

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Meeting Materials October 26, 2016

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 282 pages are the Closed Session meeting materials presented at a meeting duly called, noticed and held on the 26th day of October, 2016.

A handwritten signature in blue ink that reads "Lisa Summers". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa Summers, Tribal Secretary
Oneida Business Committee



Oneida Business Committee

Executive Session
9:00 a.m. Tuesday, October 25, 2016
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
9:00 a.m. Wednesday, October 26, 2016
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: oneida-nsn.gov/government/business-committee/agendas-packets/

I. CALL TO ORDER AND ROLL CALL

II. OPENING

III. ADOPT THE AGENDA

(pp. 1-8)

IV. OATHS OF OFFICE

A. Environmental Resources Board – Weldon “Ted” Hawk

(pp. 9-10)

B. Southeastern Oneida Tribal Services Advisory Board – Felicia Bernhardt ([via Polycom](#))

(pp. 11-12)

V. MINUTES

A. Approve October 12, 2016, regular meeting minutes

(pp. 13-29)

Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

A. Adopt resolution entitled Back Pay Law Amendments

(pp. 30-49)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

B. Adopt resolution entitled Election Law Permanent Amendments

(pp. 50-90)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

C. Adopt resolution entitled Leasing Law Amendments

(pp. 91-123)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

D. Adopt resolution entitled Drug & Alcohol Free Workplace Policy Emergency Amendments

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee (pp. 124-140)

VII. STANDING COMMITTEES**A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

1. **Accept October 5, 2016, Legislative Operating Committee meeting minutes** (pp. 141-143)

B. Finance Committee

Sponsor: Tribal Treasurer Trish King, Chair

1. **Approve October 17, 2016, Finance Committee meeting minutes** (pp. 144-149)

VIII. UNFINISHED BUSINESS**A. Review final report and accept recommendation regarding Medicare Part B Research** (pp. 150-161)

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM APRIL 08, 2015: Motion by Melinda J. Danforth to defer the Medicare Part B research back to the Comprehensive Health Division Directors and to comeback with a report in 90 days that researches the opportunities we would have to provide insurance to those individuals of 65 and over that are Oneida Tribal members and have a work meeting with the directors to clarify and develop the scope, seconded by Lisa Summers. Motion carried unanimously

EXCERPT FROM FEBRUARY 11, 2015: Motion by Melinda Danforth to accept the Oneida Nation Commission on Aging report and that the request from ONCOA regarding researching whether or not the Tribe should pay for Medicare Part B benefits for Tribal members who use the Oneida Health Center be assigned to the Comprehensive Health Division Directors to research and bring back in 60 days, seconded by Lisa Summers. Motion carried unanimously.

B. Accept close-out report regarding 340-B certification and determine next steps (pp. 162-173)

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

EXCERPT FROM OCTOBER 12, 2016: Motion by Fawn Billie to accept the close-out report; to include the sales comparison; and request the report to be released from executive session by placing it into open session for the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

C. Defer update regarding vacancies on the Oneida Personnel Commission to the November 9, 2016, regular Business Committee meeting (pp. 174-175)

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 14, 2016: Motion by Lisa Summers to defer this item back to Chair's Office regarding the (2) two Oneida Personnel Commission vacancies not filled through posting #3 which had the deadline of June 20, 2016, and the one (1) vacancy not filled through posting #4 which had the deadline of July 15, 2016; and to request clarifications be brought back to the October 12, 2016, regular Business Committee, seconded by Tehassi Hill. Motion carried with two abstentions.

EXCERPT FROM AUGUST 24, 2016: (1) Motion by David Jordan to approve the recommendation to appoint Leland Wigg-Ninham, Eric Krawczyk, and Jennifer L. Hill to Oneida Personnel Commission, seconded by Melinda J. Danforth. Motion carried with one abstention. (2) Amendment to the main motion by Lisa Summers to direct the Tribal Secretary to bring back a chronology of events for these particular vacancies for information to the Business Committee, seconded by Jennifer Webster. Motion carried unanimously.

- D. Accept report and proposed correspondence regarding request from Environmental Resources Board to support Menominee Nation in opposing the Back Forty Mine** (pp. 176-181)
(Not Submitted)

Sponsor: Nathan King, Director/Intergovernmental Affairs & Communication

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to forward this item to the Intergovernmental Affairs & Communications Department to do further research; and for that area to bring back a report and proposed correspondence for the Business Committee to consider and support, to be conducted before the October 26, 2016, regular Business Committee meeting so that any action that may be taken can be accepted at the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

- E. Approve request to schedule a special executive session Business Committee meeting on Friday, December 16, 2016, at 9:00 a.m. to review, approve, and forward Year End Financial Statements and presentation to the 2017 Annual General Tribal Council meeting** (pp. 182-183)
 Sponsor: Councilman Tehassi Hill, Chair/Audit Committee

IX. NEW BUSINESS

- A. Approve limited waiver of sovereign immunity for CIP project # 14-008 Uskah Village infrastructure – Wisconsin Public Service – contract # 2016-1173** (pp. 184-190)
 Sponsor: James Petitjean, Assistant Division Director/Development
- B. Approve revised Oneida Business Committee SOP entitled Conducting Electronic Voting** (pp. 191-198)
 Sponsor: Lisa Summers, Tribal Secretary

X. TRAVEL

A. TRAVEL REQUESTS

- 1. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**
 Sponsor: Lisa Summers, Tribal Secretary
- a. Failed reconsidered travel request– Chairwoman Tina Danforth and up to three (3) Business Committee members – National Congress of American Indians (NCAI) conference – October 9-13, 2016** (pp. 199-215)

XI. REPORTS *(This section of the agenda is scheduled to begin at 1:30 p.m.)***A. UNFINISHED REPORTS**

1. **Accept Oneida Nation Arts Board FY '16 4th quarter report** (pp. 216-219)
(1:30 p.m.-1:45 p.m.)
Chair-Elect: Dawn Walschinski
Liaison: Jennifer Webster, Councilwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer the Oneida Nation Arts Board FY '16 4th quarter report to the October 26, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

B. OPERATIONAL REPORTS

1. **Accept Oneida Housing Authority FY '16 4th quarter report** (pp. 220-228)
(1:45 p.m.-2:05 p.m.)
Sponsor: Dale Wheelock, Coordinator/Oneida Housing Authority

C. BOARDS, COMMITTEES, AND COMMISSIONS

1. **Accept Oneida Nation Veterans Affairs Committee FY '16 4th quarter report** (pp. 229-233)
(2:05 p.m.-2:20 p.m.)
Chair: Mike Hill
Liaison: Jennifer Webster, Councilwoman
2. **Accept Oneida Pow Wow Committee FY '16 4th quarter report** (pp. 234-239)
(2:20 p.m.-2:35 p.m.)
Chair: Tonya Webster
Liaison: Fawn Billie, Councilwoman
3. **Accept Oneida Police Commission FY '16 4th quarter report** (pp. 240-253)
(2:35 p.m.-2:50 p.m.)
Chair: Bernie Johns-Stevens
Liaison: Lisa Summers, Tribal Secretary
4. **Accept Southeastern Oneida Tribal Services Advisory Board FY '16 4th quarter report** (pp. 254-257)
(2:50 p.m.-3:05 p.m. via Polycom)
Chair: Daniel Schiller
Liaison: Tina Danforth, Tribal Chairwoman

XII. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only Materials, please visit the BC Support Office, located on the 2nd floor of the Norbert Hill Center and present Tribal I.D. card)*

A. Petitioners Madelyn Genskow and Yvonne Metivier: Incentive stipends for Oneida Nation elections starting 2017

1. **Accept legislative analysis** (pp. 258-262)
Sponsor: Brandon Stevens, Councilman
2. **Accept progress report regarding legal analysis** (pp. 263-264)
Sponsor: Jo Anne House, Chief Counsel
3. **Accept progress report regarding financial analysis** (pp. 265-267)
Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM AUGUST 24, 2016: (1) Motion by Lisa Summers to accept the verified petition submitted by Madelyn Genskow and Yvonne Metivier regarding incentive stipends for Oneida Nation elections starting 2017, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to send the verified petition to the Law, Finance, and Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days; and that a progress report be submitted in forty-five (45) days, seconded by Jennifer Webster. Motion carried unanimously. (4) Motion by Lisa Summers to direct the Direct Report Offices to submit appropriate administrative analyses regarding the petition to be submitted to the Tribal Secretary's Office within thirty (30) days, seconded by Jennifer Webster. Motion carried unanimously.

- B. **Accept verified petition submitted by Edward Delgado regarding Oneida panel of educators and retention of kindergarten students; and request appropriate analyses** (pp. 268-276)
Sponsor: Lisa Summers, Tribal Secretary
- C. **Approve Tribal Member's request to provide an update on status, report, and timelines for opening emergency food pantry per General Tribal Council directive from the October 2, 2016, reconvened special GTC meeting** (pp. 277-278)
Sponsor: Lisa Summers, Tribal Secretary

XIII. EXECUTIVE SESSION *(The Business Committee is scheduled to recess at 11:15 a.m. and to reconvene at 1:30 p.m. to attend the Voices for Oneida Conduit event)*

A. REPORTS

1. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director (pp. 279-285)
2. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel (p. 286)
3. **Accept Chief Financial Officer report** – Larry Barton, Chief Financial Officer (pp. 287-292)

B. STANDING ITEMS

1. Land Claims Strategy *(No Requested Action)*
2. Oneida Golf Enterprise – Ladies Professional Golf Association (pp. 293-309)
(This section is scheduled to begin on 10:30 a.m.)
Sponsor: Trish King, Tribal Treasurer

C. AUDIT COMMITTEE

Sponsor: Councilman Tehassi Hill, Chair

1. Accept September 29, 2016, Audit Committee meeting minutes (pp. 310-313)
2. Approve Department of Public Works – Cemetery Maintenance audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 314-331)
3. Approve Card Games and Poker Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 332-360)
4. Approve Craps Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 361-373)

D. UNFINISHED BUSINESS

1. Accept final close-out report regarding Print Shop – Mail Center Operation plan (pp. 374-376)
(This item is scheduled to begin at 9:00 a.m.)
Sponsor: Joanie Buckley, Division Director/Internal Services

EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to accept the Oneida Printing October-May 2016 report; and to request a final close-out report be brought back in ninety (90) days which includes any final transition items and timelines, seconded by Brandon Stevens. Motion carried unanimously. (2) Motion by Lisa Summers to request the Internal Services Division Director to start including transitioning this item into their quarterly report, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM APRIL 13, 2016: Motion by Fawn Billie to accept the Print Shop – Mail Center Operational plan as information and to request an update for the July 13, 2016, regular Business Committee meeting, seconded by Melinda J. Danforth. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: No formal action was taken on this item.

EXCERPT FROM DECEMBER 9, 2015: (1) Motion by David Jordan to accept the report, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to require the next update be brought back to the March 23, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 23, 2015: Motion by Brandon Stevens to accept the update as information, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: (1) Motion by Jennifer Webster to accept this item as information, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Melinda J. Danforth to request the Internal Services Director bring back the assessment to the Business Committee in three (3) months, seconded by Lisa Summers. Motion carried unanimously.

2. Review report regarding request from Tribal Member's concern over depletion of Bureau of Indian Affairs – General Assistant Grant funds (Not Submitted)

Sponsors: Chris Johns, Coordinator/Self-Governance; Liz Somers, Division Director/Governmental Services

EXCERPT FROM OCTOBER 12, 2016: Motion by David Jordan to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM AUGUST 24 & 29, 2016: (1) Motion by Jennifer Webster to accept the request as information; and to request the Governmental Services Division and Self-Governance Director to provide a report, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Lisa Summers to defer this item to a Business Committee Officer's for continued monitoring and follow-up; and to request the initial report be brought back within thirty (30) days, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.

3. Review complaint # 2016-DR06-05 and determine appropriate next steps

(pp. 377-387)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by David Jordan to accept the draft memorandum; and to direct the memorandum be forwarded to the appropriate parties, seconded by Brandon Stevens. Motion carried with one with one abstention.

4. Accept update regarding complaint # 2016-DR07-01

(pp. 388-389)

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to accept the verbal update; and to request an update be brought back in two (2) weeks, seconded by Jennifer Webster. Motion carried unanimously.

5. Discuss request for job title change of Medical Director to Comprehensive Health Division Director-Medical (This item is scheduled to begin at 10:00 a.m.)

(pp. 390-393)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee in order to allow for additional information to be followed up on, seconded by Tehassi Hill. Motion carried with one unanimously.

6. Review financial update regarding release of confidential employee information (Not Submitted)

Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to request the Finance Department to identify cost and funds to potentially provide identity theft insurance to the thirty-eight (38) employees; and to direct that report to come back in two (2) weeks, seconded by Jennifer Webster. Motion carried with one unanimously.

a. Accept verbal update regarding concern # 2016-CC-15

(pp. 394-395)

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM SEPTEMBER 28, 2016: (1) Motion by Tehassi Hill to request the Human Resources Department to expedite their investigation regarding concern # 2016-

CC-15, seconded by Jennifer Webster. Motion carried with one abstention. (2) Motion by Tehassi Hill to request the Law Office to complete a legal opinion on the potential liability to the Oneida Nation for the disclosure of confidential information, seconded by Jennifer Webster. Motion carried with one abstention.

E. NEW BUSINESS

1. **Review personnel related request and determine next steps** (pp. 396-397)
(This item is scheduled to begin at 9:30 a.m.)
Sponsor: Dale Wheelock, Director/Oneida Housing Authority
2. **Approve limited waiver of sovereign immunity – Wells Fargo Merchant Services – contract # 2016-1136** (pp. 398-455)
Sponsor: Larry Barton, Chief Financial Officer
3. **Approve Attorney Retainer Agreement – contract # 2016-1084** (pp. 456-472)
Sponsor: Councilman David Jordan, Liaison Alternate/Oneida Personnel Commission

XIV. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 3:30 p.m., on Friday, October 21, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

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

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Weldon Hawk to the Environmental Resource Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Kathleen M. Metoxen, executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the July 21, 2016 issue of the Kalihwisaks for One (1) of vacancy on the Environmental Resource Board for a Three (3) year term with the deadline of August 19, 2016. There were Four (4) applicants for the One (1) vacancy on the Environmental Resource Board. The appointment was made on the October 12, 2016 BC Agenda.

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Felicia Bernhardt to the SEOTS Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Kathleen M. Metoxen, executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the August 18, 2016 issue of the Kalihwisaks for One (1) of vacancy to finish term until 1/28/18 on the SEOTS Board for a Three (3) year term with the deadline of September 16, 2016. There was One (1) applicant for the One (1) vacancy on the SEOTS Board. The appointment was made on the October 12, 2016 BC Agenda.

- 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@oneidation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approve October 12, 2016, regular meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="October 12, 2016, regular meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Heather Heuer, Info. Mgmt. Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session****9:00 a.m. Tuesday, October 11, 2016****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****9:00 a.m. Wednesday, October 12, 2016****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes - DRAFT****EXECUTIVE SESSION**

Present: Chairwoman Tina Danforth, Secretary Lisa Summers (*excused at 12:00 p.m.-personal*), Council members: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King;

Arrived at: Councilwoman Fawn Billie at 9:30 a.m. (*excused-personal*);

Others present: Jo Anne House, Larry Barton, Troy Parr, Joanie Buckley, Jacque Boyle;

REGULAR MEETING

Present: Chairwoman Tina Danforth, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Treasurer Trish King, Secretary Lisa Summers;

Arrived at: Vice-Chairwoman Melinda J. Danforth at 1:25 p.m.;

Others present: Jo Anne House, Brad Graham, Bill Graham, Rhiannon Metoxen, Jessica Wallenfang, Lisa Liggins, Nancy Barton, Kathy Metoxen, Cathy Bachhuber, Heather Heuer, Dale Wheelock, Chris Johnson, Michelle Gordon, Clorissa Santiago, Brian Doxtator, Laura Manthe, Denice Beans, Gerald Hill, Ed Delgado, Marcus Zelenski, Layatalati Hill, Tonya Webster, Leyne Orosco, Krystal John, Troy Parr, Larry Barton, Cathy Metoxen, Mike Debraska, Taniquelle Thurner, Geraldine Danforth, Debra Danforth, Paul Witek, Larry Cornelius, Jacque Boyle, Scott Cottrell, Mark A. Powless, Lori Elm, James Petitjean, Brenda Skenandore, Sylvia Cornelius, Lauren Hartman, Mary Adams, RaLinda Ninham-Lamberies, Lorraine Monita, Barb Erickson, Sharon Mousseau, Tom Danforth, Linda Jenkins;

I. CALL TO ORDER AND ROLL CALL by Chairwoman Tina Danforth at 9:05 a.m.

For the record: Chairwoman Tina Danforth will be out of the office during the afternoon session on personal time. Vice-Chairwoman Melinda J. Danforth is out of the office on personal time, but will arrive for the afternoon session to chair the meeting. Treasurer Trish King and Secretary Lisa Summers are out of the office on personal time.

II. OPENING by Councilman Tehassi Hill

DRAFT**III. ADOPT THE AGENDA (00:04:25)**

Motion by Fawn Billie to adopt the agenda with the following changes: [Add-on to Resolutions section 6.F. Adopt resolution entitled Election Law Emergency Amendments Extension; and Add-on to Executive Session – New Business section 14.D.18. Review two (2) requests regarding the release of confidential employee information], seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

IV. OATHS OF OFFICE (00:11:05) by Chairwoman Tina Danforth**A. Oneida Family Court Judge – Marcus S. Zelenski****V. MINUTES****A. Approve September 28, 2016, regular meeting minutes (00:14:39)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the September 28, 2016, regular meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

B. Approve September 30, 2016, special meeting minutes (00:15:12)

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the September 30, 2016, special meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

VI. RESOLUTIONS**A. Adopt resolution entitled Eviction and Termination Law (00:15:38)**

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Brandon Stevens to adopt resolution # 10-12-16-A Eviction and Termination Law, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

DRAFT**B. Adopt resolution entitled Defining Comprehensive Housing Division in the Eviction and Termination Law (00:56:39)**

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Tehassi Hill to adopt resolution # 10-12-16-B Defining Comprehensive Housing Division in the Eviction and Termination Law, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers
 For the record: Chairwoman Tina Danforth stated I think this needs more work overall and maybe in 120 days we'll see what we find, but thank you.

C. Adopt resolution entitled Landlord-Tenant Law (1:44:52)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Tehassi Hill to adopt resolution # 10-12-16-C Landlord-Tenant Law, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

D. Adopt resolution entitled Defining Comprehensive Housing Division in the Landlord-Tenant Law (1:46:27)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Tehassi Hill to adopt resolution # 10-12-16-D Defining Comprehensive Housing Division in the Landlord-Tenant Law, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

Councilman David Jordan departs at 11:02 a.m.

Councilman David Jordan returns at 11:07 a.m.

E. Adopt resolution entitled Vendor Licensing Law Amendments (1:47:17)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Jennifer Webster to adopt resolution # 10-12-16-E Vendor Licensing Law Amendments with the following changes:

- [Revise section 56.5-3(b) by replacing "...appeal the decision." With "file a complaint with the Judiciary challenging the Department's action.";
- Revise header of section 56.9 by replacing "Appeals of Licensing Decisions" with "Department Decisions";
- Revise section 56.9-1 to read "The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken by the Department pursuant to this law.";
- Add section 56.9-2 to read "No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint filed regarding actions taken pursuant to this law."; and
- Add section 56.9-3 to read "Complaints filed with the Judiciary shall name the Licensing Department as the responding party"];

seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

DRAFT

Motion by Jennifer Webster to request the Finance Department to develop an analysis on whether the fees minus the funds collected for Trust are covering the costs of the Licensing Department; and for that analysis to be due back to the Business Committee within thirty (30) days, seconded by Fawn Billie.

Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

Councilwoman Jennifer Webster departs at 11:18 a.m.

Councilwoman Jennifer Webster returns at 11:22 a.m.

F. Adopt resolution entitled Emergency Election Law Amendments Extension (2:13:38)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

Motion by Brandon Stevens to adopt resolution # 10-12-16-F Emergency Election Law Amendments Extension, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

VII. APPOINTMENTS

A. Approve recommendation to appoint Weldon “Ted” Hawk to the Environmental Resources Board (2:30:17)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to approve the recommendation to appoint Weldon “Ted” Hawk to the Environmental Resources Board, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Brandon Stevens, Jennifer Webster

Abstained: David Jordan

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

For the record: Councilman David Jordan abstained due to the appointee being a relative.

B. Approve recommendation to appoint Felicia Bernhardt to the Southeastern Oneida Tribal Services Advisory Board (2:30:59)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to approve the recommendation to appoint Felicia Bernhardt to the Southeastern Oneida Tribal Services Advisory Board, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

DRAFT**VIII. STANDING COMMITTEES****A. Finance Committee**

Sponsor: Trish King, Tribal Treasurer

Councilman Tehassi Hill departs at 11:40 a.m.

Councilman Tehassi Hill returns at 11:43 a.m.

1. Approve October 3, 2016, Finance Committee meeting minutes (2:31:31)

Motion by David Jordan to approve the October 3, 2016, Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

IX. UNFINISHED BUSINESS**A. Review final report and accept recommendation regarding Medicare Part B Research (2:48:50)**

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

EXCERPT FROM APRIL 08, 2015: Motion by Melinda J. Danforth to defer the Medicare Part B research back to the Comprehensive Health Division Directors and to comeback with a report in 90 days that researches the opportunities we would have to provide insurance to those individuals of 65 and over that are Oneida Tribal members and have a work meeting with the directors to clarify and develop the scope, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM FEBRUARY 11, 2015: Motion by Melinda Danforth to accept the Oneida Nation Commission on Aging report and that the request from ONCOA regarding researching whether or not the Tribe should pay for Medicare Part B benefits for Tribal members who use the Oneida Health Center be assigned to the Comprehensive Health Division Directors to research and bring back in 60 days, seconded by Lisa Summers. Motion carried unanimously.

Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Melinda J. Danforth, Trish King, Lisa Summers

B. Review update regarding vacancies and appointment recommendations regarding Oneida Personnel Commission (Not submitted) (2:51:08)

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM SEPTEMBER 14, 2016: Motion by Lisa Summers to defer this item back to Chair's Office regarding the (2) two Oneida Personnel Commission vacancies not filled through posting #3 which had the deadline of June 20, 2016, and the one (1) vacancy not filled through posting #4 which had the deadline of July 15, 2016; and to request clarifications be brought back to the October 12, 2016, regular Business Committee, seconded by Tehassi Hill. Motion carried with two abstentions.

EXCERPT FROM AUGUST 24, 2016: (1) Motion by David Jordan to approve the recommendation to appoint Leland Wigg-Ninham, Eric Krawczyk, and Jennifer L. Hill to Oneida Personnel Commission, seconded by Melinda J. Danforth. Motion carried with one abstention. (2)

DRAFT

Amendment to the main motion by Lisa Summers to direct the Tribal Secretary to bring back a chronology of events for these particular vacancies for information to the Business Committee, seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Melinda J. Danforth, Trish King, Lisa Summers

X. NEW BUSINESS¹**A. Approve request from Environmental Resources Board to support Menominee Nation in opposing the Back Forty Mine (3:26:00)**

Chair: Marlene Garvey; Environmental Resources Board
Liaison: Tehassi Hill, Councilman

Motion by Tehassi Hill to forward this item to the Intergovernmental Affairs & Communications Department to do further research; and for that area to bring back a report and proposed correspondence for the Business Committee to consider and support, to be conducted before the October 26, 2016, regular Business Committee meeting so that any action that may be taken can be accepted at the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

B. Approve annual Gaming Facilities Compliance Inspections; and request a letter be drafted by Tribal Secretary certifying approved request (3:14:40)

Sponsor: Troy Parr, Division Director/Development

Motion by Fawn Billie to approve the annual Gaming Facilities Compliance Inspections, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by Jennifer Webster to request a letter be drafted in a timely manner by the Tribal Secretary certifying the approved annual Gaming Facilities Compliance Inspections, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

¹ This section occurs during the afternoon session.

DRAFT**C. Approve changes to the Rules of Play – Poker which were adopted by Oneida Gaming Commission on September 30, 2016 (3:29:12)**

Chair: Mark A. Powless Sr.
Liaison: Brandon Stevens, Councilman

Motion by Jennifer Webster to accept the changes to the Rules of Play – Poker which were adopted by Oneida Gaming Commission on September 30, 2016, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

D. Approve request from Oneida Nation School Board regarding the Final Settlement Agreement in the Ramah Navajo Chapter, et al., v. Jewell case (3:31:15)

Chair: Debra Danforth; Oneida Nation School Board
Liaison: Fawn Billie, Councilwoman

Motion by Jennifer Webster to approve the request to affirm that the awarded money shall not reduce or eliminate any grants or tribal contributions that the Oneida Nation School System is currently receiving or will be eligible to receive, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by Brandon Stevens to request the Business Committee to meet with the Oneida Nation School Board to discuss the pre-planning for utilization of the Final Settlement Agreement funds, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

E. Approve limited waiver of sovereign immunity – Wisconsin Public Service – contract # 2016-1143 for CIP project # 14-008 Uskah Village Infrastructure (3:38:32)

Sponsor: James Petitjean, Interim Assistant Division Director/Development

Motion by David Jordan to approve the limited waiver of sovereign immunity – Wisconsin Public Service – contract # 2016-1143 for CIP project # 14-008 Uskah Village Infrastructure, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

F. Approve three (3) requests regarding 2017 Oneida Business Committee Standing Meeting Schedule (3:39:03)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Fawn Billie to approve the 2017 Oneida Business Committee Standing Meeting Schedule presented with the following changes: [Revise start time of Business Committee regular meetings to begin at 8:30 a.m.; and Revise start time of Agenda Review meetings to begin at 2:30 p.m.], seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
Not Present: Tina Danforth, Trish King, Lisa Summers

DRAFT

Motion by Jennifer Webster to request that any 2017 Oneida Business Committee Standing Meeting Schedule updates be submitted to a Business Committee work meeting as information, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by Jennifer Webster to request meetings from the approved 2017 Oneida Business Committee Standing Meeting Schedule be sent to Business Committee members and their aides from the Tribal Secretary E-mail account, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

G. Approve 2017 Quarterly Report Schedule; and direct Tribal Secretary to provide notification of schedule to Boards, Committees, and Commissions, Standing Committees, and Corporate Boards no later than December 1, 2016 (3:45:41)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the 2017 Quarterly Report Schedule, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by Tehassi Hill to direct Tribal Secretary to provide notification of the schedule to Boards, Committees, and Commissions, Standing Committees, and Corporate Boards no later than December 1, 2016, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

H. Approve limited waiver of sovereign immunity – CNH America LLC-CHN Industrial Capital – contract # 2016-0973 (3:47:58)

Sponsor: Larry Barton, Chief Financial Officer

Motion by Fawn Billie to approve the limited waiver of sovereign immunity – CNH America LLC-CHN Industrial Capital – contract # 2016-0973, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

Vice-Chairwoman Melinda J. Danforth calls for a five (5) minute recess at 2:20 p.m. (3:49:00)

Meeting called to order by Melinda J. Danforth at 2:25 p.m.

Chairwoman Tina Danforth, Treasurer Trish King, and Secretary Lisa Summers not present.

DRAFT**XI. TRAVEL****A. TRAVEL REPORTS**

1. **Accept travel report – Councilman David Jordan – 34th Annual Native American Finance Officers Association (NAFOA) conference – Phoenix, AZ – April 17-20, 2016 (3:49:22)**

Motion by Fawn Billie to accept the travel report – Councilman David Jordan – 34th Annual Native American Finance Officers Association (NAFOA) conference – Phoenix, AZ – April 17-20, 2016, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Tina Danforth, Trish King, Lisa Summers

2. **Accept travel report – Councilman David Jordan – Democratic National Convention – Philadelphia, PA – July 24-29, 2016 (3:52:55)**

Motion by Jennifer Webster to accept the travel report – Councilman David Jordan – Democratic National Convention – Philadelphia, PA – July 24-29, 2016, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Brandon Stevens, Jennifer Webster
 Abstained: David Jordan
 Not Present: Tina Danforth, Trish King, Lisa Summers

B. TRAVEL REQUESTS

1. **Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting (3:43:18)**

Sponsor: Lisa Summers, Tribal Secretary

- a. **Approved travel request – Councilman Brandon Stevens – White House Tribal Nations conference – Washington D.C. – September 25-27, 2016**

Requestor: Brandon Stevens, Councilman

Motion by Tehassi Hill to enter the E-Poll results into the record for approved travel request – Councilman Brandon Stevens – White House Tribal Nations conference – Washington D.C. – September 25-27, 2016, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster
 Abstained: Brandon Stevens
 Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by David Jordan to recess at 12:01 p.m. until 1:30 p.m., seconded by Fawn Billie. Motion carried unanimously: (2:56:07)

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Trish King, Lisa Summers

Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 1:30 p.m.

Chairwoman Tina Danforth, Treasurer Trish King, and Secretary Lisa Summers not present.

DRAFT**XII. REPORTS** *(This section of the agenda is scheduled to begin at 1:30 p.m.)***A. OPERATIONAL REPORTS****1. Accept Development Division FY '16 4th quarter report (2:56:42)**
(1:30 p.m.-1:50 p.m.)

Sponsors: Troy Parr, Division Director/Development; Jacque Boyle, Interim Assistant
Division Director/Operations; Scott Cottrell, Utilities Manager

Motion by Jennifer Webster to accept the Development Division FY '16 4th quarter report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

2. Accept Environmental Health & Safety Division FY '16 4th quarter report (3:02:55)
(1:50 p.m.-2:10 p.m.)

Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety

Motion by David Jordan to accept the Environmental Health & Safety Division FY '16 4th quarter report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

3. Accept Division of Land Management FY '16 4th quarter report (3:08:19)
(2:10 p.m.-2:30 p.m.)

Sponsor: Patrick Pelky, Division Director/Land Management

Motion by Jennifer Webster to accept the Division of Land Management FY '16 4th quarter report, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

B. BOARDS, COMMITTEES, AND COMMISSIONS

Councilman Tehassi Hill departs at 1:44 p.m.

Councilman Tehassi Hill returns at 1:47 p.m.

Councilwoman Fawn Billie departs at 1:55 p.m.

1. Accept Anna John Residential Centered Care Community Board FY '16 4th quarter report (2:30 p.m.-2:45 p.m.) (3:17:50)

Chair: Candace House

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Anna John Residential Centered Care Community Board FY '16 4th quarter report, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Fawn Billie, Trish King, Lisa Summers

Councilwoman Fawn Billie returns at 1:57 p.m.

DRAFT**2. Defer Oneida Nation Arts Board FY '16 4th quarter report to the October 26, 2016, regular Business Committee meeting (3:13:44)**

Chair-Elect: Dawn Walschinski

Liaison: Jennifer Webster, Councilwoman

Motion by Jennifer Webster to defer the Oneida Nation Arts Board FY '16 4th quarter report to the October 26, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Tehassi Hill, Trish King, Lisa Summers

XIII. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only Materials, please visit the BC Support Office, located on the 2nd floor of the Norbert Hill Center and present Tribal I.D. card)***A. Schedule the 2nd reconvened special General Tribal Council meeting (3:54:09)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve scheduling the 2nd reconvened special General Tribal Council meeting on Monday, November 14, 2016, at 6:00 p.m., seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

B. Approve reprint and mailing of meeting materials for the 2nd reconvened special General Tribal Council meeting (3:56:23)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the reprint and mailing of meeting materials for the 2nd reconvened special General Tribal Council meeting scheduled on Monday, November 14, 2016, at 6:00 p.m., seconded by Jennifer Webster. Motion carried with one opposed:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Opposed: Fawn Billie

Not Present: Tina Danforth, Trish King, Lisa Summers

XIV. EXECUTIVE SESSION**A. REPORTS****1. Accept Chief Counsel report – Jo Anne House, Chief Counsel (4:03:18)**

Motion by Tehassi Hill to accept the Chief Counsel report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

B. STANDING ITEMS**1. Land Claims Strategy** *(No Requested Action)*

DRAFT**C. UNFINISHED BUSINESS****1. Review report regarding request from Tribal Member's concern over depletion of Bureau of Indian Affairs – General Assistant Grant funds (Not submitted) (4:03:35)**

Sponsors: Chris Johns, Coordinator/Self-Governance; Liz Somers, Division Director/Governmental Services

EXCERPT FROM AUGUST 24 & 29, 2016: (1) Motion by Jennifer Webster to accept the request as information; and to request the Governmental Services Division and Self-Governance Director to provide a report, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Lisa Summers to defer this item to a Business Committee Officer's for continued monitoring and follow-up; and to request the initial report be brought back within thirty (30) days, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.

Motion by David Jordan to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

D. NEW BUSINESS**1. Accept update regarding white corn crop damage as information (4:04:13) (This item is scheduled to begin at 9:00 a.m.)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Jennifer Webster to accept the report; for follow-up information to be provided in the tribal newspaper; and for the employee part of the complaint to be referred to the Internal Services Division Director for follow-up, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Abstained: Fawn Billie

Not Present: Tina Danforth, Trish King, Lisa Summers

2. Review concern regarding safety and lockdown procedures at Skenandoah building and determine next steps (4:07:11) (This item is scheduled to begin at 9:30 a.m.)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Jennifer Webster to accept this item as information; and to request a notification to the Business Committee when the Emergency Management procedures are complete, seconded by Tehassi Hill. Motion carried with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Abstained: Fawn Billie

Not Present: Tina Danforth, Trish King, Lisa Summers

DRAFT**3. Accept update regarding Department of Public Works HVAC contracts as information (4:07:56) (This item is scheduled to begin at 10:00 a.m.)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to defer this item to the Legislative Operating Committee, Law Office, and Purchasing Department to develop policies and solutions; and for an update to be brought back within sixty (60) days, seconded by Jennifer Webster. Motion carried with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Abstained: Fawn Billie
 Not Present: Tina Danforth, Trish King, Lisa Summers

4. Review close-out report regarding 340-B certification and determine next steps (4:08:30) (This item is scheduled to begin at 10:30 a.m.)

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

Motion by Fawn Billie to accept the close-out report; to include the sales comparison; and request the report to be released from executive session by placing it into open session for the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Tina Danforth, Trish King, Lisa Summers

5. Approve limited waiver of sovereign immunity – Fredericks Peebles & Morgan LLP – contract # 2016-1076 (4:10:24) (This item is scheduled to begin at 11:00 a.m.)Chair: Debra Danforth; Oneida Nation School Board
Liaison: Fawn Billie, Councilwoman

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Fredericks Peebles & Morgan LLP – contract # 2016-1076, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Tina Danforth, Trish King, Lisa Summers

6. Review submission regarding complaint # 2016-DR07-01 (4:18:45) (This item is scheduled to begin at 11:30 a.m.)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to accept the verbal update; and to request an update be brought back in two (2) weeks, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster
 Not Present: Tina Danforth, Trish King, Brandon Stevens, Lisa Summers

7. Review proposed Economic Development Structure and determine next steps (4:11:09) (This item is scheduled to begin at 1:30 p.m.)

Sponsor: Troy Parr, Division Director/Development

Motion by Brandon Stevens to accept the proposed concept regarding the Economic Development Structure, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster
 Not Present: Tina Danforth, Trish King, Lisa Summers

DRAFT**8. Approve limited waiver of sovereign immunity – Wisconsin Division of Transportation – Sealed Bid for Purchase of Excess Highway Property – contract # 2016-1123 (4:12:26) (This item is scheduled to begin at 2:30 p.m.)**

Sponsor: Patrick Pelky, Division Director/Land Management

Motion by Tehassi Hill to approve the limited waiver of sovereign immunity – Wisconsin Division of Transportation – Sealed Bid for Purchase of Excess Highway Property – contract # 2016-1123, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

9. Review and accept concern # 2016-CC-17 as information (4:12:49)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Brandon Stevens to acknowledge the receipt of information regarding concern # 2016-CC-17, seconded by Jennifer Webster. Motion carried with two abstentions:

Ayes: David Jordan, Brandon Stevens, Jennifer Webster

Abstained: Fawn Billie, Tehassi Hill

Not Present: Tina Danforth, Trish King, Lisa Summers

10. Review concern # 2016-CC-18 and determine next steps (4:13:28)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to acknowledge receipt of information regarding concern # 2016-CC-18, seconded by David Jordan. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster

Abstained: Brandon Stevens

Not Present: Tina Danforth, Trish King, Lisa Summers

11. Review item regarding Ancillary Facilities and determine next steps (4:13:47)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to direct the Law Office to develop the correspondence; and to submit the correspondence for an E-Poll approval by the Business Committee by Wednesday, October 19, 2016, seconded by Fawn Billie. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

12. Discuss Self-Governance Coordinator succession planning and determine next steps (4:14:55)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Fawn Billie to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

DRAFT**13. Review update regarding Tribal Ombudsman (4:14:17)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Tehassi Hill to accept the verbal update; and to direct the Business Committee Officers to bring back a location recommendation to the Business Committee within sixty (60) days, seconded by Fawn Billie. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

14. Approve request for title change of Medical Director to Comprehensive Health Division Director-Medical (4:16:10)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee in order to allow for additional information to be followed up on, seconded by Tehassi Hill. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

15. Discuss performance expectations for new Direct Reports (4:16:35)

Sponsor: Trish King, Tribal Treasurer

Motion by David Jordan to approve the request and defer this item to the October 17, 2016, Business Committee work meeting, seconded by Fawn Billie. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

16. Review complaint # 2016-DR06-05 and determine next steps (4:16:58)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the draft memorandum; and to direct the memorandum be forwarded to the appropriate parties, seconded by Brandon Stevens. Motion carried with one with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Abstained: Fawn Billie

Not Present: Tina Danforth, Trish King, Lisa Summers

17. Approve limited waiver of sovereign immunity – PoliticalCalling.com – contract # 2016-1128 (4:17:47)

Sponsor: Nathan King, Director/Intergovernmental Affairs & Communications

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – PoliticalCalling.com – contract # 2016-1128, seconded by Tehassi Hill. Motion carried with one with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Abstained: Fawn Billie

Not Present: Tina Danforth, Trish King, Lisa Summers

Motion by Fawn Billie to go into executive session at 2:54 p.m., seconded by Tehassi Hill. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Trish King, Lisa Summers

DRAFT

Councilman Brandon Stevens departs at 3:40 p.m.

Motion by Tehassi Hill to come out of executive session at 3:42 p.m., seconded by Fawn Billie. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster
Not Present: Tina Danforth, Trish King, Brandon Stevens, Lisa Summers

**18. Review two (2) requests regarding release of confidential employee information
(4:20:28)**

Sponsor: Tehassi Hill, Councilman

Motion by Tehassi Hill to request the Finance Department to identify cost and funds to potentially provide identity theft insurance to the thirty-eight (38) employees; and to direct that report to come back in two (2) weeks, seconded by Jennifer Webster. Motion carried with one unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster
Not Present: Tina Danforth, Trish King, Brandon Stevens, Lisa Summers

XV. ADJOURN

Motion by David Jordan to adjourn at 3:45 p.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster
Not Present: Tina Danforth, Trish King, Brandon Stevens, Lisa Summers

Minutes prepared by Heather Heuer, Information Management Specialist
Minutes approved as presented/corrected on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

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:

Consider the Back Pay Amendments for adoption

3. Supporting Materials

Report Resolution Contract

Other:

1. Adoption Packet 3. 2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Brandon Stevens, LOC Chair

Primary Requestor/Submitter: Jennifer Falck, LRO Director
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: Brandon Stevens, LOC Chairperson *BS*
 DATE: October 26, 2016
 RE: Back Pay Law Amendments

Please find the following attached backup documentation for your consideration of the Back Pay Law Amendments:

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

Overview

This Resolution adopts amendments to the current Back Pay Policy. The amendments:

- Retitle the Back Pay Policy as a law in alignment with the Legislative Operating Committee's (LOC's) directive that all policies are to be classified as laws moving forward.
- Expand the health insurance covered by the Nation during the back pay period to include other insurance benefits such as long-term disability, short-term disability, dental, vision and life insurance [see 206.4-1(g)(1)].
- Require a reinstated employee to authorize Purchased Referred Care to retroactively recover funds from the employee's insurance provider if Purchased Referred Care services were provided to the employee during the back pay period [see 206.4-1(g)(1)(B)].
- Update the calculation of an employee's back pay award when a fractional week is included in the back pay period [see 206.4-3(b)(2)].

In accordance with the Legislative Procedures Act, a public meeting was held regarding the amendments on May 5, 2016, with a comment period closing on May 12, 2016. Those comments were accepted and considered by the LOC at the May 18, 2016, LOC meeting.

Requested Action

Approve the Resolution: Back Pay Law Amendments

BC Resolution _____
Back Pay Law Amendments

1
2
3
4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6

7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9

10 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13

14 **WHEREAS,** the Back Pay Policy was adopted by the Oneida Business Committee by
15 resolution BC-05-24-06-PP and amended by resolutions BC-06-23-10-F and BC-
16 08-13-14-C; and
17

18 **WHEREAS,** the amendments to the Back Pay Policy retitle the Policy as a law in alignment
19 with the Legislative Operating Committee's directive that all policies are to be
20 classified as laws moving forward; and
21

22 **WHEREAS,** currently, the Policy states that only the employee's portion of the health
23 insurance premium would be deducted from the back pay award because only
24 health insurance would be covered by the Nation during the period where an
25 employee is involuntarily separated from employment with the Nation; and
26

27 **WHEREAS,** the amendments clarify that the employee's portion of premiums for long-term
28 disability, short-term disability, dental, vision, and life insurance will also be
29 deducted from the back pay award because the insurance benefits are also covered
30 by the Nation during involuntary separations, except in the event of a termination
31 where the coverage would discontinue; and
32

33 **WHEREAS,** the amendments require an employee reinstated after an involuntary separation to
34 sign a waiver authorizing Purchased Referred Care to review the back pay period
35 to determine if services provided by Purchased Referred Care were used by the
36 employee; and
37

38 **WHEREAS,** if Purchased Referred Care determines services were rendered to the employee
39 during the back pay period, the employee shall submit insurance information to
40 Purchased Referred Care in order for Purchased Referred Care to retroactively bill
41 the insurance provider to recover funds for those services rendered to the
42 employee during the back pay period; and
43

44 **WHEREAS,** when determining an employee's back pay award the current Policy calculates the
45 award for a fractional week at a rate of one-sixth of the employee's weekly wage
46 per day worked during the fractional week; and
47

48 **WHEREAS**, the amendments compensate the employee for each day worked during a
49 fractional week based on the average number of hours worked by the employee
50 per day; and
51

52 **WHEREAS**, additional amendments update the definition of back pay to clarify that the intent
53 of back pay is to compensate the employee for the involuntary separation as
54 determined by the formula set forth within this law; clarify that an employee's
55 back pay award may include any Oneida Business Committee or General Tribal
56 Council merit increases provided to the employee during the back pay period; and
57 clarify that all internal departments of the Nation will cooperate as necessary with
58 the Oneida Law Office in providing information needed to prepare a back pay
59 agreement; and
60

61 **WHEREAS**, a public meeting on the amendments was held on May 5, 2016, in accordance
62 with the Legislative Procedures Act, and comments received were reviewed and
63 accepted by the Legislative Operating Committee on May 18, 2016.
64

65 **NOW THEREFORE BE IT RESOLVED**, that the attached amendments to the Back Pay Law
66 are hereby adopted.



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



Statement of Effect *Back Pay Law Amendments*

Summary

This Resolution adopts amendments to the Back Pay law (“the Law”) that update and clarify how the law is implemented.

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

Analysis by the Legislative Reference Office

Amendments to the Back Pay Policy (Policy) retitle the Policy as a law in alignment with the Legislative Operating Committee’s (LOC’s) directive that all policies are to be classified as laws moving forward.

Currently, the Policy states that only health insurance is covered by the Nation during the period where an employee is involuntarily separated from employment with the Nation. The proposed amendments clarify that long-term disability, short-term disability, dental, vision, and life insurance are included as insurance benefits that are covered by the Nation during involuntary separations: except in the event of a termination where the coverage would discontinue. The employee’s share of all insurance premiums paid during the involuntary separation will be deducted from the employee’s back pay award.

Once employment is reinstated after an involuntary separation, the amendments require the employee to sign a waiver authorizing Purchased Referred Care to review the back pay period to determine if Purchased Referred Care services were used by the employee. If Purchased Referred Care determines services were rendered to the employee during the back pay period, the employee is now required to submit insurance information to Purchased Referred Care in order for Purchased Referred Care to retroactively bill the insurance provider to recover funds for those services rendered during the back pay period. If the employee refuses to sign an authorization waiver from Purchased Referred Care, the employee will not be eligible to receive any back pay award.

Amendments also update the calculation of an employee’s back pay award. Currently, if the back pay period contains a fractional week (i.e. if the employee worked only part of the week immediately before or after the involuntary separation); back pay is calculated for that fractional week at the rate of one-sixth of the weekly wage per day worked during the fractional week. Under the amendments the employee is compensated for each day worked during the fractional week based on the average number of hours worked by the employee per day. The change was made after taking into account that most Nation employees do not work six days a week, but average between four and five days.

Additional amendments:

- update the definition of back pay to clarify that the intent of back pay is to compensate the employee for the involuntary separation as determined by the formula set forth within this law; and
- clarify that an employee's back pay award may include any Oneida Business Committee or General Tribal Council merit increases provided to employees during the back pay period; and
- clarify that all internal departments of the Nation must cooperate as necessary with the Oneida Law Office in providing information needed to prepare a back pay agreement.

Additional, minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements. These changes did not affect the content or meaning of the Law.

A public meeting on the proposed amendments was held on May 5, 2016, in accordance with the Legislative Procedures Act. On May 18, 2016, the LOC reviewed all comments received during the public comment period; and any changes made based on those comments have been incorporated into this draft.

Conclusion

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



5

Back Pay Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Back Pay				
Sponsor	David P. Jordan	Drafter	Clorissa N. Santiago	Analyst	Maureen Perkins
Requester & Reason for Request	The OBC Officers were considering a settlement proposal and two issues were discovered that the OBC Officers felt needed to be addressed in the law, 1) if the employee is being reinstated for health care benefits as if they were never terminated, the employee should be mandated to reimburse the Nation for any CHS claims they may have made during the time they were off work and 2) Article 4-1 (g) (1) needs clarification [see 206.4-1].				
Purpose	The purpose of this law is to set forth the standards used in calculating back pay for employees of the Nation in accordance with the Nation's law[see 206.1].				
Authorized/ Affected Entities	This law applies to any of the Nation's employees that receive back pay, Oneida Law Office, and internal departments [see 206.5-2]. Also Oneida Judiciary.				
Related Legislation	The Nation's laws, rules and policies related to employment [see 206.4-1(a)(1), 206.4-1 (e)(2)], Investigative Leave Policy, Oneida Law Office Back Pay Procedures				
Enforcement & Due Process	An employee not receiving back pay in accordance with this law may seek enforcement by the Judiciary [see 206.5-4].				
Public Meeting Status	A public meeting was held on May 5, 2016. The LOC has reviewed the public comments received during the public comment period; and any changes made based on the public comments received have been incorporated into this draft.				

6

7

Overview

8 The intent of the Back Pay law is to authorize monetary damages in the form of back pay
9 to an employee wrongfully suspended or terminated to compensate the employee. Current
10 amendments include providing reinstated insurance information to Oneida Contract Health
11 department if services were rendered during the back pay period and clarification of insurance
12 benefits.

- 13 ■ Employees are responsible for providing Oneida Contract Health with reinstated
14 insurance information if services were rendered during the back pay period.
- 15 ■ Detail regarding insurance benefits was clarified.

16

17

Proposed Amendments

- 18 ■ The definition of back pay was changed to align with the current practice in calculating
19 back pay awards to compensate the employee [see 206.3-1(b)].
- 20 ■ The definition for punitive damages was added. "Punitive damages" means monetary
21 compensation awarded to an injured party that goes beyond that which is necessary to
22 compensate the individual for losses and that is intended to punish the other party [see
23 206.3-1(j)]. Punitive damages are not allowed under the current or proposed amendments
24 of the Back Pay law [see 206.4-2(a)].

Draft # 3
2016 10 20

- 25 ▪ Merit Increases from the OBC and GTC were added to the merit increase
26 system/standard used by the employee's supervisor during the back pay period [*see*
27 206.4-1(e)].
- 28 ▪ The health insurance premiums section was updated to include long-term disability, short
29 term disability, dental, vision and life insurance [*see* 206.4-1(g)(1)].
- 30 ▪ Employees who are awarded reinstatement of insurance benefits are now required to sign
31 a waiver authorizing Oneida Contract Health to determine if services were rendered
32 during back pay period. If it is determined that services were rendered, employee must
33 provide insurance information to Purchased Referred Care services to retroactively
34 recoup funds from insurance [*see* 206.4-1(g)(1)(B)]. If the employee refuses to sign the
35 form they are ineligible for any back pay award [*see* 206.4-1(g)(1)(C)].
- 36 ▪ Retirement plan payments made to the employee in lieu of employer match were
37 removed [*see* 206.4-1(g)(3)(c)].
- 38 ▪ The calculation for a fractional week for back pay awards was changed from a 1/6 of the
39 weekly indemnity for each day [*see* 4-3(b)(2) of current policy] to an average of number
40 of hours worked for each day [*see* 206.4-3(b)(2)]; to more fairly compensate the average
41 employee who works between 4-5 days per week rather than 6 days per week.
- 42 ▪ Internal departments were added to the back pay process to ensure all departments
43 directly involved with the back pay process are included in assembling the back pay
44 package [*see* 206.5-2].
- 45 ▪ The Oneida Tribe of Indians of Wisconsin was updated to Nation throughout the law in
46 accordance with the approved constitutional amendments.
- 47 ▪ This law has changed from a policy to a law in alignment with the LOC's directive that
48 all policies are classified as laws moving forward.
- 49

Other

51 Minor language changes have been made to improve the clarity of the law without
52 affecting the content. Please refer to the fiscal impact statement for any financial impacts.

53
54
55
56

Title 2. Employment – Chapter 206
BACK PAY Policy

4	Article I. Purpose and Policy	9	<u>206.1. Purpose and Policy</u>
5	Article II. Adoption, Amendment, Appeal	10	<u>206.2. Adoption, Amendment, Appeal</u>
6	Article III. Definitions	11	<u>206.3. Definitions</u>
7	Article IV. Back Pay Calculation	12	<u>206.4. Back Pay Calculation</u>
8	Article V. Back Pay Process	13	<u>206.5. Back Pay Process</u>

14

Article I ~~206.1.~~ Purpose and Policy

~~1-1.~~ 206.1-1. The purpose of this Policylaw is to set forth standards used in the calculation of back pay for all employees of the TribeNation in accordance with Tribalthe Nation’s law.

~~1-2.~~ 206.1-2. It is the policy of the TribeNation to have consistent and standard procedures for the management of employee back pay.

Article II ~~206.2.~~ Adoption, Amendment, Appeal

~~206.2-1.~~ This Policylaw was adopted by the Oneida Business Committee by resolution BC-5-24-06-PP and amended by resolutions BC-06-23-10-F ~~and~~ BC-08-13-14-C ~~and BC-~~

~~206.2-2.~~ This Policylaw may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

~~206.2-3.~~ Should a provision of this Policylaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policylaw which are considered to have legal force without the invalid portions.

~~206.2-4.~~ In the event of a conflict between a provision of this Policylaw and a provision of another policylaw, the provisions of this Policylaw shall control.

~~206.2-5.~~ This Policylaw is adopted under authority of the Constitution of the Oneida ~~Tribe of~~ Indians of WisconsinNation.

Article III ~~206.3.~~ Definitions

~~206.3-1.~~ This section shall govern the definitions of words and phrases used within this Policylaw. All words not defined herein shall be used in their ordinary and everyday sense.

(a) ~~–“Advocate” shall mean~~means a non-attorney person as provided by law and other person who is admitted to practice law and is presented to the court as the representative or advisor to a party.

(b) ~~–“Back pay” shall mean~~means money damages owed to the employee for a salary or wage ~~that would have been earned into compensate the time taken to litigate employee as~~ determined by the ~~employment dispute, minus amounts that are deducted from salary or income earned from a third-party employer or limited by other~~formulas set forth within ~~this law of the Tribe.~~

(c) ~~–“Consequential Damages” shall mean~~damages” means damages that are not a direct and immediately result of an act, but a consequence of the initial act, including but not limited to penalties on early withdrawal of retirement account.

(d) ~~–“Consultant” shall mean~~means a professional who is contracted externally whose expertise is provided on a temporary basis for a fee.

~~(e) –“Court” shall mean the trial court of the Tribe’s judicial system.~~

~~(f)~~(e) - “Earnings” ~~shall include~~includes vacation/personal time, shift differential, holiday

55 pay, merit increases, bonuses and incentives, employment benefits and income received
56 during the back pay period.

57 ~~(g)(f)~~ –“Employee” ~~shall mean~~means any individual who is employed by the TribeNation
58 and is subject to the direction and control of the TribeNation with respect to the material
59 details of the work performed, or who has the status of an employee under the usual
60 common law rules applicable to determining the employer-employee relationship.
61 “Employee” includes, but is not limited to; an individual employed by any program or
62 enterprise of the TribeNation, but does not include elected or appointed officials or
63 individuals employed by a Tribally Chartered Corporation. For purposes of this
64 Policylaw, individuals employed under an employment contract as a limited term
65 employee are employees of the TribeNation, not consultants.

66 ~~(h)(g)~~ –“Involuntarily separated” ~~shall mean~~means an employee removed from
67 employment through whatever means, other than a layoff, by the employer. This shall
68 include, but is not limited to, investigative leave, suspension or termination.

69 ~~(i) –“Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.~~

71 ~~(h) Article IV “Judiciary” means the judicial system that was established by Oneida~~
72 ~~General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities~~
73 ~~and responsibilities of the Nation.~~

74 ~~(i) “Nation” means the Oneida Nation.~~

75 ~~(j) “Punitive damages” means monetary compensation awarded to an injured party that~~
76 ~~goes beyond that which is necessary to compensate the individual for losses and that is~~
77 ~~intended to punish the other party.~~

79 **206.4. Back Pay Calculation**

80 206.4-1. Back Pay Limitations. Back pay shall only include the items identified in this
81 ArticleSection as they relate to the employee. Back pay shall include and be subject to the
82 following:

83 (a) ~~–Vacation/Personal Time Accrual.~~ Employees shall receive prorated credit for
84 vacation/ personal time which would have accrued during the back pay period.

85 (1) ~~–Reinstated employees shall be credited for vacation/ personal time. If the~~
86 ~~crediting of vacation/personal time would result in the employee exceeding the~~
87 ~~accrual cap of two hundred eighty (280) hours pursuant to the Tribe’s personnel~~
88 ~~Nation’s laws, rules and policies and procedures,~~ then any amount over that cap
89 shall be provided as a cash payout. Non-reinstated employees shall be paid out
90 vacation/personal time in lieu of crediting personal/vacation time.

91 (b) ~~–Shift Differential.~~ Shift differential shall be included in the back pay amount to the
92 extent it is a part of the employee’s regularly scheduled hours.

93 (c) ~~–Tips.~~ If the employee received pooled tips at the time of involuntary separation, tips
94 shall be included in the total back pay amount at the same tip rate that other employees in
95 the same position and on the same shift received on the same dates.

96 (1) ~~–If the employee received individual tips at the time of involuntary separation,~~
97 the employee shall be ineligible for tips during the back pay period.

98 (d) ~~–Holiday Pay.~~ Holiday pay shall be included in the back pay amount to the extent the
99 employee would have received such pay if the employee had not been involuntarily
100 separated.

101 (e) ~~–Merit Increases.~~ The hourly rate used to calculate back pay shall be increased

102 according to the merit increase system/standard used by the employee's supervisor during
103 the back pay period and will include any increases from Oneida Business Committee or
104 General Tribal Council directives.

105 (1) ~~The effective date of the employee's merit increase shall be the same as the~~
106 ~~effective date for other employees in the same department. Retroactive increases~~
107 ~~shall be calculated back to the retroactive date used for other employees in the~~
108 ~~same department.~~

109 (2) ~~The most recent performance review issued to the employee prior to being~~
110 ~~involuntarily separated shall be used to determine the level of merit increase.~~
111 ~~However, if the employee appealed the performance review to the Human~~
112 ~~Resource Department Manager prior to involuntary separation, a method under~~
113 ~~the Tribe's personnel-Nation's laws, rules and policies ~~and procedures~~ shall be~~
114 ~~used to determine the merit increase.~~

115 (f) ~~Bonuses and Incentives.~~ All bonus and incentive payments for which the employee
116 would have been eligible during the back pay period shall be included in the total back
117 pay amount, except for non-monetary gifts distributed by the TribeNation to all
118 employees (e.g. ~~Winter Gift~~winter gift ~~certificates~~) or other non-monetary benefits, such
119 as clothing allowance.

120 (g) ~~Employment Benefits.~~ Employee benefits shall be subject to the provisions in this
121 section.

122 ~~(1) Health Insurance Premiums. ~~The Tribe shall deduct~~ Benefits. Coverage by~~
123 ~~the Nation for health insurance ~~premiums from the back pay award.~~ Health,~~
124 ~~dental insurance, vision insurance, life insurance, long-term disability and short-~~
125 ~~term disability coverage ~~by the Tribe~~ shall continue during ~~the~~ involuntary~~
126 ~~separation, ~~excluding terminations.~~ except in the event of a termination where the~~
127 ~~coverage will discontinue. The Nation shall deduct the employee's share of~~
128 ~~premiums paid from any back pay award.~~

129 ~~(+) (A) If the employee's circumstances have changed during the back pay~~
130 ~~period and such circumstances affect the employee's ~~health~~ insurance~~
131 ~~needs, the employee shall notify the TribeNation of such changes at the~~
132 ~~time of reinstatement.~~

133 ~~(B) An employee who is reinstated shall sign a waiver from Purchased~~
134 ~~Referred Care authorizing a review of the back pay period to determine if~~
135 ~~Purchased Referred Care services were rendered. If Purchased Referred~~
136 ~~Care determines services were rendered during the back pay period, an~~
137 ~~employee shall timely submit insurance information to Purchased Referred~~
138 ~~Care in order for Purchased Referred Care to retroactively bill the insurance~~
139 ~~provider to recoup funds for those services rendered during the back pay~~
140 ~~period.~~

141 ~~(C) If the employee refuses to sign an authorization waiver from Purchased~~
142 ~~Referred Care, the employee will not be eligible to receive any back pay~~
143 ~~award.~~

144 (2) ~~Flexible Benefit Plan Contributions.~~ If a terminated employee was
145 contributing to the Tribe'sNation's flexible benefit plan at the time of termination,
146 the status of the employee's flex benefit plan shall be subject to the provisions of
147 the Internal Revenue Code.

148 (3) ~~Retirement Benefit Contributions.~~ In the event the employee was

149 | participating in the Tribe's Nation's retirement plan at the time of involuntary
 150 | separation, the employee shall be responsible for contacting the retirement plan
 151 | administrator and reactivating contributions.

152 | (A) ~~The employee may choose whether to have the employee's~~
 153 | ~~contribution to the retirement plan that would have been made during the~~
 154 | ~~back pay period deducted from the total back pay amount and deposited~~
 155 | ~~into the employee's retirement account.~~

156 | (B) ~~If the employee was eligible for employer matching contributions at the~~
 157 | ~~time of involuntary separation and the employee chooses to make a~~
 158 | ~~contribution through back pay, the TribeNation shall contribute the~~
 159 | ~~employer match into the employee's retirement account.~~

160 | (C) ~~If the employee was not participating in the Tribe's Nation's retirement~~
 161 | ~~plan or chooses not to make contributions through the back pay process,~~
 162 | ~~then the TribeNation shall not make employer match contributions into the~~
 163 | ~~employee's retirement account ~~or otherwise make payments to the~~~~
 164 | ~~employee in lieu of employer match contributions.~~

165 | (h) ~~Income Received During the Back Pay Period.~~

166 | (1) Unemployment Benefits. Depending upon the unemployment compensation
 167 | financing option elected by the Nation, either:

168 | ~~(A) Any unemployment compensation paid by the TribeNation to the State~~
 169 | ~~of Wisconsin for an involuntarily separated employee shall be deducted~~
 170 | ~~from the employee's back pay award; ~~or~~~~

171 | (B) The employee is directly responsible for the reimbursement to the State
 172 | of Wisconsin. The Nation shall send a copy of the completed and signed
 173 | settlement agreement to the appropriate state department. The state then
 174 | may determine the amount, if any, of unemployment compensation benefits
 175 | received during the back pay period should be repaid.

176 | (2) ~~Income Received Through Employment.~~ Except as provided in section 4-
 177 | 1(h)(2)(B), income earned by an employee during the back pay period shall be
 178 | deducted from the total back pay amount.

179 | (A) ~~The employee shall provide information to verify the amount of or lack~~
 180 | ~~of earned income and sign an affidavit attesting to the amount of or lack of~~
 181 | ~~earned income.~~

182 | (B) ~~If the employee worked an additional job prior to being involuntarily~~
 183 | ~~separated and continued working in the same capacity, the income earned~~
 184 | ~~from that employment shall not be deducted from the total back pay amount~~
 185 | ~~to the extent that the income is consistent with pre-involuntary separation~~
 186 | ~~earnings. Where the employee worked the additional job, the employee~~
 187 | ~~shall provide information from the employer to verify the income earned~~
 188 | ~~before and during the back pay period.~~

189 | 206.4-2. Payments Not Allowed. The TribeNation shall not include the following in any back
 190 | pay amount:

191 | (a) ~~Punitive damages;~~

192 | (b) ~~Consequential damages;~~

193 | (c) ~~Attorney's or advocate's fees;~~

194 | (d) ~~Time when the employee would not have been eligible to work;~~

195 | (e) ~~Monies normally paid for additional duties while working where an alternate~~

196 employee assumed that function while the employee was involuntarily separated, unless
197 the additional duties are a part of such involuntarily separated employee's regular
198 schedule.

199 | 206.4-3. Back Pay Period. Calculation of back pay begins on the day the employee is
200 involuntarily separated and ends on the day the employee is reinstated.

201 | (a)- If the employee is reinstated but refuses to return to work, the back pay period ends
202 on the date reinstatement would have taken effect, but was refused by the employee.

203 | (b)- Back pay shall be calculated by taking the employee's earnings average hours worked
204 during the fifty-two (52) week period immediately preceding the date of the involuntary
205 separation and divide that amount by the number of weeks worked.

206 | (1)- If the employment prior to the involuntary separation was less than fifty-two
207 (52) weeks, the average weekly wage shall be calculated by taking the employee's
208 earnings average hours worked and divide that amount by the number of weeks
209 worked.

210 | (2)- If the involuntary separation period involves a fractional week, the indemnity
211 shall be paid for each day of ~~such week at the rate of one sixth (1/6) of the~~
212 weekly indemnity a fractional week at the rate of the average number of hours
213 worked per day immediately prior to the involuntary separation. For the
214 purposes of this section, immediately prior means the twelve (12) full work weeks
215 immediately preceding the involuntary separation. Provided that, under
216 extenuating circumstances related to business needs of the Nation wherein the
217 Oneida Law Office determines that considering hours worked per day
218 immediately prior would be unfair, an alternative reasonable timeframe may be
219 used.

220

221 | Article V 206.5. Back Pay Process

222 | 206.5-1. The Oneida Law Office shall develop necessary forms and procedures for the purpose
223 of implementing this ~~Policy~~ law.

224 | 206.5-2. The Internal departments shall cooperate as necessary with the Oneida Law Office ~~shall~~
225 ~~work with the employee's supervisor, the Human Resource Department and the~~
226 ~~employee/advocate~~ in providing information needed to assemble ~~information~~ and prepare the
227 back pay agreement. _

228 | 206.5-3. A reasonable effort shall be made to complete the back pay agreement within thirty
229 (30) calendar days, starting the day after the party to the grievance action provides to the Oneida
230 Law Office a judgment ordering back pay or the results of an investigation or test showing the
231 employee is cleared of any wrongdoing.

232 | 206.5-34. An employee not receiving back pay in accordance with the back pay agreement may
233 seek enforcement by ~~appealing to the court~~ Judiciary.

234

235 | *End.*

236

237 | Adopted - BC-5-24-06-PP

238 | Amended - BC-06-23-10-F

239 | Amended - BC-08-13-14-C

**Title 2. Employment – Chapter 206
BACK PAY**

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206.1. Purpose and Policy
206.2. Adoption, Amendment, Appeal
206.3. Definitions

7	206.4. Back Pay Calculation
8	206.5. Back Pay Process

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206.1. Purpose and Policy

206.1-1. The purpose of this law is to set forth standards used in the calculation of back pay for all employees of the Nation in accordance with the Nation’s law.

206.1-2. It is the policy of the Nation to have consistent and standard procedures for the management of employee back pay.

206.2. Adoption, Amendment, Appeal

206.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-24-06-PP and amended by resolutions BC-06-23-10-F, BC-08-13-14-C and BC_____.

206.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

206.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

206.2-4. 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.

206.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

206.3. Definitions

206.3-1. 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) “Advocate” means a non-attorney person as provided by law and other person who is admitted to practice law and is presented to the court as the representative or advisor to a party.

(b) “Back pay” means money damages owed to the employee for a salary or wage to compensate the employee as determined by the formulas set forth within this law.

(c) “Consequential damages” means damages that are not a direct and immediately result of an act, but a consequence of the initial act, including but not limited to penalties on early withdrawal of retirement account.

(d) “Consultant” means a professional who is contracted externally whose expertise is provided on a temporary basis for a fee.

(e) “Earnings” includes vacation/personal time, shift differential, holiday pay, merit increases, bonuses and incentives, employment benefits and income received during the back pay period.

(f) “Employee” means any individual who is employed by the Nation and is subject to the direction and control of the Nation with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. “Employee” includes, but is not limited to; an individual employed by any program or enterprise of the Nation, but

50

51 does not include elected or appointed officials or individuals employed by a Tribally
52 Chartered Corporation. For purposes of this law, individuals employed under an
53 employment contract as a limited term employee are employees of the Nation, not
54 consultants.

55 (g) "Involuntarily separated" means an employee removed from employment through
56 whatever means, other than a layoff, by the employer. This shall include, but is not
57 limited to, investigative leave, suspension or termination.

58 (h) "Judiciary" means the judicial system that was established by Oneida General Tribal
59 Council resolution GTC-01-07-13-B to administer the judicial authorities and
60 responsibilities of the Nation.

61 (i) "Nation" means the Oneida Nation.

62 (j) "Punitive damages" means monetary compensation awarded to an injured party that
63 goes beyond that which is necessary to compensate the individual for losses and that is
64 intended to punish the other party.

65

66 **206.4. Back Pay Calculation**

67 206.4-1. *Back Pay Limitations.* Back pay shall only include the items identified in this Section
68 as they relate to the employee. Back pay shall include and be subject to the following:

69 (a) *Vacation/Personal Time Accrual.* Employees shall receive prorated credit for
70 vacation/ personal time which would have accrued during the back pay period.

71 (1) Reinstated employees shall be credited for vacation/ personal time. If the
72 crediting of vacation/personal time would result in the employee exceeding the
73 accrual cap pursuant to the Nation's laws, rules and policies, then any amount
74 over that cap shall be provided as a cash payout. Non-reinstated employees shall
75 be paid out vacation/personal time in lieu of crediting personal/vacation time.

76 (b) *Shift Differential.* Shift differential shall be included in the back pay amount to the
77 extent it is a part of the employee's regularly scheduled hours.

78 (c) *Tips.* If the employee received pooled tips at the time of involuntary separation, tips
79 shall be included in the total back pay amount at the same tip rate that other employees in
80 the same position and on the same shift received on the same dates.

81 (1) If the employee received individual tips at the time of involuntary separation,
82 the employee shall be ineligible for tips during the back pay period.

83 (d) *Holiday Pay.* Holiday pay shall be included in the back pay amount to the extent the
84 employee would have received such pay if the employee had not been involuntarily
85 separated.

86 (e) *Merit Increases.* The hourly rate used to calculate back pay shall be increased
87 according to the merit increase system/standard used by the employee's supervisor during
88 the back pay period and will include any increases from Oneida Business Committee or
89 General Tribal Council directives.

90 (1) The effective date of the employee's merit increase shall be the same as the
91 effective date for other employees in the same department. Retroactive increases
92 shall be calculated back to the retroactive date used for other employees in the
93 same department.

94 (2) The most recent performance review issued to the employee prior to being
95 involuntarily separated shall be used to determine the level of merit increase.
96 However, if the employee appealed the performance review to the Human
97 Resource Department Manager prior to involuntary separation, a method under

98 the Nation's laws, rules and policies shall be used to determine the merit increase.

99 (f) *Bonuses and Incentives.* All bonus and incentive payments for which the employee
100 would have been eligible during the back pay period shall be included in the total back
101 pay amount, except for non-monetary gifts distributed by the Nation to all employees
102 (e.g. winter gift) or other non-monetary benefits, such as clothing allowance.

103 (g) *Employment Benefits.* Employee benefits shall be subject to the provisions in this
104 section.

105 (1) *Insurance Benefits.* Coverage by the Nation for health insurance, dental
106 insurance, vision insurance, life insurance, long-term disability and short-term
107 disability coverage shall continue during an involuntary separation, except in the
108 event of a termination where the coverage will discontinue. The Nation shall
109 deduct the employee's share of premiums paid from any back pay award.

110 (A) If the employee's circumstances have changed during the back pay
111 period and such circumstances affect the employee's insurance needs, the
112 employee shall notify the Nation of such changes at the time of
113 reinstatement.

114 (B) An employee who is reinstated shall sign a waiver from Purchased
115 Referred Care authorizing a review of the back pay period to determine if
116 Purchased Referred Care services were rendered. If Purchased Referred
117 Care determines services were rendered during the back pay period, an
118 employee shall timely submit insurance information to Purchased Referred
119 Care in order for Purchased Referred Care to retroactively bill the insurance
120 provider to recoup funds for those services rendered during the back pay
121 period.

122 (C) If the employee refuses to sign an authorization waiver from Purchased
123 Referred Care, the employee will not be eligible to receive any back pay
124 award.

125 (2) *Flexible Benefit Plan Contributions.* If a terminated employee was
126 contributing to the Nation's flexible benefit plan at the time of termination, the
127 status of the employee's flex benefit plan shall be subject to the provisions of the
128 Internal Revenue Code.

129 (3) *Retirement Benefit Contributions.* In the event the employee was participating
130 in the Nation's retirement plan at the time of involuntary separation, the employee
131 shall be responsible for contacting the retirement plan administrator and
132 reactivating contributions.

133 (A) The employee may choose whether to have the employee's contribution
134 to the retirement plan that would have been made during the back pay
135 period deducted from the total back pay amount and deposited into the
136 employee's retirement account.

137 (B) If the employee was eligible for employer matching contributions at the
138 time of involuntary separation and the employee chooses to make a
139 contribution through back pay, the Nation shall contribute the employer
140 match into the employee's retirement account.

141 (C) If the employee was not participating in the Nation's retirement plan or
142 chooses not to make contributions through the back pay process, then the
143 Nation shall not make employer match contributions into the employee's
144 retirement account.

- 145 (h) *Income Received During the Back Pay Period.*
- 146 (1) *Unemployment Benefits.* Depending upon the unemployment compensation
- 147 financing option elected by the Nation, either:
- 148 (A) Any unemployment compensation paid by the Nation to the State of
- 149 Wisconsin for an involuntarily separated employee shall be deducted from
- 150 the employee's back pay award; or
- 151 (B) The employee is directly responsible for the reimbursement to the State
- 152 of Wisconsin. The Nation shall send a copy of the completed and signed
- 153 settlement agreement to the appropriate state department. The state then
- 154 may determine the amount, if any, of unemployment compensation benefits
- 155 received during the back pay period should be repaid.
- 156 (2) *Income Received Through Employment.* Except as provided in section 4-
- 157 1(h)(2)(B), income earned by an employee during the back pay period shall be
- 158 deducted from the total back pay amount.
- 159 (A) The employee shall provide information to verify the amount of or lack
- 160 of earned income and sign an affidavit attesting to the amount of or lack of
- 161 earned income.
- 162 (B) If the employee worked an additional job prior to being involuntarily
- 163 separated and continued working in the same capacity, the income earned
- 164 from that employment shall not be deducted from the total back pay amount
- 165 to the extent that the income is consistent with pre-involuntary separation
- 166 earnings. Where the employee worked the additional job, the employee
- 167 shall provide information from the employer to verify the income earned
- 168 before and during the back pay period.
- 169 206.4-2. *Payments Not Allowed.* The Nation shall not include the following in any back pay
- 170 amount:
- 171 (a) Punitive damages;
- 172 (b) Consequential damages;
- 173 (c) Attorney's or advocate's fees;
- 174 (d) Time when the employee would not have been eligible to work;
- 175 (e) Monies normally paid for additional duties while working where an alternate
- 176 employee assumed that function while the employee was involuntarily separated, unless
- 177 the additional duties are a part of such involuntarily separated employee's regular
- 178 schedule.
- 179 206.4-3. *Back Pay Period.* Calculation of back pay begins on the day the employee is
- 180 involuntarily separated and ends on the day the employee is reinstated.
- 181 (a) If the employee is reinstated but refuses to return to work, the back pay period ends on
- 182 the date reinstatement would have taken effect, but was refused by the employee.
- 183 (b) Back pay shall be calculated by taking the employee's average hours worked during
- 184 the fifty-two (52) week period immediately preceding the date of the involuntary
- 185 separation and divide that amount by the number of weeks worked.
- 186 (1) If the employment prior to the involuntary separation was less than fifty-two
- 187 (52) weeks, the average weekly wage shall be calculated by taking the employee's
- 188 average hours worked and divide that amount by the number of weeks worked.
- 189 (2) If the involuntary separation period involves a fractional week, the indemnity
- 190 shall be paid for each day of a fractional week at the rate of the average
- 191 number of hours worked per day immediately prior to the involuntary

192 separation. For the purposes of this section, immediately prior means the twelve
193 (12) full work weeks immediately preceding the involuntary separation. Provided
194 that, under extenuating circumstances related to business needs of the Nation
195 wherein the Oneida Law Office determines that considering hours worked per
196 day immediately prior would be unfair, an alternative reasonable timeframe may
197 be used.

198

199 **206.5. Back Pay Process**

200 206.5-1. The Oneida Law Office shall develop necessary forms and procedures for the purpose
201 of implementing this law.

202 206.5-2. Internal departments shall cooperate as necessary with the Oneida Law Office in
203 providing information needed to assemble and prepare the back pay agreement.

204 206.5-3. A reasonable effort shall be made to complete the back pay agreement within thirty
205 (30) calendar days, starting the day after the party to the grievance action provides to the Oneida
206 Law Office a judgment ordering back pay or the results of an investigation or test showing the
207 employee is cleared of any wrongdoing.

208 206.5-4. An employee not receiving back pay in accordance with the back pay agreement may
209 seek enforcement by the Judiciary.

210

211 *End.*

212

213 Adopted - BC-5-24-06-PP

214 Amended - BC-06-23-10-F

215 Amended - BC-08-13-14-C



MEMORANDUM

To: Patricia King, Tribal Treasurer
Oneida Business Committee

From: Larry Barton, Chief Financial Officer

Date: October 17, 2016

Re: **Financial Impact of the Back Pay Law**

I. Background

The Back Pay Law was originally approved by BC resolution 05-24-06-PP. Amendments were approved by with BC 06-23-10, BC 08-13-14-C, and new amendments are being proposed to further define back pay, punitive damages, to provide notification of the Contract Health Services department, and adding previously omitted insurance benefits to clarify the calculation of awards.

II. Executive Summary of Findings

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

The Back Pay Law amends the title from Policy, to Law and replaces Tribe with Nation for consistency purposes. Punitive damages is being defined as compensation that goes beyond the amount necessary to compensate an employee for losses and is intended to punish the other party.

The Back Pay calculation is adding to the calculation increases from the Oneida Business Committee or General Tribal Council directives.

Insurance Benefits coverage during a covered involuntary separation adds dental, vision, life, long-term, and short term disability insurances.

The Law is amended to add the requirement that employees sign a waiver authorizing the Contract Health Services department to determine if services were rendered during the back pay award period and authorizes retroactive submission of claims to the health insurance provider.

III. Financial Impact

Each back pay award will have independent variables therefore, a fiscal impact is indeterminate at this time.

IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Consider the Election Law Amendments for adoption

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Adoption Packet"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
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: Brandon Stevens, LOC Chair *BS*
DATE: October 20, 2016
RE: Election Law Amendments

Please find the following attached backup documentation for the Election Law Amendments:

1. Resolution: Election Law Amendments
2. Statement of Effect: Election Law Amendments
3. Election Law Amendments Legislative Analysis
4. Election Law Amendments redline to current draft
5. Election Law Amendments Draft

Overview

The amendments will align the Election Law to the Oneida Nation Constitution and include;

- Lowering the minimum voting age for Oneida Nation elections from 21 to 18 years of age.
- Changing "Tribe" to "Nation".
- Establishing a process for making future amendments to the Constitution.

Requested Action

The LOC is requesting that these amendments be forwarded to the GTC in January 2017 so that they can be considered for adoption.

GTC Resolution _____
Election Law Permanent Amendments

1
2
3
4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
7 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9
10 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13
14 **WHEREAS**, on May 2, 2015, the Oneida Tribal membership voted at the Secretarial Election
15 to amend the Tribal Constitution; and
16
17 **WHEREAS**, on June 16, 2015 the United States Department of Interior, Bureau of Indian
18 Affairs approved by certification the amendments to the Oneida Tribal
19 Constitution; and
20
21 **WHEREAS**, in July 2015, a tribal member filed an appeal to the Interior Board of Indian
22 Appeals which suspended the certification and implementation; and
23
24 **WHEREAS**, on February 11, 2016 the Interior Board of Indian Appeals denied the tribal
25 member's appeal and upheld the Bureau of Indian Affairs certification of all the
26 constitutional amendments; and
27
28 **WHEREAS**, these permanent amendments to the Election Law incorporate the following
29 Constitutional Amendments into the Law:
30 -Changing the age of a qualified voter from twenty-one (21) and over to
31 eighteen (18) and over;
32 -Providing more detail regarding the requirements for amending the
33 Nation's Constitution and/or By-laws in the future; and
34 -Implementing a name change from "Oneida Tribe of Indians of
35 Wisconsin" to "Oneida Nation"; and
36
37 **WHEREAS**, a public meeting on the proposed permanent amendments to the Election Law was
38 held on September 15, 2016 in accordance with the Legislative Procedures Act;
39 and
40
41 **NOW THEREFORE BE IT RESOLVED**, that the attached permanent amendments to the
42 Election Law are hereby adopted and take effect immediately.



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



Statement of Effect

Resolution: Election Law Permanent Amendments

Summary

This resolution permanently adopts amendments to the Election Law (the Law), which update the Law to reflect the amendments made to the Oneida Nation Constitution (the Constitution) by the May 2, 2015 Secretarial Election. The amendments to the Law:

- Lower the minimum voting age for Oneida Nation elections from 21 to 18 years old;
- Revise terminology by replacing references to “Tribe” with “Nation” ; and
- Provide the process required to amend the Nation’s Constitution and/or By-laws in the future.

Submitted by Krystal L. John, Staff Attorney

Analysis by the Legislative Reference Office

Emergency Amendments

On April 27, 2016, the Oneida Business Committee (OBC) adopted emergency amendments to the Election Law. At the October 12, 2016 OBC meeting, the OBC extended the adoption of those emergency amendments, which will now expire on April 27, 2017. The purpose of the emergency amendments was to lower the voting age in the Law from 21 years old to 18 years old in order to comply with the Constitution. The Legislative Operating Committee was required to the process the voting age amendments as an emergency so that the Election Law would not deny 18-20 year olds with their constitutional right to vote in the Nation’s elections while permanent amendments were put together for the General Tribal Council to consider for adoption.

These Permanent Amendments

This resolution would adopt permanent amendments to the election law that fully encompass all revisions needed in order to incorporate the Constitutional amendments into the Election Law. The permanent amendments include the lowering of the voting age, which was considered by the emergency amendments, and also include provisions that detail how the Nation’s Constitution and/or By-laws may be amended in the future. The current Law does not address how such amendments are made, however, those provisions are now necessary in the Law based on the Constitutional Amendments which required parts of the Constitutional and By-law amendment process to be further detailed by law.

Conclusion

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



For OBC Consideration
October 26, 2016

Election Law Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Election Law (the Law)				
Sponsor	Tehassi Hill	Drafter	Krystal John	Analyst	Tani Thurner
Requester & Reason for Request	The Constitutional Amendments Implementation Team requested changes to implement the Constitutional amendments approved by the May 2, 2015 Secretarial Election.				
Purpose	This Law governs the Nation's process for electing officials.				
Authorized/ Affected Entities	Election Board is created by this law, and delegated primary responsibilities. General Tribal Council (GTC), the Oneida Business Committee (OBC), Judiciary, Tribal Secretary, Trust Enrollment Department, Zoning Administrator, Records Management Department and Oneida Police Department are all delegated specific authorities or responsibilities in this Law. All elected entities are affected by this law – including boards, committees, commissions, and the Judiciary.				
Related Legislation	Election Board Bylaws; Comprehensive Policy Governing Boards, Committees and Commissions; Open Records and Open Meetings Law, Removal Law, Zoning Law; Oneida Nation Gaming Ordinance (ONGO) and various laws identifying responsibilities/authority for elected entities.				
Enforcement & Due Process	The Law allows for the Election Board to impose fines for violations of the law's contribution restrictions and campaign sign restrictions. The Zoning Administrator may remove noncompliant campaign signs. The Law provides appeal processes for applicants who are found to be ineligible to run for elected positions, for voters found to be ineligible to vote, and for challenging the results of an election.				
Public Meeting Status	A public meeting was held on September 15, 2016. No spoken comments were submitted at the Public Meeting, and no written comments were submitted during the public comment period.				

4

Overview

5

These proposed amendments to the Election Law (the Law) permanently adopt the emergency amendments adopted on April 24, 2016, which were extended by the Oneida Business Committee on October 12, 2016. In addition, these proposed amendments also create an additional section in the Law, which details one of the two processes established by the Nation's Constitution, for amending the Constitution in the future.

10

The emergency amendments will lapse on April 27, 2017, unless permanently adopted prior to that date, in accordance with the Legislative Procedures Act.

12

13

On May 2, 2015, the Oneida Nation voted in a Secretarial Election, approving five amendments to the Oneida Nation Constitution (hereinafter: "Constitution"):

15

- Lowering the minimum voting age for Tribal elections from 21 to 18 years old.
- Establishing a different process for making future amendments to the Constitution; and giving the Secretary of the US Department of the Interior less approval/oversight authority over the Nation.
- Changing the name of the Oneida Tribe of Indians of Wisconsin to "Oneida Nation".

16

17

18

19

For OBC Consideration
October 26, 2016

- 20 • Formally establishing the Judiciary in the Constitution
- 21 • Allowing GTC Annual and Semi-Annual meetings to be held at any time during the
- 22 months of January and July, instead of on the first Mondays of those months.

23
24 These proposed amendments were submitted to update the Law to reflect the Constitutional
25 amendments.

26
27 **Lowering the minimum voting age for Oneida Nation elections from 21 to 18 years old;**
28 **changing “Tribe” to “Nation” to reflect the new name.**

29 After the Constitution was amended, provisions in this Law conflicted with the new
30 requirements – specifically, this Law still defined “qualified voters” as persons who are at least
31 21 years old, but the Constitution now states that qualified voters are persons who are at least 18
32 years old.

33 On April 27, 2016, the OBC adopted emergency amendments to this Law which lowered the
34 minimum voting age to 18. Additional changes were made to replace references to the “Tribe”
35 with references to the “Nation.” [2.3-15]. Those amendments were adopted on an emergency
36 basis in order to reconcile the different voting age requirements before a caucus that was
37 scheduled for May 7, 2016.

38
39 **Establishing a different process for making future amendments to the Constitution**

40 In addition to permanently adopting the emergency amendments, these proposed changes
41 create a new section in the Law, which addresses how the Constitution can be amended in the
42 future. Currently, this Law does not address how the Constitution can be amended; the only
43 requirements are set out in the Constitution, and those requirements were changed after the
44 Secretarial Election.

45 The amended Constitution now identifies that there are now two different processes by which
46 Constitutional amendments can be placed on a ballot for the membership to vote on:

- 47 1. **OBC Process.** Amendments may be proposed by the OBC.
- 48 2. **Petition Process.** Amendments may be proposed by a petition signed by the
- 49 membership.

50
51 *OBC Process*

52 The new section in the Law essentially repeats most of the requirements set out in the
53 Constitution for the petition process; but for the OBC process, this Law does not repeat the
54 requirements found in the Constitution. Instead, the Law states that the requirements for the OBC
55 process are “provided in the Constitution and as further detailed in the supporting standard
56 operating procedures which the [OBC] shall adopt.” [2.13-1] The Constitution does not
57 specifically authorize the OBC to adopt supporting SOPs for when they propose amendments;
58 that language only appears in the proposed new language for the Election Law.

59
60 *Petition Process*

61 The Constitution sets out specific requirements for the petition process; and most of those
62 requirements are repeated in the new language in this Law. The Constitution also identifies
63 additional requirements that may/must be established by law, and most of those are also
64 established in this new section added to the Law:

Requirement in the Constitution	Provisions that would be added to the Election Law
---------------------------------	--

For OBC Consideration
October 26, 2016

On the ballot, proposed Constitutional amendments must be accompanied by purpose statement, prepared by “the person who is so authorized by law.”	Authorizes the Oneida Law Office to prepare the statement of purpose that will appear on the ballot. [2.13-4]
Petitions to amend the Constitution must be filed with the “person authorized by law” to receive them.	Authorizes the Office of the Nation’s Secretary (<i>i.e.</i> Tribal Secretary) to receive these petitions. [2.13-1]
After receiving a petition, the authorized person must, “as provided by law”: 1. determine the validity and sufficiency of the signatures, and 2. at least 60 days before the election, make an official announcement about the <u>validity/sufficiency of the signatures</u> .	1. The Trust Enrollment Department is responsible for verifying petition signatures, and 2. The Election Board is responsible for making an official announcement <u>of the proposed amendments</u> , once signatures are verified. [2.13-1]
Petitions must be in the form, and signed and circulated in the manner prescribed by Oneida law.	Qualified voters may request a petition form from the Tribal Secretary: • Then, the Tribal Secretary/designee must direct the Trust Enrollment Department to calculate the number of signatures the petitioner must collect. (This is calculated as of the date the petition form is requested.) • Then, the Secretary must give the petition form to the requester, and inform the requester of how many signatures they must collect. Petition forms must be circulated with all supporting materials (if any); each person signing the petition must also initial the form to acknowledge the supporting materials were available for review at the time s/he signed the petition. 2.13-1.
Publishing Notice: 3 things must be <u>published in full, as provided by Oneida Law</u> : • The proposed Constitutional amendment • The existing provision of the Constitution and Bylaws that would be changed/deleted. • The question as it shall appear on the ballot.	Proposed amendments must be published by publishing a sample ballot. The Election Board is responsible for mass-mailing the sample ballot no less than 10 days before the election. The Election Board Chair must notify the Trust Enrollment Department no less than 20 days before the requested mailing. 2.13-3.
Notice must be “prominently posted at Tribal <u>administration</u> offices.”	The sample ballot must be prominently posted at Oneida <u>administrative</u> offices; defined as “the location where the [OBC] conducts business.” [2.13-3]
Notice must be “furnished to news media as provided [by] Oneida law.”	The sample ballot must be published <u>in official Oneida media outlets</u> , which must be identified by OBC resolution. [2.13-3]

65 Although not required by the Constitution, one other additional requirement is established
66 by the Law: The Constitution does not identify who is responsible for putting proposed
67 amendments on the ballot for an election. This Law adds that the Election Board is responsible
68 for doing so. [2.13-2]

69 **Other**

70 Various references to the “Enrollment Department” are changed to refer to the “Trust
71 Enrollment Department.” All other relevant references to the “Tribe” were changed to “Nation”
72 – including references to the “Tribal Secretary”, which were changed to the “Nation’s
73 Secretary”; and all references to the Constitution were revised to “Oneida Nation Constitution.”

74 Section 2.2 is updated to incorporate the language requirements set out in the Legislative
75 Procedures Act.

Title 1. Government and Finances - Chapter 2102

ONEIDA ELECTION LAW

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanláhsla

People of the Standing Stone how it is we will appoint them the kind of laws we have

- 2.1. Purpose and Policy
- 2.2. Adoption, Amendment, Repeal
- 2.3. Definitions
- 2.4. Election Board
- 2.5. Candidate Eligibility
- 2.6. Selection of Candidates
- 2.7. Notice of Polling Places

- 2.8. Registration of Voters
- 2.9. Election Process
- 2.10. Closing Polls Tabulating and Securing Ballots
- 2.11. Election Outcome and Ties
- 2.12. Elections
- 2.13. Oneida Nation Constitution and By-law Amendments

2.1. Purpose and Policy

2.1-1. -It is the policy of the TribeNation that this law shall govern the procedures for the conduct of orderly Tribal-elections of the Nation, including pre-election activities such as caucuses and nominations.- Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

2.1-2. -This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida TribeNation in the conduct of elections. It is intended to govern all procedures used in the election process.

2.2. Adoption, Amendment, Repeal

2.2-1.- This law was adopted by the Oneida General Tribal Council by resolution #GTC 707-06-98-A -and amended by resolutions #GTC-01-04-10- A and BC-02-25-15-C. ~~The amendments adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.~~

2.2-2. -This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Oneida Administrative Legislative Procedures Act ~~by the Business Committee or the Oneida General Tribal Council.~~ Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

2.2-3. -Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

2.2-4. ~~Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.~~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.

2.2-5.- This law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

2.3. Definitions

2.3-1.- 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.

2.3-2. -“Alternate” shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

2.3-3. -“Applicant” shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

2.3-4. -“Business day” shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding

For OBC Consideration

10/26/16

- 38 | ~~Tribal~~ holidays of the Nation.
- 39 | 2.3-5. -“Campaigning” shall mean all efforts designed to influence ~~Tribal~~ members of the Nation
- 40 | to support or reject a particular ~~Tribal~~ candidate of the Nation including, without limitation,
- 41 | advertising, rallying, public speaking, or other communications with ~~Tribal~~ members of the
- 42 | Nation.
- 43 | 2.3-6.- “Candidate” shall mean a petitioner or nominee for an elected position whose name is
- 44 | placed on the ballot by the Election Board after successful application.
- 45 | 2.3-7. -“Clerk” shall mean the election official who identifies proper registration for the purpose
- 46 | of determining voter eligibility.
- 47 | 2.3-8. -“Close of business” shall mean 4:30 p.m. Monday through Friday.
- 48 | 2.3-9. “Conflict of Interest” shall mean any interest, whether it be personal, financial, political or
- 49 | otherwise, in which a ~~Tribal~~Nation elected official, employee, consultant, appointed or elected,
- 50 | member of any board, committee or commission, or their immediate relatives, friends or
- 51 | associates, or any other person with whom they have contact, that conflicts with any right of the
- 52 | ~~Tribe~~Nation to property, information, or any other right to own and operate its enterprises, free
- 53 | from undisclosed competition or other violation of such rights of the Oneida ~~Tribe~~Nation, or as
- 54 | defined in any law or policy of the ~~Tribe~~Nation.
- 55 | 2.3-10. -“Election” shall mean every primary and election.
- 56 | 2.3-11.- “General election” shall mean the election held every three (3) years in July to elect the
- 57 | Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
- 58 | Business Committee and may include contests for elected boards, committees and commissions
- 59 | positions.
- 60 | 2.3-12. -“Judge” shall mean the election official who informs and advises the Chairperson of
- 61 | discrepancies, complaints and controversy regarding voter eligibility.
- 62 | 2.3-13. -“Judiciary” means the judicial system that was established by Oneida General Tribal
- 63 | Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
- 64 | the ~~Tribe~~Nation.
- 65 | 2.3-14.- “Lot drawing” shall mean the equal chance method used to select a candidate as the
- 66 | winner of an elected position, in the case of a tie between two (2) or more candidates.
- 67 | 2.3-15. ~~“Oneida Police Officer” shall mean an enrolled member of the Oneida Tribe of Indians~~
- 68 | ~~who is a police officer on any police force~~“Nation” means the Oneida Nation.
- 69 | 2.3-16. ~~“Nation’s newspaper” shall mean the Kalihwisaks, or any other newspaper operated by~~
- 70 | ~~the Nation for the benefit of transmitting news to members of the Nation, which is designated by~~
- 71 | ~~the Election Board as a source for election related news.~~
- 72 | 2.3-17. “Oneida Police Officer” shall mean an enrolled member of the Oneida Nation who is a
- 73 | police officer on any police force.
- 74 | 2.3-18. “Private property” shall mean any lot of land not owned by the ~~Tribe~~Nation, a residential
- 75 | dwelling or a privately owned business within the boundaries of the Reservation.
- 76 | 2.3-~~17~~19. “Prominent locations” shall mean the polling places, main doors of the Norbert Hill
- 77 | Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
- 78 | Community Health Center, the SEOTS building and all One-Stop locations.
- 79 | 2.3-~~18~~-20. “Qualified voter” shall mean an enrolled ~~Tribal~~ member of the Nation who is
- 80 | 21eighteen (18) years of age or older.
- 81 | 2.3-~~19~~-21. “Rejected Ballots” shall mean those ballots which are rejected by the vote tabulating
- 82 | machine.

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83 | ~~2.3-20-22.~~ "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise
84 | marred and is not tabulated.

85 | ~~2.3-21-23.~~ "Teller" shall mean the election official in charge of collecting and storing of all
86 | ballots.

87 | ~~2.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the~~
88 | ~~Tribes for the benefit of transmitting news to Tribal members which is designated by the Election~~
89 | ~~Board as a source for election related news.~~

90 | ~~2.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.~~

91

92 | **2.4. -Election Board**

93 | *Section A. Establishment, Composition and Election*

94 | 2.4-1.- An Election Board is hereby created for the purpose of carrying out the provisions of this
95 | law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

96 | 2.4-2.- The Election Board shall consist of nine (9) elected members. All members shall be
97 | elected to terms of three (3) years, not to exceed two (2) consecutive terms.

98 | 2.4-3. -*Recusal.*- An Election Board member shall recuse himself/herself from participating as an
99 | Election Board member in any pre-election, election day, or post-election activities while he or
100 | she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of
101 | interest.

102 | 2.4-4. -*Removal.*- Removal of members shall be pursuant to the Oneida Removal Law. A
103 | member who is removed from the Election Board shall be ineligible to serve on the Board for
104 | three (3) years from the time he or she is removed from the Election Board.

105 | 2.4-5. -*Vacancies.*- Any vacancy in an unexpired term shall be filled by appointment by the
106 | Business Committee for the balance of the unexpired term. The filling of a vacancy may be
107 | timed to correspond with the pre-election activities and the needs of the Election Board.

108 | 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

109 | 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the
110 | Election Board, as recommended by the Election Board, to assist with election day and pre-
111 | election activities.

112 | 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the
113 | By-laws of the Election Board, to preside over the meetings. This selection shall be carried out
114 | at the first meeting of the Election Board following an election. The Chairperson shall then ask
115 | the Election Board to select a Vice-Chairperson and Secretary.

116

117 | *Section B. Duties of the Election Board*

118 | 2.4-9. -The Election Board shall have the following duties, along with other responsibilities listed
119 | throughout this law.

120 | (a) The Election Board shall be in charge of all registration and election procedures; and

121 | (b) Upon completion of an election, the Election Board shall make a final report on the
122 | election results as set out in this law.

123

124 | *Section C. Specific Duties of Officers and Election Board Members*

125 | 2.4-10. -Specific duties of the Chairperson and other Election Board members, in addition to
126 | being present at all Election Board meetings and assisting the handicapped through the voting
127 | process, are as set out herein:

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- 128 | (a) ~~Chairperson~~:- Shall preside over meetings of the Election Board; shall select the
 129 | hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of
 130 | an appeal; shall oversee the conduct of the election; shall dismiss the alternates and
 131 | ~~OneidaTrust~~ Enrollment Department personnel when their election day duties are
 132 | complete; and shall post and report election results.
- 133 | (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- 134 | (c) ~~Secretary~~: Shall keep a record of the meetings and make them available to the
 135 | ~~TribalNation's~~ Secretary, other Election Board members and the public as required in the
 136 | Open Records and Open Meetings Law.
- 137 | (d) ~~Clerks~~: Shall implement the requirements of identifying and registering all voters
 138 | and determining voter eligibility. Clerks shall work in conjunction with the ~~OneidaTrust~~
 139 | Enrollment Department personnel in the registration process, and assist the Chairperson
 140 | as directed in conducting the election. Clerks cannot be currently employed by the
 141 | ~~OneidaTrust~~ Enrollment Department.
- 142 | (e) ~~Tellers~~: Shall collect and keep safe all ballots, until the election is complete, as
 143 | determined by this law. Shall assist the Chairperson in conducting the election.
- 144 | (f) ~~Judges~~: Shall inform and advise the Chairperson of all aspects of the election
 145 | conducted under this law. In case of disputes among Election Board members, or
 146 | between ~~Tribal~~ members of the Nation and Election Board members, or any controversy
 147 | regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a
 148 | determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility
 149 | may be in question, remain confidential.

151 | *Section D. Compensation Rates*

152 | 2.4-11. Election Board members are to be compensated at an hourly rate when conducting
 153 | elections as provided for in the Election Board's bylaws as approved by the Business Committee.
 154 | The Election Board shall have a budget, approved through the ~~Nation's~~ budgeting process ~~of the~~
 155 | ~~Tribe~~.

156 | 2.4-12. The ~~OneidaTrust~~ Enrollment Department personnel and Oneida Police Officer(s) shall
 157 | be compensated at their regular rate of pay out of their respective budgets.

159 | **2.5. Candidate Eligibility**

160 | *Section A. Requirements*

161 | 2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws
 162 | or other documents, all applicants shall meet the minimum requirements set out in this section in
 163 | order to become a candidate.

164 | 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

- 165 | (a) be an enrolled ~~Tribal~~ member of the Nation, as verified by membership rolls of the
 166 | ~~TribeNation~~.
- 167 | (b) be a qualified voter on the day of the election.
- 168 | (c) provide proof of physical residency as required for the position for which they have
 169 | been nominated or for which they have petitioned. Proof of residency may be through
 170 | one (1) or more of the following:
- 171 | (1) a valid Wisconsin driver's license;
- 172 | (2) a bill or pay check stub showing name and physical address of the candidate

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173 from the prior or current month;
174 (3) another form of proof that identifies the candidate and that the candidate has
175 physically resided at the address and identifies that address as the primary
176 residence.

177 2.5-3. No applicant may have a conflict of interest with the position for which they are being
178 considered, provided that any conflict of interest which may be eliminated within thirty (30)
179 calendar days of being elected shall not be considered as a bar to nomination or election.

180 2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be
181 filed by presenting the information to the TribalNation's Secretary, or designated agent, during
182 normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after
183 the caucus. No mailed, internal TribalNation mail delivery, faxed or other delivery method shall
184 be accepted.

185 2.5-5. The names of the candidates and the positions sought shall be a public record and made
186 available to the public upon the determination of eligibility by the Election Board or the Board's
187 designated agent.

188
189 *Section B. Eligibility Review*

190 2.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
191 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
192 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
193 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
194 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
195 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
196 Judiciary on an accelerated schedule.

197 2.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
198 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position
199 shall be notified by certified mail return receipt requested. The notice shall provide the
200 following information:

- 201 (a) Position for which they were considered
202 (b) Qualification of the position and citation of the source. (Copies of source may be
203 attached.)
204 (c) A brief summary explaining why the applicant was found to be ineligible.
205 (d) That the applicant has two (2) business days from notification to make an appeal.
206 Appeals must be filed at the location designated on the notice by hand delivery. The
207 location designated shall be on the Reservation. No mailed, internal TribalNation mail,
208 faxed or other delivery method will be accepted.
209

210 *Section C. Campaign Financing*

211 2.5-8. Contributions:

- 212 (a) Solicitation of Contributions by Candidates.
213 (1) Candidates shall only accept contributions from individuals who are members
214 of the TribeNation or individuals related by blood or marriage to the candidate.
215 Candidates may not accept contributions from any business, whether sole
216 proprietorship, partnership, corporation, or other business entity.

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- 217 | (2) Candidates shall not solicit or accept contributions in any ~~Tribal~~ office or
218 | business/facility of the Nation.
- 219 | (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
220 | Election Board in an amount specified in a resolution adopted by the Business
221 | Committee.
- 222 | 2.5-9. Campaign Signs and Campaigning:
- 223 | (a) Placement of campaign signs:
- 224 | (1) Campaign signs shall not be posted or erected on any ~~Tribal~~ property of the
225 | Nation except for private property with the owner/tenant's permission.
- 226 | (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
227 | of seven (7) such signs may be placed on a building or on a lot.
- 228 | (3) No campaign sign shall project beyond the property line into the public right
229 | of way.
- 230 | (b) Removal of campaign signs. All campaign signs shall be removed within five (5)
231 | business days after an election.
- 232 | (c) Employees of the ~~Tribe~~Nation shall not engage in campaigning for ~~Tribal~~ offices of
233 | the Nation during work hours. ~~Tribal~~The Nation's employees shall be subject to
234 | disciplinary action under the personnel policies and procedures for political campaigning
235 | during work hours.
- 236 | (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
237 | signs that are not in compliance with this law, in accordance with the Zoning and
238 | Shoreland Protection Law.
- 239 | (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by
240 | the Election Board in an amount specified in a resolution adopted by the Business
241 | Committee.

242 |
243 | *Section D. Candidate Withdrawal*

244 | 2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the
245 | candidate prior to submission of the ballot for printing to any Election Board member, excluding
246 | alternates.

247 | 2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
248 | election by submitting in writing a statement indicating they are withdrawing from the election
249 | prior to the opening of the polls to any Election Board member, excluding alternates. This
250 | statement shall be posted alongside any sample ballot printed prior to the election in the
251 | newspaper or any posting at the polling places.

252 | 2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
253 | Election Board members in charge of the polling place, to be removed from the ballot. The
254 | written statement shall be posted next to any posted sample ballot.

255 | 2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
256 | which they have withdrawn regardless of the number of votes cast for that candidate. A written
257 | statement shall be considered the only necessary evidence of withdrawal and acceptance of
258 | denial of any position withdrawn from.

259 | 2.5-14. *Candidate Withdrawal After Winning an Election.*

260 | (a) In the event a candidate declines an office after winning an election, the Election
261 | Board shall declare the next highest vote recipient the winner. This procedure shall be

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262 repeated as necessary until a winner is declared.

263 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
264 Special Election shall be held.

265

266 **2.6. Selection of Candidates**

267 *Section A. Setting of Caucus*

268 2.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
269 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
270 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days
271 prior to the election date. In a general election year, caucuses shall be combined so that
272 candidates for the Business Committee and elected boards, committees and commissions are
273 nominated at the same caucus.

274 2.6-2. The procedures for the caucus shall be as follows:

275 (a) Candidates shall be nominated from the floor.

276 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.
277 Candidates nominated at the caucus, but not present to accept the nomination, shall be
278 required to follow the petition process.

279 (c) Nominations shall consist of the following positions: Chairperson, Vice-
280 Chairperson, Treasurer, Secretary, Council Member and other elected positions as
281 required by by-laws or creating documents of a board, committee, or commission.

282

283 *Section B. Petition*

284 | 2.6-3. Any eligible ~~Tribal~~ member of the Nation may petition to be placed on a ballot according
285 to the following procedures:

286 (a) Each petitioner, not nominated at caucus, shall file a petition containing
287 endorsee's original signatures; photocopies shall not be accepted.

288 (b) Petitioners shall use an official petition form as designated by this law which may
289 | be obtained in the ~~Tribal~~ Office of the Nation's Secretary's ~~Office~~ or from the mailing
290 for that caucus.

291 (c) The petition form shall consist of each endorsee's:

292 (1) printed name and address;

293 (2) date of birth;

294 | (3) Oneida ~~Tribal~~ Nation Enrollment Number; and

295 (4) signature.

296 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as
297 defined under this law.

298 | (e) Petitions shall be presented to the ~~Tribal~~ Nation's Secretary, or designated agent,
299 during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than
300 prior to close of business five (5) business days after the caucus. The location to
301 drop-off petitions shall be identified in the mailing identifying the caucus date.

302 | (f) The ~~Tribal~~ Nation's Secretary shall forward all petitions to the Election Board
303 Chairperson the next business day following the close of petition submissions.

304 | (g) The Election Board shall have the ~~Oneida~~ Trust Enrollment Department verify all
305 signatures contained on the petition.

306 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a

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307 judicial court or commission, shall not run for more than one (1) elective office or seat per
308 election.

309

310 2.7. Notice of Polling Places

311 2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of
312 the polling places and the time the polls will be open. This notice shall also be posted in an
313 easily visible position, close to the entrance of ~~Tribal~~the Nation's businesses/facilities.

314 2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the
315 election, and shall remain posted until the poll closes on the day of the election.

316 2.7-3. Except for a Special Election, notice for the election shall be mailed to all TribalNation
317 members, stating the time and place of the election and a sample of the ballot, no less than ten
318 (10) calendar days prior to the election, through a mass mailing. The OneidaTrust Enrollment
319 Department shall be notified, by the Election Board Chairperson, no less than twenty (20)
320 calendar days prior to the requested mailing.

321 2.7-4. Notice of the election shall be placed in the TribalNation's newspaper.

322

323 2.8. Registration of Voters

324 *Section A. Requirements*

325 2.8-1. *Registration of Voters.* All enrolled members of the TribalNation, who are ~~twenty-one~~
326 ~~(21)~~eighteen (18) years of age or over, are qualified voters of such election(s) as defined in
327 Article III, Section 2 of the Oneida TribalNation Constitution.

328

329 *Section B. Identification of Voters*

330 2.8-2. All voters must present one of the following picture identifications in order to be able to
331 vote:

- 332 (a) TribalOneida Nation I.D.
- 333 (b) Drivers License.
- 334 (c) Other I.D. with name and photo.

335

336 *Section C. Registration Procedures*

337 2.8-3. Voters shall physically register, on the day of the election, at the polls.

338 2.8-4. OneidaTrust Enrollment Department personnel shall be responsible for verifying Tribal
339 enrollment, with the Nation. Conduct of OneidaTrust Enrollment Department personnel is
340 governed by the Election Officials during the voting period.

341 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
342 Form containing the voter's following information:

- 343 (a) name and maiden name (if any);
- 344 (b) current address;
- 345 (c) date of birth; and
- 346 (d) enrollment number.

347

348 *Section D. Qualification/Verification of Voter Eligibility*

349 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
350 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
351 the Trust Enrollment Department personnel who are registering voters, to decide the voting

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352 member's eligibility currently being questioned and shall make such decisions from the facts
353 available, whether the applicant is, in fact, qualified/verifiable under the Oneida ~~Tribal~~Nation
354 Constitution, Article III Section 2, to vote in ~~tribal~~the Nation's elections.

355 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
356 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
357 the voter shall be written next to a numbered list which corresponds to the numbered and sealed
358 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
359 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
360 desire to challenge the decision made by the Election Officials. The Election Board shall make a
361 final decision, within five (5) business days of receiving the appeal and shall report this decision
362 in the final report sent to the Oneida Business Committee.

363

364 **2.9. Election Process**

365 *Section A. Polling Places and Times*

366 2.9-1. In accordance with Article III, Section 45 of the ~~Tribal~~Oneida Nation Constitution,
367 elections shall be held in the month of July on a date set by the General Tribal Council. The
368 General Tribal Council shall set the election date at the January annual meeting, or at the first
369 GTC meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

370 2.9-2. Elections shall be held in an Oneida ~~Tribal~~Nation facility(s) as determined by the Election
371 Board.

372 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
373 to vote at 7:00 p.m. shall be allowed to vote.

374 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
375 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after
376 four (4) ~~Tribal~~members of the Nation verify, through signature on the tape, the ballot
377 box is empty and the ballot counting machine printer tape has a zero (0) total count.

378 2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,
379 and until the counting of ballots is completed, and tentative results posted.

380 2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
381 that there is an area with at least two sides and a back enclosure.

382 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
383 the voting area, excluding private property.

384 2.9-7. No one causing a disturbance shall be allowed in the voting area.

385 2.9-8. Election Board members may restrict the voting area to qualified voters only. This
386 restriction is in the interest of maintaining security of the ballots and voting process.

387

388 *Section B. Ballot Box*

389 2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
390 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
391 the ballots may be placed within the ballot counting machine as they are received.

392

393 *Section C. Spoiled Ballots*

394 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

395 2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
396 and placed in an envelope marked as "Spoiled Ballots."

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397 2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
398 calendar days following finalization of any challenge of the election, at the Records Management
399 Department.

400

401 *Section D. Rejected Ballots*

402 2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

403 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
404 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the
405 final computer total, provided that, a new ballot was not received as set out in sections
406 2.9-10 through 2.9-12.

407 (b) Ballots rejected, either during the computer process or during a manual counting,
408 shall be reviewed by the Election Officials to verify that they are authentic. If the
409 Election Officials determine that the ballot is not an official ballot, or that it is an illegal
410 ballot, the ballot shall be designated 'void,' and placed in a sealed container marked
411 "Void Ballots."

412

413 **2.10. Tabulating and Securing Ballots**

414 *Section A. Machine Counted Ballots*

415 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
416 from the ballot counting machine copies of the election totals from the votes cast.

417 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall
418 include the tape signed by the ~~Tribal~~-members of the Nation before the polls were opened per
419 section 2.9-3(a).

420

421 *Section B. Manually Counted Ballots*

422 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
423 ballot box and remove the ballots.

424 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
425 be secured in a sealed container for transportation to the ballot counting location. The sealed
426 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
427 Officials for counting/tallying of ballots.

428 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
429 witnessed/monitored by an Oneida Police Officer.

430 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are
431 equal in back to back counting. Final tallies shall be verified by the Election Judges.

432

433 *Section C. Securing Ballots*

434 2.10-7. The Judges shall place together all ballots counted and secure them together so that they
435 cannot be untied or tampered with without breaking the seal. The secured ballots, and the
436 election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed
437 container in such a manner that the container cannot be opened without breaking the seals or
438 locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of
439 the election, the sealed container to the Records Management Department for retaining.

440

441 **2.11. Election Outcome and Ties**

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442 *Section A. Election Results Announcement*

443 2.11-1. The tentative results of an election shall be announced and posted by the Election Board
444 within twenty-four (24) hours after the closing of the polls. Notices of election results shall
445 contain the following statement:

446 *"The election results posted here are tentative results. Final election results are*
447 *forwarded by the Oneida Election Board to the Oneida Business Committee via a Final*
448 *Report after time has lapsed for recount requests, or challenges or after all recounts or*
449 *challenges have been completed, whichever is longer"*

450 2.11-2. The Election Board shall post, in the prominent locations, and publish in the
451 TribalNation's newspaper, the tentative results of an election.

452
453 *Section B. Tie*

454 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
455 determine the outcome of an election, the Election Board shall conduct an automatic recount of
456 the votes for each candidate receiving the same number of votes. Any recount conducted shall
457 be the only recount allowed for the tied candidates.

458 2.11-4. For Business Committee positions, a run-off election between the candidates with the
459 same number of votes shall be held if there remains a tie after the recount. Said run-off election
460 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
461 there remains a tie after the recount, the Election Board shall decide the winner of the tied
462 positions at least two (2) business days after, but no more than five (5) business days after the
463 recount through a lot drawing, which shall be open to the public.

464 (a) The Election Board shall notify each of the tied candidates and the public of the date,
465 time, and place of the drawing at least one (1) business day before the drawing. Notice to
466 the tied candidates shall be in writing. Notice to the public shall be posted by the
467 Election Board in the prominent locations.

468 (b) On the date and at the time and place the drawing was noticed, the Election Board
469 Chairperson shall clearly write the name of each tied candidate on separate pieces of
470 paper in front of any witnesses present. The pieces of paper shall be the same, or
471 approximately the same, color, size, and type. The papers shall be folded in half and
472 placed in a container selected by the Election Board Chairperson.

473 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
474 from the container. The candidate whose name is drawn from the container first shall be
475 declared the winner. An Election Board member other than the Chairperson shall remove
476 the remaining pieces of paper from the container and show them to the witnesses present.

477
478 *Section C. Recount Procedures*

479 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin
480 between the requesting candidate's vote total and vote total for the unofficial winner was within
481 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
482 greater. A candidate requests a recount by hand delivering a written request to the TribalOffice
483 of the Nation's Secretary's Office, or noticed designated agent, within five (5) business days after
484 the election. Requests shall be limited to one (1) request per candidate. The TribalNation's
485 Secretary shall contact the Election Board Chairperson by the next business day after the request
486 for recounts.

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487 2.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
488 request regarding the results of the recount. Provided that, no recount request need be honored
489 where there have been two (2) recounts completed as a result of a request either as a recount of
490 the whole election results, or of that sub-section.

491 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials
492 and Oneida Police Officer present, regardless of the original type of counting process. Manual
493 recounts may, at the discretion of the Election Officials, be of the total election results, or of the
494 challenged sub-section of the election results.

495 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
496 container with the ballots from the Records Management Department and transporting it to the
497 ballot recounting location.

498 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
499 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
500 Board Chairperson and an Oneida Police Officer shall witness the recount.

501 2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be
502 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
503 reconciles with the total count from the ballot counting machine. Sub-sections of candidates
504 may be recounted in lieu of a full recount.

505 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
506 counted twice by different persons and certified by the Judges.

507 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
508 to using an electronic ballot counting device, it shall be certified as correct either by the
509 maker, lessor of the machine, or Election Board.

510

511 *Section D. Challenges and Declaration of Results*

512 2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
513 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
514 hear and decide a challenge to any election within two (2) business days after the challenge is
515 filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day
516 after the issuance of the lower body's decision and decided within two (2) business days after the
517 appeal is filed.

518 (a) The person challenging the election results shall prove by clear and convincing
519 evidence that the Election Law was violated or an unfair election was conducted, and that
520 the outcome of the election would have been different but for the violation.

521 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
522 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
523 as the Election Law allows for a Special Election.

524 2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the
525 **TribalNation's** Secretary after time has lapsed for recount requests, or challenges or after all
526 recounts or challenges have been completed, whichever is longer. The Final Report shall consist
527 of the following information:

528 (a) Total number of persons voting.

529 (b) Total votes cast for each candidate by subsection of the ballot.

530 (c) List of any ties and final results of those ties, including the method of resolution.

531 (d) List of candidates elected and position elected to.

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- 532 (e) Number of spoiled ballots.
533 (f) Cost of the election, including the compensation paid to each Election Board member.
534 2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the
535 election and send notices regarding when the swearing in of newly elected officials shall take
536 place within ten (10) business days after receipt of the Final Report.
537 2.11-14. Candidates elected to the Business Committee shall resign from any salaried position
538 effective prior to taking a Business Committee oath of office
539 2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly
540 elected officials shall be sworn into office no later than thirty (30) calendar days after the official
541 results of an election are declared by the Business Committee.
542 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat
543 shall be considered vacant and the Election Board shall declare the next highest vote
544 recipient the winner. This procedure shall be repeated as necessary until a winner is
545 declared.
546 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
547 Special Election shall be held.
548 2.11-16. The Election Board shall send notice to the Records Management Department to
549 destroy the ballots thirty (30) calendar days after the election or after the final declaration of
550 official election results occurs, whichever is longer.
551

552 **2.12. Elections**

553 *Section A. Primary Elections; Business Committee*

- 554 2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60)
555 calendar days prior to the election.
556 2.12-2. There shall be a primary election for Business Committee positions whenever there are
557 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the
558 at-large council member positions.
559 (a) The two (2) candidates receiving the highest number of votes cast for each officer
560 position shall be placed on the ballot.
561 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
562 council member positions shall be placed on the ballot.
563 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
564 shall include all candidates where the tie exists.
565 2.12-3. The Election Board shall cancel the primary election if the Business Committee
566 positions did not draw the requisite number of candidates for a primary by the petitioning
567 deadline set for the primary.
568 2.12-4. -In the event a candidate withdraws or is unable to run for office after being declared a
569 winner in the primary, the Election Board shall declare the next highest primary vote recipient
570 the primary winner. This procedure shall be repeated as necessary until the ballot is full or until
571 there are no available candidates. If the ballot has already been printed, the procedures for
572 notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the
573 requirement to print a notice in the [TribalNation's](#) newspaper if time lines allow.
574

575 *Section B. Special Elections*

- 576 2.12-5.- Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as

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577 defined in this law, may be placed on the same ballot as the subject matter of an election.

578 | 2.12-6. -Dates of all Special Elections shall be set, as provided for in this law, by the Business
579 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
580 with an election challenge.

581 | 2.12-7. -Notice of said Special Election shall be posted by the Election Board in the prominent
582 locations, and placed in the ~~Tribal~~Nation's newspaper not less than ten (10) calendar days prior
583 to the Special Election.

584 | 2.12-8. - In the event of an emergency, the Election Board may reschedule the election, provided
585 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
586 voters, by posting notices in the prominent locations.

587

588 *Section C. Referendums*

589 | 2.12-9. -Registered voters may indicate opinions on any development, law or resolution,
590 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a
591 special referendum election.

592 | (a)- Referendum elections in which a majority of the qualified voters who cast votes shall
593 be binding on the Business Committee to present the issue for action/decision at General
594 Tribal Council.

595 | (b)- Referendum requests may appear on the next called for election.

596 | (c)- Referendum questions are to be presented to the ~~Tribal~~Nation's Secretary, in writing,
597 at the caucus prior to election, regarding issues directly affecting the ~~Tribe~~Nation or
598 general membership.

599

600 *Section D. Initiation of Special Elections*

601 | 2.12-10.- Special Elections may be initiated by a request or directive of the General Tribal
602 Council or the Oneida Business Committee.

603 | 2.12-11. -Special Election may be requested by a ~~Tribal~~-member of the Nation to the Business
604 Committee or General Tribal Council.

605 | 2.12-12.- All Special Elections shall follow rules established for all other elections. This
606 includes positions for all Boards, Committees and Commissions.

607

608 **2.13. Oneida Nation Constitution and By-law Amendments**

609 2.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
610 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a
611 petition of qualified voters. The requirements for the Oneida Business Committee's initiation of
612 Constitutional amendments are as provided in the Constitution and as further detailed in the
613 supporting standard operating procedures which the Oneida Business Committee shall adopt.
614 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by
615 submitting a petition to the Office of the Nation's Secretary which includes the full text of the
616 proposed amendments and signatures that are equal in number to at least ten percent (10%) of all
617 members qualified to vote.

618 (a) Qualified voters may request a petition form from the Office of the Nation's
619 Secretary.

620 (b) When a petition form is requested, the Nation's Secretary, or his or her designee,
621 shall direct the Trust Enrollment Department to calculate the number of signatures

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622 currently required for a petition submittal, which shall be ten percent (10%) of all
623 members qualified to vote on the date the petition form is requested from the Office of
624 the Nation's Secretary. When the Nation's Secretary receives the calculation from the
625 Trust Enrollment Department, the Nation's Secretary shall provide the requester with the
626 petition form and the number of signatures that are currently required.

627 (c) Such petitions shall be circulated with all supporting materials and submitted a
628 minimum of ninety (90) days prior to the election at which the proposed amendment is to
629 be voted upon. If a petition includes supporting materials in addition to the petition form,
630 each qualified voter signing the petition shall also acknowledge that the supporting
631 materials were available for review at the time he or she signed the petition by initialing
632 where required on the petition form.

633 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
634 Department for verification of signatures and to the Election Board to provide notice that
635 the petition may need to be placed on an upcoming ballot.

636 (e) If the petition is verified by the Trust Enrollment Department to contain signatures
637 from at least ten percent (10%) of all qualified voters, the Election Board shall make an
638 official announcement of the proposed amendments to the Oneida Nation Constitution at
639 least sixty (60) days prior to the election at which the proposed amendments are to be
640 voted on.

641 2.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
642 Constitution that meet the requirements contained in 2.13-1 on the ballot at the next general
643 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
644 special election be held to consider the proposed amendments. In such circumstances, the
645 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the
646 ballot at the next special election.

647 2.13-3. The Election Board shall publish any proposed amendments by publishing a sample
648 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
649 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
650 (20) calendar days prior to the requested mailing. Copies of such publications shall be
651 prominently posted in each polling place and at administrative offices of the Nation and shall
652 also be published in official Oneida media outlets, which the Oneida Business Committee shall
653 identify by resolution. For the purposes of this section, Oneida administrative offices means the
654 location where the Oneida Business Committee conducts business.

655 2.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the
656 proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure
657 that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true
658 and impartial statement and is written in such a manner that does not create prejudice for or
659 against the proposed amendment.

660 2.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed
661 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on
662 that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend
663 existing provisions of the Constitution and By-laws at the end of thirty (30) days after
664 submission of the final election report.

665 2.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
666 amendment receiving the highest affirmation vote prevails.

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667 |
668

669 *End.*

~~670~~

672 Adopted - June 19, 1993

673 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

674 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

675 Amended- October 11, 2008 (General Tribal Council Meeting)

676 Amended-GTC-01-04-10-A

677 Amended – BC-02-25-15-C

Title 1. Government and Finances - Chapter 102**ELECTION****On<yote>a-k@= Tho Ni= Y%t Tsi> <yethiyatal@ko Tsi> Kayanl^hsla**

People of the Standing Stone how it is we will appoint them the kind of laws we have

2.1. Purpose and Policy	2.8. Registration of Voters
2.2. Adoption, Amendment, Repeal	2.9. Election Process
2.3. Definitions	2.10. Tabulating and Securing Ballots
2.4. Election Board	2.11. Election Outcome and Ties
2.5. Candidate Eligibility	2.12. Elections
2.6. Selection of Candidates	2.13. Oneida Nation Constitution and By-law Amendments
2.7. Notice of Polling Places	

1 2.1. Purpose and Policy

2 2.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of
3 orderly elections of the Nation, including pre-election activities such as caucuses and
4 nominations. Because of the desire for orderly and easily understood elections, there has not
5 been an allowance made for write-in candidates on ballots.

6 2.1-2. This law defines the duties and responsibilities of the Election Board members and other
7 persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all
8 procedures used in the election process.

9

10 2.2. Adoption, Amendment, Repeal

11 2.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-
12 A and amended by resolutions GTC-01-04-10- A and BC-02-25-15-C.

13 2.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to
14 the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding
15 amendments to this law and policies adopted regarding implementation of this law are to be
16 presented to the Business Committee who shall then adopt or forward action(s) to the General
17 Tribal Council for adoption.

18 2.2-3. Should a provision of this law or the application thereof to any person or circumstances be
19 held as invalid, such invalidity shall not affect other provisions of this law which are considered
20 to have legal force without the invalid portions.

21 2.2-4. In the event of a conflict between a provision of this law and a provision of another law,
22 the provisions of this law shall control.

23 2.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

24

25 2.3. Definitions

26 2.3-1. This section shall govern the definitions of words and phrases used within this law. All
27 words not defined herein shall be used in their ordinary and everyday sense.

28 2.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the
29 Election Board during an election and until election results have been certified.

30 2.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for
31 acceptance on a ballot.

32 2.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding
33 holidays of the Nation.

34 2.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to
35 support or reject a particular candidate of the Nation including, without limitation, advertising,
36 rallying, public speaking, or other communications with members of the Nation.

37 2.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is

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38 placed on the ballot by the Election Board after successful application.

39 2.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose
40 of determining voter eligibility.

41 2.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

42 2.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or
43 otherwise, in which a Nation elected official, employee, consultant, appointed or elected,
44 member of any board, committee or commission, or their immediate relatives, friends or
45 associates, or any other person with whom they have contact, that conflicts with any right of the
46 Nation to property, information, or any other right to own and operate its enterprises, free from
47 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in
48 any law or policy of the Nation.

49 2.3-10. "Election" shall mean every primary and election.

50 2.3-11. "General election" shall mean the election held every three (3) years in July to elect the
51 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the
52 Business Committee and may include contests for elected boards, committees and commissions
53 positions.

54 2.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of
55 discrepancies, complaints and controversy regarding voter eligibility.

56 2.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal
57 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of
58 the Nation.

59 2.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the
60 winner of an elected position, in the case of a tie between two (2) or more candidates.

61 2.3-15. "Nation" means the Oneida Nation.

62 2.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by
63 the Nation for the benefit of transmitting news to members of the Nation, which is designated by
64 the Election Board as a source for election related news.

65 2.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a
66 police officer on any police force.

67 2.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential
68 dwelling or a privately owned business within the boundaries of the Reservation.

69 2.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill
70 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida
71 Community Health Center, the SEOTS building and all One-Stop locations.

72 2.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)
73 years of age or older.

74 2.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating
75 machine.

76 2.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred
77 and is not tabulated.

78 2.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

79

80

81 **2.4. Election Board**

82 *Section A. Establishment, Composition and Election*

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83 2.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this
84 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.

85 2.4-2. The Election Board shall consist of nine (9) elected members. All members shall be
86 elected to terms of three (3) years, not to exceed two (2) consecutive terms.

87 2.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an
88 Election Board member in any pre-election, election day, or post-election activities while he or
89 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of
90 interest.

91 2.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)
93 years from the time he or she is removed from the Election Board.

94 2.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be
96 timed to correspond with the pre-election activities and the needs of the Election Board.

97 2.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 2.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the
99 Election Board, as recommended by the Election Board, to assist with election day and pre-
100 election activities.

101 2.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the
102 By-laws of the Election Board, to preside over the meetings. This selection shall be carried out
103 at the first meeting of the Election Board following an election. The Chairperson shall then ask
104 the Election Board to select a Vice-Chairperson and Secretary.

105
106 *Section B. Duties of the Election Board*

107 2.4-9. The Election Board shall have the following duties, along with other responsibilities listed
108 throughout this law.

109 (a) The Election Board shall be in charge of all registration and election procedures; and

110 (b) Upon completion of an election, the Election Board shall make a final report on the
111 election results as set out in this law.

112
113 *Section C. Specific Duties of Officers and Election Board Members*

114 2.4-10. Specific duties of the Chairperson and other Election Board members, in addition to
115 being present at all Election Board meetings and assisting the handicapped through the voting
116 process, are as set out herein:

117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the
118 hearing body for applicants found to be ineligible in accordance with 2.5-6 in the event of
119 an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust
120 Enrollment Department personnel when their election day duties are complete; and shall
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the
124 Nation's Secretary, other Election Board members and the public as required in the Open
125 Records and Open Meetings Law.

126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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128 Department personnel in the registration process, and assist the Chairperson as directed in
129 conducting the election. Clerks cannot be currently employed by the Trust Enrollment
130 Department.

131 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as
132 determined by this law. Shall assist the Chairperson in conducting the election.

133 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election
134 conducted under this law. In case of disputes among Election Board members, or
135 between members of the Nation and Election Board members, or any controversy
136 regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a
137 determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility
138 may be in question, remain confidential.
139

140 *Section D. Compensation Rates*

141 2.4-11. Election Board members are to be compensated at an hourly rate when conducting
142 elections as provided for in the Election Board's bylaws as approved by the Business Committee.
143 The Election Board shall have a budget, approved through the Nation's budgeting process.

144 2.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be
145 compensated at their regular rate of pay out of their respective budgets.
146

147 **2.5. Candidate Eligibility**

148 *Section A. Requirements*

149 2.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws
150 or other documents, all applicants shall meet the minimum requirements set out in this section in
151 order to become a candidate.

152 2.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

153 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

154 (b) be a qualified voter on the day of the election.

155 (c) provide proof of physical residency as required for the position for which they have
156 been nominated or for which they have petitioned. Proof of residency may be through
157 one (1) or more of the following:

158 (1) a valid Wisconsin driver's license;

159 (2) a bill or pay check stub showing name and physical address of the candidate
160 from the prior or current month;

161 (3) another form of proof that identifies the candidate and that the candidate has
162 physically resided at the address and identifies that address as the primary
163 residence.

164 2.5-3. No applicant may have a conflict of interest with the position for which they are being
165 considered, provided that any conflict of interest which may be eliminated within thirty (30)
166 calendar days of being elected shall not be considered as a bar to nomination or election.

167 2.5-4. Applications and petitions where the applicant was not nominated during caucus shall be
168 filed by presenting the information to the Nation's Secretary, or designated agent, during normal
169 business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the
170 caucus. No mailed, internal Nation mail delivery, faxed or other delivery method shall be
171 accepted.

172 2.5-5. The names of the candidates and the positions sought shall be a public record and made

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173 available to the public upon the determination of eligibility by the Election Board or the Board's
174 designated agent.

175

176 *Section B. Eligibility Review*

177 2.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.
178 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall
179 select the hearing body. The hearing shall be held within two (2) business days of receipt of the
180 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision
181 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days
182 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the
183 Judiciary on an accelerated schedule.

184 2.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to
185 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position
186 shall be notified by certified mail return receipt requested. The notice shall provide the
187 following information:

188 (a) Position for which they were considered

189 (b) Qualification of the position and citation of the source. (Copies of source may be
190 attached.)

191 (c) A brief summary explaining why the applicant was found to be ineligible.

192 (d) That the applicant has two (2) business days from notification to make an appeal.
193 Appeals must be filed at the location designated on the notice by hand delivery. The
194 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed
195 or other delivery method will be accepted.

196

197 *Section C. Campaign Financing*

198 2.5-8. Contributions:

199 (a) Solicitation of Contributions by Candidates.

200 (1) Candidates shall only accept contributions from individuals who are members
201 of the Nation or individuals related by blood or marriage to the candidate.
202 Candidates may not accept contributions from any business, whether sole
203 proprietorship, partnership, corporation, or other business entity.

204 (2) Candidates shall not solicit or accept contributions in any office or
205 business/facility of the Nation.

206 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the
207 Election Board in an amount specified in a resolution adopted by the Business
208 Committee.

209 2.5-9. Campaign Signs and Campaigning:

210 (a) Placement of campaign signs:

211 (1) Campaign signs shall not be posted or erected on any property of the Nation
212 except for private property with the owner/tenant's permission.

213 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum
214 of seven (7) such signs may be placed on a building or on a lot.

215 (3) No campaign sign shall project beyond the property line into the public right
216 of way.

217 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)

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218 business days after an election.

219 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation
220 during work hours. The Nation's employees shall be subject to disciplinary action under
221 the personnel policies and procedures for political campaigning during work hours.

222 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign
223 signs that are not in compliance with this law, in accordance with the Zoning and
224 Shoreland Protection Law.

225 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by
226 the Election Board in an amount specified in a resolution adopted by the Business
227 Committee.

228

229 *Section D. Candidate Withdrawal*

230 2.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the
231 candidate prior to submission of the ballot for printing to any Election Board member, excluding
232 alternates.

233 2.5-11 After printing of the ballot, any candidate may withdraw his or her name from the
234 election by submitting in writing a statement indicating they are withdrawing from the election
235 prior to the opening of the polls to any Election Board member, excluding alternates. This
236 statement shall be posted alongside any sample ballot printed prior to the election in the
237 newspaper or any posting at the polling places.

238 2.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the
239 Election Board members in charge of the polling place, to be removed from the ballot. The
240 written statement shall be posted next to any posted sample ballot.

241 2.5-13. Candidates withdrawing by any method listed herein shall be denied any position from
242 which they have withdrawn regardless of the number of votes cast for that candidate. A written
243 statement shall be considered the only necessary evidence of withdrawal and acceptance of
244 denial of any position withdrawn from.

245 2.5-14. *Candidate Withdrawal After Winning an Election.*

246 (a) In the event a candidate declines an office after winning an election, the Election
247 Board shall declare the next highest vote recipient the winner. This procedure shall be
248 repeated as necessary until a winner is declared.

249 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a
250 Special Election shall be held.

251

252 **2.6. Selection of Candidates**

253 *Section A. Setting of Caucus*

254 2.6-1. The Election Board shall be responsible for calling a caucus before any election is held.
255 The caucus for the general election shall be held at least ninety (90) calendar days prior to the
256 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days
257 prior to the election date. In a general election year, caucuses shall be combined so that
258 candidates for the Business Committee and elected boards, committees and commissions are
259 nominated at the same caucus.

260 2.6-2. The procedures for the caucus shall be as follows:

261 (a) Candidates shall be nominated from the floor.

262 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.

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263 Candidates nominated at the caucus, but not present to accept the nomination, shall be
264 required to follow the petition process.

265 (c) Nominations shall consist of the following positions: Chairperson, Vice-
266 Chairperson, Treasurer, Secretary, Council Member and other elected positions as
267 required by by-laws or creating documents of a board, committee, or commission.
268

269 *Section B. Petition*

270 2.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the
271 following procedures:

272 (a) Each petitioner, not nominated at caucus, shall file a petition containing
273 endorsee's original signatures; photocopies shall not be accepted.

274 (b) Petitioners shall use an official petition form as designated by this law which may
275 be obtained in the Office of the Nation's Secretary or from the mailing for that
276 caucus.

277 (c) The petition form shall consist of each endorsee's:

278 (1) printed name and address;

279 (2) date of birth;

280 (3) Oneida Nation Enrollment Number; and

281 (4) signature.

282 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as
283 defined under this law.

284 (e) Petitions shall be presented to the Nation's Secretary, or designated agent, during
285 normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to
286 close of business five (5) business days after the caucus. The location to drop-off
287 petitions shall be identified in the mailing identifying the caucus date.

288 (f) The Nation's Secretary shall forward all petitions to the Election Board
289 Chairperson the next business day following the close of petition submissions.

290 (g) The Election Board shall have the Trust Enrollment Department verify all
291 signatures contained on the petition.

292 2.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a
293 judicial court or commission, shall not run for more than one (1) elective office or seat per
294 election.
295

296 **2.7. Notice of Polling Places**

297 2.7-1. The Election Board shall post a notice in the prominent locations, stating the location of
298 the polling places and the time the polls will be open. This notice shall also be posted in an
299 easily visible position, close to the entrance of the Nation's businesses/facilities.

300 2.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the
301 election, and shall remain posted until the poll closes on the day of the election.

302 2.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation
303 members, stating the time and place of the election and a sample of the ballot, no less than ten
304 (10) calendar days prior to the election, through a mass mailing. The Trust Enrollment
305 Department shall be notified, by the Election Board Chairperson, no less than twenty (20)
306 calendar days prior to the requested mailing.

307 2.7-4. Notice of the election shall be placed in the Nation's newspaper.

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308

309 **2.8. Registration of Voters**

310 *Section A. Requirements*

311 2.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years
312 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the
313 Oneida Nation Constitution.

314

315 *Section B. Identification of Voters*

316 2.8-2. All voters must present one of the following picture identifications in order to be able to
317 vote:

- 318 (a) Oneida Nation I.D.
- 319 (b) Drivers License.
- 320 (c) Other I.D. with name and photo.

321

322 *Section C. Registration Procedures*

323 2.8-3. Voters shall physically register, on the day of the election, at the polls.

324 2.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment with
325 the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election
326 Officials during the voting period.

327 2.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration
328 Form containing the voter's following information:

- 329 (a) name and maiden name (if any);
- 330 (b) current address;
- 331 (c) date of birth; and
- 332 (d) enrollment number.

333

334 *Section D. Qualification/Verification of Voter Eligibility*

335 2.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,
336 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with
337 the Trust Enrollment Department personnel who are registering voters, to decide the voting
338 member's eligibility currently being questioned and shall make such decisions from the facts
339 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation
340 Constitution, Article III Section 2, to vote in the Nation's elections.

341 2.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be
342 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of
343 the voter shall be written next to a numbered list which corresponds to the numbered and sealed
344 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box
345 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they
346 desire to challenge the decision made by the Election Officials. The Election Board shall make a
347 final decision, within five (5) business days of receiving the appeal and shall report this decision
348 in the final report sent to the Oneida Business Committee.

349

350 **2.9. Election Process**

351 *Section A. Polling Places and Times*

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352 2.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections
353 shall be held in the month of July on a date set by the General Tribal Council. The General
354 Tribal Council shall set the election date at the January annual meeting, or at the first GTC
355 meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

356 2.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election
357 Board.

358 2.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line
359 to vote at 7:00 p.m. shall be allowed to vote.

360 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared
361 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after
362 four (4) members of the Nation verify, through signature on the tape, the ballot box is
363 empty and the ballot counting machine printer tape has a zero (0) total count.

364 2.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,
365 and until the counting of ballots is completed, and tentative results posted.

366 2.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such
367 that there is an area with at least two sides and a back enclosure.

368 2.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of
369 the voting area, excluding private property.

370 2.9-7. No one causing a disturbance shall be allowed in the voting area.

371 2.9-8. Election Board members may restrict the voting area to qualified voters only. This
372 restriction is in the interest of maintaining security of the ballots and voting process.

373

374 *Section B. Ballot Box*

375 2.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and
376 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,
377 the ballots may be placed within the ballot counting machine as they are received.

378

379 *Section C. Spoiled Ballots*

380 2.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

381 2.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials
382 and placed in an envelope marked as "Spoiled Ballots."

383 2.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)
384 calendar days following finalization of any challenge of the election, at the Records Management
385 Department.

386

387 *Section D. Rejected Ballots*

388 2.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

389 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the
390 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the
391 final computer total, provided that, a new ballot was not received as set out in sections
392 2.9-10 through 2.9-12.

393 (b) Ballots rejected, either during the computer process or during a manual counting,
394 shall be reviewed by the Election Officials to verify that they are authentic. If the
395 Election Officials determine that the ballot is not an official ballot, or that it is an illegal
396 ballot, the ballot shall be designated 'void,' and placed in a sealed container marked

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397 “Void Ballots.”

398

399 **2.10. Tabulating and Securing Ballots**

400 *Section A. Machine Counted Ballots*

401 2.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate
402 from the ballot counting machine copies of the election totals from the votes cast.

403 2.10-2. At least six (6) Election Board members shall sign the election totals, which shall
404 include the tape signed by the members of the Nation before the polls were opened per section
405 2.9-3(a).

406

407 *Section B. Manually Counted Ballots*

408 2.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the
409 ballot box and remove the ballots.

410 2.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall
411 be secured in a sealed container for transportation to the ballot counting location. The sealed
412 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election
413 Officials for counting/tallying of ballots.

414 2.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and
415 witnessed/monitored by an Oneida Police Officer.

416 2.10-6. Ballots must be counted by two different Election Officials until two final tallies are
417 equal in back to back counting. Final tallies shall be verified by the Election Judges.

418

419 *Section C. Securing Ballots*

420 2.10-7. The Judges shall place together all ballots counted and secure them together so that they
421 cannot be untied or tampered with without breaking the seal. The secured ballots, and the
422 election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed
423 container in such a manner that the container cannot be opened without breaking the seals or
424 locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of
425 the election, the sealed container to the Records Management Department for retaining.

426

427 **2.11. Election Outcome and Ties**

428 *Section A. Election Results Announcement*

429 2.11-1. The tentative results of an election shall be announced and posted by the Election Board
430 within twenty-four (24) hours after the closing of the polls. Notices of election results shall
431 contain the following statement:

432 *“The election results posted here are tentative results. Final election results are*
433 *forwarded by the Oneida Election Board to the Oneida Business Committee via a Final*
434 *Report after time has lapsed for recount requests, or challenges or after all recounts or*
435 *challenges have been completed, whichever is longer”*

436 2.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation’s
437 newspaper, the tentative results of an election.

438

439 *Section B. Tie*

440 2.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to
441 determine the outcome of an election, the Election Board shall conduct an automatic recount of

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442 the votes for each candidate receiving the same number of votes. Any recount conducted shall
443 be the only recount allowed for the tied candidates.

444 2.11-4. For Business Committee positions, a run-off election between the candidates with the
445 same number of votes shall be held if there remains a tie after the recount. Said run-off election
446 shall be held within twenty one (21) calendar days after the recount. For all other positions, if
447 there remains a tie after the recount, the Election Board shall decide the winner of the tied
448 positions at least two (2) business days after, but no more than five (5) business days after the
449 recount through a lot drawing, which shall be open to the public.

450 (a) The Election Board shall notify each of the tied candidates and the public of the date,
451 time, and place of the drawing at least one (1) business day before the drawing. Notice to
452 the tied candidates shall be in writing. Notice to the public shall be posted by the
453 Election Board in the prominent locations.

454 (b) On the date and at the time and place the drawing was noticed, the Election Board
455 Chairperson shall clearly write the name of each tied candidate on separate pieces of
456 paper in front of any witnesses present. The pieces of paper shall be the same, or
457 approximately the same, color, size, and type. The papers shall be folded in half and
458 placed in a container selected by the Election Board Chairperson.

459 (c) The Election Board Chairperson shall designate an uninterested party to draw a name
460 from the container. The candidate whose name is drawn from the container first shall be
461 declared the winner. An Election Board member other than the Chairperson shall remove
462 the remaining pieces of paper from the container and show them to the witnesses present.

463

464 *Section C. Recount Procedures*

465 2.11-5. A candidate may request the Election Board to complete a recount, provided the margin
466 between the requesting candidate's vote total and vote total for the unofficial winner was within
467 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is
468 greater. A candidate requests a recount by hand delivering a written request to the office of the
469 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.
470 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact
471 the Election Board Chairperson by the next business day after the request for recounts.

472 2.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the
473 request regarding the results of the recount. Provided that, no recount request need be honored
474 where there have been two (2) recounts completed as a result of a request either as a recount of
475 the whole election results, or of that sub-section.

476 2.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials
477 and Oneida Police Officer present, regardless of the original type of counting process. Manual
478 recounts may, at the discretion of the Election Officials, be of the total election results, or of the
479 challenged sub-section of the election results.

480 2.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed
481 container with the ballots from the Records Management Department and transporting it to the
482 ballot recounting location.

483 2.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three
484 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election
485 Board Chairperson and an Oneida Police Officer shall witness the recount.

486 2.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be

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487 counted until two (2) final tallies are equal in back to back counting and the total count of ballots
488 reconciles with the total count from the ballot counting machine. Sub-sections of candidates
489 may be recounted in lieu of a full recount.

490 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be
491 counted twice by different persons and certified by the Judges.

492 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior
493 to using an electronic ballot counting device, it shall be certified as correct either by the
494 maker, lessor of the machine, or Election Board.

495

496 *Section D. Challenges and Declaration of Results*

497 2.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a
498 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall
499 hear and decide a challenge to any election within two (2) business days after the challenge is
500 filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day
501 after the issuance of the lower body's decision and decided within two (2) business days after the
502 appeal is filed.

503 (a) The person challenging the election results shall prove by clear and convincing
504 evidence that the Election Law was violated or an unfair election was conducted, and that
505 the outcome of the election would have been different but for the violation.

506 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by
507 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon
508 as the Election Law allows for a Special Election.

509 2.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's
510 Secretary after time has lapsed for recount requests, or challenges or after all recounts or
511 challenges have been completed, whichever is longer. The Final Report shall consist of the
512 following information:

513 (a) Total number of persons voting.

514 (b) Total votes cast for each candidate by subsection of the ballot.

515 (c) List of any ties and final results of those ties, including the method of resolution.

516 (d) List of candidates elected and position elected to.

517 (e) Number of spoiled ballots.

518 (f) Cost of the election, including the compensation paid to each Election Board member.

519 2.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the
520 election and send notices regarding when the swearing in of newly elected officials shall take
521 place within ten (10) business days after receipt of the Final Report.

522 2.11-14. Candidates elected to the Business Committee shall resign from any salaried position
523 effective prior to taking a Business Committee oath of office

524 2.11-15. Except in the event of an emergency, as determined by the Business Committee, newly
525 elected officials shall be sworn into office no later than thirty (30) calendar days after the official
526 results of an election are declared by the Business Committee.

527 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat
528 shall be considered vacant and the Election Board shall declare the next highest vote
529 recipient the winner. This procedure shall be repeated as necessary until a winner is
530 declared.

531 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a

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532 Special Election shall be held.

533 2.11-16. The Election Board shall send notice to the Records Management Department to
534 destroy the ballots thirty (30) calendar days after the election or after the final declaration of
535 official election results occurs, whichever is longer.

536

537 **2.12. Elections**

538 *Section A. Primary Elections; Business Committee*

539 2.12-1. When a primary is required under 2.12-2, it shall be held on a Saturday at least sixty (60)
540 calendar days prior to the election.

541 2.12-2. There shall be a primary election for Business Committee positions whenever there are
542 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the
543 at-large council member positions.

544 (a) The two (2) candidates receiving the highest number of votes cast for each officer
545 position shall be placed on the ballot.

546 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large
547 council member positions shall be placed on the ballot.

548 (c) Any position where a tie exists to determine the candidates to be placed on the ballot
549 shall include all candidates where the tie exists.

550 2.12-3. The Election Board shall cancel the primary election if the Business Committee
551 positions did not draw the requisite number of candidates for a primary by the petitioning
552 deadline set for the primary.

553 2.12-4. In the event a candidate withdraws or is unable to run for office after being declared a
554 winner in the primary, the Election Board shall declare the next highest primary vote recipient
555 the primary winner. This procedure shall be repeated as necessary until the ballot is full or until
556 there are no available candidates. If the ballot has already been printed, the procedures for
557 notifying the Oneida public in section 2.5-11 and 2.5-12 shall be followed, including the
558 requirement to print a notice in the Nation's newspaper if time lines allow.

559

560 *Section B. Special Elections*

561 2.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as
562 defined in this law, may be placed on the same ballot as the subject matter of an election.

563 2.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business
564 Committee as recommended by the Election Board or as ordered by the Judiciary in connection
565 with an election challenge.

566 2.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent
567 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the
568 Special Election.

569 2.12-8. In the event of an emergency, the Election Board may reschedule the election, provided
570 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the
571 voters, by posting notices in the prominent locations.

572

573 *Section C. Referendums*

574 2.12-9. Registered voters may indicate opinions on any development, law or resolution,
575 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a
576 special referendum election.

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577 (a) Referendum elections in which a majority of the qualified voters who cast votes shall
578 be binding on the Business Committee to present the issue for action/decision at General
579 Tribal Council.

580 (b) Referendum requests may appear on the next called for election.

581 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the
582 caucus prior to election, regarding issues directly affecting the Nation or general
583 membership.

584

585 *Section D. Initiation of Special Elections*

586 2.12-10. Special Elections may be initiated by a request or directive of the General Tribal
587 Council or the Oneida Business Committee.

588 2.12-11. Special Election may be requested by a member of the Nation to the Business
589 Committee or General Tribal Council.

590 2.12-12. All Special Elections shall follow rules established for all other elections. This includes
591 positions for all Boards, Committees and Commissions.

592

593 **2.13. Oneida Nation Constitution and By-law Amendments**

594 2.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida
595 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a
596 petition of qualified voters. The requirements for the Oneida Business Committee's initiation of
597 Constitutional amendments are as provided in the Constitution and as further detailed in the
598 supporting standard operating procedures which the Oneida Business Committee shall adopt.
599 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by
600 submitting a petition to the Office of the Nation's Secretary which includes the full text of the
601 proposed amendments and signatures that are equal in number to at least ten percent (10%) of all
602 members qualified to vote.

603 (a) Qualified voters may request a petition form from the Office of the Nation's
604 Secretary.

605 (b) When a petition form is requested, the Nation's Secretary, or his or her designee,
606 shall direct the Trust Enrollment Department to calculate the number of signatures
607 currently required for a petition submittal, which shall be ten percent (10%) of all
608 members qualified to vote on the date the petition form is requested from the Office of
609 the Nation's Secretary. When the Nation's Secretary receives the calculation from the
610 Trust Enrollment Department, the Nation's Secretary shall provide the requester with the
611 petition form and the number of signatures that are currently required.

612 (c) Such petitions shall be circulated with all supporting materials and submitted a
613 minimum of ninety (90) days prior to the election at which the proposed amendment is to
614 be voted upon. If a petition includes supporting materials in addition to the petition form,
615 each qualified voter signing the petition shall also acknowledge that the supporting
616 materials were available for review at the time he or she signed the petition by initialing
617 where required on the petition form.

618 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment
619 Department for verification of signatures and to the Election Board to provide notice that
620 the petition may need to be placed on an upcoming ballot.

621 (e) If the petition is verified by the Trust Enrollment Department to contain signatures

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622 from at least ten percent (10%) of all qualified voters, the Election Board shall make an
 623 official announcement of the proposed amendments to the Oneida Nation Constitution at
 624 least sixty (60) days prior to the election at which the proposed amendments are to be
 625 voted on.

626 2.13-2. The Election Board shall place any proposed amendments to the Oneida Nation
 627 Constitution that meet the requirements contained in 2.13-1 on the ballot at the next general
 628 election. Provided that, the Oneida Business Committee or General Tribal Council may order a
 629 special election be held to consider the proposed amendments. In such circumstances, the
 630 Election Board shall place any proposed amendments to the Oneida Nation Constitution on the
 631 ballot at the next special election.

632 2.13-3. The Election Board shall publish any proposed amendments by publishing a sample
 633 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust
 634 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty
 635 (20) calendar days prior to the requested mailing. Copies of such publications shall be
 636 prominently posted in each polling place and at administrative offices of the Nation and shall
 637 also be published in official Oneida media outlets, which the Oneida Business Committee shall
 638 identify by resolution. For the purposes of this section, Oneida administrative offices means the
 639 location where the Oneida Business Committee conducts business.

640 2.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of the
 641 proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall ensure
 642 that the statement of purpose is one hundred (100) words or less exclusive of caption, is a true
 643 and impartial statement and is written in such a manner that does not create prejudice for or
 644 against the proposed amendment.

645 2.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed
 646 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on
 647 that amendment shall become part of the Constitution and By-laws, and shall abrogate or amend
 648 existing provisions of the Constitution and By-laws at the end of thirty (30) days after
 649 submission of the final election report.

650 2.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the
 651 amendment receiving the highest affirmation vote prevails.

652
 653
 654 *End.*

655
 656
 657 Adopted - June 19, 1993
 658 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)
 659 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A
 660 Amended- October 11, 2008 (General Tribal Council Meeting)
 661 Amended-GTC-01-04-10-A
 662 Amended – BC-02-25-15-C



MEMORANDUM

DATE: October 3, 2016

FROM: Larry Barton, Chief Financial Officer
FINANCE ADMINISTRATION OFFICE

TO: Patricia King, Treasurer
Oneida Business Committee

RE: **Financial Impact of Changes in Law – Election Law**

I. Background

Under consideration is a change to the existing Election Law. This current Law was amended on April 24, 2016 via an approved Emergency Amendment by the Business Committee. This Amendment is set to expire on October 27, 2016 if no action is taken to make the change permanent. However, another option under the Legislative Procedures Act is to extend the Emergency Amendment for an additional six months.

II. Executive Summary of Findings

According to the Legislative Analysis, the Secretarial Election which took place on May 2, 2015 prompted two changes to the current Election Law. There was a lag in bringing these changes forward due to an appeal of the Secretarial Election results. There were two aspects of the Secretarial Election which have an impact on the existing Election Law and have prompted the Emergency Amendment on April 24, 2016:

1. Lowering the voting age from 21 to 18, and replacing all references of Oneida “Tribe” to Oneida Nation.
2. Establishing a new process for making future amendments to the Constitution.

LOWERING VOTING AGE

The Finance Department contacted the Chairperson of the Oneida Election Board, and requested the number of ballots cast in our recent elections, which appear in the chart below. General Elections tend to have more ballots cast than Special Elections. However, there have been no General Elections during the period since the adoption of the Emergency Amendment.

2016 Special Election Results: Number of voters: Oneida: 228 Milwaukee: 29 Total: 257
2015 (Special Election to fill OBC Vacancy): Oneida: 714 Milwaukee: 84 Total: 798
2015 (Special Election): Oneida: 483 Milwaukee: 40 Total: 523
2014 (Judicial): Oneida: 420 Milwaukee: 73 Total: 493
2014 (Primary): Oneida: 1153 Milwaukee: 126 Total: 1279
2014 (General): On Reservation 1209, Brown/Outagamie 257, Milwaukee 145, WI 41, Out of State Total: 1645

Making the Amendment permanent would not seem to have a direct impact on the number of polling stations. We currently have a station in Oneida and one in Milwaukee. The Election Board Chairperson indicated that an expected cost for printing ballots and rental of voting machines is eight thousand three hundred six dollars (\$8,306.00).

The Finance Department also contacted the Enrollments Department. It was learned that there are currently six hundred eighty-four (684) enrolled Oneida members in the 18-20 year old age range. Of these, 215 reside on the Oneida Reservation, another 116 in Brown and Outagamie Counties and another 98 in the Milwaukee area. From the chart above, one can glean that our voter turnout for a General Election is approximately ten percent (10%). The voter turnout rate is much lower for any Special Election. In applying this pattern to the 18-20 year old age group, one would expect an additional sixty-eight (68) ballots to be cast in a General Election. However, it should be noted that the 2016 Special Election took place in July, when the 18-20 year olds were allowed to vote. Records show the lowest voter turnout recorded in the last six elections conducted. Therefore, the cost for printing and voter machine rental would be negligible.

ESTABLISHING NEW PROCESS FOR CONSTITUTIONAL AMENDMENTS

The current process for Constitutional Amendment does not involve the Election Board. Under the new provisions, the Election Board is responsible for “making the official announcement” of

a proposed Constitutional Amendment, once the required signatures have been verified. We surmise an Election Board meeting would be required to fulfill this responsibility. The Election Board Chairperson has indicated that total stipends paid to hold an election board meeting is nine hundred dollars (\$900.00). This would involve a mass-mailing of a sample ballot to all Oneida households. In examining printing and mailing costs of our recent General Tribal Council meetings, we would surmise that the cost of printing and mailing a sample ballot for any purpose would be among the lowest cost, akin to notification of a meeting to finish a previously disseminated G.T.C. agenda. The June 1, 2015 G.T.C. meeting to finish a previous agenda saw printing costs of six hundred eighty-nine dollars (\$689.00) and mailing costs of two thousand eight hundred twenty-eight dollars (\$2,828.00), for a grand total of three thousand five hundred seventeen dollars (\$3,517.00.) We will estimate printing and mailing of a sample ballot to amend our Constitution at four thousand one hundred dollars (\$4,100.00), to allow for printing of additional pages.

III. Financial Impact

The financial impact of lowering the voting age from 21 to 18 years of age has been shown to be negligible. The financial impact of requiring the Election Board to play a role in the Constitutional Amendment process can be estimated at five thousand dollars (\$5,000.00) per proposed Amendment where signatures have been verified.

IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Consider the Leasing Law Amendments for adoption

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Adoption Packet"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
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: Brandon Stevens, LOC Chairperson *BS*
 DATE: October 26, 2016
 RE: Leasing Law Amendments

Please find the following attached backup documentation for your consideration of the Leasing law amendments:

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

Overview

This resolution adopts amendments to the Leasing law which:

- Delegates rulemaking authority jointly to the Oneida Land Commission and the Division of Land Management based on the Administrative Rulemaking law [see 65.5-1, 65.7-5 and 65.10-5];
- Specifies that this law does not apply to leases included in the Nation's home ownership programs administered using federal funding or leases lasting one (1) year or less [see 65.4-2(b)];
- Includes valuation provisions for residential and agricultural leases [see 65.6-4, 65.6-5, 65.7-5, 65.8-5 and 65.8-6];
- Includes a provision allowing a residential lease be entered into by a parent or legal guardian on behalf of their child or ward [see 65.6-6]; and
- Adds additional information regarding the process required under the National Environmental Policy Act [see 65.9-2(a)-(d)].

In accordance with the Legislative Procedures Act, a public meeting was held regarding this law on May 19, 2016 with a comment period closing on May 26, 2016. Those comments were accepted and considered by the Legislative Operating Committee (LOC) at the June 15, 2016 LOC meeting.

Legislative History

The Oneida Business Committee originally adopted the Leasing Law and amendments to the Real Property to incorporate the Leasing Law with resolutions BC-05-13-15-C and BC-05-13-15-B respectively. Once the Leasing Law was adopted, it was submitted to the Bureau of Indian

Affairs for review and consideration for approval. The BIA responded with required revisions, which required the LOC to initiate amendments to the Leasing Law using the Legislative Procedures Act.

The BIA permitted the LOC to submit drafts for review, prior to adopting a final version for a second official BIA consideration. On October 5, 2016, I received an e-mail notifying the Nation that our latest draft submitted met all of the BIA's requirements and that we should now proceed by sending a copy of the amendments officially adopted by the Oneida Business Committee.

Part of the required revisions to the Leasing Law included limiting applicability to only the Tribal Trust Land. So that we could use the same process for all land owned by the Nation, including fee land, we included the following provision in amendments to the Real Property Law which are currently being developed by the LOC and are scheduled for a public meeting on October 20, 2016.

The Leasing law definition of Tribal land does not include Tribal fee land, however pursuant to this law, leases of Tribal fee land lasting longer than one (1) year that are not made as part of the homeownership program which uses federal funding must be administered and processed using the Leasing law.

Because this statement is not included in the Real Property Amendments adopted by BC-05-13-15-B, if these Leasing Law amendments were approved and made effective prior to the adoption of the amendments to the Real Property Law currently under development with the LOC, the leasing of fee land would not be covered anywhere. Accordingly, BC-05-13-15-B needs to be repealed. The LOC will continue to monitor the adoption and approval timelines. Should the Leasing Law amendments be approved prior to the Real Property Law amendments currently being developed, the LOC will initiate emergency amendments to the Real Property Law to ensure that all leasing scenarios are adequately covered with legislation.

Requested Action

Approve the Resolution: Leasing Law Amendments

BC Resolution _____
Leasing Law Amendments

- 1
2
3
- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9
- 10 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13
- 14 **WHEREAS,** the Helping Expedite and Advance Responsible Tribal Home Ownership
15 (HEARTH) Act of 2012 created a voluntary, alternative land leasing process
16 available to Indian tribes by amending the Indian Long-Term Leasing Act of
17 1955; and
18
- 19 **WHEREAS,** under the HEARTH Act, once the governing Tribal leasing regulations have been
20 submitted to, and approved by the Secretary of Interior, Indian tribes are
21 authorized to negotiate and enter into leases without further approvals by the
22 Secretary; and
23
- 24 **WHEREAS,** the Nation's Leasing Law, which established a process under which the Nation
25 would be able to approve leases on Tribal trust land without additional approval
26 of the Secretary of Interior, was adopted by resolution BC-05-13-15-C pending
27 approval of the law from the Secretary of the Interior; and
28
- 29 **WHEREAS,** the Bureau of Indian Affairs (BIA) responded to the submission of our adopted
30 law with required revisions in order to attain compliance with the HEARTH Act;
31 and
32
- 33 **WHEREAS,** these amendments include those revisions identified by the BIA and also
34 incorporated a delegation of rulemaking authority and created a provision
35 permitting leases be entered by a guardian on behalf of a ward;
36
- 37 **WHEREAS,** on October 5, 2016, the BIA sent an e-mail indicating that the latest draft
38 submitted met their requirements and that we should proceed by providing a copy
39 of the amendments that have been adopted into in the law; and
40
- 41 **WHEREAS,** a public meeting for the Leasing Law amendments was held on May 19, 2016, in
42 accordance with the Legislative Procedures Act; and
43
- 44 **WHEREAS,** the most recent amendment to the Real Property Law, adopted by resolution BC-
45 05-13-15-B and also contingent on BIA approval of the Leasing Law, deleted all
46 leasing provisions and deferred to the Leasing Law, however, based on the

Resolution _____

Page 2

47 revisions to the Leasing Law, a plain deferral to the Leasing Law would no longer
48 adequately encompass all leasing situations the Nation encounters; and

49
50 **NOW THEREFORE BE IT RESOLVED**, that the most recent amendments to the Real
51 Property Law, adopted by resolution BC-05-13-15-B, are hereby repealed; and

52
53 **NOW THEREFORE BE IT FURTHER RESOLVED**, that the amendments to the Leasing
54 Law are hereby adopted; and

55
56 **NOW THEREFORE BE IT FINALLY RESOLVED**, that the Leasing Law shall be effective
57 thirty (30) days after approval by the Secretary of Interior.

58



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



Statement of Effect

Resolution: Leasing Law Amendments

Summary

This is a resolution to amend the Leasing law which was adopted pending BIA approval. The amendments:

- Delegate rulemaking authority jointly to the Oneida Land Commission and the Division of Land Management based on the Administrative Rulemaking law [see 602.5-1 and 602.10-5];
- Specify that this law does not apply to leases included in the Nation's home ownership programs administered using federal funding or leases lasting one (1) year or less [see 602.4-2(b)];
- Include valuation provisions for residential and agricultural leases [see 602.6-4, 602.6-5, and 602.7-5];
- Include a provision allowing a residential lease be entered into by a parent or legal guardian on behalf of their child or ward [see 602.6-6]; and
- Add additional information regarding the process required under the National Environmental Policy Act [see 602.9-2(a)-(d)].

Submitted by Krystal L. John, Staff Attorney

Analysis

The Helping Expedite and Advance Responsible Tribal Home Ownership Act, better known as the HEARTH Act, created a voluntary, alternative land leasing process that is available to Indian tribes by amending the Indian Long-Term Leasing Act of 1955. In accordance with the HEARTH Act, once the governing Tribal leasing regulations have been submitted to and approved by the Secretary of Interior, Indian tribes are authorized to negotiate and enter into leases without further approvals by the Secretary.

The purpose of the Leasing Law amendments is to meet the requirements of the HEARTH Act by responding to and revising issued identified by the Bureau of Indian Affairs (BIA) Realty Specialist upon her review. In addition, the amendments also include delegation of administrative rulemaking authority jointly to the Oneida Land Commission and the Division of Land Management.

Based on an e-mail from the BIA Realty Specialist dated October 5, 2016, our understanding is that her latest review of our Leasing law amendments indicates that it is ready for approval of the Secretary of the Interior.

The only potential conflict that may arise based on adopted of this resolution, is if the Real Property law amendments currently scheduled for a public meeting on October 20, 2016 are not adopted before the Secretary of the Interior approves the Leasing law. This resolution repeals the Real Property law that was adopted by resolution BC-05-13-15-B and is contingent on the BIA's approval of the Leasing law. This version 05-13-15-B version of the Real Property law removed all content related to leasing and referenced the Leasing law; the simple reference is no longer adequate because one of the revisions required by the BIA was to amend the applicability of the Leasing to apply only to trust land. Accordingly, without an additional statement in the Real Property Law indicating that through the Real Property law the Leasing law's requirements will be applied to the Tribal fee land, leases of fee land would not be covered by any legislation. The proposed Real Property Amendments currently going through the legislative process contain that statement. If those Real Property amendments are not adopted before the Secretary of the Interior approves the Leasing law, the 02-25-15-C version of the Real Property law would govern, which contains Leasing provisions that conflict with this resolution. If that circumstance arises, the LOC will be required to adopt emergency amendments to the Real Property law to avoid any conflicting provisions and to ensure that all leasing scenarios are covered by legislation.

Conclusion

Adoption of this Resolution would conflict with the Real Property law if the Real Property law amendments that are currently going through the legislative process are not adopted before the Leasing law is approved by the Secretary of the Interior. Should that occur, the LOC will be required to adopt emergency amendments to the Real Property law to avoid any conflicting provisions and to ensure that all leasing scenarios are covered by legislation. In all other circumstances, adoption of this resolution does not conflict with any of the Nation's laws.



Leasing Law Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Leasing law (the Law)				
Sponsor	Tehassi Hill	Drafter	Krystal John	Analyst	Tani Thurner
Requester & Reason for Request	Initially, the Law was requested by Nathan King, Legislative Affairs. The Law was processed and adopted, however it was never approved by the Department of the Interior. These amendments are based on comments received from the Department of the Interior, and make changes necessary to ensure the Law is approved by the Department of the Interior.				
Purpose	This Law sets out the Tribe's authority to issue, review, approve and enforce leases of Tribal fee land and trust land.				
Authorized/ Affected Entities	Department of Land Management (DOLM), Land Commission, Cultural Heritage Department, Environmental Health & Safety Division, the Judiciary, Oneida Law Office				
Related Legislation	Real Property Law, Public Use of Tribal Land Law, Administrative Rulemaking law and proposed Eviction Law				
Enforcement & Due Process	Denial of lease requests and cancellation of leases; parties can also request that the Secretary of the Interior review the Tribe's leasing law to ensure it is being followed. The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a lease document, and complaints filed with the Judiciary must name the Division of Land Management and the specific lease program.				
Public Meeting Status	A public meeting was held on May 19, 2016, and any comments received during the public comment period have been reviewed and considered by the LOC.				

Overview

On May 13, 2015, the Oneida Business Committee (OBC) adopted a new Tribal leasing law, which required approval from the US Department of the Interior (DOI) before it could go into effect. Once it is approved and effective, the Oneida Nation will be able to lease Tribal land held in trust without needing approval from the DOI for each individual lease.

The Law has not yet gone into effect. After adoption by the OBC, the law was submitted to the DOI for approval, but the DOI returned the Law with several comments. Additional changes were made, the draft was re-submitted; and the DOI returned it with more comments.

This draft of the Law was prepared after reviewing the second set of comments provided by the Department of the Interior (DOI). Further changes were made, both based on the comments as well as changes not related to the comments.

Changes not related to the DOI comments

- A new provision is added that authorizes a parent or legal guardian to enter into a residential lease on behalf of his/her child or ward. [602.6-6]
 - In response to a later comment received from the DOI, a definition for guardian is also added to the Law: “one who has legal authority and duty, as appointed by a court of competent jurisdiction, to care for another’s person or property because of the other’s infancy, incapacity or disability.” [602.3-1(f)]

- 5 ○ This is not limited to minor or incompetent children/wards, so it is not clear if this
6 would authorize a parent to enter into a residential lease on behalf of an adult child
7 over whom the parent had no legal authority.
- 8 • Currently, the Law treats leases and lease documents (a broad term that includes lease
9 amendments, assignments, subleases and leasehold mortgages) as separate things. Under the
10 amendments, the definition of “lease document” is expanded to include leases, and
11 provisions throughout the Law that referred to “leases and lease documents” are revised to
12 just refer to lease documents. [602.3-1(k)]
- 13 • Currently, every lease is required to include several provisions related to improvements,
14 which are listed in the Law. Under the amendments, every lease amendment, lease
15 assignment, sublease and leasehold mortgage is now also required to list those requirements
16 related to improvements. [602.5-3]
- 17 • Currently, the Law does not apply to mineral leases or to any lease of individually-owned
18 Indian allotted land (*i.e.* individual trust land). Two additional exceptions are added – now,
19 this Law will also not apply to:
- 20 1. Leases lasting exactly one year, or less than one year.
21 2. Leases included in the Nation’s home ownership programs administered using federal
22 funding.” [602.4-2(b)]
- 23

Changes made per the Department of Interior comments

24
25 *Note: For this analysis, comments preceded by “DOI 1-” refer to the DOI’s September 21,*
26 *2015 comments, and “DOI 2-” refers to the January 22, 2016 comments.*

- 27 • Clarification that this Law only applies to leasing trust land, not Tribally-owned fee land. The
28 definition of Tribal Trust Land is deleted and the term is replaced with “tribal land”; the
29 definition for tribal land only includes trust land. [602.3-1(t), DOI 1-5 to 1-7, 1-10, 2-1, 2-2]
- 30 • References to “encumbrances” are changed to “leasehold mortgages” as this is the only type
31 of encumbrance that may be placed on Tribal trust land. [602.3-1(l), DOI 1-1, 1-3, 1-18, 1-
32 19]
- 33 • Clarification that the lessor is always the Oneida Nation, and no longer includes any
34 administrator or assign of the Oneida Nation. [602.3-1(n), DOI 1-4]
- 35 • All leases, not just business leases, must contain site surveys and legal descriptions based on
36 metes and bounds, rectangular, or lot and block systems. [602.5-2(a), DOI 1-13]
- 37 • All lease descriptions must now meet the requirements of the BIA’s Land Titles and Records
38 Office (LTRO). [602.5-2(a), DOI 1-13, 1-14, 2-4, 2-6, 2-7]
- 39 • When DOLM cancels a lease due to default, it must now be done “pursuant to the Eviction
40 and Termination law.” (There is not currently an Eviction and Termination law in place, but
41 the LOC is processing a proposal for a new Eviction and Termination law.) [602.11-4, DOI
42 1-24]
- 43 • Lease documents must be provided to the BIA for encoding, and to *forward* to the LTRO,
44 instead of being provided to the BIA for recording in the LTRO. Residential subleases are
45 still exempt from this requirement, but encumbrances are no longer exempt. [602.10-3, DOI
46 1-23, 2-11]
- 47 • To clarify that the Oneida Nation is taking over the administration, management, and
48 enforcement of leasing Tribal land, the Law no longer specifically authorizes the Secretary of
49 the Interior to enter leased premises for inspection and to ensure compliance with leases.
50 Instead, only the DOLM may do so. [602.5-2(j), 602.5-2(m), DOI 1-15 and 1-16]

- 51 • Currently, the Law addresses how the valuation of a business lease is determined [602.8-6]
52 but does not mention anything about valuation of other types of leases. Two provisions are
53 added to address valuation of residential and agricultural leases. [DOI 1-21, 1-29]
- 54 1. Residential Leases – the same requirements for valuation of a business lease are
55 added to the section governing residential leases. [602.6-4] The amendments also add
56 that residential leases may not be approved for less than the appraised fair annual
57 lease value unless DOLM determines such action is in the best interest of the Nation,
58 in which case an appraisal is not required. [602.6-5].
 - 59 2. Agricultural Leases “are valued based on the bidding process required as part of the
60 lease award process included in the rules, which [DOLM] and the Oneida Land
61 Commission shall jointly develop.” [602.7-5]
- 62 • Agricultural leases must now also require the lessee to manage land in accordance with a
63 conservation plan that the Nation is required to develop, as well as any other appropriate
64 stipulations developed by the Nation.” [602.7-4, DOI 1-20, 2-8]
 - 65 • Currently, every lease is required to include several provisions related to improvements. The
66 amendments add that all lease documents must now also include these, and add that they
67 must include “whether development plans and/or construction management schedules must
68 be submitted to [DOLM] for approval prior to beginning construction of any improvements.”
69 [602.5-3(d), DOI 1-17]
 - 70 • DOLM may enter property to ensure compliance in accordance with this Law and any other
71 Oneida laws, policies and rules; instead of in accordance with federal regulations. [602.5-
72 2(j), DOI 1-15, 1-16, 2-5]
 - 73 • Section 602.4-3(c) is deleted as redundant and already covered under 602.4-3(a). [DOI 1-9]
 - 74 • Currently, the Law states that DOLM determinations may be appealed in accordance with the
75 Judiciary law. The DOI requested that “Judiciary law” be defined. Instead, a definition for
76 “Judiciary” is added, and that provision is replaced with three provisions, which state that:
 - 77 1. The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken
78 pursuant to this law and/or a lease document. [602.12-1]
 - 79 2. No administrative hearing body, including a board, committee or commission, is
80 authorized to hear a complaint regarding actions taken pursuant to this law and/or a
81 lease document. [602.12-2]
 - 82 3. The lessor is the Division of Land Management in regards to taking actions
83 authorized under this law and complaints filed with the Oneida Judiciary shall name
84 the Division of Land Management and the specific lease program. [602.12-3]

85 **Environmental Review Process**

86 Amendments add that the Environmental Health & Safety Division is responsible for
87 conducting environmental reviews on all proposed lease documents and that the Nation is solely
88 responsible for ensuring the environmental review has been completed in accordance with this
89 law. [602.9-2 and DOI 1-22]

90 Currently, 602.9-2 only states that environmental reviews “shall be conducted in accordance
91 with the process established under [the National Environmental Policy Act (NEPA)] to evaluate
92 environmental effects of federal undertakings.” The DOI included comments in both sets of
93 comments regarding this provision. The first, (DOI 1-22) stated:

94 **One of the potential benefits to tribes under the HEARTH Act is the ability to establish**
95 **streamlined procedures for an environmental review process. While doing so would**
96 **eliminate the Tribe’s reference to compliance with NEPA, [...] the HEARTH Act does**
97 **have minimum requirements -- in general:**

146 comments noted that Wind and Solar leases and Wind Energy Evaluation Leases are not
 147 addressed. No changes were made; but this was a “Discussion,” not a “Required”
 148 comment. [DOI 1-8]

149 • Currently, lease applications must be submitted pursuant to rules and Standard Operating
 150 Procedures (SOPs) developed by DOLM. The DOI recommended including more detail
 151 within the Law as to the steps in the leasing process, because:

152 “Detailing how an application is obtained, who initiates various steps (i.e., the
 153 potential lessee or the Tribal department, etc.) can be helpful to applicants and
 154 perhaps lessen the time tribal staff has to spend responding to routine inquiries.”
 155 [DOI comment 1-11]

156 However, instead of adding more detail to the steps, the Law was instead amended to
 157 state that applications are submitted to DOLM “pursuant to the Rules which [DOLM] and
 158 the Oneida Land Commission shall jointly develop.”[602.5-1] This does not satisfy the
 159 recommendation; but this was not a “Required” change.

160

161 **Rulemaking Authority**

162 A definition for “Rule” is added – it means “a set of requirements, including fee
 163 schedules, enacted jointly by Land Management and the Oneida Land Commission in
 164 accordance with the Administrative Rulemaking law based on authority delegated in this law
 165 in order to implement, interpret and/or enforce this law.” [602.3-1(q)] The amendments add
 166 that DOLM is also authorized to enforce rules developed pursuant to this Law. [602.11-1]

167 *Clear Rulemaking Authority*

168 The Law clearly delegates rulemaking authority to DOLM and the Land Commission to
 169 jointly develop rules:

- 170 • Governing how parties submit an application for a lease document. [602.5-1]
- 171 • Which must include a lease award process which must include a bidding process which is
 172 used to determine the valuation of agricultural leases. [602.7-5]
- 173 • Requiring administrative fees for issuing a lease document or conducting any other
 174 administrative transaction. [602.10-5]

175 *Possible Rulemaking Authority*

176 This Law delegates authority to DOLM develop or implement the following, but it is not
 177 clear if this is a delegation of rulemaking authority – the word “Rule” is not used, so it is not
 178 clear if the following would be subject to the newly-established Rulemaking process:

- 179 • A **leasing management plan** that ... addresses accounting, collections, monitoring,
 180 enforcement, relief, and remedies. [602.10-1(b)]
- 181 • An **accounting system** that generates invoices, accounts for payments, and dates of when
 182 rate adjustments should be made. [602.10-2]
- 183 • A **procedure equivalent to an appraisal** for determining fair annual lease value for
 184 business and residential leases. [602.6-4(a) and 602.8-5(a)]
- 185 • The **format and requirements** set out in lease document applications. (These must be
 186 approved by the Land Commission) [602.5-1(a)]
- 187 • **Additional procedures and processes to be followed when offering and awarding**
 188 **lease documents** (these must be approved by the Land Commission). [602.5-1(a)]

189 *Other Entities – Potential Rulemaking Authority*

190 The Law references other rules/plans/processes, but is not clear about who must
 191 develop/implement them or whether these are considered rules (in some situations, the Law just
 192 states the “Nation” will develop the plan but this is not identifying a responsible party)

- 193 • 602.7-4 refers to “the conservation plan that the Nation shall develop and any agricultural
194 resource management plan and/or other appropriate stipulations developed by the Nation.”
195 • 602.9-2 refers to an **environmental review, which must be conducted in accordance with**
196 **the process established under [NEPA]** and which must meet requirements listed in the law.
197 • 602.8-4(c) refers to “any **business leasing management plan** developed by the Nation.”
198

199 **New Responsibilities for the Land Commission**

200 Currently, the Law only mentions the Land Commission once – it responsible for *approving*
201 the format/requirements for lease applications, and additional processes/procedures for awarding
202 leases/lease documents. [602.5-1(a)] The amended law makes the Land Commission jointly
203 responsible for developing rules, so along with the Department, the Land Commission will be
204 jointly responsible for performing all of the other responsibilities required by the Administrative
205 Rulemaking law, such as preparing each rule, including publishing notice; conducting public
206 meetings, and requesting/obtaining required analyses for the rule(s). [602.5-1 and DOI 2-3]
207

208 **Other**

209 To reflect the Oneida Constitutional amendments adopted in 2015, various references to the
210 “Tribe” were changed to “Nation.” The definitions for Cultural Heritage Department,
211 Environmental Health and Safety Division, and Land Management (DOLM) no longer state that
212 they are “Tribal” entities; just that they are entities. [602.3-1]

213 Additional minor changes were made to ensure the document is consistent with standard
214 drafting practices; and to improve the flow and clarity of the Law; these did not affect the
215 content of the Law.
216



MEMORANDUM

DATE: October 19, 2016

FROM: Larry Barton, Chief Financial Officer

TO: Patricia King, Treasurer
Oneida Business Committee

RE: **Financial Impact of Changes in Law – Leasing Law**

I. Background

Under consideration is a change to the existing Leasing Law, which was adopted by BC Resolution 05-13-15-B. It was noted at that time that the Leasing Law needed to be submitted to the Department of Interior (D.O.I.) for final approval, before it could go into effect. After the first submission to D.O.I. for review, it was returned with comments requiring changes. This process was followed again, and the current submission to the D.O.I. is a version prepared after their second set of comments has been incorporated into the Leasing Law.

II. Executive Summary of Findings

According to the Legislative Analysis, the proposed Amendment to the Leasing Law has 5 different impacts:

1. Delegate rulemaking authority jointly to the Oneida Land Commission and the Division of Land Management.
2. Specify the Law does not apply to leases in the Nation's home ownership programs.
3. Include valuation provisions for residential and agricultural leases.
4. Include a provision allowing a residential lease be entered into by a parent or legal guardian on behalf of their child or ward.
5. Add additional information regarding the process required under the National Environmental Policy Act.

The Finance Department contacted the Division of Land Management. The representatives we contacted indicated that the processes described in the Executive

Summary of the Statement of Effect from the Legislative Reference Office are already occurring within the current operating procedures of either the Division of Land Management or Oneida Housing Authority.

III. Financial Impact

The Amendment to the Leasing Law does not seem to contain any direct financial impact, compared to current operating procedures.

IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

Title 6. Property and Land – Chapter 65602**LEASING**

Twatnshas Kayant@sla
we're loaning/leasing law

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65602.1.–Purpose and Policy

65602.1-1.– Purpose. The purpose of this Lawlaw is to set out the Tribe'sNation's authority to issue, review, approve and enforce leases. In addition, the purpose of this Lawlaw is to meet the requirements of the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) by establishing a process under which the TribeNation will be able to approve leases on Tribal-trusttribal land without additional approval of the Secretary of the Interior.

65602.1-2.– Policy. It is the policy of the TribeNation to set out the expectations and responsibilities of the lessorslessor and lessees of Tribaltribal land and to ensure the leasing of Tribaltribal land results in minimal risk to the TribeNation.

65602.2.–Adoption, Amendment, Repeal

65602.2-1.– This Lawlaw was adopted by the Oneida Business Committee by resolution BC-05-13-15-C and shall take effectamended by resolution BC-_____ and becomes effective thirty (30) calendar days after approval by the Secretary of the Interior.

65602.2-2.– This Lawlaw may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act. Major, substantive changes to this Law shalllaw may not take effect until they have been approved by the Secretary of the Interior. Minor, technical amendments may take effect upon approvaladoption by the Oneida Business Committee.

65602.2-3.– Should a provision of this Lawlaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Lawlaw which are considered to have legal force without the invalid portions.

65602.2-4.– In the event of a conflict between a provision of this Lawlaw and a provision of another Tribal-law, the provisions of this Lawlaw shall control.

(a)– To the extent that this Lawlaw conflicts with any applicable federal statutes or regulations, the federal statute or regulation shall controlcontrols.

(b)– To the extent that any lease to which this Lawlaw applies conflicts with this Lawlaw, this Law shall controllaw controls.

65602.2-5.– This Lawlaw is adopted under authority of the Constitution of the Oneida Tribe of Indians of WisconsinNation.

65602.3.–Definitions

65602.3-1.– This section shall govern the definitions of words and phrases used within this Lawlaw. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Assignment” shall-meanmeans an agreement between a lessee and an assignee

- 38 whereby the assignee acquires all or some of the lessee's rights and assumes all or some
39 of the lessee's obligations under a lease.
- 40 (b) "Cultural Heritage Department" ~~shall mean~~ means the ~~Tribal~~ entity responsible for
41 conducting cultural reviews as required under this ~~Law~~ law.
- 42 (c) "Cultural ~~review~~ ~~shall mean~~ Review" means a review of the anticipated effects of a
43 proposed lease ~~or lease~~ document on archaeological, cultural and/or historic resources.
- 44 ~~(d) "Day" or "days" shall mean calendar days, unless otherwise specified.~~
- 45 ~~(e) "Encumbrance" shall mean a claim or liability that is attached to property.~~
- 46
- 47 ~~(f)(d)~~ "Environmental, Health and Safety Division" ~~shall mean~~ means the ~~Tribal~~ entity
48 responsible for conducting environmental reviews as required under this ~~Law~~ law.
- 49 ~~(g)(e)~~ "Environmental ~~review~~ ~~shall mean~~ Review" means a review of the anticipated
50 environmental effects of a proposed lease ~~or lease~~ document.
- 51 (f) "Guardian" means one who has legal authority and duty, as appointed by a court of
52 competent jurisdiction, to care for another's person or property because of the other's
53 infancy, incapacity or disability.
- 54 ~~(h)(g)~~ "Improvements" ~~shall mean~~ means buildings, other structures, and associated
55 infrastructure attached to the leased premises.
- 56 (h) "Judiciary" means the judicial system that was established by Oneida General Tribal
57 Council resolution GTC-01-07-13-B to administer the judicial authorities and
58 responsibilities of the Nation.
- 59 (i) "Land Management" ~~shall mean~~ means the Division of Land Management or other
60 ~~Tribal~~ entity responsible for entering into leases of ~~Tribal~~ tribal land.
- 61 (j) "Lease" ~~shall mean~~ means a written contract between the ~~Tribe~~ Nation and a lessee,
62 whereby the lessee is granted a right to use or occupy ~~Tribal~~ tribal land, for a specified
63 purpose and duration.
- 64 (k) "Lease ~~document~~ ~~shall mean~~ Document" means a lease, lease amendment, lease
65 assignment, sublease or ~~encumbrance~~ leasehold mortgage.
- 66 (l) "Leasehold ~~mortgage~~ ~~shall mean~~ Mortgage" means a mortgage, deed of trust, or
67 other instrument that pledges a lessee's leasehold interest as security for a debt or other
68 obligation owed by the lessee to a lender or other mortgagee.
- 69 (m) "Lessee" ~~shall mean~~ means a person or entity who has acquired a legal right to use or
70 occupy ~~Tribal~~ tribal land by a lease under this ~~Law~~ law, or one who has the right to use or
71 occupy a property under a lease.
- 72 (n) "Lessor" shall mean means the Tribe Nation, in its capacity as the legal, beneficial
73 and/or equitable owner of Tribal tribal land subject to a lease, and any administrator or
74 assign of.
- 75 ~~(n)(o)~~ "Nation" means the ~~Tribe~~ Oneida Nation.
- 76 ~~(o)(p)~~ "Performance ~~bond~~ ~~shall mean~~ Bond" means a bond given to ensure the timely
77 performance of a lease.
- 78 (q) "Rule" means a set of requirements, including fee schedules, enacted jointly by Land
79 Management and the Oneida Land Commission in accordance with the Administrative
80 Rulemaking law based on authority delegated in this law in order to implement, interpret
81 and/or enforce this law.
- 82 ~~(p)(r)~~ "Secretary" ~~shall mean~~ means the Secretary of the Interior, U.S. Department of the
83 Interior, or its authorized representative.
- 84 ~~(q)(s)~~ "Sublease" ~~shall mean~~ means a written agreement by which the lessee grants to a
85 person or entity a right to use or occupy no greater than that held by the lessee under the

86 lease.

87 ~~(r) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.~~

88 ~~(s) “Tribal land” shall mean Tribal trust land and any land owned by the Tribe held in fee~~
89 ~~status.~~

90 (t) ~~“Tribal trust land” shall mean~~ Land ~~” means~~ the surface estate of land or any interest
91 therein held by the United States in trust for the TribeNation; land held by the
92 TribeNation subject to federal restrictions against alienation or encumbrance; land
93 reserved for federal purposes; and/or land held by the United States in trust for ~~a Tribal~~
94 ~~corporation chartered~~ the Nation under Section 17 of the Indian Reorganization Act, 25
95 U.S.C §§ ~~461-479~~ §477, et. seq.

97 **65602.4.– General Provisions**

98 65602.4-1.– Applicable Land. This Lawlaw applies to all Tribaltribal land.

99 65602.4-2.– Applicable Leases.

100 (a) Except as excluded in (b) below, or as contrary to applicable federal statutes and
101 regulations, this Law shall applylaw applies to all residential, agricultural and business
102 leases executed by the TribeNation and to all actions and decisions taken in connection
103 with those leases. Provided that, nothing herein shallmay be construed to affect the terms
104 and conditions of leases existing when this Lawlaw goes into effect or amendments,
105 assignments, subleases or encumbrances made to those leases.

106 (b) This Law shalllaw does not apply to mineral leases ~~or to~~, any lease of individually
107 owned Indian allotted land in accordance with 25 U.S.C. 415(h)(2~~),~~ leases included in
108 the Nation’s home ownership programs administered using federal funding or leases
109 lasting one (1) year or less.

110 65602.4-3.– Applicable Law. In addition to this Lawlaw, leases approved under this Lawlaw
111 are subject to:

112 (a) ~~– all Tribal law of the Nation’s laws,~~ except to the extent those Tribal laws are
113 inconsistent with applicable federal law; and

114 (b) ~~– applicable federal laws; and.~~

115 ~~(c) any specific federal statutory requirements that are not incorporated in this Law.~~

116 65602.4-4.– Pursuant to the authority of the Secretary to fulfill the trust obligation of the
117 United States to the TribeNation under federal law, the Secretary may, upon reasonable notice
118 from the TribeNation and at the discretion of the Secretary, enforce the provisions of, or cancel,
119 any residential, agricultural or business lease on Tribal trusttribal land executed by the
120 TribeNation. The United States shallmay not be liable for losses sustained by any party to a
121 residential, agricultural or business lease executed pursuant to this Lawlaw.

122 65602.4-5.– All Lease parties shall resolve all disputes over residential, agricultural and
123 business leases ~~shall be resolved~~ under the Nation’s laws ~~of the Tribe~~ and in accordance with
124 federal law. Nothing in this Law shalllaw may be construed to waive the Tribe’sNation’s
125 sovereign immunity.

126 65602.4-6.– After the Secretary approves this Lawlaw, all leases of Tribal trusttribal land
127 approved and executed under this Law shall be law may become effective without federal
128 approval under 25 U.S.C. 415(h), unless the Secretary rescinds approval of this Lawlaw and
129 reassumes responsibility for such approval.

131 **65602.5.– Lease and Lease Document Requirements**

132 65602.5-1.– Information and Application. Land Management shall approve and execute all
133 leases. InformationLand Management shall make available information on obtaining residential,

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134 | agricultural or business ~~leases or~~ lease documents ~~shall be available at Land Management.~~
135 | Parties interested in obtaining a residential, agricultural or business lease ~~or lease~~ document shall
136 | submit an application to Land Management pursuant to the rules which Land Management and
137 | the Oneida Land Commission shall jointly develop.

138 | (a) ~~Land Management~~ shall develop, and the Oneida Land Commission shall
139 | approve, the format and requirements set out in the lease ~~and lease~~ document applications
140 | for different types of leases, as well as additional procedures and processes to be
141 | followed when offering and awarding ~~leases and~~ lease documents.

142 | 65602.5-2. Terms and Conditions. Leases Land Management shall be ensure leases are in
143 | writing and contain, at a minimum, the following:

144 | (a) ~~A description of the land or building being leased; business leases shall contain~~
145 | adequate site including surveys and legal descriptions based on metes and bounds,
146 | rectangular, or lot and block systems which meet the requirements of the Land Titles and
147 | Records Office of the Bureau of Indian Affairs;

148 | (b) ~~The effective date and term of the lease;~~

149 | (c) ~~The purpose of the lease and authorized uses of the leased premises;~~

150 | (d) ~~The parties to the lease;~~

151 | (e) ~~How much rent is due, when it is due, who receives it, what form(s) of payment is~~
152 | ~~acceptable, and whether any late payment charges or special fees apply and the rate of~~
153 | ~~interest to be charged if the lessee fails to make payments in a timely manner;~~

154 | (f) ~~Whether there will be rental reviews or adjustments, how and when they will be done,~~
155 | ~~when any adjustments will be effective and how disputes regarding adjustments will be~~
156 | ~~resolved;~~

157 | (g) ~~Who will be~~ responsible for any taxes applied to the property and/or
158 | improvements;

159 | (h) ~~Due diligence requirements that apply, if any;~~

160 | (i) ~~Performance bond and insurance requirements that apply, if any;~~

161 | (j) ~~Land Management or the Secretary~~ has the right, at any reasonable time during the
162 | term of the lease and upon reasonable notice, in accordance with ~~federal regulations~~ this
163 | law and any other applicable laws, policies and rules of the Nation, to enter the leased
164 | premises for inspection and to ensure compliance with the lease;

165 | (k) ~~The lessee holds the United States and the~~ Tribe Nation harmless from any loss,
166 | liability or damages resulting from the lessee's use or occupation of the leased premises;

167 | (l) ~~The lessee indemnifies the United States and the~~ Tribe Nation against all liabilities or
168 | costs relating to the use, handling, treatment, removal, storage, transportation, or disposal
169 | of hazardous materials, or the release or discharge of any hazardous material from the
170 | leased premises that occurs during the lease term, regardless of fault, with the exception
171 | that the lessee is not required to indemnify the Tribe Nation for liability or cost arising
172 | from the Tribe's Nation's negligence or willful misconduct; and

173 | (m) ~~Land Management or the Secretary~~ may, at its discretion, treat as a lease violation
174 | any failure by the lessee to cooperate with a request to make appropriate records, reports
175 | or information available for inspection and duplication.

176 | 65602.5-3. Improvements. A Land Management shall ensure lease ~~shall documents~~ set out
177 | requirements related to improvements, including:

178 | (a) ~~whether improvements may be constructed;~~

179 | (b) ~~ownership of improvements;~~

180 | (c) ~~responsibility for constructing, operating, maintaining and managing~~
181 | ~~improvements;~~

182 | ~~(d) whether the lessee shall submit development plans and/or construction~~
183 | ~~management schedules to Land Management for approval prior to beginning construction~~
184 | ~~of any improvements;~~

185 | ~~(e) removal of improvements;~~

186 | ~~(e-f) whether a lessee may develop equity in improvements and sell its interest in the~~
187 | ~~lease based on the equity; and~~

188 | ~~(f-g) the lessor's right of first refusal to purchase the lessee's interest, if any.~~

189 | 65602.5-4. Obtaining a Lease Document. Lease-Land Management shall ensure lease
190 | documents shall be entered into by written consent of the lessor and the lessee, unless
191 | otherwise provided herein and ~~shall that the lease documents~~ contain ~~the effective date of the~~
192 | ~~lease document~~ dates.

193 | ~~(a) The lease may authorize subleases only upon approval and execution from Land~~
194 | ~~Management. This in no way relieves the parties from carrying out their duties under the~~
195 | ~~lease.~~

196 | ~~(b) The lease may authorize encumbrances, including leasehold mortgages, on the~~
197 | ~~leasehold interest for the purpose of financing to develop and improve the premises.~~
198 | ~~Approval of the encumbrance by Land Management is required shall approve the~~
199 | ~~leasehold mortgage.~~

200 | ~~(c) The lease shall may not authorize mortgages that encumber title to Tribal tribal~~
201 | ~~land.~~

202 | 65602.5-5. Payments. For any lease requiring payments to be made to the lessor, the lessor
203 | shall provide the Secretary with such documentation of the lease payments as the Secretary may
204 | request to enable the Secretary to discharge the trust responsibility of the United States.

205 | 65602.5-6. Environmental and Cultural Reviews. Land Management ~~shall may~~ not approve a
206 | lease ~~or lease document~~ until an environmental review and a cultural review, as required under
207 | section 65602.9, have been completed. Leases approved and executed in violation of this section
208 | ~~shall be~~ are null and void.

209 | 65602.5-7. Documentation. The following are required for a party to enter into a lease:

210 | ~~(a) a signed lease; and~~

211 | ~~(b) any reports, surveys and site assessments needed to comply with Tribal the~~
212 | ~~Nation's~~ environmental, cultural resource and land use requirements.

214 | 65602.6. Residential Leases

215 | 65602.6-1. ~~In addition to the requirements that apply to all leases under section 65602.5, the~~
216 | ~~requirements of this section shall also apply to residential leases.~~

217 | 65602.6-2. ~~A residential lease shall be entered into is required~~ for the lease of land suited or
218 | used for the construction, improvement, and/or maintenance of a dwelling and related structures
219 | on the premises, and otherwise to use or occupy said premises for residential purposes.

220 | 65602.6-3. ~~Duration.~~ Residential leases ~~shall may~~ not exceed seventy-five (75) years.

222 | 65602.6-4. Appraisal, Local Studies.

223 | (a) Land Management shall determine the fair annual lease value using an appraisal or
224 | equivalent procedure performed by Land Management utilizing the following data:
225 | improvement cost, replacement cost, earning capacity, and sales and lease data of
226 | comparable sites. Land Management shall ensure that an appraisal log reporting the
227 | methods of appraisal and value of the tribal land is attached to every residential lease.

228 | (b) Alternatively, Land Management shall determine the fair annual lease value using an
229 | appraisal performed by a licensed appraiser utilizing the Uniform Standards of

230 Professional Appraisal Practice or another commonly accepted method of appraisal.
231 Land Management shall ensure that an appraisal log describing the method of appraisal
232 and value of the tribal land is attached to every residential lease.

233 602.6-5. Fair Annual Lease Value. Land Management may offer residential leases at reduced
234 rates if it determines that doing so is in the best interest of the Nation. Under such circumstances
235 an appraisal is not required. In all other circumstances, a residential lease may not be approved
236 for less than the present fair annual lease value as set forth in the appraisal.

237 602.6-6. Lease by Guardian. A parent or legal guardian may enter into a residential lease on
238 behalf of his or her child or ward.

239
240 **602.7.– Agricultural Leases**

241 65602.7-1.– In addition to the requirements that apply to all leases under section 65602.5, the
242 requirements of this section shall also apply to agricultural leases.

243 65602.7-2.– An agricultural lease shall be entered into is required for the lease of land suited or
244 used for the production of crops, livestock or other agricultural products, or land suited or used
245 for a business that supports the surrounding agricultural community.

246 65602.7-3.– Duration and Renewal. Agricultural leases shall may not exceed twenty-five (25)
247 years, except that any such lease may include an option to renew for up to two (2) additional
248 terms, which may not exceed twenty-five (25) years each.

249 65602.7-4.– Land Management. Agricultural leases shall of Land. Land Management shall
250 ensure that agricultural leases require the lessee to manage land in accordance with the
251 conservation plan that the Nation shall develop and any agricultural resource management plan
252 and/or other appropriate stipulations developed by the TribeNation.

253
254 65602.7-5. Lease Valuation. Agricultural leases are valued based on the bidding process
255 required as part of the lease award process included in the rules, which Land Management and
256 the Oneida Land Commission shall jointly develop.

257
258 **602.8.– Business Leases**

259 65602.8-1.– In addition to the requirements that apply to all leases under section 65602.5,
260 the requirements of this section shall also apply to business leases.

261 65602.8-2.– A business lease shall be entered into is required for the lease of land suited or
262 used for business purposes including retail, office, manufacturing, storage, or other business
263 purposes; and public purposes, including religious, educational, recreational, cultural, or other
264 public purposes.

265 65602.8-3.– Duration and Renewal. Business leases shall may not exceed twenty-five (25)
266 years, except that any such lease may include an option to renew for up to two (2) additional
267 terms, which may not exceed twenty-five (25) years each.

268 65602.8-4.– Supporting Documents. All applicants for business site leases shall submit the
269 following documents to Land Management:

- 270 (a) financial statement;
271 (b) site survey and legal description, if applicable;
272 (c) other documents as may be required by any business site-leasing management
273 plan developed by the TribeNation.

274 65602.8-5.– Appraisal, Local Studies.

275 (a) The Land Management shall determine the fair annual lease value shall be
276 determined by using an appraisal or equivalent procedure performed by Land
277 Management utilizing the following data: improvement cost, replacement cost, earning

278 capacity, and sales and lease data of comparable sites. ~~An~~Land Management shall ensure
279 that an appraisal log reporting the methods of appraisal and value of the ~~Tribal~~tribal land
280 ~~shall be~~is attached to every business site lease.

281 (b)–Alternatively, Land Management shall determine the fair annual lease value ~~shall~~
282 ~~be determined by using~~ an appraisal performed by a licensed appraiser utilizing the
283 Uniform Standards of Professional Appraisal Practice or another commonly accepted
284 method of appraisal. ~~An~~Land Management shall ensure that an appraisal log describing
285 the method of appraisal and value of the ~~Tribal~~tribal land ~~shall be~~is attached to every
286 business site lease.

287 ~~65602.8-6.~~8-6.– Fair Annual Lease Value.

288 (a)–No lease shall~~may~~ be approved for less than the present fair annual lease value as
289 set forth in the appraisal, except as follows:

290 (1)–The lessee is in the development period;

291 (2)–Land Management is providing an incentive for businesses to locate on
292 tribal land, and ~~must provide~~is providing lease concessions, lease
293 improvement credits, and lease abatements to attract such business; or

294 (3)–Land Management determines such action is in the best interest of the
295 Tribe~~Nation~~.

296 (b)–A lease may:

297 (1)–Be structured at a flat lease rate; and/or

298 (2)–Be structured at a flat lease rate plus a percentage of gross receipts, if the
299 lessee is a business located in a shopping center, or the lessee generates over one
300 million dollars (\$1,000,000.00) annually in gross receipts; and/or

301 (3)–Be structured based on a percentage of gross receipts, or based on a
302 market indicator; and/or

303 (4)–Be structured to allow for lease rate adjustments.~~The; Land Management~~
304 shall ensure that the lease ~~shall specify~~specifies how adjustments will be made,
305 who will make such adjustments, when adjustments ~~will~~ go into effect, and how
306 disputes ~~shall~~may be resolved; and/or

307 (5)–Be amended to allow for lease rate adjustments; and/or

308 (6)–Provide for periodic review.~~Such review shall give~~ giving consideration
309 to the economic conditions, exclusive of improvement or development required
310 by the contract or the contribution value of such improvements.

311 (c)–Land Management shall keep written records of the basis used in determining the
312 fair annual lease value, as well as the basis for adjustments.~~These and shall present such~~
313 records ~~shall be presented~~ to the lessee and ~~included~~include them in any lease file.

314 ~~65602.8-7.~~8-7.– Performance Bond. If a performance bond is required under a business lease, a
315 the lessee shall obtain the performance bond ~~shall be obtained by the lessee~~ in an amount that
316 reasonably assures performance on the lease. ~~Such bond shall be~~Land Management may require
317 performance bonds for the purpose of guaranteeing any of the following:

318 (a)–The annual lease payment;

319 (b)–The estimated development cost of improvements; and

320 (c)–Any additional amount necessary to ensure compliance with the lease.

321 ~~65602.9.~~9.– Environmental and Cultural Reviews

322 ~~65602.9-1.~~9-1.– Applicability. Land Management ~~shall~~may not consider approving a lease ~~or~~
323 lease document until an environmental review and a cultural review have been completed.

324 ~~65602.9-2.~~9-2.– Environmental Reviews. ~~An~~The Nation is solely responsible for ensuring that the

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326 | environmental review ~~shall be conducted by or at the request of the~~ has been completed in
327 | accordance with this law. The Environmental, Health and Safety Division or its designee shall
328 | conduct an environmental review on all proposed ~~leases and~~ lease documents. ~~The~~
329 | ~~environmental review shall be conducted~~ in accordance with the process established under the
330 | National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq, to evaluate environmental
331 | effects of federal undertakings: and, at a minimum, the process shall:

332 | 65(a) Identify and evaluate any significant effects of the proposed action on the
333 | environment;

334 | (b) Establish a process for notifying the public of significant environmental impacts;

335 | (c) Ensure that the public has a reasonable opportunity to provide comments regarding
336 | the action and its environmental impacts;

337 | (d) Require the Nation to respond to relevant and substantive comments received from
338 | the public.

339 | 602.9-3. – Cultural Reviews. ~~A cultural review shall be conducted by or at the request of the~~ The
340 | Cultural Heritage Department or its designee shall conduct a cultural review on all proposed
341 | ~~leases and~~ lease documents. ~~The cultural review shall be conducted~~ in accordance with the
342 | permit review requirements for undertakings established in the Protection and Management of
343 | Archeological & Historical Resources law.

344 | 65602.9-4. – Environmental and Cultural Review Completion. The Environmental, Health and
345 | Safety Division shall forward a completed environmental review and the cultural review to Land
346 | Management for consideration in the approval or denial of a lease ~~or lease~~ document.

347 | (a) ~~–~~ Before approving a ~~lease or~~ lease document, Land Management may require any
348 | reasonable actions, as recommended within the environmental review or cultural review,
349 | be completed.

350 | (b) ~~–~~ The Environmental, Health and Safety Division shall prepare an updated
351 | environmental review and the Cultural Heritage Department shall prepare an updated
352 | cultural review upon completion of any reasonable actions.

354 | 65602.10. – Lease Management

355 | 65602.10-1. – Management Plan. Land Management shall:

356 | (a) ~~–~~ manage existing leases as well as those executed pursuant to this ~~Law~~ law; and

357 | (b) ~~–~~ institute a leasing management plan that employs sound real estate management
358 | practices, and addresses accounting, collections, monitoring, enforcement, relief, and
359 | remedies.

360 | 65602.10-2. – Accounting. Land Management shall implement an accounting system that
361 | generates invoices, accounts for payments, and dates of when rate adjustments should be made.
362 | Nothing in this section ~~shall~~ may be construed to absolve the lessee of its duties under a lease.

363 | 65602.10-3. – Recording ~~Leases and~~ Lease Documents. Land Management shall provide all
364 | ~~leases and~~ lease documents of ~~Tribal trust~~ tribal land, except residential subleases ~~and~~
365 | ~~encumbrances~~, to the Bureau of Indian Affairs for ~~recording in~~ encoding and to be forwarded to
366 | the Land Titles and Records Office. ~~All leases and~~ Land Management shall record all lease
367 | documents of ~~Tribal~~ tribal land ~~shall also be recorded in~~ with the ~~Tribe's~~ Oneida Nation Register
368 | of Deeds. Land Management shall also distribute a copy of the recorded lease documents to the
369 | lessee.

370 | 65602.10-4. – Ownership of Records. Records of activities taken pursuant to this ~~Law~~ law with
371 | respect to ~~Tribal trust~~ tribal land are the property of the United States and the ~~Tribe~~ Nation.
372 | Records compiled, developed or received by the lessor in the course of business with the
373 | Secretary are the Nation's property ~~of the Tribe~~.

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374 | ~~65602.10-5.~~ Administrative Fees. Land Management and the Oneida Land Commission may
375 | ~~charge~~ jointly develop rules requiring administrative fees for costs associated with issuing a lease
376 | ~~or lease~~ document, or conducting any other administrative transaction.

377 |
378 | **65602.11. – Enforcement**

379 | ~~65602.11-1.~~ Land Management shall have is delegated all powers necessary and proper to
380 | enforce ~~this Law and the lease terms,~~ this law and any rules developed pursuant to this law.
381 | This includes, but is not limited to, the power to enter the premises, assess penalties, assess late
382 | payments and cancel leases. Land Management may request the Oneida Law Office assist in
383 | enforcement of this ~~Law~~ law, rules and leases.

384 | ~~65602.11-2.~~ Harmful or Threatening Activities. If a lessee or other party causes or threatens to
385 | cause immediate and significant harm to the premises, or undertakes criminal activity thereon,
386 | Land Management or another interested party may take appropriate emergency action, which
387 | ~~includes~~ may include cancelling the lease and/or securing judicial relief.

388 | ~~65602.11-3.~~ Holdovers and Trespass. If a lessee remains in possession of a property after the
389 | expiration or cancellation of a lease, or a person occupies a property without Land
390 | Management's approval, Land Management shall take action to recover possession of the
391 | property; and/or pursue additional remedies, such as damages, if applicable.

392 | ~~65602.11-4.~~ Defaults. If Land Management determines a lessee is in default, Land
393 | Management shall take action to have the lessee cure the default or, if the default is not cured,
394 | cancel the lease pursuant to the Eviction and Termination law.

395 | ~~65602.11-5.~~ Penalties. Unless the lease provides otherwise, interest charges and late payment
396 | penalties ~~shall~~ apply in the absence of any specific notice to the lessee from Land Management,
397 | and Land Management shall treat the failure to pay such amounts ~~shall be treated~~ as a breach of
398 | the lease.

399 |
400 | **65602.12. Appeals Leasing Actions**

401 | ~~65602.12-1.~~ The lessee Oneida Judiciary is granted jurisdiction to hear complaints filed
402 | regarding actions taken pursuant to this law and/or an interested party may appeal a
403 | determination lease document.

404 | 602.12-2. No administrative hearing body, including a board, committee or commission, is
405 | authorized to hear a complaint regarding actions taken pursuant to this law and/or a lease
406 | document.

407 | 602.12-3. The lessor is the Division of Land Management in accordance regards to taking actions
408 | authorized under this law and complaints filed with the Oneida Judiciary law and any applicable
409 | rules shall name the Division of procedure Land Management and the specific lease program.

410 |
411 | *End.*

412 |
413 | Adopted-BC-05-13-15-C, pending BIA approval

Title 6. Property and Land – Chapter 602**LEASING****Twatnshas Kayant@sla***we're loaning/leasing law*

602.1.	Purpose and Policy	602.7.	Agricultural Leases
602.2.	Adoption, Amendment, Repeal	602.8.	Business Leases
602.3.	Definitions	602.9.	Environmental and Cultural Reviews
602.4.	General Provisions	602.10.	Lease Management
602.5.	Lease Document Requirements	602.11.	Enforcement
602.6.	Residential Leases	602.12.	Leasing Actions

602.1. Purpose and Policy

602.1-1. *Purpose.* The purpose of this law is to set out the Nation's authority to issue, review, approve and enforce leases. In addition, the purpose of this law is to meet the requirements of the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) by establishing a process under which the Nation will be able to approve leases on tribal land without additional approval of the Secretary of the Interior.

602.1-2. *Policy.* It is the policy of the Nation to set out the expectations and responsibilities of the lessor and lessees of tribal land and to ensure the leasing of tribal land results in minimal risk to the Nation.

602.2. Adoption, Amendment, Repeal

602.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-13-15-C and amended by resolution BC-_____ and becomes effective thirty (30) calendar days after approval by the Secretary of the Interior.

602.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act. Major, substantive changes to this law may not take effect until they have been approved by the Secretary of the Interior. Minor, technical amendments may take effect upon adoption by the Oneida Business Committee.

602.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

602.2-4. 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.

(a) To the extent that this law conflicts with any applicable federal statutes or regulations, the federal statute or regulation controls.

(b) To the extent that any lease to which this law applies conflicts with this law, this law controls.

602.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

602.3. Definitions

602.3-1. 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) "Assignment" means an agreement between a lessee and an assignee whereby the assignee acquires all or some of the lessee's rights and assumes all or some of the lessee's obligations under a lease.

(b) "Cultural Heritage Department" means the entity responsible for conducting cultural reviews as required under this law.

39 (c) “Cultural Review” means a review of the anticipated effects of a proposed lease
40 document on archaeological, cultural and/or historic resources.

41
42 (d) “Environmental, Health and Safety Division” means the entity responsible for
43 conducting environmental reviews as required under this law.

44 (e) “Environmental Review” means a review of the anticipated environmental effects of
45 a proposed lease document.

46 (f) “Guardian” means one who has legal authority and duty, as appointed by a court of
47 competent jurisdiction, to care for another’s person or property because of the other’s
48 infancy, incapacity or disability.

49 (g) “Improvements” means buildings, other structures, and associated infrastructure
50 attached to the leased premises.

51 (h) “Judiciary” means the judicial system that was established by Oneida General Tribal
52 Council resolution GTC-01-07-13-B to administer the judicial authorities and
53 responsibilities of the Nation.

54 (i) “Land Management” means the Division of Land Management or other entity
55 responsible for entering into leases of tribal land.

56 (j) “Lease” means a written contract between the Nation and a lessee, whereby the lessee
57 is granted a right to use or occupy tribal land, for a specified purpose and duration.

58 (k) “Lease Document” means a lease, lease amendment, assignment, sublease or
59 leasehold mortgage.

60 (l) “Leasehold Mortgage” means a mortgage, deed of trust, or other instrument that
61 pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the
62 lessee to a lender or other mortgagee.

63 (m) “Lessee” means a person or entity who has acquired a legal right to use or occupy
64 tribal land by a lease under this law, or one who has the right to use or occupy a property
65 under a lease.

66 (n) “Lessor” means the Nation, in its capacity as the legal, beneficial and/or equitable
67 owner of tribal land subject to a lease.

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

69 (p) “Performance Bond” means a bond given to ensure the timely performance of a lease.

70 (q) “Rule” means a set of requirements, including fee schedules, enacted jointly by Land
71 Management and the Oneida Land Commission in accordance with the Administrative
72 Rulemaking law based on authority delegated in this law in order to implement, interpret
73 and/or enforce this law.

74 (r) “Secretary” means the Secretary of the Interior, U.S. Department of the Interior, or its
75 authorized representative.

76 (s) “Sublease” means a written agreement by which the lessee grants to a person or entity
77 a right to use or occupy no greater than that held by the lessee under the lease.

78 (t) “Tribal Land” means the surface estate of land or any interest therein held by the
79 United States in trust for the Nation; land held by the Nation subject to federal
80 restrictions against alienation or encumbrance; land reserved for federal purposes; and/or
81 land held by the United States in trust for the Nation under Section 17 of the Indian
82 Reorganization Act, 25 U.S.C §477, et. seq.

84 **602.4. General Provisions**

85 602.4-1. *Applicable Land.* This law applies to all tribal land.

86 602.4-2. *Applicable Leases.*

87 (a) Except as excluded in (b) below, or as contrary to applicable federal statutes and
88 regulations, this law applies to all residential, agricultural and business leases executed by
89 the Nation and to all actions and decisions taken in connection with those leases.
90 Provided that, nothing herein may be construed to affect the terms and conditions of
91 leases existing when this law goes into effect or amendments, assignments, subleases or
92 encumbrances made to those leases.

93 (b) This law does not apply to mineral leases, any lease of individually owned Indian
94 allotted land in accordance with 25 U.S.C. 415(h)(2), leases included in the Nation's
95 home ownership programs administered using federal funding or leases lasting one (1)
96 year or less.

97 602.4-3. *Applicable Law.* In addition to this law, leases approved under this law are subject to:

98 (a) all of the Nation's laws, except to the extent those laws are inconsistent with
99 applicable federal law; and

100 (b) applicable federal laws.

101 602.4-4. Pursuant to the authority of the Secretary to fulfill the trust obligation of the United
102 States to the Nation under federal law, the Secretary may, upon reasonable notice from the
103 Nation and at the discretion of the Secretary, enforce the provisions of, or cancel, any residential,
104 agricultural or business lease on tribal land executed by the Nation. The United States may not
105 be liable for losses sustained by any party to a residential, agricultural or business lease executed
106 pursuant to this law.

107 602.4-5. Lease parties shall resolve all disputes over residential, agricultural and business leases
108 under the Nation's laws and in accordance with federal law. Nothing in this law may be
109 construed to waive the Nation's sovereign immunity.

110 602.4-6. After the Secretary approves this law, all leases of tribal land approved and executed
111 under this law may become effective without federal approval under 25 U.S.C. 415(h), unless the
112 Secretary rescinds approval of this law and reassumes responsibility for such approval.

114 **602.5. Lease Document Requirements**

115 602.5-1. *Information and Application.* Land Management shall approve and execute all leases.
116 Land Management shall make available information on obtaining residential, agricultural or
117 business lease documents. Parties interested in obtaining a residential, agricultural or business
118 lease document shall submit an application to Land Management pursuant to the rules which
119 Land Management and the Oneida Land Commission shall jointly develop.

120 (a) Land Management shall develop, and the Oneida Land Commission shall approve,
121 the format and requirements set out in the lease document applications for different types
122 of leases, as well as additional procedures and processes to be followed when offering
123 and awarding lease documents.

124 602.5-2. *Terms and Conditions.* Land Management shall ensure leases are in writing and
125 contain, at a minimum, the following:

126 (a) A description of the land or building being leased including surveys and legal
127 descriptions based on metes and bounds, rectangular, or lot and block systems which
128 meet the requirements of the Land Titles and Records Office of the Bureau of Indian
129 Affairs;

130 (b) The effective date and term of the lease;

131 (c) The purpose of the lease and authorized uses of the leased premises;

132 (d) The parties to the lease;

133 (e) How much rent is due, when it is due, who receives it, what form(s) of payment is
134 acceptable, and whether any late payment charges or special fees apply and the rate of

- 135 interest to be charged if the lessee fails to make payments in a timely manner;
136 (f) Whether there will be rental reviews or adjustments, how and when they will be done,
137 when any adjustments will be effective and how disputes regarding adjustments will be
138 resolved;
- 139 (g) Who is responsible for any taxes applied to the property and/or improvements;
140 (h) Due diligence requirements that apply, if any;
141 (i) Performance bond and insurance requirements that apply, if any;
142 (j) Land Management has the right, at any reasonable time during the term of the lease
143 and upon reasonable notice, in accordance with this law and any other applicable laws,
144 policies and rules of the Nation, to enter the leased premises for inspection and to ensure
145 compliance with the lease;
- 146 (k) The lessee holds the United States and the Nation harmless from any loss, liability or
147 damages resulting from the lessee's use or occupation of the leased premises;
148 (l) The lessee indemnifies the United States and the Nation against all liabilities or costs
149 relating to the use, handling, treatment, removal, storage, transportation, or disposal of
150 hazardous materials, or the release or discharge of any hazardous material from the leased
151 premises that occurs during the lease term, regardless of fault, with the exception that the
152 lessee is not required to indemnify the Nation for liability or cost arising from the
153 Nation's negligence or willful misconduct; and
154 (m) Land Management may, at its discretion, treat as a lease violation any failure by the
155 lessee to cooperate with a request to make appropriate records, reports or information
156 available for inspection and duplication.
- 157 602.5-3. *Improvements.* Land Management shall ensure lease documents set out requirements
158 related to improvements, including:
- 159 (a) whether improvements may be constructed;
160 (b) ownership of improvements;
161 (c) responsibility for constructing, operating, maintaining and managing improvements;
162 (d) whether the lessee shall submit development plans and/or construction management
163 schedules to Land Management for approval prior to beginning construction of any
164 improvements;
165 (e) removal of improvements;
166 (f) whether a lessee may develop equity in improvements and sell its interest in the lease
167 based on the equity; and
168 (g) the lessor's right of first refusal to purchase the lessee's interest, if any.
- 169 602.5-4. *Obtaining a Lease Document.* Land Management shall ensure lease documents are
170 entered into by written consent of the lessor and the lessee unless otherwise provided herein and
171 that the lease documents contain effective dates.
- 172 (a) The lease may authorize subleases only upon approval and execution from Land
173 Management. This in no way relieves the parties from carrying out their duties under the
174 lease.
175 (b) The lease may authorize leasehold mortgages on the leasehold interest for the purpose
176 of financing to develop and improve the premises. Land Management shall approve the
177 leasehold mortgage.
178 (c) The lease may not authorize mortgages that encumber title to tribal land.
- 179 602.5-5. *Payments.* For any lease requiring payments to be made to the lessor, the lessor shall
180 provide the Secretary with such documentation of the lease payments as the Secretary may
181 request to enable the Secretary to discharge the trust responsibility of the United States.
- 182 602.5-6. *Environmental and Cultural Reviews.* Land Management may not approve a lease

183 until an environmental review and a cultural review, as required under section 602.9, have been
184 completed. Leases approved and executed in violation of this section are null and void.

185 602.5-7. *Documentation.* The following are required for a party to enter into a lease:

186 (a) a signed lease; and

187 (b) any reports, surveys and site assessments needed to comply with the Nation's
188 environmental, cultural resource and land use requirements.

189

190 **602.6. Residential Leases**

191 602.6-1. In addition to the requirements that apply to all leases under section 602.5, the
192 requirements of this section also apply to residential leases.

193 602.6-2. A residential lease is required for the lease of land suited or used for the construction,
194 improvement, and/or maintenance of a dwelling and related structures on the premises, and
195 otherwise to use or occupy said premises for residential purposes.

196 602.6-3. *Duration.* Residential leases may not exceed seventy-five (75) years.

197 602.6-4. *Appraisal, Local Studies.*

198 (a) Land Management shall determine the fair annual lease value using an appraisal or
199 equivalent procedure performed by Land Management utilizing the following data:
200 improvement cost, replacement cost, earning capacity, and sales and lease data of
201 comparable sites. Land Management shall ensure that an appraisal log reporting the
202 methods of appraisal and value of the tribal land is attached to every residential lease.

203 (b) Alternatively, Land Management shall determine the fair annual lease value using an
204 appraisal performed by a licensed appraiser utilizing the Uniform Standards of
205 Professional Appraisal Practice or another commonly accepted method of appraisal.
206 Land Management shall ensure that an appraisal log describing the method of appraisal
207 and value of the tribal land is attached to every residential lease.

208 602.6-5. *Fair Annual Lease Value.* Land Management may offer residential leases at reduced
209 rates if it determines that doing so is in the best interest of the Nation. Under such circumstances
210 an appraisal is not required. In all other circumstances, a residential lease may not be approved
211 for less than the present fair annual lease value as set forth in the appraisal.

212 602.6-6. *Lease by Guardian.* A parent or legal guardian may enter into a residential lease on
213 behalf of his or her child or ward.

214

215 **602.7. Agricultural Leases**

216 602.7-1. In addition to the requirements that apply to all leases under section 602.5, the
217 requirements of this section also apply to agricultural leases.

218 602.7-2. An agricultural lease is required for the lease of land suited or used for the production
219 of crops, livestock or other agricultural products, or land suited or used for a business that
220 supports the surrounding agricultural community.

221 602.7-3. *Duration and Renewal.* Agricultural leases may not exceed twenty-five (25) years,
222 except that any such lease may include an option to renew for up to two (2) additional terms,
223 which may not exceed twenty-five (25) years each.

224 602.7-4. *Management of Land.* Land Management shall ensure that agricultural leases require
225 the lessee to manage land in accordance with the conservation plan that the Nation shall develop
226 and any agricultural resource management plan and/or other appropriate stipulations developed
227 by the Nation.

228 602.7-5. *Lease Valuation.* Agricultural leases are valued based on the bidding process required
229 as part of the lease award process included in the rules, which Land Management and the Oneida
230 Land Commission shall jointly develop.

- 231
- 232 **602.8. Business Leases**
- 233 602.8-1. In addition to the requirements that apply to all leases under section 602.5, the
- 234 requirements of this section also apply to business leases.
- 235 602.8-2. A business lease is required for the lease of land suited or used for business purposes
- 236 including retail, office, manufacturing, storage, or other business purposes; and public purposes,
- 237 including religious, educational, recreational, cultural, or other public purposes.
- 238 602.8-3. *Duration and Renewal.* Business leases may not exceed twenty-five (25) years, except
- 239 that any such lease may include an option to renew for up to two (2) additional terms, which may
- 240 not exceed twenty-five (25) years each.
- 241 602.8-4. *Supporting Documents.* All applicants for business leases shall submit the following
- 242 documents to Land Management:
- 243 (a) financial statement;
- 244 (b) site survey and legal description, if applicable;
- 245 (c) other documents as may be required by any business leasing management plan
- 246 developed by the Nation.
- 247 602.8-5. *Appraisal, Local Studies.*
- 248 (a) Land Management shall determine the fair annual lease value using an appraisal or
- 249 equivalent procedure performed by Land Management utilizing the following data:
- 250 improvement cost, replacement cost, earning capacity, and sales and lease data of
- 251 comparable sites. Land Management shall ensure that an appraisal log reporting the
- 252 methods of appraisal and value of the tribal land is attached to every business site lease.
- 253 (b) Alternatively, Land Management shall determine the fair annual lease value using an
- 254 appraisal performed by a licensed appraiser utilizing the Uniform Standards of
- 255 Professional Appraisal Practice or another commonly accepted method of appraisal.
- 256 Land Management shall ensure that an appraisal log describing the method of appraisal
- 257 and value of the tribal land is attached to every business site lease.
- 258 602.8-6. *Fair Annual Lease Value.*
- 259 (a) No lease may be approved for less than the present fair annual lease value as set forth
- 260 in the appraisal, except as follows:
- 261 (1) The lessee is in the development period;
- 262 (2) Land Management is providing an incentive for businesses to locate on tribal
- 263 land, and is providing lease concessions, lease improvement credits, and lease
- 264 abatements to attract such business; or
- 265 (3) Land Management determines such action is in the best interest of the Nation.
- 266 (b) A lease may:
- 267 (1) Be structured at a flat lease rate; and/or
- 268 (2) Be structured at a flat lease rate plus a percentage of gross receipts, if the
- 269 lessee is a business located in a shopping center, or the lessee generates over one
- 270 million dollars (\$1,000,000.00) annually in gross receipts; and/or
- 271 (3) Be structured based on a percentage of gross receipts, or based on a market
- 272 indicator; and/or
- 273 (4) Be structured to allow for lease rate adjustments; Land Management shall
- 274 ensure that the lease specifies how adjustments will be made, who will make such
- 275 adjustments, when adjustments go into effect, and how disputes may be resolved;
- 276 and/or
- 277 (5) Be amended to allow for lease rate adjustments; and/or
- 278 (6) Provide for periodic review giving consideration to the economic conditions,

279 exclusive of improvement or development required by the contract or the
280 contribution value of such improvements.

281 (c) Land Management shall keep written records of the basis used in determining the fair
282 annual lease value, as well as the basis for adjustments and shall present such records to
283 the lessee and include them in any lease file.

284 602.8-7. *Performance Bond.* If a performance bond is required under a business lease, the
285 lessee shall obtain the performance bond in an amount that reasonably assures performance on
286 the lease. Land Management may require performance bonds for the purpose of guaranteeing
287 any of the following:

- 288 (a) The annual lease payment;
- 289 (b) The estimated development cost of improvements; and
- 290 (c) Any additional amount necessary to ensure compliance with the lease.

291

292 **602.9. Environmental and Cultural Reviews**

293 602.9-1. *Applicability.* Land Management may not consider approving a lease document until
294 an environmental review and a cultural review have been completed.

295 602.9-2. *Environmental Reviews.* The Nation is solely responsible for ensuring that the
296 environmental review has been completed in accordance with this law. The Environmental,
297 Health and Safety Division or its designee shall conduct an environmental review on all
298 proposed lease documents in accordance with the process established under the National
299 Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq, to evaluate environmental effects of
300 federal undertakings and, at a minimum, the process shall:

- 301 (a) Identify and evaluate any significant effects of the proposed action on the
302 environment;
- 303 (b) Establish a process for notifying the public of significant environmental impacts;
- 304 (c) Ensure that the public has a reasonable opportunity to provide comments regarding
305 the action and its environmental impacts;
- 306 (d) Require the Nation to respond to relevant and substantive comments received from
307 the public.

308 602.9-3. *Cultural Reviews.* The Cultural Heritage Department or its designee shall conduct a
309 cultural review on all proposed lease documents in accordance with the permit review
310 requirements for undertakings established in the Protection and Management of Archeological &
311 Historical Resources law.

312 602.9-4. *Environmental and Cultural Review Completion.* The Environmental, Health and
313 Safety Division shall forward a completed environmental review and the cultural review to Land
314 Management for consideration in the approval or denial of a lease document.

315 (a) Before approving a lease document, Land Management may require any reasonable
316 actions, as recommended within the environmental review or cultural review, be
317 completed.

318 (b) The Environmental, Health and Safety Division shall prepare an updated
319 environmental review and the Cultural Heritage Department shall prepare an updated
320 cultural review upon completion of any reasonable actions.

321

322 **602.10. Lease Management**

323 602.10-1. *Management Plan.* Land Management shall:

- 324 (a) manage existing leases as well as those executed pursuant to this law; and
- 325 (b) institute a leasing management plan that employs sound real estate management
326 practices, and addresses accounting, collections, monitoring, enforcement, relief, and

327 remedies.

328 602.10-2. *Accounting*. Land Management shall implement an accounting system that generates
329 invoices, accounts for payments, and dates of when rate adjustments should be made. Nothing in
330 this section may be construed to absolve the lessee of its duties under a lease.

331 602.10-3. *Recording Lease Documents*. Land Management shall provide all lease documents of
332 tribal land, except residential subleases, to the Bureau of Indian Affairs for encoding and to be
333 forwarded to the Land Titles and Records Office. Land Management shall record all lease
334 documents of tribal land with the Oneida Nation Register of Deeds. Land Management shall
335 also distribute a copy of the recorded lease documents to the lessee.

336 602.10-4. *Ownership of Records*. Records of activities taken pursuant to this law with respect to
337 tribal land are the property of the United States and the Nation. Records compiled, developed or
338 received by the lessor in the course of business with the Secretary are the Nation's property.

339 602.10-5. *Administrative Fees*. Land Management and the Oneida Land Commission may
340 jointly develop rules requiring administrative fees for costs associated with issuing a lease
341 document, or conducting any other administrative transaction.

342

343 **602.11. Enforcement**

344 602.11-1. Land Management is delegated all powers necessary and proper to enforce the lease
345 terms, this law and any rules developed pursuant to this law. This includes, but is not limited to,
346 the power to enter the premises, assess penalties, assess late payments and cancel leases. Land
347 Management may request the Oneida Law Office assist in enforcement of this law, rules and
348 leases.

349 602.11-2. *Harmful or Threatening Activities*. If a lessee or other party causes or threatens to
350 cause immediate and significant harm to the premises, or undertakes criminal activity thereon,
351 Land Management or another interested party may take appropriate emergency action, which
352 may include cancelling the lease and/or securing judicial relief.

353 602.11-3. *Holdovers and Trespass*. If a lessee remains in possession of a property after the
354 expiration or cancellation of a lease, or a person occupies a property without Land
355 Management's approval, Land Management shall take action to recover possession of the
356 property; and/or pursue additional remedies, such as damages, if applicable.

357 602.11-4. *Defaults*. If Land Management determines a lessee is in default, Land Management
358 shall take action to have the lessee cure the default or, if the default is not cured, cancel the lease
359 pursuant to the Eviction and Termination law.

360 602.11-5. *Penalties*. Unless the lease provides otherwise, interest charges and late payment
361 penalties apply in the absence of any specific notice to the lessee from Land Management, and
362 Land Management shall treat the failure to pay such amounts as a breach of the lease.

363

364 **602.12. Leasing Actions**

365 602.12-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions
366 taken pursuant to this law and/or a lease document.

367 602.12-2. No administrative hearing body, including a board, committee or commission, is
368 authorized to hear a complaint regarding actions taken pursuant to this law and/or a lease
369 document.

370 602.12-3. The lessor is the Division of Land Management in regards to taking actions authorized
371 under this law and complaints filed with the Oneida Judiciary shall name the Division of Land
372 Management and the specific lease program.

373

374 *End.*

375
376 Adopted-BC-05-13-15-C, pending BIA approval

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Consider Drug & Alcohol Free Workplace Policy Emergency Amendments for adoption

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Emergency Adoption Packet"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
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 54115-0365
Oneida-nsn.gov



Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson *BS*
Date: October 26, 2016
Re: Drug and Alcohol Free Workplace Policy Emergency Amendments

Please find attached the following for your consideration:

1. Resolution: Adoption of Emergency Amendments to the Drug and Alcohol Free Workplace Policy
2. Statement of Effect: Adoption of Emergency Amendments to the Drug and Alcohol Free Workplace Policy
3. Drug and Alcohol Free Workplace Policy Emergency Amendments Legislative Analysis
4. Drug and Alcohol Free Workplace Policy Emergency Amendments (redline with analysis)
5. Drug and Alcohol Free Workplace Policy Emergency Amendments (clean)

Overview

Emergency amendments to the Drug and Alcohol Free Workplace Policy are requested by the Oneida Law Office to comply with a new final rule concerning the Occupational Health and Safety Act. Although the rule went into effect August 10, 2016, OSHA announced it will not enforce it until November 1, 2016 and non-emergency amendments cannot be processed in time to meet this timeline.

The Oneida Business Committee can temporarily enact legislation when necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act.

These emergency amendments will become effective immediately and will remain effective for six (6) months, with the possibility to extend for an additional six (6) months, or until the emergency amendments expire or are permanently adopted.

Requested Action

Approve the Resolution: Adoption of Emergency Amendments to the Drug and Alcohol Free Workplace Policy

BC Resolution _____*Drug and Alcohol Free Workplace Policy Emergency Amendments*

- 1
2
3
- 4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6
- 7 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9
- 10 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13
- 14 **WHEREAS**, the federal Occupational Safety and Health Administration (OSHA) adopted
15 amendments to a final rule (29 CFR 1904) which become effective on November
16 1, 2016, and which prohibit employers from retaliating against workers who
17 report work-related injuries or illnesses; and
18
- 19 **WHEREAS**, OSHA’s comments on the changes to the rule, as published in the Federal
20 Register, state that “To strike the appropriate balance here, drug testing policies
21 should limit post-incident testing to situations in which employee drug use is
22 likely to have contributed to the incident, and for which the drug test can
23 accurately identify impairment caused by drug use”; and
24
- 25 **WHEREAS**, the Drug and Alcohol Free Workplace Policy, as originally adopted by Oneida
26 Business Committee resolution 10-25-95-A and most recently amended by
27 Oneida Business Committee resolution 12-11-13-F, requires all employees to
28 immediately undergo drug and alcohol testing following a workplace accident;
29 and
30
- 31 **WHEREAS**, these requirements in the Policy conflict with the new requirements under federal
32 law; and
33
- 34 **WHEREAS**, amendments to the Policy would delete the requirement that all employees must
35 undergo drug and alcohol testing following any workplace accident; and
36
- 37 **WHEREAS**, the Nation’s employees are still required to immediately report all workplace
38 accidents to their supervisor; and
39
- 40 **WHEREAS**, the Nation’s employees may still be required to undergo drug and alcohol testing
41 at any time if there is “reasonable suspicion” that the employee is under the
42 influence of alcohol or drugs; and
43
- 44 **WHEREAS**, the Legislative Procedures Act authorizes the Oneida Business Committee to
45 enact legislation on an emergency basis; and
46
- 47 **WHEREAS**, emergency adoption of this amendment to the Drug and Alcohol Free Workplace

48 Policy is necessary for the preservation of the public health, safety, or general
49 welfare of the Reservation population; because it ensures that the Nation is in
50 compliance with federal workplace standards; and

51
52 **WHEREAS,** observance of the standard legislative process would be contrary to public interest
53 because permanent amendments to the Policy could not be adopted in time to be
54 in effect when the new federal requirements go into effect.

55
56 **NOW THEREFORE BE IT RESOLVED,** that the attached emergency amendments to the
57 Drug and Alcohol Free Workplace Policy are hereby adopted and shall take effect immediately.



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



Statement of Effect

Resolution: Drug and Alcohol Free Workplace Policy Amendments

Summary

In order to comply with changes to federal law, proposed amendments to the Drug and Alcohol-Free Workplace Policy (the Policy) delete a requirement that states that all employees must submit to drug testing immediately following every work-related accident.

Submitted by Tani Thurner, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

The proposed amendments to the Drug and Alcohol-Free Workplace Policy (the Policy) were requested in response to a recent change to federal law (29 CFR 1904), which will go into effect November 1, 2016 and which is intended to prevent employers from discouraging employees from reporting workplace injuries and illnesses. The change to federal law more clearly prohibits employers from using drug testing, or the threat of it, as a form of retaliation against employees who report injuries or illnesses. The comments for the Final Rule, published on the Federal Register, state that employers' drug testing policies:

“should limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.”

Currently, the Policy states that after an employee is involved in a work-related accident, alcohol and drug testing must be conducted immediately on the employee; and that upon arriving at a medical facility following the accident, the employee must inform the medical care provider that this was a work-related accident. The Policy also currently requires supervisors to direct employees to go to Employee Health Nursing (EHN) or its designee to be tested within one hour of being directed to do so; and states that refusal to submit to post-accident alcohol and drug testing requested by various parties, will be treated as a refusal to test pursuant to the Policy; which sets out specific penalties for refusal to test. [Current Policy, 8-3]

Under the amendments, these provisions are deleted. Employees are still required to immediately notify their supervisor when they are involved in a work-related accident; and employees can still be subjected to drug and alcohol testing when there is reasonable suspicion that the employee is under the influence, but employees would no longer be required to automatically submit to drug and alcohol testing for every work-related accident.

These amendments are being submitted on an emergency basis in order to ensure that the amended law is in effect as of November 1, 2016, which is when the changes to federal law go into effect.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the OBC to take emergency action to amend a law where it is “necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population” and when enactment or amendment of legislation is required sooner than would be possible under the LPA. By adopting

this resolution, the OBC is issuing a finding of an emergency, and identifying the necessity for emergency amendments.

Emergency amendments become effective immediately upon adoption, and can remain in effect for six months, with an opportunity for a one-time extension of up to an additional six months. It is intended that while these emergency amendments are in effect, amendments to the Policy would also be processed for permanent adoption.

Conclusion

There are no legal bars to adopting this Resolution.



Drug and Alcohol Free Workplace Policy Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Drug and Alcohol-Free Workplace Policy (the Policy)				
Sponsor	N/A	Drafter	Rob Orcutt – Oneida Law Office	Analyst	Tani Thurner Maureen Perkins
Requester & Reason for Request	The Oneida Law Office has requested these changes due to a recently adopted change to federal law.				
Purpose	This policy governs drug/alcohol testing of employees of the Nation.				
Authorized/ Affected Entities	HRD, Employee Health Nursing, Oneida Nation Employee Assistance Program, Medical Review Officer (MRO) and all employees of the Nation				
Related Legislation	Personnel Policies and Procedures; Workers Compensation Law				
Enforcement & Due Process	The Policy identifies how reasonable suspicion can be established, such that an employee can be sent for drug and/or alcohol testing. Employee’s cannot appeal or challenge this determination.				
Public Meeting Status	This draft is presented for adoption on an emergency basis. A public meeting is not required for the adoption of emergency legislation.				

Overview

The proposed amendments to the Drug and Alcohol-Free Workplace Policy (the Policy) were requested in response to a change to federal law (29 CFR 1904). Although the rule went into effect August 10, 2016, OSHA announced it will not enforce it until November 1, 2016. The rule is intended to prevent employers from discouraging employees from reporting workplace injuries and illnesses. The change to federal law more clearly prohibits employers from using drug testing, or the threat of it, as a form of retaliation against employees who report injuries or illnesses. The comments for the Final Rule, published on the Federal Register, states:

“[t]he final rule does prohibit employers from using drug testing (or the threat of drug testing) as a form of adverse action against employees who report injuries or illnesses. To strike the appropriate balance here, drug testing policies should limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use.”

Currently, the Nation’s Policy requires employees to immediately notify their supervisors and to undergo alcohol and drug testing every time they are involved in a work-related accident [see 3-1(m), 8-3]. The Policy treats a failure to do so as “refusal to test” and the employee would be punished accordingly [see Article 9]. In response to the upcoming change to federal law, the proposed amendments delete this requirement. Article 9 is also amended to delete references to work-related accidents when identifying what “refusal to test” entails.

These changes mean that employees of the Nation will no longer be subject to mandatory drug and alcohol testing for every work-related accident. The Policy will not identify any situations where an employee is subject to mandatory post-accident testing. However, employees may still be subject to drug and alcohol testing if their supervisor has “reasonable suspicion” that

5 the employee may be under the influence. The Policy already identifies standards/processes for
6 how supervisors can establish reasonable suspicion [see 7-1].

7

8

Other

9 Section 16.9-5 of the Legislative Procedures Act authorizes the OBC to temporarily enact an
10 emergency law where legislation is necessary for the immediate preservation of the public
11 health, safety or general welfare of the reservation population and the enactment or amendment
12 of legislation is required sooner than would be possible by utilizing the standard legislative
13 process [see *Legislative Procedures Act, 16.9-5(b)*]. In this situation, there would not be time to
14 amend the policy through the standard legislative process prior to the changes to federal law
15 going into effect.

16 If adopted on an emergency basis, these amendments will become effective immediately, and
17 will remain in effect for up to six months, with the possibility of a one-time extension of up to an
18 additional six months [see *Legislative Procedures Act, 16.9-5(b)*].

19

Drug and Alcohol Free Workplace Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article III. Definitions
Article IV. Application
Article V. Shared Responsibility
Article VI. Prohibited Behavior
Article VII. Reasonable Suspicion
Article VIII. Drug and Alcohol Testing

Article IX. Refusal to Test
Article X. Waiting Period
Article XI. Consequences for Prohibited Behavior
Article XII. Re-hire
Article XIII. Other Potential Consequences
Article XIV. Confidentiality
Article XV. Communication

Article I. Purpose and Policy

1-1. The Tribe is committed to protecting the safety, health and well-being of all employees, and other individuals in the workplace. The Tribe recognizes that alcohol abuse and drug use pose a significant health and safety threat to customers and other employees. The Tribe also recognizes that alcohol/drug abuse and addiction are treatable illnesses. The Tribe realizes that early intervention and support may improve the success of rehabilitation.

1-2. It is the policy of the Tribe to establish a drug and alcohol-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. The Tribe encourages employees to voluntarily seek help for their personal drug and alcohol-related problems.

Article II. Adoption, Amendment, Repeal

2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-10-25-95-A and amended by BC-10-20-99-A, BC-12-05-07-B and BC-12-11-13-F.

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

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.

2-4. In the event of a conflict between a provision of this Policy and a provision of another Policy, the provisions of this Policy shall control.

2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

Article III. Definitions

3-1. This Article shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Appropriate authority" shall mean the Human Resource hiring representative, immediate supervisor, MRO, and/or EAP who requests the drug and/or alcohol testing for reasons of pre-employment, reasonable suspicion, and/or follow-up testing.

(b) "Confirmed positive test result" shall mean a lab-confirmed drug test that is verified by the MRO that exceeds the cut-off levels established by this Policy (levels established by the US Department of Health and Human Services), confirmed saliva testing, confirmed evidential breath alcohol test results of 0.02 or greater; and/or refusal to test.

(c) "Employee" shall mean any individual who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. "Employee" includes, but

is not limited to; an individual employed by any program or enterprise of the Tribe, but does not include elected or appointed officials, or individuals employed by a Tribally Chartered Corporation. For purposes of this Policy, individuals employed under an employment contract as a limited term employee are employees of the Tribe, not consultants.

(d) “External applicant” shall mean a person who is applying for a position and not currently employed by the Tribe.

(e) “HRD” shall mean the Human Resources Department and/or representatives performing Human Resources functions applicable to this Policy.

(f) “Internal applicant” shall mean a person who is applying for a position who is currently employed by the Tribe, this shall include those employed under a temporary status.

(g) “MRO” shall mean Medical Review Officer who is a licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

(h) “ONEAP” shall mean the Oneida Nation Employee Assistance Program which is a professional counseling program staffed by clinical social workers licensed by the State of Wisconsin which offers services to Tribal employees and family members.

(i) “Prohibited drug(s)” shall mean marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This shall also include prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

(j) “Return-to-Work Agreement” shall mean an agreement, developed by an ONEAP counselor and signed by the employee and the ONEAP counselor, and the referring supervisor, which sets out the actions the employee needs to complete in order to return to work and remain employed.

(k) “Supervisor” shall mean the immediate supervisor, or person who has taken on the role of supervisor due to an absence that is responsible for performance review, corrective action, and day-to-day assignments of duties.

(l) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.

(m) “Work-related accident” shall mean an unexpected event involving an employee that occurs in the employee’s working environment or during an activity related to work, that:

- (1) results in an injury to the employee and requires medical intervention by a police officer or emergency medical technician, or treatment at a medical facility,
- (2) results in death of the employee or another person, or
- (3) involves any property damage.

Article IV. Application

4-1. This Policy applies to all applicants for employment, whether external or internal, and all employees during working hours and when on-call.

4-2. Employees are prohibited from the use of intoxicants and prohibited drugs while on official business travel while the conference or meeting is in session.

4-3. An employee is not exempted from this Policy if they travel to another state, territory or country where the use of certain drugs is legal.

Article V. Shared Responsibility

5-1. A safe and productive drug and alcohol free workplace is achieved through cooperation and shared responsibility between the employer and employees.

5-2. *Employee.* It is the employee's responsibility to:

- (a) Be free from the effects of prohibited drugs, and/or alcohol during working hours, and/or when scheduled to be on-call.
- (b) Refrain from the unlawful manufacture, distribution, dispensation or possession of any prohibited drugs while working.
- (c) Comply with drug and alcohol testing if directed to do so upon the request of an appropriate authority.
- (d) Confidentially report suspicious behavior of an employee immediately to the supervisor of the employee in question.
- (e) Cooperate with the requests made by the MRO and return the call of the MRO within twenty-four (24) hours of the call being made to the employee. Employees who fail to cooperate and do not contact the MRO within twenty-four (24) hours of receiving contact shall not receive back pay for any time between the date the MRO placed the call until the time the employee does return the call of the MRO.
- (f) Sign a consent form to be tested for alcohol and drugs when requested by a supervisor, EHN, a certified drug and alcohol technician, or police personnel in accordance with this Policy.

5-3. *Supervisor.* It is the supervisor's responsibility to:

- (a) Be familiar with this Policy and any related policies and procedures.
- (b) Investigate reported suspicious behaviors while maintaining the confidentiality of the person who reported the suspicious behavior.
- (c) Promptly intervene with employees who are believed to be under the influence of prohibited drugs and/or alcohol.
- (d) Monitor the employee under the influence of prescription and/or over-the-counter medications that could compromise the safety of the employee, fellow employees, or the public.
- (e) Send the employee through the contracted transportation service for drug and alcohol forensic testing.
- (f) Take appropriate action as outlined by this Policy.
- (g) Sign the Return to Work Agreement along with the employee and ONEAP counselor that was developed by ONEAP.
- (h) Send a copy of the consent to submit to drug and alcohol testing form signed by the employee to EHN.

5-4. *Supervisor and Employee.* Supervisors and employees that fail to adhere to their responsibilities under this Policy may be subject to disciplinary action or other consequences as explained in Article XIII.

5-5. *Off-duty Use of Prohibited Drugs or Alcohol.* Off-duty use of prohibited drugs or alcohol may result in continued impairment during on-duty hours, which shall then constitute a violation of this Policy. It is the employee's responsibility to understand the consequences of off-duty use, and take steps to avoid the possibility of on-duty impairment. In the case where employee is called in for an emergency or unplanned work (this does not include those on-call), and he or she has been using prohibited drugs or drinking alcoholic beverages prior to such a call, such employee should

decline to report until the effects of the prohibited drugs or alcohol have left his or her system. Such refusal to report shall not be viewed as improper, and disciplinary action shall not arise specifically from such refusal.

5-6. *Use of Controlled Substances That May Affect Safety or Performance.* Employees who are taking or are under the influence of any controlled substances during working hours (such as prescription medication or over the counter medication), which may affect the employee's job performance or safety of the employee, fellow employees, public, or assets of the Tribe have the following obligations:

- (a) The employee shall notify the employee's immediate supervisor about the use of the substance and possible work-related effects prior to commencing work.
- (b) Upon request, the employee may be required to obtain a written statement of any work restrictions or impact on performance or safety relating to the legal substances from his or her physician or pharmacist.
- (c) An employee shall not sell or share his or her prescribed medications with any other person, and shall not take medications that are prescribed to another person.
- (d) It may be necessary for the employee's supervisor, area manager or Employee Health Nursing (EHN) to consult with the employee's personal physician or an MRO to determine if the medication might impact the employee's ability to perform his or her job, or pose a hazard to other employees or to the general public.
- (e) The employee's duties may be temporarily modified for up to one hundred eighty (180) days. Any modification of duties shall result in the appropriate modification of pay as established by the Human Resources Department.

Article VI. Prohibited Behavior

6-1. An applicant or employee of the Tribe is in violation of this Policy if he or she:

- (a) Uses, possesses, and/or sells prohibited drugs, or is under the influence of prohibited drugs or alcohol while on duty. Notwithstanding Article XI, any employee who is caught using, possessing or selling prohibited drugs shall be immediately terminated from employment with the Tribe.
- (b) Fails to inform his or her supervisor of being under the influence of prescription medication and/or over-the-counter medication(s) which may affect the employee's job performance or safety of the employee, fellow employees, public, or assets of the Tribe.
- (c) Uses unauthorized prescription drugs or intentionally misuses and/or abuses prescription medications.
- (d) Refuses to test.
- (e) Has a confirmed positive test after completing a drug and/or alcohol forensic test through EHN or its designee, or has a confirmatory test come back as positive.

Article VII. Reasonable Suspicion

7-1. Establishing reasonable suspicion begins when the supervisor becomes aware either by personal observation and/or secondary reported observation that an employee may be under the influence of drugs and/or alcohol: this may include seeing or receiving a report that the employee has taken or possess prohibited drugs or prescription medication that is not specifically prescribed to that employee. In order to make a reasonable suspicion determination, the supervisor shall evaluate the following:

Specific, contemporaneous and articulable observations concerning appearance, behavior, speech, or body odors of the employee consistent with possible drug use or alcohol misuse. The observations may include indications of the chronic and withdrawal effects of prohibited drugs or alcohol.

7-2. The supervisor shall document his or her observations and discuss the matter with the employee. During this discussion, the supervisor may ask the employee for proof of a prescription. The employee shall comply with this request. If after a discussion with the employee, the supervisor continues to suspect the employee may currently still be under the influence or reasonable suspicion is otherwise established, the supervisor shall refer the employee for drug and alcohol forensic testing.

Article VIII. Drug and Alcohol Testing

8-1. Drug and alcohol tests are forensic in nature, meaning they are performed to formalize conditions of employment as described in this Policy. To ensure the accuracy and fairness of this Policy, all forensic testing shall be conducted according to the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMSHA) guidelines for Federal Workplace Drug testing Programs

8-2. The Employee Health Nursing Department or its designee shall use Federal Drug Administration approved urine tests and National Highway Transportation Safety Administration (NHTSA) certified evidential breath testing devices or NHTSA certified saliva-screening devices, operated by technicians whose training terminology, procedures, methods, equipment, forms, and quality assurance comply with best practices.

(a) Confirmation drug testing done on urine specimens shall be conducted by a laboratory which is certified by the U.S. Department of Health and Human Services using its confirmation methods and established cut-off levels. Laboratory-confirmed results shall undergo the verification process by a MRO.

(b) Confirmation breath alcohol testing shall be performed using an NHTSA certified evidential breath testing device.

(c) Confirmation drug testing done by saliva testing shall be performed using an NHTSA certified saliva test.

8-3. If an employee is involved in a work-related accident, he or she shall immediately inform his or her supervisor of the accident. ~~Alcohol and drug testing shall be conducted on the employee immediately following the accident by certified drug and alcohol technicians or police personnel. Upon arriving at a medical facility, the employee shall inform the medical care provider that this was a work-related accident. If the alcohol and drug testing is not conducted by certified drug and alcohol technician or police, then the supervisor shall direct the employee to go to EHN or its designee to be tested within one (1) hour of being directed by the Supervisor to do so or within one (1) hour of being treated and released at the medical facility. Refusal to submit to any post-accident alcohol and drug testing requested by certified drug and alcohol technicians, police, EHN, or its designee shall be treated as a refusal to test pursuant to this Policy.~~

8-4. Each employee, as a condition of employment, is required to participate in pre-employment, reasonable suspicion, and follow-up testing upon the request of an appropriate authority.

8-5. A negative test result is required for employment eligibility. In cases where a test result is diluted or the test was cancelled, retesting urine for drugs is required. If the re-test results in a negative-dilute, the applicant shall be given a negative test result. If the re-test results in a

positive-dilute, then the applicant shall be given a positive test result. Other retesting may also be required at the direction of the MRO.

Article IX. Refusal to Test

9-1. Refusal to test is prohibited behavior as defined in Article VI. Refusal to test carries the same consequences as a non-negative and/or confirmed positive test result. Examples of refusal to test include, but are not limited to:

- (a) Substituting, adulterating (falsifying), or diluting the specimen
- (b) Refusal to sign the required forms
- (c) Refusal to cooperate in the testing process in such a way that prevents completion of accurate testing and as directed by the collector
- (d) Failing to remain at the testing site until the testing process is complete
- (e) Providing an insufficient sample of urine or breath
- (f) Failing to test or to re-test
- (g) Failing to appear within two (2) hours after an order or request is made for testing or re-testing, ~~including for work related accidents.~~
- (h) Behaving in a confrontational or discourteous manner that disrupts the collection process
- (i) ~~Failing to inform the medical facility that alcohol and drug testing is needed due to a work related accident~~

Article X. Waiting Period

10-1. An employee shall be immediately removed from duty without pay during the waiting period between the time of specimen collection and the employer's notification of negative results on both tests, alcohol and drugs, or MRO-verified negative test results.

10-2. When negative test results are made available to the employer, the supervisor shall notify the employee by telephone and by certified mail using the contact information provided by the employee. The notice to the employee shall identify a reinstatement date. Back pay shall be provided in accordance with the Back Pay Policy. However, if the employee fails to return to work on the assigned reinstatement date as instructed in the notice from the supervisor, the supervisor shall discipline the employee in accordance with the Personnel Policies and Procedures, unless an extension is granted in writing by the supervisor along with the reason for the extension. An employee who is ultimately terminated for failure to return to work on his or her assigned reinstatement date shall not be eligible for employment for one (1) year after the date of termination.

10-3. This article applies only to current employees who meet the reasonable suspicion standard. It does not apply to applicants.

Article XI. Consequences for Prohibited Behavior

11-1. Either an internal applicant or an external applicant may decline the position at any time before being directed to the Employee Health Nursing Department or other designated testing site for his or her drug and alcohol testing.

11-2. *External Applicant.* If an external applicant fails to show at the testing site within the time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as listed at section 6-1(e) that has been documented, the employment offer shall be withdrawn. An external

applicant shall not be eligible for hiring consideration for one hundred eighty (180) days from the date of the urine drug screening test.

11-3. *Internal Applicant.* If an internal applicant fails to show at the testing site within the time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as listed at section 6-1, the employment offer shall be withdrawn. The applicant shall be removed from duty and subject to respective consequences of this Policy. The applicant shall not be eligible for hiring consideration in a different position for one hundred eighty (180) days from the date of the urine drug screening test.

11-4. *Employee.* If an employee has engaged in prohibited behavior as listed in section 6-1, and/or fails to cooperate by not responding to contact from the MRO within ten (10) business days (which shall be deemed thereafter as a definite positive test), he or she shall be removed from duty and subject to the respective consequences of this Policy.

11-5. *Consequences.*

(a) *First Violation.*

(1) Any employee who engages in prohibited behavior as defined in Article VI for the first time shall be removed from duty without pay and shall receive a mandatory referral to ONEAP for an assessment. The ONEAP shall also determine if the employee shall be subject to return-to-duty/follow-up testing. If follow-up testing is required, the testing shall be at the employee's expense.

(2) The employee shall be required to sign a Return-to-Work Agreement and submit it to his or her supervisor within ten (10) calendar days or the employee shall be terminated and ineligible for re-hire for one (1) year.

(A) When the supervisor signs the Return-to-Work Agreement the employee shall be placed back on the work schedule by the next regularly scheduled workday.

(3) Failure to comply with the Return-to-Work Agreement shall result in the employee being terminated and ineligible for re-hire for one (1) year.

(b) *Second Violation.*

(1) Any employee who engages in prohibited behavior as defined in Article VI a second time within his or her lifetime of employment with the Tribe shall be removed from duty without pay and shall receive a mandatory referral to ONEAP for an assessment.

(2) The employee shall be required to sign a Return-to-Work Agreement and submit it to their supervisor for signature within ten (10) calendar days or the employee shall be terminated and ineligible for re-hire for one (1) year. After a second violation the employee shall not be placed back on the work schedule until:

(A) The employee receives approval from the ONEAP that they have demonstrated sufficient progress in a treatment program that would indicate the employee is drug and alcohol free within thirty (30) days of the employee being removed from duty; and

(B) The employee completes a return-to-duty drug screening and alcohol test at a SAMHSA-certified facility at their own expense, which shall be negative within thirty (30) days of the employee being removed from duty;

(C) The ONEAP notifies the supervisor of the employee's eligibility to return to work.

(3) As a condition of continuing employment, the employee shall participate in follow-up testing with continued negative results as directed by the ONEAP and listed in the Return-to-Work Agreement. All follow-up testing shall be at the employee's expense.

(4) Failure to comply with the Return-to-Work agreement shall result in the employee being terminated and ineligible for re-hire for one (1) year.

(c) *Third Violation.*

(1) Any employee who engages in prohibited behavior as defined in Article VI a third time in his or her lifetime of employment with the Tribe shall be terminated. The employee shall not be eligible for employment unless he or she receives a forgiveness pursuant to the Pardon and Forgiveness Law. An employee that receives a forgiveness shall not be eligible for re-hire for one (1) year after the date of termination.

Article XII. Re-hire

12-1. Former employees that were terminated due to violations of this Policy shall provide, along with their application for employment, the following:

- (a) Proof of completion of a certified Alcohol and Other Drug Abuse program; and
- (b) A negative drug screening and alcohol test at a SAMHSA-certified facility completed within the last thirty (30) days. This drug screening and alcohol test shall be done at their own expense.

Article XIII. Other Potential Consequences

13-1. The violation of this Policy may result in consequences to the employee beyond any discipline or corrective action that may be taken. Other potential consequences include the following:

- (a) *Disqualification of Unemployment Benefits:* Employees who are terminated as a result of a violation of this Policy may be ineligible for unemployment benefits.
- (b) *Reduction of Workers Compensation Benefits:* Employees who suffer an injury in a work-related accident that occurred while engaged in a violation of this Policy may have any workers compensation benefits reduced.
- (c) *Criminal Penalties:* Employees whose conduct violates state or federal criminal laws may be referred to appropriate law enforcement for criminal prosecution.
- (d) *Liability for Accidents:* Employees whose conduct in violation of this Policy causes an accident may be held personally responsible for losses associated with the accident, and may be required to pay for those losses.

Article XIV. Confidentiality

14-1. Information related to the application of this Policy is confidential. Access to this information is limited to those who have a legitimate "need to know" in compliance with relevant laws and personnel policies and procedures.

14-2. All drug and alcohol testing information shall be maintained in confidential records, separate from the employee's clinical and personnel files. The employee may request a copy of his or her records. The records may be requested by a third party in accordance with the Oneida Personnel Policies and Procedures.

Article XV. Communication

15-1. HRD shall communicate this Policy to all employees to ensure all employees are aware of their role in supporting this Policy:

- (a) All employees shall be given information on how to access this Policy.
- (b) This Policy shall be reviewed in new employee orientation and other means, as deemed appropriate by HRD.
- (c) All employees shall sign an acknowledgment form stating they have received a copy of this Policy, have read and understand it, and agree to follow this Policy.

End.

See GTC-1-31-94-B
Adopted by the OBC on 8-17-94
Emergency Amendments BC-04-20-95-C
Adopted BC-10-25-95-A (repealed previous versions)
Amended BC-10-20-99-A
Amended BC-12-05-07-B
Amended BC-12-11-13-F

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approve the October 5, 2016 LOC minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

October 5, 2016 9:00 a.m.

Present: Tehassi Hill, David P. Jordan, Fawn Billie

Excused: Brandon Stevens and Jennifer Webster

Others Present: Jennifer Falck, Tani Thurner, Clorissa Santiago, Maureen Perkins, Jo Anne House, Krystal John, Diane McLester-Heim, Rhiannon Metoxen, Cathy Bachhuber, Rae Skenandore, Tonya Webster, Nic Reynolds, Leyne Orosco

I. Call to Order and Approval of the Agenda

Tehassi Hill called the October 5, 2016 Legislative Operating Committee meeting to order at 9:07 a.m.

Motion by David Jordan to adopt the agenda with the addition of New Submission IV.1, Petition; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. September 21, 2016 LOC Meeting Minutes

Motion by David Jordan to approve the September 21, 2016 LOC meeting minutes; seconded by Fawn Billie. Motion carried unanimously.

III. Current Business

1. Eviction and Termination Law

Motion by David Jordan to approve the updated Eviction and Termination law adoption packet and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

2. Landlord – Tenant Law

Motion by Fawn Billie to approve the updated Landlord-Tenant law adoption packet and forward to the Oneida Business Committee for consideration; seconded by David Jordan. Motion carried unanimously.

3. Vendor Licensing Law Amendments

Motion by Fawn Billie to approve the adoption packet and forward to the Business Committee for consideration upon receiving the fiscal impact statement; seconded by David Jordan. Motion carried unanimously.

4. Election Law Amendments

Motion by David Jordan to prepare an adoption packet with changes and forward to the Business Committee for consideration; seconded by Fawn Billie. Motion carried

Legislative Operating Committee Meeting Minutes of October 5, 2016

unanimously.

IV. New Submissions

1. Corporate Laws

Motion by David Jordan to add Corporate Laws to the Active Files List as High Priority; seconded by Fawn Billie. Motion carried unanimously. Brandon Stevens is appointed as the sponsor.

V. Additions

1. Yvonne Metivier/ Madelyn Genskow Petition

Motion by David Jordan to add the Metivier/Genskow Petition to the Active Files List; seconded by Fawn Billie. Motion carried unanimously. Tehassi Hill will be the sponsor.

VI. Administrative Updates

1. **Open Records Request SOP**

Motion by Fawn Billie to accept the SOP as FYI; seconded by David Jordan. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by David Jordan to adjourn the October 5, 2016 Legislative Operating Committee meeting at 9:38 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

BC approval of Finance Committee Meeting Minutes of October 17, 2016

3. Supporting Materials

Report Resolution Contract

Other:

1. FC Mtg Minutes of 10/17/16

3. [Empty text box]

2. FC E-Poll approving 10/17/16 Minutes

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor: Denise Vigue, Executive Assistant /Finance Administration
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

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

ONEIDA NATION

P.O. Box 365



Oneida, WI 54115

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: October 18, 2016
RE: **E-Poll Results of: FC Meeting Minutes of Oct. 17, 2016**

An E-Poll vote of the Finance Committee was conducted to approve the October 17, 2016 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 3 YES votes from Patrick Stensloff, David Jordan and Chad Fuss to approve the OCTOBER 17, 2016 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of Oct. 26, 2016 for approval and the next Finance Committee agenda of Oct. 31, 2016 to ratify this E-Poll action.

Yawλko

* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.



ONEIDA FINANCE COMMITTEE

REGULAR MEETING
Oct. 17, 2016 – 10:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

Strategic Financial Planning Meeting: Meeting canceled until 10/31/16

FC Regular Meeting:

Larry Barton, CFO/FC Vice-Chair
Chad Fuss, Gaming AGM/FC Alternate

David Jordan, BC Council Member
Patrick Stensloff, Purchasing Director

Excused: Patricia King, Treasurer/FC Chair, Jenny Webster, BC Council Member and Wesley Martin, Jr., Community Elder Member

Others Present: Victoria Flowers, Lisa A. Moore, Robert Keck, Tim Skenandore, Shannon Wienandt and Denise Vigue, FC recording secretary

I. Call to Order: The Regular FC meeting was called to order by the FC Vice-Chair at 10:00 A.M.

II. Approval of Agenda: OCTOBER 17, 2016:

Motion by Chad Fuss to approve the Finance Committee agenda for October 17, 2016. Seconded by David Jordan. Motion carried unanimously.

III. Approval of Minutes: OCTOBER 3, 2016 (approved via FC E-Poll on 10/4/16):

Motion by David Jordan to ratify the FC E-Poll action of Oct. 4, 2016 approving the Finance Committee meeting minutes of Oct. 3, 2016. Seconded by Chad Fuss. Motion carried unanimously.

IV. Tabled Business:

- FY17 Blanket PO-Oneida Post Office Amount: \$900,000.
Michelle Danforth, Oneida Printshop

No one present, item remains on the table; Finance will follow up to ensure someone from department will be at next meeting.

- FY17 Blanket PO- OTIE Services Contract
Tim Skenandore, Gaming Facilities

Motion by David Jordan to remove this item from the table for discussion. Seconded by Patrick Stensloff. Motion carried unanimously.

Tim Skenandore was present to explain the need for this service contract including: providing the 24/7 operation with full service coverage for maintenance and repair work in an expeditious manner to ensure safety for patrons and employees; there was a discussion of the different rates to be charged and need to identify them in the contract; there were also questions on operations costs and capital expenditure costs of upcoming work; there will be no CapEx that will be paid through this Purchase Order, if need arises request will go through the CapEx Committee; Tim also does not anticipate contract to go over amount being requested; agreement is for 2 years.

Motion by David Jordan to approve the FY17 Blanket Purchase Order for the services contract with OTIE in the amount of \$100,000. Seconded by Patrick Stensloff. Motion carried unanimously.

V. Capital Expenditures: No items

VI. New Business:

- FY17 Blanket PO – Sportech Venues (Svs fee) Amount: \$600,000.
Fawne Teller, Bingo & OTB

Fawne was present to discuss this and the following two FY17 Blanket Purchase Order requests; all are for various service fees for the Off-Track Betting and the Bingo operations; all costs are percentages based on buy-in, all costs are reimbursable.

Motion by David Jordan to approve the FY17 Blanket Purchase Order's for services fees with Sportech Venues and the following two for Planet Bingo in the amounts identified. Seconded by Patrick Stensloff. Motion carried unanimously.

2. FY17 Blanket PO – Planet Bingo (MPBingo fees) Amount: \$209,112.
Fawne Teller, Bingo & OTB

- See action taken in New Business #1.

3. FY17 Blanket PO – Planet Bingo (Electronic fees) Amount: \$218,351.
Fawne Teller, Bingo & OTB

- See action taken in New Business #1.

4. FY17 Blanket PO – Bellin Health-Nurse Care
Robert Keck, Risk Management

Robert Keck and Lisa A. Moore were present to discuss this request for a Care Coordinator- nurse (contract signed) that will work with self-funded insurance employees on chronic health issues and act as a follow-up to emergency room visits as there is nothing in place at this time; need is coming from 15% rise in Health Insurance rates; this is preventative and in-house care that can save thousands; this person will also communicate and coordinate with other Oneida health areas as needed.

Motion by David Jordan to retro-approve FY17 Blanket Purchase Order for Bellin Health in the amount of \$130,000. Seconded by Chad Fuss. Motion carried unanimously.

5. Environmental Services Plus-Amend #3
Jeff Mears & Victoria Flowers, Environmental

Victoria Flowers was present to discuss this amendment for payment to this vendor for excavating services; when they were removing contaminated soil at the Hilltop site they encountered a "hotspot" that required more soil removal and fill; work has been completed and would like to have leadership come view the site and to discuss future usage; this is completely grant funded and there is enough in the grant to cover the additional amount being requested.

Motion by David Jordan to approve the third amendment to the Environmental Services Plus contract in the amount of \$8,924.43, noting funds used are from a grant. Seconded by Patrick Stensloff. Motion carried unanimously.

VII. Executive Session: No items

VIII. Donation Requests /Reports:

1. FY 16 Final Donation Report & FY17 Donation Update
Denise Vigue

Motion by David Jordan to accept the Final FC Donation Line Update Report for FY16 and the FY17 Donation Line Update. Seconded by Chad Fuss. Motion carried unanimously.

2. House of Hope Request
Shannon Wienandt, Director

Shannon Wienandt was present to discuss her request and to share with the FC the work at the House of Hope: it is an emergency shelter for homeless mothers and their young children, focus is on young mothers; about 15% of the women served are Oneida or other Tribal Nation; they have limited space and space next door to them became available so they are looking to expand so they can serve twice as many as they always have a waiting list; services provided include mental health counseling; career and academic counseling, housing location, health services, and work with those who need a GED. The FC discussed options offered through Oneida, Shannon will look into them to see how they can partner with them on services.

Motion by David Jordan to approve from the Finance Committee Donation Line \$2,500 for the House of Hope in Green Bay. Seconded by Chad Fuss. Motion carried unanimously.

IX. Follow Up:

1. FY17 Blanket PO – Rising Medical Solutions

Robert Keck, Risk Management

This blanket PO for FY17 was approved at the 10/3/16 FC meeting with the stipulation that the question of the legal review get answered; Robert Keck explained the legal review was completed and noted as part of the agreement the very last clause that discusses immunity.

Motion by David Jordan to accept the information provided for this FY17 Blanket Purchase Order for Rising Medical Solutions. Seconded by Chad Fuss. Motion carried unanimously.

X. FYI and /or Thank You: No items

XI. Adjourn: Motion by Chad Fuss to adjourn. Seconded by Patrick Stensloff. Motion carried unanimously. The regular FC meeting ended at 11:02 A.M.

Minutes taken and transcribed by:
Denise Vigue, Executive Assistant in Finance
& Finance Committee Recording Secretary

Finance Committee- E-Poll Minutes Approval Date: October 18, 2016

Oneida Business Committee- FC Minutes- Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 12 / 16

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

2. General Information:

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

Agenda Header:

- Accept as Information only
- Action - please describe:

The attached follow up report is in follow up to a previous BC action to request information regarding Medicare B premiums and cost with a Division recommendation.

3. Supporting Materials

- Report Resolution Contract
- Other:

1. 3.
2. 4.

Business Committee signature required

4. Budget Information

- Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Debbie Danforth RN, BSN
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Ravinder Vir, MD
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

To: Oneida Business Committee

From: Ravinder Vir, MD, MBA, FACP
Debbie Danforth RN, BSN,
Oneida Comprehensive Health Division Directors

Date: September 23, 2016

Re: Medicare B Research Report Follow up

Medicare B Research Report

The scope of the Medicare B Research Report is to provide data to assist the Oneida Business Committee in determining if the Oneida Tribe should pay for Eligible and/or Oneida Eligible patients to receive Medicare Part B benefits. This would be specific to those persons who use the Oneida Community Health Center.

The basis for this report is the total number of registered patients that are 65 or older and active users within our system.

This report has three purposes:

1. To determine the number of registered tribal eligible patients who have Medicare Part B;
2. To determine which persons age 65 and older who are eligible for Medicare Part B, but do not have it at the time of this report;
3. To report charges and adjustments for FY 2014 and FY 2015 to serve as the basis of the Cost Benefit Analysis and feasibility of the decision.

Methodology

A Cognos query of data within the Centricity EMR System was conducted utilizing the following search parameters:

- Patient Medical Record Number
- Patient Financial Class
- Patient Full Name
- Patient Current Age
- Patient Status
- Tribe Affiliation

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

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

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

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

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

- Community County Name
- Community State Name
- Patient Visit Facility List Name
- Patient Insurance Carrier Name
- Patient Count

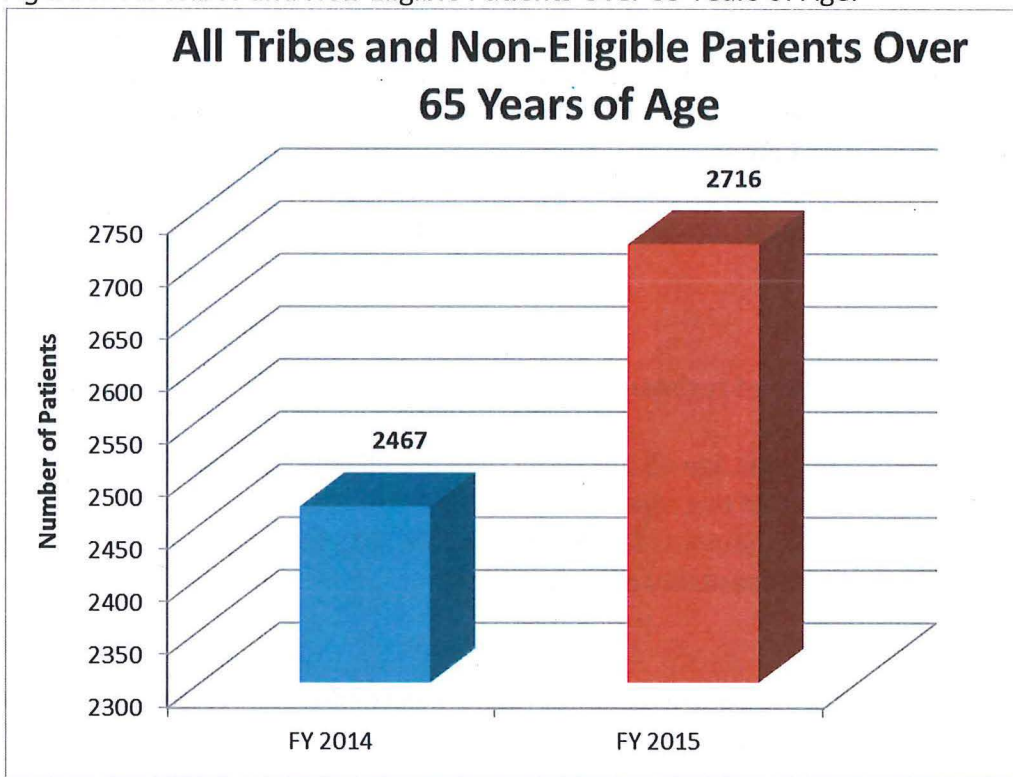
Data was then loaded into an excel spreadsheet and filtered, resulting in the following data sets. Please note that the data sets include information from FY 2014 and FY 2015.

Report Counts

All Tribes and Non-Eligible Over 65 Years of Age:

We currently have 2,716 patients in the Centricity System that are age 65 and older, regardless of being an eligible Native American and whether they have insurance or not. The number of patients in this category has risen by 249 patients since FY 2014. See Figure 1.

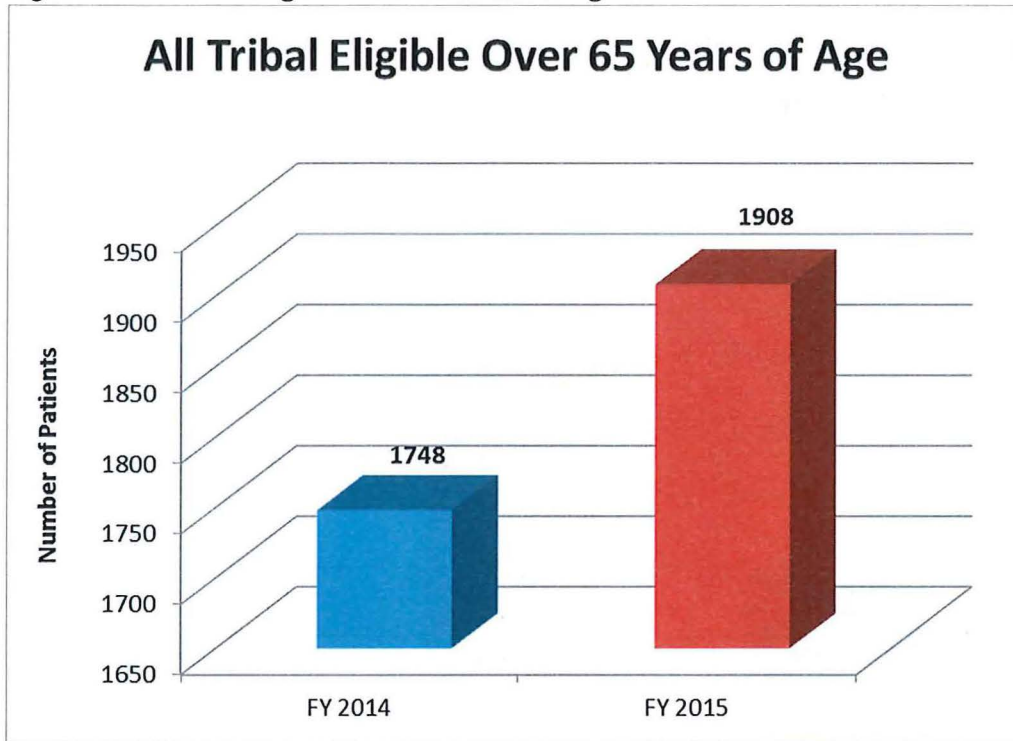
Figure 1. All Tribes and Non-Eligible Patients Over 65 Years of Age.



All Tribal Eligible Over 65 Years of Age:

We currently have 1,908 patients in the Centricity System who are 65 years of age or older, regardless of having insurance or not. This number has increased by 160 patients since 2014 and includes all patients that are tribal eligible (all Tribes). See Figure 2.

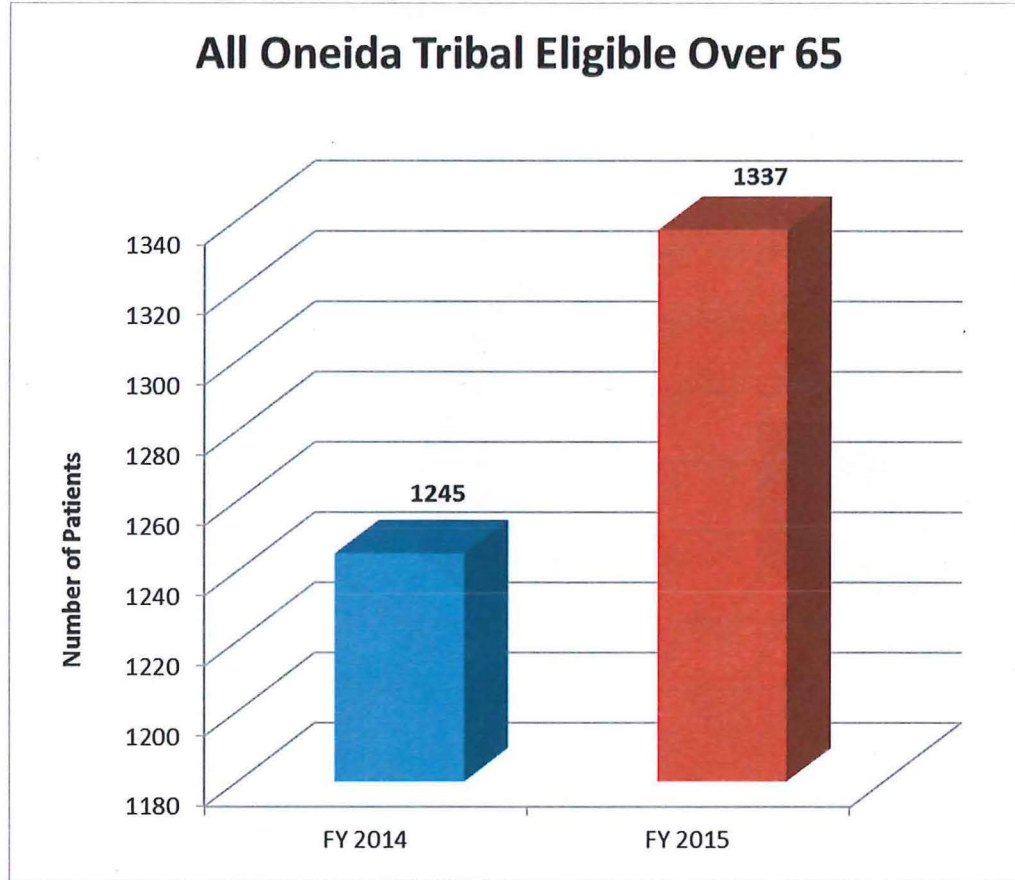
Figure 2. All Tribal Eligible Over 65 Years of Age.



All Oneida Tribal Eligible Over 65 Years of Age:

We currently have 1,337 patients in the Centricity System who are 65 years of age or older, regardless of having insurance or not and includes Oneida patients, regardless of where they live. This number has increased by 92 patients since FY 2014. See Figure 3.

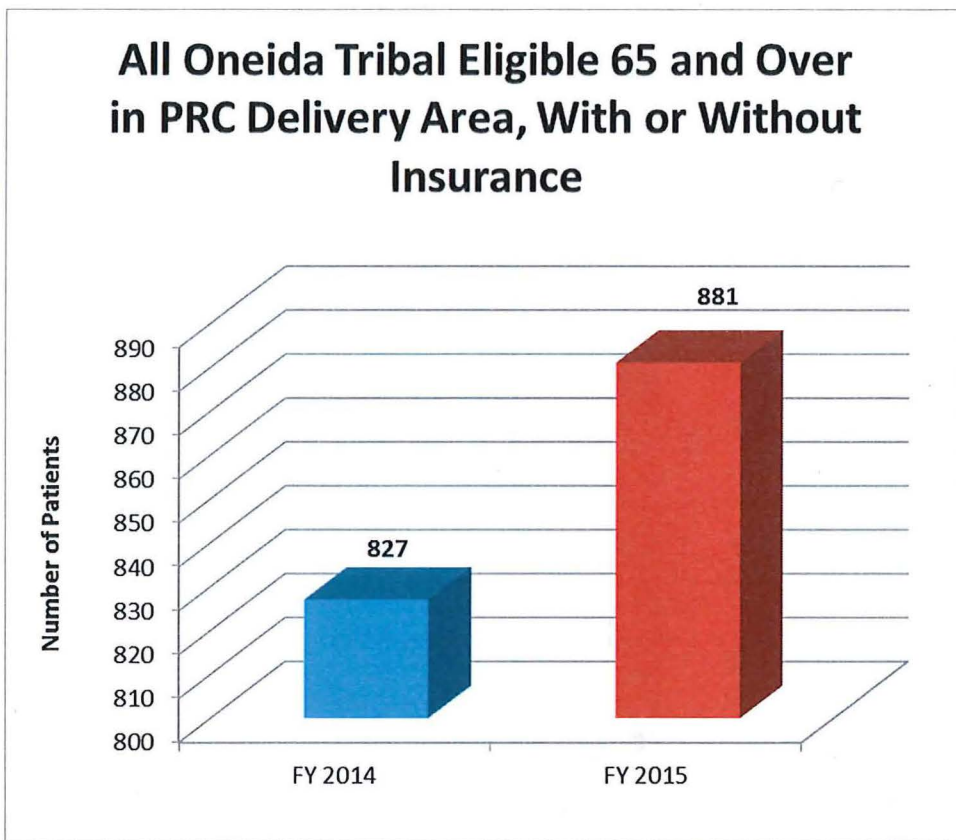
Figure 3. All Oneida Tribal Eligible Over 65.



All Oneida Tribal Eligible over 65 Years of Age Who Reside in the Indian Health Service Purchased/Referred Care Delivery Area (Brown and Outagamie Counties), with and without insurance:

We currently have 881 patients in the Centricity system that are 65 years or older, regardless of having insurance or not and includes all patients that are Tribal eligible (Oneida only) and reside within Brown and Outagamie counties. The number of patients in this data set has increased by 54 patients since 2014. See Figure 4.

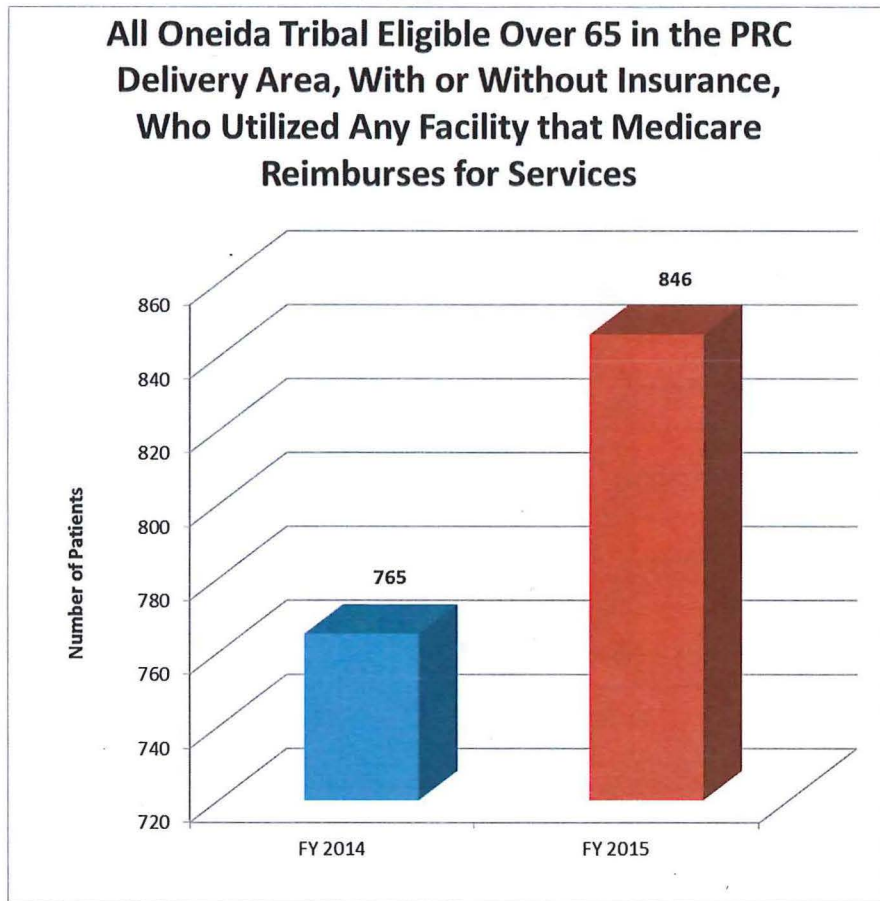
Figure 4. All Oneida Tribal Eligible 65 and Over in PRC Delivery Area, With or Without Insurance.



All Oneida Tribal Eligible Over 65 in Indian Health Service Purchased/Referred Care Delivery Area of Brown and Outagamie Counties With or Without Insurance that Utilized Any Facility that Medicare Might Reimburse for Services:

We currently have 846 patients in the Centricity system that are 65 years of age or older, regardless of having insurance or not. This is all patients that are tribal eligible (Oneida only), and have utilized either the AJRCCC, Oneida Behavioral Health, Oneida Community Health Center Lab, Medical, Dental, Pharmacy, Optical clinic, or OCHC Medical Mobile Unit (defined as Community Flu shot clinics and community immunization clinics) in addition to residing in Brown and Outagamie counties. The number of patients in this data set has increased by 81 patients since 2014. See Figure 5.

Figure 5. All Oneida Tribal Eligible Over 65 Utilized Any Facility that Medicare Reimburses for Services.



All Oneida Tribal Eligible Patients Over 65 Years that Live in the Oneida Indian Health Service Purchased/Referred Care Service Delivery Area of Brown and Outagamie Counties, Separated by Financial Class Which Defines What Type of Insurance Coverage They Have:

Figure 6. Patient Breakdown by Financial Class.

FY 2014	Financial Class	Number of Patients
	Commercial	209
	Medicaid	18
	Medicaid HMO	2
	Medicare	381
	Tribal Eligible-No Insurance	155
	Total of All Financial Classes	765
FY 2015	Financial Class	Number of Patients
	Commercial	245
	Medicaid	18
	Medicaid HMO	5
	Medicare	427
	Tribal Eligible-No Insurance	151
	Total of All Financial Classes	846

The total number of patients in all financial classes has increased since 2014 by 81 patients. Patients who are in the Medicare and Tribal Eligible-No Insurance Financial Class increased from 536 in FY 2014 to 578 in FY 2015.

Figure 7 shows Comprehensive Health Division patient charges, insurance and patient payments, and total adjustments for FY 2014 and FY 2015. It is imperative to note that these numbers reflect all the patients within the corresponding financial class. At this time, there is no way to differentiate which charges between patient age groupings.

Figure 7. Charges and Adjustments by Financial Class.

Financial Class	Total Charges for FY 2014	Total Insurance and Patient Payments for FY 2014	Total Adjustments for FY 2014
Medicare	\$ 2,122,875.14	\$ 408,861.78	\$ 1,713,984.44
Tribal Eligible-No Insurance	\$ 8,251,926.45	\$ 31,272.24	\$ 8,218,348.21
Total	\$ 10,374,801.59	\$ 440,134.02	\$ 9,932,332.65
**The numbers reflected in this chart include all patients who have Medicare or are Tribal Eligible-No Insurance. There is no way of differentiating in the Centricity system which charges belong to a person 65 and older.			
Financial Class	Total Charges for FY 2015	Total Insurance and Patient Payments for FY 2015	Total Adjustments for FY 2015
Medicare	\$ 2,466,846.39	\$ 442,867.34	\$ 2,021,945.71
Tribal Eligible-No Insurance	\$ 8,307,307.23	\$ 38,941.24	\$ 8,266,920.99
Total	\$ 10,744,153.62	\$ 481,808.58	\$ 10,288,866.70
**The numbers reflected in this chart include all patients who have Medicare or are Tribal Eligible-No Insurance. There is no way of differentiating in the Centricity system which charges belong to a person 65 and older.			

Calculations

Based on the above listed data, the following calculations were done to estimate the financial impact if the Oneida Tribe should pay the Medicare part B premium for Eligible and/or Oneida Eligible patients. This would be specific to those persons who utilize the Oneida Community Health Center.

Please note the following facts:

1. The average Medicare part B premium is \$121.80 for FY 2016. This is income-based. If the Oneida Tribe chose to pay the Medicare part B premium for the 846 Oneida Tribal Eligible patients, this would cost:

$$846 \text{ patients} \times \$121.80 \text{ Medicare B premium} \times 12 \text{ months} = \$ 1,236,513.60.$$

2. In FY 2015, there are 846 Oneida Tribal Eligible patients over 65 who live within Brown and Outagamie Counties, with or without insurance that utilized any facility that Medicare might reimburse for services. This is 81 more patients than in 2014.
3. In order to make an informed decision, we need to remember that there may be a late enrollment penalty incurred for those patients who did not accept Medicare part B when first eligible. This penalty increases 10% for each full 12 month period the patient did not have Medicare part B. This penalty is paid every year in addition to the monthly premium. Please see the below example as provided by Medicare.gov:

Your Initial Enrollment Period ended September 30, 2009. You waited to sign up for Part B until the General Enrollment Period in March 2012. Your Part B premium penalty is 20%. (While you waited a total of 30 months to sign up, this included only 2 full 12-month periods.) You'll have to pay this penalty for as long as you have Part B.

4. The Medicare part B premium may differ from person to person if:
- You enroll in Part B for the first time in 2016.
 - You don't get Social Security benefits.
 - You're directly billed for your Part B premiums.
 - You have Medicare and Medicaid, and Medicaid pays your premiums. (Your state will pay the standard premium amount of \$121.80.)
 - Your modified adjusted gross income as reported on your IRS tax return from 2 years ago is above a certain amount.
5. Purchased/Referred Care looked at the cost for one month of dialysis treatment at the same facility and compared the cost between two patients—one patient with no insurance and one patient with Medicare part B:

	Patient A with No Insurance	Patient B with Medicare Part B Insurance
Total Charges	\$82,703.19	\$56,795.09
Insurance Paid	0	\$3,270.15
Adjustment*	0	\$52,689.17
PRC Paid	\$82,703.19	\$835.77

*This is the amount adjusted off by the dialysis clinic.

As you can see in the above table, PRC paid the dialysis vendor significantly less for the treatment of the patient with Medicare part B as compared to the patient with no insurance.

6. The question was brought up regarding enrolling patients 65 and older in a Marketplace plan. According to healthcare.gov (<https://www.healthcare.gov/medicare/medicare-and-the-marketplace/>):
- Medicare isn't part of the Health Insurance Marketplace, so if you have Medicare coverage now you don't need to do anything. If you have Medicare, you're considered covered.

Question: Can an individual choose Marketplace coverage instead of Medicare?

Medicare's Answer: Generally, no. It's against the law for someone who knows you have Medicare to sell you a Marketplace plan. But there are a few situations where you can choose a Marketplace private health plan instead of Medicare:

- A. If you're paying a premium for Part A. In this case you can drop your Part A and Part B coverage and get a Marketplace plan instead. (A person would pay a premium for part A if they have never paid Medicare taxes [i.e., never worked outside the home]).
- B. If you're eligible for Medicare but haven't enrolled in it. This could be because:
 - You'd have to pay a premium
 - You have a medical condition that qualifies you for Medicare, like end-stage renal disease (ESRD), but haven't applied for Medicare coverage
 - You're not collecting Social Security retirement or disability benefits before you're eligible for Medicare

If you're getting Social Security retirement or disability benefits before you're eligible for Medicare, you'll automatically be enrolled in Medicare once you're eligible.

Before choosing a Marketplace plan over Medicare, there are 2 important points to consider:

- If you enroll in Medicare after your initial enrollment period ends, you may have to pay a late enrollment penalty for as long as you have Medicare.
- Generally you can enroll in Medicare only during the Medicare general enrollment period (from January 1 to March 31 each year). Your coverage won't start until July. This may cause a gap in your coverage.

Since the Marketplace insurance coverage is individualized based on the data that is placed into the system Medical Benefits Coordinators are unable to determine as to what the cost would be to pay for Marketplace insurance for patient's 65 and over. We do know the following:

Members of a federally recognized tribe and ANCSA Corporation Shareholders

- If you buy private insurance in the Health Insurance Marketplace and your income is between \$24,250 and \$72,750 for a family of 4 (\$30,320 to \$90,960 in Alaska) and you qualify for premium tax credits, you can enroll in a zero cost sharing plan. This means you won't have to pay out-of-pocket costs like deductibles, copayments, and coinsurance when you get care. If your income is below \$24,250 or above \$72,750 for a family of 4 (or below \$30,320 or above \$90,960 in Alaska), you can enroll in a limited cost sharing plan and pay no out-of-pocket costs when you get services from an Indian health care provider or from another provider if you have a referral from an Indian health care provider.

- You can enroll any time. You can enroll in a Marketplace health insurance plan any month, not just during the yearly Open Enrollment period.

Division Concerns:

1. Since the payment for Medicare B comes directly out of the individual's checks each month, there would need to be a mechanism implemented that would allow for individuals to be reimbursed for the monthly fee. If the Tribe were to take this on as a lump sum payment to the individual on an annual basis, there may be some tax consequences as this may be considered income. As a Division, we did not explore this issue further.
2. The additional concern is that once the Tribe would pay the Premium, there is no guarantee that the individual would continue to utilize the Oneida Community Health Center and could seek their health care outside of the OCHC. If that occurred, the OCHC would lose the Medicare reimbursement for this individual.

Division Recommendation:

Based upon the data and the following additional concerns it is our recommendation that the Oneida Nation should not consider paying for Medicare B premiums at this time for anyone 65 years of age or older as it is not financially feasible to the organization. This recommendation is based solely on the FY 2014 and FY 2015 Medicare reimbursements and the cost of paying the premiums at an average monthly fee of \$150.00 per month.

Thank you to the team that worked on this data and report:

Kelly Skenandore

Jeff Carlson

Dave Larson

Debbie Danforth

Jennifer Jordan

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Follow-up to a motion from the 10/12/16 BC meeting.

"Motion by Fawn Billie to accept the close-out report; to include the sales comparison; and request the report to be released from executive session by placing it into open session for the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:"

Attachment 1 - Updated Supply Cost spreadsheet to include numbers for July, August, and September

Attachment 2 - is a new spreadsheet to show the Supply Cost line that includes the Accounts Payable adjustments and credits

Attachment 3 - is the SALES comparison that was requested.

NOTE: Year End close is not complete so adjusting entries are not included, if any.

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

Pharmaceutical SUPPLY COST Comparison FY 2015-2016

UPDATED to reflect July, August, and September

	2015	2016	Difference FY 2015 - FY 2016
Oct	\$ 196,748.00	\$ 85,207.00	\$ 111,541.00
Nov	\$ 256,413.00	\$ 326,363.00	\$ (69,950.00)
Dec	\$ 309,868.00	\$ 345,392.00	\$ (35,524.00)
Jan	\$ 301,469.00	\$ 352,296.00	\$ (50,827.00)
Feb	\$ 255,780.00	\$ 362,550.00	\$ (106,770.00)
Mar	\$ 295,109.00	\$ 699,387.00	\$ (404,278.00)
Apr	\$ 263,815.00	\$ 1,249,506.00	\$ (985,691.00)
May	\$ 254,287.00	\$ 1,406,536.00	\$ (1,152,249.00)
Jun	\$ 294,215.00	\$ 2,155,289.00	\$ (1,861,074.00)
Jul	\$ 321,804.00	\$ 334,021.00	\$ (12,217.00)
Aug	\$ 279,179.00	\$ 316,040.00	\$ (36,861.00)
Sep	\$ 493,469.00	\$ 412,693.00	\$ 80,776.00
Adj	\$ 142,505.00	TBD*	
	\$ 3,664,661.00	\$ 8,045,280.00	\$ (4,523,124.00)
Note:*	As of the completion of this report the Year end close is not complete.		

Source: Detail Report

Pharmaceutical SUPPLY COST Comparison
FY 2015 – 2016
(includes A/P adjustments and credits)

	FY 2015 Supply Cost	FY 2016* Supply Cost	Difference FY 2016 - FY 2015
Oct	\$ 288,239.30	\$ 298,756.63	\$ (10,517.33)
Nov	\$ 256,331.53	\$ 322,788.63	\$ (66,457.10)
Dec	\$ 309,630.71	\$ 345,101.56	\$ (35,470.85)
Jan	\$ 300,754.29	\$ 352,296.22	\$ (51,541.93)
Feb	\$ 255,724.04	\$ 360,537.85	\$ (104,813.81)
Mar	\$ 300,562.60	\$ 699,387.23	\$ (398,824.63)
Apr	\$ 269,668.02	\$ 1,245,078.03	\$ (975,410.01)
May	\$ 254,286.85	\$ 1,406,249.34	\$ (1,151,962.49)
Jun	\$ 305,027.47	\$ 2,151,735.48	\$ (1,846,708.01)
Jul	\$ 321,597.11	\$ 334,021.08	\$ (12,423.97)
Aug	\$ 274,874.37	\$ 316,418.74	\$ (41,544.37)
Sep	\$ 527,964.02	\$ 413,391.06	\$ 114,572.96
Adj	\$ -	\$ -	
	\$ 3,664,660.31	\$ 8,245,761.85	\$ (4,581,101.54)
Note:*	The final G/L close is not reflected in the above numbers. That close will occur on Thursday, Oct 27.		

Source: ITB, 10/17/16, Expense line 700134

Pharmaceutical SALES Comparison FY 2015 – 2016

	2015	2016**	Difference FY 2015 - FY 2016
Oct	\$ 2,473,261.82	\$ 2,723,815.78	\$ (250,553.96)
Nov	\$ 2,128,453.26	\$ 2,586,237.51	\$ (457,784.25)
Dec	\$ 2,581,635.46	\$ 2,710,024.30	\$ (128,388.84)
Jan	\$ 2,529,792.34	\$ 3,217,683.72	\$ (687,891.38)
Feb	\$ 2,446,428.64	\$ 3,268,582.83	\$ (822,154.19)
Mar	\$ 2,651,429.00	\$ 3,115,983.21	\$ (464,554.21)
Apr	\$ 2,538,722.88	\$ 2,074,604.51	\$ 464,118.37
May	\$ 2,481,745.31	\$ 2,158,824.78	\$ 322,920.53
Jun	\$ 2,829,878.15	\$ 3,028,283.40	\$ (198,405.25)
Jul	\$ 2,632,345.97	\$ 2,543,432.96	\$ 88,913.01
Aug	\$ 2,634,728.91	\$ 2,611,131.18	\$ 23,597.73
Sep	\$ 2,694,063.94	\$ 2,940,745.38	\$ (246,681.44)
Adj	\$ -	\$ -	
	\$ 30,622,485.68	\$ 32,979,349.56	\$ (2,356,863.88)
Note:**	Optum overpaid in the beginning of CY 2016 and will be refunded this new FY. A year end journal entry will be reflected in the final G/L close reducing the YTD Sales.		

Source: ITB, 10/17/16, Revenue line 400000

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



To: Oneida Business Committee

From: Ravinder Vir, MD, MBA, FACP
Debra Danforth RN, BSN
Oneida Comprehensive Health Division Directors

Date: September 23, 2016

Re: Pharmacy Loss of 340B Closeout Report

The Direct Impacts are listed below.

Drop in net revenue

- Initially, the most obvious effect was the drop in net revenue for all prescriptions filled when the 340-B contract expired.
- Pharmacy expenditures for supplies averaged \$320,000-\$400,000 per month prior to the loss of the 340-B contract. After the loss of the contract, average expenditures jumped to \$1,200,000+ per month from March thru June, 2016.
- Our initial estimate of increased cost as a result of the loss of the 340-B contract was \$3.5-\$4 million in March.
- **The total impact as of June 30, 2016 was \$4,812,406.**
- The charts attached indicates the impact on our expenditures as a result of the loss of the 340B contract.

Ordering Process for drugs more tedious and time consuming

- The ordering process went from an average of 1-hour per day to 2.5 to 3 hours per day because our account number with McKesson was changed. With a new account number, our perpetual ordering system was suspended. Our staff had to manually submit each order daily and scan for equivalent medications with the lowest cost.
- This was a strain on key personnel, because of the added work load. The staff could see daily the price of daily invoices increasing 10-times the normal or more. Staff were frustrated and would go home at night distraught knowing how much more we had to pay for everything and there was nothing that we could do about it.

- All employees in the pharmacy felt over-worked and stressed out on a daily basis.
- The loss of the 340B contract jeopardized the Flu Vaccine order for Community Health. The pharmacy did work to re-instate our contract to the 2016 flu vaccine contract after the 340-b contract was re-instated.

Efforts to Mitigate the Situation

- In an effort to offset the large price increase, the Division granted permission to dispense only 30-days of all medications at a time. This helped initially for the first two months, but it did increase the pharmacy workload because now we were filling every prescription monthly and no 90-day supplies were given. This created extra workload and our prescription volumes went up by 25-50% with the same staffing in the pharmacy.
- The effort to minimize 90-day supplies caused work backlogs. Technicians were filling and pharmacists were checking double the normal daily volume. This was a strain on the staff and increased the wait times for prescriptions to be completed.
- Numerous patient complaints were received because patients liked the convenience of 90 day supplies.
- As of 7/1/16 most prescriptions have now been restored to 90 day refills but there are still a few that remain outstanding which are being changed as they are identified.
- Patients that traveled from outside the immediate area were forced to make additional trips to the Pharmacy to pick up medications every 30 days placing a greater financial burden on transportation.
- Verifying correct Intaleree pricing per our contract
- Making formulary changes to less expensive alternatives.

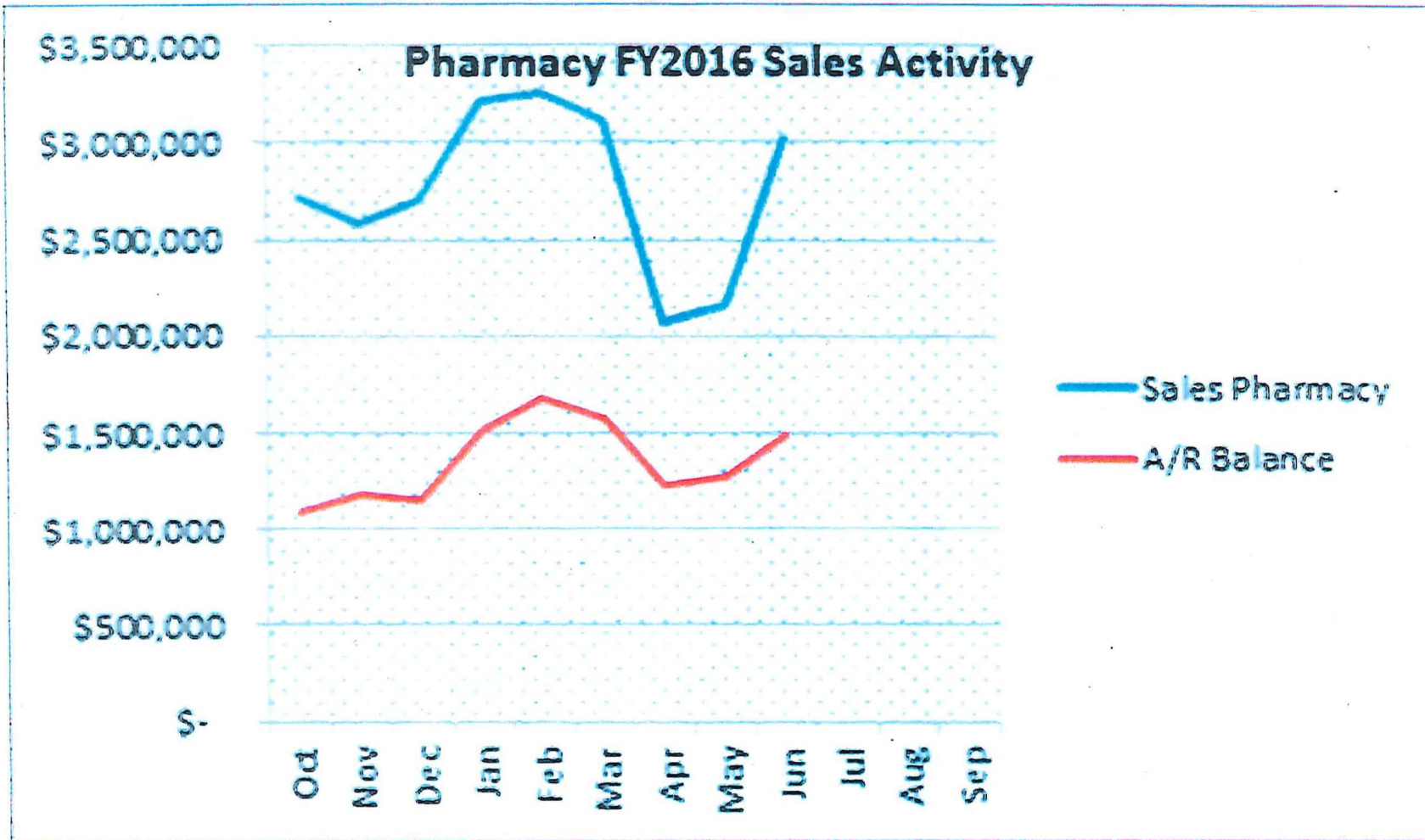
Now that the contract has been re-instated the pharmacy continues to review and evaluate the inventory on a daily basis to assure accurate pricing resulting in added staff time to this process. Previously, the ordering process was an hour per day in staff time now requires an additional 2-2.5 hours to complete this task. Certain drugs are preferred on 340-B that were not preferred previously. On-hand quantities and preferred drugs are continuously monitored to assure we purchase all medications at the lowest

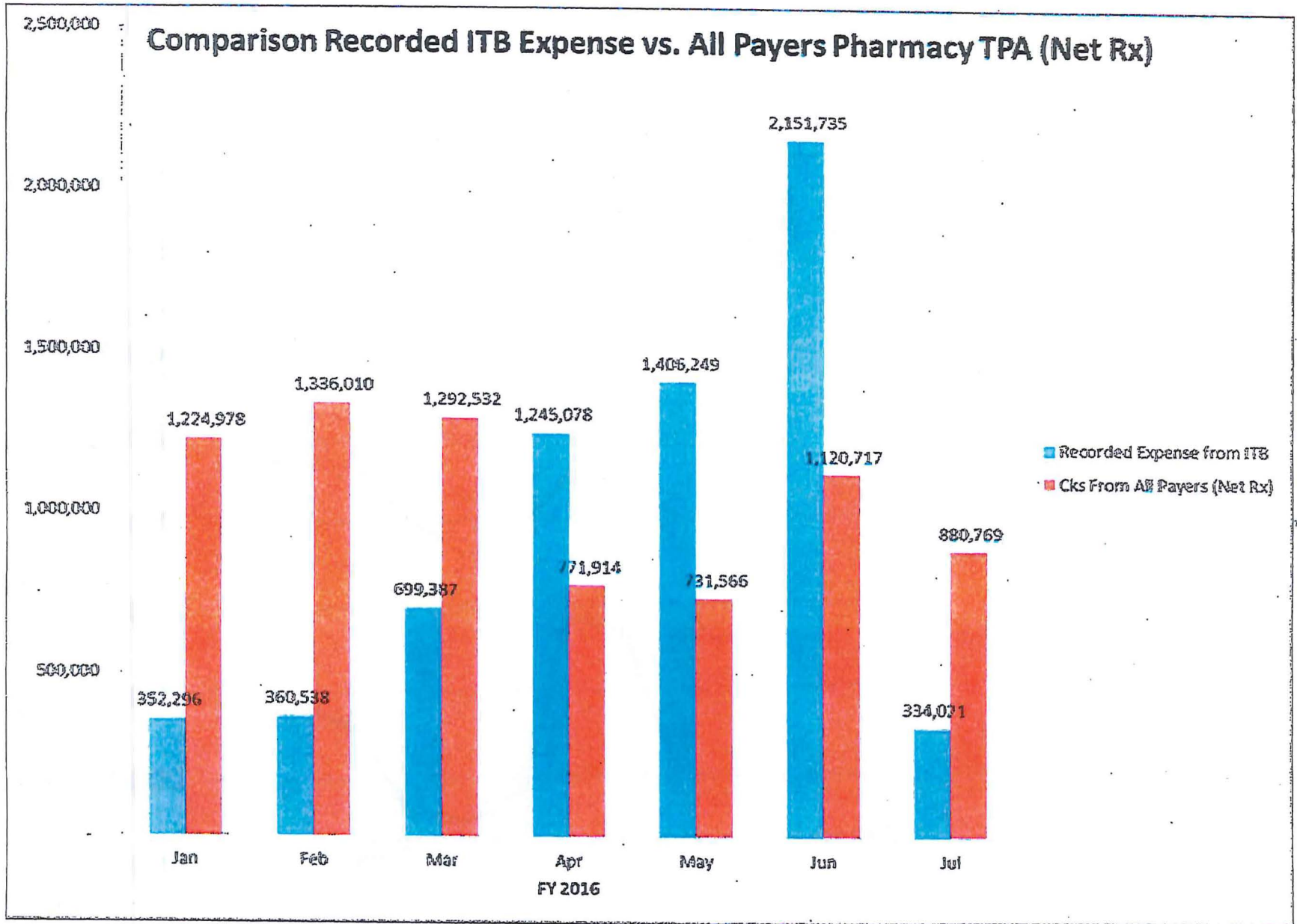
possible costs. Our staff are very dedicated to this task on a daily basis! This will continue until we are certain that all pricing has been transitioned to the 340-B pricing.

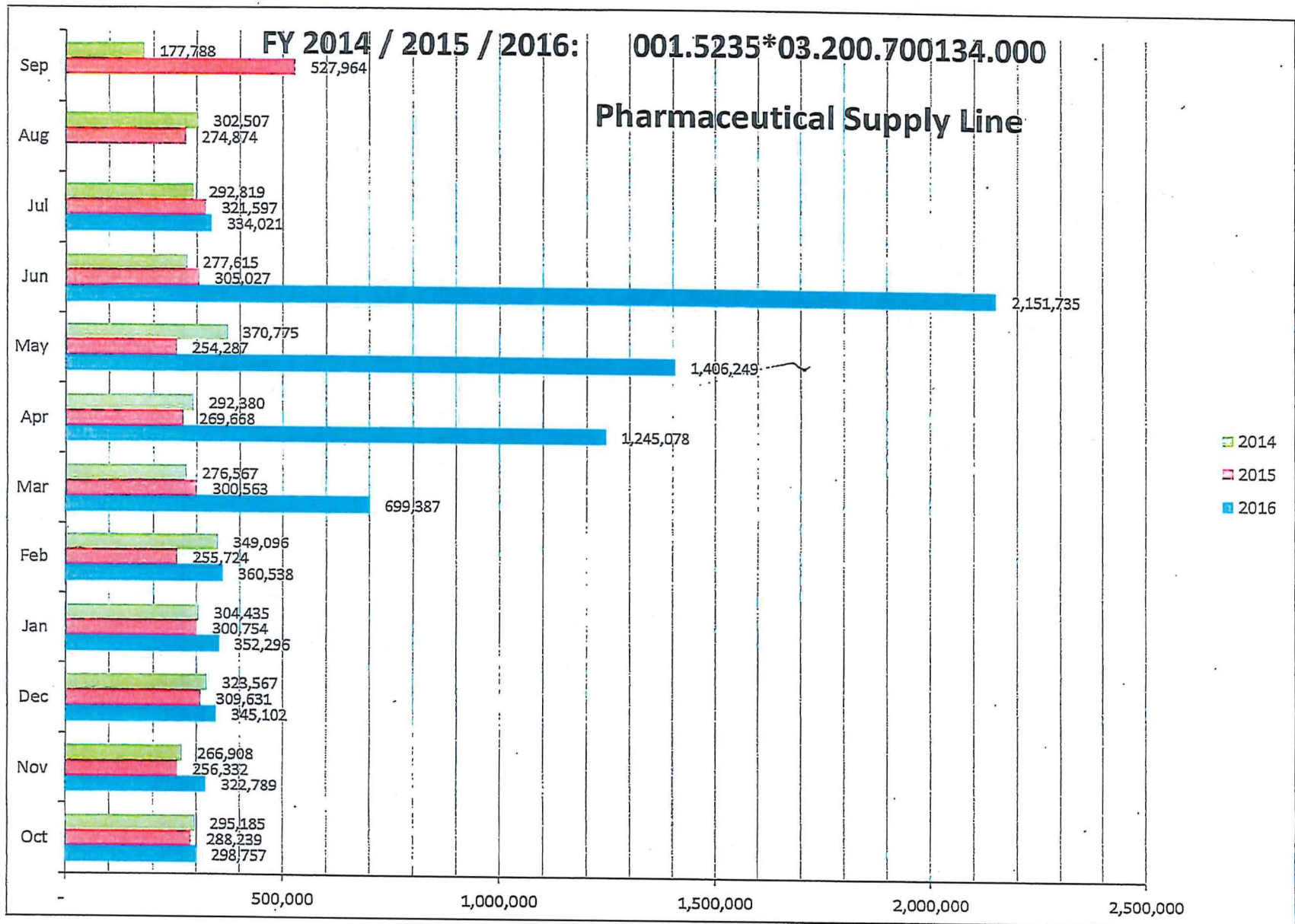
Opportunity Costs

The major opportunity lost to the Division and the Nation as a result of the added costs incurred by the loss of the 340-B contract is the inability to utilize the carry over funds from FY 2015 to develop a contingency plan for continued operation of the health division for future endeavors. Such endeavors include the formation of a contingency plan to address issues such as Sequestration, government shutdown, minor expansion projects, operational costs to avoid reducing priority levels for Purchased and Referred Care expenses etc.

It is unfortunate that this situation occurred, however this situation has been resolved effectively to restore the recertification responsibility back to the Health Division. This will avoid such instances from occurring in the future.







Pharmaceutical supply Cost Comparison FY 2015-2016

	FY 2015	FY 2016
	Invoice Pd Amt	Invoice Pd Amt
Oct	\$196,748.00	\$85,207.00
Nov	\$256,413.00	\$326,363.00
Dec	\$309,868.00	\$345,392.00
Jan	\$301,469.00	\$352,296.00
Feb	\$255,780.00	\$362,550.00
Mar	\$295,109.00	\$699,387.00
Apr	\$263,815.00	\$1,249,506.00
May	\$254,287.00	\$1,406,536.00
Jun	\$294,215.00	\$2,155,289.00
Jul	\$321,804.00	
Aug	\$279,179.00	
Sep	\$493,469.00	
Adjust	\$142,505.00	
	\$3,664,660.00	\$6,982,526.00

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by Lora Skenandore, Assistant to Chairwoman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BC asked for an update on the personnel commission vacancies but due not meeting agenda request deadline, a defferal to 11/9/16 meeting is being requested.

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

Oneida Business Committee Agenda Request

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to forward this item to the Intergovernmental Affairs & Communications Department to do further research; and for that area to bring back a report and proposed correspondence for the Business Committee to consider and support, to be conducted before the October 26, 2016, regular Business Committee meeting so that any action that may be taken can be accepted at the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

1. Meeting Date Requested: 10 / 12 / 16

2. General Information:

Session: Open Executive - See instructi

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Motion to support Menominee Nation in opposing the Back Forty Mine. The mine is a threat to the Menominee River and cultural lands.

3. Supporting Materials

Report Resolution Contract

Other:

1. Letter from ERB Secretary Megan White

3. [Empty text box]

2. Article from Shawano Leader newspaper

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Tehassi Hill, Council Member

Primary Requestor/Submitter: Laura Manthe, Director, ERB
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Aquila Resources Inc. has proposed an open-pit and underground mine for deposits near the Menominee River. Motion to support Menominee Nation in opposing this "Back Forty" mine project. The mine is a threat to the Menominee River and cultural lands.

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



Oneida Environmental Resource Board

YUKWA HU' TSYA?WA' KU

"We are holding the Earth"

RICHARD BAIRD
TED HAWK
AL MANDERS

TOM OUDENHOVEN
GERALD JORDAN
SHAWN SKENANDORE

NICOLE STEEBER
MARLENE GARVEY
MEGAN WHITE

October 3, 2016

Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155

Oneida Business Committee Members,

On September 22, 2016 I attended a gathering along the Menominee River in Lake Township, MI. *Remembering Our Ancestors*, gathered tribal members from throughout the state and local community members. The Menominee spoke of their creation story and the sacredness of the land we were occupying. All along the Menominee River there is evidence of their beginning. I walked through the woods to look at the burial mounds, and seen evidence of their ancient agricultural sites. Looking at the beautiful river and the surrounding woodlands, I could feel the sacredness of the land.

On September 2, 2016 without the knowledge of the Menominee Nation or the people of Lake Township, MI the Michigan Department of Environmental Quality announced they were granting Aquila Resources, Inc. a mining permit for land that is in the woodlands at the mouth of the Menominee River. There have not been any environmental assessments done to determine the threat that this poses to the land. The state and the company are doing everything they can to pass this without opposition.

Not only could this ruin the Menominee's homelands and the natural resources that surround it, but any waste from the mine and the processing facility could easily reach the river that is less than 50 yds. away. It could flow down that river and have detrimental effects to the water ecosystem and the surrounding wildlife. The negative effects will not be able to be contained. This river empties into Green Bay, so we could be directly impacted as well.

As the secretary of Oneida's Environmental Resource Board, I am asking for you to stand with the Board as we stand with the Menominee Nation. A letter of support from the OBC to the Menominee Nation is necessary; if you could please add this to your agenda we would greatly appreciate it.

For anyone who would like to show further support, there is a public hearing on Thursday, October 6, 2016 at the Stephenson High School, Stephenson, MI from 6:00pm-10:00pm. Written comments to the Michigan Department of Environmental Quality are also being accepted until November 3, 2016. Final permit decisions will be made on or before December 1, 2016.

Thank You,

A handwritten signature in black ink that reads "Megan M. White". The signature is written in a cursive, flowing style.

Megan M. White

Secretary of the Environmental Resource Board

<http://shawanoleader.com/articles/2016/09/22/menominee-continue-fight-against-back-forty-mine>



THE Shawano Leader

Menominee continue fight against Back Forty Mine

Submitted by admin on Thu, 09/22/2016 - 08:25

Tribe holding gathering today in Michigan

By:

Wisconsin Public Radio

The state of Michigan recently issued a draft mine permit for a gold and zinc mine bordering Wisconsin known as the Back Forty mine. As the project nears regulatory approval, some Menominee tribal members in Wisconsin are calling on tribal leaders in Michigan and Wisconsin to stand with them in opposition to the project.

Aquila Resources Inc. has proposed investing \$261 million to build open-pit and underground mines for the gold- and zinc-rich deposit near the Menominee River. The mine is expected to have a 16-year life and create more than 250 jobs.

Guy Reiter, a Menominee tribal member and community organizer, fears the mine will threaten the Menominee River, which is central to the tribe's creation story.

"It's no different than if an open-pit sulfide mine was put in Bethlehem for the Christians," Reiter said.

The tribe has organized a gathering and river walk in opposition to the mine Thursday ahead of a public hearing for the project next month. Tribal members were scheduled to meet in the south parking lot of the Menominee Casino Resort in Keshena at 8 a.m. and depart for Stephenson, Michigan, at 8:30 a.m.

The gathering will begin with a water ceremony at 10:30 a.m. Following the water ceremony, speakers will comment on the impacts to the tribe's cultural resources, environment, water, and wildlife. The buses will leave Stephenson at 2 p.m. and return to the Menominee Casino Resort about 4 p.m.

In a statement, Aquila's vice president of the United States operations, Cliff Nelson, said the company respects the tribe's right to gather peacefully:

"Aquila Resources is firmly committed to adhering to high environmental standards and a sensitive approach to cultural history in developing the Back Forty project," he said. "As we continue to move

forward on the required permitting process, we welcome ongoing dialogue of the Menominee Indian Nation and others.”

Nelson also stressed the economic benefits to the region if the mine is built, including more than \$11 million annually in revenue for state and local governments.

Reiter contends the project would affect 22 known cultural sites identified by the tribe. He also noted the mine's proximity to the Menominee River presents concerns over the risks for acid mine drainage or arsenic to leech into the nearby waterway.

Wisconsin regulators have weighed in on the project, but Michigan will have the final say.

Joe Maki, a geologist and mining specialist with the Upper Peninsula District of the Michigan Department of Environmental Quality, said they issued a draft mine permit earlier this month with a list of conditions.

“One of the conditions was to put another synthetic, manmade liner under their waste/tailing rock facility,” Maki said. “We also are requiring some additional monitoring.”

Maki said the additional liner will help divert water into basins so it can ultimately be treated in a water treatment plant before being discharged into the Menominee River.

The Wisconsin Department of Natural Resources' Ann Coakley said the DNR consulted with Michigan on the project.

“All along Michigan said, ‘We’ll definitely use your water quality standards as well as ours when issuing permits.’ Indeed they did,” Coakley said. “The surface water discharge application meets the Wisconsin water quality standards.”

Coakley said the department will not be providing comments at Michigan's public hearing on the project next month.

“I think if we had some concerns, Michigan would take them into account, but we don't,” she said. “Michigan has the sole permitting authority, and we recognize that.”

The public hearing will be held at 6 p.m. Oct. 6 at Stephenson High School on three draft permits for the mine, including air, mining, and national pollutant discharge and elimination system permits. Aquila's application for a wetlands permit remains under review.

Construction on the mine won't begin until all permits have been issued for the project.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approval to hold a Special Business Committee meeting on December 16, 2016 at 9:00 a.m. to have RSM US present the Year End Financial Statements and the GTC presentation in executive session

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

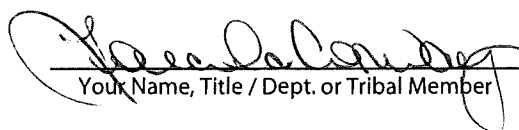
Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Tehassi Hill, Council Member

Primary Requestor:

 J.A. Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

These reports require approval by the BC before the presentation at the January 16, 2017 GTC meeting. Request a motion to approve holding a Special BC meeting on December 16, 2016. From 9:00 a.m.-10:30 a.m. in the Business Committee Conference room, in order to utilize the projector and big screen for presentations.

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approve a limited waiver of sovereign immunity for Wisconsin Public Service Contract #2016-1173 for project #14-008 Uskah Village Infrastructure.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Senior Tribal Architect / Engineering
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Cottrell, Contract Processor / Engineering
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The legal review requires Business Committee approval pursuant to Additional Terms and Conditions #16 & #17 which each amount to a waiver of the Nation's sovereign immunity.

Background:

1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?

There have been attempts on past projects to negotiate with the vendor that have been unsuccessful due to corporate policies.

2. Were three bids obtained? If not, why not?

Three bids were not obtained as WPS is the only local utility vendor to provide service to the area.

3. Was any other vendor willing to remove sovereign immunity issues?

No other vendor exists for this service.

4. Was is the cost of going to another vendor?

Alternative cost not available as no alternative vendor exists.

Action Requested:

Requesting approval of limited waiver of sovereign immunity for WPS Agreement (#2016-1173) for project #14-008 Uskah Village Infrastructure.

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

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

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

ONEIDA LAW OFFICE

CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT

TO: Fawn L. Cottrell
Engineering Department

Use this number on future correspondence:

2016-1173

FROM: Krystal L. John, Staff Attorney *KLJ*

DATE: October 17, 2016

RE: Wisconsin Public Service

<u>Purchasing Department Use</u>
<input type="checkbox"/> Contract Approved
<input type="checkbox"/> Contract Not Approved
<i>(see attached explanation)</i>

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

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

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval prior to execution, pursuant to ¶'s 16 and 17, which each amount to a waiver of the Nation's sovereign immunity.

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?
2. Were three bids obtained? If not, why not?
3. Was any other vendor willing to remove sovereign immunity issues?
4. What is the cost of going to another vendor?

- ✓ The attached form(s) must be completed, signed by Vendor, and attached to the executed contract. *Please submit a copy of the signed form(s) to this office.*

- | | | |
|---|---------------------------------------|--|
| <input checked="" type="checkbox"/> Conflict of Interest Disclosure | <input type="checkbox"/> Gaming Rider | <input type="checkbox"/> Non-Disclosure |
| <input type="checkbox"/> HIPAA Business Associate Agreement | <input type="checkbox"/> FOIA | <input type="checkbox"/> Entertainment Rider |

Engineering Department
Development Division



To: Law Office
From: Fawn Cottrell
CC: File #14-008/Contracts
Date: 10/12/2016
Re: WPS Contract

VENDOR: Wisconsin Public Service
DOCUMENT #: 2016-XXXX
AMOUNT OF CONTRACT: \$6210.33
LAW REVIEW NEEDED BY: 10/19/16

Please review the attached document and forward the completed review.

If you have any questions, please call me at ext. 4567

Thank You.

Enclosures:

- WPS Contract

DesignData

WISCONSIN PUBLIC SERVICE CORPORATION-WI CONTRACT FOR OUTDOOR LIGHTING SERVICE

This contract is for the installation of Outdoor Lighting entered into on 9/28/2016 (Contract Date) between ONEIDA NATION (Customer) and Wisconsin Public Service Corporation (WPSC).

The Customer desires WPSC to own, install and maintain the outdoor lighting system.

Site Address/Description/Location: METOXEN LN in the VILLAGE of HOBART, County of BROWN, State of WI.

This lighting system is comprised of 6 LED Lamps under a LS-1 rate schedule on pole number(s) 2319 3R85, 2319 3R86, 2319 3R87, 2319 3R88, 2319 3R89, 2319 3R90.

Now in consideration of the mutual promises herein contained, the parties hereto agree as follows: The customer agrees to comply with all terms and conditions as stated on page 2 of this contract, including the commencement date of Minimum Charges and all appropriate WPSC tariffs on file with the PSCW.

The Customer will pay WPSC on a monthly basis for the outdoor lighting service according to the following:

	Quantity	Monthly Rate	Monthly Billing	
1. Monthly Fixture Charges				
150W Equivalent - LED Cobrahead	6	\$ 18.23	\$ 109.38	
Sub-Total Monthly Bill			\$ 109.38	
2. Monthly Non-Standard Charges				
Span				
Wood Pole				
Mast Arm > 6'				
Sub-Total Monthly Non-Standard Charges			\$ -	
Total Monthly Bill			\$ 109.38	
Sales Tax (If applicable)			\$ -	
Total Monthly Bill with Sales Tax			\$ 109.38	
3. Advance Payment - Special Facilities				Advance Payment
a. Assigned Special Facilities Non-Refundable			\$ 6,210.33	
b. Assigned Special Facilities Ornamental			\$ -	
Sub-Total Special Facilities			\$ 6,210.33	
4. Ornamental System Maintenance Payment				
The customer agrees to pay future system maintenance due to the higher cost of maintaining ornamental facilities. The company agrees to maintain and replace the above ornamental lighting system as per the LS-1 Lighting Tarriff. The customer agrees to make an advance payment as a special facilities payment under the company's Electric Extension Rules equal to:				
Special Facilities Ornamental Payment from 3b:		\$ -		
		24.00%	\$ -	
5. Total Advance Payment			\$ 6,210.33	

WPSC Signature

Customer Signature

Customer Mailing Address

WR/Revisions: 2183419-1
IFRIS Project: 0001016346
Database: _____

ONEIDA HOUSING AUTHORITY
ATTN: Dale Wheelock
2913 Commissioner Street
ONEIDA, WI 54155-0365

ADDITIONAL TERMS AND CONDITIONS

1. This Contract is not effective until signed by both WPSC and the Customer. If the Customer fails to return the Contract to WPSC within sixty days of the WPSC signature date or contract date, the Contract is null and void.
2. The minimum term of this contract is 3 years beginning with the first billing. It may be terminated by either party at the expiration date and at any time thereafter by giving ninety days written notice.
3. All the terms and conditions of the Contract shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto. If the Customer leases, sells, or otherwise disposes of the property herein described, he shall complete the payments according to this Contract unless he shall have secured an assumption of his remaining obligations under this Contract, satisfactory to and approved by WPSC.
4. In the event that WPSC decides to use any of the poles and spans for some purpose other than outdoor lighting service, the monthly charges for those poles and spans shall cease during the period that they are used for other purposes.
5. The Customer agrees, when possible, to report promptly to WPSC the failure of any lamp to burn or any dangerous equipment, and the location thereof, to the end that such lamp and/or equipment may be inspected and the trouble therewith remedied. No credit will be allowed for outages.
6. The payment calculation of this Contract is subject to change if the Customer causes a construction delay, there is a change in scope, or actions by governmental authorities cause a calculation change. Any change shall be reviewed with the Customer prior to construction and a new Contract shall be executed. Adjustment of customer requirements (refunds or additional payment) to reflect actual investment for changes in the size or number of units installed, major rock, or frost removal, and similar items affecting the scope of the project, shall be made if the adjustment is greater than \$20. This adjustment, if applicable, will normally occur within six months of completion of construction. Any changes shall be reviewed with the Customer.
7. As a condition of receiving service, the Customer agrees to grant WPSC, at no cost, an easement for the necessary construction, operation, and maintenance of any portion of the extension necessary to serve the Customer.
8. Whether stated or not, a special facilities charge will be applied during Winter Construction period, as stated in WPSC's approved tariffs.
9. Any lawn restoration or surface repair on private property, as a result of this installation, shall be the Customer's responsibility.
10. The Customer, irrespective of subsequent change of ownership, shall provide at no expense to WPSC, soil graded within six inches of the finished grade prior to installation of facilities. Survey stakes indicating property lines shall be installed by the Customer at no expense to WPSC prior to installation of facilities. WPSC shall be notified in advance of any change in grade levels. Any and all costs incurred as a result of such grade changes shall be at the expense of the Customer.
11. In no event shall the Customer place any decorative element on the pole without the prior written approval of WPSC. Such approval will be under the terms of the Pole Attachment Policy and Procedure in effect at the time of such request. A copy of the Pole Attachment Policy will be furnished by WPSC to the Customer upon request.
12. The Customer agrees to provide WPSC, or its authorized contractor, the location within 18", of all underground facilities such as those for the transmission of electricity, water, cable TV, sewer, telephone, gas or fuel which are owned by the Customer on the premises, and which may be encountered by WPSC or its authorized contractor during the proposed installation of the facilities. If the Customer is unable to locate any underground facility, or fails to provide the location of any underground facility, or if the underground facility in question is encountered more than 18" from the location identified by the Customer, the Customer shall defend, indemnify, and hold WPSC harmless, as well as its agents, employees, assigns, affiliates, officers, administrators, predecessors, successors, subsidiaries, members and managers from and against any claim, action, proceeding, liability, loss, damage, cost or expense including, without limitations, attorneys' fees, arising out of or in connection with the Customer's use of services.
13. Upon written request and at the expense of the Customer, WPSC will relocate any pole and/or change the position of any lamp.
14. In no event, except for a breach by the Customer of section 11 above, shall either party be responsible to the other for any consequential, incidental, special or punitive damages whatsoever, whether arising from breach of warranty or other breach of contract, negligence or other tort, or any other theory of law. In a case of a breach by the Customer of section 11 above, the Customer shall be liable for consequential, incidental, special and punitive damages.
15. If any provision of this Contract is found to be invalid or unenforceable by any court, such provision shall be ineffective only to the extent that it is in contravention of applicable laws without invalidating the remaining provision of the Contract.
16. This contract shall be governed by and construed in accordance with the internal laws of the State of Wisconsin and/or Michigan.
17. The Customer and WPSC hereby agree to abide by and be subject to the rules, regulations, and schedules of WPSC as filed with and approved by the Wisconsin Public Service Commission from time to time, as well as the rules and regulations of the Wisconsin Administrative Code.
18. In the event of a conflict between this Contract and WPSC's approved tariffs, the tariffs shall prevail.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approve revised Oneida Business Committee Standard Operating Procedure titled Conducting Electronic Voting (E-Polls)

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

****Background****

The Business Committee SOP entitled Conducting Electronic Voting (E-Polls), herein referred to as "SOP", was approved by the Business Committee at the June 10, 2015, regular Business Committee meeting. The approving motion directed the SOP be reviewed in one year. There were no Business Committee work meetings held in the month of June 2016. At the July 19, 2016, Business Committee work meeting, the SOP was reviewed and three (3) revisions were requested:

- 1) In subsection 3.3., add "or his/her appointed designee"
Please note: under subsection 2.2, the definition of "Secretary" includes an "appointed designee". Therefore, this requested change serves as a reminder that a designee may be appointed.
- 2) Correct spelling in section 4 from "Onieda" to "Oneida"
- 3) Insert a new subsection between 4.2 and 4.3 indicating E-Polls shall be open for voting a specific time frame and that the Secretary determines the time frame.

The revisions were made and the revised SOP was submitted to the Business Committee for approval. At the regular Business Committee meeting held on July 27, 2016 the following action took place:

~ Motion by Trish King to defer this item to the next available Business Committee work meeting, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Trish King, Jennifer Webster

Not Present: David Jordan, Brandon Stevens, Lisa Summers

At the August 16, 2016, Business Committee work meeting the revised SOP was reviewed and one (1) additional revision was requested:

- 1) In subsection 3.3., add twenty-four (24) hours in which the Secretary, or his/her appointed designee, must respond to requests.

In addition to the requested revisions, two (2) other changes were made to correct "Oneida Tribe of Indians of Wisconsin" to "Oneida Nation". The first correction in the SOP header; the second is in subsection 6.1.

All revisions have been made and the revised SOP is being submitted to the Business Committee for approval. Attached you will find the following:

- 1) a redline version noting all revisions
- 2) a clean copy of the revised SOP

****Requested Action****

Approve the revised Business Committee SOP entitled Conducting Electronic Voting (E-Polls).

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

Redline version (revised to current)

ONEIDA NATION TRIBE OF WISCONSIN	TITLE: Conducting Electronic Voting (E-Polls)	ORINATION DATE: 06/10/2015 REVISION DATE: NA 10/26/2016 EFFECTIVE DATE: Upon OBC approval
DEPARTMENT: Oneida Business Committee	APPROVED BY: <i>Oneida Business Committee</i> See Attached OBC meeting minutes	DATE: 06/10/26/2016 5
AUTHOR: Lisa Summers, Secretary	AUTHORED BY:	DATE: 06/10/26/2016 5

1 PURPOSE

- 1.1 Standardize how electronic voting is conducted by the Oneida Business Committee regarding matters requiring approval of the Oneida Business Committee.
- 1.2 The Oneida Business Committee recognizes that action may be required that cannot wait for the next available Oneida Business Committee agenda and electronic polling may be required to approve such items.

2 DEFINITIONS

- 2.1 *E-poll* means the act of an e-mail delivered to the Oneida Business Committee, seeking a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the Oneida Business Committee.
- 2.2 *Secretary* means the Secretary of the Oneida Business Committee, or his/her appointed designee.
- 2.3 *Business Committee Support Office* means the support office for the Secretary, whose staff is responsible for carrying out administrative duties in support of the Oneida Business Committee.
- 2.4 *E-poll request* means the official request for an electronic vote by the Oneida Business Committee.
- 2.5 *Executive Tribal Clerk* means the employee in the Secretary's Office responsible for coordinating the collection of materials for the Oneida Business Committee agenda.

3 E-POLL REQUEST

- 3.1 All e-poll requests shall contain the following information.
 - a. The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.
 - b. The body of the e-poll request shall contain the following elements.
 1. An executive summary of the reason for the request and why the request cannot be presented at the next available Oneida Business Committee meeting.
 2. A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action".
 3. All attachments, in *.pdf format, which are necessary to fully understand

Redline version (revised to current)

- the request being made.
- 4. An agenda request form.
- 5. A deadline date for a response to be returned from the Secretary's Office regarding the results of the e-poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response:".
- 3.2 E-poll requests must also be accompanied by a completed "Business Committee Agenda Request Form," and must be sent to the Oneida Business Committee agenda request e-mail box and copied to the Secretary, and the Executive Tribal Clerk.
- 3.3 Within twenty-four (24) hours, the Secretary, or his/her appointed designee, shall review and approve all e-poll requests for submission to the Oneida Business Committee.

4 SUBMISSION OF E-POLL REQUESTS TO THE ~~ONEIDA~~ONEIDA BUSINESS COMMITTEE

- 4.1 The Secretary shall e-mail e-poll requests to all members of the Oneida Business Committee including a copy to each Oneida Business Committee member's Legislative or Executive Assistant, and the Executive Tribal Clerk.
- 4.2 E-poll requests shall be sent only under the e-mail address of the Secretary and no other party. E-Polls for Oneida Business Committee action sent under other email(s) will not be accepted, nor considered valid.
- 4.3 Generally, E-poll requests shall be open for response not less than four (4) hours and no more than twelve (12) hours.
 - a. The time frame for responses shall be determined by the Secretary
- 4.4 The Executive Tribal Clerk shall monitor all responses and deadline dates for responses.

5 RESPONSE TO E-POLL REQUEST AND PLACEMENT ON ONEIDA BUSINESS COMMITTEE AGENDA

- 5.1 An e-poll request must receive at least five responses in order to be an official vote.
 - a. E-polls which are approved shall be placed on the Oneida Business Committee at the next available meeting to be entered into the record.
 - b. E-polls which result in a denied request may be reconsidered by the Oneida Business Committee at the next available meeting as provided for in Robert's Rules of Order, Rule 37.
 - c. E-polls for which insufficient responses were received by the deadline shall be considered to have failed to receive support as provided for in Robert's Rules of Order, p. 34 et seq.
- 5.2 Regardless of the outcome of the e-poll, all e-poll requests shall be placed on the Oneida Business Committee agenda to be entered into the record.
- 5.4 The Executive Tribal Clerk shall place all e-poll requests and the results on the next available Oneida Business Committee agenda. The agenda item shall contain the following information.
 - a. Original e-poll request and all supporting documentation.
 - b. A summary of the e-poll results identifying each Oneida Business Committee member and their response.
 - c. A copy of any comment by an Oneida Business Committee member if comments

Redline version (revised to current)

are made beyond a vote.

- 5.5 Oneida Business Committee members are encouraged to respond to all Oneida Business Committee members with their vote. .
- 5.6 A response from an Oneida Business Committee member shall be valid if received from the work e-mail of the member, if received from the personal e-mail of the member if such e-mail is on file with the Secretary's Office for such purposes, or if received from the official mobile phone number of the member. No response from unknown e-mails or e-mails from Legislative or Executive Assistants shall be accepted.

6 E-POLL REQUESTS NOT AUTHORIZED

- 6.1 An e-poll request shall not be authorized for items which require a waiver of sovereign immunity of the [Oneida Nation](#)~~Tribe~~.
- 6.2 An e-poll request shall not be authorized for items which require a dollar amount in excess of an amount equal to the highest level of management approval.
- 6.2 An e-poll request shall not be authorized for items which are not accompanied by documented approval from the requesting tribal entity (e.g. Management approval, Finance Committee Meeting Minutes, etc.).

Clean Copy of revised SOP

ONEIDA NATION	TITLE: Conducting Electronic Voting (E-Polls)	ORIGINATION DATE: 06/10/2015 REVISION DATE: 10/26/2016 EFFECTIVE DATE: Upon OBC approval
DEPARTMENT: Oneida Business Committee	APPROVED BY: <i>Oneida Business Committee</i> See Attached OBC meeting minutes	DATE: 10/26/2016
AUTHOR: Lisa Summers, Secretary	AUTHORED BY:	DATE: 10/26/2016

1 PURPOSE

- 1.1 Standardize how electronic voting is conducted by the Oneida Business Committee regarding matters requiring approval of the Oneida Business Committee.
- 1.2 The Oneida Business Committee recognizes that action may be required that cannot wait for the next available Oneida Business Committee agenda and electronic polling may be required to approve such items.

2 DEFINITIONS

- 2.1 *E-poll* means the act of an e-mail delivered to the Oneida Business Committee, seeking a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the Oneida Business Committee.
- 2.2 *Secretary* means the Secretary of the Oneida Business Committee, or his/her appointed designee.
- 2.3 *Business Committee Support Office* means the support office for the Secretary, whose staff is responsible for carrying out administrative duties in support of the Oneida Business Committee.
- 2.4 *E-poll request* means the official request for an electronic vote by the Oneida Business Committee.
- 2.5 *Executive Tribal Clerk* means the employee in the Secretary's Office responsible for coordinating the collection of materials for the Oneida Business Committee agenda.

3 E-POLL REQUEST

- 3.1 All e-poll requests shall contain the following information.
 - a. The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.
 - b. The body of the e-poll request shall contain the following elements.
 1. An executive summary of the reason for the request and why the request cannot be presented at the next available Oneida Business Committee meeting.
 2. A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action".
 3. All attachments, in *.pdf format, which are necessary to fully understand

Clean Copy of revised SOP

- the request being made.
 - 4. An agenda request form.
 - 5. A deadline date for a response to be returned from the Secretary's Office regarding the results of the e-poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response:".
- 3.2 E-poll requests must also be accompanied by a completed "Business Committee Agenda Request Form," and must be sent to the Oneida Business Committee agenda request e-mail box and copied to the Secretary, and the Executive Tribal Clerk.
- 3.3 Within twenty-four (24) hours, the Secretary, or his/her appointed designee, shall review and approve all e-poll requests for submission to the Oneida Business Committee.

4 SUBMISSION OF E-POLL REQUESTS TO THE ONEIDA BUSINESS COMMITTEE

- 4.1 The Secretary shall e-mail e-poll requests to all members of the Oneida Business Committee including a copy to each Oneida Business Committee member's Legislative or Executive Assistant, and the Executive Tribal Clerk.
- 4.2 E-poll requests shall be sent only under the e-mail address of the Secretary and no other party. E-Polls for Oneida Business Committee action sent under other email(s) will not be accepted, nor considered valid.
- 4.3 E-poll requests shall be open for response not less than four (4) hours and no more than twelve (12) hours.
 - a. The time frame for responses shall be determined by the Secretary based on urgency, scheduling, and any other pertinent factors.
- 4.4 The Executive Tribal Clerk shall monitor all responses and deadline dates for responses.

5 RESPONSE TO E-POLL REQUEST AND PLACEMENT ON ONEIDA BUSINESS COMMITTEE AGENDA

- 5.1 An e-poll request must receive at least five responses in order to be an official vote.
 - a. E-polls which are approved shall be placed on the Oneida Business Committee at the next available meeting to be entered into the record.
 - b. E-polls which result in a denied request may be reconsidered by the Oneida Business Committee at the next available meeting as provided for in Robert's Rules of Order, Rule 37.
 - c. E-polls for which insufficient responses were received by the deadline shall be considered to have failed to receive support as provided for in Robert's Rules of Order, p. 34 et seq.
- 5.2 Regardless of the outcome of the e-poll, all e-poll requests shall be placed on the Oneida Business Committee agenda to be entered into the record.
- 5.4 The Executive Tribal Clerk shall place all e-poll requests and the results on the next available Oneida Business Committee agenda. The agenda item shall contain the following information.
 - a. Original e-poll request and all supporting documentation.
 - b. A summary of the e-poll results identifying each Oneida Business Committee member and their response.

Clean Copy of revised SOP

- c. A copy of any comment by an Oneida Business Committee member if comments are made beyond a vote.
- 5.5 Oneida Business Committee members are encouraged to respond to all Oneida Business Committee members with their vote. .
- 5.6 A response from an Oneida Business Committee member shall be valid if received from the work e-mail of the member, if received from the personal e-mail of the member if such e-mail is on file with the Secretary's Office for such purposes, or if received from the official mobile phone number of the member. No response from unknown e-mails or e-mails from Legislative or Executive Assistants shall be accepted.

6 E-POLL REQUESTS NOT AUTHORIZED

- 6.1 An e-poll request shall not be authorized for items which require a waiver of sovereign immunity of the Oneida Nation.
- 6.2 An e-poll request shall not be authorized for items which require a dollar amount in excess of an amount equal to the highest level of management approval.
- 6.2 An e-poll request shall not be authorized for items which are not accompanied by documented approval from the requesting tribal entity (e.g. Management approval, Finance Committee Meeting Minutes, etc.).

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Enter E-Poll into the records for the failed travel request - Chairwoman Tina Danforth and up to three (3) Business Committee members - National Congress of American Indians (NCAI) conference - Phoenix, AZ - October 9-13, 2016

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Heather Heuer, Info. Mgmt. Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BACKGROUND

On Wednesday, October 5, 2016, at 1:45 p.m., the following E-Poll was conducted:

Summary:

During the BC meeting held on 9/14/16, the Chairwoman had submitted travel request to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016. The BC approved her travel and up to three other BC members to attend, contingent on the FY17 budget being passed by GTC. At a special GTC meeting held on 9/19/16, the agenda containing the FY17 budget item was tabled. During a special BC meeting held on 9/30/16, the BC adopted resolution # 09-30-16-A Continuing Budget Resolution. This E-Poll request is being conducted for reconsideration of the motion made at the 9/14/16 BC meeting to approve up to 3 BC members and Chairwoman Tina Danforth to attend the NCAI conference Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Requested Action:

Approve up to three (3) BC members and Chairwoman Tina Danforth to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Deadline for response:

Responses are due no later than 9:15 a.m. on Thursday, October 6, 2016.

As of the deadline, the following are the results:

Support: David Jordan

Oppose: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Per section 5.4. of the BC SOP "Conducting Electronic Voting", attached are copies of any comment by an OBC member made beyond a vote.

REQUESTED ACTION

Enter E-Poll into the records for the failed travel request - Chairwoman Tina Danforth and up to three (3) Business Committee members - National Congress of American Indians (NCAI) conference - Phoenix, AZ - October 9-13, 2016

- 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

BC_Agenda_Requests

From: TribalSecretary
Sent: Thursday, October 06, 2016 9:43 AM
To: TribalSecretary; Jo A. House; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Rhiannon R. Metoxen; BC_Agenda_Requests; Debbie J. Melchert
Subject: E-POLL RESULTS: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ
Attachments: E-Poll request- Approve up to 3 BC members and Chair to attend NCAI - Oc....pdf; FBillie re E-Poll request - NCAI - Oct 9-13 - Phoenix.pdf; JWebster re E-Poll request - NCAI - Oct 9-13 - Phoenix.pdf
Categories: Next Meeting

E-POLL RESULTS

The E-Poll request to approve up to three (3) BC members and Chairwoman Tina Danforth to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A, **has failed**. Below are the results:

Support: David Jordan

Oppose: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Per section 5.4. of the BC SOP "Conducting Electronic Voting", attached are copies of any comment by an OBC member made beyond a vote.

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)



office 920.869.4421
 cell 920.471.5002
 fax 920.869.4040

From: TribalSecretary
Sent: Wednesday, October 05, 2016 1:45 PM
To: Jo A. House <JHOUSE1@oneidanation.org>; Brandon L. Yellowbird-Stevens <BSTEVEN@oneidanation.org>; Cristina S. Danforth <tdanfort@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <LSUMMER2@oneidanation.org>; Melinda J. Danforth <MDANFORJ@ONEIDANATION.org>; Patricia M. King <TKING@ONEIDANATION.org>; Ronald W. Hill <RHILL7@oneidanation.org>
Cc: Debbie J. Melchert <DMELCHER@oneidanation.org>; Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@ONEIDANATION.org>

Dawn M. Moon-Kopetsky <dmoonkop@oneidanation.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Lora L. Skenandore <LSKENAN3@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>

Subject: E-POLL REQUEST: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ
Importance: High

E-POLL REQUEST

Summary:

During the BC meeting held on 9/14/16, the Chairwoman had submitted travel request to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016. The BC approved her travel and up to three other BC members to attend, contingent on the FY17 budget being passed by GTC. At a special GTC meeting held on 9/19/16, the agenda containing the FY17 budget item was tabled. During a special BC meeting held on 9/30/16, the BC adopted resolution # 09-30-16-A Continuing Budget Resolution. This E-Poll request is being conducted for reconsideration of the motion on made at the 9/14/16 BC meeting to approve up to 3 BC members and Chairwoman Tina Danforth to attend the NCAI conference Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Requested Action:

Approve up to three (3) BC members and Chairwoman Tina Danforth to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Deadline for response:

Responses are due no later than **9:15 a.m. on Thursday, October 6, 2016.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "support" or "oppose"

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)



office 920.869.4421
cell 920.471.5002
fax 920.869.4040

How can the BC Support Office help you?

Paula "Pogi" King Dessart, **Executive Assistant** – Budgeting, Processing A/P, GTC Meeting Prep, Scheduling
Debbie Melchert, **Administrative Assistant** – Signature Log, Mail Log, Kronos, Travel, Scheduling
Kathy Metoxen, **Executive Tribal Clerk** – Pardons, Boards, Committees and Commissions, Scheduling
Heather Heuer, **Information Management Specialist** – BC/GTC Meeting Agendas, Packets, Minutes, and Resolutions, E-polls, Scheduling

***CONFIDENTIALITY NOTICE:** This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.*

From: Jennifer A. Webster
Sent: Thursday, October 06, 2016 8:28 AM
To: TribalSecretary; Jo A. House; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Debbie J. Melchert; Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Rhiannon R. Metoxen
Subject: RE: E-POLL REQUEST: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ

Considering we are asking operations/departments to only spend where necessary, consider health safety +welfare when spending money. We as BC need to hold ourselves to the same standard.
 Opposed.

Sent from my Samsung device

----- Original message -----

From: TribalSecretary <TribalSecretary@oneidanation.org>
Date: 10/05/2016 1:45 PM (GMT-06:00)
To: "Jo A. House" <jhouse1@oneidanation.org>, "Brandon L. Yellowbird-Stevens" <bstevens@oneidanation.org>, "Cristina S. Danforth" <tdanfort@oneidanation.org>, "David P. Jordan" <djordan1@oneidanation.org>, "Fawn J. Billie" <fbillie@oneidanation.org>, "Jennifer A. Webster" <JWEBSTE1@oneidanation.org>, "Lisa M. Summers" <lsummer2@oneidanation.org>, "Melinda J. Danforth" <mdanforj@oneidanation.org>, "Patricia M. King" <tking@oneidanation.org>, "Ronald W. Hill" <rhil7@oneidanation.org>
Cc: "Debbie J. Melchert" <DMELCHER@oneidanation.org>, "Brian A. Doxtator" <bdoxtat2@oneidanation.org>, "Cathy L. Bachhuber" <CBACHHUB@oneidanation.org>, "Danelle A. Wilson" <dwilson1@oneidanation.org>, "Dawn M. Moon-Kopetsky" <dmoonkop@oneidanation.org>, "Jessica L. Wallenfang" <JWALLENF@oneidanation.org>, "Leyne C. Orosco" <lorosco@oneidanation.org>, "Lisa A. Liggins" <lliggins@oneidanation.org>, "Lora L. Skenandore" <LSKENAN3@oneidanation.org>, "Rhiannon R. Metoxen" <rmetoxe2@oneidanation.org>
Subject: E-POLL REQUEST: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ

E-POLL REQUEST

Summary:

During the BC meeting held on 9/14/16, the Chairwoman had submitted travel request to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016. The BC approved her

From: Fawn J. Billie
Sent: Wednesday, October 05, 2016 9:47 PM
To: TribalSecretary
Subject: RE: E-POLL REQUEST: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ

Oppose. As stated in the motion "...contingent on the fy17 budget being passed by GTC."

Sent from Samsung Mobile.

----- Original message -----

From: TribalSecretary
Date: 10/05/2016 1:45 PM (GMT-06:00)
To: "Jo A. House" ,"Brandon L. Yellowbird-Stevens" ,"Cristina S. Danforth" ,"David P. Jordan" ,"Fawn J. Billie" ,"Jennifer A. Webster" ,"Lisa M. Summers" ,"Melinda J. Danforth" ,"Patricia M. King" ,"Ronald W. Hill"
Cc: "Debbie J. Melchert" ,"Brian A. Doxtator" ,"Cathy L. Bachhuber" ,"Danelle A. Wilson" ,"Dawn M. Moon-Kopetsky" ,"Jessica L. Wallenfang" ,"Leyne C. Orosco" ,"Lisa A. Liggins" ,"Lora L. Skenandore" ,"Rhiannon R. Metoxen"
Subject: E-POLL REQUEST: Approve up to 3 BC members and Chair to attend NCAI - Oct 9-13 - Phoenix, AZ

E-POLL REQUEST

Summary:

During the BC meeting held on 9/14/16, the Chairwoman had submitted travel request to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016. The BC approved her travel and up to three other BC members to attend, contingent on the FY17 budget being passed by GTC. At a special GTC meeting held on 9/19/16, the agenda containing the FY17 budget item was tabled. During a special BC meeting held on 9/30/16, the BC adopted resolution # 09-30-16-A Continuing Budget Resolution. This E-Poll request is being conducted for reconsideration of the motion on made at the 9/14/16 BC meeting to approve up to 3 BC members and Chairwoman Tina Danforth to attend the NCAI conference Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Requested Action:

Approve up to three (3) BC members and Chairwoman Tina Danforth to attend the National Congress of American Indians conference in Phoenix, AZ from October 9-13, 2016, in accordance with the Continuing Budget Resolution # BC-09-30-16-A.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 05 / 16

2. General Information:

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

[Empty text box]

Agenda Header: E-Poll Request: NCAI Travel- Reconsider based on Continuing Budget Resolution

Accept as Information only

Action - please describe:

Motion to approval travel up to 3 Business Committee members, including Chairwoman Danforth, to NCAI scheduled October 9-14 in accordance with the Continuing Resolution, # BC-09-30-16-A.

3. Supporting Materials

Report Resolution Contract

Other:

1. Memo

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

See attached memo and documents for details.

This e-poll request to authorize travel is necessary because the GTC did not pass the budget which was a required part of the travel approval.

Excerpt from the September 19, 2016, regular BC meeting:

13.A.04. Approve travel request – Chairwoman Tina Danforth – National Congress of American Indians (NCAI) convention – Phoenix, AZ – October 9-14, 2016

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to approve the travel request – Chairwoman Tina Danforth – National Congress of American Indians (NCAI) convention – Phoenix, AZ – October 9-14, 2016 and up to three (3) other Business Committee members to also attend, contingent upon General Tribal Council approving the FY2017 budget, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

Requested Action: Motion to approve travel of up to 3 Business Committee members, including Chairwoman Tina Danforth, to National Congress of American Indians conference scheduled October 9-14 in accordance with the Continuing Budget Resolution # BC-09-30-16-A

- 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@oneidation.org

E-Poll Request

I am requesting an e-poll to grant authorization to finalize the travel request for Chairwoman Cristina Danforth to travel to the NCAI conference October 9-14. The Business Committee motion authorized the travel contingent upon the GTC approval of the FY17 budget. There has been no GTC approval.

I have attached a memo from Chief Counsel, the continuing resolution, and the e-mail from Doris Yelk-Wilberg regarding the travel request.

This e-poll request is necessary because the travel will occur prior to the next BC meeting. I would request e-poll voting before October 5, 2016 (today) by 3:30 p.m. in order to have sufficient time to cancel the reserved plane tickets without penalty. However, if a longer time to conduct the e-poll is needed, please note that canceling the reservation does incur a penalty.

REQUESTED ACTION: Motion to approve travel of up to 3 Business Committee members, including Chairwoman Danforth, to NCAI scheduled October 9-14 in accordance with the Continuing Resolution, # BC-09-30-16-A.
(Confirmation for reconsideration received on October 5, 2016)

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John

Law Office

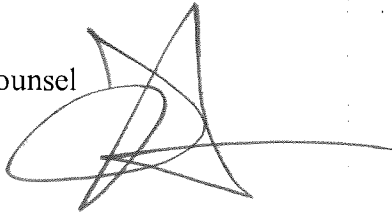
**MEMORANDUM**

TO: Debbie Melchert

FROM: Jo Anne House, Chief Counsel

DATE: October 5, 2016

SUBJECT: Opinion – FY2017 Budget – Continuing Resolution – Travel Authorization



You have requested a review of a motion by the Oneida Business Committee to authorize travel in FY2016 which would take place in FY2017. The specific details are listed below.

Background

On September 14, 2016, the Oneida Business Committee adopted the motion below regarding a travel request to attend the NCAI convention October 9th - 14th in Phoenix, AZ.

Motion by Lisa Summers to approve the travel request – Chairwoman Tina Danforth – National Congress of American Indians (NCAI) convention – Phoenix, AZ – October 9-14, 2016 and up to three (3) other Business Committee members to also attend, contingent upon General Tribal Council approving the FY2017 budget, seconded by Fawn Billie. Motion carried unanimously.

On September 19, 2016, the FY2017 budget was presented to the General Tribal Council. However, at that meeting the General Tribal Council tabled the adoption of the agenda pending a meeting scheduled to clarify the June 13, 2016, per capita payment action. The FY2017 budget was not presented, the agenda itself was tabled.

On September 30, 2016, the Oneida Business Committee met to adopt resolution # BC-09-30-16-A, Continuing Budget Resolution – Fiscal Year 2017. This resolution contained the following Resolve.

...that the Oneida Business Committee adopts this Continuing Budget Resolution for Fiscal Year 2017 and directs that the Oneida Nation shall operate at the Fiscal Year 2016 levels. Operations are directed to use their discretion in approving all expenditures until such time as the budget has been formally adopted and information regarding the impact of the federal government budget processes has been fully identified.

Analysis

A request for airline travel has been processed for the travel approved on September 14, 2016. Attention has been brought up that the FY2017 budget has not been adopted and that the motion approving travel was contingent upon this happening.

Page 2

However, the Oneida Business Committee has adopted a continuing budget resolution which authorizes expenditures at the FY2016 levels. The travel funding, without reference to the contingencies identified in the motion, would then have been available for this travel. It could be interpreted that the action of the Oneida Business Committee adopting a continuing resolution authorizing expenditures at FY2016 levels would be sufficient to authorize this travel.

Prior to 2008, there were many budgets of the Oneida Nation for which a quorum of the General Tribal Council was not present resulting in the Oneida Business Committee adopting the budget. Since 2008, that is not the case. The action of the General Tribal Council is clear, it has not adopted the FY2017 budget. And, the Oneida Business Committee resolution is clear, it is a continuing resolution adopted by the Oneida Business Committee.

Conclusion

The continuing resolution authorizes travel at FY2016 levels. However, the motion approving the travel requires a second action of the General Tribal Council approving the budget. It does not appear that the continuing resolution would be sufficient to grant approval for this travel.

In light of this and the unambiguous requirement of the September 14th motion approving the travel for up to three Oneida Business Committee members to travel to NCAI, it is recommended that an e-poll be conducted to obtain authorization in accordance with the continuing resolution and not contingent upon the General Tribal Council approving the budget.

If you have further questions, please contact me.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 09-30-16-A

Continuing Budget Resolution - Fiscal Year 2017

- 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 General Tribal Council adopted further direction regarding the duties and responsibilities of the Oneida Business Committee in resolution # GTC-2-25-82 and specifically directed the Oneida Business Committee to become "actively involved in the legislative areas such as... Fiscal Plan[ning]" *Resolve # 2*; and
- WHEREAS,** the General Tribal Council adopted further direction regarding the duties and responsibilities of the Oneida Business Committee, and more specifically the Treasurer, through the adoption of 'job descriptions' on July 30, 1990 directing the Treasurer to "review [the] annual budget and make recommendations to the Business Committee, who will submit an annual budget to the General Tribal Council", *Representative Duties (9)*; and
- WHEREAS,** the Oneida Business Committee approved the Treasurer's recommendation regarding the fiscal and financial goals of the Oneida Nation for the following three years by resolution # BC-02-11-15-A, "which supports and enhances efficient and sustainable public financial management which is key to promoting economic sustainability, good governance, social progress and a rising standard of living for all enrolled Oneida[.]" *Resolve #1*; and
- WHEREAS,** the Oneida Business Committee, in resolution # BC-02-11-15-A approved the following financial initiative set forth in *Resolve #1*: "The end in mind is Sustainability. Assessment guidelines will be the path for the Tribal organization to develop a Fiscal Year 2016 budget so that we may begin to implement strategies for growth in Fiscal Year 2017 and Fiscal Year 2018 to support the Oneida Tribe overall;" and
- WHEREAS,** the Treasurer has worked with the operations of the Oneida Nation to develop a budget which clearly identifies revenue projections, external funding opportunities, and programming needs in a manner that meets the goals set forth in resolution # BC-02-11-15-A; and
- WHEREAS,** the Treasurer has engaged the operations to present the technical needs of programs, services and enterprises in requests for budget allocations consistent with the 2015 Oneida Business Committee resolution; and

BC Resolution # 09-30-16-A
Continuing Budget Resolution - Fiscal Year 2017
Page 2 of 3

- WHEREAS,** the Treasurer has taken into account the directives of the General Tribal Council, including the most recent directive of June 13, 2016 regarding setting the per capita payment for the next five years, and has guided the development of a balanced budget consistent with the 2015 goals set by the Oneida Business Committee in resolution # BC-02-11-15-A; and
- WHEREAS,** the Oneida Business Committee has been invited to participate in, and been informed of, the budget development processes; and has taken up opportunities to actively participate as well as monitor budget development progress through reporting and meetings, whether formal or informal; and
- WHEREAS,** the Treasurer, in accordance with the responsibilities set forth in the 1982 resolution and the 1990 motion of the General Tribal Council, has recommended a budget to the Oneida Business Committee; and
- WHEREAS,** the Oneida Business Committee, in accordance with the responsibilities set forth in the 1982 resolution and the 1990 motion of the General Tribal Council, has reviewed the budget and at the August 10, 2016 regular meeting, recommended the budget to the General Tribal Council for approval as being a balanced budget and meeting the needs and directives of the General Tribal Council and the membership; and
- WHEREAS,** the General Tribal Council acted on September 19, 2016, to table the agenda regarding the FY2017 budget and directed that a General Tribal Council meeting be scheduled to obtain clarification regarding a per capita action that had taken place at the June 13, 2016, General Tribal Council meeting; and
- WHEREAS,** the Oneida Business Committee, acting in accordance with its delegated responsibilities, has identified that shutting down government operations (programming and enterprise) is not in the best interests of the Nation or its members, has determined that a Continuing Resolution is necessary to enable the government to operate to continue to meet the needs of the membership; and
- WHEREAS,** the Oneida Business Committee is also monitoring the development of the federal budget which does impact the operations of the Nation through its grant and self-governance funding sources and has identified the potential for the event of a federal government shut down or partial closure through sequestration measures through a failure to adopt a budget or continuing resolution; and
- WHEREAS,** the Oneida Business Committee is committed to ensuring that operations of the Oneida Nation continue to protect the health, safety, welfare, and regulatory compliance of the Oneida Nation; and
- WHEREAS,** the Oneida Nation can only operate under an approved budget, whether by a Continuing Budget Resolution or adoption of a budget by the General Tribal Council, and operations of the Oneida Nation need to continue until a budget can be adopted; and
- WHEREAS,** the Treasurer has recommended to the Oneida Business Committee, and the Oneida Business Committee, in accordance with the responsibilities set forth in the 1982 resolution and the 1990 motion of the General Tribal Council, desires to adopt a Continuing Budget Resolution that aligns to the Strategic Direction titled, "Implementing 'Good Governance' Processes" directing operations of the Oneida Nation to continue, and that protects the ability of the General Tribal Council to make budgetary decisions; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee adopts this Continuing Budget Resolution for Fiscal Year 2017 and directs that the Oneida Nation shall operate at the Fiscal Year 2016 levels. Operations are directed to use their discretion in approving all expenditures until such time as the budget has been formally adopted and information regarding the impact of the federal government budgeting processes has been fully identified.

BE IT FURTHER RESOLVED, that the operations of the Nation are directed to develop contingency budget plans that take into account the following potential budget impacts:

1. General Tribal Council action regarding the June 13, 2016 approved per capita; and
2. The federal government shut down or sequestration in the event of failure to adopt a federal budget.

That these contingency budget plans shall take into effect and address changes in employment, programming, services, revenues, and all other expenditures. Provided further, that the Finance Committee shall prepare the appropriate contingency budget plans for the budgets for Operational Equipment, Technology Projects, CIP, and remaining debt payments. All contingency plans are due to the Treasurer by Thursday, November 10, 2016.

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; 6 members were present at a meeting duly called, noticed and held on the 30th day of September, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary
Oneida Business Committee

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

Debbie J. Melchert

From: Doris Yelk-Wilberg
Sent: Wednesday, October 05, 2016 10:39 AM
To: Debbie J. Melchert
Subject: FW: Ticketed itinerary for CRISTINA DANFORTH on 10/10/16 to Phoenix AZ United States Of America (5FLFAS)

From: Patricia M. King
Sent: Wednesday, October 05, 2016 10:33 AM
To: Cristina S. Danforth; Lora L. Skenandore; Travel; Doris Yelk-Wilberg
Cc: Melinda J. Danforth; Lisa M. Summers
Subject: RE: Ticketed itinerary for CRISTINA DANFORTH on 10/10/16 to Phoenix AZ United States Of America (5FLFAS)

Oneida Business Committee Regular Meeting Minutes of September 14, 2016
Page 8 of 15

4. Approve travel request – Chairwoman Tina Danforth – National Congress of American Indians (NCAI) convention – Phoenix, AZ – October 9-14, 2016

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to approve the travel request – Chairwoman Tina Danforth – National Congress of American Indians (NCAI) convention – Phoenix, AZ – October 9-14, 2016 and up to three (3) other Business Committee members to also attend, contingent upon General Tribal Council approving the FY2017 budget, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

NOTE: I'm not sure if anyone has informed you Doris that as of date, General Tribal Council has not approved the FY 2017 budget.

From: Omega World Travel [<mailto:etravel@owt.net>]
Sent: Tuesday, October 04, 2016 5:25 PM
To: Cristina S. Danforth; Lora L. Skenandore; Travel; Patricia M. King; Doris Yelk-Wilberg
Subject: Ticketed itinerary for CRISTINA DANFORTH on 10/10/16 to Phoenix AZ United States Of America (5FLFAS)







Tuesday, 4OCT 2016 06:24 PM EDT

Passengers: CRISTINA DANFORTH

Agency Record Locator: 5FLFAS

Please do not reply to this email. This is an unattended email box.
Omega World Travel must be notified within 24 hours regarding corrections. Thank you.

AIR	Monday, 10OCT 2016	
Delta Air Lines OPERATED BY ENDEAVOR AIR DBA DELTA CO From: (GRB) Green Bay WI, USA To: (MSP) Minneapolis St PI MN, USA Stops: Nonstop Equipment: CRJ-Canadair Regional Jet ARRIVES MSP TERMINAL 1 Frequent Flyer Number: DL6858110098 Delta Air Lines Confirmation number is H7OUQ5 Check in on-line to obtain boarding pass: Delta Click here for Baggage policies and fees: Delta	Flight Number: 3616 Depart: 02:33 PM Arrive: 03:39 PM Duration: 1 hour(s) 6 minute(s) Status: CONFIRMED MEAL: NO MEAL SERVICE	Class: Y-Coach/Economy Miles: 252 / 403 KM
AIR	Monday, 10OCT 2016	
Delta Air Lines From: (MSP) Minneapolis St PI MN, USA To: (PHX) Phoenix AZ, USA Stops: Nonstop Equipment: Boeing 737 Jet DEPARTS MSP TERMINAL 1 - ARRIVES PHX TERMINAL 3 Frequent Flyer Number: DL6858110098 NO CAR BOOKED FOR PHOENIX AZ NO HOTEL BOOKED FOR PHOENIX AZ Delta Air Lines Confirmation number is H7OUQ5 Check in on-line to obtain boarding pass: Delta Click here for Baggage policies and fees: Delta	Flight Number: 999 Depart: 05:48 PM Arrive: 07:12 PM Duration: 3 hour(s) 24 minute(s) Status: CONFIRMED MEAL: REFRESHMENTS FOR PURCHASE	Class: Y-Coach/Economy Miles: 1278 / 2045 KM
AIR	Thursday, 13OCT 2016	
Delta Air Lines From: (PHX) Phoenix AZ, USA To: (MSP) Minneapolis St PI MN, USA Stops: Nonstop Equipment: Boeing 757 Jet DEPARTS PHX TERMINAL 3 - ARRIVES MSP TERMINAL 1 Frequent Flyer Number: DL6858110098 Delta Air Lines Confirmation number is H7OUQ5 Check in on-line to obtain boarding pass: Delta Click here for Baggage policies and fees: Delta	Flight Number: 2134 Depart: 01:32 PM Arrive: 06:43 PM Duration: 3 hour(s) 11 minute(s) Status: CONFIRMED MEAL: REFRESHMENTS FOR PURCHASE	Class: K-Coach/Economy Miles: 1278 / 2045 KM
AIR	Thursday, 13OCT 2016	
Delta Air Lines From: (MSP) Minneapolis St PI MN, USA To: (GRB) Green Bay WI, USA	Flight Number: 2390 Depart: 08:05 PM Arrive: 09:10 PM	Class: K-Coach/Economy

Stops: Nonstop

Duration: 1 hour(s) 5 minute(s)

Status: CONFIRMED

Miles: 252 / 403 KM

Equipment: Airbus A320 Jet

MEAL: NO MEAL SERVICE

DEPARTS MSP TERMINAL 1

Frequent Flyer Number: DL6858110098

Delta Air Lines Confirmation number is H7OUQ5

Check in on-line to obtain boarding pass: [Delta](#)

Click here for Baggage policies and fees: [Delta](#)

MISC Monday, 10JUL 2017

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OTHER Thursday, 13OCT 2016

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/FOR AFTER HOURS EMERGENCY ASSISTANCE
/CALL 800-685-6342 AND ADVISE
/I.D. CODE AM-MKEOM3101/DCAOM3108-ONEIDA
/*****

Ticket/Invoice Information:

Ticket for: CRISTINA DANFORTH
Date issued: 10/04/16 Invoice nbr: 247750
Ticket Nbr: 0067894498966 Electronic: Yes Base: 1181.39 Tax: 133.81 Total: 1315.20 USD
Form of Payment: VI*****1128

Service Fee: CRISTINA DANFORTH
Date issued: 10/04/16 Invoice nbr: 247750
Document Nbr: 8900686489286 Amount: 12.00 USD
Form of Payment: VI*****1128

Total Fare: 1181.39
Total Tax: 133.81
Total Fees: 12.00
Total Amount: 1327.20

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Visit us at [Cruise.com](#)

To view the US Department of Transportation website listing the countries requiring or permitting application of insecticides on aircraft
[Click Here](#)

Changes to airline reservations may result in an increase in fare and/or carrier penalties.
Tickets not used or not changed on/before the ticketed departure date are invalid and have no value.

If you are traveling internationally:
Please verify the validity of your passport and any visa requirements.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Acceptance of the Arts Board 4th quarter report for FY16

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Jennifer Webster, Council Member

Primary Requestor/Submitter:

Sylvia Cornelius, Arts Board Secretary

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Nation Arts Board

Quarterly Report – 4rd Quarter (July - Sept, 2016)
October 7, 2016



NAME

Oneida Nation Arts Board

Submitted by:

Vacant, Chair

Dawn Walschinski, Chair Elect (Exp. 2015)

Pat Moore, Secretary (Exp. 2015)

Sylvia Cornelius (Exp. 2015)

Sapatis Menomin (Exp. 2017)

Tamara J Vanschyndel (Exp. 2017)

Dakota Webster (Exp. 2018)

Jackie Zalim (Exp. 2018)

Marena Bridges (Exp. 2019)

Board Purpose Statement:

To to provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. Specific responsibilities include, but are not limited to the following: (a) work with ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and (b) strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and (c) receive reports of the ONAP activities ONAP staff, and (d) evaluate ONAP, (e) approve policies and programs for the overall coordination and administration of the ONAP.

Update from the Chair

The Arts Board accepted, with regret but also with appreciation, the resignation of Chair, Nic Reynolds, as he pursued a new career at the Community Education Center. Because the Arts Program director, Bashara, is overseeing the Community Education Center, Nic and the Arts Board agreed that it would be a conflict of interest.

Summer is a busy time for the Arts Program. In addition to summer camps, public arts projects, the Arts Program assisted the Watrous Gallery in Madison with their show featuring the raised beadwork of Wisconsin and the International Iroquois Raised Beadwork conference.

I had the pleasure of attending the International Iroquois Raised Beadwork conference. It was nice to meet and welcome raised beadwork enthusiasts from around the country to Oneida. There was good information, fellowship, and inspiration for everyone.

My role as Chair elect has come to close. In our October meeting, we elected our new officers.

Meetings Held (minutes attached at end of this document):

The Arts Board did not meet during the 4th quarter due to the heavy programming at the Arts Program. Contact was maintained through attending events and email.

Oneida Nation Arts Program Update

Administrative Reports

Staff includes Beth Bashara—Director, Christine Klimmek—Program Coordinator, Sherrole Benton—Program Coordinator.

Interns/Workers: LuAnn Funmaker, and Yuntle McLester as MOC/KLU teachers and administration. In addition we have hired 5 workers for our summer camps.

Programming Reports

Kids Art Made Public: We hosted artist Jean Pitman from Wexner Center for the Arts in Ohio. She was joined by Oneida artists, Jennifer Stevens and Coleen Bins. The artists worked on various public art projects that focused on pollinators and their importance. The end pieces include a tile ‘dream catcher-like’ structure and a mixed medium painting/beadwork piece. In addition, we will be doing a print campaign to raise awareness for pollinators and the public art! There were 19 kids in this camp. We are currently working on “homes” for the pieces the kids created.

WAB Grant for the Fringe: ONAP was awarded the maximum \$6,000 for our proposal to provide fringe programming for the upcoming International Raised Beadwork Conference happening in Oneida on September 16 – 18, 2016. Funds were used to bring Sam Thomas and Rosemary Hill to Oneida. They taught classes to sold-out crowds in fringe making and barrette making. In addition, we used Oneida teachers, also to sold-out crowds, to teach beginning raised bead classes. The grant also helped cover costs for the Oneida Museum’s raised beadwork exhibit. And we will be producing a memory piece about beadwork in Oneida and the conference.

MOC: The MOC Program has the founding board of directors. Chairing the board is Gabrielle Metoxen, the founding administrator for the program. Also on the board is: Rachel Ninham, Yuntle McLester, Dylan Benton, and Kalana Brooks. The MOC kids presented at the Domestic Violence Conference in June; Multicultural Kids Fair in July; and at the Big Top Chautauqua in Bayfield in August. At the Big Top,

the kids presented during the matinee performance and attending the evening performance featuring Buffy St Marie and Annie Humphrey.

KLU: Our KLU students were invited to the AIANTA (American Indian Alaska Native Tourism Association) closing reception to perform. The 5 students and their teachers performed Theresa Bear Fox's song, an Oneida hymn, smoke dance, and Unity Stomp. From all reports, they did an outstanding job.

Theresa Bear Fox: In partnership with the CEC, the Oneida community had the good fortune to work with Mohawk singer, Theresa Bear Fox. She presented a solo concert at the CEC for their Chautauqua series and then worked with MOC teachers and KLU students. Theresa shared one of her songs, The Thanksgiving Song, adapting it in the Oneida Language. We are happy to be teaching it to our children.

FUTURE FOCUS

MOC Schedule:

Civic MOC Thursdays [September 29th to October 27th] 4:30pm-5:30pm, 5 weeks. Civic Family & Friends Performance: Thursday October 27th 5:30, held after a regular practice session.

Arts Prog. MOC Thursdays [October 20th to December 8th] 6:30pm-7:30pm, 7 weeks with Thanksgiving November 24th off. -New start date is 10/20/16 versus what was discussed at our previous mtg at CEC. Regular Performance Dec 8th.

MOC Practice for Nov. 1st Transportation Conference Thursday's [October 6th, 13th, 20th, & 27th] Inviting KLU, Civic Kids, & Tana's Kids.

Art Classes

Raised Beaded Pin Cushion is Wednesday, November 2, 9 & 16

Traditional Iroquois Silver Brooch is Thursday, November 3, 10, 17

Ceramic Plates is Monday December 12 & 19

Hand Painted Cards is Tuesday, December 6, 13, 20

Science Just Discovered Something Amazing About What Childhood Piano Lessons Did to You. By Tom Barnes, January 8, 2015.

...The *Washington Post* reports that one of the largest [scientific studies](#) into music's effect on the brain has found something striking: Musical training doesn't just affect your musical ability — it provides tremendous benefits to children's emotional and behavioral maturation.

The study: James Hudziak and his colleagues [analyzed](#) the brain scans of 232 children ages 6 to 18, looking for relationships between cortical thickness and musical training. Previous studies the team had performed revealed that anxiety, depression, attention problems and aggression correspond with changes to cortical thickness. Hudziak and his team sought to discover whether a "positive activity" like musical training could affect the opposite changes in young minds.

"What we found was the more a child trained on an instrument," Hudziak told the [Washington Post](#), "it accelerated cortical organization in attention skill, anxiety management and emotional control."

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 18 / 16

2. General Information:

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

Oneida Housing Authority 4th Quarter Report

Agenda Header: Reports

Accept as Information only

Action - please describe:

OBC action accepting and approving OHA 4th Quarter Report.

3. Supporting Materials

Report Resolution Contract

Other:

1. OHA 4th Quarter Report - Memorandum 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Dale Wheelock, Director/OHA

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The purpose of this 4th Quarter Report is to provide the Oneida Business Committee and concerned community members the status of OHA demographics, work activities and issues raised during regular OBC meetings regarding housing.

- 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

Memorandum

To: Oneida Business Committee/Tribally Designated Housing Entity
 From: Dale Wheelock, Executive Director Oneida Housing Authority *DW*
 Date: October 17, 2016
 Subject: **FY 2016 4th Quarter Report – Direct Report Oneida Housing Authority**

Demographic Information:

The Oneida Housing Authority housing stock as of September 30, 2016 has served an average of 1,158 rental and homebuyer family members each month this quarter.

OHA Vacant Review Period Ending – September 30, 2016

	Number of units in housing inventory	Number of units Vacant	Total number of eligible waiting list
Family Rental	246	15	102
Elder/Disabled Rental	68	5	39
Home Buyer	52	0	48
Totals	366	20	189
Occupancy Rate of 94 %			

The **occupancy rate is 94%** for all the housing stock that is available at the Oneida Housing Authority. Vacant units reflect move outs and maintenance/or rehabilitation of the units to bring them up to occupancy standards. Vacant units are always in transition for the next qualified and available occupant. Peak move out and move in time of units is in June – August when children are out of school. This is also the same time of additional maintenance work load of grass cutting and outside housing repairs. **Rents range from \$50 to \$600 per month with an average rent of \$355 per month.**

The workforce for Oneida Housing Authority is 32 employees of whom are enrolled Oneida Tribal members, 2 other native and 6 non-natives. The Oneida Housing Authority is 100% funded by the Department of Housing and Urban Development. The revenue stream comes from rent receipts, homebuyer payments and annual HUD Indian Housing Block Grant. The two open infrastructures ICDBG grants for Elder Village and Uskah Village have been completed. The Oneida Tribe will now be able to submit a competitive grant application for additional ICDBG funds (\$600,000) starting in the spring of 2017.

Administration: Key activities for the past quarter include;

- The Oneida Tribe has received the HUD – Draft of the On-Site Monitoring Report and the management response was submitted by the OBC/TDHE to HUD within the deadline time frame.
- OHA administration has maintained positive communication and relationships with the Chicago HUD grant staff during the quarter through reports and requests for information,

- The Oneida Tribe of Indians of Wisconsin has received a HUD Veterans Affairs Supportive Housing (VASCH) grant award in the amount of \$204,934 in vouchers to provide supportive housing for 20 veterans who are homeless or at risk of becoming homeless. This is a collaborative project with the VA and Tribe and will begin providing voucher to homeless veterans in October, 2016. There are six possible Oneida Veterans eligible for vouchers at this time pending income and enrollment verification.
- OHA participated in a new Shadow Program by HUD, where Monique Wisdom, Grants Management Specialist from Washington, D.C. was on-site at OHA. Monique shadowed the Executive Director of OHA for one week to experience the duties, responsibility and work activities of an Executive Director of Housing.
- OHA provided NAHASDA Essentials Training at the Radisson Hotel on August 25-26, 2016 with emphasis on the HUD Procurement process. There were 18 participants from various Tribal Departments in attendance.
- The OHA Policy Review Team consists of the Operations Manager, Resident Services Staff, Office Manager and an AmeriCorps VISTA (Volunteer). As a retired lawyer the VISTA worker has extensive experience in a variety of legal topics; Indian Law, Indian Housing Authorities and familiarization with HUD regulations.
 - The team is working on **Admissions** including; Application and Admission Rules.
 - The team is working on **Occupancy** including; Rental Agreement, Occupancy Rules and Tenant Handbook. The **Tenant Handbook** is based on the Occupancy Rules. The intent is to provide tenants with key occupancy rules and establish bright lines for tenants to help them clearly know tenant expectations.
 - The team has added Krystal John, Tribal Attorney to bring the policies into line with the new housing laws of the Comprehensive Housing Division.
- How does OHA assist tenants who get behind in rent and utilities?
 - Three Resident Services staff notifies the tenant to come in to the office to discuss options for non-compliance with their lease agreement. Resident Services staff nearly daily work with tenants to develop an action plan or payment plan to bring the tenant into compliance with their lease agreement. There is also a full-time High Risk Tenant Case Worker who works with the high risk tenants who come into housing with past judgments for previous nonpayment of rent from other landlords.
 - When tenants continue to be in non-compliance eviction procedures are enforced as a last resort, including Tribal Court hearings before being evicted.
- During the 3rd Quarterly Report in July there were a number of questions regarding a breakdown of waiting list by bedroom size. There were also questions from OBC members and community concerns as why it takes so long to get a rental unit. These are very good questions that need to be addressed as to overall factors that impact on housing operations. The following OHA Operations Report by Scott Denny, Operations Manager will answer some of those questions.

**OHA Operations Quarterly Report Input – 4th Quarter FY 2016
Provided by Scott Denny & Operational Staff**

Wait List Numbers – Rental Program – 141 Total

Family & Single Rentals - 102

- 1 bedroom = 17
- 2 bedroom = 30
- 3 bedroom = 37
- 4 bedroom = 18

Elder/Disabled Rentals - 39

- 1 bedroom = 33
- 2 bedroom = 6

Wait List Numbers – Family Home Ownership Program – 48 Total

- 3 bedroom = 23
- 4 bedroom = 16
- 5 bedroom = 9

After Move-Out

The average time frame to have unit available for move-in often ranges from 1-3 weeks.

Variables Contributing to Time Frame

- Amount of actual work needed
- When applicable, extent of property damage
- Ability to obtain purchase orders when needed

When an older unit or unit that has been occupied by a long term tenant becomes unoccupied the timing may be right to perform a number of property upgrades. Minor upgrades are performed by the OHA Maintenance Area.

Types of Minor Upgrades

- Replacing of interior and exterior doors
- Replacement of flooring and when applicable sub-floors
- Tub/shower surrounds

The average cost to bring a unit to a standard for availability ranges from \$800-\$1200 (materials & labor)

Variables Contributing to Costs

- Size of unit and number of bedrooms
- When applicable, extent of property damage

Property Rehabilitation

Property rehabilitation consists of a scope of work more extensive than general maintenance and minor upgrades.

Examples of Rehabilitation

- Weatherization of a unit
- Energy Efficiency
 - Roof
 - Windows
 - Insulation
- Property Renovations
 - Older properties
 - Acquired properties

The time frame spent rehabilitating a unit can range from 1 week to 2 months, with an average being approximately 1 month.

Variables Contributing to Time Frame

- Total amount of work needed for the property
- Ability to obtain purchase orders when needed

The cost to rehabilitate a property can range from \$1,000 to \$55,000 with an average being approximately \$25,000.

Variables Contributing to Costs

- Total amount of materials needed to meet scope of work
- Change in material costs

Collections

OHA collection efforts focus on unpaid balances from past rental and homeownership tenants, and current rental and homeownership tenants.

Unpaid balances consist of one or combination of the follow:

- Unpaid rent
- Green Bay Water Utility tax liens, unpaid by tenant
- Property damage

Unpaid Balances as of October 2016

- \$85,902.22
 - \$9,525.00 – Past tenants (within 1 year) without active judgments
 - \$33,921.26 – Past tenants (1 yr. & older) with current active judgements
 - \$27,190.54 - Past tenants (1 yr. & older) without active judgements
 - \$15,265.42 – Existing rental and homeownership tenant arrears

The amount owed by past tenants consists of just over 82% of the total unpaid balances. Considering OHA's tenants fall into low to moderate income levels, collecting unpaid balances from past tenants proves to be challenging.

Types of Challenges

- Details related to establishing a judgement
- Tenants that have filed bankruptcy
- Tenant who are deceased
- Statute of Limitations (7yrs)

Research needs to be completed as it relates to taking of debt off the books. Part of the research includes communicating with HUD to ensure write-offs can be done involving federally funded programs, and conversations with Central Accounting.

In effort to avoid termination and eviction, OHA works with existing tenants as they face the challenge of meeting their financial commitment to the rental agreement.

There are variables which contribute to existing tenant higher accumulation of arrears:

Contributing Variables

- Repayment agreements are established in effort to provide tenants an opportunity to avoid termination and eviction due to breach of the rental agreement. A tenant repeated request for "a chance" and their promise to pay can accumulate total arrears.
- Tenant habits of heavily relying on per capita and/or tax returns to pay rent develop poor payment habits while being in breach of the rental agreement.

- Tenant habits of heavily relying on assistance from program providers develop poor payment habits while being in breach of the rental agreement and utility service providers.

There are several ways OHA staff attempts to work with tenants as they develop arrears in unpaid rent, unpaid utilities, or both.

Working with the Tenant

- Warning letters are issued when a tenant falls behind or has an unpaid balance.
 - A meeting is established to discuss the situation and hear the tenants plan of action
 - OHA refers tenants to program providers that may provide assistance
 - Community Support
 - Utility assistance
 - Temporary Assistance for Needy Families (TANF)
 - Budgeting at Community Education Center (CEC)
 - OHA Resident Services Staff offers basic budgeting to assist tenant when the tenant is willing
 - Repayment Agreements are established
 - Weekly installments
 - Per Capita (when applicable)
 - Tax returns (when applicable)
-
- Oneida Housing Authority does go after those who owe OHA back rent and damages by going after their Per Capita payment each year. But we have to wait in line because Child Support Arrears takes priority over tenant bills owed to OHA. The good news is OHA received \$9,997.55 from the Per Capita payments this year.

New Construction Development:

- Oneida Development Division has oversight and control of all OHA construction projects. Kevin House, Project Manager at Development Division has been working closely with OHA staff to ensure the construction projects at Elder Village and Uskah Village precede on schedule. OHA has provided guidance to the Development Division regarding HUD requirements such as procurement and changes in HUD requirements by the 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance.
- The FY 2016 IHP calls for a combination of Acquisition and New Construction. Acquisition of a three bedroom unit was purchased at Chief Hill Lane in the 4th quarter and a family moved in on October 1, 2016.

- The FY 2016 IHP also calls for New Construction at Uskah Village. Plans are for the Development Division to bid out three more 4-plex units in early spring of 2017. There will be 12 additional 2 bedroom units in Uskah Village with construction starting up in May, 2017.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Approval for report, a quarterly report is required of the Oneida Nation Veterans Advisory Committee to the Oneida Business Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.
2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Mike Hill - Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: John Breuninger - Secretary
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation
 Oneida Veteran Affairs Committee
 134 Riverdale Dr.
 Oneida, WI 54155



Michael Hill – Chairman
 James Martin – Vice Chairman
 John L. Breuninger, Secretary
 Arthur Cornelius
 Gerald Cornelius
 Floyd J. Hill
 Kenneth House
 Nathan Smith
 Carol Silva

Kerry Metoxen – Veterans Director
 Carolyn Miller – Benefits Specialist
 Jennifer Webster – OBC Liaison

ONVAC

4th Quarterly Report
 July, August, September 2016
 Due Oct 18, 2016

OFFICERS: Mike Hill – Chairman
 James Martin – Vice Chairman
 John L. Breuninger – Secretary

MEMBERS: Gerald Cornelius, Member
 Kenneth House, Member
 Floyd J. Hill, Member
 Nathan Smith, Member

Arthur Cornelius, Member
 Carol Silva, Member

OBC LIAISON: Jennifer Webster
 Alternate: Fawn Billie

MEETINGS: July 19, 2016
 Aug 9, 2016
 Sept 6, 2016
 Sept 20, 2016

Purpose: The purpose of the ONVAC is to serve as an advisory body to the Oneida Veterans Service Office in all matters related to the Oneida Tribe Veteran's rights and benefits and veterans affairs issues, and to protect the honor and integrity of the Oneida Tribe and all veterans who served honorably in the United States Armed Forces. It shall be the purpose of the ONVAC to provide advice and constructive input to the veterans Service Office Director on all veterans' affairs and/or issues in order that the Office can formulate veteran services and programs for the Oneida Veterans. ONVAC coordinates veteran events with the assistance of the Veterans Service Office and other organized groups that are representatives of Oneida Veterans and the Oneida Tribe.

Summary Points July 2016 thru September 30, 2016

BUDGET: As of September 30, 2016, ONVAC has a positive variance of \$3,000 due to good stewardship by the Committee. Our committee paid close attention to our overall budget throughout the year and as most other Business Units did, we always remained within our spending parameters.

JOSIAH POWLESS MEMORIAL: The ONVAC has included the grandchildren of Dr. Powless (Roy Huff and Betty Bins) in several meetings within which the proposed memorial has been discussed. Loretta V. Metoxen has thoroughly researched and completed a document on Dr. Josiah Powless and information from that document will be utilized in seeking funding opportunities as well as a record of his service. We have deliberated on having an “in-door” sculpture or an “out-door” sculpture, the proposed location for each, the type of sculpture (full six foot body, upper half-body, an engraved plaque, and/or a “head-stone” type monument similar in comparison of the one for Dr. Minoka Hill, currently located at the Oneida Community Health Center. During Ms. Metoxen’s presentation to the ONVAC, she recommended and introduced Scott Hill, Oneida Artist. Mr. Hill has indicated that he has the necessary artistic skills to produce a sculpture of whatever it is that the Committee, in consultation with the family members, would like to have made. The Committee asked Mr. Hill to provide 1-4 options with “rough” cost estimates for the Committee to consider. Additional research regarding funding opportunities are currently being researched by ONVAC members.

Mr. Hill has provided four options for consideration, ranging in cost estimates between \$40,000 - \$55,000. A complete project scope and cost estimate will be prepared within the near future.

ELDERLY HUNT: The discussions between the ONVAC and the Conservation Department have somewhat changed this idea into a Veteran with disabilities hunt and also from a “deer” hunt to a spring turkey hunt. Plans and arrangements are proceeding with this becoming a reality ASAP.

BEAR HUNT: Mr. George Greendeer was selected and actually had a successful “bear hunt” in September. A full article on this story can be found in the October 6, 2016 issue of the Kalihwisaks.

VETERAN SERVICE OFFICE: ONVAC continues to work with the VSO on :

1. The development and implementation of an Oneida Veteran Data Base. Our intent is to get an accurate as possible listing of all of our Oneida Veterans.
2. Assisting our Communities’ Veterans and Veteran Organizations.

3. Continuous upgrading and maintenance on the Veteran's Memorial Site along HWY 54. The ONVAC wishes to thank the Department of Public Works (DPW) and the Tourism Department for their continued support with our efforts.
4. Selling and acquiring and installation of "pavers" for Veterans at the Memorial Site. As of 4-12-16 we have a total of 247 pavers.
5. ONVAC continues to work with the VSO to have all Civil War headstones replaced at all local cemeteries. This is a continuing process.
6. The ONVAC and VSO continue to collaborate with all of the Oneida Veterans Organizations in serving as Honor and Color Guards for GTC and other Organizational Meetings, external Veterans Activities, meetings, funerals, etc.
7. ONVAC and the VSO are also communicating and coordinating Veteran Eventy with the SEOTS Veterans organization .

SPECIAL EVENTS

ONVAC Members provided a Color Guard retiring the Oneida Flag and dedicating the new Oneida Nation flag. We have introduced the idea of an Oneida Nation Flag Policy, which has been undertaken by the Legislative Operating Committee, with assistance from the ONVAC members and the VSO. As of June 30th, the Legislative Operating committee will be having another public comment session. Finally, we will establish and recommend a Color Guard and Flag Protocol once the Nation's Flag Policy is implemented.

The ONVAC remains engaged in extracurricular activities within our Oneida Community and have assisted the Veterans Service Officer with two All Veterans Meetings, celebration meals, etc. Attendance at these events have been very good and it is great to have our Community Veterans participating in these events, along with their respective families.

GOALS AND OBJECTIVES

It is the Mission of ONVAC to ensure the Oneida Veterans are provided with quality service and assistance in the delivery of entitlement and benefits due the Oneida Veteran and their families. ONVAC accepts the responsibility to advocate for Oneida Veterans and their families, while protecting the integrity of the Veteran Community of the Oneida Nation

MEETING REQUIREMENTS

ONVAC meetings are held the second Tuesday of each month at 5:00 pm at the Oneida Veterans Office at 134 Riverdale Drive, Oneida.

ONVAC also holds “special meetings” as appropriate, to conduct business on issues of immediate concern and/or is directed by the Oneida Business Committee.

All meetings are open to the public.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Other - type reason Pow-wow Committee Quarterly Report

Agenda Header: Reports

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. Three Sister's Pow-wow Flyer

3. Memo from Gaming Security

2. Craft Vendor Set up diagram / Radisson

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Fawn Billie, Council Member

Primary Requestor/Submitter: Tonya Webster Pow-wow Chairwomen
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Pow-wow Committee Quarterly Report
October 2016

Chairwoman-Tonya Webster
Vice Chairman Wayne Silas Jr.
Treasurer – Rosa Laster
Secretary – Yaziman Metoxen
OBC Liaison: Fawn Billie

MEETING REQUIREMENTS

The Powwow Committee shall be appointed by the OBC. The regular meeting time, place, and agenda shall be determined at a regular meeting. If no designation is made by the Powwow Committee, the regular meeting shall be the first Tuesday of the month. Stipends are currently \$50 per month. During Powwows there is a stipend of \$200 per day for members in charge of or working at services. (Security, carts, parking, tabulations, registration, admissions, concessions, etc.)

MINUTES

Our monthly minutes and meeting announcements shall be sent to the Powwow Committee, Tourism, OBC Liaison and alternate.

POW-WOWS

We have not had a pow-wow since our last quarterly report. The month of August is our recuperation time from all of the planning and preparation of our annual 4th of July Pow-wow.

We do have a Three Sister's Pow-wow coming up on November 5, 2016 at the Radisson Hotel & Convention Center. (Flyer Attached) We are trying a new layout for our craft vendors this year. (Diagram also attached) We are putting the vendors all in one room which will help with congestion in the hallways. It will also help with vendors saying they didn't have such a great spot if they are all in one place. Craft Vendors must pay in advance to reserve their tables. The cost is \$75 per spot. All of our head-staff, specials, sound vendor, and head dancers are squared away. We are not inviting drums this year so every drum can participate if they would like. We will have our set up to do when the date gets closer, but for the most part we are set for this pow-wow.

We have started working on the 4th of July pow-wow. The date of the pow-wow will be June 30 thru July 2, 2017. We have our Poster design finalized, we have our head- staff rooms reserved, and our pow-wow room block set up because of the LPGA starting on July 3, 2017 at Thornberry. We were recently notified of a price increase for utilizing Gaming Security. (Memo attached) Because our budget is so small we are looking elsewhere for security services. We

have checked into using security from our nearby Technical Schools. We will also be checking into what the Red Cross has to offer.

The date of our annual Honor the Youth Pow-wow will be on February 18, 2017 at the Radisson.

ACTIONS TAKEN

We will be having a raffle/bake-sale at the Oneida Bingo and Casino this Saturday October 15, 2016. We have also checked into reserving a date for the Brat Barn at the Oneida Farmer's Market.

GOALS AND OBJECTIVE

Our main goal is to coordinate three annual powwows with from our approved tribal budget and fundraising efforts.

A second goal is to generate revenues thru raffles, concessions, admissions, (July only), donations, and vendor booth sales.

Our third goal is to bring back southern and woodland categories to our annual 4th of July powwows. We would also like to raise the drum prize money to be competitive to surround powwows because drums are what bring the dancers. Dancers are what make the show.

Three Sisters Pow Wow

November 5th, 2016

**Radisson Hotel & Conference Center
(Three Clans Ballroom)**

Grand Entry at 1 pm & 7 pm

Registration closes at 4:30 pm Sharp

Head Female Dancer: Alicia Summers

Head Male Dancer: Austin Summers

Head Social Singer: Eddie Powless & Quanah Pohan

Head Veteran Dancer: John Teller Jr.

Area Director: Turtle Big Mountain

MC: Dana Bizdwaka

All Drums Welcome - Drum Split

Dancing, Singing, Vendors and Raffle Items

Public is Welcome

Minors to be accompanied by an Adult

Specials:

Luck of the Draw - Mens -

Sponsored by Oneida Pow-wow Committee

Luck of the Draw - Womens -

Sponsored by Oneida Pow-wow Committee

Family Hand Drum 2+ -

Sponsored by Oneida Pow-wow Committee

Sibling Team Dance

Sponsored by Alicia & Austin Summers

All Vendors Welcome

***“All vendors will be assigned a spot once payment is received.
First come first Assigned” For Payments please call 920-496-5311.***

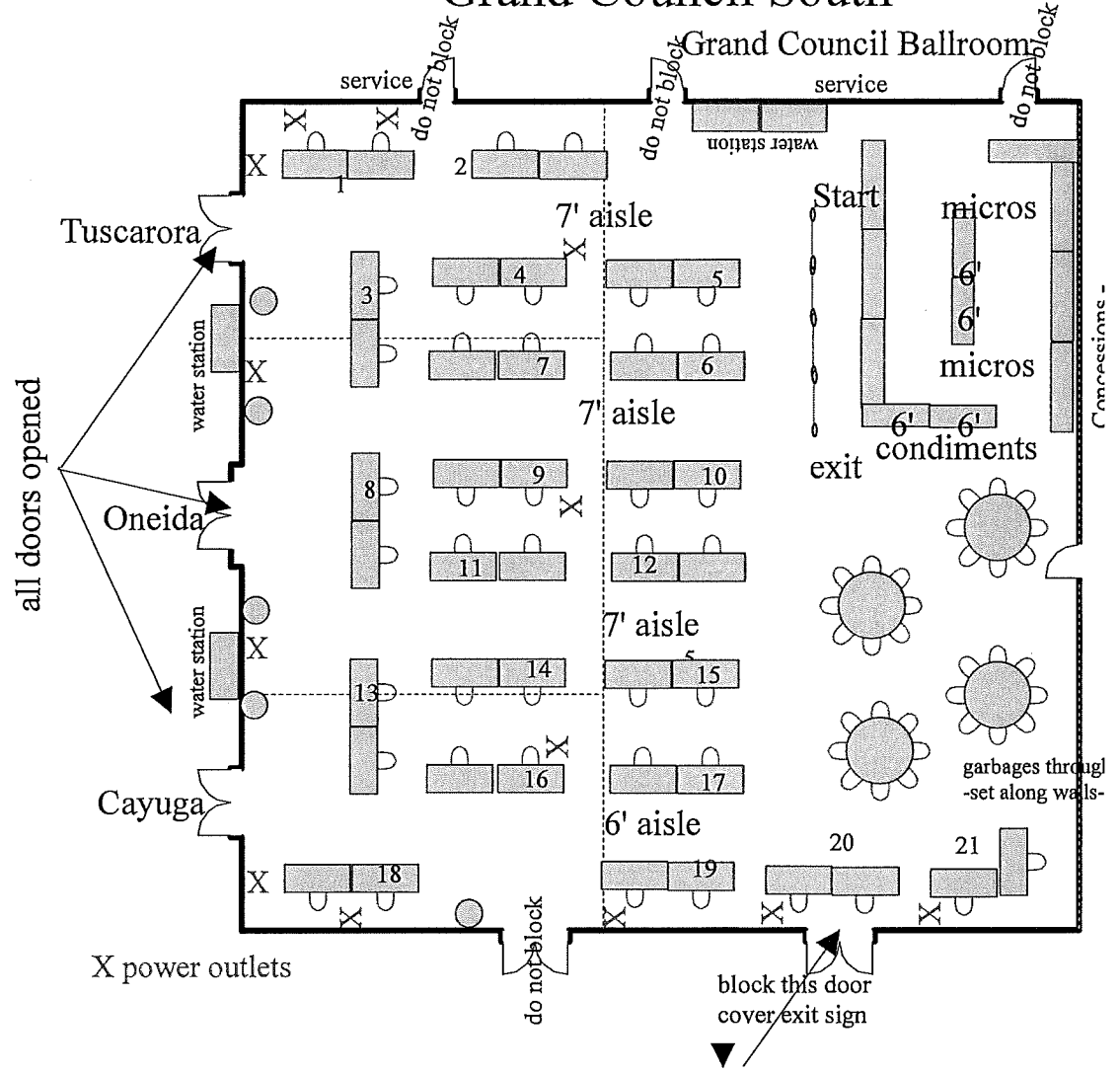
Please call 920-494-7300 to reserve a room at the Radisson.

For more information please contact:

Tonya Webster at (920) 362 - 5425 or Rosa Laster at (920) 548 - 0122.



Grand Council South





Internal Security Department
P.O. Box 365
Oneida, WI 54155

To: Tribal Business Units Utilizing Internal Security Services
From: Owen Somers, Security Director *Owen*
Date: August 9, 2015
Re: Security Services for FY 2018

We are in the process of renewing our FY2017 security services to the various business units throughout the tribe. In doing so, it was taken into consideration during one of our recent budget meetings to review the costs of providing such service.

Our charge for security services has remained the same for the past 11 years. However, due to past increases and wage studies at the HR level, the hiring wage of our officers has also increased. The hourly wage is based on a \$15.25 base wage, plus 45.36% fringe rate and a 16.40% indirect rate, resulting in a revised total hourly wage of \$24.10. Taking into consideration the 3% wage increase that that tribe is proposing for its employees, this would then bring the total average wage to \$24.82 per hour.

In an attempt to minimize the impact of this increase, which will be effective FY2018, we plan to roll it out in two phases to allow you ample time to plan and budget appropriately. Once the budget for FY2018 is approved by GTC, cost of security services will be charged at \$21.10 per hour. Two years later, again pending approval of the FY2020 budget by GTC, cost of security services will be charged at \$24.82 per hour.

Please make note of these future changes as it will have an impact on your budget preparations. Should you decide to adjust or make changes to your current scheduled services at your building(s), please communicate those changes by February 1, 2017. This will allow us adequate time to make the necessary schedule adjustments prior to the start of FY2018.

If there are any modifications to this cost increase we will communicate that information accordingly. Thank you for your attention to this notification.

*CC: Chad Fuss, AGM Finance
Paul Heckers, Gmg Analyst.*

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Requesting approval of Police Commissions 4th Quarterly Report - July, Aug, Sept 2016

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="4th Quarterly Report July, Aug, Sept 2016"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Bernard Stevens, Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Sandra Reveles, Vice Chairwoman
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation
Oneida Police Commission
3759 W Mason St
Ridge view Plaza Suite 4
Oneida WI 54255



Bernard Stevens, President
Sandra Reveles, Vice President
Beverly Anderson, Secretary
Twylite Moore, Member
Lois Strong, Member

Lisa Summers, Liaison

Oneida Police Commission
4th Quarterly Report - July, August, September 2016
Due Oct 18, 2016

CONTACT FOR REPORT

Sandra Reveles/Carol Silva

MINUTES

All approved meeting minutes are submitted to the Tribal Secretary's office quarterly from January 2016 to May 2016. Meetings are held the 4th (fourth) Wednesday of the month at 5:00PM at Ridge View Plaza, Suite 4. Meetings are open to the public except for Executive Session.

SPECIAL EVENTS/MEETINGS

The Police Commission was represented at the National Criminal Justice Training Center conference on August 17-19, 2016. This conference was free and held at the Tundra Lodge in Green Bay. September 28-29, 2016 two commissioners attended the 20th annual Crisis Intervention Conference in Wisconsin Dells. Attached is the agenda for these two trainings.

The Tribal Treasurer requested OBC Direct report attend the Budget Community Meetings in preparation for the GTC Budget meeting scheduled for September 19, 2016. The Police Commission was represented at the September 6th meeting at Veterans Dept, Sept 8th Elderly Meal Site, September 8th at the OBC Conference Room with video conferencing at SEOTS and attended the September 16th meeting in the OBC Conference room.

On September 21st, attended the meeting to collaborate and cooperate efforts to finalize Fiscal Year 2017 continuing Budget Resolution.

Budget: As of August 2016 budget balance was \$32,311. At the time of submission of this report we have not received the September Revenue and Expense amounts, therefore, the amount may be less. The positive variance in our budget is due to resignation of employee.

1. Staffing

The following is a list of positions that the Police Department is authorized and the amount that are staffed as of May.

<u>Position</u>	<u>Authorized</u>	<u>Staffed</u>	<u>Action</u>
Chief	1	1	
Assistant Chief	1	1	
Lieutenant	1	1	
Sergeant	3	3	
Detective/Sergeant	1	1	
Patrol Officer	12	12	
DARE Officer	1	1	
PSLO	1	1	
Community Resource Officer	1	1	
Office Manager	1	1	
Admin Assistant	1	1	
Dispatch Supervisor	1	1	
Dispatcher	5	4	Hiring Process
Gang Task Force Coordinator	<u>1</u>	<u>1</u>	
Total	31	30	

Patrol (Sergeants and Police Officers) and Dispatch (Dispatch Supervisor and Dispatcher) work a rotation of 5 days on, 3 days off. Shifts are 6a-2p, 2p-10p, and 10p to 6a. There are 2-3 officers per shift and 1-2 Dispatchers per shift.

Chief, Assistant Chief, Lieutenant, Detective Sergeant, DARE, PSLO, Office Manager, and Admin Assistant work normal business hours. Community Resource Officer and Gang Task Force Coordinator work normal business hours, but is available at different times due to programming in the community that may need to be attended.

2. BUDGET/GRANTS

FY 16 Budget - \$3,700, 456 (97% tribal contribution, 2.5% BIA funding, 0.5% grants)

YTD UNDERSPENT: \$215,789.64 As of 8-31-16 Revenue & Expense Summary not available

Personnel underspent: \$198,513.00

Other expenses underspent: \$17,285.61

3. Grants

- Nothing new to report

4.

Incident Type Description	Qtr 3 Apr- June 2016	Qtr 4 July- Sept 2016	% Change
CRIME PREVENTION	763	1115	46%
TRAFFIC STOP	427	305	-29%
ASSIST	96	188	96%
TRAFFIC SAFETY INCIDENTS	87	60	-31%
MOTORIST ASSIST	69	117	70%
WELFARE CHECK	63	93	48%
ANIMAL	62	121	95%
BUILDING SECURITY	61	96	57%
MEDICAL	46	82	78%
SUSPICIOUS VEHICLE	41	57	39%
CIVIL PROCESS	31	31	0%
DRUGS	29	37	28%
SUSPICIOUS SITUATION	25	45	80%
THEFT	24	43	79%
TRAFFIC HAZARD	24	34	42%
JUVENILE COMPLAINTS	24	48	100%
DISTURBANCE	23	35	52%
ACCIDENT	23	42	83%
ALARM	22	18	-18%
911 HANG UP	21	30	43%
RECKLESS DRIVING	19	29	53%
TRESPASSING	14	23	64%
WARRANT	13	37	185%
DAMAGE TO PROPERTY	11	21	91%
PARKING COMPLAINT	11	6	-45%
MISCELLANEOUS	10	31	210%
CIVIL MATTER	9	35	289%
SUSPICIOUS PERSON	9	23	156%
HARASSMENT	8	18	125%
RUNAWAY	7	8	14%

NOISE COMPLAINT	6	12	100%
ORDINANCE	5	7	40%
FRAUD	5	6	20%
DOMESTIC DISTURBANCE	5	16	220%
DISORDERLY CONDUCT	5	7	40%
911 ASSIST	5	3	-40%
ALCOHOL	4	7	75%
LOST / FOUND	4	13	225%
SEX OFFENSE	4	6	50%
TRANSPORT	4	5	25%
MISSING PERSON	3	0	-100%
ABANDONED VEHICLE	3	10	233%
ACCIDENT WITH INJURY	2	2	0%
OPEN DOOR	2	7	250%
EMERGENCY COMMITTAL	2	2	0%
FIRE ALARM	2	6	200%
TRUANCY	2	0	-100%
VIOLATION OF COURT ORDER	1	3	200%
RETAIL THEFT	1	0	-100%
FIRE CALL	1	3	200%
CARBON MONOXIDE	1	2	100%
BATTERY	1	3	200%
BURGLARY	0	4	100%
AUTO THEFT	0	2	100%
COMPUTER CRIME	0	1	100%
WEAPON	0	6	100%
DEATH	0	2	100%
FIREWORKS	0	6	100%
DISTURBANCE W/ WEAPON	0	3	100%
Total	2140	2972	39%

5. CUSTODIAL ARRESTS

	Total	Alcohol Related	Drug Related	Gang Related
BROWN COUNTY THIS 1/4	125	42	26	0
LAST 1/4	113	10	25	0
OUTAGAMIE COUNTY THIS 1/4	61	31	11	0
LAST 1/4	50	7	2	0

A good mind. A good heart. A strong fire.



Note: Some may be drug, alcohol and gang related arrests and theses only show the number of arrests, but may be counted more than once.

6. TRAFFIC CITATIONS	This 1/4	Last 1/4
BROWN	67	79
OUTAGAMIE	15	18
TRIBAL CITATIONS	13	5

7. RESPONSE TIMES	This 1/4	Last 1/4
EMERGENCY	?	3:29
NON EMERGENCY	?	8:31

7. MUTUAL AID	This 1/4	Last 1/4
	188	96

8. RESPONSE TIMES

Emergency:	3:52 minutes	Non-emergency:	6:07 minutes
Last Month:	6:07		11:24

9. MUTUAL AID

All the sworn staff is deputized in Brown County – if a request is made for our Officers to respond off the Reservation, we are able to do so within Brown County. We are able to request Mutual Aid from other jurisdictions outside the reservation in time of need.

In Outagamie County, the Officers are deputized within the reservation boundaries – the Officers are not able to respond outside of the boundaries of the reservation. We are only able to request assistance from Outagamie County and if additional assistance is required, the Outagamie County Sheriffs Department would have to make the request.

Wisconsin State Statute allows for Tribal Law Enforcement to request and provide Mutual Aid without restrictions, but have to provide additional information to the Wisconsin Department of Justice for authorization. Attorney Jim Bittorf, Risk Management Director Bob Keck, and Chief Van Boxtel are working on meeting the requirements per state statute.

10. Activity/Training

Hiring process has begun for one dispatcher. Dispatcher Andrew Summers is progressing through field training. Officers, Donovan Duggan and Ralph Powless are progressing satisfactorily through the academy. Officer Hughes is has begun field training and is progressing well.

11. Internal Security

There were 741 Incident Reports during the quarter of July 2016 – September 26, 2016. The following is in part, a breakdown:

Alarm	01	Emergency Drop	17
Keywatcher	192	Medicals	92
Power Outage	01	Procedure Infraction	93
Property Damage	19	Cust/Emp Removal	110
Suspicious Activity	62	Suspicious Currency	06
Unsecure Door	19	Variance	50
Vehicle Assists	78		

12. Conservation July 2016 - September 28, 2016

COMPLAINTS: 25

Raccoons	06	Woodchuck	03
Bees removed	07	Buffalo	01
Crane	01	Turtle	01
Bat	01	Rabbit	01
Hawk	01	Eagle	01

CONTACTS: 71

Contacts were made during complaint calls and in the field

CITATIONS: 0

WARNINGS: 14/ No fishing license

13. Oneida Gang Task Force Coordinator

Work with Oneida Nation High School and youth that struggle with attendance, homework completion, behaviors. They attend Suite 7 Monday – Thursday where we utilize Odyseeware to complete lacking credits. We also run groups and enrichment projects that introduce the youth to the community outside of the reservation. We also work on Conflict resolution and coping skills to help them once they get home and over the weekends. I run groups at Lombardi Middle school with the YES advocate program. The youth in this group struggle with behaviors in the classroom as well as homework completion. I Work with Adventure to assist with youth with behavioral issues. Working with GSD and trying to set up in the Civic Center twice a week. I would work with the youth that are struggling with behavior and emotional disturbances. My goal is to keep them in a positive place rather than on the streets where they are vulnerable to gang activity and recruitment. I have sent my research on community based programming and stopping the school to prison pipe line to the director of the recreation department as well as the director of fitness and recreation. The assistant Director at the Civic Center is on board we are and we are hopeful for a 90 day trial. Actively seeking grant opportunities with Pricilla Belisle, Oneida Nation High School and the grants department to keep our alternative education program running at Suite 7. Working with the BC each month trying to assist with a mentoring program as well as their drug task force, this occurs when they have time.

14. Additional Information

The Business Committee has asked for historical information about the citation revenue that is generated by the Oneida Police Department. Some background information will be needed to understand the process and authority to issue the citations and what they are.

The Oneida Police Department Officers are deputized in both Brown and Outagamie Counties per county specific Deputization Agreements between the Oneida Nation and County Sheriff. This gives us the ability to issue citations to be heard in the County Circuit Courts. Since there is not a Tribal Court to hear criminal issues, traffic violations, traffic crimes, or many ordinance violations, we issue the citations to be heard at the Brown and Outagamie County Circuit Courts.

We do issue citations for ordinances that the Oneida Nation has, which are heard by the Environmental Resource Board (ERB) as violations of the Domestic Animal, Public Land Use, and Hunting, Fishing and Trapping Tribal Laws are in place.

There are the types of citations, or what a person would think of as a “ticket”, which our Officers issue. A Traffic Citation is what is used for traffic related violations. These are things such as Speeding, Operating without a license, Failure to stop at a stop sign, etc. An Ordinance citation

is used for things such as Disorderly Conduct (when the action doesn't rise to the level that a custodial arrest (be taken to jail) would be), Underage Drinking, Petty Theft, etc. Generally these are things that a custodial arrest and booking into the County Jail can be handled with. The Tribal Citation is used for violations of Tribal Laws that are mentioned above.

We recently did a review of the amount, both numbers and amounts, which we had issued in the previous two years based on what was returned to us from the Circuit Courts in the form of the dispositions.

Citations	CY 2014	CY 2015
Brown CO Amount Issued	\$66,763.00	\$63,940.00
Brown CO Amount Collected	\$17,285.00	\$20,950.00
Brown CO Number Issued	233	270
Brown CO Number Convicted	217	206

Ordinance	CY 2014	CY 2015
Brown CO Amount Issued	\$13,521.00	\$10,877.00
Brown CO Amount Collected	\$4,235.00	\$3,085.00
Brown CO Number Issued	57	51
Brown CO Number Convicted	56	51

Citations	CY 2014	CY 2015
Out CO Amount Issued	\$17,823.00	\$14,706.00
Out CO Amount Collected	\$5,200.00	\$5,530.00
Out CO Number Issued	56	49
Out CO Number Convicted	50	49

Ordinance	CY 2014	CY 2015
Out CO Amount Issued	\$8,059.00	\$7,089.00
Out CO Amount Collected	\$2,755.00	\$2,665.00
Out CO Number Issued	32	27
Out CO Number Convicted	31	27

Tribal Citations	CY 2014	CY 2015
Tribal Amount Issued	\$275.00	\$2,400.00
Tribal Amount Collected	\$275.00	\$1,510.00
Tribal Number Issued	3	7
Tribal Number Convicted	3	7

There is a difference from what the citations were issued for and what the actual amount collected is. The violations all have a deposit. That is the amount of money that is collected for the violation. There are additional fees that are added in addition to the initial deposit for Traffic Violations and County Ordinance violations. For example: a speeding citation amount for 1-10 miles over the limit is issued for the amount of \$175.30. The deposit for the violation is \$30 stays with the court and the other \$145.30 are surcharges and costs assessed by the state.

Another factor to be considered is the Judge may reduce what the fine is so the deposit would also be reduced. For example, a person may be cited for Speeding at 16 miles per hour over the limit for an amount of \$200.50. The deposit for this violation is \$50.00. When that person goes to court, it may be dropped to 10 miles over and \$175.30. Instead of collecting the \$50.00 deposit for the violation, it would only be \$30 collected.

If a person does not pay the citation, they may have a warrant issued and if they are not able to pay, a jail sentence will be imposed and no money will be collected.

Tribal Ordinance Violations revenues go back to the Oneida Nation General Fund and do not come back to the Oneida Police Department. The Oneida Nation does not receive any revenue back from the Circuit Courts for the citations sent to the Circuit Court.

The Oneida Housing Authority and Oneida Police Department held a community meeting in Site 2 due to the Homicide Investigation. One of the issues that were brought forward was a desire to have Oneida Tribal Ordinances that address curfew some other issues that could be addressed by the creation of Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws

Recommendation: Create a Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws to exercise the Oneida Nation's sovereignty and jurisdiction. It is realized that the due diligence in respect to the creation of laws, processes, and financial obligations will need to be completed prior to implementation.

Attend a Conference or Workshop

Continuing Education

20th Annual Crisis Intervention Conference

September 29-30, 2016

Kalahari Resort & Convention Center

Wisconsin Dells, WI

Available Handouts

The handouts underlined have an active link. Please check back periodically. We will post handouts as we receive them from presenters.

Opening Keynote - September 29

- The Elusive World of Psychosis: How to Help Patients Share Their Pain, Hallucinations, Delusions and Dangerous Thoughts

Thursday Morning Sessions - September 29

- 1. The Relationship Between Caregiver and Client
- 2. Acute Suicide Affective Disturbance
- 3. The Delicate Art of Uncovering Suicidal Ideation and Intent: Innovative Techniques and Strategies (*Interviewing Techniques for Uncovering Sensitive and Taboo Material*)
- 4. Recovery Oriented Prescribing
- 5. Mindfulness Practices to Support Regulation and Relationships; Additional Handout
- 6. Tragic Outcome: After a Suicide; Additional Handout; Additional Handout
- 7. A Communitywide Approach to Innovating Outreach, Crisis Intervention, and Community Education for Youth Affected by Mental Health Challenges
- 8. Trauma-Informed Care
- 9. Engaging Community Partners in a Collaborative Crisis Planning Process for Youth

Afternoon Keynote - September 29

- Why People Die by Suicide

Thursday Afternoon Sessions - September 29

- 10. Acquired Suicidal Capability and Its Role in Murder-Suicide

- 11. The Delicate Art of Uncovering Suicidal Ideation and Intent: Innovative Techniques and Strategies (*The Chronological Assessment of Suicide Events*)
- 12. Neuroanatomy for Mental Health Clinicians
- 13. Working with People Who Do Not Want Our Help: Involuntary Clients
- 14. Peer Run Respite: Gaining Momentum in Wisconsin
- 15. Raising Community Awareness on How to Recognized and Respond to a Youth Mental Health Crisis
- 16. Cultural Humility: Learning About Ourselves and Connecting with those Around US
- 17. Integrating Police in the Crisis Response
- 18. Long-Term Care in the Community: Crisis Services and Stabilization for Individuals with Developmental Disabilities

Friday Morning Sessions - September 30

- 19. Justice Involved Veterans with Mental Health Conditions; Additional Handout
- 20. Supporting People with Dementia Experiencing Crisis; Additional Handout; Additional Handout; Additional Handout
- 21. Crisis 101
- 22. After a Suicide Death: When Postvention is Prevention
- 23. Alternatives to Suicide Peer-to-Peer Groups; Additional Handout; Additional Handout; Additional Handout; Additional Handout
- 24. Zero Suicide in Wisconsin
- 25. An Overview of PTSD: Symptom Presentations, Treatment Needs, Identifying Referral Sources and Appropriate Evidence-Based Approaches
- 26. Sharing the Sand Box: The Collaboration Between Integrated Primary Care and County Crisis; Additional Handout

Closing Keynote - September 30

- Balancing Public Safety and Health for Justice Involved Persons with Mental Health Conditions



National Criminal Justice Training Center
of Fox Valley Technical College



SERVING VICTIMS OF CRIME
Conference

Conference Agenda
August 17-19, 2016

Wednesday August 17, 2016

8:00 AM	Conference Registration/ Check In
9:00 AM – 9:30 AM	Conference Opening/Welcome/Address
9:30 AM – 11:00 AM	Re-integrating Victims' Voices in the Justice Process <i>Meg Garvin, Executive Director, National Crime Victim Law Institute</i>
11:00 AM – 11:15 AM	Break
11:15 AM – 12:30 PM	Workshop #1
1A	Workshop 1A by Cheri Maples
1B	NGO's and Law Enforcement: Building a Relationship
1C	Cyber Safety: Identity Theft
1D	Workshop: Re-integrating Victims' Voices in the Justice Process
12:30 PM – 2:00 PM	Lunch (on your own)
2:00 PM – 3:15 PM	Workshop #2
2A	Victim/Offender Dialogue
2B	Serve 2 Unite
2C	NGO's and Law Enforcement: Building a Relationship
2D	Conversation About Interpersonal Safety
3:15 PM – 3:30 PM	Break
3:30 PM – 5:00 PM	Mindfulness and Resiliency Training <i>Cheri Maples, Center for Mindfulness & Justice</i>

Thursday, August 18, 2016

8:30 AM - 8:35 AM	Day's Opening/Welcome
8:35 AM - 10:00 AM	Victims Story
10:00 AM - 10:15 AM	Break
10:15 AM - 11:30 AM	Workshop #3
3A	Probation and Parole Victim Centered Approach (Repeat)
3B	Technology Trends (Repeat)
3C	The Changing Role of Child Advocacy Centers: More than Forensic Interviews
3D	Historical Trauma/Respect, Trust, Cultural Values
11:30 AM - 1:00 PM	Lunch
1:00 PM - 2:15 PM	Workshop #4
4A	Probation and Parole Victim Centered Approach (Repeat)
4B	Technology Trends (Repeat)
4C	Cops & Docs
4D	To Be Announced
2:15 PM - 2:30 PM	Break
2:30 PM - 5:00 PM	Sexual Assault Survivor Panel Jill Karofsky, Miriam Falk, and Audrey

Friday, August 19, 2016

8:30 AM - 8:35 AM	Day's Opening/Welcome
8:35 AM - 10:00 AM	Sexual Assault on Campus TBD
10:00 AM - 10:15 AM	Break
10:15 AM - 11:45 AM	Give'M the F.I.N.G.E.R. Mark Yarbrough
11:45 AM - 12:00 PM	Conference Closing Remarks

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 10 / 26 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Linda M. Langen, Vice Chair/SEOTS Advisory Board Member
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

SEOTS Advisory Board Quarterly Report (July-Sept 2016)

- 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

Southeastern Oneida Tribal Services (SEOTS) Advisory Board**QUARTERLY REPORT****July – September 2016**

Submitted by Linda Langen, Vice Chair

Members Dan Schiller, Chair
Linda Langen, Vice Chair
Peter Stevens, Board Member
Christina (Tina) Cottrell, Secretary

Business

Committee Liaison Chairperson Tina Danforth

Minute Updates Minutes are on record.

Action Taken

Action was taken to notify the Secretary's Office of one resignation and to fill two Board positions.

Financial

During the month of August, SEOTS finished over budget by \$1,035. For the fiscal year, SEOTS is under budget by \$11,224. The tribal fiscal year ended September 30th. Stipends were submitted and received for past and current months. Former SEOTS Board Secretary, Renee Zakhar has generously pledged to give back her stipends with an initial donation of \$300 to help start the SEOTS Descendant Scholarship Fund.

Special Events and Travel

Two Board members attended the Oneida July 4th powwow event. In August, the Board celebrated Jackie Zalim's six years of service (two terms) to the SEOTS Advisory Board with a small gathering of current and former Board members. Chair Dan Schiller presented Jackie with an eagle feather from his personal collection. The event was documented with a photo. One Board member traveled to Oneida and attended the GTC meeting held also in August. Two Board members volunteered at the SEOTS Traveling Museum held at Indian Summer which is one of Milwaukee's largest ethnic festivals during the second weekend of September.

Personal Comments

The Board has been discussing ways to actively pursue other areas (e.g., local colleges & universities) in efforts to recruit a vibrant mix of people to apply for the SEOTS Advisory Board. It is in the process of creating a flyer and brochure for electronic posts to its Facebook page, as well as campus media.

Goals and Objectives

The Board's continuous goals are to build and maintain relationships with all of its Tribal members. Two initiatives the Board has been discussing are establishing a scholarship fund and brainstorming ideas that are viable for fundraising opportunities.

Meeting Requirements

Twice a month

Follow up

The SEOTS Advisory Board has two vacancies. Also, the Board will be looking at how to open an account to receive current and future donations for the SEOTS Descendant Scholarship Fund.

XII. GENERAL TRIBAL COUNCIL**A. Petitioners Madelyn Genskow and Yvonne Metivier: Incentive stipends for Oneida Nation elections starting 2017****1. Accept legislative analysis**

Sponsor: Brandon Stevens, Councilman

2. Accept progress report regarding legal analysis

Sponsor: Jo Anne House, Chief Counsel

3. Accept progress report regarding financial analysis

Sponsor: Larry Barton, Chief Financial Officer

B. Accept verified petition submitted by Edward Delgado regarding Oneida panel of educators and retention of kindergarten students; and request appropriate analyses

Sponsor: Lisa Summers, Tribal Secretary

C. Approve Tribal Member's request to provide an update on status, report, and timelines for opening emergency food pantry per General Tribal Council directive from the October 2, 2016, reconvened special GTC meeting

Sponsor: Lisa Summers, Tribal Secretary

These agenda items contain information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials. Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>

For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to TribalSecretary@oneidanation.org. Thank you.

Business Committee Special Meeting
9:00 a.m. Wednesday, October 26, 2016
Thank you for printing clearly

KRISTI GILMER, RN/EHN

Debbie Duggan

Obenaus

Richard N-F

Brad Graham

Bill Graham

RC Metzger

Maddyn Genskow

Christine Johnson

Carol Selby

Tommy Webster