



# MEMORANDUM

TO: Oneida Business Committee  
 FROM: Lawrence Barton, Chief Financial Officer  
 DATE: July 9, 2021  
 RE: **Fiscal Impact of the Lori Elm Petition – Real Property Law and Evictions**

**I. Estimated Fiscal Impact Summary**

<b>Petition – Real Property Law and Evictions</b>		
<b>Implementing Agency</b>	General Tribal Council Oneida Business Committee Oneida Comprehensive Housing Oneida Police Commission Oneida Land Commission Oneida Comprehensive Health	
	<b>Fiscal Year 2022</b>	<b>Ten Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	\$237,600	\$253,800

**II. Background**

The petition contains the following:

“Requesting a GTC meeting be held either by either virtual or in-person, regarding the Real Property Law, concerning Eviction and Termination, to discuss the following:

1. The stipulation of vacating your home in five (5) days, from the time of the incident is or should be considered unconstitutional; and
2. There should be due process to protect the heads of household leases from losing their homes and include procedures in case they do, including timeframes for them to sell their homes;
3. There should be implementation of a chart of penalties (i.e. drugs and type, violence, sexual abuse or assault, human trafficking and all unlawful activities) including intent

- of eviction, notice with timelines, from the date of the incident as well as date of notice and including due process;
4. When the head of household is not the occupant in violation, an advocate board made up of representatives from the Oneida Land Commission, Oneida Police Commission, Behavioral Health, and Comprehensive Housing Division be created to consider entering into a compliance agreement that:
    - a. Outlines behavior or property for a period of time before termination/eviction of lessee is implemented; and
    - b. Removes the occupant in violation, but provides an opportunity for him or her to enter into a new lease or reside back at the original residence upon successful treatment plan and stability review approval by the advocate board; and
  5. There is an evaluation of how one can be held responsible for activities, including address on citation, activity at residence, accusations and/or any other ways, with timelines for getting another lease and how.

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

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs.

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

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

### **III. Executive Summary of Findings**

The three (3) year average attendance at a General Tribal Council meeting is 1,708. The current General Tribal Council meeting stipend is \$100 per member. The petitioner requires the creation of an advocate board. The petitioner doesn’t specify if the board is appointed or elected. The fiscal impact assumes an appointed advocate board of two board members and three employees; monthly meetings; and appointed board members receiving stipends of \$75 per meeting.

The fiscal impact of the due process, chart of penalties, and evaluation of how one can be held responsible for activities is indeterminate.

### **III. Financial Impact**

Based on an average attendance of 1,708 members at a General Tribal Council meeting, the cost to hold the requested General Tribal Council meeting is a one-time cost of \$170,800 for stipends and meeting costs of \$65,000 if the General Tribal Council meeting is held in Fiscal Year 2022. Oneida Business Committee Resolution 04-08-20-F stopped payment of General Tribal Council Stipends in Fiscal Year 2021 as a result of the COVID Pandemic.

The annual cost for the addition of an advocate board is \$1,800 assuming two appointed board members, 12 monthly meetings, and a \$75 stipend for each appointed board member.

### **IV. Recommendation**

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