation to an individual in violation of the law. The impact of the citations is indeterminate as the number of resulting citations is an unknown variable.

VII. 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 Tobacco Law Penalty and Fine Schedule

1. Meeting Date Requested: 6 / 10 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal MemberAdditional Requestor:
Name, Title / Dept.Additional Requestor:
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Tobacco Law Penalty and Fine 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 Tobacco law ("the Law") was adopted by the Oneida Business Committee through
12 resolution BC-11-18-81-A and amended by resolution BC-10-10-07-A, BC-04-09-14-F,
13 BC-01-25-17-B, BC-02-26-20-A, and BC-__-__-__; and
14
15 **WHEREAS,** the purpose of the Law is to regulate the sale, possession, and distribution of cigarettes
16 within the Reservation; and
17
18 **WHEREAS,** an individual who violates a provision of this Law may be issued a citation by the Oneida
19 Police Department; and
20
21 **WHEREAS,** a citation for a violation of this law and/or any orders issued pursuant to this law may include
22 fines and other penalties, as well as conditional orders made by the Trial Court; and
23
24 **WHEREAS,** the Law delegates authority to the Oneida Business Committee to adopt through resolution
25 a fine and penalty schedule for citations issued as a result of a violation of this law; and
26
27 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby sets forth the
28 following fine and penalty schedule in accordance with the Tobacco law:
29

FINE SCHEDULE				
Violation	Reference	1 st Offense	2 nd Offense	3 rd Offense and Up
Person sold or offered for sale unstamped cigarettes.	115.6-4	\$10 Per pack of unstamped cigarette	\$20 Per pack of unstamped cigarette	\$30 Per pack of unstamped cigarette
Employee sold or offered for sale cigarettes, electronic cigarettes, and/or tobacco products, to a person under the age of twenty-one (21) years.	115.6-3	\$50 Per item sold	\$100 Per item sold	\$200 Per item sold

32 **BE IT FURTHER RESOLVED**, in addition to the fines listed above, additional penalties may include seizure
33 of all cigarettes acquired, owned, possessed, sold, or distributed in violation of this Law, as well as
34 disciplinary action in accordance with the Nation's laws and policies governing employment if the violator
35 is an employee.

36
37 **BE IT FURTHER RESOLVED**, any money received from fines collected for violations of the Tobacco law
38 shall be contributed to the General Fund.

39
40 **BE IT FURTHER RESOLVED**, the issuance of a citation for a third offense or more on the fine schedule
41 shall require the mandatory appearance of the offender at the Trial Court's citation pre-hearing.

42
43 **BE IT FURTHER RESOLVED**, a violation of this law by a minor shall require the mandatory appearance of
44 the offender and his or her parents, guardians, or legal custodians at the Tribal Court's citation pre-hearing.

45
46 **BE IT FURTHER RESOLVED**, the Oneida Police Department Officer issuing the citation shall have the
47 discretion to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for
48 any violation of this law if deemed appropriate.

49
50 **BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall
51 become effective on June 24, 2020.

52
53
54



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



Statement of Effect
Tobacco Law Penalty and Fine Schedule

Summary

This resolution adopts a penalty and fine schedule to be used when the Oneida Police Department issues a citation for a violation of the Tobacco law.

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

Date: May 26, 2020

Analysis by the Legislative Reference Office

The Tobacco law was adopted by the Oneida Business Committee for the purpose of regulating the sale, possession, and distribution of cigarettes within the Reservation. [1 O.C. 115.1-1].

A person who violates a provision of the Tobacco law may be issued a citation by the Oneida Police Department. [1 O.C. 115.8-1]. The Tobacco law delegates authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this law. [1 O.C. 115.8-1(c)].

The resolution sets forth a fine and penalty schedule in accordance with the Tobacco law, and also addresses additional penalties that may be used in the enforcement of the Tobacco law, as well as mandatory appearances at the Nation's Trial Court's pre-hearing for violations of this law.

Conclusion

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

Oneida Business Committee Agenda Request

Adopt resolution entitled InterTribal Buffalo Council Surplus Buffalo Program

1. Meeting Date Requested: 06 / 10 / 20**2. General Information:**Session: ☒ Open ☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☐ Report ☒ Resolution ☐ Contract☒ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☒ Unbudgeted**5. Submission**Authorized Sponsor / Liaison: Primary Requestor/Submitter: Donald Miller, Grants Specialist, Grants
Your Name, Title / Dept. or Tribal MemberAdditional Requestor: Jeff Scofield, Agricultural Director, Oneida Farm
Name, Title / Dept.Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Oneida Nation farm has been given an opportunity to improve its buffalo stock by adding up to 5 young bulls from the Yellowstone National Park herd, which are the last pure buffalo herd in the United States. The animals have been kept in quarantine from other buffalo in the area and are free of disease. The bulls will be given to the Oneida Farm free of charge with only limited stipulations, they must be cared for and not hunted or consumed. The Oneida Farm requests support from the Oneida Business Committee for the application to the InterTribal Buffalo Council seeking these buffalo bulls for addition to the Oneida herd.

- 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

GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

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

PROGRAM INFORMATION

Department: Oneida Farm	Division/Non-Division: Land Management
Program: Buffalo Herd Development	Program Accountant: Cindy Seelye
Person Responsible for proposal development: Jeff Scofield	Phone: (920) 833-7952
Person Responsible for grant administration: Pat Pelky	Phone: (920) 869-4590
Project Title: Oneida Nation Surplus Buffalo Bulls Project	

GRANT INFORMATION

Name of Funding Source: InterTribal Buffalo Council		Type (pick one): Stock
Title of Grant: ITBC Surplus Buffalo Program		CFDA No: N/A
Application Deadline: June 12, 2020		Grant Amount: \$50,000.00 Max
Project Period (dates): 8/3/2020 to 8/3/2020	Budget Period (dates): N/A	Type of Project (pick one): New
Maximum Match Request (% or \$): None		Match Type (pick one): N/A
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? No Name of Position(s):		
If Yes to a new position has HRD been informed? No		
If Yes to any of above has MIS been informed for computer needs? No		
If Yes to any of above has Facilities Management been informed of space needs? No		
If YES, attach draft job description for all grant funded positions. PLEASE NOTE: Position/employee will be phased out when grant funding ends.		

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

Project Proposal Summary (must answer all these questions): The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information: The inclusion of new breeding stock into the Buffalo herd will allow the Oneida Farm to strengthen the herd and further develop it genetically and as a food resource for the Oneida Nation.

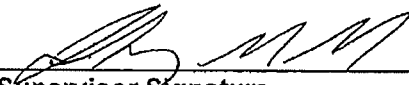

Vendors: Verified that Vendors contracted with are NOT suspended/debarred: Yes ☐ No ☐ NA ☐

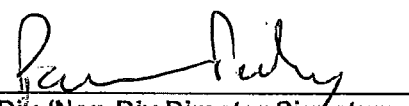
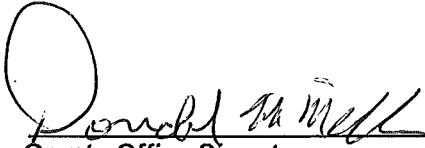
**Prior to entering into contracts with vendors, they will be cross referenced at www.sam.gov to ensure the vendors are not suspended or debarred.*

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

SIGNATURES

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

	5-18-20		Deborah Thundercloud 2020.05.19 08:15:14 -05'00'
Supervisor Signature	Date	General Manager Signature	Date
<u>VERIFIES & APPROVES MATCH</u>		<u>APPROVES GRANT PROJECT</u>	

	5-18-20		5/19/2020
Div./Non-Div. Director Signature	Date	Grants Office Signature	Date
<u>APPROVES GRANT PROJECT & MATCH</u>		<u>FINAL SIGNATURE PRIOR TO OBC SIGNATURES</u>	

Revised: 4/22/2020

GO-001

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ InterTribal Buffalo Council Surplus Buffalo Program

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

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

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

WHEREAS, the Oneida Business Committee has expressed its commitment to farm activities that improve the health of the Oneida people; and

WHEREAS, the Oneida Farm has been committed to providing nutritious buffalo meat to the community by raising and caring for the Oneida buffalo herd; and

WHEREAS, the Oneida Business Committee has long supported the activities of the Oneida Farm related to providing buffalo meat to the Oneida community; and

WHEREAS, the InterTribal Buffalo Council has presented the Oneida people with an opportunity to improve the health and genetic develop of the buffalo herd by providing new bulls for the herd at no cost.

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee authorizes the Oneida Farm to submit an application for up to five (5) new buffalo bulls on behalf of the Oneida Nation.

BE IT FINALLY RESOLVED, the Oneida Business Committee agrees to the stipulations included in the offer, to wit, the bulls provided as part of this offer will be cared for and not hunted and/or consumed while they are in the care of the Oneida Nation.

Oneida Business Committee Agenda Request

Authorize the use of a Graphic regarding Intergovernmental Agreements

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

Primary Requestor/Submitter:

Additional Requestor:

Additional Requestor:

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

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

Law Office



M E M O R A N D U M

TO: Oneida Business Committee

FROM: Jo Anne House, Chief Counsel

DATE: June 3, 2020

SUBJECT: Request for Authorization to Use Graphic – Intergovernmental Agreements

I have been contacted by Dr. Rebecca Webster regarding use of a chart created by the Nation's GLIS Department as part of her work-related activities regarding government-to-government agreements. The article she is requesting authority to use chart in is titled "Tribal and Local Government Agreements: Negotiating Mutually Beneficial Terms for Consideration of Services." The article does not identify any Native Nation specifically.

I have reviewed the request and the chart. There are no legal issues which would prohibit release of this information.

Requested Action: Motion to approve permission to reprint and authorize the Chairman to sign the request.

UNIVERSITY OF MINNESOTA

Duluth Campus

Department of American Indian Studies

116 Cina Hall
1123 University Drive
Duluth, Minnesota 55812-3006218-726-8771
Fax: 218-726-6386
E-mail: amind@d.umn.edu

June 1, 2020

To whom it may concern:

I am writing to request permission to reprint the following material for which you control the rights:

Map from Oneida Geographic Land Information Systems. File: Agreements.mxd.
Date: 4/21/2016

A copy of this material is included with this letter. This material is to appear in the following work that the University of Nebraska Press, a nonprofit scholarly publisher, is now preparing for publication:

Tribal and Local Government Agreements: Negotiating Mutually Beneficial Terms for Consideration of Services in American Indian Quarterly, edited by Lindsey Claire Smith, volume 44, no. 3 (2020).

I request nonexclusive world rights to include this material in the electronic and print (or print-on-demand) editions of this work for the lifetime of this article. If you are the copyright holder, may I have your permission to reprint the above material? If you do not indicate otherwise, I will use the usual scholarly form of acknowledgment. If you are not the copyright holder, please let me know whom I might contact for permission.

Thank you for your consideration of this request. A duplicate copy is enclosed for your records. I look forward to receiving your reply.

Sincerely,



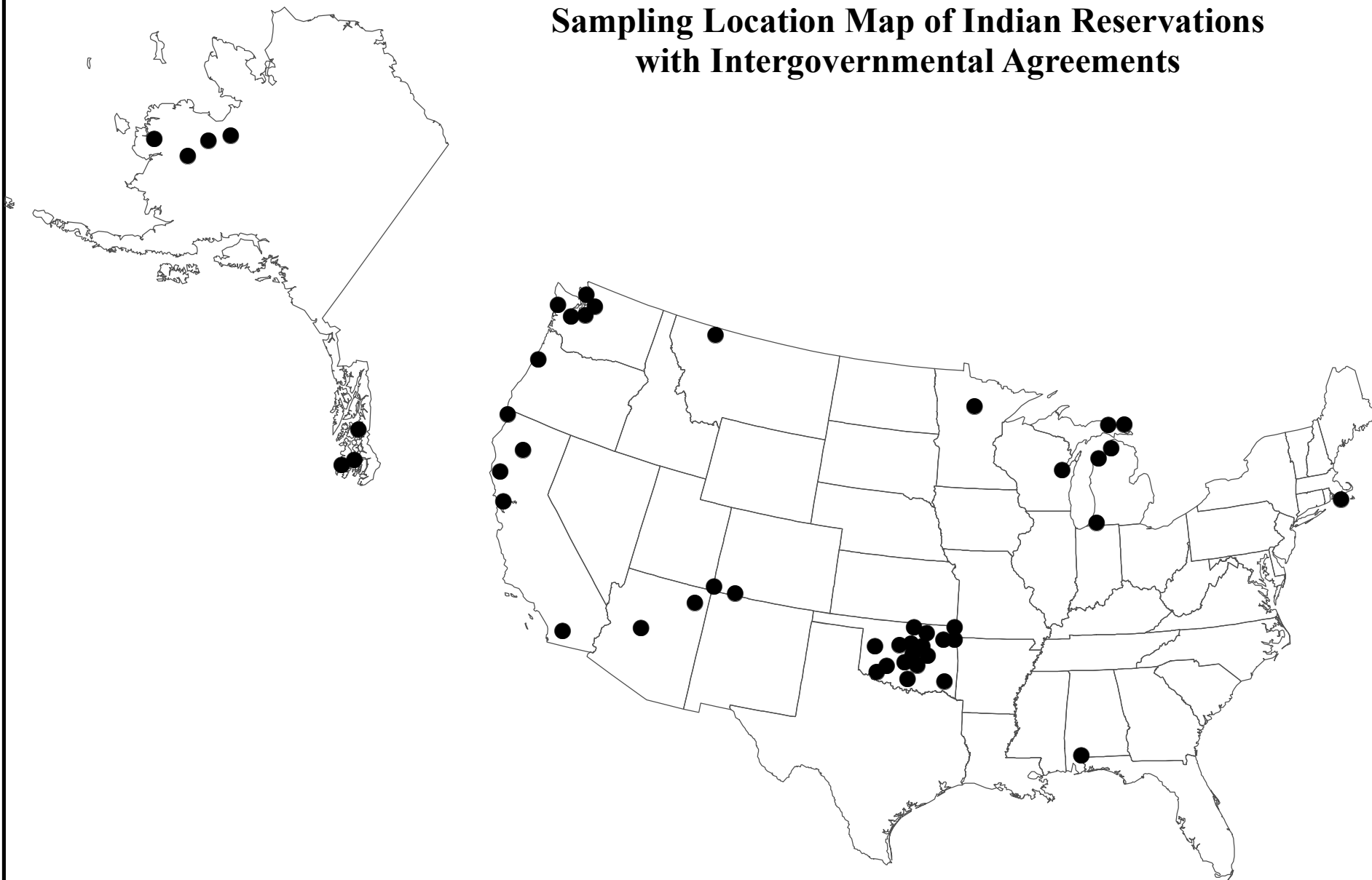
Rebecca M. Webster, J.D., Ph.D.
Assistant Professor

The above request is hereby approved on the understanding that full credit will be given to the copyright holder:

Date: _____ Approved by: _____

If necessary, please indicate a specific credit line:

Sampling Location Map of Indian Reservations with Intergovernmental Agreements

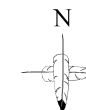


GEOGRAPHIC LAND INFORMATION SYSTEMS

N7332 Water Circle Place
Oneida, Wisconsin
(920) 869-1600

File: Agreements.mxd

Date: 4/12/2016



Accept the General Election safety plan

Business Committee Agenda Request

1. Meeting Date Requested: 06/10/20

2. General Information:

Session: ☒ Open

☐ Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

☐ Contract Document(s)

☐ Legal Review

☐ Resolution

☐ Correspondence

☐ Minutes

☐ Statement of Effect

☐ Fiscal Impact Statement

☒ Report

☐ Travel Documents

☐ Other: *Describe*

4. Budget Information:

☐ Budgeted

☐ Budgeted – Grant Funded

☐ Unbudgeted

☐ Not Applicable

☐ Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Summers, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS



Business Committee Agenda Request – Cover Memo

From: Lisa Liggins, Information Management Specialist

Date: 06/07/2020

RE: *Enter Topic*

PURPOSE

To accept the safety plan for the record and for public information/transparency.

BACKGROUND

At the May 13, 2020, regular BC meeting the following motion was made:

“Motion by Jennifer Webster to direct the Oneida Election Board to provide the Oneida Business Committee an analysis in three (3) weeks on how to conduct the 2020 General Election with different options to hold that election in safe manner, seconded by Lisa Summers. Motion carried”

The attached plan was submitted to the BC via email on Wednesday, June 3, 2020.

REQUESTED ACTION

Accept the General Election safety plan as information



Memorandum

TO: Oneida Business Committee

FROM: Twylite Moore, Interim Election Board Chair

DATE: June 2, 2020

RE: Oneida Election Board plan to conduct a safe Oneida Nation General Election on July 25, 2020

This is a response to the May 13, 2020 Business Committee request for a plan to conduct a safe Oneida Nation General Election on July 25, 2020. The Election Board has been meeting 1 or 2 times per week to begin making this plan and we have consulted with individuals from Oneida Public Health, DPW, Custodial, Maintenance, the Oneida Law Office and with election officials from another jurisdiction. We have more planning to do but wanted you to know some of the decisions the Board has made so far and issues we are considering for future decision-making.

BACKGROUND

In response to the COVID-19 pandemic, the Business Committee Chairman declared a Public Health State of Emergency on March 12, 2020. The State of Emergency is currently extended to June 11. The COVID-19 Core Decision Making Team issued a Safer At Home Declaration on March 25, 2020, which remains effective consistent with the Public Health State of Emergency or may be extended under proper authority. The Safer At Home Declaration orders all individuals present within the Reservation to stay home with limited exceptions. In addition, on April 22, the Business Committee adopted COVID Project Team recommendations to cancel large gathering events for 3 to 6 months, to include in-person voting.

Primary Election

In light of Business Committee and COVID-19 Team decisions and in consideration of the pandemic, the Election Board canceled the Primary Election that was scheduled for May 23.

Constitutional Requirements for General Election

The Oneida Constitution requires that election of Business Committee officers and council members take place in July of every third year. (Sec. III.5) All voters must “present themselves in person at the polls on the day of the election.” (Sec. III.2) The Board understands that absentee balloting is not only disallowed by the constitution, it has also been considered and rejected by the General Tribal Council. Therefore, voters will be required to appear at the polls on Election Day.

POLL LOCATIONS

The Election Board has selected two poll locations: the Turtle School in Oneida and the SEOTS facility in Milwaukee.

POLL SETUP

The Election Board will offer two choices at both the Oneida and Milwaukee poll locations: Voters may go inside the building and use voting booths in a typical manner or they may vote from their vehicles using drive-through voting. Whether voting inside a building or from their vehicle, voters will engage in all the usual processes: enrollment verification; registration; ballot completion; and ballot submission.

The Board has reserved the early hours of Election Day (7:00 a.m. to 9:00 a.m.) for elderly voters, immuno-compromised individuals, and their caregivers. We hope this allows voters who are most at risk from COVID-19 to participate in the voting process with lowered risk of transmission.

The Board considered the Business Committee's suggestion to force mail a ballot to every eligible voter within the Nation and then simply collect the completed ballots at poll locations on Election Day. We have decided not to pursue that option for a few reasons. We are concerned about cost; printing and mailing a ballot to every eligible voter is estimated to cost around \$5,000. Another concern is that many ballots will be returned in a condition that would not allow submission into the tabulating machine, which would require additional ballots to replace the ones that were spoiled. Altogether, the Board does not believe that force mailing a ballot to every voter is the most effective way to conduct a safer General Election.

PRECAUTIONS FOR INDOOR VOTING

The Board considers the following list essential to a safer indoor voting process, both in Oneida and in Milwaukee:

- Every person at the polls will be required to wear a mask. Voters may bring their own masks and we will have paper masks available for voters who show up without one.
- All tables and voting booths will be 6 or more feet apart for appropriate social distancing.
- Floor markings will show how far apart voters should stand while in line.
- Bathrooms inside poll locations will be locked and unavailable for use by voters.
- Every voter will receive a new marking pen to use while voting; marking pens will not be reused.
- Enrollment and registration tables will have plexiglass barriers to separate voters from poll workers.
- Besides masks, poll workers will also use face shields and disposable gloves throughout the day.
- Hand sanitizer will be placed throughout the polling place for poll workers and voters.
- Frequently used surfaces will be sanitized throughout the day (tables, voting booths, etc.).

We are continuing to work on additional details for indoor voting.

PRECAUTIONS FOR DRIVE-THROUGH VOTING

The Board considers the following list essential for a safer drive-through voting process, both in Oneida and in Milwaukee:

- Upon arriving at the poll location, voters will be directed to either the drive-through voting lane or the parking area for indoor voting. We will need extra personnel to direct voters, traffic cones, signs with directions and instructions, and yellow caution tape. At the end of this memo, please see a map with proposed traffic flow at the Turtle School. We are continuing to work on traffic flow at the SEOTS building.
- Voters will stay inside their vehicles for the entire drive-through voting process.
- Voting will occur under a large tent to protect poll workers from sun or rain.
- Poll workers will stay 6 or more feet from vehicles whenever possible.
- If possible, identification cards will be viewed through vehicle windows.
- Ballots will be clipped to metal clipboards when passed to the voter. The clipboards will be sanitized between each use.
- Every voter will receive a new marking pen to use while voting; marking pens will not be reused.
- Besides masks, poll workers will also use face shields and disposable gloves throughout the day.
- Poll workers will have access to hand sanitizer and an outdoor hand-washing station throughout the day.
- A security officer will walk completed drive-through voting ballots to the optical scanner located just inside the building. The distance is less than 10 yards, based on the Board's current layout. Voters will only be allowed to drive away after a poll worker signals that the ballot was counted. The Board understands that optical scanner machines frequently jam up in humid or rainy weather. Our best option is to keep the tabulating machines inside the poll locations.

We are continuing to work on additional details for drive-through voting.

COMMUNICATION

We believe that communication with the Nation's members will be key to voters having confidence in the safety of the polls and the integrity of the election. The Board will communicate the alternate voting processes to members in a variety of ways, including: with sample ballots; with poll location postings; on social media; and in the Kahliwisaks. Besides describing the indoor and drive-through voting processes, we will also provide the following information:

- We encourage those who have COVID-19, those with COVID-19 symptoms, and those required to self-isolate to stay home and not come to the polls.
- Masks will be required for everyone who comes to the polls on Election Day.
- We encourage those who intend to vote to maintain social distancing at the polls, including in the parking lots. No gathering in groups inside or outside the polls, please!
- Masks will be required for everyone at the polls.
- Non-essential visitors are discouraged from coming to the poll locations.

POLL WORKERS

The Board understands that we need more poll workers to carry out our plans for a safer General Election. In addition, we will encourage younger poll workers to volunteer, given the risks presented to the elders. We also need more OPD, Enrollment and Internal Security personnel.

ELECTION RESULTS

The Election Law requires posting of tentative election results within 24 hours of closing the polls and the Board intends to meet that requirement. We do not believe the extra precautions required by the pandemic will affect our ability to publish tentative results.

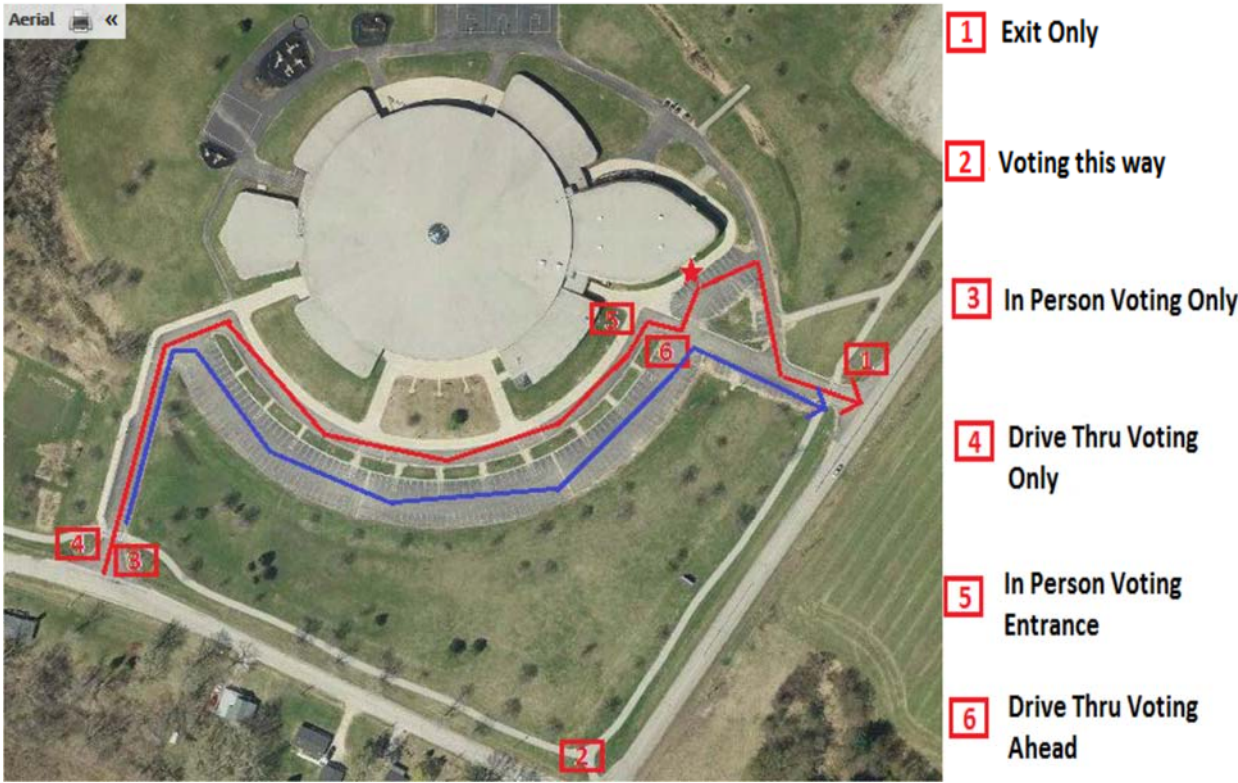
AMENDMENTS NEEDED

The Board requests the following amendments to accommodate plans for a safer General Election:

Election Law, Sec. 102.9-2 states, "Elections shall be held in an Oneida Nation facility(s) as determined by the Election Board." (Emphasis added) With our plans for drive-through voting, we request that Section 102.9-2 of the Election Law be amended to state, "Elections shall be held at an Oneida Nation facility(s) as determined by the Election Board."

On March 18, 2020, the Business Committee advised against travel outside Brown and Outagamie Counties. In addition, BC Resolution# 04-08-20-C prohibited all travel for the remainder of Fiscal Year 2020. For previous elections, Enrollments, OPD, and Election Board personnel travelled to Milwaukee and stayed a total of 2 nights related to their election activities. We request that these personnel be granted an exception to the travel ban.

General Election 2020 – Oneida polling location
Proposed traffic flow map



Approve a limited waiver of the Oneida Business Committee Agenda Request Sewerage District professional...

1. Meeting Date Requested: 06 / 10 / 20

2. General Information:

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

Agenda Header:

☐ Accept as Information only

☒ Action - please describe:

Approve service agreement with NEW Water for tree planting

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

Debbie Thundercloud, General Manager

Authorized Sponsor / Liaison:

Primary Requestor: Sylvia Cornelius, Eco Services Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Melissa Johnson Forester
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose of request: The Professional Services Agreement document, drafted by the Green Bay Metropolitan Sewerage District (GBMSD), was determined, by the Oneida Law Office, to contain a waiver of sovereign immunity. The Oneida Law Office also recommended seeking approval from the Oneida Business Committee before the document is signed and returned. The agreement is for Oneida to plant 120 trees over 2020 and 2021, tree maintenance and to have Oneida Forester to participate in a technical advisory committee and outreach. The tree planting purpose is to reduce overall runoff into the watershed, Oneida is a subgrantee of GBMSD's Great Lakes Restoration Initiative grant.

Background/History of request: Once the determination was made by the Oneida Law Office, a request was made to the GBMSD to adjust the language to eliminate the waiver of sovereign immunity. The GBMSD responded by suggesting the Oneida Nation Law Office draft a change in the language that both parties could agree to. To this date, neither party has attempted to draft language that would satisfy both parties.

Action requested: Since the document remains unchanged and contains a waiver of sovereign immunity, as determined by the Oneida Law Office, a request has been made to the Oneida Business Committee to review and approve the attached document to enter into an agreement with GBMSD as a subgrantee to plant trees on the Oneida reservation.

- 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

Brenda L. Skenandore

From: James R. Bittorf
Sent: Thursday, April 9, 2020 9:33 AM
To: Brenda L. Skenandore
Cc: Oneida Law
Subject: RE: Green Bay Metropolitan Sewerage District-US Forest Service GLRI Grant; Our File No. 2020-0292

Hi Brenda,

Because GBMSD is concerned about its ability to enforce the agreement, and enforcement by a court or through arbitration typically requires a waiver of immunity, it may not be possible to accommodate GBMSD's concern about enforcement without a waiver of immunity. One thing we could suggest in terms of resolving disputes would be mediation, but I think that will probably be insufficient from GBMSD's point of view.

Jim

James R. Bittorf
Deputy Chief Counsel
Oneida Law Office
N7210 Seminary Road
P.O. Box 109
Oneida, WI 54155
Tel. (920) 869-4327
Fax (920) 869-4065

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-----Original Message-----

From: Oneida Law <Oneida_Law@oneidanation.org>
Sent: Thursday, April 09, 2020 9:18 AM
To: James R. Bittorf <jbittorf@oneidanation.org>
Subject: FW: Green Bay Metropolitan Sewerage District-US Forest Service GLRI Grant; Our File No. 2020-0292

Good Day Jim, please see email below from Brenda regarding File No. 2020-0292. Thank you.

-----Original Message-----

From: Brenda L. Skenandore <bskenan6@oneidanation.org>
Sent: Wednesday, April 08, 2020 3:37 PM
To: Oneida Law <Oneida_Law@oneidanation.org>
Subject: RE: Green Bay Metropolitan Sewerage District-US Forest Service GLRI Grant; Our File No. 2020-0292

Good Afternoon,

GBMSD comment below.

After a review from our attorney, he was concerned that removing this language would likely mean we have no ability to enforce the agreement. But perhaps we can narrowly tailor it to fit the circumstances and ensure your legal is comfortable with it. Could your legal propose some language that they would be comfortable with while still reassuring us that we have a means to enforce the agreement in order for us to pass that reassurance on to the USFS?

-----Original Message-----

From: Oneida Law <Oneida_Law@oneidanation.org>

Sent: Monday, April 6, 2020 11:47 AM

To: Brenda L. Skenandore <bskenan6@oneidanation.org>

Subject: Green Bay Metropolitan Sewerage District-US Forest Service GLRI Grant; Our File No. 2020-0292

Your contract with Green Bay Metropolitan Sewerage District-US Forest Service GLRI Grant has received legal review and has been forwarded to Central Purchasing for its review.

PLEASE REMEMBER PRIOR TO PROCESSING THIS CONTRACT, YOU MUST RECEIVE THE REVIEW FROM CENTRAL PURCHASING.

When making inquiries about this contract to either this office or Central Purchasing at 496-7900 (or ext. 7900; and, ask to be transferred to Central Purchasing), please reference the following file number: 2020-0292.

Yaw^ko (Thank you).

Oneida Law Office
N7210 Seminary Road
Post Office Box 109
Oneida, WI 54155

Office: 920-869-4327
Fax: 920-869-4065
e-mail: Oneida_Law@oneidanation.org

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

TO: Brenda L. Skenandore
Environmental Health & Safety

Use this number on future correspondence:

2020-0292

FROM: James R. Bittorf, Deputy Chief Counsel

James R. Bittorf Digitally signed by James R. Bittorf
Date: 2020.04.06 10:59:03 -05'00'

DATE: April 6, 2020

RE: Green Bay Metropolitan Sewerage District-
Professional Services Agreement US Forest Service
GLRI Grant

Purchasing Department Use

_____ **Contract Approved**

_____ **Contract Not Approved**

(see attached explanation)

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

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

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval. Paragraph 15 contains a waiver of sovereign immunity. Paragraph 15 states, "Any dispute, after such dispute is submitted to mediation, related to this Agreement or If the parties remain unsuccessful in resolving the dispute, relating to this Agreement or arising from or out of the Services, may brought forth in Brown County Court for the State of Wisconsin and/or if applicable, in Federal District Court in Brown County, Wisconsin."

Green Bay Metropolitan Sewerage District (GBMSD)
PROFESSIONAL SERVICES AGREEMENT
US Forest Service GLRI Grant
A NEW Water Partnership to Reduce Stormwater Runoff in Brown County, WI

Oneida Nation

This Professional Services Agreement (and all exhibits or other documents attached to or referenced herein, each of which is incorporated in its entirety by this reference) collectively "the Agreement" is being entered into by and between the Oneida Nation, for purposes of engaging the Oneida Nation to render the hereinafter described services in accordance with the terms and conditions hereof for the benefit of GBMSD. The Professional Services Agreement is made and entered into this ____ day of _____, 2020.

1. SCOPE OF ENGAGEMENT.

GBMSD engages the Oneida Nation ("Oneida Nation") (DUNS #: 798227278) to **plant 120 trees** in 2020 and 2021 (includes a grant-match 60 planted trees), provide a **grant-match commitment of labor in the amount of \$1,375 (25%)**, assume all responsibility for tree maintenance, and participate on an advisory committee and in grant-associated outreach activities as described in the Scope of Services document attached hereto as Exhibit 1 and incorporated herein by reference ("Services"). Oneida Nation represents and warrants to GBMSD that it has reasonably sufficient training, experience, and qualifications to perform said Services in compliance with all applicable federal, state and local laws/regulations.

Oneida Nation is being engaged to perform the Services herein as a subawardee of GBMSD, who is the recipient of a United States Forest Service (USFS) – Great Lakes Restoration Initiative ("GLRI") grant entitled **A NEW Water Partnership to Reduce Storm water Runoff in Brown County, WI** ("Grant"). As a sub-awardee, Oneida Nation shall not be responsible for any direct USFS grant reporting required by or relating to said Grant. Oneida Nation shall report directly, and exclusively, to GBMSD's Contract and Grant Specialist, Angela Kowalzek-Adrians, 2231 N. Quincy St, Green Bay, WI 54302, 920-438-1072, akowalzek-adrians@newwater.us.

During the performance of the Services, Oneida Nation shall submit to GBMSD for final resolution any question, decision, or matter regarding which Oneida Nation reasonably believes is subject to professional judgment and about which Oneida Nation is not certain.

2. TERM OF SERVICES.

The Term of this Agreement and the Services to be provided hereunder shall commence as of the date first set forth above and continue until **December 31, 2021** ("Term"); provided, however, that GBMSD shall have the option, exercisable in its discretion, to renew and extend the Term as needed to meet the obligations of the Grant. GBMSD shall exercise its renewal and extension option by providing written notice to Oneida Nation on or before the end of the Term, and GBMSD may terminate this Agreement and the Services at any time upon not less than thirty (30) days' advance written notice to Oneida Nation. GBMSD shall pay Oneida Nation all compensation due hereunder, and Oneida Nation shall provide the Services through the effective date of any termination.

This Agreement and the Services to be provided hereunder may be terminated by either party if the other party materially defaults under any term or condition of this Agreement, if under any term or condition of the Agreement, the default remains uncured for a period of fifteen (15) days' following the defaulting party's receipt of written

notice of such default. GBMSD may terminate this Agreement and the Services to be provided hereunder immediately in the event of the death or total disability of Consultant.

3. COMPENSATION.

In consideration of the Services, **GBMSD shall pay Oneida Nation for its Services, not to exceed \$5,500.** Payment will be made within thirty (30) days upon receipt of invoices and appropriate documentation of services rendered. Note: At times, GBMSD may request interim or quarterly invoices to meet grant reporting requirements.

4. PAYMENTS/DELIVERABLES.

At least once per year, at the end of the year, during the Term, Oneida Nation shall submit to GBMSD a brief summary of trees planted (both grant and match funded), labor costs (for non-federal funds match), and maintenance activities performed.

Oneida Nation shall be responsible for and pay all payrolls, employment, and other taxes and governmental obligations arising from the compensation and fees paid by GBMSD to Oneida Nation hereunder.

5. FEDERAL REGULATIONS.

- A. Oneida Nation is subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400 and must follow the regulations found in 2 CFR 200.3630 through .332.
- B. Oneida Nation shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)"

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- C. Oneida Nation agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must:
 - i. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
 - ii. Specify the actions Oneida Nation will take against employees for violating that prohibition; and
 - iii. Let each employee know that, as a condition of employment under any award, the employee:
 - a) Shall abide by the terms of the statement, and
 - b) Shall notify Oneida Nation in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.

Oneida Nation agree(s) that it will establish an ongoing drug-free awareness program to inform employees about

- i. The dangers of drug abuse in the workplace;
- ii. The established policy of maintaining a drug-free workplace;

6. CONFIDENTIAL INFORMATION.

Oneida Nation agrees that any and all information relating to GBMSD's business operations including, without limitation: (a) know-how, inventions, ideas, product information, and trade secrets; (b) financial and pricing information; (c) customer and supplier identities and information; and (d) information relating to GBMSD's past, present, and future sales; marketing and research and development activities that may be imparted to, or in any way obtained directly or indirectly by Oneida Nation through GBMSD; and the results of Oneida Nation's performance of the Services pursuant to this Agreement, shall be maintained confidential information and secret. Confidential information as used herein shall not include, and Oneida Nation may disclose in its discretion, information that is generally known to the public, information legally required to be disclosed pursuant to judicial order or other legal proceedings, information required by applicable law or regulations to be disclosed to governmental authorities, or information that is lawfully disclosed to Oneida Nation by a third party not subject to this Agreement. Confidential information obtained by Oneida Nation shall not be used for the benefit of or disclosed to others, except to duly authorized persons employed or retained by GBMSD, without prior written consent and approval of GBMSD. Upon termination or expiration of this Agreement, Oneida Nation shall return to GBMSD all written or descriptive matter (whether in paper or electronic form) that contains confidential information. The obligations imposed on Oneida Nation by this Section 5 shall survive the termination or expiration of this Agreement and its Services for a period of three (3) years thereafter.

7. INDEMNIFICATION; INSURANCE.

Each party hereby indemnifies and holds the other harmless from and against any and all claims, actions, damages, liability, loss and expense (including reasonable attorneys' fees) suffered in connection with any loss of life, personal injury and/or damage to property arising from or out of: (i) breach of or nonperformance under this Agreement; and (ii) negligent acts or omissions or intentional misconduct. Any indemnified amount payable hereunder by either party to the other shall be net of insurance proceeds, if any, actually received by the indemnified party and pertaining to the indemnified claim. Except for the foregoing indemnification, GBMSD shall not be liable to Oneida Nation, and Oneida Nation shall not be liable to GBMSD for any incidental, consequential, special, exemplary, and punitive or other loss, cost, expense or damages in excess of actual damages, and each party's liability to the other shall be limited to the aggregate amount of compensation payable by GBMSD to Oneida Nation pursuant this Agreement.

Where Oneida Nation requires the use of a vehicle(s) in the performance of work under this Agreement, Oneida Nation will, at all times during the term hereof and at its own expense, keep in full force and effect automobile insurance, in amounts acceptable to GBMSD and/or in accord with Industry standards, for property damage, bodily injury or death. Oneida Nation shall provide GBMSD with a declaration showing insurance liability limits prior to payment of the first invoice. Oneida Nation has the responsibility and obligation to provide workers' compensation insurance for Oneida Nation employees, agents and/or sub-consultants, except for "casual employees." Oneida Nation is responsible for health, accident, catastrophic, and other insurance, none of which is the obligation of GBMSD.

8. PROPRIETARY RIGHTS, ASSIGNMENT.

The term "Business Ideas" means all ideas, designs, modifications, formulations, specifications, concepts, know-how, trade secrets, discoveries, inventions, data, software, developments and copyrightable works, whether or not patentable or registrable, which Oneida Nation originates or develops, either alone or jointly with others while Oneida Nation is engaged by GBMSD, and which are: (i) related to any business known to Oneida Nation to be engaged in or contemplated by GBMSD; (ii) originated or developed during Oneida Nation's performance of the Services; or (iii) originated or developed in whole or in part using materials, labor, facilities, or equipment furnished by GBMSD in connection with the Services. GBMSD will own, and Oneida Nation hereby assigns to GBMSD and agrees to assign to GBMSD in the future, all rights in all Business Ideas that Oneida Nation originates or develops either alone or working with others while Oneida Nation is engaged with GBMSD. All Business Ideas that are or form the basis for copyrightable works are hereby assigned to GBMSD and/or shall be assigned to GBMSD or shall be considered "works for hire" as that term is defined by U.S. Copyright Law. Notwithstanding anything in this Agreement to the contrary, GBMSD shall not acquire any right, title, license, or interest in or to any intellectual property or proprietary or confidential information of Oneida Nation that: (i) existed prior to the effective date of this Agreement, or (ii) is not directly created as a Business Idea hereunder as a result of GBMSD's engagement of Oneida Nation hereunder.

9. FREEDOM TO PROVIDE SERVICES.

Oneida Nation represents and warrants that it is under no present obligations or restrictions, nor will it assume any obligation or restrictions, that will conflict with or prevent GBMSD from engaging Oneida Nation to perform any of the Services required by this Agreement.

10. ASSIGNMENTS, AMENDMENTS, SUCCESSION, AND WAIVERS.

Neither party may assign this Agreement or any interest herein (except that either party may assign this Agreement to any of its parent, subsidiary(ies) or affiliated entities or to a purchaser of substantially all of the assets or voting stock (or other securities)) without first obtaining the express written consent of the other party. This Agreement may not be amended or supplemented except by written agreement signed by each of the parties. This Agreement shall be binding upon, and shall inure to the benefit of, the parties and their successors and permitted assigns. No express or implied waiver, or any prior breach of or default under this Agreement, shall constitute a waiver of any subsequent breach or default hereof, and no waiver shall be implied thereby.

11. ENTIRE UNDERSTANDING.

This Agreement expresses the entire understanding between Oneida Nation and GBMSD with respect to the subject matter hereof, including without limitation, Oneida Nation's delivery of the Services to GBMSD.

12. INDEPENDENT MUNICIPAL AGENCIES.

Each party to this Agreement is, and shall at all times during the Term remain, an independent Municipal agency acting exclusively as an independent Municipal agency. Neither party shall be deemed or construed to be partners, joint venturers, principal and agent, employer/employee, or anything but independent Municipal Agencies. Neither party shall have the power nor authority to bind the other, except as may be expressly set forth herein. Oneida Nation shall not be entitled to participate in any employee benefit or welfare plan maintained from time to time by GBMSD for its employees

13. INTERPRETATION; GOVERNING LAWS.

This Agreement and any other documents made part of this Agreement shall be read together and harmonized to the greatest extent reasonably possible; provided, however, any direct conflict between the terms and conditions of this Agreement and the attached documents shall be resolved in favor of this Agreement. This Agreement shall be subject to such further written agreements, executed by the undersigned parties, as may be made during the Term of this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin. Oneida Nation shall comply with all federal, state, and local statutes, rules and ordinances related to Oneida Nation's performance of the work.

14. NOTICES.

Notice to either party shall be deemed to have been given when delivered to it in person, by fax, by e-mail, or if mailed by registered or certified mail on the third day after deposited in the mail and if delivered by delivery service with proof of delivery, on the date received provided the notice is sent to the address or fax number shown above, or at such other address or fax number as Oneida Nation instead may from time to time designate in writing by notice to GBMSD in the same manner as herein set forth. Notice to Oneida Nation shall be similarly delivered to Oneida Nation, Tribal Forester, N7210 Seminary Rd., Oneida, WI 54155, Attention: Melissa Johnson. Notice to GBMSD shall be similarly delivered to GBMSD, at GBMSD's principal place of business at 2231 North Quincy Street, Green Bay, Wisconsin 54302, Attention: Angela Kowalzek-Adrians.

15. DISPUTE RESOLUTION; MEDIATION; and then LITIGATION.

Any dispute relating to this Agreement or arising from or out of the Services shall be submitted by the parties to mediation conducted before a single mediator (to be selected by mutual agreement of the parties, or in the absence of agreement, by the American Arbitration Association); provided, however, that the mediation shall be: (i) conducted on an expedited basis with a mediation within sixty (60) days following final identification of the mediator to which the matter is submitted; and (ii) the situs of the mediation shall be Green Bay, Wisconsin. Each party shall bear its own costs and expenses incurred in any mediation held hereunder. If the parties remain unsuccessful in resolving the dispute, each party may pursue other available legal remedies.

Any dispute, after such dispute is submitted to mediation, relating to this Agreement or arising from or out of the Services, may be brought forth in Brown County Court for the State of Wisconsin and/or if applicable, in Federal District Court in Brown County, Wisconsin.

IN WITNESS HEREOF, the parties hereto have duly executed this Agreement effective as of the date first set forth above.

**GREEN BAY METROPOLITAN
SEWERAGE DISTRICT**

By: _____
Its: Thomas W. Sigmund, P.E.
Executive Director

ONEIDA NATION

By: _____
(Authorized Signatory)
By: _____
(Print Name)
Its: _____
(Individual's Title)

Attachment: Exhibit 1: Scope of Engagement

This agreement is a subaward made under the Federal Financial Assistance Award 20-DG-11094200-018 between Green Bay Metropolitan Sewerage District (GBMSD) and the USDA, Forest Service, Region 9, State and Private Forestry in the amount of \$171,122 (using a de minimis indirect cost rate) under Great Lakes Restoration Initiative funding, CFDA 10.664 – Cooperative Forestry Assistance. The award was signed February 27, 2020 with a performance period from January 1, 2020 to December 31, 2021. Awarding official contact information: Ryan Toot, U.S. Forest Service, 1992 Folwell Ave, Saint Paul MN 55108, 651-649-5242, Ryan.Toot@usda.gov.

Exhibit 1 Scope of Engagement

The agreement is in effect through December 31, 2021 and may be extended and modified by mutual agreement by GBMSD and the Oneida Nation.

GBMSD will work with the WI Department of Natural Resources, Oneida Nation, the cities of Green Bay and De Pere, the Villages of Allouez, Ashwaubenon, Bellevue, and Howard, and the Town of Ledgeview to plant 2,700 1-2" caliper trees in the Lower Fox River watershed, a GLRI priority watershed with direct drainage to Green Bay/Lake Michigan (1,170 trees under grant funding and 1,530 trees as match). Trees will be planted along streets, in parks, and along the East River (an impaired tributary to the Fox River, which flows to Green Bay). This project will result in 159,300 gallons of storm water runoff avoided annually, increased urban tree canopy, and reforestation of a riparian corridor.

Each municipality and the Oneida Nation shall:

- Be an actively participating member and attend all meetings of the Technical Advisory Committee.
- Assist in preparing a Planting and Maintenance Plan for the overall project, reach consensus on contents and implementation, and agree to its adherence. The planting plan shall emphasize species diversity, the use of native trees, and the use of pollinator-friendly native trees, and will consider the impact of climate change on species range when selecting species to plant.
- Plant trees funded by the grant as well as additional self-funded trees in each own jurisdiction (as agreed upon at grant application, and as specified on page 1, section 1 of this agreement).
- Protect the planted trees during establishment and maintain them following best practices identified in the Guidance for Landscape Tree Planting (USDA, 2019), the American Standard for Nursery Stock (ANSI Z60.1), the American Standards for Pruning and Transplanting (ANSI A300 Part 1 and Part 6), and the International Society of Arboriculture Best Management Practices for Tree Planting.
- Follow the Tree Maintenance Plan developed during grant application (see attached **Exhibit 2: Tree Maintenance Plan**)
- Ensure project signs are posted at planting sites and all outreach materials and media contracts regarding this project provide project information and purpose, GLRI reference, and logos for NEW Water (GBMSD), USFS, and GLRI.
- Submit to GBMSD appropriate documentation of tree planting and maintenance efforts on at least a yearly basis during the Agreement Term to include number of trees planted (including trees planted as match), location (lat/long or GPS coordinates), species, size, and date planted.
- Submit to GBMSD documentation of labor costs as grant match (as agreed upon at grant application, and as specified on page 1, section 1 of this agreement) on at least a yearly basis during Agreement Term.

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Exhibit 2
Tree Maintenance Plan

Tree Maintenance Plan Template for Newly Planted Trees

City or Town: Oneida Nation

Year and Season of Planting: Fall 2020, Fall 2021

Grantee: Oneida Nation (subgrantee), NEW Water (USDA Forest Service grantee)

Grantee Contact for Maintenance: Melissa Johnson

Email: mjohnson@oneidanation.org

of Trees to be Planted: 60

Size (caliper for deciduous, height for conifers): 1.5"

Type of Stock to be Planted (B & B, etc.): Bareroot

Describe how the activities below will be completed.

1. Tree Maintenance Personnel

- a. Describe who will do what, and what areas they are responsible for. Identify the parties responsible for maintenance during the grant period as well as long-term maintenance beyond the life of the grant.

The Oneida Nation's Forestry and Trails department will plant the trees, provide mulch and prune trees when necessary. The Nation's forester will water the trees and monitor tree health.

- b. If volunteers, homeowners, or inexperienced staff will provide maintenance, they should receive basic training and literature on proper maintenance techniques. Is training needed and how will you do it?

Not needed

- c. If planting on private property, property owners should sign an agreement to confirm that they will maintain the tree. If applicable, what steps have you taken to ensure maintenance of private property?

N/A

- d. How will you inspect tree maintenance work periodically to make sure it is being done correctly?

The forester will inspect the trees weekly when watering and then every three months when watering decreases.

2. Tree Watering Process

Describe in detail how trees will be watered, the time period and frequency of watering, and the source of the water at the planting locations (or how it will be delivered). For the first year, trees should be watered from planting date through September on a weekly basis. Watering may be reduced the 2nd and 3rd years.

The trees will be watered weekly during the summer months unless rainfall provides enough water for that week.

Exhibit 2 Tree Maintenance Plan

3. **Mulching Trees**

Maintain 2 – 4 inches of bark mulch. Describe how trees will be mulched.

The Oneida Forestry and Trails department will provide mulch. Three inches of mulch will be applied around the base of every tree.

4. **Staking and Tying Trees**

Explain if staking is necessary due to mowing, vandalism, or wind conditions, and describe plans for inspection and removal.

Staking will only be provided if conditions deem it necessary at the time of planting.

5. **Checking Tree Health**

The grantee will check trees every 6 – 12 months to identify and address problems. Describe inspection process and follow-up.

The tribal forester will inspect the trees for biotic and abiotic damage every 6 months. Any necessary remediation efforts will be made after inspection.

6. **Tree Protection**

Young trees may be easily damaged by human activity, animals, equipment, or competition from weeds and invasive plants. Describe how planted trees will be protected.

Mulch will be used around the base of the tree to slow down weed growth and to keep landscape equipment from getting too close. The trunks of the trees will have hardware mesh cylinders around the lower portions to prevent animal damage.

7. **Pruning**

Newly planted trees should need little pruning, if they were properly cared for in the nursery. In the first year after planting, remove only dead or broken branches. In later years, weakly attached limbs can be removed, and corrective pruning can be done if needed. Describe how pruning will be done.

The trees will be pruned during winter months when necessary to prevent the spread of disease from one tree to another. The trees will be pruned to improve structure and strength. Branches that are necrotic, growing back into the tree, crossing nearby branches, and forming weak angles of attachment will be removed.

8. **Tree Warranty and Replacement**

Tree planting should include a warranty from the nursery for replacement (due to poor condition or mortality). The grantee should be prepared to fully replace all trees that are in poor condition or die prior to the end of the grant, unless loss was due to natural disaster, beyond the control of the project manager, or allowed for in the grant proposal. Describe your warranty and tree replacement plans. If overplanting smaller stock to offset mortality, document the target survival rate at the end of the grant.

Since we are in the application phase of the grant, I don't have a vendor selected as of yet. When we receive an awarded to purchase trees, I can begin the process of selecting a vendor. Our organization requires multiple quotes to be gathered before a vendor can be selected. When I am able to select a vendor I will send the warranty and tree replacement agreement.

Exhibit 2
Tree Maintenance Plan

Oneida Business Committee Agenda Request

Accept the Oneida Youth Leadership Institute FY-2020 2nd quarter report

1. Meeting Date Requested: 06 / 10 / 2020**2. General Information:** Session: ☒ Open☐ Executive - See instructions for the applicable laws, then choose one:Agenda Header: ☐ Accept as Information only☒ Action - please describe:**3. Supporting Materials**☒ Report ☐ Resolution ☐ Contract☐ Other:1. 3. 2. 4. ☐ Business Committee signature required**4. Budget Information**☐ Budgeted - Tribal Contribution ☒ Budgeted - Grant Funded ☐ Unbudgeted**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:

Oneida Youth Leadership Institute

FY20 2nd Quarter Report (Jan. Feb. March)

Summary

The Oneida Youth Leadership Institute continues to evolve.

- 1) OYLI successfully set up and maintains organizational operations,
- 2) continues to align community youth groups for fundraising, and
- 3) established our board of directors. We have 1 vacancy to fill, and currently extended 2 Board members until we can permanently make a full Board of 7.

Quarterly Spotlight

With OYLI being a 100% volunteer Board, it is a constant struggle to recruit and keep Board members. Also, most of the current board member have fulltime jobs, therefore time is always an issue. With the two new board members, we have been able to get work done, however we still need to finish our Operating Manual. We continue to advertise in the Kalihwisaks and on the Oneida Nation website. With the current COVID19 pandemic and safety of the Board members in mind, we have not met since February and not sure when the next meeting will be held.

Accounts & Activity

2020 Q2 Account Debit \$34,730.00 -- Credits \$28,015.85

Total in Bay Bank Accounts \$217,723.52

Total Liabilities - Restricted Funds \$200,088.13 (fundraising by youth groups)

Equity - Unrestricted Funds \$17,635.39 (5% fees, OYLI fundraisers)



Rites of Passage ceremony – An OYLI participating entity

The Oneida Youth Leadership Institute is a 7871 charitable organization of the Oneida Nation located in Oneida, Wisconsin. We raise and provide funding to develop young Oneida leaders.

Values

The Youth Leadership Institute will foster:

- Tradition/Culture
- Good Mind/Good Body
- Leadership
- Knowledge/Proficiency
- Entrepreneurship
- Networking

Board Members

Melissa Metoxen
Elijah Metoxen
Paul Ninham
Marlon Skenandore
Margaret Ellis (extended)
Jeffery House (extended)
(Vacant)

Grants Department

Cheryl Stevens, OYLI
Executive Manager
920-496-7331
OYLI@oneidation.org

