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Oneida Business Committee

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

Agenda

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

NOTICE

Effective August 20, 2021, the Norbert Hill Center Administrative Offices are closed to the public; this include OBC meetings. Any person who has comments or questions regarding open session items may submit them via e-mail to the OBC at secretary@oneidanation.org no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the BC Support Office. The meeting will also be conducted using Microsoft Teams, please contact the BC Support Office at 920-869-4364 for instructions on how to join virtually.

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

I. CALL TO ORDER

II. OPENING

A. Presentation of distribution to the Oneida Nation by Bay Bancorporation, Inc. Sponsor: David P. Jordan, Councilman

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

A. Oneida Land Claims Commission - Kerry Kennedy and Chris Cornelius Sponsor: Lisa Liggins, Secretary

B. Oneida Nation School Board - Sylvia Cornelius Sponsor: Lisa Liggins, Secretary

C. Oneida Police Commission - Beverly Anderson Sponsor: Lisa Liggins, Secretary Public Packet 2 of 151

V. MINUTES

A. Approve the November 24, 2021, regular Business Committee meeting minutes Sponsor: Lisa Liggins, Secretary

VI. RESOLUTIONS

A. Adopt resolution entitled Adoption of the Oneida General Welfare Law Sponsor: David P. Jordan, Councilman

B. Adopt resolution entitled Increasing the Oneida Nation Minimum Wage to \$15.00 Per

Sponsor: Marie Summers, Councilwoman

C. Adopt resolution entitled Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19

Sponsor: Jo Anne House, Chief Counsel

VII. STANDING COMMITTEES

A. LEGISLATIVE OPERATING COMMITTEE

 Accept the November 17, 2021, Legislative Operating Committee meeting minutes

Sponsor: David P. Jordan, Councilman

VIII. STANDING ITEMS

- A. ARPA FRF Updates and Requests/Proposals
 - Accept the Building Demolitions status report CIP # 07-009
 Sponsor: Mark W. Powless, General Manager
 - 2. Accept the 2021 Pandemic Relief Food Card Distribution report Sponsor: Mark W. Powless, General Manager
 - 3. Adopt resolution entitled Extension of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members
 Sponsor: Mark W. Powless, General Manager
 - 4. Adopt resolution entitled Obligation for the Oneida Nation Student Relief Fund, Utilizing American Rescue Plan Act of 2021 Fiscal Recovery Funds Lost Revenue

Sponsor: Mark W. Powless, General Manager

5. Discussion regarding the ARPA FRF LR Higher Education program, Food Gift Cards, and Vaccine Incentive programs

Sponsor: Michael Debraska/Tribal member and Nancy Barton/Tribal member

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IX. TRAVEL REPORTS

A. Approve the travel report - Vice-Chairman Brandon Stevens - Global Gaming Expo 2021 - Las Vegas, NV - October 5-6, 2021

Sponsor: Brandon Stevens, Vice-Chairman

X. NEW BUSINESS

A. Review the sponsorship request and determine next steps - Holy Apostles Episcopal Church

Sponsor: Jennifer Webster, Councilwoman

B. Review request for exception to the virtual meetings requirement per resolution # BC-04-14-21-B and determine next steps

Sponsor: Carole Liggins, Chair/Oneida Nation Commission on Aging

C. Approve a limited waiver of sovereign immunity - Modio Health Inc. licensing agreement - file # 2021-0779

Sponsor: Mark W. Powless, General Manager

D. Accept the Stroke Prevention in the Wisconsin Native American Population quarterly report as information

Sponsor: Mark W. Powless, General Manager

XI. REPORTS

A. CORPORATE BOARDS

- 1. Accept the Bay Bancorporation Inc. FY-2021 4th quarter report Sponsor: Jeff Bowman, President/Bay Bank
- 2. Accept the Oneida Airport Hotel Corporation FY-2021 4th quarter report Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation
- 3. Accept the Oneida ESC Group, LLC FY-2021 4th quarter report Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers
- **4.** Accept the Oneida Golf Enterprise FY-2021 4th quarter report Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

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XII. EXECUTIVE SESSION

A. REPORTS

1. Accept the Bay Bancorporation, Inc. 2021 dividend report

Sponsor: David P. Jordan, Councilman

2. Accept the Bay Bancorporation Inc. FY-2021 4th quarter executive report

(1:30 p.m.)

Sponsor: Jeff Bowman, President/Bay Bank

3. Accept the Oneida Airport Hotel Corporation FY-2021 4th quarter executive

report (2:00 p.m.)

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

4. Accept the Oneida ESC Group, LLC FY-2021 4th quarter executive report (2:30

p.m.)

Sponsor: John Breuninger, Chair/Oneida ESC Group Board of Managers

5. Accept the Oneida Golf Enterprise FY-2021 4th quarter executive report (3:00

p.m.)

Sponsor: Justin Nishimoto, Agent/Oneida Golf Enterprise

6. Accept the General Manager report

Sponsor: Mark W. Powless, General Manager

7. Accept the Chief Counsel report

Sponsor: Jo Anne House, Chief Counsel

B. AUDIT COMMITTEE

1. Accept the October 21, 2021, Audit Committee meeting minutes

Sponsor: David P. Jordan, Councilman

2. Accept the Gaming Machines (Slots) compliance audit and lift the

confidentiality requirement

Sponsor: David P. Jordan, Councilman

3. Accept the Surveillance compliance audit and lift the confidentiality

requirement

Sponsor: David P. Jordan, Councilman

4. Accept the Cage/Vault/Kiosk year end compliance audit and lift the

confidentiality requirement

Sponsor: David P. Jordan, Councilman

5. Accept the Gaming Machines (Slots) year end compliance audit and lift the

confidentiality requirement

Sponsor: David P. Jordan, Councilman

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C. NEW BUSINESS

1. Review and discuss the \$15.00 per hour minimum wage impact reports Sponsor: Marie Summers, Councilwoman

XIII. 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

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Oneida Business Committee Agenda Request

Presentation of distribution to the Oneida Nation by Bay Bancorporation, Inc.

1. Meeting Date Requested: 12 / 08 / 21						
2. General Information: Session: ☑ Open ☐ Executive - See instructions for the applicable laws, then choose one:						
A see de Heeder Assessant/Decembries						
Agenda Header: Announcement/Recognition						
Accept as Information only Action - please describe:						
Presentation of distribution to the Oneida Nation by Bay Bancorporation, Inc.						
3. Supporting Materials Report Resolution Contract Other:						
1. Memo from Baybank 3.						
2. 4.						
☐ Business Committee signature required						
4. Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted						
5. Submission						
Authorized Sponsor / Liaison: David P. Jordan, Councilmember						
Primary Requestor/Submitter: Rhiannon Metoxen, Executive Assistant Your Name, Title / Dept. or Tribal Member						
Additional Requestor: Name, Title / Dept.						
Additional Requestor: Name, Title / Dept. Name, Title / Dept.						

Oneida Business Committee Agenda Request

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Presentation of c	listribution to th	e Oneida Natio	n by Bay Banc	orporation, Inc.	

- 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

Business Committee Agenda Request

1.	Meeting Date Requested:	12/08/21	
2.	General Information: Session: ○ Open	Executive – must qualify Justification: Choose rea	-
3.	Supporting Documents: Bylaws Contract Document(s) Correspondence Draft GTC Notice Draft GTC Packet E-poll results/back-up Other: Describe	Fiscal Impact Statement Law Legal Review Minutes MOU/MOA Petition	 ☐ Presentation ☐ Report ☐ Resolution ☐ Rule (adoption packet) ☐ Statement of Effect ☐ Travel Documents
4. 5.	☐ Budgeted ☐ Not Applicable	☐ Budgeted – Grant Funded☐ Other: <i>Describe</i>	Unbudgeted
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:	Brooke Doxtator, BCC Superv	visor
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	BDOXTAT1	



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: November 30, 2021

RE: Oath of Office – Oneida Land Claims Commission

Background

On November 24, 2021 the Oneida Business Committee appointed Kerry Kennedy and Chris Cornelius to the Oneida Land Claims Commission.

Business Committee Agenda Request

1.	Meeting Date Requested:	12/08/21	
2.	General Information: Session: Open	Executive – must qualify Justification: Choose rea	_
3.	☐ Bylaws ☐ Contract Document(s)	☐ Fiscal Impact Statement ☐ Law	☐ Presentation ☐ Report
		Legal Review	Resolution
	Draft GTC Packet		Rule (adoption packet) Statement of Effect
	☐ E-poll results/back-up	Petition	Travel Documents
	Other: Describe		
4 . 5 .	Budget Information: Budgeted Not Applicable Submission:	☐ Budgeted – Grant Funded☐ Other: <i>Describe</i>	Unbudgeted
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:	Brooke Doxtator, BCC Superv	visor
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	BDOXTAT1	



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: November 30, 2021

RE: Oath of Office – Oneida Nation School Board

Background

On November 24, 2021 the Oneida Business Committee appointed Sylvia Cornelius to the Oneida Nation School Board.

Business Committee Agenda Request

1.	Meeting Date Requested:	12/08/21	
2.	General Information: Session:	Executive – must qualify Justification: Choose rea	_
3.	Supporting Documents: Bylaws Contract Document(s) Correspondence Draft GTC Notice Draft GTC Packet E-poll results/back-up Other: Describe	Fiscal Impact Statement Law Legal Review Minutes MOU/MOA Petition	 □ Presentation □ Report □ Resolution □ Rule (adoption packet) □ Statement of Effect □ Travel Documents
 4. 5. 	Budget Information: Budgeted Not Applicable Submission:	☐ Budgeted – Grant Funded☐ Other: <i>Describe</i>	Unbudgeted
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:	Brooke Doxtator, BCC Superv	visor
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	BDOXTAT1	



Memorandum

TO: Oneida Business Committee

FROM: Brooke Doxtator, BCC Supervisor

DATE: November 30, 2021

RE: Oath of Office – Oneida Police Commission

Background

On November 24, 2021 the Oneida Business Committee appointed Beverly Anderson to the Oneida Police Commission.

Business Committee Agenda Request

1.	Meeting Date Requested:	12/08/21	
2.	General Information: Session: Open	Executive – must qualify Justification: Choose rea	_
3.	Supporting Documents:		
	Bylaws	Fiscal Impact Statement	Presentation
	Contract Document(s)	Law	Report
	Correspondence	Legal Review	Resolution
	☐ Draft GTC Notice	Minutes	Rule (adoption packet)
	☐ Draft GTC Packet	MOU/MOA	Statement of Effect
	E-poll results/back-up	Petition	Travel Documents
	Other: Describe		
4.	Budget Information: Budgeted Not Applicable	☐ Budgeted – Grant Funded☐ Other: <i>Describe</i>	Unbudgeted
5.	Submission:		
	Authorized Sponsor:	Lisa Liggins, Secretary	
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	LLIGGINS	



Oneida Business Committee

Regular Meeting 8:30 AM Wednesday, November 24, 2021 BC Conference Room, 2nd floor, Norbert Hill Center

Minutes

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth (via Microsoft Teams¹), Secretary Lisa Liggins, Council members: Daniel Guzman King, David P. Jordan, Jennifer Webster:

Not Present: n/a

Arrived at: Councilman Kirby Metoxen at 8:56 a.m., Councilwoman Marie Summers at 8:46 a.m. (via Microsoft Teams):

Others present: Jo Anne House, Larry Barton, Melinda J. Danforth (via Microsoft Teams), Mark W. Powless, Brooke Doxtator, Clorissa Santiago, Raeann Skenandore (via Microsoft Teams), Amy Spears (via Microsoft Teams), Geraldine Danforth (via Microsoft Teams), Eric Boulanger (via Microsoft Teams), Candice Skenandore (via Microsoft Teams), Justin Nishimoto (via Microsoft Teams), Todd VanDen Heuvel (via Microsoft Teams), Rhiannon Metoxen (via Microsoft Teams), Nancy Barton (via Microsoft Teams), Vanessa Miller (via Microsoft Teams), Joshua Cottrell (via Microsoft Teams), Wendy Alvarez (via Microsoft Teams), Mike Debraska (via Microsoft Teams), Mary Graves (via Microsoft Teams), Jessica Vandekamp (via Microsoft Teams), Carmen Vanlanen (via Microsoft Teams), Danelle Wilson (via Microsoft Teams), Lisa Summers (via Microsoft Teams), Kristen Hooker (via Microsoft Teams), Debra Powless (via Microsoft Teams), Tina Jorgenson (via Microsoft Teams), Debra Danforth (via Microsoft Teams), Melanie Burkhart (via Microsoft Teams), Lori Hill (via Microsoft Teams), Nic Reynolds (via Microsoft Teams), Jacqueline Smith (via Microsoft Teams), Lori Elm (via Microsoft Teams), Nicole Rommel (via Microsoft Teams), Ralinda Ninham-Lamberies (via Microsoft Teams), Eric Bristol (via Microsoft Teams), Loucinda Conway (via Microsoft Teams), Katsi Danforth (via Microsoft Teams), Michelle Danforth-Anderson (via Microsoft Teams), Renita Hernandez (via Microsoft Teams), Shane Archiquette (via Microsoft Teams):

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:38 a.m.

For the record: Councilman Kirby Metoxen has a personal appointment and will be arriving a few minutes late. Councilwoman Marie Summers is having technical issues with Microsoft Teams and will be joining a few minutes late.

II. OPENING (00:00:11)

Opening provided by Chairman Tehassi Hill.

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

III. ADOPT THE AGENDA (00:03:48)

Motion by Jennifer Webster to adopt the agenda with three (3) changes [1) under the Travel Requests section, add item entitled "Approve the travel request - Councilman Daniel Guzman King - 2021 Intertribal Agriculture Council (IAC) Annual Conference - Las Vegas, NV - December 7-9, 2021"; 2) after the Executive Session/Reports section, add a sub-section entitled "Audit Committee" and an item entitled "Accept the Audit Committee FY-2021 4th quarter report"; and 3) under the Executive Session/New Business section, add an item entitled "Accept the resignation of DR16 and determine next steps"], seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Brandon Stevens, Jennifer Webster

Not Present: Kirby Metoxen, Marie Summers

IV. OATH OF OFFICE (00:05:48)

Oath of office administered by Secretary Lisa Liggins. Geraldine Danforth was present via Microsoft Teams.

A. Oneida Trust Enrollment Committee - Geraldine Danforth

Sponsor: Lisa Liggins, Secretary

V. MINUTES

A. Approve the November 5, 2021, special Business Committee meeting minutes (00:07:46)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the November 5, 2021, special Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Brandon Stevens, Jennifer Webster

Not Present: Kirby Metoxen, Marie Summers

B. Approve the November 10, 2021, regular Business Committee meeting minutes (00:08:14)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the November 10, 2021, regular Business Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Brandon Stevens, Jennifer Webster

Not Present: Kirby Metoxen, Marie Summers

VI. RESOLUTIONS

A. Adopt resolution entitled Emergency Amendments to the Oneida Personnel Policies and Procedures - Selection Policy (00:08:44)

Sponsor: David P. Jordan, Councilman

Councilwoman Marie Summers arrived at 8:46 a.m.

Councilman Kirby Metoxen arrived at 8:56 a.m.

Motion by Brandon Stevens to adopt resolution 11-24-21-A Emergency Amendments to the Oneida Personnel Policies and Procedures - Selection Policy, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Brandon Stevens, Marie Summers, Jennifer Webster

Abstained: Kirby Metoxen

B. Adopt resolution entitled Oneida Nation American Rescue Plan Act of 2021 Bureau of Indian Affairs Law Enforcement Special Initiatives Spending Plan (00:23:44)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by Lisa Liggins to adopt resolution 11-24-21-B Oneida Nation American Rescue Plan Act of 2021 Bureau of Indian Affairs Law Enforcement Special Initiatives Spending Plan, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

C. Adopt resolution entitled Oneida Nation American Rescue Plan Act of 2021 Bureau of Indian Affairs Aid to Tribal Government Spending Plan (00:28:59)

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Liggins to adopt resolution 11-24-21-C Oneida Nation American Rescue Plan Act of 2021 Bureau of Indian Affairs Aid to Tribal Government Spending Plan, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

D. Adopt resolution entitled Oneida Comprehensive Health Division American Rescue Plan Act of 2021 Indian Health Service Spending Plan (00:32:03)

Sponsor: Jennifer Webster. Councilwoman

Treasurer Tina Danforth left at 9:18 a.m.

Councilman Daniel Guzman King left 9:21 a.m.

Treasurer Tina Danforth returned at 9:22 a.m.

Motion by Jennifer Webster to adopt resolution 11-24-21-D Oneida Comprehensive Health Division American Rescue Plan Act of 2021 Indian Health Service Spending Plan, seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon

Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King

E. Adopt resolution entitled Amending the Approved Purposes provided in BC resolution # 06-09-21-A Approval of Use of Economic Development, Diversification and Community Development Fund for Transfer of \$2.4 Million to the Oneida Land Commission (00:48:04)

Sponsor: Amy Spears, Strategic Planner

Councilman Daniel Guzman King returned 9:29 a.m.

Motion by Kirby Metoxen to adopt resolution 11-24-21-E Amending the Approved Purposes provided in BC resolution # 06-09-21-A Approval of Use of Economic Development, Diversification and Community Development Fund for Transfer of \$2.4 Million to the Oneida Land Commission, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,

Brandon Stevens, Marie Summers, Jennifer Webster

Abstained: Tina Danforth

F. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until January 23, 2022 (00:57:36)

Sponsor: Tehassi Hill, Chairman

Motion by David P. Jordan to adopt resolution 11-24-21-F Extension of Declaration of Public Health State of Emergency Until January 23, 2022, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,

Brandon Stevens, Marie Summers, Jennifer Webster

Abstained: Tina Danforth

VII. APPOINTMENTS

A. Determine next steps regarding three (3) vacancies - Oneida Land Claims Commission (01:20:09); (02:17:22)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer items VII.A., VII.B., and VII.C. until after executive session, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item VII.B was address next.

Treasurer Tina Danforth left at 12:32 p.m.

Motion by Lisa Liggins to accept the selected the applicants, to appoint Kerry Kennedy to the Oneida Land Claims Commission with a term ending July 31, 2023, to appoint Chris J. Cornelius to the Oneida Land Claims Commission with a term ending July 21, 2024 (1), and to request the Secretary to renotice the vacancy, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,

Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Marie Summers

Treasurer Tina Danforth returned at 12:33 p.m.

Item VII.B. was re-addressed next.

B. Determine next steps regarding four (4) vacancies - Oneida Nation School Board (01:20:09); (02:18:27)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer items VII.A., VII.B., and VII.C. until after executive session, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item VII.C. was addressed next.

Motion by Lisa Liggins to accept the selected applicant, to appoint Sylvia Cornelius to the Oneida Nation School Board with a term ending July 31, 2023, and to request the Secretary to re-notice the vacancies, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item VII.C. was re-addressed next.

C. Determine next steps regarding one (1) vacancy - Oneida Police Commission (01:20:09); (02:19:01)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer items VII.A., VII.B., and VII.C. until after executive session, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Item VIII.A.1. was addressed next.

Motion by Lisa Liggins to accept the selected applicant and appoint Beverly Anderson to the Oneida Police Commission with a term ending July 31, 2025, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item XIV.A.1. was addressed next.

VIII. STANDING COMMITTEES

A. FINANCE COMMITTEE

1. Accept the November 1, 2021, regular Finance Committee meeting minutes (01:20:51)

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to accept the November 1, 2021, regular Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

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

2. Accept the November 15, 2021, regular Finance Committee meeting minutes (01:21:43)

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to accept the November 15, 2021, regular Finance Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

B. LEGISLATIVE OPERATING COMMITTEE

1. Accept the November 3, 2021, regular Legislative Operating Committee meeting minutes (01:22:09)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Liggins to accept the November 3, 2021, regular Legislative Operating Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Aves:

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

IX. STANDING ITEMS

A. ARPA FRF Updates and Requests/Proposals (none)

X. TRAVEL REQUESTS

A. Approve the travel request - Treasurer Tina Danforth - Native American Financial Officers Association December Board Meeting - Phoenix, AZ - December 1-3, 2021 (01:27:16)

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to approve the travel request for Treasurer Tina Danforth to attend the Native American Financial Officers Association (NAFOA) December Board Meeting in Phoenix, AZ - December 1-3, 2021, noting this travel request is being funded by NAFOA, seconded by Lisa Liggins. Motion carried:

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

B. Enter the e-poll results into the record regarding the approved travel request for Chairman Hill and Vice-Chairman Stevens to attend White House Staff meetings and the Celebration of 2021 NBA Champion Milwaukee Bucks - Washington DC - November 7-9, 2021 (01:28:06)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the approved travel request for Chairman Hill and Vice-Chairman Stevens to attend White House Staff meetings and the Celebration of 2021 NBA Champion Milwaukee Bucks - Washington DC - November 7-9, 2021, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

C. Approve the travel request - Councilman Daniel Guzman King - 2021 Intertribal Agriculture Council (IAC) Annual Conference - Las Vegas, NV - December 7-9, 2021 (01:28:45)

Sponsor: Daniel Guzman King, Councilman

For the record: Councilwoman Jennifer Webster stated I just have a concern that people aren't coming to work here and they want to go out on travel. I, I just, I think people need to start coming to work, especially for the Business Committee. You know on a daily basis there's four people here and it's just not appropriate. We're held to a higher standard and I just think our Business Committee needs to start to come to work. For the most part, when we are here working, and Mike [Debraska, Tribal Member], there is a lot of work getting done just so you know, but when we're here at work, we're in our offices, so for me, I'm feeling safe because very few people come into my office. You know, Retail has to get up, get dressed, and go to work. I just think the Business Committee should be doing that as well and that can be for the record.

Motion by Kirby Metoxen to approve the travel request for Councilman Daniel Guzman King to attend the 2021 Intertribal Agriculture Council (IAC) Annual Conference in Las Vegas, NV - December 7-9, 2021, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon

Stevens, Marie Summers, Jennifer Webster

Abstained: Daniel Guzman King

For the record: Councilwoman Jennifer Webster stated support [the travel request] with comment that if you can travel, you should be able to come to work as well. Thank you.

XI. NEW BUSINESS

A. Approve a limited waiver of sovereign immunity - Brown County Solid Waste Management Services agreement - file # 2021-0762 (01:33:19)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to approve a limited waiver of sovereign immunity for the Brown County Solid Waste Management Services agreement - file # 2021-0762, seconded by David P. Jordan. Motion carried:

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

B. Accept the FY-2022 workforce level report pursuant to resolution # BC-09-22-231-E (01:33:54)

Sponsor: Todd VanDen Heuvel, Executive HR Director

Motion by Jennifer Webster to accept the FY-2022 workforce level report pursuant to resolution # BC-09-22-21-E, seconded by Lisa Liggins. Motion carried:

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

C. Enter the e-poll results into the record regarding the authorization for the Chairman to sign and submit the consultation letter to the U.S. Department of the Interior relating to the Protection and Restoration of Tribal Homelands (01:34:33)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the authorization for the Chairman to sign and submit the consultation letter to the U.S. Department of the Interior relating to the Protection and Restoration of Tribal Homelands, seconded by Jennifer Webster. Motion carried:

Aves:

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

XII. REPORTS

A. OPERATIONAL

1. Accept the Comprehensive Health Division FY-2021 4th quarter report (01:36:03)

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Comprehensive Health Division FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes:

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

2. Accept the Environmental, Health, Safety, Land and Agriculture Division FY-2021 4th quarter report (01:36:34)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to accept the Environmental, Health, Safety, Land and Agriculture Division FY- 2021 4th quarter report, seconded by Brandon Stevens. Motion carried:

Aves:

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

3. Accept the Governmental Services Division FY-2021 4th quarter report (01:46:46)

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the Governmental Services Division FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes:

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

4. Accept the Public Works Division FY-2021 4th quarter report (01:52:10)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Public Works Division FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

Motion by Marie Summers to direct the General Manager to bring back to the December 8, 2021, regular Business Committee meeting agenda an open session update regarding the use of the Economic Development, Diversification and Community Development Funds provided to Comprehensive Housing in resolution # BC-06-09-21-A, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Marie Summers, Jennifer Webster

Abstained: Brandon Stevens

5. Accept the Management Information Systems FY-2021 4th quarter report (02:02:13)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Management Information Systems FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

6. Accept the Tribal Action Plan FY-2021 4th quarter report (02:02:42)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to accept the Tribal Action Plan FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes:

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

7. Accept the Big Bear Media FY-2021 4th quarter report (02:04:45)

Sponsor: Mark W. Powless, General Manager

Motion by Jennifer Webster to accept the Big Bear Media FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

8. Accept the Education and Training FY-2021 4th guarter report (02:05:17)

Sponsor: Mark W. Powless, General Manager

Motion by Kirby Metoxen to accept the Education and Training FY-2021 4th quarter report, seconded by Brandon Stevens. Motion carried:

Aves:

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

9. Accept the Grants FY-2021 4th quarter report (02:06:02)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Grants FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

B. APPOINTED BOARDS, COMMITTEES, COMMISSIONS

1. Accept the Anna John Resident Centered Care Community Board FY-2021 4th quarter report (02:06:37)

Sponsor: Kristen Jorgenson-Dann, Chair/Anna John Resident Centered Care Community Board

Motion by David P. Jordan to accept the Anna John Resident Centered Care Community Board FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

2. Accept the Oneida Nation Arts Board FY-2021 4th quarter report (02:07:05)
Sponsor: Kelli Strickland, Chair/Oneida Nation Arts Board

Motion by David P. Jordan to accept the Oneida Nation Arts Board FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

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

3. Accept the Oneida Police Commission FY-2021 4th quarter report (02:07:37)

Motion by David P. Jordan to accept the Oneida Police Commission FY-2021 4th quarter report,

Sponsor: Richard VanBoxtel, Chair/Oneida Police Commission

seconded by Marie Summers. Motion carried:

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

C. ELECTED BOARDS, COMMITTEES, COMMISSIONS

Accept the Oneida Election Board FY-2021 4th quarter report (02:08:08)
 Sponsor: Pamela Nohr, Chair/Oneida Election Board

Motion by Jennifer Webster to accept the Oneida Election Board FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

2. Accept the Oneida Gaming Commission FY-2021 4th quarter report (02:08:34)

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

Motion by David P. Jordan to accept the Oneida Gaming Commission FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

3. Accept the Oneida Land Commission FY-2021 4th quarter report (02:09:04)

Sponsor: Becky Webster, Chair/Oneida Land Commission

Motion by Jennifer Webster to accept the Oneida Land Commission FY-2021 4th quarter report, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

4. Accept the Oneida Nation School Board FY-2021 4th quarter report (02:09:37)

Sponsor: n/a

Motion by Jennifer Webster to accept the Oneida Nation School Board FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Brandon Stevens,

Marie Summers, Jennifer Webster

Abstained: Tina Danforth, Kirby Metoxen

5. Accept the Oneida Trust Enrollment Committee FY-2021 4th quarter report (02:11:06)

Sponsor: Jennifer Webster, Councilwoman

Motion by Jennifer Webster to accept the Oneida Trust Enrollment Committee FY-2021 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

D. STANDING COMMITTEES

1. Accept the Community Development Planning Committee FY-2021 4th quarter report (02:11:44)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the Community Development Planning Committee FY-2021 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

2. Accept the Finance Committee FY-2021 4th quarter report (02:12:20)

Sponsor: Tina Danforth, Treasurer

Motion by Kirby Metoxen to accept the Finance Committee FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Aves:

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

3. Accept the Legislative Operating Committee FY-2021 4th quarter report (02:12:47)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the Legislative Operating Committee FY-2021 4th quarter report, seconded by Marie Summers. Motion carried:

Aves:

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

4. Accept the Quality of Life Committee FY-2021 4th quarter report (02:13:14)
Sponsor: Marie Summers, Councilwoman

Motion by Jennifer Webster to accept the Quality of Life Committee FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes:

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

E. OTHER

1. Accept the Oneida Youth Leadership Institute Board FY-2021 4th quarter report (02:13:42)

Sponsor: Mark W. Powless, General Manager

Motion by David P. Jordan to accept the Oneida Youth Leadership Institute Board FY-2021 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes:

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

XIII. GENERAL TRIBAL COUNCIL

A. Determine next steps regarding the January 9, 2022, tentatively scheduled annual General Tribal Council meeting (02:14:15)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to cancel the January 9, 2022, tentatively scheduled annual General Tribal Council meeting, seconded by Kirby Metoxen. Motion carried:

Aves:

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

For the record: Treasurer Tina Danforth stated we need to look at doing a virtual meeting. I know there's a small survey going out, but aside from a survey, we still need to look to that end and, unless we're going to have it in person meeting, very soon. Thank you.

XIV. EXECUTIVE SESSION (02:16:07)

Motion by David P. Jordan to go into executive session at 10:54 a.m., seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster

The Oneida Business Committee, by consensus, took a 5 minutes break at 10:55 a.m.

Meeting called to order by Chairman Tehassi Hill at 11:01 a.m.

Roll call for the record:

Present: Treasurer Tina Danforth (via Microsoft Teams); Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan; Secretary Lisa Liggins; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilwoman Marie Summers (via Microsoft Teams); Councilwoman Jennifer Webster:

Councilman Kirby Metoxen left at 11:04 a.m.

Councilman Kirby Metoxen returned 11:05 a.m.

Councilman David P. Jordan left 12:12 p.m.

Vice-Chairman Brandon Stevens left 12:12 p.m.

Councilman David P. Jordan returned 12:13 p.m.

Vice-Chairman Brandon Stevens returned 12:14 p.m.

Councilwoman Marie Summers left at 12:30 p.m.

Motion by Daniel Guzman King to come out of executive session at 12:31 p.m., seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item VII.A. was re-addressed next.

A. REPORTS

1. Accept the October 2021 Treasurer's report (02:19:40)

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the October 2021 Treasurer's report, seconded by Kirby Metoxen. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

2. Accept the Joint Marketing FY-2021 4th quarter report (02:19:58)

Sponsor: Debra Powless, Retail General Manager

Motion by Jennifer Webster to accept the Joint Marketing FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

3. Accept the Intergovernmental Affairs, Communications, and Self-Governance October 2021 report (02:20:17)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Treasurer Tina Danforth left at 12:35 p.m.

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

Ayes: Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen,

Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Marie Summers

Treasurer Tina Danforth returned at 12:36 p.m.

Motion by David P. Jordan to approve amendment #8 to the Nation's FY 2017 Funding Agreement and authorize the Chairman to sign the amendment and letter to the IHS, and to direct Self Governance to work with Comprehensive Health Division and Accounting to pay the IHS the overpayment of Contract Support Costs in the amount of \$17,603, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

4. Accept the General Manager report (02:21:17)

Sponsor: Mark W. Powless, General Manager

Motion by Kirby Metoxen to accept the General Manager report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

5. Accept the Chief Counsel report (02:21:27)

Sponsor: Jo Anne House, Chief Counsel

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

Ayes:

Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item XIV.C.1. was addressed next.

B. AUDIT COMMITTEE

1. Accept the Audit Committee FY-2021 4th quarter report (02:22:52)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Liggins to accept the Audit Committee FY-2021 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item XV. was address next.

C. NEW BUSINESS

 Review application(s) for three (3) vacancies - Oneida Land Claims Commission (02:21:45)

Sponsor: Lisa Liggins, Secretary

Motion by Kirby Metoxen to accept the discussion as information regarding the applications for the Oneida Land Claims Commission, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

2. Review application(s) for four (4) vacancies - Oneida Nation School Board (02:21:59)

Sponsor: Lisa Liggins, Secretary

Motion by Kirby Metoxen to accept the discussion as information regarding the application for the Oneida Nation School Board, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

3. Review application(s) for one (1) vacancy - Oneida Police Commission (02:22:14)

Sponsor: Lisa Liggins, Secretary

Motion by Kirby Metoxen to accept the discussion as information regarding the application for the Oneida Police Commission, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

4. Accept the resignation of DR16 and determine next steps (02:22:30)

Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to accept the notice of resignation from DR16 dated November 18, 2021 and to forward the rest of discussion to a BC work session, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers

Item XIV.B.1. was addressed next.

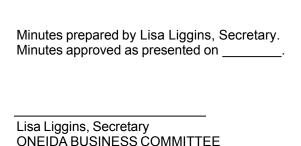
XV. ADJOURN (02:23:05)

Motion by Daniel Guzman King to adjourn at 12:38 p.m., seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins,

Kirby Metoxen, Brandon Stevens, Jennifer Webster

Not Present: Marie Summers



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Oneida Business Committee Agenda Request

Adopt resolution entitled Adoption of the Oneida General Welfare Law

1.	Meeting Date Requested: 12 / 08 / 21						
2.	2. General Information: Session: Open Executive - See instructions for the applicable laws, then choose one:						
	Agenda Header: Resolutions						
	☐ Accept as Information only☑ Action - please describe:						
	Adopt the resolution entitled, "Adoption of the Oneida General Welfare Law"						
3.	Supporting Materials ☐ Report ☐ Resolution ☐ Contract ☐ Other: 1. Adoption Memo 3. Legislative Analysis & Fiscal Impact Statement						
	1. Adoption Memo						
	2. Statement of Effect 4. Draft						
	☐ Business Committee signature required						
	Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted						
5.	Submission						
	Authorized Sponsor / Liaison: David P. Jordan, Councilmember						
	Primary Requestor/Submitter: Clorissa N. Santiago, LRO Senior Staff Attorney Your Name, Title / Dept. or Tribal Member						
	Additional Requestor: Name, Title / Dept.						
	Additional Requestor: Name, Title / Dept.						



Oneida Nation

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



TO:

Oneida Business Committee

FROM:

David P. Jordan, LOC Chairperson

DATE:

December 8, 2021

RE:

Adoption of the Oneida General Welfare Law

Please find the following attached backup documentation for your consideration of the adoption of the Oneida General Welfare law:

1. Resolution: Adoption of the Oneida General Welfare Law

- 2. Statement of Effect: Adoption of the Oneida General Welfare Law
- 3. Oneida General Welfare Law Legislative Analysis
- 4. Oneida General Welfare Law
- 5. Oneida General Welfare Law Fiscal Impact Statement

Overview

On October 7, 2020, the Legislative Operating Committee added the Oneida General Welfare law ("the Law") to its Active Files List. The Law had been carried over from the last Legislative Operating Committee terms with it originally added to the Active Files List in December 2018.

On August 12, 2020, the Law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance, on a non-taxable basis, to members of the Nation through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. Emergency adoption of the Law was pursued to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic. The Law set forth a framework and provided guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. The emergency adoption of the Law was set to expire on February 12, 2021.

In February 2021, emergency amendments to the Law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendment to the Law revises the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)]. Previously, an approved program could only be adopted by the Oneida Business Committee through a law of the Nation. These emergency amendments to the Law were set to expire on August 10, 2021.

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On July 28, 2021, the Oneida Business Committee extended the emergency amendments for an additional six (6) month period through the adoption of resolution BC-07-28-21-M. The emergency amendments to this Law will now expire on February 10, 2022.

The Legislation Operating Committee is now seeking the permanent adoption of this Law. The purpose of the Law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion. [10 O.C. 1001.1-1]. This resolution adopts the Law which will provides a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this law:

- is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- is not provided as compensation for goods and/or services; and
- is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

The Legislative Operating Committee developed the Oneida General Welfare law through collaboration with representatives from the Oneida Law Office, Finance Administration, and Governmental Services Division. The Legislative Operating Committee held seven (7) work meetings on the development of this law.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the Law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until November 25, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, and BC-09-22-21-A.

Oneida Business Committee resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services. During the time of the development of this Law the infection rates within Brown and Outagamie Counties exceeded "Low." The Nation's COVID-19 Core Decision Making Team addressed the issue of not being able to safely hold public meetings through its March 27, 2020, declaration titled "Suspension of Public Meetings under the Legislative Procedures Act". This declaration 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 Law was held in person, the public comment period was still held open until October 13, 2021, for the submission of written comments. No written comments were received during the public comment period.

Requested Action

Adopt the Resolution: Adoption of the Oneida General Welfare Law



Public Packet

Oneida Nation

Post Office Box 365

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Oneida, WI 54155

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BC Resolution # _____ Adoption of the Oneida General Welfare Law

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 the Oneida Business Committee has been delegated the authority of Article IV, Section 1, WHEREAS, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and WHEREAS. the purpose of the Oneida General Welfare law ("the Law") is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion; and WHEREAS, in August 2020, the Law was first adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic by providing a framework and guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, selfsufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment; and WHEREAS. in February 2021, emergency amendments to the Law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation; and WHEREAS. on July 28, 2021, the Oneida Business Committee extended the emergency amendments to this Law for an additional six (6) month period through the adoption of resolution BC-07-28-21-M: and WHEREAS. the Law is now ready for permanent adoption by the Oneida Business Committee; and WHEREAS. the Law provides a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this Law: is available to any recipients who satisfy the program policies, subject to budgetary

the Nation's governing body;

is made under an approved program that does not discriminate in favor of members of

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BC Resolution # _____ Adoption of the Oneida General Welfare Law Page 2 of 2

is not provided as compensation for goods and/or services; and

WHEREAS,

WHEREAS,

WHEREAS,

 is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee; and

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

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

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, which was then subsequently extended through January 23, 2022, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A and BC-11-24-21-F; and

WHEREAS, Oneida Business Committee resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services; and

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 for the duration of the Public Health State of Emergency, 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; and

WHEREAS, although a public meeting was not held for this proposed Law, the public comment period for this Law was held open until October 13, 2021, and no individuals submitted written comments during the public comment period; and

NOW THEREFORE BE IT RESOLVED, that the Oneida General Welfare law is hereby adopted and shall become effective on December 22, 2021.



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

ONEIDA

Statement of Effect

Adoption of the Oneida General Welfare Law

Summary

This resolution adopts the Oneida General Welfare law on a permanent basis.

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

Date: November 24, 2021

Analysis by the Legislative Reference Office

This resolution adopts the Oneida General Welfare law on a permanent basis. The purpose of the Oneida General Welfare law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion. [10 O.C. 1001.1-1]. The Oneida General Welfare law will provide a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this law:

- is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- is not provided as compensation for goods and/or services; and
- is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

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 Oneida General Welfare law complies with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the Oneida General Welfare law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until January 23, 2022, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-

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09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, and BC-11-24-21-F.

Oneida Business Committee resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19, prohibits indoor and outdoor public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services. During the time of the development of this Law the infection rates within Brown and Outagamie Counties exceeded "Low." The Nation's COVID-19 Core Decision Making Team addressed the issue of not being able to safely hold public meetings through its March 27, 2020, declaration titled "Suspension of Public Meetings under the Legislative Procedures Act". This declaration suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although a public meeting for the Oneida General Welfare law was not held, the public comment period was still held open until October 13, 2021. The Legislative Operating Committee did not receive any written submissions of comments during the public comment period.

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 Oneida General Welfare law would become effective on December 22, 2021, in accordance with the LPA. [1 O.C. 109.9-3].

Conclusion

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





Public Packet

ONEIDA GENERAL WELFARE LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office		
Intent of the Proposed Law	Provides a framework for the Nation to develop approved programs to provide assistance to members on a non-taxable basis in an effort to promote the general welfare while ensuring compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35, and that all assistance provided under this law: is available to any recipients who satisfy the program policies, subject to budgetary restraints; is made under an approved program that does not discriminate in favor of members of the Nation's governing body; is not provided as compensation for goods and/or services; and is not lavish or extravagant under the facts and circumstances, as 	
Purpose	determined by the Oneida Business Committee. The purpose of this law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion. [10 O.C. 1001.1-1].	
Affected Entities Public Meeting	Oneida Business Committee, Entities developing approved programs A public comment period was held open until October 13, 2021. A public meeting was not held in accordance with the Nation's COVID-19 Core Decision Making Team's declaration titled, Suspension of Public Meetings under the Legislative Procedures Act.	
Fiscal Impact	A fiscal impact statement was received from the Finance Department on November 12, 2021.	

SECTION 2. LEGISLATIVE DEVELOPMENT

A. *Background*. On August 12, 2020, the Oneida General Welfare law ("the Law") was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance, on a non-taxable basis, to members of the Nation through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. Emergency adoption of the Law was pursued to provide a mechanism to address the economic needs of members of the Nation during the COVID-19 pandemic. The Law set forth a framework and provided guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.9-2]. The emergency adoption of the Law was set to expire on February 12, 2021. In February 2021, emergency amendments to the Law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency

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amendment to the Law revises the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)]. Previously, an approved program could only be adopted by the Oneida Business Committee through a law of the Nation. These emergency amendments to the Law were set to expire on August 10, 2021. On July 28, 2021, the Oneida Business Committee extended the emergency amendments for an additional six (6) month period through the adoption of resolution BC-07-28-21-M. The emergency amendments to this Law will now expire on February 10, 2022.

B. The Legislative Operating Committee is now seeking the permanent adoption of this Law.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of this Law and legislative analysis:
 - Oneida Law Office:
 - Finance Administration; and
 - Governmental Services Division.
- 30 **B.** The following laws were reviewed in the drafting of this analysis:
 - Legislative Procedures Act;
- Garnishment Law; and
- 33 Per Capita law.

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SECTION 4. PROCESS

- **A.** This Law has followed the process set forth in the Legislative Procedures Act (LPA).
 - On August 12, 2020, the Law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D.
 - On October 7, 2020, the Legislative Operating Committee added the Law to its Active Files List.
 - On February 10, 2021, the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-02-10-21-B.
 - On April 14, 2021, the Oneida Business Committee adopted resolution BC-04-14-21-D titled, *Oneida Nation Assistance Fund*, which directed that the Legislative Operating Committee hold a community input session on the public policy of "funds paid to members pursuant general welfare programs are not subject to garnishment, attachment, seizure, or execution of levy of any kind, including the administrative enforcement actions listed in 7 O.C. Chapter 704 (Child Support), and any attempt to cause any payments to be so subjected shall not be recognized by the Nation" and whether such policy should be a general policy or be addressed specifically in regards to each general welfare program under Title 1000 and Chapter 1001.
 - On May 5, 2021, the Legislative Operating Committee approved the Oneida General Welfare law amendments public comment period notice for the question, *Should assistance provided by an approved program under the Oneida General Welfare law be subject to attachment or garnishment?* and forward this question to a public comment period to be held open until June 9, 2021.
 - On June 9, 2021, the public comment period for the question above closed. The Legislative Operating Committee received written submissions of comments from six (6) individuals.

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- On July 7, 2021, the Legislative Operating Committee accepted the public comments that were received.
 - On July 21, 2021, the Legislative Operating Committee approved the Oneida General Welfare law emergency amendments extension packet and forwarded the extension to the Oneida Business Committee for consideration.
 - On July 28, 2021, the Oneida Business Committee extended the emergency amendments to the Law through the adoption of resolution BC-07-28-21-M.
 - On September 1, 2021, the Legislative Operating Committee approved the draft of the Law and directed that a legislative analysis be completed.
 - On September 15, 2021, the Legislative Operating Committee approved the legislative analysis and public comment period notice, and forwarded the Oneida General Welfare law to a public comment period to be held open until October 13, 2021.
 - On October 13, 2021, the public comment period closed. No written submissions of comments were received during this public comment period.
 - On October 20, 2021, the Legislative Operating Committee accepted the public comment period review memorandum recognizing no comments were received.
 - On November 3, 2021, the Legislative Operating Committee approved the final draft and legislative analysis of the Oneida General Welfare law, and directed the Finance Department to complete a fiscal analysis by November 18, 2021.
 - The fiscal impact statement was received from the Finance Department on November 12, 2021.
 - On December 1, 2021, the Legislative Operating Committee will consider the approval of the Oneida General Welfare law adoption packet, and forward these items on to the Oneida Business Committee for consideration of adoption.
 - **B.** At the time this legislative analysis was developed the following work meetings had been held regarding the development of this Law:
 - January 14, 2021: LOC work meeting with the Oneida Law Office, Finance Administration, Strategic Planner, and Susan House.
 - January 28, 2021: LOC work meeting.
 - February 9, 2021: LOC work meeting with the Oneida Law Office, Finance Administration, Trust Enrollments Director, Susan House.
 - April 21, 2021: LOC work meeting.
 - April 29, 2021: LOC work meeting.
 - June 24, 2021: LOC work meeting.
 - August 26, 2021: LOC work meeting.
 - C. COVID-19 Pandemic's Effect on the Legislative Process. The world is currently facing a pandemic of COVID-19. The COVID-19 outbreak originated in Wuhan, China and has spread to many other countries throughout the world, including the United States. The COVID-19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts including effects on the stock market and the closing of all non-essential businesses. A public meeting for this proposed Law will not be held due to the COVID-19 pandemic, but a public comment period for the submission of written comments will be held open.
 - Declaration of a Public Health State of Emergency.
 - On March 12, 2020, Chairman Tehassi Hill signed a "Declaration of Public Health State of Emergency" regarding the COVID-19 pandemic which declared a Public Health State

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

- The Public Health State of Emergency has since been extended until January 23, 2022, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, and BC-11-24-21-F.
- COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the Legislative Procedures Act.

• 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.

• Oneida Busines Committee Resolution BC-08-03-21-A, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19.

On August 3, 2021, the Oneida Business Committee adopted resolution BC-08-03-21-A entitled, Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19, which provides that indoor and outdoor events shall be canceled when the infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services. Both Brown and Outagamie Counties are experiencing "High" COVID-19 infection rates.

• Conclusion.

• Although a public meeting was not held on the proposed Law, a public comment period was still held open until October 13, 2021, in accordance with resolution BC-08-03-21-A and the Legislative Procedures Act as modified by the COVID-19 Core Decision Making Team's "Suspension of Public Meetings under the Legislative Procedures Act" declaration. No public comments were received during this public comment period.

SECTION 5. CONTENTS OF THE LEGISLATION

A. *Purpose and Policy*. The purpose of this Law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion. [10 O.C. 1001.1-1]. The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its members under certain circumstances on a non-taxable basis. [10 O.C. 1001.1-1(a)]. It is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation which is available to any recipient who satisfies the program policies, subject to budgetary restraints; is made under an approved program that does not discriminate in favor of members of the Nation's governing body; is not provided

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- as compensation for goods or services; and is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee. [10 O.C. 1001.1-2].
 - *Effect*. The overall purpose of this Law is to codify the Nation's sovereign right to provide assistance to its members on a non-taxable basis, and to provide a framework for the Nation to create approved programs to do so.
 - B. General Welfare Assistance. The Nation has an inherent sovereign right to provide assistance to its eligible members on a non-taxable basis pursuant to the principles of General Welfare Exclusion. [10 O.C. 1001.4-1]. General Welfare Exclusion provides that any assistance shall be treated as non-taxable under federal law so long as it: satisfies the requirements for exclusion under 26 U.S.C. §139E, is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations, or meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1). Id. The General Test provides criteria used to determine if any assistance provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. [10 O.C. 1001.4-2]. The criteria of the General Test include the following: the assistance is paid on behalf of the Nation, the assistance was provided pursuant to an approved program, the assistance does not discriminate in favor of members of the governing body of the Nation, the assistance is available to any member who meets the guidelines of the approved program, the assistance is provided for the promotion of general welfare, the assistance is not lavish or extravagant, the assistance is not compensation for services, and the assistance is not a per capita payment. [10 O.C. 1001.4-2(a)-(h)]. Any assistance provided by the Nation under the General Welfare Exclusion shall occur through an approved program and qualify as non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law. [10 O.C. 1001.4-3]. Approved programs shall be established and operated to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, selfsufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.4-3(a)]. Furthermore, this Law shall not be construed as creating new general welfare assistance rights which are an inherent right of Nation. [10 O.C. 1001.4-4]. Rather, this Law is intended to codify existing procedures used by the Nation to administer its general welfare assistance and any assistance provided prior to the enactment of this Law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty. Id.
 - *Effect*. The Law provides details on how assistance provided through approved programs will meet the principles of General Welfare Exclusion so that assistance may be non-taxable.
 - C. Approved Program Guidelines. This section of the Law sets forth the guidelines that approved programs of the Nation will be created under. The Law requires that an approved program be adopted by the Oneida Business Committee through either a resolution or law of the Nation. [10 O.C. 1001.5-1]. An approved program may be adopted through a resolution if the approved program will function for a limited term a limited term means there is a defined start and end date, or the program utilizes third-party funding and is not intended to be permanent. [10 O.C. 1001.3-1(d), 1001.5-1(b)]. If the purpose of the approved program will function on a permanent basis, then the approved program is required to be adopted through a law of the Nation. [10 O.C. 1001.5-1(a)]. The Law provides what information an approved program is required to include in its adopting document, which includes: name of the approved program, purpose of the approved program, eligibility rules and limitations for the program, funding source, how the program qualifies for General Welfare Exclusion, and the start and

end date of the approved program, if applicable. [10 O.C. 1001.5-1(c)]. Any assistance intended to qualify under the General Welfare Exclusion is limited to members of the Nation only. [10 O.C. 1001.5-2]. Regarding the funding of approved programs, any assistance provided is limited to funds appropriated, at the discretion of the Oneida Business Committee and no matter the source of the funds. [10 O.C. 1001.5-3]. All amounts budgeted by the Nation for assistance shall remain general assets of the Nation until payments are disbursed. Id. The Oneida Business Committee is responsible for designating approved programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this Law. Id. Approved programs may also be funded through third-party funding if available. Id. All assistance that is provided to a recipient is required to be used for the purpose stated in the approved program description. [10 O.C. 1001.5-4]. If a recipient uses assistance in a manner that is inconsistent with the purpose of the approved program, then the payment is considered forfeited, and the Nation may secure repayment from the recipient. Id. The Law then clarifies that any benefit a member of the Nation receives is not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the member. [10 O.C. 1001.5-5].

- *Effect*. This section of the Law provides details on the framework for how approved programs under the Law are developed and handled.
- **D.** Non-Recourse Designation. The Nation does not guarantee any benefits to a recipient under this Law. [10 O.C. 1001.6-1]. The Law clarifies that benefits shall not be treated as a resource or asset of a recipient for any purpose; and that no recipient shall have an interest in or right to any funds budgeted for, or set aside for, approved programs until paid. Id. The Oneida Business Committee reserves the right to cancel, adjust, modify or revoke any benefit. [10 O.C. 1001.6-2]. The approved programs shall be administered at all times to avoid triggering of the doctrines of "constructive receipt" and/or "economic benefit." [10 O.C. 1001.6-3].
 - *Effect*. This section clarifies that recipient is not guaranteed benefits under the Law, and that a recipient should not treat the potential benefit as a resource or an asset until that asset is actually paid out to the recipient.
- E. Governing Law; Sovereignty. The Law confirms the Nation's sovereign status by providing that the rights and liabilities associated with the enactment of this Law, or any assistance made as a result, shall be construed and enforced according to the Nation's laws and applicable federal law. [10 O.C. 1001.7-1]. The Law, or any related laws, policies, or procedures adopted for its implementation shall not be construed to make applicable to the Nation any laws or regulations which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption because of its sovereign status. Id.
 - *Effect*. The Nation is considered sovereign, meaning it has the authority to govern itself. This section of the Law confirms that the Nation maintains that sovereign status through the adoption of this Law, and the Nation is not subject to any laws or regulations which are otherwise inapplicable to the Nation.
- **F.** Federal Trust Obligations. The Law provides that the Nation has the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. [10 O.C. 1001.8-1]. This does not mean that the Nation's adoption of its approved programs is intended to relieve or diminish the federal government of its funding and trust responsibilities. Id.
 - *Effect*. This section provides that although the Nation may provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants,

this does not negate the federal government's trust responsibilities to fund this program. This also does not affect the Nation's right to seek funding, or the right to engage in government-to-government consultations and coordination regarding these rights.

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SECTION 6. EXISTING LEGISLATION

- **A.** *Related Legislation*. The following laws of the Nation are related to this Law:
 - Garnishment Law. The Garnishment law allows the Nation to exercise its authority to provide an effective mechanism for creditors to access an employee's income for reduction of personal debt. [2 O.C. 204.1-1]. Garnishment of an individual's income to collect debt owed to an entity of the Nation is allowed under the Garnishment law. [2 O.C. 204.6].
 - Assistance provided to a member through an approved program is not subject to garnishment under the Garnishment law. [10 O.C. 1001.5-5].
 - Per Capita Law. The Per Capita law specifies the procedure to be followed in the event that per capita payments are distributed by the Nation and states the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payments. [1 O.C. 123.1-1]. The Per Capita law allows per capita payments to be subject to attachment prior to distribution for debt owed to an Oneida entity. [1 O.C. 123.4-9, 123.4-9(a)(2)].
 - Assistance provided through an approved program is not a per capita payment. Assistance provided to a member through an approved program is not subject to attachment under the Per Capita law. [10 O.C. 1001.5-5].

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SECTION 7. OTHER CONSIDERATIONS

- **A.** *Deadline for Permanent Adoption of Legislation.* The emergency amendments to this Law will expire on February 10, 2022. The emergency amendments to this Law were already extended for an additional six (6) month period through the adoption of resolution of BC-07-28-21-M so there is no more opportunity to extend these emergency amendments.
 - *Conclusion:* The Legislative Operating Committee will need to consider the development and adoption of this Law on a permanent basis prior to February 10, 2022.
- **B.** Fiscal Impact. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, "Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act," provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.
 - Conclusion. On November 12, 2021, the Legislative Operating Committee received a fiscal impact statement for this Law from the Finance Department.

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Title 10. General Welfare Exclusion - Chapter 1001 ONEIDA GENERAL WELFARE

1001.1. Purpose and Policy1001.2. Adoption, Amendment, Repeal

1001.3. Definitions

1001.4. General Welfare Assistance 1001.5. Approved Program Guidelines

1001.6. Non-Recourse Designation

1001.7. Governing Law; Sovereignty

1001.8. Federal Trust Obligations

1001.1. Purpose and Policy

1001.1-1. *Purpose*. The purpose of this law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion.

- (a) The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its members under certain circumstances on a non-taxable basis.
- 1001.1-2. *Policy*. It is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:
 - (a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;
 - (b) is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
 - (c) is not provided as compensation for goods or services; and
 - (d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

1001.2. Adoption, Amendment, Repeal

- 1001.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-_-
- 1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General
 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
- 29 1001.2-3. Should a provision of this law or the application thereof to any person or circumstances 30 be held as invalid, such invalidity shall not affect other provisions of this law which are considered 31 to have legal force without the invalid portions.
- 1001.2-4. 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.
- 34 1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1001.3. Definitions

- 1001.3-1. 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) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution

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42 or law of the Nation.

 (b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law. Assistance provided under an approved program shall not be considered income of the recipient.

- (c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.
- (d) "Limited term" means a defined start and end date, or utilizes third-party funding and is not intended to be permanent.
- (e) "Member" means an individual who is an enrolled member of the Nation.
- (f) "Nation" means the Oneida Nation.
- (g) "Recipient" means any member entitled to receive assistance in accordance with approved program requirements.

1001.4. General Welfare Assistance

1001.4-1. *General*. The Nation may provide general welfare assistance to eligible members on a non-taxable basis pursuant to the principles of General Welfare Exclusion. The federal government recognizes that benefits to recipients under an approved program for the promotion of the general welfare of the Nation is excludable from the gross income of those recipients. General Welfare Exclusion provides that any assistance shall be treated as non-taxable under federal law so long as it:

- (a) satisfies the requirements for exclusion under 26 U.S.C. §139E;
- (b) is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-
- 35 or subsequent Internal Revenue Service procedures or regulations; or
- (c) meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).
- 1001.4-2. *General Test*. The General Test provides criteria used to determine if any assistance provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:
 - (a) The assistance is paid on behalf of the Nation;
 - (b) The assistance was provided pursuant to an approved program;
 - (c) The assistance does not discriminate in favor of members of the governing body of the Nation;
 - (d) The assistance is available to any member who meets the guidelines of the approved program;
 - (e) The assistance is provided for the promotion of general welfare;
 - (f) The assistance is not lavish or extravagant;
 - (g) The assistance is not compensation for services; and
 - (h) The assistance is not a per capita payment.
- 1001.4-3. *Approved Programs*. Any assistance provided by the Nation under the General Welfare Exclusion shall occur through an approved program and qualify as non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law.
 - (a) An approved program shall be established and operated to promote the general welfare

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of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

- (b) Each approved program shall be limited to purposes consistent with treatment under the General Welfare Exclusion as to purpose, eligibility, and funding.
- (d) An approved program shall meet all criteria of the General Test.
- (d) Assistance provided through an approved program is not subject to information reporting by the Nation to the Internal Revenue Service.

1001.4-4. *Ratification of Prior Acts*. This law shall not be construed as creating new general welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to codify existing procedures used by the Nation to administer its general welfare assistance. Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.

1001.5. Approved Program Guidelines

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1001.5-1. Creation of an Approved Program. An approved program shall be adopted by the Oneida Business Committee through a resolution or law of the Nation. Approved programs adopted by the Oneida Business Committee are considered in force and effect and in accordance with this law

- (a) Law. An approved program shall be adopted by the Oneida Business Committee through a law if the approved program will function on a permanent basis.
 - (1) Adoption of an approved program by the Oneida Business Committee through a law of the Nation shall comply with the process and procedures of the Legislative Procedures Act.
- (b) *Resolution*. An approved program shall be adopted by the Oneida Business Committee through a resolution if the approved program will function for a limited term.
 - (1) An approved program to be considered for adoption through resolution by the Oneida Business Committee shall be accompanied by a statement of effect and submitted in accordance with the Oneida Business Committee's submission procedure and deadlines.
- (c) Contents of Proposed Approved Programs. The law or resolution establishing an approved program shall contain the following information:
 - (1) Name of the approved program;
 - (2) Purpose of the approved program;
 - (3) Eligibility rules and limitations for approved program;
 - (4) Funding source for approved program;
 - (5) How the approved program qualifies for General Welfare Exclusion; and
 - (6) Start and end date of approved program, if applicable.
- 1001.5-2. *Eligibility*. Assistance provided by an approved program shall be limited to members of the Nation. Each approved program shall set forth any specific eligibility rules and limitations applied to that program.
- 129 1001.5-3. Funding of Approved Programs. Assistance authorized by this law shall be limited to
- funds appropriated, at the discretion of the Oneida Business Committee and no matter the source
- of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the
- Nation until payments are disbursed. The Oneida Business Committee shall designate approved
- programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this

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- 134 law. Approved programs may also be funded through third-party funding if available.
- 135 1001.5-4. Use of Assistance. All assistance provided through an approved program shall be used
- 136 for the purpose stated in the approved program description. If assistance is used or pledged for a
- 137 purpose inconsistent with the purpose set forth in an approved program the payment shall be
- 138 deemed forfeited. The Nation may secure repayment from any recipient who forfeited their
- 139 assistance.
- 140 1001.5-5. Anti-Alienation. Assistance provided to a member through an approved program shall
- 141 not be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance,
- 142 attachment or garnishment by creditors of the member.

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1001.6. Non-Recourse Designation

- 145 1001.6-1. The Nation does not guarantee assistance under this law. Assistance shall not be treated
- 146 as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or
- 147 right to any funds budgeted for, or set aside for, approved programs until paid.
- 148 1001.6-2. The Oneida Business Committee reserves the right to cancel, adjust, modify or revoke
- 149 any benefit.
- 150 1001.6-3. Approved programs shall be administered at all times to avoid triggering of the doctrines
- 151 of "constructive receipt" or "economic benefit."

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1001.7. Governing Law; Sovereignty

- 154 1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance
- made hereunder, shall be construed and enforced according to the Nation's laws and applicable 155
- 156 federal law. Nothing in this law or the related laws, policies, or procedures adopted for its
- 157 implementation, if any, shall be construed to make applicable to the Nation any laws or regulations
- which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption 158
- 159 because of its sovereign status.

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1001.8. Federal Trust Obligations

- 1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation's adoption of its approved programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Nation's right to seek funding shortfalls or to enforce the trust rights of the Nation and its members. The Nation shall be entitled to government-to-government consultation and coordination with the federal government
- 169 regarding these obligations.

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171 End.

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- Emergency Adopted BC-08-12-20-D
- 175 Emergency Amended – BC-02-10-21-B
- 176 Emergency Extended – BC-07-28-21-M
- 177 Adopted – BC- - - -

FINANCE ADMINISTRATION Fiscal Impact Statement

MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer

FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer

DATE: November 12, 2021

RE: Fiscal Impact of the Oneida General Welfare Exclusion

I. Estimated Fiscal Impact Summary

Law: Curfew Law	·		
Implementing Agency	Oneida Law Office Finance Administration Government Services Division		
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act		
Estimated Impact	Current Fiscal Year	10 Year Es	timate
Total Estimated Fiscal Impact	Indeterminate	Indeterminate	

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-D.

B. Summary of Content

The amendment corrects a reference to the Nation's territorial jurisdiction and deletes reference to the Nation's personal jurisdiction.

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,

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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 Law will govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion Act of 2014.
- The Law will codify the Nation's sovereign right to provide assistance to its members on a non-taxable basis and to provide a framework for the Nation to create approved programs.
- Assistance shall be treated as non-taxable under federal law if it satisfies the requirements provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations, or meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).
- The criteria of the General Test include the following: the assistance is paid on behalf of the Nation, the assistance was provided pursuant to an approved program, the assistance does not discriminate in favor of members of the governing body of the Nation, the assistance is available to any member who meets the guidelines of the approved program, the assistance is provided for the promotion of general welfare, the assistance is not lavish or extravagant, the assistance is not compensation for services and the assistance is not a per capita payment.
- The Law requires that an approved program be adopted by the Oneida Business Committee through either a resolution or law of the Nation.
- Assistance provided is limited to the funds appropriated, at the discretion of the Oneida Busines Committee.
- The Law is not a guarantee of any benefits.

V. Agency

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



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VI. Financial Impact

The Law has no fiscal impact. Creation of the programs under the Law will have a fiscal impact, however, until the programs have been created or identified, the fiscal impact is indeterminate. Implementation of the General Welfare Exclusion Law on an emergency resulted in approximately \$1,707,593 being retained for tax withholdings by Oneida Nation members in Fiscal Year 2021. Ten-year fiscal impact to the Oneida Nation membership of extending the General Welfare Exclusion law on a permanent basis would result in members retaining \$17,075,930 in tax withholdings.

VII. Recommendation

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



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Oneida Business Committee Agenda Request

Adopt resolution entitled Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour

1. Meeting Date Requeste 12 / 08 / 21
2. General Informatio Session: Open Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Resolutions
Accept as Information only
☐ Accept as Information only☒ Action - please describe:
Adopt resolution entitled Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour
3. Supporting Materials ☐ Report ☐ Resolution ☐ Contract ☐ Other:
1. Statement of Effect 3.
2.
<u></u>
☐ Business Committee signature required
4. Budget Information
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison: Marie Summers, Councilmember
Primary Requestor/Submitter: Rhiannon Metoxen, Executive Assistant Your Name, Title / Dept. or Tribal Member
Additional Requestor: Name, Title / Dept.
Additional Requestor: Name, Title / Dept. Name, Title / Dept.
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Oneida Business Committee Agenda Request

6. Cover Memo:

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

Motion from 11/18/2021 QOL Meeting:

Motion by Tehassi Hill to accept minimum wage analysis draft to the 11/24/21 BC Meeting for consideration and to request other areas (GM, GGM, Retail GM & CFO) of the Organization to submit an impact report for their areas going to a \$15 Minimum wage, seconded by Brandon Stevens.

The impact reports were not requested in time for the 11/24 BC meeting, thus this item is being submitted for the 12/8 BC meeting.

Requested Action:

1. Defer this item until after executive session.

The impact reports include material which cannot be released in open session. After review and discussion in executive session, the request will be to:

2. Adopt resolution entitled Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour

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

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Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank

Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour 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 the Oneida Business Committee has previously identified the intention to "lead the WHEREAS. 12 market" in employment matters; and 13 14 the Oneida Business Committee has received reports on changes in the economy WHEREAS. 15 caused by the pandemic and supply chain issues, rising inflation rates, the difficulty in 16 finding and hiring qualified applicants; and the difficulty in retaining current employees; 17 and 18 19 WHEREAS, the Human Resources Department submitted a report on increasing the Nation's 20 minimum wage to \$15.00 per hour and the impacts of that action to the Quality of Life 21 Committee: and 22 23 WHEREAS. the Quality of Life Committee, on linsert date, has recommended that the Nation's 24 minimum wage be increased to \$15.00 per hour; and 25 26 WHEREAS, the Human Resources Department report identifies that this action will result in an 27 estimated increase in the FY2022 budget in the amount of \$774,000 and impact 28 approximately 297 employees; 29 30 NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee adjusts the Oneida Nation's 31 minimum wage to \$15.00 per hour for implementation on [insert date]. 32 33 BE IT FURTHER RESOLVED, the Executive Human Resources Department Director shall provide an implementation report at the first regular meeting of the Oneida Business Committee in December 2022. 35

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BE IT FINALLY RESOLVED, budget impacts regarding the increased in minimum wage shall be covered through savings in vacant positions.



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



Statement of Effect

Increasing the Oneida Nation Minimum Wage to \$15.00 Per Hour

Summary

This resolution increases the Oneida Nation's employee minimum wage to fifteen dollars (\$15.00) per hour for implementation to occur on a date that has yet to be determined.

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

Date: November 16, 2021

Analysis by the Legislative Reference Office

The Budget Management and Control law ("Law") was adopted for the purpose of setting forth the requirements to be followed by the Oneida Business Committee ("OBC") and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval. [1 O.C. 121.1-1].

On May 12, 2021, the OBC emergency amended the Law through adoption of resolution BC-05-12-21-C to address the Nation's non-compliance with the budget development process and deadlines contained therein. The emergency amendments removed much of the details of the budget process, requirements, and deadlines from the Law, and instead provided that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the OBC. [1 O.C. 121.5-3(a)].

Resolution BC-05-12-21-C also suspended the deadlines provided in the FY22 Budget Calendar and directed the Treasurer to present a resolution to a special OBC work session, no later than June 11, 2021, that provides a general framework for the FY22 budget development process, including, but not limited to, information such as the budget calendar, opportunities for community input/discussion, line-item guidance, as well as new position definition, guidance and review process. The work session was held on June 7, 2021, and, on June 9, 2021, the OBC adopted resolution BC -06-09-21-D entitled, *Fiscal Year 2022 Budget Considerations and Calendar*, as presented by the Treasurer in compliance with resolution BC-05-12-21-C.

Thereafter, the OBC adopted resolution BC-09-22-21-E entitled, *Continue to Operate Fiscal Year 2022*, later amended in part by resolution BC-10-27-21-C, which authorized the implementation of approved compensation adjustment plans and a wage increase of one dollar (\$1) per hour for all eligible employees of the Nation. With respect to compensation adjustment plans, in September of 2021, the Human Resources Department ("HRD") was directed by a designated sub-committee of OBC members to conduct a minimum/livable wage analysis to be presented at a meeting of the Nation's Quality of Life Committee. On October 21, 2021, the HRD presented the results of its analysis, finding, in relevant part, as follows:

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• That, as the local economy continues to struggle with significant worker shortages, employers are swiftly adapting and aggressively increasing their compensation packages, particularly for frontline and entry level positions;

- That, it is commonplace in the Green Bay metro area to see initial wage offers beginning or exceeding a starting pay of \$15.00/hour;
- That, MIT, who has conducted research on livable wages, concluded that a single adult with no children would need a minimum hourly rate of \$14.02/hour to meet minimum living standards;
- That, as a primary employer for Oneida families, over 57% of the current workforce are Oneida enrolled members; and
- That, to try to increase those numbers, the Nation should embrace the concept of applying a livable wage in their compensation practices.

Through this resolution, the OBC approves adjusting the Nation's minimum wage to fifteen dollars (\$15) per hour for implementation to occur on a date that has yet to be determined. The resolution further directs the Executive Director of HRD to provide an implementation report at the first regular meeting of the OBC in December of 2022. Although the implementation date for the wage increase has yet to be determined, according to HRD's analysis, the FY22 continuing budget includes funding for wage adjustments that are necessary because of the compensation studies. In addition, the resolution provides that budget impacts regarding the increase in the Nation's minimum wage shall be covered through savings in vacant positions.

Depending upon the implementation date and the actual impact to the FY22 budget that an increase in the Nation's minimum wage may cause, changes to the budget following its adoption may require further action in order to comply with the Nation's Budget Management and Control law.

Conclusion

As of the date of this Statement of Effect, adoption of this resolution would not conflict with any of the Nation's laws.



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Oneida Business Committee Agenda Request

Adopt resolution entitled Updating Public Gathering Guidelines During Public Health State of Emergency

1. Meeting Date Requested:	_ / /		
2. General Information: Session: ⊠ Open □ Exect	utive - See instructions for the	annlicable laws then cho	nosa ona:
Jession. Open Exect	ative - See instructions for the	аррисаріе іамз, і пен спо	Jose offe.
Agenda Header: Resolutions			▼
☐ Accept as Information only☑ Action - please describe:			
Motion to adopt resolution.			
3. Supporting Materials ☐ Report ☑ Resolution ☐ Other:	☐ Contract		
1. Statement of Effect 2.	3.		
□ Business Committee signatu		1	
4. Budget Information Budgeted - Tribal Contribution	on 🔲 Budgeted - Grant Fo	unded 🔲 Unb	udgeted
5. Submission			
Authorized Sponsor / Liaison:	Jo Anne House, Chief Counse	- -	▼
Primary Requestor/Submitter:	Your Name, Title / Dept. or Tribal	Member	
Additional Requestor:	Name, Title / Dept.		
Additional Requestor:	Name, Title / Dept.		

Oneida Business Committee Agenda Request

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Describe the purpose, backg	round/history, and	l action red	iuested:
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The attached resolution updates the Public Gatherings resolution to reflect changing information and guidance on the COVID-19 pandemic. The Oneida Business Committee, at the November work session, approved the updated resolution to address indoor meetings and outdoor gatherings separately.
A statement of effect has been requested.

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

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Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19

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

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

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

WHEREAS, the Oneida Business Committee adopted resolution # BC-08-03-21-A, Setting Public Gathering Guidelines During Public Health State of Emergency, which superseded the Staying Safer at Home and Safer Re-Opening of Government Offices directives adopted by resolution during the course of the COVID-19 Pandemic; and

WHEREAS, the Oneida Business Committee has looked to the United States national health experts in the Centers for Disease Control to provide guidance during the pandemic, and more recently, to the Department of Health Services regarding Wisconsin specific information on the prevalence of the virus and positive COVID-19 tests; and

WHEREAS, the information available to the Oneida Business Committee regarding testing rates, case levels, transmission rates and vaccine levels of members, employees and the surrounding communities in order to provide guidance on safely managing risks associated with the COVID-19 virus and pandemic; and

WHEREAS, the Oneida Business Committee has determined that the Public Gathering Guidelines should be updated to reflect this increased knowledge;

NOW THEREFORE BE IT RESOLVED, that resolution # BC-08-03-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency* is superseded by this resolution.

Determination for Holding Meetings - Indoor

BE IT FURTHER RESOLVED, the Oneida Business Committee directs that when the following levels are met, indoor meetings¹ of the Oneida Nation are feasible, provided that all organizers and participants should consider additional health safety measures when attending such as wearing a face mask, washing hands frequently, and social distancing.

1. When COVID-19 Case Activity rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

¹ "Indoor meetings" include any meeting between employees of different workspaces or between employees and clients not within the normal course of business operations. I.e., normal course of business operations such as retail operations, gaming operations, Health Center operations, Fitness Center operations.

BC Resolution #_______
Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19
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2. When COVID-19 Percent Positive rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

3. When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below low in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

Determination for Holding Meetings - Outdoor

BE IT FURTHER RESOLVED, the Oneida Business Committee directs that when the following levels are met, outdoor gatherings of the Oneida Nation are feasible, provided that all organizers and participants should consider additional health safety measures when attending such as wearing a face mask, washing hands frequently, and social distancing.

1. When COVID-19 Case Activity rates are at or below medium in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

 When COVID-19 Percent Positive rates are at or below medium in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

 When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below moderate in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

Individual, Business, and Indoor/Outdoor Activities Guidance

 BE IT FURTHER RESOLVED, as this pandemic proceeds, individuals, business, and event coordinators should follow the guidance set by the Centers for Disease Control as revised to meet changing pandemic impacts.

Conclusion of Resolution Directives

 BE IT FINALLY RESOLVED, this resolution shall remain in place so long as the declaration of a public health emergency remains in place.



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



Statement of Effect

Updating Public Gathering Guidelines During Public Health State of Emergency - COVID-19

Summary

This resolution supersedes Oneida Business Committee resolution BC-08-13-21-A, *Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19*, and provides updated guidelines on holding meetings both indoors and outdoors.

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

Date: November 30, 2021

Analysis by the Legislative Reference Office

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

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

As a result of the COVID-19 pandemic, in accordance with the authority granted to the Oneida Business Committee through the Emergency Management law, on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" which sets into place the necessary authority should action need to be taken, and allows the Oneida Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. *[3 O.C. 302.8-1]*. The Oneida Business Committee has extended this Public Health State of Emergency until January 23, 2022, through the adoption of the following resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, BC-09-22-21-A, and BC-11-24-21-F. *[3 O.C. 302.8-2]*.

On August 3, 2021, the Oneida Business Committee adopted resolution BC-08-03-21-A, Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19, which

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rescinded resolution BC-05-12-21-B, Staying Safer At Home Policy – COVID-19 Pandemic, and resolution BC-05-12-21-I, Safer Re-Opening of Government Offices – COVID-19 Pandemic, while providing goals for minimum infection rates and vaccination rates to allow members and the community a clear understanding of indicators of when meetings, events, and activities should be canceled. Resolution BC-08-03-21-A directed that indoor and outdoor events shall be canceled when the infection rates within Brown or Outagamie Counties exceed "Low" as identified by the Wisconsin Department of Health Services. Resolution BC-08-03-21-A also identified that public health safety regarding the COVID-19 virus shall be considered effective when vaccination rates for Oneida Nation members and employees exceed seventy-five percent (75%). Individuals, business, and event coordinators were also directed by resolution BC-08-03-21-A to follow the guidance set by the Centers for Disease Control as revised to meet changing pandemic impacts.

The Oneida Business Committee has looked to the United States national health experts in the Centers for Disease Control to provide guidance during the pandemic, and more recently, to the Department of Health Services regarding Wisconsin specific information on the prevalence of the virus and positive COVID-19 tests. The Oneida Business Committee has information readily available regarding testing rates, case levels, transmission rates and vaccine levels of members, employees and the surrounding communities which helps to provide guidance on safely managing risks associated with the COVID-19 virus and pandemic. The Oneida Business Committee has determined that the Nation's Public Gathering Guidelines should be updated to reflect this increased knowledge.

This resolution supersedes resolution BC-08-03-21-A, Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19, and provides updated guidelines on holding meetings both indoors and outdoors. This resolution provides that when the following levels are met, indoor meetings of the Nation are feasible, provided that all organizers and participants should consider additional health safety measures when attending such as wearing a face mask, washing hands frequently, and social distancing:

- When COVID-19 Case Activity rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Percent Positive rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below low in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

This resolution also provides that when the following levels are met, outdoor gatherings of the Oneida Nation are feasible, provided that all organizers and participants should consider additional health safety measures when attending such as wearing a face mask, washing hands frequently, and social distancing:



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When COVID-19 Case Activity rates are at or below medium in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

- When COVID-19 Percent Positive rates are at or below medium in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below moderate in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

This resolution directs that as this pandemic proceeds, individuals, business, and event coordinators should follow the guidance set by the Centers for Disease Control as revised to meet changing pandemic impacts.

This resolution shall remain in place so long as the declaration of a Public Health State of Emergency remains in place.

Conclusion

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



1. Meeting Date Requested: 12 / 08 / 21

Oneida Business Committee Agenda Request

Accept the November 17, 2021, Legislative Operating Committee meeting minutes

2. General Information: Session: Open Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Standing Committees
☐ Accept as Information only
 ☐ Accept as information only ☐ Action - please describe:
Accept the November 17, 2021 Legislative Operating Committee meeting minutes
hecept the november 17, 2021 Legislative operating committee meeting immates
3. Supporting Materials Report Resolution Contract
☐ Resolution ☐ Contract ☐ Other:
1. 11/17/21 LOC Meeting Minutes 3.
1. 11/1/21 20 c Meeting minutes 5.
2. 4.
☐ Business Committee signature required
4. Budget Information
☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison: David P. Jordan, Councilmember
Primary Requestor/Submitter: Clorissa N. Santiago, LRO Senior Staff Attorney Your Name, Title / Dept. or Tribal Member
Additional Requestor: Name, Title / Dept.
Additional Requestor:
Name, Title / Dept.



Oneida Nation Oneida Business Committee Legislative Operating Committee

PO Box 365 • Oneida, WI 54155-0365



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center November 17, 2021 9:00 a.m.

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

Teams)

Excused: Jennifer Webster

Others Present: Clorissa N. Santiago, Kristen Hooker, Carmen Vanlanen, Brooke Doxtator, Lawrence Barton, Kristal Hill (Microsoft Teams), Rhiannon Metoxen (Microsoft Teams), Justin Nishimoto (Microsoft Teams), Derrick King (Microsoft Teams)

I. Call to Order and Approval of the Agenda

David P. Jordan called the November 17, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. **Minutes to be Approved**

1. November 3, 2021 LOC Meeting Minutes

Motion by Marie Summers to approve the November 3, 2021 LOC meeting minutes and forward to the Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

III. **Current Business**

1. Oneida Personnel Policies and Procedures Emergency Amendments

Motion by Kirby Metoxen to approve Oneida Personnel Policies and Procedures emergency amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

2. Furlough Law Amendments

Motion by Marie Summers to accept the public comment period review memorandum; seconded by Kirby Metoxen. Motion carried unanimously.

IV. **New Submissions**

1. Tribal Sovereignty in Data Research

Motion by Marie Summers to add the Tribal Sovereignty in Data Research law to the Active Files List with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

Page 1 of 2

V. **Additions**

VI. **Administrative Items**



Public Packet 68 of 151

1. Legislative Operating Committee Fiscal Year 2021 Fourth Quarter Report Motion by Kirby Metoxen to approve the LOC FY21 Fourth Quarter Report and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King.

Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn at 9:23 a.m.; seconded by Marie Summers. Motion carried unanimously.

Accept the Building Demolitions status report - CIP # 07009

1. Meeting Date Requested: 12 / 8 / 21	
2. General Information: Session: Open	~
Agenda Header: Exec - Reports	-
	
3. Supporting Materials ☐ Report ☐ Resolution ☐ Contract ☐ Other: 1. Project Budget Status Report 3.	
2. 4.	
☐ Business Committee signature required	
4. Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted	
5. Submission	
Authorized Sponsor / Liaison: Mark W. Powless, General Manager	-
Primary Requestor/Submitter: Your Name, Title / Dept. or Tribal Member	
Additional Requestor: Name, Title / Dept.	6
Additional Requestor: Name, Title / Dept.	

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Progress update on building demolitions, including budget status report.

BC resolution 06-09-21-A provided:

• BE IT FINALLY RESOLVED, that the Comprehensive Housing Division and the Land Management Department shall report to the Oneida Business Committee the status of the funds at the close of fiscal year 2021; any funds not spent by the close fiscal year 2021 shall roll over into the fiscal year 2022 Land Acquisition Fund, provided that such funds must be allocated in accordance with this resolution.

Additionally on at the November 24, 2021, regular Business Committee meeting, the following action was taken:

• Motion by Marie Summers to direct the General Manager to bring back to the December 8, 2021, regular Business Committee meeting agenda an open session update regarding the use of the Economic Development, Diversification and Community Development Funds provided to Comprehensive Housing in resolution # BC-06-09-21-A, seconded by Lisa Liggins. Motion carried.

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

Save a Copy...

- 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

STATUS REPORT

CIP# 07-009 - Building Demolitions

Project Description:

Demolish any applicable building(s) required when numerous building deficiencies and problems exist that make their use not economically viable and/ or the presence of the unoccupied structure poses a liability exposure to the Nation. Locations are per the approved demolition listing.

Current Status:

Executing all applicable Pre-Demolition activities as required for each approved demo. Major activities consist of:

- NEPA/ Cultural Reviews
- Asbestos Inspections
- Asbestos Abatement; if applicable
- Permit Application
- Issue Required Contracts & Purchase Orders
- Tree Removal; if required
- Disconnect/ Remove Utilities
- Well & Septic Abandonment; if applicable
- Work Order to schedule DPW

The properties listed below have been demolished and work is complete:

- N6522 CTY Road. E Completed 7/28/21
- N7890 Cooper Road Completed 10/6/21
- 4045 Hillcrest Drive Completed 10/19/21
- W132 Service Road Garage—Completed 10/27/21

In progress activities:

- 1. Electrical Service Deactivation for 1200 Orlando Drive
 - a. 2-3 week lead time for WPS
 - b. This will be next demo
- 2. Asbestos Abatement is required for the below locations and is tentatively scheduled for end of November to commence.
 - a. 1156 Riverdale Drive
 - b. 1160 Riverdale Drive
- 3. EMTS to perform Asbestos Inspections for the below locations:
 - a. 894 Riverdale Drive
 - b. W2458 CTY Road EE
 - c. 2686 West Point Road

Schedule:

Approvals - As required Bidding- As required Demolition - Continued Progress



Oneida Engineering
Department

DEVELOPING A COMMUNITY OF WELL-BEING THAT IS UNIQUELY ONEIDA

Date: 11/24/21

^{*}Refer to Page 2 for project photos.

CIP# 07-009 - Building Demolitions

PROJECT PHOTOS:

N7890 Cooper Road



4045 Hillcrest Drive



W132 Service Road—Garage





DEVELOPING A COMMUNITY OF WELL-BEING THAT IS UNIQUELY ONEIDA

PROJECT BUDGET STATUS REPORT - SUPPLEMENT

Project: Building Demolitions

Project No.: 07-009

Project Budget: 155,000.00

Date of Project Budget Status Report:

11/1/2021

	Contract	Pending C.O.	Approved	Revised
Vendor	Amount	Amount	C.O. Amt	Contract Amt
Summary:				
				0.00
1156 Riverdale Drive	5,135.00			5,135.00
1160 Riverdale Drive	4,860.00			4,860.00
1200 Orlando Drive	0.00			0.00
2621 Dorn Court	0.00			0.00
2686 West Point Road	1,050.00			1,050.00
2908 Commissioner	0.00			0.00
3140 Jonas Circle	0.00			0.00
3703 Hillcrest Drive	0.00			0.00
4045 Hillcrest Drive	12,604.71			12,604.71
894 Riverdale Drive	1,050.00			1,050.00
N6522 CTY. Road E	7,774.40			7,774.40
N7890 Cooper Road	7,192.44			7,192.44
W132 Service Road - Garage	7,953.90			7,953.90
W2458 CTY. Road EE	1,050.00			1,050.00
W386 Crook Road	0.00			0.00
				0.00
Totals:	48,670.45	0.00	0.00	48,670.45

Remaining Project Funds (Gross): 106,329.55 Less Pending Change Orders: 0.00

Remaining Project Funds (Net): 106,329.55

Oneida Business Committee Agenda Request Accept the 2021 Pandemic Relief Food Card Distribution report

1. Meeting Date Requested:	12 / 8 / 21	
2. General Information: Session: ⊠ Open □ Exect	utive - See instructions for the applicable laws, then o	choose one:
		~
Agenda Header: Exec - Report	S	V
✓ Accept as Information only✓ Action - please describe:		
ı		
		,
3. Supporting Materials ☐ Report ☐ Resolution ☐ Other: 1. Mailer	☐ Contract	
2.	4.	
☐ Business Committee signatu	re required	
4. Budget Information Budgeted - Tribal Contribution	on Budgeted - Grant Funded U	nbudgeted
5. Submission		
Authorized Sponsor / Liaison:	Mark W. Powless, General Manager	¥
Primary Requestor/Submitter:	Your Name, Title / Dept. or Tribal Member	
Additional Requestor:	Name, Title / Dept.	<u> </u>
Additional Requestor:	Name, Title / Dept.	



General Manager 909 Packerland Dr. Green Bay, WI 54303 920-496-7000



To:

Oneida Business Committee

From:

Mark W. Powless, General Manager

Date:

December 8, 2021

Re:

November 2021 Food Gift Card Distribution

The purpose of this memorandum is to provide a report of the November 2021 Gift Card Distribution.

Upon approval of the Food Gift Card Distribution, a team was developed to lead the initiative. The team included Tina Jorgenson, Melanie Martin, Rae Skenandore, Eric Bristol, Eric Boulanger, and Katsi Danforth.

Initially, several concerns indicated a food card distribution would not be an ideal process. Efforts were made to transition to a \$500 GWA payment, but ultimately, the payment could not be processed in the desired timeframe by the Accounting Department. A \$500 GWA distribution is recommended for FY23 and FY24.

The team moved forward to develop a plan to distribute 8,000 gift cards. The plan included purchasing and verifying 8,000 gift cards, coordinating a distribution site, coordinating 108 employee volunteers, developing a safety plan, coordinating security, and developing a communication plan.

The distribution took place in Milwaukee (SEOTS) and Green Bay (Johnsonville Tailgate Village) over the course of three days (Wednesday, November 17, 18, and 19) and the results are as follows:

November 2	2021 Gift Card Distribution
	Totals
8,000	Gift Cards Ordered
	Distributed Gift Cards Accounted For
1,384	Rain Checks
\$4,499,500	Total Cost
	Milwaukee
1,500	Gift Cards Ordered
1,499	Distributed Gift Cards Accounted For
1	Distributed Gift Card Unaccounted For
423	Rain Checks
	Oneida
6,500	Gift Cards Ordered
	Distributed Gift Cards Accounted For
7	
961	Rain Checks
6	Gift Card Complaints Received
4	Gift Cards Provided
4	Citi C I D i I

Summary of the Event:

Overall, the event ran smooth. We were scheduled to start at 11am but planned on starting at 10am in anticipation of people arriving early and forming a line. After starting, people waited a maximum of 30 minutes to pick up their card. Approximately 2,000 gift cards were distributed at the Green Bay location between 10am and 1pm. After 1pm there were minimal to no lines. Gift cards ran out at approximately noon on the second day, Thursday, November 18. Rainchecks were then distributed for the remainder of Tribal membership throughout the stated distribution times. The Power App developed for the process worked smoothly during both the distribution and rain check process. We are scheduled to distribute the remaining 1,384 gift cards, plus 4 additional cards based on the review of complaints, on Thursday, December 16, 11am-5pm in Green Bay (Great Lakes Complex at Radisson Hotel and Conference Center) and Milwaukee (SEOTS).

Challenges:

- Membership started to arrive at 8:30am for the 11am scheduled event. When we started at 10am, there were approximately 200-300 in line. Many of those arriving early were Elders.
- When we originally booked the space, we were told there were no competing events. On November 10 we were informed of the Tran-Siberian Orchestra event taking place that would compete for parking space. This forced some membership to park further away then we would have liked.
- The were membership concerns about the location, however due to unavailability of the school and the request of Gaming to not use the Radisson, there were no other locations on the reservation that could have accommodated a distribution of 2,000 gift cards in 3 hours. The Johnsonville Tailgate Village provided the necessary space, parking, and wi-fi signal.
- We projected a 9% increase in demand beyond what was given out in 2021. The actual increase in demand was 27%. Our goal was to not have any remaining inventory but we did not accurately project the increase in demand.
- Membership picking up for out of state membership wanted Festival Cards for here and Kroger Cards for out of state membership. This request could not be satisfied as it was too difficult to project demand for Kroger cards at the Green Bay distribution.
- Membership were requesting Walmart cards but Walmart would not meet the quantity requested in the timeframe provided.

Volunteers:

We had no problem recruiting volunteers for the events. In the end, we had more volunteers than we needed. The leads, station workers, security, MIS, and Oneida Police Department all performed at the highest levels. A huge yaw^ko is extended to all who assisted.

Summary of Costs*

Gift Cards:

\$4,499,500

Johnsonville Tailgate Village:

\$9,754

Volunteer Hours (\$15/hr avg.): \$6,308

Total:

\$4,515,562



^{*}Not all costs reflected, such as coordinating meeting costs or Milwaukee costs.

2021 Food Card
Distribution

Distribution Dates 11am-6pm

Wednesday, November 17th Thursday, November 18th Friday, November 19th

All enrolled Oneida Nation members, 18+ by December 31, 2021, are eligible to receive one (1) \$500 food gift card to help ensure access to nutritious food during the Holiday season.

Oneida Distribution Location

Johnsonville Tailgate Village 1265 Lombardi Ave., Green Bay 54304 (Located in the Lambeau Field parking lot, outside the Oneida Nation gate)

Milwaukee Distribution Location

Southeastern Oneida Tribal Services (SEOTS) 5233 West Morgan Avenue, Milwaukee 53220

Process:

- Enrolled Oneida Nation members must provide proof of enrollment and picture identification. Designees may pick up for membership who cannot participate in person. Designees must provide member's proof of enrollment, picture identification, and a letter of consent.
- If gift cards run out, membership who arrive during distribution hours will be assigned a rain check. Rain check distribution will be Thursday, December 16, 2021, 11am-5pm at the Great Lakes Complex, Radisson Hotel & Conference Center and SEOTS. The December distribution is only for members who receive a rain check.
- Masks and temperature checks are required to enter the distribution locations.
- Oneida Transit will provide FREE transportation to the Oneida distribution on Thursday, November 18. Please call 920-496-5770 to schedule.
- Any questions may be directed to the Oneida Nation COVID hotline: 920-869-4481





Oneida Business Committee Agenda Request
Adopt resolution entitled Extension of the Oneida Nation Vaccination Incentive Program for Oneida Nation

1.	Meeting Date Requested: 12 / 8 / 21	
2.	General Information: Session: ☑ Open ☐ Executive - See instructions for the applicable laws, then choose one:	•
	Agenda Header: Resolutions	T
	 ☐ Accept as Information only ☑ Action - please describe: Approve the amendment to BC-06-30-21-C entitled, Adoption of the Oneida Nation Vaccination Incentive 	2
	Program for Oneida Nation Members	
3.	Supporting Materials Report Resolution Contract Other:	
	1. Statement of Effect 3.	
	2. 4.	
	Business Committee signature required	
	Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted Cultural states	
5.	Submission	
	Authorized Sponsor / Liaison: Mark W. Powless, General Manager	
	Primary Requestor/Submitter: Your Name, Title / Dept. or Tribal Member	
	Additional Requestor: Name, Title / Dept.	
	Additional Requestor: Name, Title / Dept.	

Oneida Business Committee Agenda Request

6.	Cov	er N	lem	V.
•	COV	C1 14	16111	

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

Per the Statement of Effect, "This resolution amends, for a second time, resolution BC-06-30-21-C entitled, Adoption of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members, by expanding the Oneida Nation Member Vaccination Incentive Program to include those members of the Nation who are five (5) years of age and older."		
,		
,		·

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Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

1	Extension	BC Resolution # of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members
2 3 4	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
5 6 7	WHEREAS,	the Oneida General Tribal Council is the governing body of the Oneida Nation; and
8 9 10	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
11 12 13	WHEREAS,	the Oneida Nation received funds through the American Rescue Program Act of 2021 ("ARPA") Fiscal Recovery Funds ("FRF"), codified at 42 U.S.C. 803 et seq.; and
14 15	WHEREAS,	the U.S. Department of the Treasury appropriated ARPA FRF funding to the Oneida Nation for COVID-19 related activities and to respond to the public health emergency; and
16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	WHEREAS,	 the Oneida Business Committee adopted resolution # BC-06-30-21-C, Adoption of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members, which provides that: The Oneida Nation Member Vaccination Incentive Program (Program) is approved, The Program provides enrolled member of the Oneida Nation, twelve (12) years of age and above, a five hundred dollar (\$500.00) incentive payment after voluntarily providing proof of the completion of the full manufacturer-recommended dose(s) of a COVID-19 vaccine or, in other words, who are fully vaccinated against COVID-19, The use of ARPA-FRF monies to fund Program is approved, The monies for the Program are allocated from the Direct Membership Assistance line within the Oneida Business Committee approved allocation of ARPA FRF, The General Manager, Mark W. Powless, is assigned as the project owner, The incentive payment is intended to be considered a general welfare exclusion in accordance with the Oneida Nation General Welfare Law, 10 O.C. 1001 et seq., and The Program is considered an "approved program", as defined at 10 O.C. 1001.3-1(a); the incentive payment is a "benefit" as defined at 10 O.C. 1001.3-1(b), to obtain the COVID-19 vaccination and protect the health and welfare of the Nation; and
40 41 42	WHEREAS,	BC Resolution 06-30-21-C identified the Program began July 1, 2021 and concluded on September 30, 2021, and BC Resolution No. 09-22-21-B extended the Program to March 31, 2022; and

BC Resolution # ___ nsion of the Oneida Nation Vaccination Incentive Program for Oneida Nation

Extension of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members
Page 2 of 2

WHEREAS, in accordance with BC Resolution 08-03-21-A, the Oneida Nation seeks to vaccinate seventy-five percent (75%) or more of its membership to promote widespread immunization against COVID-19 within the Reservation, amongst its membership overall, and throughout the neighboring communities; and

WHEREAS,

WHEREAS,

WHEREAS,

WHEREAS,

a larger percentage of vaccinated tribal membership protects the health and welfare of the Oneida Nation, its membership, and the Nation's neighbors; and

approximately twenty three percent (23%) of the eligible Oneida Nation membership received the COVID-19 vaccination prior to the Program's commencement; and

approximately forty nine percent (49%) of the eligible Oneida Nation members received the COVID-19 vaccination since the implementation of the Program; and

the United States Food and Drug Administration ("FDA") approved vaccinations for children five (5) through eleven (11) years of age for the Pfizer COVID-19 vaccine and the FDA is reviewing the effectiveness of other approved vaccines for children in this same age range; and

whereas, the Oneida Business Committee believes expanding the vaccination incentive Program to include Oneida members five (5) years of age to eleven (11) years of age is in the best interest for the health and welfare of the Oneida Nation, its membership, and the Nation's neighbors.

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee approves the amendment of resolution # BC-06-30-21-C, *Adoption of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members*, to expand the Oneida Nation Member Vaccination Incentive Program to include Oneida members five (5) years of age to eleven (11) years of age, as permitted by the FDA guidelines, the vaccine manufacturer, and other medical professionals.

NOW THEREFORE BE IT FURTHER RESOLVED, for purposes of the Oneida Nation Member Vaccination Incentive Program, an eligible member of the Oneida Nation shall be defined as an enrolled member of the Oneida Nation, five (5) years of age and above.

NOW BE IT FURTHER RESOLVED, the financial incentive associated with the expansion of the Program, created through the adoption of this resolution, shall be paid from the unobligated funds appropriated through resolution # BC-06-30-21-C.

BE IT FINALLY RESOLVED, the expansion of the program to include Oneida members ages five (5) years of age to eleven (11) years of age will take effect seven (7) days after the adoption of this resolution and continue henceforth until March 31, 2022 or as amended.

Public Packet



Oneida Nation

Oneida Business Committee Legislative Operating Committee PO Box 365 • Oneida, WI 54155-0365



Statement of Effect

Extension of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members

Summary

This resolution amends, for a second time, resolution BC-06-30-21-C entitled, *Adoption of the Oneida Nation Vaccination Incentive Program for Oneida Nation Members*, by expanding the Oneida Nation Member Vaccination Incentive Program to include those members of the Nation who are five (5) years of age and older.

Submitted by: Kristen Hooker, Staff Attorney, Legislative Reference Office Date: November 30, 2021

Analysis by the Legislative Reference Office

Along with the rest of the world, the Oneida Nation and its members have been severely impacted by the COVID-19 pandemic. In response, the U.S. Department of the Treasury appropriated funds through the American Rescue Program Act of 2021 ("ARPA") Fiscal Recovery Funds ("FRF") to the Nation for COVID-19 related activities and to respond to the public health emergency ("ARPA FRF Funds").

Through adoption of resolution BC-06-30-21-C, the Oneida Business Committee created the Oneida Nation Member Vaccination Incentive Program ("Program") under which a portion of the ARPA FRF Funds were to be allocated to incentivize eligible Oneida members to get vaccinated against the COVID-19 virus. In addition to approving the creation of the Program, resolution BC-06-30-21-C provides that:

- Enrolled members of the Nation, twelve (12) years of age and older, are eligible through the Program to receive an incentive payment in the amount of five hundred dollars (\$500) for voluntarily providing proof of the completion of the full manufacturer-recommended dose(s) of a COVID-19 vaccine;
- The use of ARPA FRF monies to fund the Program is approved;
- The monies for the Program are allocated from the Direct Membership Assistance line within the Oneida Business Committee approved allocation of ARPA FRF;
- The General Manager, Mark W. Powless, is assigned as the project owner;
- The incentive payment is to be considered a general welfare exclusion in accordance with the Oneida General Welfare law; and
- The Program is an "approved program", as defined at 10 O.C. 1001.3-1(a); the incentive payment is a "benefit" as defined at 10 O.C. 1001.3-1(c), providing the eligible member "assistance," as defined at 10 O.C. 1001.3-1(b), to obtain the COVID-19 vaccination and protect the health and welfare of the Nation.

Resolution BC-06-30-21-C further identified that the Program was to begin being administered on July 1, 2021, and conclude on September 30, 2021.

Soon thereafter, the Oneida Business Committee adopted resolution BC-08-03-21-A entitled, Setting Public Gathering Guidelines During Public Health State of Emergency - COVID-19, which provides that when vaccination levels of Oneida's members and Oneida Nation employees reaches seventy-five percent (75%), the safety of public health will be considered to be effectively managed, and the Oneida Business Committee shall review whether a need for a declaration of a state of public health emergency continues to exist.

When the Program was first approved, approximately twenty three percent (23%) of the eligible Oneida Nation members had received a COVID-19 vaccination. Upon Program implementation, the percentage started increasing, and thus, the Oneida Business Committee determined that it was in the best interest of the Oneida Nation, its membership, and neighbors to extend the Program beyond the original expiration date of September 30, 2021. Consequently, the Oneida Business Committee amended resolution BC-06-30-21-C by extending the Program expiration date to March 31, 2022, through its adoption of resolution BC-09-22-21-B.

Recently, the United States Food and Drug Administration ("FDA") approved vaccinations for children ages five (5) through eleven (11) for the Pfizer COVID-19 vaccine and continues to review the effectiveness of other approved vaccines for children of this same age group. Because a larger percentage of vaccinated members protect the health and welfare of the Nation, as well as its membership and neighbors, the Oneida Business Committee has decided to expand the Program to include members of the Nation who are five (5) years of age and older.

This resolution amends resolution BC-06-30-21-C, as first amended by resolution BC-09-22-21-B, by changing the Program's definition of an eligible member of the Oneida Nation to mean an "enrolled member of the Oneida Nation, five (5) years of age and above." Additionally, it provides that any funds required for the financial incentive associated with the Program's expansion will be paid from the unspent obligation set aside to incentivize eligible members ages twelve (12) and older under resolution BC-06-30-21-C. Last, the resolution directs the Program's project owner to amend the application on the "Member's Only" website to include eligible members as young as five (5) years of age, and to make the application available to qualified members, in final form, twenty-one (21) calendar days after its adoption, continuing henceforth until March 31, 2022, or as amended at a later date.

Conclusion

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



Public Packet 84 of 151

Oneida Business Committee Agenda Request

Adopt resolution entitled Obligation for the Oneida Nation Student Relief Fund, Utilizing American Rescue

1. Meeting Date Requested: 12	/ <u>08</u> / <u>21</u>
2. General Information: Session: ☑ Open ☐ Executive	e - See instructions for the applicable laws, then choose one:
Agenda Header:	
☐ Accept as Information only☒ Action - please describe:	
Adopt resolution entitled Obligation Plan Act of 2021 Fiscal Recovery	ation for the Oneida Nation Student Relief Fund, Utilizing American Rescue Funds Lost Revenue
3. Supporting Materials ☑ Report ☑ Resolution [☐ Other:	☐ Contract
1.	3.
2. Business Committee signature re	equired
4. Budget Information ☐ Budgeted - Tribal Contribution	☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission	
Authorized Sponsor / Liaison:	ark W. Powless, General Manager
	equeline Smith, Area Manager/Education & Training Your Name, Title / Dept. or Tribal Member
Additional Requestor:	Name, Title / Dept.
Additional Requestor:	Name, Title / Dept.

Oneida Business Committee Agenda Request

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Describe the purpose, background/history, and action requested:		
Seeking BC adoption of resolution and approval of the Oneida Nation Student Relief Fund program.		
BC requested that a final plan be submitted for approval by the December 8, 2021, regular Business Committee meeting.		

- 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

Public Packet 86 of 151

ARPA-FRF-LR ONEIDA NATION STUDENT RELIEF FUND



December 8, 2021 Regular OBC Agenda

Purpose for the Project

Is to improve employment and career opportunities for Oneida Nation adult members by providing the ability to improve upon their education and job skills to find employment, locate better paying jobs, or retain their current employment status.

This project is requesting to obligate \$4 million of federal funds received by the Oneida Nation through the American Rescue Plan Act (ARPA) of 2021 Federal Relief Funds (FRF) to address matters arising out of the COVID-19 pandemic.

This project is to provide ARPA-FRF-LR funds for qualifying Oneida adult members towards:

- duplicate or lesser post-secondary degrees, or
- professional advancement classes or training, professional certifications, professional licenses, or
- assist former Oneida Higher Education Scholarship recipients regain good standing for the scholarship

Eligibility for Program

- 1. Must be an enrolled member of the Oneida Tribe of Indians in Wisconsin
- 2. Must be 18 years or older as of August 1, 2021
- 3. Must submit a completed application packet for the program

Project Funding

Degree Type	Funding Levels per Academic Year
Professional Certification, License, Professional	Up to \$20,000
Training	
Associates or Undergraduate Degree	Up to \$20,000
Graduate Degree	Up to \$25,000
Doctorate Degree	Up to \$30,000

Qualifying Expenses Per Academic Year

- Tuition assistance, required books/supplies, room and board for educational programs lasting longer than one month
- Tuition assistance for short-term educational request (professional training, seminars, etc.) one month or less will be eligible for books and tuition only
- Short-term educational request (professional training, seminars, etc.) will be limited to two per academic year

- Eligible students can participate in one type of ARPA-FRF-LR educational program per academic year (participants not able use the professional training and duplicate and lesser degree funds in the same academic year)
- Eligible students participating in this funding may not seek funding from Oneida Higher Education Scholarship in the same academic year

Reimbursements Fall Term

- Eligible applicants seeking reimbursement for the time of August 1, 2021 to December 31, 2021 will be eligible for books and tuition only
 - o Requests for reimbursement must be submitted by May 31, 2022
 - Applicants seeking reimbursement shall submit a complete reimbursement request

Funding Levels per Academic Year

Degree Type	Funding Levels per Academic Year
Professional Certification, License, Professional	Up to \$20,000
Training	
Associates or Undergraduate Degree	Up to \$20,000
Graduate Degree	Up to \$25,000
Doctorate Degree	Up to \$30,000

- For each academic year, the following qualifying expenses are determined by degree type and length of the education program
 - o Tuition assistance
 - Required book assistance
 - o Required program specific tools and/or supplies
 - o Room and board assistance
 - Personal assistance
 - Transportation assistance
- Educational opportunities lasting one month or less will only be eligible for
 - Tuition assistance
 - Required book assistance

Student Information

- Student award letters will be sent directly to both the qualifying applicant and the school or training center
- Students are required to provide documented verification they completed the educational opportunity as requested before applying for additional funding

Public Packet

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC	Resolution	# Leave	this li	ne blank

Obligation for the Oneida Nation Student Relief Fund, Utilizing American Rescue Plan Act of 2021 Fiscal Recovery Funds Lost Revenue

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 Nation has received federal funds through the American Rescue Plan Act of 2021 Fiscal Recovery Funds ("ARPA-FRF-LR") to address matters arising out of the COVID-19 pandemic; and

WHEREAS, the Oneida Business Committee has determined a portion of the funds should be used to assist members through allocation of funds toward higher education requirements and other projects that result in tangible outcomes to meet members express education and career needs; and

whereas, the Oneida Nation workforce has decreased 25 percent in the wake of the pandemic and approximately 20 percent of potential Oneida post-secondary students within or near the Reservation have a household income below the poverty rate; and

WHEREAS, the Oneida Business Committee seeks to provide Oneida Nation adult members the ability to improve upon their education and job skills to find employment, locate better paying jobs, or retain their current employment status; and

WHEREAS, Oneida Higher Education has reported a demand and a need amongst Oneida Nation members for a program to offer them financial assistance to obtain initial, duplicate or lesser degrees, certificates and licenses, attend seminars, or engage in other professional advancement classes or training to improve their career status; and

WHEREAS, the Oneida Business Committee seeks to assist Oneida post-secondary students to obtain initial, duplicate or lesser degrees, professional advancement classes or training, and assist those suspended from the Oneida Higher Education Scholarship regain good standing for the scholarship program; and

WHEREAS, the Oneida Business Committee would obligate funds from ARPA-FRF-LR for qualified Oneida post-secondary students to obtain initial, duplicate or lesser degrees, participate in professional advancement classes or training, or offer assistance to reinstate students suspended from the Oneida Higher Education Scholarship; and

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BC Resolution #

Obligation for the Oneida Nation Student Relief Fund, Utilizing American Rescue Plan Act of 2021 Fiscal Recovery Funds

Lost Revenue
Page 2 of 3

WHEREAS, the Oneida Business Committee intends this program to adhere to the Oneida General Welfare Law, 10 O.C. 1001 *et seq*.

WHEREAS, this program would commence January 1, 2022.

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee obligates four million dollars (\$4,000,000.00) of ARPA-FRF-LR, Education category, for the purpose of supporting the continuing and higher education needs of qualified Oneida members in the wake of COVID-19 public health emergency and its impact on the economy and job market.

BE IT FURTHER RESOLVED, the program shall be called the Oneida Nation Student Relief Fund and shall commence on January 1, 2022.

BE IT FURTHER RESOLVED, Oneida post-secondary students must be 18 year of age or older to qualify for the Oneida Nation Student Relief Fund and demonstrate a need for the assistance.

BE IT FURTHER RESOLVED, qualifying Oneida post-secondary students may use the Oneida Nation Student Relief Fund for their initial degree of any level, duplicate or lesser degrees, professional development and training through seminars, certifications and licenses, or other professional advancement classes or training. The education options must be offered through an accredited institution or professionally affiliated association. Students are limited to a maximum of two (2) seminars, certificates, licenses or non-degree related classes per year. The award may include course materials or fees required for the training or class not included in the cost of the program.

BE IT FURTHER RESOLVED, Oneida students qualifying for the Oneida Nation Student Relief Fund and the Oneida Higher Education Scholarship may seek funding from only one of the funding sources per academic year.

BE IT FURTHER RESOLVED, payments for the degree programs, seminars, certifications, licenses, or classes, all indirect costs, and equipment through the Oneida Nation Student Relief Fund shall adhere to the following guidelines:

- Tuition, books, and specific course fees are paid directly to the schools, colleges, universities, or vendors. Indirect costs (Room & Board, Personal, Transportation) and required equipment costs will be sent to the student.
 - a) Both student and college/institution will receive copies of student's award letter.
 - b) If a student withdraws early from the program, Oneida will request reimbursements are made to the Oneida Nation and not the student.
- 2) A student may be entitled to a reimbursement if the student pays required course fees.
 - a) The student must submit a valid receipt documenting the payment when requesting reimbursement. Reimbursements will not be granted without a receipt.
 - b) Oneida Higher Education will require similar documentation directly from the college or institution.
- 3) A student may be entitled to reimbursement if the student paid for duplicate or lesser degrees, professional development and training through seminars, certifications and licenses, or other professional advancement classes or training between August 1, 2021 and the effective date of this resolution.
 - a) The student must submit a valid receipt documenting the payment when requesting reimbursement. Reimbursements will not be granted without a receipt.

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BC Resolution # _____ Obligation for the Oneida Nation Student Relief Fund, Utilizing American Rescue Plan Act of 2021 Fiscal Recovery Funds Lost Revenue Page 3 of 3

- b) Oneida Higher Education will require similar documentation directly from the college or institution.
- c) The student must have paid for the education program with personal funds, not funds received from a third party for this purpose. "Third party" shall mean Oneida Nation, employer, grant, or scholarship. "Personal funds" may include loan taken from a financial institution for the purpose of paying for the program's costs during the above period.

BE IT FURTHER RESOLVED, Oneida Higher Education may use funds obligated for the Oneida Nation Student Relief Fund herein for operation and personnel costs associated with the administration of the Oneida Nation Student Relief Fund. Oneida Higher Education may not exceed one hundred fifty-seven thousand five hundred dollars (\$157,500.00) for Oneida Nation Student Relief Fund operation and personnel costs in any fiscal year or the pro rata amount for any partial fiscal year.

BE IT FURTHER RESOLVED, Oneida Higher Education shall develop operating procedures for the qualifications, distribution, and management of the Oneida Nation Student Relief Fund and amend those procedures as necessary over the term of the program to adhere to the intent of the Oneida Business Committee as expressed herein or thereafter.

BE IT FURTHER RESOLVED, the Oneida Nation Student Relief Fund is provided in accordance with the Oneida General Welfare Law, 10 O.C. 1001 *et seq*.

BE IT FURTHER RESOLVED, an Oneida student seeking to qualify for the Oneida Nation Student Relief Fund must demonstrate a need thereof through an express and executed declaration of need to obtain the education or training to enhance their education and/or career in the wake of the public health emergency.

BE IT FINALLY RESOLVED, the Oneida Business Committee approves the Oneida Nation Student Relief Fund program, with Jacqueline Smith, Area Manager/Education & Training, assigned as the Project Owner.

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Oneida Business Committee Agenda Request

Discussion regarding the ARPA FRF LR Higher Education program, Food Gift Cards, and Vaccine...

1. Meeting Date Requested: 1	2 / 08 / 21	
2. General Information: Session: ⊠ Open ☐ Execu	utive - See instructions for the applicable laws, then choose one:	•
Agenda Header: Unfinished Bu	ısiness	lacksquare
	ions or information and problems about the Higher Education Program, Gift centive Programs under the ARPA FRF monies.	
3. Supporting Materials Report Resolution Other:	Contract 3.	
2. Business Committee signatur	e required	
4. Budget InformationBudgeted - Tribal Contribution	on 🔲 Budgeted - Grant Funded 🔲 Unbudgeted	
5. Submission		
Authorized Sponsor / Liaison:		V
Primary Requestor/Submitter:	Michael Debraska Your Name, Title / Dept. or Tribal Member	
Additional Requestor:	Nancy Barton Name, Title / Dept.	
Additional Requestor:	Name, Title / Dept.	

Oneida Business Committee Agenda Request

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Describe the	parpose	Ducke	gi Oui iu,	THIS COLY,	ulla	action	1090	icsica.

discuss and ask any questions they deem necessary and appropriate and have them completely answered by the
BC and/or management to the satisfaction of the GTC member who asked questions about the Higher Education, Gift Cards (\$500) and the Vaccine Incentive Programs under the ARPA FRF monies.
Girt Cards (\$300) and the vaccine incentive riograms under the ARFATRI monies.

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

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Approve the travel report - Vice-Chairman Brandon Stevens - Global Gaming Expo 2021 - Las Vegas, NV

Business Committee Agenda Request

1.	Meeting Date Requested:	12/08/21	
2.	General Information: Session: Open	Executive – must qualify Justification: Choose rea	-
3.	Supporting Documents:		
	Bylaws	Fiscal Impact Statement	Presentation
	Contract Document(s)	Law	⊠ Report
	Correspondence	Legal Review	Resolution
	☐ Draft GTC Notice	Minutes	Rule (adoption packet)
	☐ Draft GTC Packet	MOU/MOA	Statement of Effect
	E-poll results/back-up	Petition	Travel Documents
	Other: Describe		
	Budget Information: Budgeted Not Applicable	☐ Budgeted – Grant Funded☐ Other: <i>Describe</i>	Unbudgeted
5.	Submission:		
	Authorized Sponsor:	Brandon Stevens, Vice-Chair	man
	Primary Requestor:		
	Additional Requestor:	(Name, Title/Entity)	
	Additional Requestor:	(Name, Title/Entity)	
	Submitted By:	LLIGGINS	

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BUSINESS COMMITTEE TRAVEL REPORT



Travel Event:	Global Gaming Expo
Travel Location:	Las Vegas, NV

Brandon Stevens

Departure Date: 10/05/2021 **Return Date:** 10/06/2021

Projected Cost: Enter Cost Actual Cost: \$549.45

Date Travel was Approved by OBC: 10/4/21

Narrative/Background:

Travel Report for:

Worked with Gaming management and the Law office on the presentation for the panel, Glen Gobin, Vice Chairman, Tulalip Tribe, Raymond Pineault, CEO, Mohegan Gaming & Entertainment, Bea Carson, Gaming Commission Chairwoman, Mississippi Band of Choctaw Indians and Jeremy Elbaum, Vice President DraftKings. The questions and answers are attached. This panel gave Oneida and Wisconsin a significant highlight in the country being at the Global Gaming Expo. Providing a structure for other tribes to follow we wil continue to be a resource in the industry on the Indian Gaming side which in turns gives us free marketing and media.

Item(s) Requiring Attention:

Click here to enter text.

Requested Action:

Accept travel report

Sports Betting in Indian Country: The Latest Opportunities and Conflicts Wednesday, October 6, 10:00am-10:50am

1) Describe how sports wagering is (or is going to be) conducted

In your state.

At your specific property.

Is there anything unique from other states or the commercial industry?

Oneida Casino will be offering industry standard bets except for in state collegiate sports. The betting options available will be retail, kiosks and mobile within designated reservation boundaries.

2) What are some roadblocks you've encountered? Anything unexpected?

Business side.

Legal / Regulatory side.

We do not feel we experienced any significant roadblocks. Covid delayed the process and the progress.

3) Sports wagering is a notoriously low margin game to the operator; so why do it? What does it mean to the property?

Fan interest.

Boost for other gaming.

Future.

Bring in every dollar we can for the tribal governments.

Additional amenity

Economic impact to the community

Keeping dollars in Wisconsin

Increased employment

Enhancing our gaming footprint

4) How are your protecting the integrity of the game and security of the patron?

We've been doing this for 30 years and we're good at it.

Partnerships.

Problem gaming protections.

Anything else we can brag about?

Partnering with a "KYC" (know your customer) platform, this software will validate customer identity. (contract in progress with Aristotle)

Partnering with an integrity and monitoring service, there resources will offer game and fraud protection by working jointly with regulators, professional leagues, and operators.(contract in progress with U.S. Integrity)

5) What do you see for the future, 5 years from now?

Commercial mobile gaming threat.

What happens if tribes face that competitive threat?

What happens when tribes play in that system (like Michigan)?

Mobile gaming in Indian country

Seminole model? Does it survive litigation?

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If it doesn't would NIGC / IGRA have to change?

About Contact

US SPORTS BETTING V AZ MI

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TOOLS ~ **NEWS**

Shhh! Wisconsin Tribes Know How To Keep A Secret

Oneida Nation first to get sports betting and plans to take first bets next month



by **Jill R. Dorson** — October 18, 2021 in **Betting**, **Features**



(Shutterstock)



Earlier this year, Brandon Yellowbird Stevens had a secret. And he — along with tribal leaders across Wisconsin — managed to stay quiet enough that when the Oneida Nation announced in July that it would be the first Wisconsin tribe to launch legal sports betting this fall, many in the industry were stunned.

"I think this is a template for the rest of Indian Country to come together and work together, because it benefits everyone," said Victor Rocha, editor of tribal gaming website Pechanga.net and host of "The New Normal," a webinar that explores tribal gaming and sports betting issues.

Rocha's words were tinged with a bit of awe and jealousy. Wisconsin's tribes were the first — and so far only — ones to fly completely under the radar and get sports betting added to their gaming pact. They did so while tribes in Connecticut and Arizona were very publicly negotiating with their respective state governors. In both states, the tribes had to give up some amount of exclusivity in order to be able to offer wagering.

Launch coming next month

The Oneidas had hoped to start taking bets by the start of the NFL season, but Stevens said that supply chain issues have slowed the rollout. According to an NBC26 report this week, the tribe expects to have some teller windows and kiosks open by Week 11 of the NFL season.

"We initially anticipated opening for the football season. We weren't able to meet that timeline," Chad Fuss, the Oneida Casino's chief financial officer, told the station. "Right after we signed that contract, at the end of summer, we started working on what would our sportsbook look like. And we identified that we would have some constraints, meaning that supply chain, which is mostly [due to] global pandemic right now, of getting different software, getting the chips in."



So, how were Wisconsin's tribes able to be so stealthy? Simple, Stevens said — the Oneidas promised the state's other tribes they'd set the tone. And everyone else could follow when it was time for their compact negotiations.

"Our compact came up for negotiation [first]," Stevens said during the webinar. "We kept all 11 tribes in the loop every step of the way, that's how we kept it a secret. The premise was that we were going to set the template for what all tribes could do, and we needed to make sure that this was fluid."

Stevens went on to explain that Wisconsin tribes have what's referred to as a "Me, Too" clause in their compacts. That means that as other tribes reach their opportunity to renegotiate, they can get whatever the Oneidas and the state agreed on. Beyond that, the clause will allow the Oneidas to amend their compact based on what the tribes that follow can get. As an example, the Oneidas will not be able to offer betting on in-state college teams or amateur sports, but Stevens hopes his tribe will set a good enough example of trust and integrity to allow another tribe to negotiate those options.

They will be able to take bets on pro sports and, according to Stevens, on certain awards likes the Grammys or Academy Awards.

"Hopefully, as the state basically gave us training wheels — there will be no betting on in-state college sports and no betting on amateur sports — that was a negotiation barrier we couldn't break," Stevens said. "So hopefully, the tribes behind us, after we show that we are ethical and taking care of this, hopefully, we can [later] include the UW-Madison Panthers, Marquette, Wisconsin, into betting. Hopefully, the tribes coming behind us will have the power to include ... betting on those teams."

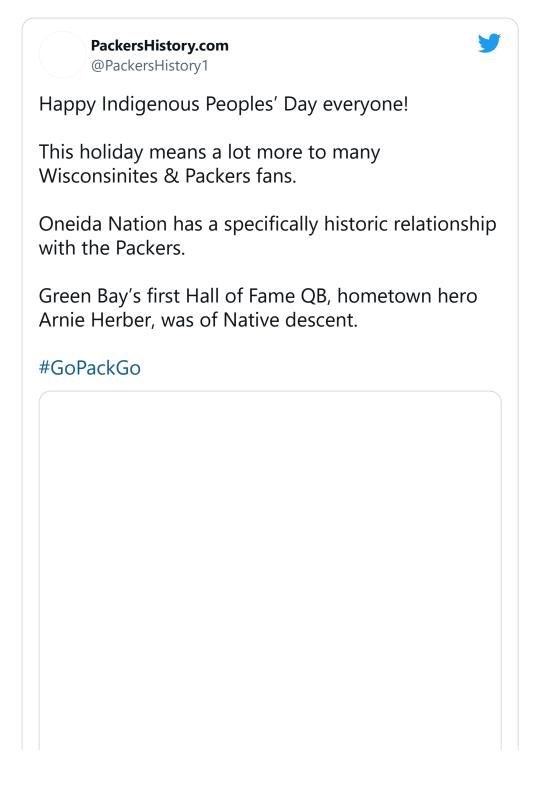
Oneidas said 'no thanks' to official data

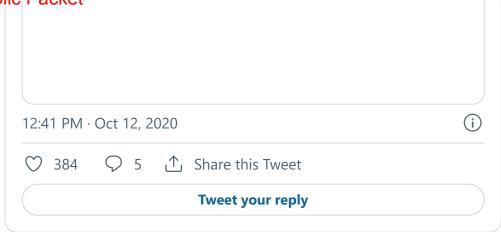
Though they had to give up local college sports to get the deal done, the Oneidas weren't pushovers during negotiations. Stevens said that when the NFL pushed for a requirement that the tribe buy official league data, the tribe balked.

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"They wanted to do a separate negotiation with advertising and stats, but we said no," Stevens said. "No one else is paying for that and it is not in our business model. The state wanted that as well, but we were up front and said, 'We're probably going to use official sports data, but we don't want official amendment or law."

The Oneidas' sportsbooks will be powered by IGT's PlaySports package and will be available only on the Oneidas' land. The tribe, which owns and operates five casinos, has plans for a temporary sportsbook on the gaming floor of at least one location, as well as kiosks. It also plans to add on-reservation mobile at some locations and open a permanent book in February, according to Fuss.

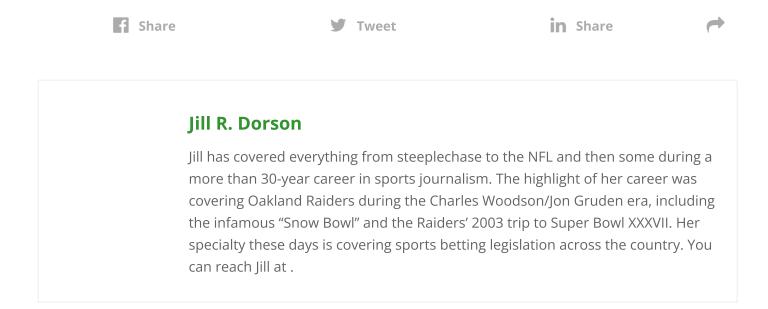




The Oneida reservation is located just a few miles from the biggest sports venue in Wisconsin — the NFL Packers' storied Lambeau Field — and is a 10-minute drive from the Green Bay airport. The tribe has long had a relationship with the Packers, and in 2019 it expanded that relationship, enabling it to advertise its casinos inside the stadium. The Oneida name is also over a stadium entrance gate, and the tribe sponsors a one-mile walkway outside of the stadium that features statues of legendary Packers players and team history.

When the Oneidas do launch sports betting, customers will be required to register at a brick-and-mortar location and will be able to earn loyalty points to use at physical locations. Stevens said he expects his tribe's new product to create up to 15 jobs, and that the tribe will use revenue from sports betting to fund programs on the reservation.

Of Wisconsin's border states, all but Minnesota currently have live, legal statewide digital wagering. Iowa was the first to offer it in 2019, followed by Illinois in 2020 and Michigan in 2021.



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Oneida Business Committee Agenda Request

Review the sponsorship request and determine next steps - Holy Apostles Episcopal Church

1. Meeting Date Requested: 12 / 8 / 21
2. General Information: Session: ○ Open ○ Executive - See instructions for the applicable laws, then choose one:
Agenda Header: New Business
☐ Accept as Information only
☐ X Action - please describe:
Holy Apostles Episcopal Church in-kind sponsorship request
Requested Action: Support the in-kind sponsorship request from Holy Apostles Episcopal Church
3. Supporting Materials Report Resolution Contract Other:
1. Sponsorship Request (HANDOUT) 3.
2. 4.
☐ Business Committee signature required
4. Budget Information
⊠ Budgeted - Tribal Contribution
5. Submission
Authorized Sponsor / Liaison: Jennifer Webster, Council Member
Primary Requestor/Submitter: Danelle Wilson, Oneida Business Committee Executive Assitant Your Name, Title / Dept. or Tribal Member
Additional Requestor: Name, Title / Dept.
Additional Requestor:
Name, Title / Dept.

<u>Deadlines</u>

Oneida Business Committee Agenda Request

Instructions

Review request for exception to the virtual meetings requirement per resolution # BC-04-14-21-B and...

1. Meeting Date Requested: $\frac{1}{2}$	<u>2</u> / / <u>08</u> / <u>21</u>	
2. General Information: Session: Open Execu	utive - See instructions for the applicable laws, then choose one:	v
Agenda Header: New Business		▼
☐ Accept as Information only☑ Action - please describe:Approve Oneida Nation Com	nmission on Aging Meeting Exemption Request	
3. Supporting Materials Report Resolution	☐ Contract	
Other: 1. Memo- ONCOA Mtg Exer 2.	mption Request 3. 4.	
Business Committee signaturBudget Information	e required	
Budgeted - Tribal Contribution5. Submission	on Budgeted - Grant Funded Unbudgeted	
Authorized Sponsor / Liaison:	Carole Liggins, Chair Oneida Nation Commission on Aging	~
Primary Requestor/Submitter:	Your Name, Title / Dept. or Tribal Member	
Additional Requestor:	Name, Title / Dept.	
Additional Requestor:	Name, Title / Dept.	





Oneida Business Committee Agenda Request

Instructions

6. Cover Memo:

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

Due to technology restrictions and accessability, the Oneida Nation Commission on Aging is requesting and exemption for in-person meetings.

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

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Memo

To: Oneida Business Committee

From: Oneida Nation Commission on Aging

Carole Liggins, Chairperson

Date: November 30, 2021

Re: Exemption Request to resolution #BC 04-14-21-B

NOW THEREFORE BE IT RESOLVED, that resolution # BC-11-24-20-C, Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021, is hereby superseded effective June 14, 2021 and the listed board, committees and commissions may meet virtually in conformance with all quorum requirements but shall not be authorized to meet in person or to receive a stipend. No board, committee or commission is authorized to travel or cause other expenses to be incurred.

Oneida Nation Commission on Aging is requesting an exemption to not meeting in person of the above Business Committee's Resolution final resolve which states "board, committees and commissions may meet virtually in conformance with all quorum requirements but shall not be authorized to meet in person" for the following reasons:

Of the nine (9) Commissioners, five (5) do not have access to the inter-net nor do they have laptops, personal computers, or other electronic devises to fully participate in virtual meetings.

All members of ONCOA are Elders and even with the inter-net and the proper equipment many of us do not possess the skills necessary to easily maneuver through the virtual meeting processes.

Oneida Nation Commission on Aging is requesting authorization to meet in person at the Norbert Hill Center using the Oneida Business Committee's meeting room, or another available conference room within the Nation.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 04-14-21-B

Authorization of Boards, Committees and Commissions to Meet and Superseding the Temporary Closure

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 placed listed board, committees and commissions under temporary closure as a result of both public health and safety measures and to reduce financial expenses by resolution # BC-04-08-20-B; and

WHEREAS, the Oneida Business Committee extended this temporary closure for Fiscal Year 2021 primarily as a public health and safety measure; and

WHEREAS, there are no stipends for those boards, committees or commissions that were placed in temporary closure for Fiscal Year 2021; and

WHEREAS, the Oneida Business Committee has determined that the organization, specifically the Oneida Business Committee Support Office, has resources in place through MicroSoft Teams to allow members of boards, committees or commissions to meet virtually;

NOW THEREFORE BE IT RESOLVED, that resolution # BC-11-24-20-C, *Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021*, is hereby superseded effective June 14, 2021 and the listed board, committees and commissions may meet virtually in conformance with all quorum requirements but shall not be authorized to meet in person or to receive a stipend. No board, committee or commission is authorized to travel or cause other expenses to be incurred.

- 1. Oneida Community Library Board;
- 2. Oneida Environmental Resources Board;
- 3. Oneida Nation Veterans Affairs Committee;
- 4. Oneida Personnel Commission;
- 5. Oneida Pow Wow Committee;
- 6. Southeast Wisconsin Oneida Tribal Social Services Advisory Board;
- 7. Oneida Land Claims Commission; and
- 8. Oneida Nation Commission on Aging.

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BC Resolution # 04-14-21-B
Authorization of Boards, Committees and Commissions to Meet and Superseding the Temporary
Closure
Page 2 of 2

BE IT FINALLY RESOLVED, the Oneida Business Committee Support Office is directed to -

- 1. make available resources for members of boards, committees and commissions to meet virtually;
- 2. to post all existing vacancies to appointed positions; and complete any budget actions to include stipends for boards, committees and commissions in the Fiscal Year 2022 budget.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 14th day of April, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.

Oneida Business Committee

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

Public Packet Deadlines

Oneida Business Committee Agenda Request

<u>Instructions</u>

Approve a limited waiver of sovereign immunity - Modio Health Inc. licensing agreement - file # 2021-0779

1. Meeting Date Requested:	12 / 08 / 21
2. General Information:	
Session: 🖂 Open 🗌 Exec	utive - See instructions for the applicable laws, then choose one:
Agenda Header: New Busines	S
Accept as Information only	
Approval of limited waiver of Agreement. Please see page	f sovereign immunity for contract #2021-0779 Modio Health Inc Licensing 1 of the agreement.
Please see page 2 for addition	anal information
l lease see page 2 for addition	mai information.
3. Supporting Materials	
☐ Report ☐ Resolution	
Other:	
1. Modio Health Inc-Licens	ing Agreement 3.
2.	4.
۷۰	''1
☐ Business Committee signatu	re required
	.e.required
4. Budget Information	
•	an Dudwated Count Founded Dudwater
☐ Budgeted - Tribal Contributi	on Budgeted - Grant Funded Unbudgeted
5. Submission	
Authorized Sponsor / Liaison:	Ravinder Vir, Division Director/Medical
Primary Requestor/Submitter:	Jamie Willis, Executive Assistant
, .	Your Name, Title / Dept. or Tribal Member
Additional Approver:	Debra J. Danforth RN, BSN Ravinder Vir 11/29/2021
	Name, Title / Dept.
Additional Approver:	Mark W. Powless 11/30/2021
Ασσιτιστίαι Αρρισνέι.	Name, Title / Dept.



Oneida Business Committee Agenda Request

Instructions

6. Cover Memo:

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

The Oneida Comprehensive Health Division is in search of a credentialing software to help streamline and automate the credentialing process. Modio Health was chosen among three vendors to help modernize the division's credentialing process. This will improve our credentialing work flow, limit human error occurrences, and meet hospital and insurance requirements, and save valuable time.

Through this system, our credentialing process will be much more organized in keeping medical sta in compliance with all state statutes and regulations, maintain requirements within Health Insurance Organizations, and maintaining the OCHD accreditation with AAAHC (Accreditation Association for Ambulatory Health Care).

We are asking for a limited waiver of sovereignty because of the terms and conditions listed within this agreement, especially pertaining to, "Sec. 4.E., Data Use, each party agrees to hold the other's defined 'confidential information' in confidence and acknowledges that unauthorized disclosure results in irreparable harm for which the remedy is injunctive or other allowable relief; Sec. 7.C. this is an explicit consent to jurisdiction of any suit or proceeding in courts in the State of Utah; Secs 2.D., collection of payment, and 6.A., indemnification, contain an agreement to pay reasonable attorney fees).

The answers to the guestions regarding this agreement are as follows:

1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity? Although it is standard to see the above highlighted language in licensing agreements, please be prepared to explain the necessity of this agreement.

Due to electronic personal protected information and the use of the vendor's software, it will be likely other vendors would include similar requirements. This credentialing software will streamline our process and save us valuable time because we're doing everything manually.

- 2. Were three bids obtained? If not, why not? See above and be prepared to discuss whether alternate software is available. Yes, 3 bids were obtained.
- 3. Was any other vendor willing to remove sovereign immunity issues?
 Since the terms and conditions within this licensing agreement concern the use of electronic personal protected information, it would more than likely be in any other credentialing software agreements, so no other vendors were sought, but we would more than likely be met with similar requirements.
- 4. What is the cost of going to another vendor?

 Of the 3 bids we obtained, this was the most price e cient. We would probably do another bidding process.

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

ONEIDA LAW OFFICE

CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT

TO: Jamie L. Willis Health Center

FROM: Kelly M. McAndrews, Senior Staff Attorney

Kelly M. McAndrews McAndrews

Digitally signed by Kelly M.

Date: 2021.11.23 11:18:36 -06'00'

DATE: November 23, 2021

RE: Modio Health Inc-Licensing Agreement

Office for legal content only. Please note the following:

 ${\it Use this number on future correspondence:}$

2021-0779

Purch	asing Department Use
	Contract Approved
,	Contract Not Approved
	(see attached explanation)

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law

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

- 1. Please confirm that this activity complies with the Public Health Declaration and any orders issued by the COVID-19 Decision Making Team and/or Public Health Officer.
- 2. Please review for compliance with FY 2021 budget resolution prior to entering into said contract.
- ✓ The document is in appropriate legal form. (Execution is a management decision.)
- ✓ Requires Business Committee approval prior to execution, pursuant to ¶ waiver of sovereign immunity (Sec. 4.E., Data Use, each party agrees to hold the other's defined 'confidential information' in confidence and acknowledges that unauthorized disclosure results in irreparable harm for which the remedy is injunctive or other allowable relief; Sec. 7.C. this is an explicit consent to jurisdiction of any suit or proceeding in courts in the State of Utah; Secs 2.D., collection of payment, and 6.A., indemnification, contain an agreement to pay reasonable attorney fees). If this contract is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, the following information should be submitted along with the agenda review request and contract.
 - 1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity? Although it is standard to see the above highlighted language in licensing agreements, please be prepared to explain the necessity of this agreement.
 - 2. Were three bids obtained? If not, why not? See above and be prepared to discuss whether alternate software is available.
 - 3. Was any other vendor willing to remove sovereign immunity issues?
 - 4. What is the cost of going to another vendor?



LICENSING AGREEMENT

This Licensing Agreement (the "Agreement") is entered into on October 18, 2021 (the "Effective Date"), by and between Modio Health, Inc. a Delaware corporation, with a principal place of business at 182 Howard St. #645, San Francisco, CA 94105 ("Modio") and Oneida, with a registered address at P.O. Box 365, Oneida, WI 54155, ("Customer"), (together the "Parties" and each a "Party").

SUMMARY

Modio designs and licenses medical personnel credentialing software and hardware systems and provides related services to medical providers; and

Customer desires to enter into an agreement whereby it licenses and uses Modio's software and related services to manage medical personnel credentialing pursuant to the terms and conditions herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants of this Agreement, the Parties hereto agree as follows:

1. SERVICES and LICENSES

- A. Modio will provide Customer with access to and a license to use the services ("Services") ordered by Customer through Modio's website or in written orders executed by Modio and Customer (either of which is referred to as an "Order" with the initial Order being set forth in Appendix A to this Agreement). All existing and new Orders will be governed by the terms of this Agreement and incorporated herein. For purposes of this Agreement, "Data" will be the data provided by Modio to Customer as part of the Services. The Services and Data are collectively referred to as the "Modio Services."
- B. Modio hereby grants to Customer, for the term of this Agreement, a nonexclusive, nonassignable, right and license to use the Modio Services and access the software in connection with its business as a medical provider on and through Modio's web platform (the "License"). This License is expressly limited to the terms as outlined in the applicable Order.
- C. The Modio Services will be available for Customer use at least ninety-nine percent (99%) of the time as measured on a monthly basis except for: (a) maintenance downtime scheduled by Modio; (b) downtime or degradation due to a Force Majeure Event; (c) any other circumstances beyond Modio's reasonable control, including Customer's or any of their user's use of the Modio Services other than in compliance with the express terms of this Agreement; and (iv) any suspension or termination of Customer's or any of their user's access to or use of the Modio Services as permitted by this Agreement ("Availability Level"). Customer's sole remedy for Modio's failure to meet the Availability Level shall be for Modio to issue a credit to Customer in the amount of 2.5% of the monthly Fees for the month the failure of the Availability Level occurred ("Service Credit"), subject to the following: Modio has no obligation to issue any Service Credit unless Customer (i) reports the Availability Level failure to Modio immediately on becoming aware of it; and (ii) requests such Service Credit in writing within thirty (30) days of the Availability Level failure. Any Service Credit payable to Customer under this Agreement will be issued to Customer in the calendar month following the month in which the Availability Level failure occurred. When maintenance updates

- are necessary Modio will use reasonable efforts to schedule the maintenance during off business hours, such as late at night or weekends. Service Credits are the sole remedy available to Customer for Modio's failure to meet the Availability Level.
- D. The rights and limits to usage set forth herein do not include the right to, and Customer will not (either directly or indirectly): (a) copy, sublicense, rent, lease, barter, swap, resell or commercialize the Modio Services, in whole or in part; (b) transfer, transmit, enable or allow access to or use of the Modio Services, whether in whole or in part, by any means, to a third party; (c) create external derivative works of the Modio Services, including from the Data, where such Data does not relate to Customer's services; (d) use the Modio Services in any manner that is fraudulent, deceptive, threatening, harassing, defamatory, unlawful, illegal, obscene or otherwise objectionable in Modio's reasonable discretion; (e) "crawl," "scrape," "spider" or otherwise copy or store any portion of the Data for any purpose not contemplated under this Agreement (e.g., in order to mimic the functionality and/or output of the Modio Services, in whole or in part); (f) disassemble, reverse engineer, decompile or otherwise attempt to obtain the source code or underlying logic of any portion of the Modio Services; (g) use the Modio Services as part of any machine learning or similar algorithmic activity; or (h) publish or distribute the Data, or materials derived from the Data, to third parties.
- E. Customer agrees to use the Modio Services in compliance with all applicable laws, regulations and this Agreement (including any applicable Orders).
- F. Modio may, directly or indirectly, suspend, terminate or otherwise deny Customer's or any of its authorized user's access to or use of all or any part of the Modio Services without incurring any resulting obligation or liability, if: (a) Modio receives a judicial or other governmental demand or order, subpoena or law enforcement request that expressly or by reasonable implication requires Modio to do so; or (b) Modio believes, in its reasonable discretion, that: (i) Customer or any of Customer's authorized users have failed to comply with any term of this Agreement, or accessed or used the Modio Services beyond the scope of the rights granted or for a purpose not authorized under this Agreement; or (ii) Customer or any of Customer's authorized users is, has been, or is likely to be involved in any fraudulent, misleading or unlawful activities relating to or in connection with any of the Modio Services; or (c) this Agreement expires or is terminated. This Section does not limit any of Modio's other rights or remedies, whether at law, in equity or under this Agreement.
- G. Modio will grant access authorization privileges to Modio Services provided to the Customer to other current and direct employees of Customer provided that such employees hold an email address at one of Customer's pre-approved domains (e.g., @customerdomain.com). The Customer must de-authorize any employees who cease to be employed by Customer within fifteen (15) days. From time-to-time, Modio may use network verification tools to determine whether the email addresses associated with Customer's employees are active. Inactivity may result in Modio suspending such email account from accessing or using the Modio Services. Notwithstanding the foregoing, if Customer thereafter confirms that the suspended email account is in fact associated with a current employee and is active, Modio will remove such suspension. A delay by Customer in confirming its Modio account shall not, of itself, constitute a breach of this Agreement.
- H. The Modio Services rely on third parties not under Modio's control; Modio may, therefore, be unable to provide certain Data and/or Services contemplated by this Agreement from time-to-time. Modio cannot and does not guarantee the accuracy and/or availability of Data dependent on third parties. If there is a change in the practices and policies of a third party that results in Modio

being unable to obtain Data from such third party as required to provide the Modio Services to Customer, then Modio will, at its reasonable discretion: (a) use reasonable efforts to find similar information from another source and/or (b) compensate Customer with Data of similar economic value. The foregoing will be Customer's sole and exclusive remedy for the unavailability of the Data.

- I. Modio reserves the right, in its sole discretion, to make any changes to the Modio Services that it deems necessary or useful to: (a) maintain or enhance (i) the quality or delivery of Modio's Services to its customers, (ii) the competitive strength of or market for Modio's Services or (iii) the Modio Services' cost efficiency or performance; or (b) to comply with applicable laws.
- J. Customer must maintain reasonable security measures against unauthorized use of its systems and protect and secure the device(s) through which its employees access and/or use the Modio Services. Customer must not share any Modio account credentials (including usernames and passwords) either within its organization or with third parties. Customer will not use the Modio Services in any manner that interferes with the proper working of the Modio Services. Customer must not obtain, attempt to obtain, access, or use any account information relating to any other Modio user. Customer is responsible for all activity associated with its Modio account.
- K. Modio retains all rights, titles and interests in and to the Modio Services and improvements thereto, together with any tools, materials, specifications guidelines and instructions provided by Modio to Customer, as well as all intellectual property rights, including, without limitation, all copyrights, trademarks, patents, rights in databases, goodwill, trade secrets, and moral rights. Customer will not remove, obscure or alter any copyright or trademark notices or other notices provided in or through the Modio Services. Any rights not expressly granted to Customer in this Agreement are reserved by Modio.
- L. Modio will provide Customer with relevant and appropriate documentation for its use of the Services. Modio provides Customer support under the model detailed below:
 - a. Customer will provide trained local support personnel that provide first level support to their end users. This includes, without limitation, the initial point of contact with Customer end users to solve basic end user issues. Customer support personnel is expected to: (a) be able to diagnose and solve basic end user issues; (b) be able to classify non-trivial incidents and report them to Modio as needed; and (c) practice knowledge management to ensure continuous learning from new issues.
 - b. Modio will provide Customer support channels by phone (844)-696-6346, email support@modiohealth.com, and via the Support page on Customer's portal on the Modio website. Modio will use commercially reasonable efforts to respond to and try and address any failure of the Services to meet the specifications for the software set forth in the Modio documentation.
 - c. Support is available 08:00 AM PST 7:00 PM PST Monday-Friday, excluding US Federal holidays.

2. COMPENSATION

A. In consideration for the Services provided and Licenses granted hereunder, for the Term, Customer agrees to pay Modio the Fees recited in an applicable Order in accordance with this

Agreement and the Fee Payment Schedule recited in that Order. Any changes in the Fees will be in accordance with the terms in the Order.

- B. Invoicing. Customer will be invoiced monthly, based on the fee schedule outlined in the Order (the initial Order is set forth in Appendix A). The tier for the initial term is set by the number of providers listed in Appendix A for on-boarding. Should the final number of providers on-boarded during the first six (6) months exceed the current tier, the monthly rate will be adjusted to the new tier. For subsequent years, the tier will be determined by the number of active and archived providers on the platform on the last day of the renewal period. The monthly invoice will only be adjusted if the number of providers in a given month exceeds two (2) tiers, including the current tier. Implementation fees will be invoiced on initiation of the implementation process.
- C. Sales Tax. All consideration under this Agreement is exclusive of any sales, transfer, value-added, goods or services tax or similar gross receipts-based tax (excluding all other taxes including taxes based upon or calculated by reference to income, receipts or capital) imposed against or on the Services ("Sales Taxes"). Any applicable Sales Taxes due will be calculated and included with Customer's invoice.
- D. Payment terms. Payment for each period is due within thirty (30) days after the date of invoice. Interest will be charged on all accounts not paid within thirty (30) days at a rate of two percent (2%) per month, or, if less, the maximum rate allowed by law. If Modio refers such matter to an attorney or collection agency, Customer agrees to pay, in addition to the amounts due, any and all costs incurred by Modio as a result of such action, including reasonable attorney's fees.
- E. All amounts payable to Modio under this Agreement shall be paid by Customer to Modio in full without any setoff, recoupment, counterclaim, deduction, debit or withholding for any reason other than Service Credits, or any deduction or withholding of tax as may be required by applicable law.
- F. Modio reserves the right to require a deposit to be held during the current term of the Agreement, in its sole discretion, if Customer's credit and payment history warrant doing so. Upon termination of the Agreement, or completion of the Services, Modio shall apply the deposit towards the Fees due from Customer and refund any remaining balance.

3. TERM and TERMINATION

- A. This Agreement will begin on the Effective Date and will continue for three (3) years from the Effective Date (the "*Initial Term*"). The Agreement will automatically renew for additional one (1) year terms thereafter (any such renewal period, a "*Renewal Term*"), unless either Party provides the other with at least thirty (30) days written notice prior to the end of the Renewal Term. The Initial Term and any Renewal Term, if applicable, shall constitute the "*Term*".
- B. The Customer may terminate this Agreement for convenience during the Term by providing sixty (60) days prior written notice to Modio and paying a termination fee which is fifty percent (50%) of all fees that would be payable to Modio by Customer over the remaining Term of the Agreement if it had not been terminated under this provision ("*Termination Fee*"). Modio will provide an invoice to Customer with the Termination Fee after notice is provided to Modio of Customer's intent to terminate the Agreement, and Customer must pay such Termination Fee within thirty (30) days of receiving such invoice for the termination of this Agreement to be effective under this provision.

- C. Either Party may terminate this Agreement immediately if the other Party becomes the subject of a voluntary petition in bankruptcy or any voluntary proceeding relating to insolvency, receivership, liquidation, or composition for the benefit of creditors or the other Party becomes the subject of an involuntary petition in bankruptcy or any involuntary proceeding relating to insolvency, receivership, liquidation, or composition for the benefit of creditors, if such petition or proceeding is not dismissed within sixty (60) days of filing.
- D. Modio may terminate this Agreement immediately in the event that: (a) Customer fails to pay any amount when due hereunder; or (b) Customer or any of its affiliates begin commercially offering products and/or services that display medical credentialing services and/or credentialing trends (aside from data solely about Customer) that are in direct competition to the Modio Services or infringe upon Modio's pre-existing rights regarding intellectual property, general know-how or Confidential Information (defined below). Either Party may terminate this Agreement, effective on written notice to the other Party, if the other Party materially breaches this Agreement, and such breach: (i) is incapable of cure; or (ii) being capable of cure, remains uncured thirty (30) days after the non-breaching Party provides the breaching Party with written notice of such breach. In the event of such termination, Modio's obligations under the Agreement will be deemed to be fully discharged.
- E. Upon the expiration or any termination of this Agreement: (a) all rights granted to Customer under this Agreement shall forthwith terminate and immediately revert to Modio, (b) Customer will immediately cease all use of the Services; (c) each Party will promptly return to the other all of the other party's Confidential Information within its possession or control (including all copies and extracts thereof), and will certify in writing that it has complied with this obligation; and (d) the rights granted by the Parties under this Agreement will automatically terminate; provided, however, that Modio will assist Customer prior to termination, or grant an additional seven (7) days of access thereafter to download Customer Data . Notwithstanding the aforementioned, the rights and obligations of the Parties under Section 1F and Sections 2-7 will survive termination or expiration of this Agreement.

4. DATA USE and CONFIDENTIALITY

- A. Modio grants to Customer a non-exclusive, non-transferable right to download, store, and make copies of the Data for Internal Use. "Internal Use" means the limited use of the Data for Customer's internal business purposes only. Notwithstanding the foregoing, for all Data related solely to Customer's services, such Internal Use includes the ability to create derivative works and to communicate such data to Customer's Board of Directors, investors, potential investors, customers and prospective customers. For any other uses, Customer must receive Modio advanced written approval.
- B. Customer's external use of the Modio Services and/or Data, shall be conditioned on the following:
 - i. In no event will Customer (a) use the Data to disparage, or in any way portray negatively to any third party, the Modio Services or (b) intentionally misrepresent the Data (e.g., by selectively choosing unrepresentative metrics or time intervals) with the intention or foreseeable result of creating a materially misleading and negative portrayal of any non-Customer-owned platform;
 - ii. Customer may not share any Modio login credentials (e.g., usernames, passwords or API keys) with its customers or any third parties under any circumstances;

- iii. If Data is shared with a third party contrary to the terms of this Agreement, Modio will have the right to terminate the external use rights granted to Customer in this Section; and
- iv. While Customer may use the Data in its ordinary course of business, in no event shall Customer purposely or intentionally share externally with any third party (or provide to the public domain) any Data and/or derived metrics in a quantity or specificity that could reasonably be deemed to be a substitute for acquiring Data from Modio (e.g., Customer may not provide its customers or clients with raw data files, such as CSV exports of the Data) but may provide the Data via PDF, PPT (without embedded spreadsheets), or in hard copy in the Customer's ordinary course of business). Should Customer breach this section, Modio shall have the right to immediately terminate this Agreement.
- C. Any information provided by the Customer will be used and handled by Modio in accordance with Modio's data privacy policy as amended from time to time, a current copy of which is set forth on Modio's website at Modiohealth.com/privacy ("*Privacy Policy*").
- D. "Confidential Information" means all information disclosed by a Party (the "Disclosing Party") during the Term to the other Party (the "Receiving Party") that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure. Customer's Confidential Information includes, without limitation, all data provided by Customer to Modio in the course of using or receiving the Modio Services ("Customer Data"). Modio's Confidential Information includes, without limitation, the Services and Data, the terms of this Agreement and any Order (including pricing), business plans, and product designs. Confidential Information does not include information that: (a) is or becomes generally known to the public without breach by the Receiving Party; (b) was known to the Receiving Party prior to disclosure by the Disclosing Party, without breach of any obligation owed to the Disclosing Party; (c) is received from a third party without breach of any obligation owed to the Disclosing Party; or (d) was independently developed by the Receiving Party. All Confidential Information is and shall, subject to any right of any other owner, remain the property of the Disclosing Party. By disclosing Confidential Information to the Receiving Party, the Disclosing Party does not grant any express or implied rights (e.g., under patent, copyright, trademark, or trade secret laws). All rights not expressly granted herein are reserved by the Disclosing Party.
- E. The Receiving Party will: (a) protect the Disclosing Party's Confidential Information with the same degree of care that the Receiving Party uses to protect the confidentiality of its own confidential information of like kind (but not less than reasonable care); (b) not use the Disclosing Party's Confidential Information for any purpose other than the provision or use of the Modio Services; and (c) limit access to the Disclosing Party's Confidential Information to employees who need that access for purposes consistent with this Agreement and who are bound by confidentiality provisions no less stringent than those set forth herein. The Receiving Party will be liable for compliance with the terms of this Agreement by any employee(s) to whom the Receiving Party discloses any of the Disclosing Party's Confidential Information. The Receiving Party may disclose Confidential Information of the Disclosing Party to satisfy applicable laws and lawfully issued orders including, but not limited to, legal demands, requirements, subpoenas, decrees, or orders by a competent court of law or governmental or administrative body; provided, however, that in such circumstances the Receiving Party will, to the extent commercially practicable and legally permissible, advise the Disclosing Party in writing prior to such disclosure so that the Disclosing

Party has an opportunity to defend, limit, and/or protect against the production or disclosure. The Receiving Party will disclose only that portion of the Confidential Information that is required by law or regulation to be disclosed. The Receiving Party will exercise all reasonable efforts, at the Disclosing Party's cost, to obtain a protective order or other reliable assurance that confidential treatment will be accorded any Confidential Information required to be disclosed. Without prejudice to any other rights of the Disclosing Party, in the event of an unauthorized disclosure or use of Confidential Information, the Receiving Party will use all reasonable measures to assist the Disclosing Party in recovering and preventing the use, dissemination, sale or other disposal of such Confidential Information. The Receiving Party acknowledges that the Confidential Information is valuable to the Disclosing Party and that any unauthorized disclosure or use may cause irreparable damage to the Disclosing Party. The Receiving Party therefore agrees that money damages alone would be insufficient and that upon any actual or threatened violation or breach of the obligations herein, the Disclosing Party will be entitled, in addition to any other rights or remedies available to it at law or equity, to seek specific performance or injunctive relief without the posting of a bond.

5. REPRESENTATIONS and WARRANTIES

- A. Modio represents and warrants that it has the full rights and authority to enter into and perform its obligations under this Agreement, that it will perform the Services in a professional and workmanlike manner, and that it will perform the Services according to the specifications contained herein. Modio further represents and warrants that it has no actual knowledge that the Services infringe any valid rights of any third party.
- B. EXCEPT FOR THE FOREGOING, THE MODIO SERVICES ARE PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS WITHOUT WARRANTIES OF ANY KIND. TO THE FULLEST EXTENT PERMITTED BY LAW, MODIO DISCLAIMS ANY AND ALL OTHER GURARANTEES OF ACCURACY OR WARRANTIES, (EXPRESS, IMPLIED OR OTHERWISE) INCLUDING, WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR PURPOSE (WHETHER ARISING BY A COURSE OF DEALING, USAGE OR TRADE PRACTICE OR COURSE OF PERFORMANCE). MODIO DOES NOT GUARANTEE THE AVAILABILITY OF ANY DATA OR OTHER INFORMATION BASED ON EXTERNAL SOURCES, INCLUDING, WITHOUT LIMITATION, THIRD-PARTY SOURCES.
- C. Customer represents and warrants that it has the full rights and authority to enter into and perform its obligations under this Agreement and that the data and other content it provides to Modio for or via the Services does not infringe any valid rights of any third party.
- D. In the event of a claim by Customer under this warranty, Modio shall have the option to either repair, replace or update the Services. In the event that Modio fails to repair, replace or update the Services within a reasonable period, Customer's sole recourse shall be to terminate the Agreement. In no event shall Modio be liable for any incidental, consequential, or punitive damages as a result of its performance or breach of this Agreement.

6. INDEMNIFICATION and LIMITATION OF LIABILITY

A. Each Party (the "Indemnifying Party") agrees to defend and indemnify the other Party (the "Indemnified Party") on written demand from and against any and all third party losses, liabilities, costs, damages and expenses (including, without limitation, reasonable attorney's fees, disbursements and administrative or court costs) resulting from or arising from: (a) use or distribution of Data other than as expressly permitted in this Agreement or in an Order; (b)

knowing infringement or misappropriation of any third-party rights; or (c) gross negligence or willful misconduct.

- B. The Indemnified Party will have the right, but not the obligation, to participate in (at its own expense) the defense of any such suit or proceeding. Any indemnity under this Agreement shall only apply to the extent that the Indemnified Party: (a) notifies the Indemnifying Party within thirty (30) days, in writing, of any claim or suit relevant to the indemnity; (b) makes no admissions or settlements without the Indemnifying Party's prior written consent; (c) allows the Indemnifying Party complete control over any negotiations or litigation and/or the defense or settlement of such suit or claim; and (d) gives the Indemnifying Party all information and assistance as it may reasonably require. Notwithstanding the foregoing, Modio will not be liable for or be obligated to defend any claims arising out of or related to: (i) changes, alterations or modifications to the Modio Services; (ii) combination of the Modio Services with other equipment, data, documentation, items or products; (iii) use of the Modio Services in a manner or for a purpose inconsistent with the terms of this Agreement; (iv) failure to use an upgrade or replacement version of the Modio Services when such upgrade or replacement version is made available by Modio; or (v) Customer's (or any of its employees', agents', affiliates', subsidiaries' or subcontractors') negligentacts or omissions.
- C. In the event of a claim, Modio may, in addition to the foregoing, at its sole expense: (a) procure for Customer the right to continue using the Modio Services under the terms of this Agreement; (b) replace or modify the affected Modio Services so that they are non-infringing and substantially equivalent in function; or (c) if options (a) and (b) above cannot be accomplished despite Modio's reasonable efforts, then Modio may terminate Customer's rights and Modio's obligations hereunder with respect to the affected Modio Services and refund to Customer a prorated portion of the fees prepaid for such Modio Services.
- D. LIMITATION OF LIABILITY. IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR: (A) ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE OR CONSEQUENTIAL LOSS OR DAMAGES OR (B) ANY OF THE FOLLOWING LOSSES, WHETHER CAUSED DIRECTLY OR INDIRECTLY, AND IN ALL CASES EVEN IF THE CLAIMING PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES: (I) THE COST OF PROCURING SUBSTITUTE SERVICES; (II) LOSS OF PROFITS; (III) LOSS OF, DAMAGE TO, OR CORRUPTION OF SOFTWARE OR SYSTEMS; (IV) LOSS OF ANTICIPATED SAVINGS; OR (V) LOSS OF ACTUAL OR ANTICIPATED PROFITS. A PARTY'S MAXIMUM AGGREGATE LIABILITY FOR ALL CLAIMS ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT SHALL BE LIMITED TO THE AMOUNTS PAID TO MODIO HEALTH UNDER THIS AGREEMENT DURING THE PRECEDING TWELVE (12) CALENDAR MONTHS PRIOR TO THE INCIDENT GIVING RISE TO THE LIABILITY. NOTWITHSTANDING THE FOREGOING, NOTHING SHALL LIMIT A PARTY'S LIABILITY FOR KNOWING INFRINGEMENT OR MISAPPROPRIATION OF ANY THIRD-PARTY RIGHTS.

7. MISCELLANEOUS

A. Notices. Any notice required to be given pursuant to this Agreement shall be in writing and mailed by certified or registered mail, return receipt requested, delivered by a national overnight express service, or sent by electronic mail (email). If sent by electronic mail (email), notice shall be deemed received upon affirmative written confirmation of receipt from the recipient. Either Party may change the address to which notice or payment is to be sent by written notice to the other Party pursuant to the provisions of this paragraph.

- B. Force Majeure. In no event will either Party be liable or responsible to the other Party, or be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, (except for any payment obligation), when and to the extent such failure or delay is caused by any circumstances beyond such Party's reasonable control (a "Force Majeure Event"), including acts of God, flood, fire, earthquake or explosion, war, terrorism, invasion, riot or other civil unrest, embargoes or blockades in effect on or after the date of this Agreement, national or regional emergency, strikes, labor stoppages or slowdowns or other industrial disturbances, passage of Law or any action taken by a governmental or public authority, including imposing an embargo, export or import restriction, quota or other restriction or prohibition or any complete or partial government shutdown, or national or regional shortage of adequate power or telecommunications or transportation.
- C. Governing Law; Submission to Jurisdiction. This Agreement is governed by and construed in accordance with the internal laws of the State of Utah without giving effect to any choice or conflict of law provision or rule that would require or permit the application of the laws of any jurisdiction other than those of the State of Utah. Any legal suit, action or proceeding arising out of or related to this Agreement shall be instituted exclusively in the federal courts of the United States or the courts of the State of Utah in each case located in the city of Salt Lake City and County of Salt Lake, and each Party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action or proceeding. Service of process, summons, notice or other document by mail to such Party's address set forth herein shall be effective service of process for any suit, action or other proceeding brought in any such court.
- D. No waiver by either Party of any default shall be deemed as a waiver of any prior or subsequent default of the same or other provisions of this Agreement.
- E. If any provision hereof is held invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or operation of any other provision and such invalid provision shall be deemed to be severed from the Agreement.
- F. The Licenses granted hereunder are personal to Customer and may not be assigned by any act of Customer or by operation of law unless in connection with a transfer of substantially all the assets of Customer or with the consent of Modio. Any assignment or transfer of this Agreement made in contravention of the terms hereof shall be null and void. Subject to the foregoing, this Agreement shall be binding on and inure to the benefit of the Parties' respective successors and permitted assigns.
- G. With the exception of the Website Terms and Conditions and Privacy Policy this Agreement and Appendix constitutes the entire understanding of the Parties, and revokes and supersedes all prior agreements between the Parties and is intended as a final expression of their Agreement. It shall not be modified or amended except in writing signed by the Parties hereto and specifically referring to this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound hereby, have each caused to be affixed hereto its or his/her hand and seal the day indicated.

Modio Health, Inc.	Oenida
Ву:	Ву:
Title:	Title:
Date:	Date:

Appendix A

The following Scope of License document outlines the license terms between Modio Health, Inc. ('Modio'), and Oneida, ('Customer') as established in the Licensing Agreement dated October 18, 2021.

PLATFORM FEES

OneView® Provider Management Platform Description	Pricing	Unit
OneView® Base		
Tier 1 (210 – 290 providers)	\$1,315/month	Flat Rate, includes 875 electronic auto-populated form sends
Tier 2 (291 – 370 providers)	\$1,655/month	Flat Rate, includes 1,100 electronic auto-populated form sends
Tier 3 (371 – 450 providers)	\$1,950/month	Flat Rate, includes 1,300 electronic auto-populated form sends
OneView® Implementation (via CAQH import – see attached document for details)	\$3,620	One-time fee up to 245 providers, includes 50 custom mapped forms
Electronic form completion	Included	Up to 875 sends per contract year
Custom Form Mapping	Included	Up to 5 custom mapped forms or edits per contract year
Affiliated Organization Access	Inquire	Per facility dashboard

TERMS

- 1. Customer coordinator accounts and teams will be created at no additional charge.
- 2. Unlimited remote training is included. Onsite training and support is available at a rate of \$950 per day, plus reasonable travel expenses at no markup.
- 3. 5 custom mapped forms or changes per contract year are included. Additional forms will be custom mapped at \$30 per form.
- 4. 875 electronic auto-populated forms (eSignature) per contract year are included at tier 1. \$2 per form after the amount allotted per tier.
- 5. Any integrations with customer systems and custom development will be agreed to under a separate scope of work agreement after appropriate discovery.
- 6. Affiliated organizations may be given access and the providers within that organization will be added to the tier on renewal.
- 7. All pricing is guaranteed for 30 days from the time of submission.
- 8. Data import will occur during implementation from CAQH profile import into the OneView™ platform. The data import is limited by the quality of the data provided by the customer and Modio will make its best effort to utilize the data provided by the customer. Primary items typically included during the import are: Provider name, title, email, NPI, state license number/expirations, DEA numbers/expirations, certifications with expirations, education/training, and facility affiliations.
- 9. Customer will be invoiced monthly, based upon the tiered fee scheduled outlined above. The tier for the initial term is set by the number of providers listed in this appendix for onboarding. Should the final number of providers on-boarded during the first 6 months exceed the current tier, the monthly rate will be adjusted to the new tier. For subsequent years, the tier will be determined by the number of active and archived providers on the platform on the last day of the renewal period. The monthly invoice will only be adjusted if the number of providers in a given month exceeds two tiers, including the current tier. Implementation fees will be invoiced on initiation of the implementation process. Monthly fees will be invoiced upon customer having access to OneView and will be prorated based on access date.

- 10. Modio will assist with client's document transition into OneView™, up to 20 documents per provider. If additional documentation uploads are required a separate addendum will be created after the scope of work is determined.
- 11. Final completion of the provider profile ("advanced profile completion") outside of the data import (see above) is the responsibility of the Customer. If Modio is requested to perform an advanced profile completion, the service can be performed for an additional fee based on the scope of work.

Beginning on the thirty-six (36) month anniversary of the Effective Date, and on each succeeding anniversary of the Effective Date during the Term of this Agreement, the then-current prices set forth in this Order shall be subject to a potential rate increase not to exceed five percent (5%).

Number of initial Providers: 265

PRICING

Table 1: Modio's OneView® platform pricing for this initiative

OneView® Provider Management Platform Description	Pricing (3-Year Term)	Unit 265 providers
OneView® Base		
Tier 1 (210 – 290 provid	\$1,315/month	Flat Rate, includes 875 electronic auto-populated form sends
Tier 2 (291 – 370 provid	ers) \$1,655/month	Flat Rate, includes 1,100 electronic auto-populated form sends
Tier 3 (371 – 450 provid	ers) \$1,950/month	Flat Rate, includes 1,300 electronic auto-populated form sends
OneView® Implementation (via CAQH import – see attached document for details)	\$3,460	One-time fee up to 245 providers, includes 50 custom mapped forms
Electronic form completion	Included	Up to 1875 sends per contract year
Custom Form Mapping	Included	Up to 5 custom mapped forms or edits per contract year
Affiliated Organization Access	Inquire	Per facility dashboard

TERMS

- 1. Customer coordinator accounts and teams will be created at no additional charge.
- 2. Unlimited remote training is included. Onsite training and support is available at a rate of \$950 per day, plus reasonable travel expenses at no markup.
- 3. 5 custom mapped forms or changes per contract year are included. Additional forms will be custom mapped at \$30 per form.
- 4. 875 electronic auto-populated forms (eSignature) per contract year are included at tier 1. \$2 per form after the amount allotted per tier.
- 5. Any integrations with customer systems and custom development will be agreed to under a separate scope of work agreement after appropriate discovery.
- 6. Affiliated organizations may be given access and the providers within that organization will be added to the tier on renewal.
- 7. All pricing is guaranteed for 30 days from the time of submission.
- 8. Data import will occur during implementation from CAQH profile import into the OneView[™] platform. The data import is limited by the quality of the data provided by the customer and Modio will make its best effort to utilize the data provided by the customer. Primary items typically included during the import are:

 Provider name, title, email, NPI, state license number/expirations, DEA numbers/expirations, certifications with expirations, education/training, and facility affiliations.
- 9. Customer will be invoiced monthly, based upon the tiered fee scheduled outlined above. The tier for the initial term is set by the number of providers listed in this appendix for onboarding. Should the final number of providers on-boarded during the first 6 months exceed the current tier, the monthly rate will be adjusted to the new tier. For subsequent years, the tier will be determined by the number of active and archived providers on the platform on the last day of the renewal period. The monthly invoice will only be adjusted if the number of providers in a given month exceeds two tiers, including the current tier. Implementation fees will be invoiced on initiation of the implementation process. Monthly fees will be invoiced upon customer having access to OneView and will be prorated based on access date.
- 10. Modio will assist with client's document transition into OneView[™], up to 20 documents per provider. If additional documentation uploads are required a separate addendum will be created after the scope of work is determined.
- 11. Final completion of the provider profile ("advanced profile completion") outside of the data import (see above) is the responsibility of the Customer. If Modio is requested to perform an advanced profile completion, the service can be performed for an additional fee based on the scope of work.



From: Randi Deckard

To: Jamie L. Willis

Subject: Re: Intellicentrics Medical Credentialing
Date: Wednesday, June 16, 2021 3:28:08 PM

Jamie,

Thanks so much for your time on the phone again today and for sending the RFP.

I'll be in touch if I have any questions.

Thanks,

Randi

From: Jamie L. Willis < jwillis@oneidanation.org> **Sent:** Wednesday, June 16, 2021 3:16 PM

To: Randi Deckard < rdeckard@intellicentrics.com > **Subject:** RE: Intellicentrics Medical Credentialing

SEC³URE Awareness: This message is from an external sender.

From: Randi Deckard <rdeckard@intellicentrics.com>

Sent: Friday, June 11, 2021 10:48 AM

To: Jamie L. Willis < jwillis@oneidanation.org> **Subject:** Intellicentrics Medical Credentialing

Hi Jamie, 226 employees x 319 = \$72,094

Thanks for your time on the phone today. Intellicentrics is committed to ensure we make sure your facility is trusted.

As discussed, there is no charge to Oneida for medical staff credentialing and as part of our \$100 million pledge there will be no charge for the first annual subscription. Since, you mentioned Oneida would like to pay for the medical staff after the first year (since the first year is free with pledge) the charge is \$319 per staff member.

As you discuss this with your team, let me know if I could set up a meeting to review to walk through our process as completing the RFP would certainly be challenging because of our

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I hope you have a wonderful weekend.

With kind regards,

Randi

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Quoltalioh151

555 Cajon St. Suite F Redlands, California 92373

United States

Phone: 1-888-337-0288 Email: sales@medtrainer.com **Quote #:** Q-03506-1

Date: 6/30/2021 11:11 AM

Expires On: 7/30/2021

Shipping Address

Jamie Willis
Oneida Nation
N7210 Seminary Rd.
Oneida, Wisconsin 54155
United States
9208694861
jwillis@oneidanation.org

Billing Address Oneida Nation N7210 Seminary Rd. Oneida, Wisconsin 54155 United States

SALESPERSON	EMAIL	SUBSCRIPTION TERM (Months)
Linda Womack	lwomack@medtrainer.com	60

PRODUCT	SUBSCRIPTION	BASE PRICE	UNIT PRICE	QTY	TOTAL PRICE
MT Credentialing Fully-Managed	Monthly	\$149.99	\$92.99	75	\$6,974.30
MT Credentialing Self-Managed	Monthly	\$99.99	\$19.99	75	\$1,499.25

MONTHLY SUBTOTAL: \$8,473.55

ONE-TIME PAYMENT SUBTOTAL: \$0.00

Oneida Business Committee Agenda Request

Accept the Stroke Prevention in the Wisconsin Native American Population quarterly report as information

1. Meeting Date Requested: 12 / 08 / 21
2. General Information: Session: Open Executive - See instructions for the applicable laws, then choose one:
Other - type reason
Agenda Header: Reports
Agenda Header. neports
Accept as Information onlyAction - please describe:
Written quarterly report of Stroke Prevention Study.
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 Unbudgeted
5. Submission
Authorized Sponsor / Liaison: Ravinder Vir, Division Director/Medical
Primary Requestor/Submitter: Ravinder Vir, MD, OCHD Medical Director Your Name, Title / Dept. or Tribal Member
General Manager Signature: Mark W. Powless 11/3/2021 2:15 PM PDT Name, Title / Dept.
Additional Requestor: Name, Title / Dept.

Oneida Business Committee Agenda Request

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Describe the purpose, background/history, and action requeste	escribe the purpose	e, background/history,	and action	requested
---------------------------------------------------------------	---------------------	------------------------	------------	-----------

The following is a an attached quarterly report on the University of Wisconsin-Madison Stroke Prevention Study to be received as information only.

- 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

Project: "Stroke Prevention in the Wisconsin Native American Population"

The "Stroke Prevention in the Wisconsin Native American Population" is a partnership between the Oneida Comprehensive Health Division (OCHD) and the University of Wisconsin-Madison Stroke Team (UWMST). The team participated in two health fairs at Oneida Just Move It events prior to the start of the COVID-19 pandemic, and provided educational materials at the 2020 Oneida Family Night -prior to the COVID-19 pandemic.

Since our last report, the OCHD-UWMST team has hired, recruited and trained a dedicated Health Wellness Coach for this project.

To date, the OCHD-UWMST team has examined and intensively counselled 39 participants at high risk for stroke, in April, May, July, August and October of 2021 and are planning to see additional participants November 29-30, and December 15-17, 2021.

The team created an educational website to share information with the entire tribe about stroke risk factors, how to assess individual risk factors and how to reduce risk factors for stroke. The team has started the study to determine what risk factors are most prevalent in Native Americans, examine biomarkers associated with stroke risk factors in Native Americans, and examine how Health Wellness Coaches may help individuals reduce their risk for stroke. Participants enrolled in the study see a physician to review their health history and risk factors for stroke, participate in a cognition test, have an ultrasound performed imaging the carotid arteries (arteries in the neck), have a blood draw and see a health wellness coach.

In addition to these study activities, the project works closely with the University of Wisconsin-Madison, Native American Center for Health Professions (NACHP), to offer opportunities to Native American medical students to work on this project. To date, the project has had two Native Americans Students funded by the UW School of Medicine and Public Health Shapiro Summer Research Program. These two Shapiro Scholar have presented their work at the Shapiro Medical Student Forums held in 2021 and 2022.

In addition, working together, the OCHD-UWMST have presented our work at the Toward One Wisconsin 2021 Conference, which was held virtually October 12-13, 2021.

Oneida Business Committee Agenda Request

Accept the Bay Bancorporation Inc. FY-2021 4th quarter report

1. Meeting Date Requested: 12 / 8 / 21

2. General Information: Session: □ Open □ Executive - See instructions for the applicable laws, then choose one: Agenda Header: Reports Accept as Information only Action - please describe: 3. Supporting Materials □ Report ☐ Resolution ☐ Contract ☐ Other: 1. Quarterly report from Bay Bank for Open Session ☐ Business Committee signature required 4. Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted 5. Submission Jeff Bowman, Bay Bank Authorized Sponsor / Liaison: Jeff Bowman, President, Bay Bank Primary Requestor/Submitter: Your Name, Title / Dept. or Tribal Member **Additional Requestor:** Name, Title / Dept. **Additional Requestor:** Name, Title / Dept.

Oneida Business Committee Agenda Request

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Describe the purpose, ba	ackground/history, and	daction requested:
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provide a summar	iting its quarterly corpo y of the Bank's financial	rate report to t results for the	the BC in C quarter e	pen Sessio nded 9/30/2	n. Mana 21.	gement of	Bay Bank Will
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- 1) Save a copy of this form for your records. Save a Copy...
- 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

Bay Bank

QUARTERLY REPORT

Quarter ended September 30, 2021

A.

BAY BANK

Submitted by:

Jeff Bowman, Board Member

Directors:

Fern Orie, Bob Jossie, Jeff Bowman,

Todd Van Den Heuvel, Elaine Skenandore-Cornelius

Oneida Business Committee Contact:

David Jordan

B.

MINUTES

None Submitted

ACTION TAKEN

No Tribal Policy changes.

D.

FINANCIAL

Note that various financial reports

December 31, 2021, is Bay Bank's fiscal year end.

E.

SPECIAL EVENTS AND TRAVEL

None

F.

PERSONAL COMMENTS

Bay Bank account numbers as of September 30, 2021:

1,646 Checking Accounts

475 Business Checking Accounts

147 Money Market Accounts

- 1,709 Savings Accounts
 - 301 Certificates of Deposit
 - 108 Commercial Real Estate Loans
- 1,091 Residential Real Estate Loans
- 280 Business Loans
- 579 Consumer Loans
- 34 Oneida Small Business 2000 Loan Program Loans

The Oneida Small Business Loan Program 2000 that is administered by Bay Bank started on May 1, 2002. As of this date over \$ 15.0 million in new loans have been made to over 144 new or growing Oneida tribal member owned businesses.

The Section 184 mortgage loans serviced under FHLB MPF program totaled \$87.6 million on September 30, 2021. There are 707 loans in the program currently.

G.

GOALS AND OBJECTIVES

2021 GOALS:

GOAL A: Bay Bank will strive to attain a minimum 0.70% Return on Assets for the year ending December 31, 2021. Return on Assets (ROA) is a common measurement of a bank's profitability. This ratio informs you how well the bank is managing and investing the bank's assets.

2021 ROA Goal	2021 YTD ROA Actual	2021 Peer Group Average
0.70 %	1.90%	1.04%

GOAL B: Bay Bank will strive to attain a minimum 7.00 % Return on Equity for the year ending December 31, 2021. Return on Equity (ROE) is the measurement of how well the bank is performing for its stockholder.

2021 ROE Goal	2021 YTD ROE Actual	2021 Peer Group Average
7.00 %	19.55 %	10.15 %

Bay Bank had budgeted total loans for the quarter ended September 30, 2021, in the amount of \$ 77.7 million. Total loans on September 30, 2021, were \$ 82.7 million, an increase of \$ 5.0 million from budget. Loans increased \$ 2.3 million over the 12-month period ended September 30, 2021.

Bay Bank had budgeted total deposits for the quarter ended September 30, 2021, in the amount of \$ 115.0 million. Total deposits on September 30, 2021, were \$ 172.4 million, an increase of \$ 57.4 million over budget. Deposits increased \$ 81.6 million for the past twelve months, the result of increase in transaction accounts, savings deposits and time deposits.

H. MEETINGS

Monthly meeting on the fourth Thursday of each month. Well attended.

Accept the Oneida Alignetideo Balk Sinexx alignm Frit 2002 Algebrular Recress tt

1. Meeting Date Requested: 12 / 08 / 21
2. General Information: Session: ☑ Open ☐ Executive - See instructions for the applicable laws, then choose one:
Agenda Header: Reports
 ☐ Accept as Information only ☑ Action - please describe:
Motion to accept the FY21 4th Quarter Report.
3. Supporting Materials Report Resolution Contract Other:
1. OAHC d/b/a Radisson 4th Qtr Report 3.
2. Three Clans Airport 4th Qtr Report 4.
☐ Business Committee signature required
4. Budget Information ☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted
5. Submission
Authorized Sponsor / Liaison:
Primary Requestor/Submitter: Kathy Hughes, OAHC Board Chairwoman Your Name, Title / Dept. or Tribal Member
Additional Requestor: Name, Title / Dept.
Additional Requestor: Name, Title / Dept.

Oneida Airport Hotel Corporation Radisson Hotel & Conference Center Quarterly Report For the quarter ended: September 30, 2021

Narrative Section:

- Q4 STR Occupancy YOY index up 103.1%; ADR YOY up 115.1%; RevPar YOY index up 118.8% compared to comp set.
- Ranking for the fourth quarter from the STR Report the Radisson is 2 out of 9 based on REVPAR and 3 out 9 based on Occupancy.
- The Radisson averaged for Fourth Quarter a 46.9% Occupancy, ADR of \$131.09 and a RevPar of \$61.54.
- Revenues for the fourth quarter were \$3,842,359 which is up \$2,193,566 YOY and down \$433,013 to 2019. The increase YOY is due to the vaccine, Ryder cup event, fans in the stands and people traveling again.
- Q4 saw an uptick in business as vaccinations increase for business travel. More sports blocks booking in and transient pick up with the Casino attached. Groups returning as well as Packers fans for home games.
- Sales team currently at Director Sales, 2 Sales Manager's, Corporate Revenue Manager,
 2 Catering Manager's, Sales Admin and Catering Coordinator

Competitive analysis:

- Green Bay area hotels currently fighting for same pieces of transient business and putting offers and deals/packaging out to gain occupancy.
- Corporate guests just starting to travel a little, not as much as prior due to state restrictions/travel restrictions etc. Also, government restrictions still in place for those who travel for government.

Strategies for improved value:

- Developed packaging & incentive bookings for Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for need months.
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition, as well as utilizing their Meeting Planner incentive programs and transient booking promotions.
- Working with Aimbridge Regional properties to gain leverage and recognition.
- Working closely with Discover Green Bay (formerly CVB) in all Sales markets to keep top of mind and participate in all sales initiatives.
- Attended Connect marketplace in August to gain exposure and leads for Association and Social groups.
- Ensuring all Safety Protocols being enforced in meeting and catering groups booked.

Material changes or developments in market/business:

- Red Lion in Appleton announced soon to be a Hilton in our STR comp set.
- Holiday Inn Appleton now a DoubleTree by Marriott in our STR comp set.

Market growth:

- Legacy Hotel due to break ground 2022 79 room property. This hotel is being built in the former Brett Favre Steakhouse location.
- Cobblestone in DePere broke ground & due to open in 2022 60 room property. Hotel will include a restaurant called Wissota Chophouse. This is being built on the corner of 5th & Main in DePere.

Pending legal action:

Yes

Oneida Airport Hotel Corporation Three Clans Airport, LLC Quarterly Report For the quarter ended: September 30, 2021

Narrative Section:

- Q4 STR Occupancy YOY index up 3.0%; ADR YOY up 7.3%; RevPar YOY index up 10.5% compared to comp set.
- Ranking for the third quarter from the STR Report the Wingate is 2 out of 7 based on REVPAR and 3 out 7 based on Occupancy.
- The Wingate averaged a 58.2% occupancy for the fourth quarter and a RevPar of \$62.54. For the Fourth Quarter, the Wingate ended with a \$107.51 ADR Index.
- Revenues for the fourth quarter were \$474,398 which is up \$241,669 YOY and down only \$61,357 to 2019. The increase is due to the vaccine, fans in the stands and people traveling again.
- Green Bay hotels continue to be in competition for the same piece of business.
- The Wingate will be getting a Wyndham remote sales associate in November to help increase room revenue.

Competitive analysis:

- The competitors ran a REVPAR of \$73.11 for the quarter.
- The competitive set had an occupancy of 70.4% and an ADR of \$10387.

Strategies for improved value:

- The Wingate's strategy is to continually grow rate. Discounted rates will still be offered for slower dates but not as much as they have been in the past.
- The Wingate continues to use all 3rd party booking channels to increase bookings on low demand dates but is not using opaque rates as often.
- The Wingate will be getting a Wyndham remote sales associate to help increase room revenue.
- The Wingate is also focusing on growing its small meeting business
- We continue to focus our attention on customer service to ensure the best possible service for all our guest.
- Wyndham now allows us to run our own mobile deals, flash sales and member deals to help increase occupancy.
- The Wingate continues to reach out to existing and new companies.

Material changes or developments in market/business:

• Microtel Hotel closed in Ashwaubenon. This hotel was in our STR Comp set.

Market growth:

- Legacy hotel to tentatively open 2022. This is 5 story luxury hotel with 79 suite rooms. Will be located at 1004 Brett Favre Way GB.
- Cobblestone Hotel & Suites De Pere WI 60 rooms.

Pending legal action:

• Nothing at the moment

Oneida Business Committee Agenda Request

Accept the Oneida ESC Group, LLC FY-2021 4th quarter report

1. Meeting Date Requested: 12 / 8 / 21

2.	General Information:	
	Session: Open Executive - See instructions for the applicable laws, then choose one:	V
	Agenda Header: Reports	▼
	Action - please describe:	
	Oneida ESC Group FY2021 4th Quarter Report	
3.	Supporting Materials ☑ Report ☐ Resolution ☐ Contract ☐ Other:	
	1.	
	2. 4.	
	☐ Business Committee signature required	
4.	Budget Information	
	☐ Budgeted - Tribal Contribution ☐ Budgeted - Grant Funded ☐ Unbudgeted	
5.	Submission	
	Authorized Sponsor / Liaison: Kirby Metoxen, Councilmember	V
	Primary Requestor/Submitter: John Breuninger, Oneida ESC Group Chairman of the Board Your Name, Title / Dept. or Tribal Member	
	Additional Requestor: Name, Title / Dept.	
	Additional Requestor: Name, Title / Dept.	

Public Packet 142 of 151



Oneida ESC Group, LLC

4th Quarter Report – FY21 November 10, 2021

OESC Board of Managers:

John L. Breuninger, Chairman
Jacquelyn Zalim
Leslie Wheelock

Oneida ESC Group, LLC (OESC), was formed in 2012 as a holding company to house subsidiaries to do business with the federal government. OESC has six subsidiaries, Oneida Total Integrated Enterprises (OTIE), Mission Support Services (MS2) and General Mechanical Corp (GMC), Sustainment and Restoration Services (SRS), Oneida Engineering Solutions (OES) and 1822 Land and Development Company of Oneida (1822).

OESC's subsidiaries are supported by OESC with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

Narrative Report

a. Explanation of the core of the Corporation's business practices and market overview

OESC's subsidiary limited liability companies focus on contracts issued by the government agencies for engineering, science and construction work. OESC's revenue is derived from the subsidiaries that operate in the full and open market as well as the Small Business Administration Business Development Markets primarily as 8(a) and Small Business designated companies.

OESC and its subsidiaries are a highly technical organization providing research /investigation, design, engineering and project management. Oneida ESC Group operates in five core services:

- Environmental services Assessment, investigation, design, testing and monitoring
- Remediation Action Planning, project management, extraction of contaminated materials.
- Construction and demolition Repair, service, abatement, renovation and new.
- Engineering Services Design and project managements for sites and site design, structural, mechanical, plumbing, civil, structural, water / wastewater systems and storm water management.
- Munitions response services Investigation and remediation of munitions and ordinances.

Oneida Total Integrated Enterprises (OTIE) – Competes in the full and open marketplace as a small business (less than 750 employees). Core competencies include environmental services, environmental remediation, engineering services and project management.

Mission Support Services (MS2) – 8a Graduation date is 3/15/2023. MS2 is focused on construction management contracts. Core competencies include construction management services, New and renovated structures, HVAC systems and controls Utility systems - water, sewer, gas, electrical, Electrical power generators, transformers, and distribution, Communication and security systems, Interior remodeling, upgrades focused on the federal market with supplemental markets includes commercial and tribal construction projects.

General Mechanical Corporation (GMC) is subsidiary company to MS2 and operates mainly as an HVAC Contractor and General Contractor in Daytona FL.

Sustainment & Restoration Services (SRS) – 8a Graduation date is 2/18/2024. SRS core competencies include facility investigations, corrective measures design/implementation, remedial designs/remedial actions, including characterization, assessment, and cleanup, Wetlands assessment and wetlands restoration design, Brownfields – Phase I & II ESAs, Technical Enforcement Support Facility and asset inventory, evaluation, and assessment Engineering design for site development, utility systems, facilities Engineering design for wastewater treatment and sewerage systems, and specialized professional services manpower solutions.

Oneida Professional Services (OPS)- is a full spectrum professional services group providing a wide array of manpower solutions to government and commercial clients. Services include training and educational support services, a broad spectrum of specialized technical support for complex training environments and advanced learning for the Naval Postgraduate School, Masters and PhD-level engineers and research scientists. OPS also manpower for software engineering services, including areas across the expanding IT universe.

Oneida Engineering Solutions (OES) – OES focuses on performing transportation engineering services for governmental agencies (Federal, State and Local). Work is federally funded and abides by the Brooks Act; requiring selection based on competency, qualifications and experience. OES has been certified as a Disadvantage Business Enterprise in the State of Wisconsin.

1822 Land and Development Company of Oneida (1822) – 1822 is a real estate holding company that owns, leases and sub-lease various real estate holdings in and around the Oneida Nation Reservation. The overall goal is to grow the portfolio that meets the needs of the Oneida Nation and the Northeastern WI.

b. Explanation of the Corporation's current place within the market

OESC operates in a fiercely competitive and expanding market. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OESC. Competitive factors for our success include performance reputation, network, price, geographic location, and availability of technically skilled personnel (flexibility).

Three of the top five federal spending agencies awarding non-competitive contracts are OESC customers.

c. Explanation of the outlines of strategies by the Corporation for improved value in the market

OESC's subsidiaries are positioned to take advantage of existing relationships, contracts, and networks OTIE established since 2008.

We continuously evaluate solutions to broaden and capture a larger share of the Federal and

State markets. Each subsidiary operates based on primary NAICS codes with secondary NAIC codes that overlap with the sister companies.

d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market

Our competitors include Small Businesses, Alaskan Native Corporations (ANCs); Native American Owned, tribally owned small businesses; and Native Hawaiian Organizations (NHOs). Each of these businesses is in a category of small business that may be awarded prime contracts without competition. Oneida ESC subsidiaries also compete against other 8(a) firms for set-aside acquisitions, including small businesses that are categorized as Woman-Owned, HUB Zone, Service-Disabled Veteran Owned small business, and others. Finally, Oneida ESC competes in the full and open markets without restrictions.

Typical competitors include Small Business firms with fewer than 750 employees in NAICS 562910. Another area of significant competition is the regional Transportation Engineering firms in Wisconsin for WI DOT work (OES).

e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period.

We are responding to several major proposals and anticipate additional RFPs to be published in the final quarters. Keep in mind these are best estimates and the government may or may not publish request for proposals at their intended dates. There are several smaller opportunities that we are tracking and proposing on including sole source opportunities. We are also prepared for year-end pursuits where we will position for sole additional source opportunities.

f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

Goals for Oneida ESC Group

Growth at a reasonable rate is the primary business goal for OESC. Financial reward for OESC is when we align our investment strategies according to our client's mission priorities.

Targets for OESC Subsidiaries:

Opportunities continue to exist in geographies where OTIE, MS2, SRS and OES have successful past performance; and where personnel involved in such projects have established strong relationships with teaming partners and clients. Opportunities continue to emerge based on combined efforts of OESC's marketing and sales efforts. Target clients continue to include Department of Defense agencies (various bases – Navy, Air Force, and Army), Environmental Protection Agency, WI Department of Transportation, Milwaukee Metropolitan Sewer District and the Oneida Nation.

New target clients include extended services on existing bases, geographical growth on "new" bases where OESC has not performed work on in the past, municipalities geographically related to OESC offices and other Tribal Nations.

- g. Identification of key elements for success in strategies given, including risks, resources, and relations available and needed in order to successfully fulfill outlined strategies *Key elements for success in the OESC model include:*
 - Meeting performance indicators, including safety, staff turnover, profitability, staff utilization, backlog, and capacity.
 - Adapting to a changing customer base, contract type, or key skill set. We recognize and reconfigure based on identified needs to delivery strategic growth.
 - Identification of contract capacity and access is under regular review.
 - Increasing our geographic footprint and capabilities.

Risk in the marketplace

- We operate in highly competitive industries
- Contracting is often erratic and unpredictable; cancellations or delays in pending awards by government agencies could adversely affect us
- International operations carry additional risk
- Loss of key personnel
- Adoption of new contract laws or regulations.

h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies, and risks

Our medium and long-range prospects for sustainability are balanced by business diversification and consistent project management delivery.

We have successfully groomed long-term business relationships with key US Agencies for services delivered around the world. Contracting with the US government remains a reliable strategy in terms of payment, stability, and growth opportunity.

Medium-term prospects

OESC's prospects in the two- to five-year term rely on our sturdy performance in engineering, science, and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients. OESC continues to focus on business development and talent acquisition to meet our growth metrics.

Long-term prospects

OESC envisions steady growth with our key customers over the long term. OESC is nimble and agile, allowing us to focus on governments funding flows.

Continued reliance on low-price awards is a staple in our business model and we continue to adjust the pricing structure to ensure that we remain competitive. We continue to concentrate marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either small business participation or our specialized expertise.

i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)

We have made a concerted effort on our fence-to-fence contracts which is environmental operations and compliance services. We also see growth in our traditional engineering services such as civil, mechanical, electrical, etc.

j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.

OESC ASSETS

Financial (On Balance Sheet)

Cash - Checking Account

Work In Process on Current Projects

Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment Other Assets such as Prepaid Expenses, Investment

Employees

OESC - 47 employees (includes 1822 employees)

OTIE – 136 employees

MS2 – 78 employees (includes GMC employees)

SRS - 120 employees

OES - 37 employees

OPS - 1 employee

Customers

75% of Revenue from Federal clients.

k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.

USACE Huntington District has directed OTIE to perform additional excavation work that OTIE considers to be out of scope on one of OTIE's remediation projects at the Plum Brook Ordnance Works site in Ohio. OTIE worked with counsel and submitted a claim on April 14 for a price of \$1,087,160.15. The government responded to confirm that we will receive the Contracting Officer's Final Decision by November 15, 2021.

<u>Deadlines</u>

Oneida Business Committee Agenda Request

Instructions

Accept the Oneida Golf Enterprise FY-2021 4th quarter report

1. Meeting Date Requested: 12 / 08 / 21	
2. General Information: Session: ○ Open	V
Agenda Header: Reports	T
 ☐ Accept as Information only ☑ Action - please describe: Accept Oneida Golf Enterprise FY-21 4th-Quater Report 	
3. Supporting Materials Report Resolution Contract Other: 1. Oneida Golf Enterprise Quaterly Report 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: Justin Nishimoto, Business Analyst, OGE Agent Your Name, Title / Dept. or Tribal Member	
Additional Requestor: Name, Title / Dept.	
Additional Requestor: Name, Title / Dept.	





Oneida Business Committee Agenda Request

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

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Oneida Golf Enterprise Corporation

Fiscal year-To-Date Reporting for period Ending:

September 2021

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Nation established to oversee and manage the business known as Thornberry Creek at Oneida.

Narrative Report

Business Overview

4th Quarter FY21 - July, August, September

The 4th quarter had great results compared to budget and LY due to strong golf rounds and increased revenue in the restaurant and events. Golf rounds were down slightly compared to 4th Quarter LY, but Average Daily Round was \$5 higher than LY at \$33. The Ryder Cup had a significant impact on our number of golf rounds and ADR during the month of September.

Net Operating Income (NOI) missed Q4 budget by \$5,420; however, we exceeded the Annual NOI budget by \$406,408. As a reference the FY20 numbers included a PPP Loan of \$434K, which was recorded as a negative expense in the month of September. This is why the other expense category is skewed. Also, management fees exceeded budget due to the incentive payment due to KemperSports based on financial performance as indicated in the contract. This was placed in the FY22 budget.

- Overall Q4 revenues exceeded budget by 13% or \$206,000 and exceeded PY by \$337,162
- FY21 revenues exceeded budget by 17% or \$538K and LY by 37%
- Q4 Operating expenses were over budget by 27.5% due to increased revenue and timing of aeration and higher than LY due to the PPP Loan of \$434K recorded as a negative expense in September.
- FY21 OPEX ended the year 1% under budget
- Net Operating Income missed budget by 1% for Q4, but exceeded budget by \$406K for the year and exceeded LY by 313%.

Personnel Update:

- General and Administrative
 - o Holly Williams General Manager
 - Kathleen Kaminski Controller

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- Course & Grounds
 - Steve Archibald Golf Course Superintendent (furlough for the month of January)
 - o Pete Nowak Assistant Golf Course Superintendent
 - o Ed Brusky Golf Course Fleet Mechanic
- Golf
 - Travis Relyea Head Golf Professional
 - Nate Kroll Assistant Golf Professional (seasonal)
- Food and Beverage
 - Adam Marty Executive Chef and Food & Beverage Director
 - o Banquet Chef Oakley Arnold
 - Brittni Hemauer Food & Beverage Manager (resigned August 2021 for a job at the Radisson)
 - Joy Lundberg Sr. Food & Beverage Manager
- Clubhouse Maintenance
 - Mike Gottfried Clubhouse Supervisor
- Sales and Marketing
 - Chelsea Kocken Director, Sales & Marketing
 - Tawny Casey Manager, Marketing & Events
 - Tammy Hardwick Event Coordinator

Key Performance Highlights Q4:

- The event business was strong with Restaurant Week, (18) weddings, (31) golf outings and (23) social/corporate events and (6) internal events, which included (2) different Charles Woodson experiences which generated \$19K in revenue.
- Aeration was performed earlier in the season to allow for the best conditions possible during Ryder Cup
 Week. The Legends Course was aerated in August and Iroquois at the beginning of September.
- Ryder Cup had a significant impact on total golf rounds and ADR. The rounds were dynamically priced during this week and all home Packer game weekends along with advance buying windows outside of the normal range. This allowed us to capture more rounds at higher prices based on demand.
- Total Q4 rounds were down 1,500 or 6% compared to LY, but ADR was up \$5.
- Total rounds for FY21 were up 6,000 or 11.7% compared to LY

Key Performance Issues Q4:

- Staffing levels continued to be a constant challenge across all departments, but with the most impact on Food & Beverage
- Supply chain issues caused delays of shipments for range balls and golf balls to be sold in the Pro Shop. We were out of new golf ball product by the middle of September.

Player Development Q4:

- Leagues ended at the end of August and beginning of September
- All junior golf programs ended in July to include PGA Jr. League, PREP Program and Junior Players Program
- The Annual Adult/Child tournament took place on August 15th
- Pro Tip Tuesday has continued through the entire golf season