

Title 6. Property and Land – Chapter 608
DISPOSITION OF EXCESS TRIBAL PROPERTY POLICY

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608.1. Policy and Purpose

608.1-1. All excess property of programs and enterprises of the Oneida Tribe of Indians of Wisconsin is the property of the Tribe, including property which is no longer needed within the program or enterprise.

608.1-2. It is the policy of the Tribe to provide excess property to Tribal members as a first priority, either through use by departments or by directing the departments to transfer the property to Tribal members. To the extent possible, Tribal property will be reassigned to other departments, or auctioned, otherwise sold, or donated to Tribal members to maximize the benefit of the property to Tribal members. Second priority shall be given to local Indian organizations. In cases where non-Tribal entities have an interest in the property, open bidding may be required on the excess property.

608.2. Adoption, Amendment, Repeal

608.2-1. This policy is adopted by the Oneida Business Committee under authority delegated by the Oneida General Tribal Council by Resolution # BC-3-5-97-C.

608.2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

608.2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

608.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

608.3. Definitions

608.3-1. This section shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Excess property" means property not utilized by the entity of the Tribe, whether as a result of replacement equipment, upgrade to equipment, or out-of-date equipment. Excess property shall include confiscated property obtained under the authority of the Oneida Tribe or other jurisdictions which shall not be returned to the original owner. Excess property shall not mean real estate or buildings thereon, whether leased or owned by the Tribe or any gaming devices or equipment and/or supplies that are unique to the operation of Class II and/or Class III gaming and are not common to regular Tribal Operations.

(b) "Value" as used herein means either the book value or market value, whichever is

greater.

(c) "Gaming Property" that equipment specifically identified as gaming equipment either in the Oneida Tribal/State Compact, the Comprehensive Gaming Ordinance, or the Indian Gaming Regulatory Act involved in Class I, Class II, or Class III gaming. In addition, any equipment specifically identified by the Oneida Gaming Commission as gaming equipment.

608.4. Procedures

608.4-1. The Accounting Property Management Office will send out a notice on a quarterly basis to all directors requesting a list of excess property. The Property Management Office will group the listing by Division. The entire list will be sent to the Tribal Treasurer and the General Manager.

608.4-2. The General Manager will report a listing of excess property to the appropriate Division Director. Depending on the type of property, the Division Director will establish a team for the evaluation and proper disposal of the excess equipment.

608.4-3. The team will consist of

- (a) Division Director
- (b) Buildings and Grounds Manager - Vehicles
- (c) MIS Manager - Computers
- (d) Land Director - Land
- (e) Property Management Office
- (f) Purchasing Supervisor - Office Equipment, Furniture
- (g) Chief Financial Officer

608.4-4. An evaluation and description of the property will be made by the appropriate department as noted above. It will be determined whether or not other entities have an interest in the property and the Property Management Office will be contacted to identify any required procedures for disposal. Provided no requirements restrict the disposal, the following procedures will be used.

608.4-5. If the property description is similar to a budgeted need of a program or enterprise, this program or enterprise will be assigned this equipment if it is in satisfactory condition and will satisfy the needs.

608.4-6. If the property is not in a program or enterprise budget, a notice will be sent to all departments, including the description, condition, and value of the equipment. The Property Management Office will notify the appropriate Accounting personnel that a transfer has occurred which was budgeted for under the capital asset budget line item and that amount budgeted should be transferred to the General Budget line of the Oneida Tribe.

608.4-7. Asset tags shall be removed or destroyed on property disposed of through this policy. Prior to removal or destruction, notice will be forwarded to the Accounting Property Management Office with the following information:

- (a) Description of the asset
- (b) Asset tag number
- (c) Amount for which asset was disposed of. Provided that assets donated shall be so noted.

608.5. Community Benefit

608.5-1. Certain excess property may benefit community members. The team established may recommend the excess property be donated to community members in need. This recommendation will include a fair and equitable distribution plan. Prior to all distributions approval from the Oneida Business Committee shall be obtained.

608.6. Public Auction

6-1. If no tribal department is interested in this equipment, and it is determined not to donate the property to community members, a public advertising regarding the property will be made to Tribal membership. Sealed bids will be required for this process. Provided that, the team established may recommend a public auction because of the nature and quantity of items.

6-2. Present at the bid opening will be the committee established, and for equipment valued at over \$50,000, the Treasurer will be included.

608.7. Gaming Equipment

608.7-1. All gaming equipment shall be disposed as set out in this section.

608.7-2. Gaming equipment shall be inventoried by the Department Director and shall be listed in an orderly fashion identifying:

- (a) Type of equipment
- (b) Asset number - including both Tribal and manufacturer numbers as well as any other identification number associated with the machine to aid in identification
- (c) Value of equipment as listed in Tribal asset listings
- (d) Recommended disposition of equipment.

Provided that, during the disposal process, all gaming equipment shall be stored in a secured area.

608.7-3. This list shall be forwarded to the Gaming General Manager, or designated personnel, and to the Gaming Commission. Provided that, no action to dispose of equipment may take place, excluding the identification of an approved licensed manufacturer or distributor, within ten days of notification being sent to the Gaming Commission.

608.7-4. Gaming equipment shall be disposed of in accordance with applicable laws, including the Oneida Tribal/State Compact, the Comprehensive Gaming Ordinance, the Indian Gaming Regulatory Act, or as otherwise specifically designated by the Gaming Commission.

608.7-5. Upon disposal, notice of final disposal destination shall be forwarded to the Gaming Commission.

End.

Adopted - 4-20-94, motion (Rescinded by BC-03-05-97-C)
Adopted - BC-3-5-97-C