

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Meeting Materials January 25, 2017**

### **Open Session**

### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 651 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 25<sup>th</sup> day of January, 2017.

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**  
**8:30 a.m. Tuesday, January 24, 2017**  
**Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

**Regular Meeting**  
**8:30 a.m. Wednesday, January 25, 2017**  
**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

### Agenda

---

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

#### I. CALL TO ORDER AND ROLL CALL

#### II. OPENING

- A. Presentation of Wisconsin Public Service Foundation \$5,000 award and WE Energies \$5,000 award to Oneida Youth Leadership(78-71) to assist with Junior Golf Clinic-LPGA** *pp. 10-11*  
 Sponsor: Trish King, Tribal Treasurer
- B. Special Recognition for Retirement and Years of Service – Don Denny** *p. 12*  
 Sponsor: Michele Doxtator, Area Manager/Retail Profits
- C. Special Recognition for years of service – Twenty (20) Oneida Nation employees** *pp. 13-15*  
 Sponsor: Geraldine Danforth, Area Manager/Human Resources Department

#### III. ADOPT THE AGENDA

*pp. 1-9*

#### IV. MINUTES

- A. Approve January 11, 2017, regular and January 13, 2017 reconvened meeting minutes** *pp. 16-49*  
 Sponsor: Lisa Summers, Tribal Secretary



**V. RESOLUTIONS**

- A. Adopt resolution entitled Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed** pp. 50-52  
Sponsor: Lisa Summers, Tribal Secretary
- B. Adopt resolution entitled Tobacco Amendments** pp. 53-66  
Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee
- C. Adopt resolution entitled Landlord-Tenant Law Emergency Amendments** pp. 67-91  
Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee
- D. Adopt resolution entitled Hunting, Fishing, and Trapping Amendments** pp. 92-118  
Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee
- E. Adopt resolution entitled Per Capita Amendments** pp. 119-148  
Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee

**VI. STANDING COMMITTEES**

- A. Legislative Operating Committee**  
Chair: Brandon Stevens, Councilman
1. **Accept December 21, 2016, Legislative Operating Committee meeting minutes** pp. 149-151
  2. **Accept January 4, 2017, Legislative Operating Committee meeting minutes** pp. 152-156
  3. **Review Division of Land Management & Oneida Land Commission rules regarding Foreclosure Law; Landlord-Tenant Law; and Real Property Law** pp. 157-217
- B. Finance Committee**  
Chair: Trish King, Tribal Treasurer
1. **Approve January 16, 2017, Finance Committee meeting minutes** pp. 218-222
- C. Community Development Planning Committee**  
Chair: Melinda J. Danforth, Tribal Vice-Chairwoman
1. **Accept Community Development Planning Committee FY '16 4<sup>th</sup> quarter report** pp. 223-225  
  
*EXCERPT FROM JANUARY 11, 2017: Motion by Fawn Billie to defer the Community Development Planning Committee FY '16 4th quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.*  
*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*
- D. Quality of Life Committee**  
Chair: Fawn Billie, Councilwoman
1. **Accept December 8, 2016, Quality of Life Committee meeting minutes** pp. 226-228

**VII. NEW BUSINESS**

- A. Approve Memorandum of Agreement – Oneida Nation and U.S. Environmental Protection Agency – Toxic Release Inventory (TRI) Data Exchange – contract # 2017-0001** *pp. 229-238*  
Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety
- B. Accept Constitutional Amendments Team report; and request the team to provide close-out report at the March 22, 2017, regular Business Committee meeting** *pp. 239-249*  
Sponsors: Melinda J. Danforth, Tribal Vice-Chairwoman; Lisa Summers, Tribal Secretary
- C. Accept status update on the Emergency Food Pantry implementation** *pp. 250-251*  
Sponsors: Lisa Summers, Tribal Secretary; Trish King, Tribal Treasurer
- D. Review concern # 2017-CC-03 regarding Emergency Food Pantry denial letter and SOPs** *pp. 252-258*  
Sponsor: Tina Danforth, Tribal Chairwoman
- E. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**  
Sponsor: Lisa Summers, Tribal Secretary
- 1. Approved procedural exceptions to the Ticket Distribution SOP; and to hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets** *pp. 259-275*  
Requestor: Lisa Summers, Tribal Secretary

**VIII. TRAVEL****A. TRAVEL REPORTS**

- 1. Accept travel report – Vice-Chairwoman Melinda J. Danforth – Bemidji Area Indian Health Services Annual Tribal Budget Formulation meeting – Bloomington, MN – December 6-8, 2016** *pp. 276-278*

**B. TRAVEL REQUESTS**

- 1. Approve travel request – Councilman Tehassi Hill – 2017 Tribal Environmental Program Management conference – Chicago, IL – April 3-5, 2017** *pp. 279-284*
- 2. Approve travel request – Secretary Lisa Summers – 2017 Crimes Against Children in Indian Country conference – Carlton, MN – April 24-27, 2017** *pp. 285-290*

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

- 1. Accept Comprehensive Health Division FY '16 4<sup>th</sup> quarter report** *pp. 291-313*  
*(1:30 p.m.-1:40 p.m.)*  
Sponsors: Debra Danforth, Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Medical Director/Medical Operations

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Tehassi Hill to defer the Comprehensive Health Division FY '16 4th quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously. (2) Motion by Tehassi Hill to request the Tribal Secretary to send notice to the Comprehensive Health Division Directors requesting somebody be present to represent their report at the January 25, 2017, regular Business Committee meeting.

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting..., seconded by Melinda J. Danforth. Motion carried unanimously.

EXCERPT FROM NOVEMBER 23, 2016: Motion by Lisa Summers to defer the Comprehensive Health Division FY '16 4th quarter report to the December 14, 2016, seconded by David Jordan. Motion carried unanimously.

- 2. Accept Oneida Seven Generations Corporation FY '16 4<sup>th</sup> quarter report** pp. 314-316  
 (1:40 p.m.-1:50 p.m.)  
 Agent: Pete King III  
 Chair: Tina Danforth, Tribal Chairwoman

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting..., seconded by Melinda J. Danforth. Motion carried unanimously.

- 3. Accept Personnel Commission FY '16 4<sup>th</sup> quarter report** pp. 317-337  
 (1:50 p.m.-2:00 p.m.)  
 Chair: Yvonne Jourdan  
 Liaison Alternate: David Jordan, Councilman

EXCERPT FROM JANUARY 11, 2017: Motion by David Jordan to defer the Personnel Commission FY '16 4th quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

## **B. OPERATIONAL REPORTS**

- 1. Accept Comprehensive Health Division FY '17 1<sup>st</sup> quarter report** pp. 338-381  
 (2:00 p.m.-2:20 p.m.)  
 Sponsors: Debra Danforth, Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Medical Director/Medical Operations
- 2. Accept Development Division FY '17 1<sup>st</sup> quarter report** pp. 382-406  
 (2:20 p.m.-2:40 p.m.)  
 Sponsors: Troy Parr, Interim Assistant Division Director/Development; Jacque Boyle, Interim Assistant Division Director/Development Operations
- 3. Accept Governmental Services Division FY '17 1<sup>st</sup> quarter report** pp. 407-448  
 (2:40 p.m.-3:00 p.m.)  
 Sponsor: Elizabeth Somers, Division Director/Governmental Services

**X. 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. Petitioner Edward Delgado: Oneida panel of educators and retention of kindergarten students**

**1. Accept legal analysis**

p. 449

Sponsor: Jo Anne House, Chief Counsel

*EXCERPT FROM JANUARY 13, 2017: (1) Motion by Lisa Summers to accept the legislative analysis, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to accept the verbal update regarding the legal analysis for January 13, 2017, noting that the complete analysis will be provided at the January 25, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously. (3) Motion by Lisa Summers to accept the update regarding the financial analysis, seconded by Fawn Billie. Motion carried unanimously. EXCERPT FROM OCTOBER 26, 2016: Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Offices to submit their analyses within sixty (60) days; and that a progress report be submitted within forty-five (45) days, seconded by David Jordan. Motion carried unanimously.*

**B. Approve March 19, 2017, special General Tribal Council meeting materials**

pp. 450-623

Sponsor: Lisa Summers, Tribal Secretary

**C. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Approval of using the alternate General Tribal Council meeting date of Monday, February 13, 2017, for the Annual General Tribal Council meeting**

pp. 624-636

Requestor: Lisa Summers, Tribal Secretary

**XI. EXECUTIVE SESSION**

**A. REPORTS**

**1. Accept Oneida Airport Hotel Corporation FY '17 1<sup>st</sup> quarter report**

pp. 637-648

*(8:30 a.m.-9:00 a.m.)*

Agent: Janice Hirth-Skenandore

Liaison: Trish King, Tribal Treasurer

**2. Accept Oneida Golf Enterprise FY '17 1<sup>st</sup> quarter report**

pp. 649-656

*(9:00 a.m.-9:30 a.m.)*

Agent: Janice Hirth-Skenandore

Liaison: Trish King, Tribal Treasurer

**3. Accept Bay Bancorporation, Inc. FY '17 1<sup>st</sup> quarter report**

pp. 657-669

*(9:30 a.m.-10:00 a.m.)*

President: Jeff Bowman

Liaison: Tina Danforth, Tribal Chairwoman

*(Break scheduled from 10:00 a.m.-10:15 a.m.)*

4. **Accept Oneida ESC Group, LLC. FY '17 1<sup>st</sup> quarter report** pp. 670-674  
*(10:15 a.m.-10:45 a.m.)*  
 Chair: Jackie Zalim  
 Liaison: Tehassi Hill, Councilman
5. **Accept Oneida Total Integrated Enterprises, LLC. FY '17 1<sup>st</sup> quarter report** pp. 675-681  
*(10:45 a.m.-11:15 a.m.)*  
 Interim Chair: Jackie Zalim  
 Liaison: Tehassi Hill, Councilman
6. **Accept Oneida Seven Generations Corporation FY '17 1<sup>st</sup> quarter report** pp. 682-687  
*(11:15 a.m.-11:45 a.m.)*  
 Agent: Pete King III  
 Liaison: Tina Danforth, Tribal Chairwoman
- a. **Accept Oneida Seven Generations Corporation FY '16 4<sup>th</sup> quarter report** pp. 688-693  
 Agent: Pete King III  
 Chair: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*  
*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting..., seconded by Melinda J. Danforth. Motion carried unanimously.*
7. **Accept Gaming General Manager report – Louise Cornelius, Gaming General Manager** pp. 694-770  
*(This item is scheduled to begin at 1:30 p.m.)*
8. **Accept Intergovernmental Affairs & Communications report – Nathan King, Director** pp. 771-782
9. **Accept Chief Counsel report – Jo Anne House, Chief Counsel** p. 783

## **B. STANDING ITEMS**

1. **Land Claims Strategy** *(No Requested Action)*
2. **Oneida Golf Enterprise – Ladies Professional Golf Association update** pp. 784-799  
 Sponsor: Trish King, Tribal Treasurer

## **C. AUDIT COMMITTEE**

Chair: Tehassi Hill, Councilman

1. **Accept Audit Committee FY '17 1<sup>st</sup> quarter report** pp. 800-802  
*(11:45 a.m.-12:00 p.m.)*  
 Chair: Tehassi Hill, Councilman
2. **Accept December 15, 2016, Audit Committee meeting minutes** pp. 803-807
3. **Approve audit entitled Title 31 Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit** pp. 808-818
4. **Approve audit entitled Oneida Minors Trust Fund; and lift confidentiality requirement to allow Tribal Members to view the audit** pp. 819-836
5. **Approve audit entitled Gaming Contracts; and lift confidentiality requirement to allow Tribal Members to view the audit** pp. 837-863

6. Approve audit entitled Parimutuel Wagering; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 864-880
7. Approve audit entitled Ultimate Texas Hold'em; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 881-896
8. Approve audit entitled Cage/Vault Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 897-908
9. Approve audit entitled Complimentary Items and Services; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 909-915
10. Approve audit entitled Blackjack Rules of Play; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 916-934
11. Approve audit entitled Higher Education Performance Assurance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 935-945
12. Approve audit entitled Retail Open Road Rewards Program; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 946-951
13. Approve audit entitled Surveillance Compliance ; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 952-968
14. Approve audit entitled Bingo Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 969-988
15. Approve audit entitled Slots Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 989-1020
16. Approve audit entitled Player Tracking Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 1021-1027
17. Approve audit entitled Information Technology Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 1028-1048
18. Approve audit entitled Drop & Count Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 1049-1092
19. Approve audit entitled Drop & Count (Class II Poker & Kiosk) Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit pp. 1093-1112

#### **D. UNFINISHED BUSINESS**

1. Accept transition plan update regarding Surveillance System Replacement Project pp. 1113-1115  
*(This item is scheduled at 3:30 p.m.)*  
 Sponsor: Joanie Buckley, Division Director/ Internal Services

*EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to accept the transition plan from Internal Services/MIS Department regarding Surveillance System Replacement Project, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to direct that an internal team be established from a minimum of MIS Department, Oneida Police Department, Gaming Commission and Security, and Purchasing Department to develop a full transition plan for the Operations based on the recommendations provided in the report; and to request an update on the progress be brought back to a regular Business Committee*



meeting in six (6) months which would be January of 2017, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM APRIL 27, 2016: Motion by David Jordan to accept the update from the Gaming Commission, Retail, Finance, and Gaming regarding Surveillance System Replacement Project and to request that the agreed upon action plan be placed in writing and signed by all affected parties, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM APRIL 13, 2016: (1) Motion by Lisa Summers to request that the team working on this item meet and collaborate on how to proceed and bring back this item to the April 27, 2016, regular Business Committee meeting for an update, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to defer a policy development on this issue to the Internal Services/MIS Department to bring back a recommendation on a transition plan which moves the Nation towards a long-term systems alignment and for this draft plan to be brought back to the July 13, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by David Jordan to request all the teams that were to be brought together and put under one team for a RFP to be vetted out and be transparent, seconded by Lisa Summers. Motion carried unanimously.

- 2. Accept verbal update and approve extension regarding complaint # 2016-DR06-06** pp. 1116-1117  
Sponsors: Brandon Stevens, Councilman; Melinda J. Danforth, Tribal Vice-Chairwoman;  
Fawn Billie, Councilwoman

EXCERPT FROM NOVEMBER 23, 2016: Motion by Jennifer Webster that the Business Committee determined that there is merit to complaint # 2016-DR06-06; and assigns Councilman Brandon Stevens, Vice-Chairwoman Melinda J. Danforth, and Councilwoman Fawn Billie to investigate the complaint, seconded by Brandon Stevens. Motion carried unanimously.

- 3. Accept update regarding complaint # 2016-DR11-01** pp. 1118-1119  
Sponsors: Trish King, Tribal Treasurer; Jennifer Webster, Councilwoman; Lisa Summers,  
Tribal Secretary

EXCERPT FROM NOVEMBER 23, 2016: Motion by Jennifer Webster to deem complaint # 2016-DR11-01 as having merit; and to assign Treasurer Trish King, Councilwoman Jennifer Webster, and Secretary Lisa Summers to investigate the complaint, seconded by David Jordan. Motion carried unanimously.

- 4. Accept update regarding complaint # 2016-DR14-01** pp. 1120-1121  
Sponsors: Trish King, Tribal Treasurer; Jennifer Webster, Councilwoman; Lisa Summers,  
Tribal Secretary

EXCERPT FROM NOVEMBER 23, 2016: Motion by Jennifer Webster to deem complaint # 2016-DR14-01 as having merit; and to assign Treasurer Trish King, Councilwoman Jennifer Webster, and Secretary Lisa Summers to investigate the complaint, seconded by David Jordan. Motion carried unanimously.

## **E. NEW BUSINESS**

- 1. Determine next steps regarding Culture & Language reorganization** pp. 1122-1123  
(This item is scheduled at 2:30 p.m.)  
Sponsor: Lisa Summers, Tribal Secretary
- 2. Approve Sovereign Financial LLC. – Confidentiality Agreement – contract # 2017-0007** pp. 1124-1129  
Sponsor: Larry Barton, Chief Financial Officer

3. **Adopt resolution entitled Resolution to Adopt Name Change Amendments to the Governmental and Enterprise 401(k) Plans; and signing of corresponding documents** *pp. 1130-1139*  
Sponsor: Larry Barton, Chief Financial Officer
4. **Accept update regarding meeting with Menominee Nation representatives on Back Forty Mine** *pp. 1140-1153*  
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
5. **Accept update regarding DR12 and determine next steps** *pp. 1154-1158*  
Sponsor: Lisa Summers, Tribal Secretary
6. **Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**  
Sponsor: Lisa Summers, Tribal Secretary
  - a. **Approved attorney contract - # 2016-1426** *pp. 1159-1172*  
Requestor: Jo Anne House, Chief Counsel

## **XII. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 3:30 p.m., Friday, January 20, 2017, 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: 01 / 25 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Presentation of Wisconsin Public Service Foundation check in the amount of \$5,000 and WE ENERGIES check in the amount of \$5,000 to the Oneida Youth Leadership (78-71) to assist with Junior Golf Clinic-LPGA.

**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: Janice Skenandore - Hirth, OGE Agent  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



Wisconsin Public Service Foundation

700 North Adams Street  
P.O. Box 19001  
Green Bay, WI 54307-9001

December 2, 2016

Oneida Youth Leadership  
Kelly McAnally  
4470 N. Pine Tree Road  
Oneida, WI 54155

Dear Kelly:

Wisconsin Public Service Foundation is pleased to make a donation of \$5,000 to assist with the Junior Golf Clinic-LPGA. We are making this contribution because we believe your organization benefits our community, and because we have a long history of supporting worthwhile programs that better the lives of our neighbors.

I understand the project may take time to complete, but would appreciate updates when appropriate.

When releasing or publishing information about this contribution, please refer to our name as "Wisconsin Public Service Foundation." A logo is also available upon request.

Sincerely,

A handwritten signature in cursive script that reads "Karmen Lemke".

Karmen Lemke  
Foundation Administrator  
KMLemke@wisconsinpublicservice.com  
(920) 433-1433

Enc.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~1 / 11 / 17~~ 1 / 25 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Recognition of Don Denny's years of service as he retires from Oneida Retail. Don's last day was on December 30th.

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

1. Meeting Date Requested: 01 / 25 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Presentation of Years of Service Certificates to twenty (20) employees by their immediate supervisor along with the Business Committee.

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. <input type="text" value="List of employees to be recognized"/>	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: Maureen Metoxen, Exec Assist  
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:

HRD coordinates efforts on a quarterly basis, with all supervisors and the Business Committee to recognize employees who have reached the 25+ years milestone. With the assistance from each supervisor, HRD will create the certificate to be presented to the Years of Service recipient.

- 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](mailto:BC_Agenda_Requests@oneidanation.org)

**1ST QUARTER 2017**

Name	Supervisor Name	ADOH	Years	Response
DANFORTH,PAUL F	COTTRELL,SCOTT D	Oct 1, 1991	25	
SCHOEN,LAWRENCE L	BRAATEN,BLAIR A	Oct 8, 1991	25	
WILLIAMS,LOUIS J	BARBER,ANITA F	Oct 9, 1991	25	
KING,APRIL L	CORNELIUS,JR,RONALD	Oct 17, 1991	25	
BAUMGART,EDMUND J	MELCHERT,ROSE M	Oct 21, 1991	25	
DANFORTH,MELINDA K	DANFORTH,GERALDINE R	Oct 22, 1991	25	
PALUCH,DAVID	KRIESCHER,MARI J	Oct 29, 1991	25	
WILSON,DONALD O	LALUZERNE,KIM A	Nov 5, 1991	25	
CLOSE,ALVIRA N	NINHAM,TIMOTHY D	Nov 24, 1991	25	
SKENADORE,CLINTON V	LALUZERNE,KIM A	Nov 25, 1991	25	
KING,INGRID F	HARVATH,JESSALYN M	Dec 3, 1991	25	
KAQUATOSH,TERESA L	KING,JASON R	Dec 6, 1991	25	
FINNEY,MICHAEL N	PELKY,PATRICK J	Dec 16, 1991	25	
HERNANDEZ,DIANA J	LARSON,DAVID L	Dec 19, 1991	25	
WAUTIER,LYNN D	SANTIAGO,CHERICE A	Dec 26, 1991	25	
KING,CARIE A	SCHUYLER,SHIRLEY J	Dec 30, 1991	25	
SKENANDORE,LEROY	BRAATEN,BLAIR A	Dec 30, 1991	25	
NAPIER,NICHOLE L	LALUZERNE,KIM A	Dec 31, 1991	25	
POWLESS,CHRISTOPHER G	DANFORTH-ANDERSON,MICHELLE M	Oct 8, 1986	30	
HILL,MARY ANN	NINHAM,TIMOTHY D	Oct 9, 1986	30	
MELCHERT,KAREN J	RASMUSSEN,FAWNE M	Oct 9, 1986	30	
SKENANDORE,STEPHANIE L	ELM,LORI A	Oct 9, 1986	30	
METOXEN,TERRY J	BOULANGER,ERIC H	Nov 5, 1986	30	
MICHAELSON,ALLEN K	DANFORTH-ANDERSON,MICHELLE M	Dec 8, 1986	30	

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 January 11, 2017, regular and January 13, 2017, reconvened meeting minutes

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. <input type="text" value="Meeting minutes of 1/11/17 and 1/13/17"/>	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. Spec.  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

**DRAFT****Oneida Business Committee****Executive Session****9:30 a.m. Tuesday, January 10, 2017****Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, January 11, 2017****BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Reconvened Meeting****8:30 a.m. Friday, January 13, 2017****BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Minutes - DRAFT****EXECUTIVE SESSION****Present:** Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;**Not Present:** Vice-Chairwoman Melinda J. Danforth (excused);**Arrived at:** ;**Others present:** Jo Anne House, Michele Doxtator, Jim Bittorf, Nathan King;**REGULAR MEETING****Present:** Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;**Not Present:** Vice-Chairwoman Melinda J. Danforth;**Arrived at:** ;**Others present:** Jo Anne House, Heather Heuer, Steve Webster, Brad Graham, Bill Graham, Mike Debraska, Joanie Buckley, Kathy Metoxen, Chaz Wheelock, Tammy Skenandore, Michele Doxtator, Chris Johnson, Jeff Metoxen, Nancy Barton, Madelyn Genskow, James Petitjean, Clorissa Santiago, Margaret Ellis, Paul Smith, Cathy Metoxen, LouAnn Green, Taniquelle Thurner, Larry Barton, Jen Falck, Gina Buenrostro, Ed Delgado, Jeff House, Jeff Bowman, Janice Hirth-Skenandore, Danelle Wilson, Laura Lane, Cheryl Skolaski;**RECONVENED MEETING****Present:** Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Council members: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster;**Not Present:** ;**Arrived at:** Chairwoman Tina Danforth at 9:22 a.m., Secretary Lisa Summers at 8:49 a.m., Councilman Brandon Stevens at 8:40 a.m.;**Others present:** Jo Anne House, Heather Heuer, Brad Graham, Bill Graham, Nancy Barton, Mike Debraska, Lisa Liggins, Paul Witek, Cheryl Skolaski, James Petitjean, Troy Parr, Larry Barton, Danelle Wilson, Madelyn Genskow, Michele Doxtator, Ed Delgado, Bonnie Pigman, Cathy Metoxen, Chad Wilson, Brian Doxtator, Jennifer Falck, Ralinda Ninham-Lamberies;



**DRAFT****I. CALL TO ORDER AND ROLL CALL** by Chairwoman Tina Danforth at 8:33 a.m. on January 11, 2017

For the record: Vice-Chairwoman Melinda J. Danforth is out of the office on funeral leave. Councilwoman Jennifer Webster will be attending a funeral service during part of the afternoon session. Secretary Lisa Summers will meeting with a staff member during part of the afternoon session.

**II. OPENING** by Councilman Tehassi Hill on January 11, 2017**A. Special Recognition of Retirement and Years of Service – Don Denny (Not Present)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

**III. ADOPT THE AGENDA (00:04:03)**

Motion by Trish King to adopt the agenda with the following changes: [Delete item 14.A. Schedule special General Tribal Council meeting, as directed by General Tribal Council, on February 20, 2017; and approve draft agenda; note item 10.A. Review community concern – # 2016-CC-21 regarding Tsyunhehkwa operations is scheduled to be addressed first on the agenda; and add-on item 07.B.02. Approve Finance Committee meeting minutes of January 3, 2017], seconded by David Jordan. Motion carried with one opposed:

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

**IV. OATHS OF OFFICE (00:05:43)** administered by Secretary Lisa Summers on January 11, 2017**A. Oneida Nation School Board – Margaret Ellis****V. MINUTES**

*Treasurer Trish King and Councilman Tehassi Hill depart at 10:06 a.m. on January 11, 2017*

**A. Approve December 14, 2016, regular meeting minutes (1:31:38)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the December 14, 2016, regular meeting minutes, seconded by Jennifer Webster. Motion carried with one abstention:

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

**B. Approve December 16, 2016, special meeting minutes (1:32:02)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the December 16, 2016, special meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

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

**DRAFT****VI. RESOLUTIONS****A. Adopt resolution entitled Resolution to Adopt the FY 2017-2020 Oneida Nation Tribal Transportation Improvement Plan (TTIP) and TTP Retained Services Agreement (RSA) (1:32:26)**

Sponsor: Troy Parr, Assistant Division Director/Development

Motion by Lisa Summers to adopt resolution # 01-11-17-A Resolution to Adopt the FY 2017-2020 Oneida Nation Tribal Transportation Improvement Plan (TTIP) and TTP Retained Services Agreement (RSA), seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Tehassi Hill, Trish King

*Councilman Tehassi Hill returns at 10:09 a.m. on January 11, 2017*

*Treasurer Trish King returns at 10:10 a.m. on January 11, 2017*

*Secretary Lisa Summers departs at 10:11 a.m. on January 11, 2017*

*Secretary Lisa Summers returns at 10:38 a.m. on January 11, 2017*

**B. Adopt resolution entitled Adoption of Community Support Fund Amendments (1:33:22)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 01-11-17-B Adoption of Community Support Fund Amendments, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

*Councilwoman Fawn Billie departs at 11:09 a.m. on January 11, 2017*

**C. Adopt resolution entitled Oneida Nation Seal and Flag Law (2:37:56)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 01-11-17-C Oneida Nation Seal and Flag Law, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth, Fawn Billie

*Councilwoman Fawn Billie returns at 11:19 a.m. on January 11, 2017*

**D. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Adopted resolution entitled Oneida Business Committee Regular Meeting Schedule (2:42:28)**

Requestor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to enter the E-Poll results into the record for the adoption of resolution # 12-27-16-A Oneida Business Committee Regular Meeting Schedule, seconded by Jennifer Webster. Motion carried with one abstention:

Ayes: Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Abstained: Fawn Billie

Not Present: Melinda J. Danforth

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

Chair: Brandon Stevens, Councilman

**1. Accept Legislative Operating Committee FY '16 4<sup>th</sup> quarter report (2:46:17)**

Motion by Jennifer Webster to accept the Legislative Operating Committee FY '16 4<sup>th</sup> quarter report, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

**2. Accept December 7, 2016, Legislative Operating Committee meeting minutes (3:00:13)**

Motion by Brandon Stevens to accept the December 7, 2016, Legislative Operating Committee meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

*Councilman Brandon Stevens departs at 11:36 a.m. on January 11, 2017*

*Councilman Brandon Stevens returns at 11:46 a.m. on January 11, 2017*

*Councilman David Jordan departs at 11:46 a.m. on January 11, 2017*

*Councilman David Jordan returns at 11:48 a.m. on January 11, 2017*

**B. Finance Committee**

Chair: Trish King, Tribal Treasurer

**1. Accept Finance Committee FY '16 4<sup>th</sup> quarter report (3:01:18)**

Motion by Jennifer Webster to approve the Finance Committee FY '16 4<sup>th</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

For the record: Councilman David Jordan stated that the budget management control law in the 4<sup>th</sup> quarter report is a draft and it will follow the LOC process.

**2. Approve January 3, 2017, Finance Committee meeting minutes (5:16:07)**

Motion by Fawn Billie to approve the January 3, 2017, Finance Committee meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, David Jordan, Lisa Summers

**C. Community Development Planning Committee**

Chair: Melinda J. Danforth, Tribal Vice-Chairwoman

**1. Accept Community Development Planning Committee FY '16 4<sup>th</sup> quarter report (5:16:57)**

Motion by Fawn Billie to defer the Community Development Planning Committee FY '16 4<sup>th</sup> quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

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

**DRAFT**

Not Present: Melinda J. Danforth, David Jordan, Lisa Summers

**D. Quality of Life Committee**

Chair: Fawn Billie, Councilwoman

*Councilman David Jordan returns at 3:26 p.m. on January 11, 2017*

**1. Accept Quality of Life Committee FY '16 4<sup>th</sup> quarter report (5:17:54)**

Motion by Jennifer Webster to accept the Quality of Life Committee FY '16 4<sup>th</sup> quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**2. Accept November 10, 2016, Quality of Life Committee meeting minutes (5:23:49)**

Motion by Tehassi Hill to accept the November 10, 2016, Quality of Life Committee meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**E. E-Polls****1. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**a. Approved AMERIND Risk Management Corp. premium payment for FY2017 in the amount of \$141,043, as approved during Finance Committee meeting on December 19, 2016 (5:24:27)**

Requestor: Trish King, Tribal Treasurer

Motion by Tehassi Hill to enter the E-Poll results into the record for the approved AMERIND Risk Management Corp. premium payment for FY2017 in the amount of \$141,043, as approved during Finance Committee meeting on December 19, 2016, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**b. Approved December 19, 2016, Finance Committee meeting minutes (5:25:05)**

Requestor: Trish King, Tribal Treasurer

Motion by Tehassi Hill to enter the E-Poll results into the record for the approved December 19, 2016, Finance Committee meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**DRAFT****VIII. APPOINTMENTS****A. Approve BC subcommittee's recommendation to appoint Glen Edward Golden, Terry Anderson Cornelius, Jeffrey Wade Johnson, Bryan James VanStippen, and Darius M. Parks to Oneida Total Integrated Enterprises Corporate Board (5:25:44)**

Sponsor: David Jordan, Councilman

Motion by David Jordan to approve the Business Committee subcommittee's recommendation to appoint Glen Edward Golden, Terry Anderson Cornelius, Jeffrey Wade Johnson, Bryan James VanStippen, and Darius M. Parks to the Oneida Total Integrated Enterprises Corporate Board, seconded by Brandon Stevens. Motion carried with two abstentions: **(5:26:05)**

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

Motion by Jennifer Webster to accept the resignation of Butch Rentmeester and Jeff House, seconded by Tehassi Hill. Motion carried unanimously: **(5:27:22)**

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

Motion by David Jordan to approve the removal of the remaining sitting board members, Jackie Zalim, Leslie Wheelock, and Wayne Metoxen, of the Oneida Total Integrated Enterprises Corporate Board, as directed by General Tribal Council, seconded by Fawn Billie. Motion carried unanimously: **(5:28:00)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster  
 Not Present: Melinda J. Danforth, Lisa Summers  
 For the record: Councilman David Jordan stated just to enter for the record the appointments of Glen Golden for five years, Jeffrey Wade Johnson for five years, Bryan James VanStippen for four year, Terry Anderson Cornelius for three years, and Darius M. Parks for three years.  
**(10:15:05)**

**IX. STANDING ITEMS**

*Councilman Brandon Stevens arrives at 8:40 a.m. on January 13, 2017*

*Secretary Lisa Summers arrives at 8:49 a.m. on January 13, 2017*

**A. Accept quarterly report regarding Work Plan for Cemetery Improvements Project # 14-002 (6:18:28)**

Sponsor: James Petitjean, Interim Assistant Division Director/Development

Motion by Lisa Summers to accept the quarterly report regarding Work Plan for Cemetery Improvements Project # 14-002, 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

**DRAFT****X. UNFINISHED BUSINESS****A. Review community concern – # 2016-CC-21 regarding Tsyunhehkwa operations (00:07:48)**

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to schedule a special Business Committee work meeting, with this being the only topic with the Business Committee and the Tsyunhehkwa Farm, specifically on giving a presentation about what the strategies are, what the corrective actions and measures are that are being taken in order to address the topics that have been presented here, seconded by Brandon Stevens. Motion carried unanimously: **(00:36:36)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

Amendment to the main motion by Jennifer Webster to schedule the special Business Committee work meeting within the next thirty (30) days, seconded by David Jordan. Motion carried unanimously:

**(00:45:37)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

Amendment to the main motion by Lisa Summers to bring back, when completed and as information only, the outcome of the meeting and any related action plans that go along with it as result of the decisions taken place there, seconded by Jennifer Webster. Motion carried unanimously: **(00:48:43)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

**B. Direct Treasurer to provide status update on development of SOPs for Economic Development and Diversification Set Aside (5:30:29)**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Fawn Billie to direct the Treasurer to develop the SOPs for the Economic Development and Diversification Set Aside for the March 22, 2017, regular Business Committee, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers



**DRAFT****C. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic****Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Approval of Option B: Distribute twenty-one (21) Garden of Lights complimentary passes on a first come, first serve basis (5:33:57)**

Requestor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.**EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Jennifer Webster to enter the E-Poll results into the record for the approval of Option B: To distribute twenty-one (21) Garden of Lights complimentary passes on a first come, first serve basis, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

Secretary Lisa Summers arrives at 3:50 p.m. on January 11, 2017  
 Councilman Tehassi Hill departs at 3:53 p.m. on January 11, 2017  
 Councilman Tehassi Hill returns at 3:58 p.m. on January 11, 2017  
 Councilman David Jordan departs at 4:19 p.m. on January 11, 2017  
 Councilman David Jordan returns at 4:23 p.m. on January 11, 2017

**2. Approval of Membership Interest Assignment from Oneida Total Integrated Enterprises (OTIE) to Oneida Engineering Science & Construction (OESC) – contract # 2016-1347; and to authorize an Officer to sign the assignment on behalf of Oneida Nation (5:34:35)**

Requestor: Jo Anne House, Chief Counsel

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.**EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Tehassi Hill to enter the E-Poll results into the record for the approval of the Membership Interest Assignment from Oneida Total Integrated Enterprises (OTIE) to Oneida Engineering Science & Construction (OESC) – contract # 2016-1347; and to authorize an Officer to sign the assignment on behalf of Oneida Nation, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

For the record: Chairwoman Tina Danforth stated I was not in favor of this because it was given to us short order. We had a four hour time frame to address the E-Poll. I was out on approved travel and there was a meeting being held here in regards to this and back-up came shortly thereafter so I would just onto record to that extent.

For the record: Secretary Lisa Summers stated I just wanted to state that I don't feel like we got a pressure sale at least from my perspective. I'm just sharing it. This is something that even though it took me a little bit to catch up on what everything was when I first came into office. I had to a lot of

**DRAFT**

homework regarding this issue, but I was able to go back in my research and see where the previous Business Committee had taken action by setting up the stage for this transition to begin occurring and I think it was mentioned here at the tail end that actually the signing of the agreement was the last step of all of the things that have been taking place in order to get the transition completed. Yes there was an E-Poll conducted because the meeting that was supposed to be discussed at didn't occur. So it wasn't like we got the information at the last minute. We've actually had this information for quite some time and again when I went back and did my research and then again attending the shareholder's meeting this last month or the month before, it's been in there. It's been a topic that's been ongoing. So I don't feel that way. I understand that you were gone so I can see why you would feel that way, but I just wanted to note that for the record for my comments. Thank you.

For the record: Councilman David Jordan stated we also need to change something because we needed a Chair and both Chairs were out. That's the reason those E-Polls happened.

Motion by Brandon Stevens to defer the remainder of the agenda to 8:30 a.m. on Friday, January 13, 2017, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

Motion by Lisa Summers to recess at 4:24 p.m. on January 11, 2017, until 8:30 a.m. on Friday, January 13, 2017, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 8:30 a.m. on January 13, 2017*

*Chairwoman Tina Danforth, Secretary Lisa Summers, and Councilman Brandon Stevens not present.*

**XI. NEW BUSINESS**

*Chairwoman Tina Danforth arrives at 9:22 a.m. on January 13, 2017, and assumes responsibility of the Chair.*

*Councilman Tehassi Hill departs at 9:24 a.m. on January 13, 2017*

*Councilman Tehassi Hill returns at 9:27 a.m. on January 13, 2017*

**A. Review community concern - # 2017-CC-01 regarding Tribal I.D. cards (7:08:05)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to accept community concern # 2017-CC-01 for the record as information; and to request the Retail Profits Area Manager to provide a copy of the information, that is provided to the staff, to the Business Committee so that we know the follow-up was completed as discussed today, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

*Secretary Lisa Summers departs at 9:53 a.m. on January 13, 2017*

*Secretary Lisa Summers returns at 9:56 a.m. on January 13, 2017*

*Treasurer Trish King departs at 9:56 a.m. on January 13, 2017*



**DRAFT**

*Treasurer Trish King returns at 9:58 a.m. on January 13, 2017*

*Vice-Chairwoman Melinda J. Danforth departs at 10:01 a.m. on January 13, 2017*

**B. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Approved exception to the Community Support Fund hotel rate limits to increase the limit to \$100 for the Oneida Support Group at Standing Rock (7:38:17)**

Requestor: Jo Anne House, Chief Counsel

Motion by Tehassi Hill to enter the E-Poll results into the record for the approved exception to the Community Support Fund hotel rate limits to increase the limit to \$100 for the Oneida Support Group at Standing Rock, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth

For the record: Councilwoman Jennifer Webster stated we had twenty people out in Standing Rock who went out there on their own free will. This was not an easy decision for us. Nobody made them to go out there. Nobody forced them to go there. It was forty below. The chairman out there told people to go home for their own safety. We had twenty people sharing four rooms. It cost us \$160. Like we said we'd be telling a different story here if something happened to them. It's unfortunate that they didn't listen, but we had to do the best thing for our Nation to help these people. We argued about it, we offered to pay out of pocket for it, but the hotels require credit cards. It was a tough decision for us, but we made the best decision we could for the health and safety of our community members. Thank you.

*Councilman David Jordan departs at 10:05 a.m. on January 13, 2017*

Motion by Secretary Lisa Summers to ask for this item to be referred to the Governmental Services Division Director for her to provide just a synopsis of what occurred to us, as her supervisors, so that we have it for our records. Motion withdrawn.

*Councilman David Jordan returns at 10:15 a.m. on January 13, 2017*

*Vice-Chairwoman Melinda J. Danforth returns at 10:25 a.m. on January 13, 2017*

*Councilwoman Jennifer Webster departs at 10:25 a.m. on January 13, 2017*

*Councilwoman Jennifer Webster returns at 10:28 a.m. on January 13, 2017*

**2. Approved revised 2017 Quarterly Reporting schedule (7:58:48)**

Requestor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to enter the E-Poll results into the record for the approved revised 2017 Quarterly Reporting schedule, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

**3. Approved 2017 Reporting Schedule for Oneida Business Committee Direct Reports (8:17:48)**

Requestor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to enter the E-Poll results into the record for the approved 2017 Reporting Schedule for Oneida Business Committee Direct Reports, seconded by Melinda J. Danforth. Motion carried unanimously:

**DRAFT**

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

**XII. TRAVEL****A. TRAVEL REPORTS**

- 1. Accept travel report – Vice-Chairwoman Melinda J. Danforth – Medicare, Medicaid, and Health Reform Policy Committee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings – Washington D.C. – November 2-3, 2016 (8:18:20)**

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item “VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations” to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Jennifer Webster to accept the travel report – Vice-Chairwoman Melinda J. Danforth – Medicare, Medicaid, and Health Reform Policy Committee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings – Washington D.C. – November 2-3, 2016, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Abstained: Melinda J. Danforth

For the record: Secretary Lisa Summers stated I wasn't going to say anything and now I guess I have to because that day that the conversation did occur we made it very clear at least three times the distinguishment and why we were having the conversation and that the per diem was not the question. It was making sure that we had a complete understanding or we were in agreement in the interpretation of the motion which said no outside food purchases. So that was the conversation. Because of the comments I need to make sure that we are clear that day the conversation occurred we also made it clear that day that that was why we were having the conversation. It had nothing to do with your travel request per se, why you were traveling. We supported that whole heartedly. Thank you.

- 2. Accept travel report – Councilwoman Fawn Billie & Secretary Lisa Summers – Midwest Alliance of Sovereign Tribes (MAST) Post-Presidential Election Results Review – Prior Lake, MN – December 3-4, 2016 (8:25:45)**

Motion by Jennifer Webster to accept the travel report – Councilwoman Fawn Billie & Secretary Lisa Summers – Midwest Alliance of Sovereign Tribes (MAST) Post-Presidential Election Results Review – Prior Lake, MN – December 3-4, 2016, seconded by Melinda J. Danforth. Motion carried with unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

For the record: Vice-Chairwoman Melinda J. Danforth stated that due to weather conditions during that time neither Fawn nor Lisa completed the travel.

**DRAFT****B. TRAVEL REQUESTS**

- 1. Approve travel request – Vice-Chairwoman Melinda J. Danforth – 2017 Tribal Technical Advisory Group (TTAG) Face-to-Face meetings – Washington D.C. – March 1-2, July 12-13, 2017 (8:24:54)**

Motion by Lisa Summers to approve the travel request – Vice-Chairwoman Melinda J. Danforth – 2017 Tribal Technical Advisory Group (TTAG) Face-to-Face meetings – Washington D.C. – March 1-2, July 12-13, 2017, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster  
Abstained: Melinda J. Danforth

- 2. Approve travel request – Secretary Lisa Summers and two (2) additional BC Members – National Congress of American Indians (NCAI) 2017 Executive Council Winter Session – February 12-17, 2017 (8:34:31)**

Motion by David Jordan to approve the travel request – Secretary Lisa Summers and two (2) additional BC Members – National Congress of American Indians (NCAI) 2017 Executive Council Winter Session – February 12-17, 2017, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King,  
Brandon Stevens, Jennifer Webster  
Abstained: Lisa Summers  
For the record: Chairwoman Tina Danforth stated I would like to be included. I was approved for the last NCAI, but two days before my travel got pulled because of the budget. So I'm hoping I can attend this session  
For the record: Secretary Lisa Summers stated to include the Chairwoman as one of the travelers.

- 3. Approve travel request – Chairwoman Tina Danforth, Secretary Lisa Summers, and one (1) additional BC Member – Midwest Alliance of Sovereign Tribes (MAST) Impact Week – Washington D.C. – March 21-24, 2017 (8:41:29)**

Motion by Jennifer Webster to approve the travel request – Chairwoman Tina Danforth, Secretary Lisa Summers, and one (1) additional BC Member – Midwest Alliance of Sovereign Tribes (MAST) Impact Week – Washington D.C. – March 21-24, 2017, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King,  
Brandon Stevens, Lisa Summers, Jennifer Webster  
For the record: Councilwoman Jennifer Webster stated I would like to be considered to be the third, pending schedules.

- 4. Approve travel request – Chairwoman Tina Danforth – National Indian Gaming Association (NIGA) Indian Gaming Tradeshow & Convention – San Diego, CA – April 10-13, 2017 (8:43:37)**

Motion by David Jordan to approve the travel request – Chairwoman Tina Danforth – National Indian Gaming Association (NIGA) Indian Gaming Tradeshow & Convention – San Diego, CA – April 10-13, 2017, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King,  
Brandon Stevens, Lisa Summers, Jennifer Webster

Amendment to the main motion Lisa Summers to include up to three (3) Business Committee members to attend the National Indian Gaming Association (NIGA) Indian Gaming Tradeshow & Convention – San Diego, CA – April 10-13, 2017, seconded Jennifer Webster. Motion carried unanimously:

**DRAFT**

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

**C. E-POLLS**

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

Sponsor: Lisa Summers, Tribal Secretary

**a. Failed travel request - Seven (7) DOLM employees and one (1) Law Office employee to attend the BIA Midwest Region Real Estate Services Technical Guidance and Training - Prior Lake, MN - December 12-15, 2016 (8:45:12)**

Requestor: Nicole Rommel, Finance and Records Area Manager/Division of Land Management

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Tehassi Hill to enter the E-Poll results into the record for the failed travel request - Seven (7) DOLM employees and one (1) Law Office employee to attend the BIA Midwest Region Real Estate Services Technical Guidance and Training - Prior Lake, MN - December 12-15, 2016, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

*Councilman Tehassi Hill departs at 11:02 a.m. on January 13, 2017*

**b. Approved travel request – Secretary Lisa Summers and one (1) staff member – Tribal Caucus and Inter-Tribal Criminal Justice Council meetings – Baraboo, WI – January 17-19, 2017 (8:45:55)**

Requestor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to enter the E-Poll results into the record for the approved travel request – Secretary Lisa Summers and one (1) staff member – Tribal Caucus and Inter-Tribal Criminal Justice Council meetings – Baraboo, WI – January 17-19, 2017, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tehassi Hill

**c. Approved travel request – Councilwoman Fawn Billie – Tribal Actin Plan Development Workshop: Tribal Law and Order Act Training Initiative – Columbia, SC – January 25-27, 2017 (8:49:27)**

Requestor: Fawn Billie, Councilwoman

Motion by Melinda J. Danforth to enter the E-Poll results into the record for the approved travel request – Councilwoman Fawn Billie – Tribal Actin Plan Development Workshop: Tribal Law and Order Act Training Initiative – Columbia, SC – January 25-27, 2017, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Fawn Billie, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tehassi Hill

**DRAFT**

Motion by Lisa Summers to recess at 12:04 p.m. until 1:30 p.m. on January 11, 2017, seconded by Fawn Billie. Motion carried unanimously: **(3:29:14)**

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

Meeting called to order by Chairwoman Tina Danforth at 1:36 p.m. on January 11, 2017

Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, and Councilwoman Jennifer Webster not present.

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

#### **A. UNFINISHED REPORTS**

##### **1. Accept Comprehensive Health Division FY '16 4<sup>th</sup> quarter report (3:30:47)** **(1:30 p.m.-1:40 p.m.)**

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

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 23, 2016: Motion by Lisa Summers to defer the Comprehensive Health Division FY '16 4<sup>th</sup> quarter report to the December 14, 2016, seconded by David Jordan. Motion carried unanimously.*

Motion by Tehassi Hill to defer the Comprehensive Health Division FY '16 4<sup>th</sup> quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously:

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

Motion by Tehassi Hill to request the Tribal Secretary to send notice to the Comprehensive Health Division Directors requesting somebody be present to represent their report at the January 25, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

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

##### **2. Accept Land Claims Commission FY '16 quarter report (3:33:24)** **(1:40 p.m.-1:50 p.m.)**

Vice-Chair: Loretta Metoxen  
Liaison: Brandon Stevens, Councilman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

**DRAFT**

EXCERPT FROM NOVEMBER 23, 2016: Motion by Lisa Summers to defer the Land Claims Commission FY '16 4<sup>th</sup> quarter report to the December 14, 2016, seconded by David Jordan. Motion carried unanimously.

Motion by Brandon Stevens to accept the Land Claims Commission FY '16 quarter report, seconded by Trish King. Motion carried unanimously:

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

**3. Accept Self-Governance FY '16 4<sup>th</sup> quarter report (3:38:10)**  
**(1:50 p.m.-2:00 p.m.)**

Sponsor: Chris Johns, Coordinator/Self-Governance

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by Trish King to accept the Self-Governance FY '16 4<sup>th</sup> quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

**4. Accept Oneida Total Integrated Enterprise FY '16 4<sup>th</sup> quarter report (3:48:00)**  
**(2:00 p.m.-2:10 p.m.)**

Chair: Butch Rentmeester  
Liaison: Tehassi Hill, Councilman

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by David Jordan to accept the Oneida Total Integrated Enterprise FY '16 4<sup>th</sup> quarter report, seconded by Trish King. Motion carried unanimously:

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

**5. Accept Oneida Engineering Science & Construction, LLC FY '16 4<sup>th</sup> quarter report**  
**(2:10 p.m.-2:20 p.m.) (3:52:54)**

Chair: Jacquelyn Zalim  
Liaison: Tehassi Hill, Councilman

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by Brandon Stevens to accept the Oneida Engineering Science & Construction, LLC FY '16 4<sup>th</sup> quarter report, seconded by Trish King. Motion carried unanimously:



**DRAFT**

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

**6. Accept Bay Bancorporation Inc. FY '16 4<sup>th</sup> quarter report (3:58:05)**  
**(2:20 p.m.-2:30 p.m.)**

President: Jeff Bowman  
Liaison: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the Bay Bancorporation Inc. FY '16 4<sup>th</sup> quarter report, seconded by Trish King. Motion carried unanimously:

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

*Councilman Tehassi Hill departs at 2:18 p.m. on January 11, 2017*

**7. Accept Oneida Airport Hotel Corporation FY '16 4<sup>th</sup> quarter report (4:17:40)**  
**(2:30 p.m.-2:40 p.m.)**

President: Janice Skenandore-Hirth  
Liaison: Trish King, Tribal Treasurer

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the Oneida Airport Hotel Corporation FY '16 4<sup>th</sup> quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

*Councilman Tehassi Hill returns at 2:33 p.m. on January 11, 2017*

**8. Accept Oneida Golf Enterprise FY '16 4<sup>th</sup> quarter report (4:25:06)**  
**(2:40 p.m.-2:50 p.m.)**

Agent: Janice Skenandore-Hirth  
Liaison: Trish King, Tribal Treasurer

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the Oneida Golf Enterprise FY '16 4<sup>th</sup> quarter report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,

**DRAFT**

Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

*Councilwoman Jennifer Webster arrives at 3:05 p.m. on January 11, 2017*

**9. Accept Emergency Management FY '16 4<sup>th</sup> quarter report as information (4:36:18)**

Sponsor: Kaylynn Gresham, Director/Emergency Management Dept.

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the Emergency Management FY '16 4<sup>th</sup> quarter report, seconded by Trish King. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**B. OPERATIONAL REPORTS**

**1. Accept Retail Enterprises FY '16 4<sup>th</sup> quarter report (4:58:00)**

*(2:50 p.m.-3:00 p.m.)*

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Tehassi Hill to accept the Retail Enterprises FY '16 4<sup>th</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

**C. BOARDS, COMMITTEES, COMMISSIONS**

**1. Accept Personnel Commission FY '16 4<sup>th</sup> quarter report (5:10:04)**

*(3:00 p.m.-3:10 p.m.)*

Chair: Yvonne Jourdan

Liaison Alternate: David Jordan, Councilman

Motion by David Jordan to defer the Personnel Commission FY '16 4<sup>th</sup> quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Lisa Summers

*Councilman David Jordan departs at 3:21 p.m. on January 11, 2017*

**2. Accept Land Commission FY '16 4<sup>th</sup> quarter report (5:12:27)**

*(3:10 p.m.-3:20 p.m.)*

Chair: Rae Skenandore

Liaison: Tehassi Hill, Councilman

Motion by Tehassi Hill to accept the Land Commission FY '16 4<sup>th</sup> quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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



**DRAFT**

Not Present: Melinda J. Danforth, David Jordan, Lisa Summers

**XIV. 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 special General Tribal Council meeting, as directed by General Tribal Council, on February 20, 2017; and approve draft agenda  
Sponsor: Lisa Summers, Tribal Secretary~~

~~EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.~~

~~EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016 CC 21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.~~

*Item deleted at the adoption of the agenda on January 11, 2017.*

**B. Petitioner Edward Delgado: Oneida panel of educators and retention of kindergarten students**

*Councilman Tehassi Hill returns at 11:06 a.m. on January 13, 2017*

*Chairwoman Tina Danforth departs at 11:07 a.m. on January 13, 2017, and Vice-Chairwoman Melinda J. Danforth assumes responsibility of the Chair*

*Councilman David Jordan departs at 11:34 a.m. on January 13, 2017*

**1. Accept legislative analysis progress report from December 14, 2016 (8:51:03)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Trish King to accept the legislative analysis progress report from December 14, 2016, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

For the record: Secretary Lisa Summers stated Ed, I support what you're doing. I appreciate the fact that you agreed to work with us. I'm very disheartened that there was a conclusion drawn that this was something that was a result of something that you're doing on a personal level. I appreciate you having the foresight to work on getting this resolved prior to that. I don't appreciate the fact that you've been criticized here today. It's not acceptable and I look forward to continue working with you to get this issue resolved. Thank you.

**2. Accept legislative analysis (9:26:22)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Lisa Summers to accept the legislative analysis, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

**DRAFT****3. Accept legal analysis progress report from December 14, 2016 (9:26:44)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to accept the legal analysis progress report from December 14, 2016, as information, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster

Not Present: Tina Danforth, David Jordan

**4. Accept update regarding legal analysis (9:27:36)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to accept the verbal update regarding the legal analysis for January 13, 2017, noting that the complete analysis will be provided at the January 25, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster

Not Present: Tina Danforth, David Jordan

**5. Accept financial analysis progress report from December 14, 2016 (9:31:03)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to accept the financial analysis progress report from December 14, 2016, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster

Not Present: Tina Danforth, David Jordan

**6. Accept update regarding financial analysis (9:31:19)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to accept the update regarding the financial analysis, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster

Not Present: Tina Danforth, David Jordan

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

*EXCERPT FROM OCTOBER 26, 2016: Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Offices to submit their analyses within sixty (60) days; and that a progress report be submitted within forty-five (45) days, seconded by David Jordan. Motion carried unanimously.*

**DRAFT****C. Accept verified petition submitted by Sherrole Benton regarding request to change pre-employment drug testing for marijuana; and request appropriate analyses (9:31:44)**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.**EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and 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 Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

Motion by Lisa Summers to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

**D. Assign committee members to work on the General Tribal Council directive regarding establishment of legal office with advocates and advising attorney for Oneida Nation employees and enrolled Tribal Members (9:39:28)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to assign Vice-Chairwoman Melinda J. Danforth and Councilman Brandon Stevens to work on the General Tribal Council directive regarding the establishment of a legal office with advocates and advising attorney for Oneida Nation employees and enrolled Tribal Members, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

**E. Accept report regarding remaining GTC agenda items for the record (9:43:06)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to accept the report regarding remaining GTC agenda items for the record, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

*Secretary Lisa Summers departs at 12:04 p.m. on January 13, 2017*  
*Councilwoman Fawn Billie departs at 12:09 p.m. on January 13, 2017*  
*Secretary Lisa Summers returns at 12:12 p.m. on January 13, 2017*  
*Councilwoman Fawn Billie returns at 12:20 p.m. on January 13, 2017*

**DRAFT****F. Approve scheduling General Tribal Council FY 2017 budget meeting on Monday, March 27, 2017; approve original FY 2017 budget packet to be sent to Oneida Printing; and schedule a special Business Committee meeting on Friday, February 24, 2017 to approve addendum (9:44:57)**

Sponsor: Trish King, Tribal Treasurer

Motion by Trish King to approve scheduling the General Tribal Council FY 2017 budget meeting on Monday, March 27, 2017 at 6:00 p.m., seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

Motion by Trish King to approve the original FY 2017 budget packet to be sent to Oneida Printing for processing, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

Motion by Lisa Summers to schedule a special Business Committee meeting on Friday, February 24, 2017, at 10:00 a.m. to approve the addendum to the FY 2017 budget meeting materials, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

Motion by Lisa Summers to recess at 12:28 p.m. until 2:00 p.m. on January 13, 2017, seconded by Fawn Billie. Motion carried unanimously: (10:12:39)

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, David Jordan

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 2:10 p.m. on January 13, 2017*

*Chairwoman Tina Danforth, Councilwoman Fawn Billie, and Councilman Brandon Stevens not present.*

**G. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Accepted Fletcher, PLLC legal analysis of June 13, 2016, General Tribal Council meeting regarding per capita for the record (10:13:44)**

Requestor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to enter the E-Poll results into the record for the accepted Fletcher, PLLC legal analysis of June 13, 2016, General Tribal Council meeting regarding per capita for the record, seconded by David Jordan. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth, Fawn Billie, Brandon Stevens

**2. Approved special General Tribal Council meeting date, as directed by General Tribal Council, on February 20, 2017; and approved meeting materials (10:14:20)**

Requestor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to enter the E-Poll results into the record for the approved special General Tribal Council meeting date, as directed by General Tribal Council, on February 20, 2017; and approved meeting materials, seconded by David Jordan. Motion carried unanimously:

**DRAFT**

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

**3. Approved draft agenda; and to schedule a special General Tribal Council meeting on Sunday, March 19, 2016 at 1:00 p.m. (10:14:41)**

Requestor: Lisa Summers, Tribal Secretary

Motion by David Jordan to enter the E-Poll results into the record for the approved draft agenda; and to schedule a special General Tribal Council meeting on Sunday, March 19, 2016 at 1:00 p.m., seconded by Lisa Summers. Motion carried unanimously:

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

*Councilwoman Fawn Billie and Councilman Brandon Stevens at 2:12 p.m. on January 13, 2017*

## **XV. EXECUTIVE SESSION**

### **A. UNFINISHED REPORTS**

**1. Accept Oneida Total Integrated Enterprise FY '16 4<sup>th</sup> quarter report (10:15:56)**

Chair: Butch Rentmeester  
 Liaison: Tehassi Hill, Councilman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to accept the Oneida Total Integrated Enterprise FY '16 4<sup>th</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

**2. Accept Oneida Engineering Science & Construction, LLC FY '16 4<sup>th</sup> quarter report (10:16:20)**

Chair: Jacquelyn Zalim  
 Liaison: Tehassi Hill, Councilman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to accept the Oneida Engineering Science & Construction, LLC FY '16 4<sup>th</sup> quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

**DRAFT****3. Accept Bay Bancorporation Inc. FY '16 4<sup>th</sup> quarter report (10:16:32)**

President: Jeff Bowman  
 Liaison: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Tehassi Hill to accept the Bay Bancorporation Inc. FY '16 4<sup>th</sup> quarter report, 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

**4. Accept Oneida Airport Hotel Corporation FY '16 4<sup>th</sup> quarter report (10:16:57)**

President: Janice Skenandore-Hirth  
 Liaison: Trish King, Tribal Treasurer

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Fawn Billie to accept the Oneida Airport Hotel Corporation FY '16 4<sup>th</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

**5. Accept Oneida Golf Enterprise FY '16 4<sup>th</sup> quarter report (10:17:16)**

Agent: Janice Skenandore-Hirth  
 Liaison: Trish King, Tribal Treasurer

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the Oneida Golf Enterprise FY '16 4<sup>th</sup> quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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



**DRAFT****6. Accept Chief Counsel report dated December 13, 2016 – Jo Anne House, Chief Counsel (10:17:33)**

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to accept the Chief Counsel report dated December 13, 2016, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**B. REPORTS****1. Accept Retail Enterprises FY '16 4<sup>th</sup> quarter report from December 28, 2016 (10:17:53) (This item is scheduled to begin at 1:30 p.m.)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by David Jordan to accept the Retail Enterprises FY '16 4<sup>th</sup> quarter report from December 28, 2016, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**2. Accept Intergovernmental Affairs & Communications report from December 28, 2016 – Nathan King, Director (10:18:14)**

Motion by Lisa Summers to accept the Intergovernmental Affairs & Communications report from December 28, 2016, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

Motion by Fawn Billie to approve the correspondence to speaker Paul Ryan regarding the Indian Healthcare Improvement Act, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

Motion by Lisa Summers to approve the correspondence to the Department of Public Instruction regarding a request for the state-tribal consultation session, 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



**DRAFT****3. Accept Chief Financial Officer report from December 28, 2016 – Larry Barton, Chief Financial Officer (10:19:14)**

Motion by Jennifer Webster to accept the Chief Financial Officer report from December 28, 2016, 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

**4. Accept Chief Counsel report from December 28, 2016 – Jo Anne House, Chief Counsel (10:19:46)**

Motion by David Jordan to accept the Chief Counsel report from December 28, 2016, 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

Motion by Lisa Summers to approve sending the letter regarding the trademark issue; and to approve filing a petition in the event an agreement is unable to be negotiated, seconded by Tehassi Hill. Motion carried unanimously:

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

**C. STANDING ITEMS****1. Land Claims Strategy (No Requested Action)****2. Accept Oneida Golf Enterprise – Ladies Professional Golf Association update**

Sponsor: Trish King, Tribal Treasurer

*No formal action taken on this item.*

**a. Accept update regarding requested vendor list (10:20:26)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to accept the update regarding the requested vendor list, 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

**b. Accept update regarding procedure for draw down decisions (10:20:50)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Trish King to accept the update regarding the procedure for draw down decisions, seconded by Tehassi Hill. Motion carried with one abstention:

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

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

**DRAFT**

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

EXCERPT FROM NOVEMBER 23, 2016: (1) Motion by David Jordan to accept the update regarding Oneida Golf Enterprise – Ladies Professional Golf Association, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Jennifer Webster for the Chief Financial Officer to provide a top 30 vendor list with low and high spend ranges for each vendor to the Business Committee team representatives that include Secretary Lisa Summers, Treasurer Trish King, and Danelle Wilson no later than December 9, 2016, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by Lisa Summers to direct the Chief Financial Officer to provide a written procedure identifying how draw down decisions are made against their approved loan agreement, including a flow chart of how the payments are processed once the requests come in from Oneida Golf Enterprise; and that's to be done by December 16, 2016, seconded by Fawn Billie. Motion carried unanimously.

**D. AUDIT COMMITTEE**

Chair: Councilman Tehassi Hill

**1. Accept Audit Committee FY '16 4<sup>th</sup> quarter report (10:21:23)**

Motion by Brandon Stevens to accept the Audit Committee FY '16 4<sup>th</sup> quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

**2. Accept October 13, 2016, Audit Committee meeting minutes (10:21:39)**

Motion by Tehassi Hill to accept the October 13, 2016, Audit Committee meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

**E. UNFINISHED BUSINESS****1. Accept update regarding Departments of Public Works HVAC contracts (10:21:58)**

Sponsors: Brandon Stevens, Councilman/Legislative Operating Committee Chair

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM OCTOBER 12, 2016: 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.

Motion by David Jordan to accept the update regarding Departments of Public Works HVAC contracts; and to delete from the agenda, seconded by Trish King. Motion carried unanimously:

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

**DRAFT****2. Approve recommendation to terminate appointment of Oneida Library Board member (10:22:31)**

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 23, 2016: Motion by David Jordan to defer the request back to the Chair's Office; and to request a recommendation be provided at the December 14, 2016, regular Business Committee meeting, in accordance with section 6-5 of the Comprehensive Policy Governing Boards, Committees, and Commissions, seconded by Lisa Summers. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 9, 2016: Motion by Lisa Summers to defer the remaining items to the November 23, 2016, regular Business Committee unless there are items that the Tribal Secretary can identify that need immediate attention by the Business Committee at which time the Tribal Secretary will ask for an E-Poll to be conducted to address those items, seconded by Tehassi Hill. Motion carried unanimously.*

Motion by Tehassi Hill to accept the recommendation to terminate the appointment of the Oneida Library Board member, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**3. Final Monitoring Report regarding on-site performance review of Indian Housing Block Grant and Indian Community Development Block grant programs:****a. Accept funding recommendation regarding finding # 2016-IHBG-3 (10:23:02)**

Sponsors: Dale Wheelock, Executive Director/Oneida Housing Authority; Jacque Boyle, Director/Development Division-Operations; Larry Barton, Chief Financial Officer

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the funding recommendation regarding finding # 2016-IHBG-3, 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

**b. Accept status report from Legislative Operating Committee regarding completion of tribal policy to address finding # 2016-IHBG-4 (10:23:37)**

Sponsor: Brandon Stevens, Councilman/ Legislative Operating Committee Chair

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding*

**DRAFT**

*Tsyunhehkwa operations” to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 23, 2016: Motion by Jennifer Webster to assign the Legislative Operating Committee to bring back a status report on the completion of tribal policy that would address finding # 2016-IHBG-4 for the December 14, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 9, 2016: Motion by Lisa Summers to defer the remaining items to the November 23, 2016, regular Business Committee unless there are items that the Tribal Secretary can identify that need immediate attention by the Business Committee at which time the Tribal Secretary will ask for an E-Poll to be conducted to address those items, seconded by Tehassi Hill. Motion carried unanimously.*

Motion by Lisa Summers to accept the Conflict of Interest memorandum update from the Legislative Operating Committee, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**4. Accept update regarding Duck Creek Trail strategy (10:24:06)**

Sponsors: Nathan King, Director/Intergovernmental Affairs & Communications

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item “VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations” to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 23, 2016: Motion by Lisa Summers to direct the Intergovernmental Affairs & Communications Dept. and the Development Division to work with the Law Office regarding the right-of-way and signage issues; and to bring back an update to the December 14, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 9, 2016: Motion by Lisa Summers to defer the remaining items to the November 23, 2016, regular Business Committee unless there are items that the Tribal Secretary can identify that need immediate attention by the Business Committee at which time the Tribal Secretary will ask for an E-Poll to be conducted to address those items, seconded by Tehassi Hill. Motion carried unanimously.*

Motion by Jennifer Webster to accept the update regarding Duck Creek Trail strategy; and to approve the Law Office and Intergovernmental Affairs & Communications Director’s recommendations, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**5. Approve fifty-four (54) new enrollments (10:24:41)**

Sponsor: Brandon Stevens, Councilman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item “VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations” to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

**DRAFT**

Motion by David Jordan to approve the fifty-four (54) new enrollments, seconded by Tehassi Hill. Motion carried with one abstention:

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

**6. Review complaint # 2016-DR06-08 (10:25:00)**

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by Jennifer Webster to deem complaint # 2016-DR06-08 as having no merit, seconded by Brandon Stevens. Motion carried with one abstention:

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

Motion by Jennifer Webster to accept complaint # 2016-DR06-08; and to direct the Chair to provide a written response per the SOP, seconded by Fawn Billie. Motion carried with one abstention:

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

**7. Review complaint # 2016-DR06-09 (10:25:57)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by David Jordan to accept complaint # 2016-DR06-09; and to assign Councilwoman Fawn Billie, Vice-Chairwoman Melinda J. Danforth, and Councilman Brandon Stevens, seconded by Jennifer Webster. Motion carried with one abstention:

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



**DRAFT****8. Review complaint # 2016-DR06-10 (10:26:30)**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Tehassi Hill to deem complaint # 2016-DR06-10 as having no merit, seconded by David Jordan. Motion carried with one abstention:

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

Motion by Jennifer Webster to accept complaint # 2016-DR06-10; and to direct the Chair to provide a written response per the SOP, seconded by Tehassi Hill. Motion carried with one abstention:

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

**9. Accept update regarding Tribal Ombudsman position (10:27:19)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by Lisa Summers to refer this item to the Business Committee Officers to reconsider available options, seconded by Tehassi Hill. Motion carried unanimously:

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

**10. Review results of Investigative Case # 16-61 and determine next steps (10:28:01)**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

Motion by David Jordan to accept the report as information, seconded by Lisa Summers. Motion carried unanimously:

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

**DRAFT**

Motion by Lisa Summers to initiate the recommendations, except for items #3 and #4; and to ask the Tribal Secretary to work with the Direct Reports and MIS for processing information securely, seconded by Tehassi Hill. Motion carried unanimously:

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

**11. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**a. Approved Government Policy Solutions – contract # 2016-1287 (10:29:08)**

Requestor: Nathan King, Director/Intergovernmental Affairs & Communications

Motion by Lisa Summers to enter the E-Poll results into the record for the approved Government Policy Solutions – contract # 2016-1287, seconded by David Jordan. Motion carried unanimously:

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

**b. Approved Pace LLP – contract # 2016-1286 (10:29:25)**

Requestor: Nathan King, Director/Intergovernmental Affairs & Communications

Motion by Jennifer Webster to enter the E-Poll results into the record for the approved Pace LLP – contract # 2016-1286, seconded by David Jordan. Motion carried unanimously:

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

**c. Approved Cooperative Governance Agreement between Oneida Nation and Town of Oneida – contract # 2016-1357 (10:29:53)**

Requestor: Lisa Summers, Tribal Secretary

Motion by David Jordan to enter the E-Poll results into the record for the approved Cooperative Governance Agreement between Oneida Nation and Town of Oneida – contract # 2016-1357, seconded by Tehassi Hill. Motion carried unanimously:

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

*EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.*

*EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.*

**F. NEW BUSINESS**

**1. Accept update regarding Back Forty Mine and determine next steps**

*(This item is scheduled to begin at 9:30 a.m.)*

Sponsor: Brandon Stevens, Councilman

*No formal action taken on this item.*



**DRAFT****2. Adopt resolution entitled Regarding Pardon of Roxanne McDowell (10:30:24)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Fawn Billie to adopt resolution # 01-13-17-A Regarding Pardon of Roxanne McDowell, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**3. Adopt resolution entitled Regarding Pardon of Thomas Christjohn (10:30:47)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to adopt resolution # 01-13-17-B Regarding Pardon of Thomas Christjohn, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**4. Approve limited waiver of sovereign immunity – Bank of America National Association-First Amendment to Amended and Restated Credit Agreement – contract # 2012-0027 (10:31:02)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to approve the limited waiver of sovereign immunity – Bank of America National Association-First Amendment to Amended and Restated Credit Agreement – contract # 2012-0027, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**5. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**a. Adopted resolution entitled Resolution to Adopt the First Amendment to the Business Committee 401K Savings Plan (10:31:33)**

Requestor: Larry Barton, Chief Financial Officer

Motion by David Jordan to enter the E-Poll results into the record for the adopted resolution # 12-28-16-B Resolution to Adopt the First Amendment to the Business Committee 401K Savings Plan, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**b. Adopted resolution entitled Resolution to Adopt the First Amendment to the Public Safety Officer Pension Plan, with noted change (10:31:54)**

Requestor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to enter the E-Poll results into the record for the adopted resolution # 12-28-16-A Resolution to Adopt the First Amendment to the Public Safety Officer Pension Plan, with noted change, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**DRAFT****6. Determine next steps regarding appointments to the Oneida Total Integrated Enterprises corporate board (10:32:16)**

Sponsor: David Jordan, Councilman

Motion by David Jordan to accept the information as provided, noting action was taken to replace the Oneida Total Integrated Enterprises board members in open session under item 08.A. Appointments, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

**XVI. ADJOURN**

Motion by Trish King to adjourn 2:29 p.m. on January 13, 2017, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

Minutes prepared by Heather Heuer, Information Management Specialist  
Minutes approved as presented on \_\_\_\_\_.

---

Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution entitled Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed

**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  
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 current Agent, appointed by resolution # BC-05-27-15-C, has begun the process of dissolution which includes maintaining the value of existing assets during dissolution.

There continues to exist one final litigation related matter which has significant value to Oneida Seven Generations Corporation that dissolution should be delayed in order for the litigation to be concluded.

The current Agent has resolved financial issues by stabilizing existing loans, solidifying the tenant relationships, continued to locate tenants for existing facilities, and manage litigation in a manner that will allow the final actions of dissolution to be completed in a manner that will reduce costs associated with existing financing and potential loss of existing tenants and at the same time allowing a cleaner transition of corporate assets and closure of liabilities when dissolution occurs.

**\*\*Requested Action\*\***

Adopt resolution entitled Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed

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

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**BC Resolution # \_\_\_\_\_**  
**Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed**

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

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

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

**WHEREAS,** the Oneida General Tribal Council adopted a motion on December 15, 2013 directing the dissolution of the Oneida Seven Generations Corporation; and

**WHEREAS,** the Oneida Business Committee immediately began the process of an orderly dissolution by amending the corporate charter, replacing the board with an agent and directing the orderly dissolution begin; and

**WHEREAS,** the Oneida Seven Generations Corporation and the Oneida Nation was soon thereafter sued by ACF and related entities in state court in Illinois which impeded the ability to dissolve the corporation; and

**WHEREAS,** the Oneida Nation and the Oneida Seven Generations Corporation, along with its subsidiaries were either dismissed or settled; and

**WHEREAS,** the current Agent, appointed by resolution # BC-05-27-15-C, has begun the process of dissolution which includes maintaining the value of existing assets during dissolution; and

**WHEREAS,** there continues to exist one final litigation related matter which has significant value to Oneida Seven Generations Corporation that dissolution should be delayed in order for the litigation to be concluded; and

**WHEREAS,** the current Agent has resolved financial issues by stabilizing existing loans, solidifying the tenant relationships, continued to locate tenants for existing facilities, and manage litigation in a manner that will allow the final actions of dissolution to be completed in a manner that will reduce costs associated with existing financing and potential loss of existing tenants and at the same time allowing a cleaner transition of corporate assets and closure of liabilities when dissolution occurs; and

**NOW THEREFORE BE IT RESOLVED,** that the Agent appointed in resolution # BC-05-27-15-C, King Solutions LLC shall continue as agent until such time as the corporation is dissolved and all assets are transferred to the Tribe or until the appointment has been rescinded by the Oneida Business Committee, whichever is sooner.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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 Tobacco 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  
DATE: January 25, 2017  
RE: Tobacco Law Amendments

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

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

#### *Overview*

This Resolution adopts amendments to the current Tobacco Ordinance. The amendments:

- Remove the requirement that all employees be enrolled members of the Oneida Nation allowing Oneida Retail locations to employ persons not enrolled in the Oneida Nation; and
- Replace the term “tobacco outlet” with “Oneida retail location;” and
- Update the language and format to ensure compliance with drafting style and formatting requirements.

In accordance with the Legislative Procedures Act, a public meeting was held regarding the amendments on December 15, 2016, with a comment period closing on December 22, 2016. Those comments were accepted and considered by the LOC at the January 4, 2017, LOC meeting.

#### **Requested Action**

Approve the Resolution: Tobacco Law Amendments.



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution # \_\_\_\_\_**  
**Tobacco Law Amendments**

**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 Tobacco Ordinance (the "Ordinance") was adopted by the Oneida Business Committee by resolution BC-11-18-81-A and amended by resolution BC-10-10-07-A and BC-04-09-14-F; and

**WHEREAS,** amendments now refer to the Ordinance as the Tobacco law in alignment with the Legislative Operating Committee's directive that all legislation is to be classified as laws moving forward; and

**WHEREAS,** currently, the Ordinance requires all Oneida retail employees be enrolled members of the Oneida Nation; and

**WHEREAS,** the amendments remove the requirement for enrollment in the Oneida Nation from the Law allowing Oneida Retail locations to employ persons not enrolled in the Oneida Nation; and

**WHEREAS,** a public meeting on the amendments was held on December 15, 2016, in accordance with the Legislative Procedures Act, and comments received were reviewed and accepted by the Legislative Operating Committee on January 4, 2017.

**NOW THEREFORE BE IT RESOLVED,** that the amendments to the Tobacco law are hereby adopted.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## **Statement of Effect**

### *Tobacco Law Amendments*

#### **Summary**

This Resolution adopts amendments to the Tobacco Law (the “Law”) that remove the requirement that Oneida Retail employees be enrolled members in the Oneida Nation.

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

#### **Analysis by the Legislative Reference Office**

Amendments to the Tobacco Ordinance (the “Ordinance”) retitle the Ordinance 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 Ordinance requires that all employees of an Oneida retail location be enrolled members of the Oneida Nation. The amendments remove the requirement for enrollment in the Oneida Nation from the Law allowing Oneida Retail locations to employ persons not enrolled in the Oneida Nation

Although the Law removed all references to enrollment requirements, the Nation’s Oneida Preference and Indian Preference Policy still governs and provides Oneida applicants preference in hiring for Oneida retail positions. The January 8, 1990 General Tribal Council directive that general managers and all top administrative positions shall be held by enrolled members of the Nation will still apply to Oneida retail location positions. Additionally, the Nation’s Human Resource Department has an Oneida Enrolled Tribal Member Requirements on Job Descriptions work standard, which defines criteria used to determine positions within the structure of the Oneida Nation which shall be held by an enrolled member of the Nation, would still apply to Oneida retail positions.

Additional amendments:

- replace the term “tobacco outlet” with “Oneida retail location;” and
- remove the term “manager” from the definitions; and
- replace the term “tribal employee” with “employee;” and
- update Section 115.4-2 to remove the requirement that Oneida retail locations be managed and operated by a tribal employee and instead state that Oneida retail locations be managed and operated by the Oneida Nation; and
- replace references to the “Personnel Policies and Procedures” with the “Nation’s laws, rules and policies governing employment” so that the Law allows for the possibility of future legislation regarding employment; and
- replace various references to the “Tribe” with “Nation” to reflect the 2015 Constitutional Amendments; and

- update Section 115.2. to ensure compliance with the language required by the Legislative Procedures Act; and
- update the language and format to ensure compliance with drafting style and formatting requirements.

A public meeting on the proposed amendments was held on December 15, 2016, in accordance with the Legislative Procedures Act. On January 4, 2017, 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

**Tobacco**

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Tobacco (law)				
<b>Sponsor</b>	Tehassi Hill	<b>Drafter</b>	Clorissa N. Santiago	<b>Analyst</b>	Maureen Perkins
<b>Requester &amp; Reason for Request</b>	Dawn Moon-Kopetsky and Retail Division Amend the law to allow Oneida Retail to hire non-Oneida employees due to inability to keep positions filled with current restrictions to only hire Oneida members in retail.				
<b>Purpose</b>	Regulates the sale, possession and distribution of cigarettes within the Reservation.				
<b>Authorized/ Affected Entities</b>	Oneida Retail Enterprise, Oneida Human Resources Department, Judiciary				
<b>Related Legislation</b>	Rules of Civil Procedure				
<b>Enforcement &amp; Due Process</b>	All cigarettes acquired, owned, possessed, sold, or distributed in violation of this law are unlawful property and subject to seizure by any Oneida law enforcement officer [see 115.8-1]. Violators subject to the jurisdiction of the Nation shall be subject to a fine of not more than ten dollars (\$10) per pack of un-stamped cigarettes to be issued by the Oneida Police Department and paid to the Nation [see 115.8-1(a)]. Oneida Nation employees who violate this law shall be subject to disciplinary action in accordance with the Nation’s laws, rules, and policies governing employment [see 115.8-1(b)]. Persons issued citations under this law may contest the citation with the Nation’s judicial system [115.8-2].				
<b>Public Meeting Status</b>	A public meeting was held December 15, 2016.				

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**Overview**

Amendments to the Tobacco Ordinance were requested by a Tribal member and the Oneida Retail Enterprise to remove restrictions that require Oneida Retail employees be enrolled Members of the Nation. The Oneida Retail Enterprise is having difficulty hiring and retaining Retail Associates and the restrictions in the current Ordinance requiring employees of Oneida Retail be enrolled Members is limiting their ability to fully staff the Oneida retail locations. The Retail Enterprise has averaged approximately 5-8 vacancies within the past 18 months.

**Proposed Amendments**

- “Manager” was removed from the definitions list.
  - Oneida and Indian Preference in hiring will govern and provide Oneida applicants preference in Retail positions.
  - The January 8, 1990 GTC directive that the General Manager’s and all top administrative positions be held by enrolled tribal members will apply to these

Draft # 2 for OBC Consideration  
2017 01 25

- 21 positions through the HRD hiring process.
- 22 • “Tribal Employee” was removed from the definitions list and replaced with “Employee”
- 23 which is defined as a person employed by the Oneida Nation working in an Oneida retail
- 24 location. This change removed restrictions that employees of Oneida Retail be enrolled
- 25 members of the Nation.
- 26 ○ Indian Preference in hiring will govern and provide Oneida applicants with
- 27 preference in Retail positions.
- 28 • Section 115.4-2 was updated to remove the requirement that Oneida Retail locations be
- 29 managed and operated by a Tribal Employee and instead states that Oneida retail
- 30 locations be managed and operated by the Oneida Nation. Indian preference and the
- 31 GTC motion regarding hiring Tribal members will still apply to hiring Oneida Retail
- 32 managers.
- 33 • Reference to Personnel Policies and Procedures was removed and replaced with the
- 34 Nation’s laws, rules and policies governing employment. This language is more general
- 35 and allows for the possibility of future legislation regarding employment [*see 115.8-*
- 36 *1(b)*].
- 37 • The Violations section [*see 115.8-2*] was amended to clarify that citations under this law
- 38 are contested (not appealed) to the Nation’s judicial system.
- 39

**Other**

- 40
- 41 • Minor changes:
- 42 ○ Retitle the Tobacco Ordinance as a law in alignment with the Legislative Operating
- 43 Committee’s directive that all policies be classified as laws.
- 44 ○ Replace the term “tobacco outlet” with “Oneida retail location.”
- 45 ○ Update the language and ensure compliance with drafting style and formatting
- 46 requirements.
- 47 ○ To reflect the 2015 Constitutional Amendments, various references to the “Tribe”
- 48 have been replaced with references to the “Nation.”
- 49 ○ Section 115-2 has been revised to ensure compliance with the language required by
- 50 the Legislative Procedures Act.
- 51 ○ Reformat the law to align with the approved reorganization of the laws.
- 52

**Considerations**

- 53
- 54 • The job descriptions for the Oneida Retail Enterprise positions will need to be updated to
- 55 reflect changes in this law.
- 56
- 57
- 
- 58
- 59

**Title 1. Government and Finances - Chapter ~~60~~115****TOBACCO ORDINANCE****Oyú·kwa? Olihwá·ke***matters concerning tobacco*~~60~~115.1. Purpose and Policy~~60~~115.2. Adoption, Amendment, Repeal~~60~~115.3. Definitions~~60~~115.4. ~~Tobacco Outlets~~~~Oneida Retail Locations~~~~60~~115.5. Purchase of, Title to And Possession of Tobacco~~60~~115.6. Products~~60~~115.7. Restrictions on Sales~~60~~115.8. ~~Tribal~~Liability~~60~~115.9. Violations**~~60~~115.1. Purpose and Policy**

~~60~~115.1-1. *Purpose.* The purpose of this ~~Law~~law is to regulate the sale, possession and distribution of cigarettes within the Reservation.

~~60~~115.1-2. *Policy.* It is the policy of the ~~Tribe~~Nation to ensure that all cigarette sales on the Reservation are conducted in a lawful manner.

**~~60~~115.2. Adoption, Amendment, Repeal**

~~60~~115.2-1. This ~~Law~~law was adopted by the Oneida Business Committee by resolution BC- 11-18-81-A and amended by resolution BC-10-10-07-A ~~and~~, BC-04-09-14-F, ~~and BC~~ \_\_\_\_\_.

~~60~~115.2-2. This ~~Law~~law may be amended or repealed by the Oneida Business Committee ~~and/or~~ the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

~~60~~115.2-3. Should a provision of this ~~Law~~law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~Law~~law which are considered to have legal force without the invalid portions.

~~60~~115.2-4. In the event of a conflict between a provision of this ~~Law~~law and a provision of another law, the provisions of this ~~Law~~law shall control.

~~60~~115.2-5. This ~~Law~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of~~ Indians of WisconsinNation.

**~~60~~115.3. Definitions**

~~60~~115.3-1. This section shall govern the definitions of words and phrases used within this ~~Law~~law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Cigarette” ~~shall mean~~means any roll for smoking made wholly or in part of tobacco, irrespective of size, shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state.

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

(c) ~~“Manager” shall mean an enrolled member of the Oneida Tribe of Indians of Wisconsin~~“Employee” means a person employed by the ~~Tribe to manage a Tobacco outlet~~Oneida Nation working in an Oneida retail location.

(d) “Nation” means the Oneida Nation.

(e) “Oneida Retail Location” means an Oneida Nation retail sales business selling stamped cigarettes within the Oneida Nation Reservation”-shall mean.

58 (f) “Reservation” means all land within the exterior boundaries of the Reservation of the  
59 Oneida ~~Tribe of Indians of Wisconsin~~Nation, as created pursuant to the 1838 Treaty with  
60 the Oneida, 7 Stat. 566, and any land added thereto pursuant to federal law.

61 (eg) “Stamped Cigarettes” shall mean~~means~~ cigarettes bearing valid Wisconsin tax  
62 stamps.

63 ~~(f) “Tobacco Outlet” shall mean a Tribal retail sales business selling stamped cigarettes~~  
64 ~~within the Oneida Indian Reservation.~~

65 ~~(g) “Tribal Employee” shall mean an enrolled member of the Oneida Tribe of Indians of~~  
66 ~~Wisconsin employed to work in or manage a Tobacco outlet.~~

67 ~~(h) “Tribal Member” shall mean an enrolled member of the Oneida Tribe of Indians of~~  
68 ~~Wisconsin.~~

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

#### 70 71 ~~60.4. Tobacco Outlets~~

72 ~~60~~  
73

#### 74 115.4. Oneida Retail Locations

75 115.4-1. The ~~Tribe~~Nation shall maintain ~~tobacco outlets~~Oneida retail locations within the  
76 Reservation as it deems necessary to provide adequate service to consumers of stamped  
77 cigarettes.

78 60115.4-2. Each ~~tobacco outlet~~Oneida retail location established hereunder shall be ~~a Tribal~~  
79 ~~Tobacco Outlet and shall be managed or~~and operated ~~for~~by the ~~Tribe~~ by a Tribal  
80 ~~employee~~Oneida Nation.

#### 81 82 60115.5. Purchase of, Title to ~~And~~and Possession of Tobacco Products

83 60115.5-1. The ~~Tribe~~Nation shall purchase stamped cigarettes from such suppliers as it may  
84 choose and shall take title and possession on delivery to ~~a tobacco outlet~~an Oneida retail location  
85 on the Reservation (the title shall be subject to any purchase money security interest).  
86 Possession of the stamped cigarettes (but not title) shall be transferred to the manager of the  
87 ~~tobacco outlet~~Oneida retail location to be held for sale to the consumers. The ~~Tribe~~Nation shall  
88 retain title to stamped cigarettes until sold to a consumer.

#### 89 90 60115.6. Restrictions on Sales

91 60115.6-1. The ~~Tribe~~Nation shall be the exclusive retailer of cigarettes bearing the Wisconsin  
92 Tribal Cigarette tax stamp within the Reservation. Furthermore, only the ~~Tribe~~Nation may claim  
93 the tax refunds on cigarettes sold on the Reservation as provided for under state law.

94 60115.6-2. The ~~Tribe~~Nation reserves the right to restrict sales, volume, pricing and profit margin  
95 of stamped cigarettes sold at a ~~tobacco outlet~~Oneida retail location.

96 60115.6-3. Cigarettes and electronic cigarettes shall not be sold to any person under the age of  
97 eighteen (18). Cigarettes and electronic cigarettes for sale at ~~a tobacco outlet~~an Oneida retail  
98 location shall be on display behind a counter. No person other than an authorized ~~Tribal~~  
99 employee shall sell cigarettes and electronic cigarettes at ~~a tobacco outlet~~an Oneida retail  
100 location.

101 60115.6-4. No person may sell or offer for sale unstamped cigarettes on the Reservation.

#### 102 103 60115.7. Tribal Liability

104 60115.7-1. The ~~Tribe~~Nation shall be responsible for all risks to the stamped cigarettes and shall  
105 carry full insurance against fire, theft, and other hazards, and such insurance shall include as a



106 beneficiary any person owning a purchase money security interest in the products to the extent  
107 his or her interest may appear.

108

109 **60115.8 Violations**

110 60115.8-1. All cigarettes acquired, owned, possessed, sold, or distributed in violation of this  
111 Lawlaw are unlawful property and subject to seizure by any Oneida law enforcement officer.

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

115 (b) ~~Tribe employees~~Employees who violate this Lawlaw shall be subject to disciplinary  
116 action in accordance with the ~~Tribe's personnel~~Nation's laws, rules, and policies ~~and~~  
117 procedures governing employment.

118 60115.8-2. All fines assessed under this section shall be paid within sixty (60) days of issuance  
119 of the citation, unless the person ~~files an appeal~~contests the citation with the ~~Tribe's~~Nation's  
120 judicial system before the fine is to be paid.

121

122 *End.*

123

---

125 Adopted - BC-3-15-76-A                      Adopted - BC-11-18-81-A

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

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

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

115.1. Purpose and Policy

115.2. Adoption, Amendment, Repeal

115.3. Definitions

115.4. Oneida Retail Locations

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

115.6. Restrictions on Sales

115.7. Liability

115.8. Violations

**115.1. Purpose and Policy**

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

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

**115.2. Adoption, Amendment, Repeal**

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

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

115.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

115.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

**115.3. Definitions**

115.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size, shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state.

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

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

(d) "Nation" means the Oneida Nation.

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

(f) "Reservation" means all land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any land added thereto pursuant to federal law.

40 (g) “Stamped Cigarettes” means cigarettes bearing valid Wisconsin tax stamps.  
41

#### 42 **115.4. Oneida Retail Locations**

43 115.4-1. The Nation shall maintain Oneida retail locations within the Reservation as it deems  
44 necessary to provide adequate service to consumers of stamped cigarettes.

45 115.4-2. Each Oneida retail location established hereunder shall be managed and operated by the  
46 Oneida Nation.  
47

#### 48 **115.5. Purchase of, Title to and Possession of Tobacco Products**

49 115.5-1. The Nation shall purchase stamped cigarettes from such suppliers as it may choose and  
50 shall take title and possession on delivery to an Oneida retail location on the Reservation (the  
51 title shall be subject to any purchase money security interest). Possession of the stamped  
52 cigarettes (but not title) shall be transferred to the manager of the Oneida retail location to be  
53 held for sale to the consumers. The Nation shall retain title to stamped cigarettes until sold to a  
54 consumer.  
55

#### 56 **115.6. Restrictions on Sales**

57 115.6-1. The Nation shall be the exclusive retailer of cigarettes bearing the Wisconsin Tribal  
58 Cigarette tax stamp within the Reservation. Furthermore, only the Nation may claim the tax  
59 refunds on cigarettes sold on the Reservation as provided for under state law.

60 115.6-2. The Nation reserves the right to restrict sales, volume, pricing and profit margin of  
61 stamped cigarettes sold at a Oneida retail location.

62 115.6-3. Cigarettes and electronic cigarettes shall not be sold to any person under the age of  
63 eighteen (18). Cigarettes and electronic cigarettes for sale at an Oneida retail location shall be on  
64 display behind a counter. No person other than an authorized employee shall sell cigarettes and  
65 electronic cigarettes at an Oneida retail location.

66 115.6-4. No person may sell or offer for sale unstamped cigarettes on the Reservation.  
67

#### 68 **115.7. Liability**

69 115.7-1. The Nation shall be responsible for all risks to the stamped cigarettes and shall carry  
70 full insurance against fire, theft, and other hazards, and such insurance shall include as a  
71 beneficiary any person owning a purchase money security interest in the products to the extent  
72 his or her interest may appear.  
73

#### 74 **115.8 Violations**

75 115.8-1. All cigarettes acquired, owned, possessed, sold, or distributed in violation of this law  
76 are unlawful property and subject to seizure by any Oneida law enforcement officer.

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

80 (b) Employees who violate this law shall be subject to disciplinary action in accordance  
81 with the Nation’s laws, rules, and policies governing employment.

82 115.8-2. All fines assessed under this section shall be paid within sixty (60) days of issuance of  
83 the citation, unless the person contests the citation with the Nation’s judicial system before the  
84 fine is to be paid.

85 *End.*

87 Adopted - BC-3-15-76-A

Adopted - BC-11-18-81-A

88 Adopted - BC-9-7-77-B

Amended - BC-10-10-07-A

89 Adopted - BC-9-4-79-C

Amended - BC-04-09-14-F

# MEMORANDUM

DATE: January 5, 2017

FROM: Rae Skenandore, Project Manager

TO: Larry Barton, Chief Financial Officer  
 Ralinda Ninham-Lamberies, Assistant Chief Financial Officer

RE: **Fiscal Impact Tobacco Amendments**

## I. Background

This Law was adopted by the Oneida Business Committee by resolution BC-11-18-81-A and amended by resolution BC-10-10-07-A and, BC-04-09-14-F. A public meeting was held on December 15, 2016. The Legislative Operating Committee (LOC) has requested a fiscal analysis on the amendments to the Law that would remove restrictions that Oneida Retail employees be enrolled Oneida Tribal Members.

## II. Executive Summary of Findings

A “Fiscal impact statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the law after implementation. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation. The analysis was completed on Draft 2 for OBC Consideration 2017 01 11.

Employment in the Oneida Retail Enterprise (ORE) has consisted solely of Tribal members for the last 36 years. To ease the transition to a new multicultural environment, ORE will be offering diversity training over a period of six months to minimize potential disruptions to operations.

Employees	Average Wage	Hours	Total
108	\$ 15.00	4	\$6,480

The expense is included in ORE's 2017 budget. Implementation of the Law is dependent on the training, which is dependent upon an approved 2017 budget. Estimated date of approval is March 27<sup>th</sup> 2017. Estimated date for training to be complete is approximately 3-6 months or July of 2017 depending on the approval of the amendments.

**III. Financial Impact**

\$6,480

**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 the Oneida Business Committee and General Tribal Council has full information with which to render a decision.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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 Landlord-Tenant Emergency Amendments for adoption.

**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: Jennifer Falck, LRO Director  
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 Legislative Procedures Act allows the Business Committee to "temporarily enact an emergency law...for the immediate preservation of the public health, safety, or general welfare of the reservation population." (LPA 16.9-5.)

The Landlord Tenant law is meant to apply to all landlord-tenant issues. It currently excludes rent-to-own clients and prohibits rent-to-own agreements.

- 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](mailto:BC_Agenda_Requests@oneidanation.org)





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: January 25, 2017  
 RE: Landlord-Tenant Law Emergency Amendments

---

Please find the following attached backup documentation for your consideration of the Landlord-Tenant Law Emergency Amendments:

1. Resolution: Landlord-Tenant Law Emergency Amendments
2. Statement of Effect: Landlord-Tenant Law Emergency Amendments
3. Landlord-Tenant Law Emergency Amendments Legislative Analysis
4. Landlord Tenant Law (Redline)
5. Landlord Tenant Law (Clean)

#### *Overview*

Emergency amendments to the Landlord-Tenant law (the “Law”) are requested in order to allow the Oneida Housing Authority’s Rent-to-Own program to continue to exist within the confines of the Law. The Landlord-Tenant law has an effective date of February 9, 2017 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 when the amendment of legislation is required sooner than would be possible under the Legislative Procedures Act. A fiscal impact statement and public meeting are not required for emergency legislation.

The emergency amendments to the Landlord-Tenant law are necessary for the preservation of the public health, safety, or general welfare of the reservation population because the amendments prevent the prohibition of the Oneida Housing Authority from entering into rent-to-own program agreements when the Law becomes effective on February 9, 2017. Additionally, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest.

The emergency amendments to the Law will become effective immediately upon effect of the Law on February 9, 2017, 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: Landlord-Tenant Law Emergency Amendments.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Landlord-Tenant Law Emergency Amendments

- 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 Landlord-Tenant law (the "Law") was adopted by the Oneida Business Committee by resolution 10-12-16-C; and
- WHEREAS,** the Law provides mechanisms for protecting the rights of the landlords and tenants of the Nation's rental programs; and
- WHEREAS,** the current Law applies to rental agreements defined as, "a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less;" and
- WHEREAS,** the Oneida Housing Authority's rent-to-own program does not fall into the Law's definition of rental agreements because the rental agreement for the rent-to-own program generally has a fifteen (15) year term with conveyance of the home at the satisfaction of the rental agreement; and
- WHEREAS,** the rental agreements in the Law were limited to one (1) year terms to fortify the policy requiring annual renewals of rental agreements and to avoid month-to-month tenancies; and
- WHEREAS,** the emergency amendment to the Law maintains the Law's policies while including the Oneida Housing Authority's rent-to-own program by revising the definition of "rental agreement" to state, "a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent to own basis;" and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** the emergency adoption of this amendment to the Landlord-Tenant law is necessary for the preservation of the public health, safety, or general welfare of the reservation population to ensure that the Oneida Housing Authority is not prohibited from entering into rent-to-own agreements when the Landlord-Tenant law becomes effective on February 9, 2017; and

**WHEREAS,** observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation.

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendment to the Landlord-Tenant Law is hereby adopted on an emergency basis and shall become effective immediately upon effect of the law on February 9, 2017.



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## Statement of Effect

### *Landlord-Tenant Law Emergency Amendments*

#### *Summary*

This Resolution adopts an emergency amendment to the Landlord-Tenant Law (the “Law”) which would include the Oneida Housing Authority’s (OHA’s) rent-to-own program in the definition of rental agreement.

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

#### *Analysis by the Legislative Reference Office*

This resolution adopts an emergency amendment to the Landlord-Tenant Law. The Landlord-Tenant Law was adopted on October 12, 2016, set to become effective one hundred and twenty (120) calendar days later on February 9, 2017. Currently, the Law applies to rental agreements that are defined as, “a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less.” The rental agreements in the Law were limited to one (1) year terms to fortify the policy requiring annual renewals of rental agreements and to avoid month-to-month tenancies.

After the adoption of the Law it was discovered that Oneida Housing Authority’s (OHA’s) rent-to-own program does not fall into the definition of rental agreements provided in the Law because the rental agreement for the rent-to-own program generally has a fifteen (15) year term with conveyance of the home at the satisfaction of the rental agreement. Therefore, once the Law becomes effective on February 9, 2017, OHA will no longer be permitted to enter into rent-to-own agreements.

The emergency amendment to the Law maintains the policies the Law sets forth while including OHA’s rent-to-own program by revising the definition of “rental agreement” to state, “a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent to own basis.” This emergency amendment to the Law allows OHA to continue to enter into rent-to-own program agreements when the Law becomes effective on February 9, 2017.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the Oneida Business Committee to take emergency action 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 Legislative Procedures Act.” The Landlord-Tenant Law Emergency Amendments prevent the prohibition of the OHA from entering into rent-to-own program agreements when the Law becomes effective on February 9, 2017, which would be necessary for the preservation of the public health, safety, or general welfare of the reservation population. Additionally, observance of the adoption

requirements under the LPA for adoption of this amendment would be contrary to public interest. Through the Resolution, the Oneida Business Committee has issued a finding of an emergency and has stated the necessity for approving emergency amendments to this Law.

The emergency amendments to the Landlord-Tenant Law will take effect immediately upon effect of the law on February 9, 2017. The emergency amendments 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.

### ***Conclusion***

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



## Landlord-Tenant Emergency Amendments Legislative Analysis

### SECTION 1. BACKGROUND

REQUESTER: Krystal L. John	SPONSOR: David P. Jordan	DRAFTER: Clorissa N. Santiago	ANALYST: Maureen Perkins
<b>Intent of Proposed Amendments</b>	The current emergency amendments are proposed by the Oneida Law Office in consultation with the Oneida Housing Authority in order to ensure the Rent to Own rental agreements are covered by the law when it becomes effective February 9, 2017.		
<b>Purpose of the Law</b>	To provide mechanisms for protecting the rights of the landlords and tenants within the reservation <i>[see 710.1-1]</i> .		
<b>Affected Entities</b>	Comprehensive Housing Division (Oneida Housing Authority, Division of Land Management and Elder Services), Land Commission, Oneida Tribal members, their spouses and occupants who rent and occupy premises under this law		
<b>Affected Legislation</b>	Eviction and Termination, Administrative Rulemaking, Building Code, Zoning and Shoreline Protection Ordinance, Pardon and Forgiveness, and Real Property		
<b>Enforcement/Due Process</b>	The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement <i>[see 710.10-1]</i> .		
<b>Public Meeting</b>	A public hearing is not required for emergency legislation.		

### SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The current emergency amendments correct an error in the current law by covering Rent to Own rental agreements that last longer than one year *[see 710.3-1(e)]*.

### SECTION 3. CONSULTATION

- A. The Oneida Housing Authority and the Oneida Law Office recognized that the current law does not cover the Rent to Own programs because these are rental agreements that last longer than one year and the definition of rental agreements in the law states
- B. This change does not require additional research.

### SECTION 4. PROCESS

- A. This amendment to the law is being considered on an emergency basis. This is the correct legislative process considering there is not enough time to adopt the amendment through the regular legislative process by the effective date of the law which is February 9, 2017. The Legislation Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; however they will be required when considering permanent adoption of this amendment.
- B. The emergency amendments were added to the Active Files List on December 21, 2016.

### SECTION 5. CONTENTS OF THE PROPOSED AMENDMENTS

- A. The term for “Rental Agreements” is restricted to one year or less in the recently adopted Landlord-Tenant law. This definition excludes rent to own contracts which are for fifteen (15) year terms. The



22 emergency amendment adds rent to own contracts to the definition of rental agreements to include rent to  
23 own contracts which are for terms longer than one year [see 710.3-1(e)].

24

25 Pursuant to the Legislative Procedures act, the Oneida Business Committee can temporarily enact  
26 legislation on an emergency basis when necessary for the immediate preservation of the public health,  
27 safety or general welfare of the Reservation population and when the amendment of legislation is required  
28 sooner than would be possible under the regular legislative process under the Legislative Procedures Act.  
29 The Landlord-Tenant Law Emergency Amendments recognize the current rent to own rental agreements  
30 and allow the Oneida Housing Authority to continue entering into rent-to-own program agreements when  
31 the Law becomes effective on February 9, 2017.

32

33 These emergency amendments will become effective immediately upon the effective date of the law  
34 (February 9, 2017) and will remain effective for six (6) months, with the possibility to extend for an  
35 additional six (6) months, or until the emergency amendments expire or are permanently adopted.

36

## 37 **SECTION 6. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR** 38 **OBLIGATIONS**

39 A. The proposed amendments will ensure the Landlord-Tenant law covers existing rent to own contracts  
40 and future rent to own contracts and ensures Tribal members who enter into these contracts have the same  
41 due process and other rights as all other rental agreements under the Landlord-Tenant law.

42

## 43 **SECTION 7. OTHER CONSIDERATIONS**

44 A. The Landlord-Tenant law was adopted on October 12, 2016 and becomes effective on February 9,  
45 2017. The emergency amendments to the Landlord-Tenant law are proposed to become effective on  
46 the same date that the Landlord-Tenant law becomes effective: February 9, 2017.

47

48

49

50



1 **Title 7. Property - Chapter 710**  
 2 **LANDLORD-TENANT**  
 3 **Tsi? Yuhwatsyawá·ku Aolihwá·ke**  
 4 *where it bound to the earth - issues*  
 5

6	710.1.	Purpose and Policy	11	710.6.	Rights and Duties of Landlords and Tenants
7	710.2.	Adoption, Amendment, Repeal	12	710.7.	Domestic Abuse Protections
8	710.3.	Definitions	13	710.8.	Sex Offender Registry
9	710.4.	Rental Programs	14	710.9.	Termination of Tenancy at Death of Tenant
10	710.5.	Rental Agreement Documents	15	710.10.	Landlord or Tenant Actions
			16		

17  
18  
19 **710.1. Purpose and Policy**

20 710.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights  
21 of the landlords and tenants of the Nation's rental programs.

22 710.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants  
23 of the Nation's rental programs that preserves the peace, harmony, safety, health, general welfare  
24 and the Nation's resources.  
25

26 **710.2. Adoption, Amendment, Repeal**

27 710.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-  
28 C.

29 710.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to  
30 the procedures set out in the Legislative Procedures Act.

31 710.2-3. Should a provision of this law or the application thereof to any person or  
32 circumstances be held as invalid, such invalidity shall not affect other provisions of this law  
33 which are considered to have legal force without the invalid portions.

34 710.2-4. In the event of a conflict between a provision of this law and a provision of another  
35 law, the provisions of this law shall control.

36 710.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.  
37

38 **710.3. Definitions**

39 710.3-1. This section shall govern the definitions of words and phrases as used herein. All  
40 words not defined herein shall be used in their ordinary and everyday sense.

41 (a) "Comprehensive Housing Division" means the entity responsible for housing matters  
42 specifically related to rental agreements as defined by Oneida Business Committee  
43 Resolution.<sup>1</sup>

44 (b) "Landlord" means the Nation in its capacity to rent real property subject to a rental  
45 agreement.

46 (c) "Nation" means the Oneida Nation.

---

<sup>1</sup> See BC Resolution 10-12-16-D providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program.

- 47 (d) “Premises” means the property covered by a rental agreement, including not only the  
48 real property and fixtures, but also any personal property furnished by the landlord  
49 pursuant to a rental agreement.
- 50 (e) “Rental Agreement” means a written contract between a landlord and a tenant,  
51 whereby the tenant is granted the right to use or occupy the premises for a residential  
52 purpose for one (1) year or less, provided that the term may be longer than one (1) year in  
53 circumstances where the contract is on a rent to own basis.
- 54 (f) “Reservation” means all property within the exterior boundaries of the reservation of  
55 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566,  
56 and any lands added thereto pursuant to federal law.
- 57 (g) “Rule” means a set of requirements, including citation fees and penalty schedules,  
58 enacted jointly by the Land Commission and the Comprehensive Housing Division in  
59 accordance with the Administrative Rulemaking law based on authority delegated in this  
60 law in order to implement, interpret and/or enforce this law, provided that where such  
61 requirements relate solely to premises administered pursuant to federal funding, the  
62 Comprehensive Housing Division has sole authority.
- 63 (h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
64 rental agreement.
- 65 (i) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
66 rent will be paid and other responsibilities of the rental agreement performed.

#### 68 **710.4. Rental Programs**

69 710.4-1. *Available Rental Programs.* Consistent with available funds, the Comprehensive  
70 Housing Division shall provide residential rental programs for providing housing to the  
71 following types of tenants and the Oneida Land Commission and the Comprehensive Housing  
72 Division shall jointly establish rules naming said programs and providing the specific  
73 requirements and regulations that apply to each program:

- 74 (a) Elder tribal members;  
75 (b) Low-income Oneida tribal members and families; and  
76 (c) Tribal members in general.

77 710.4-2. *Rental Eligibility Requirements.* In order to be eligible for a rental agreement,  
78 applicants shall meet the following conditions:

- 79 (a) Be eighteen (18) years of age at the time of the application;  
80 (b) Have no felony or drug convictions within the past two (2) years from the date of  
81 application, provided that a pardon or forgiveness received pursuant to the Pardon and  
82 Forgiveness law may provide an exception to this condition;  
83 (c) Meet the local governments’ laws’ requirements regarding residency restrictions for  
84 convicted sex offenders;  
85 (d) Meet the income requirements for entering the rental agreement as determined by the  
86 rental program’s governing rules;  
87 (e) Not hold a residential lease with the Nation; and  
88 (f) Meet any other eligibility requirements set by the rental program’s rules, which may  
89 not be less strict than this law, but may be stricter than this law.

90 710.4-3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division  
91 shall jointly develop rules governing the selection of applicants for the issuance of rental  
92 agreements.

93

94 **710.5. Rental Agreement Documents**

95 710.5-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement  
96 are severable. If any provision of a rental agreement is void or unenforceable by reason of any  
97 law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does  
98 not affect other provisions of the rental agreement that can be given effect without the invalid or  
99 unenforceable provision.

100 710.5-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or  
101 termination of a rental agreement is not enforceable unless it meets the requirements of this law  
102 and is in writing.

103 (a) All rental agreements shall:

104 (1) Set forth the amount of rent or other consideration provided in exchange for  
105 the ability to use/occupy the premises;

106 (2) Set forth the required amount of security deposit and require payment of the  
107 security deposit prior to the tenant(s) taking use/occupancy of the premises;

108 (3) Set the time of commencement and expiration of the rental agreement;

109 (4) Provide a reasonably definite description of the premises;

110 (5) State that nothing in the agreement may be considered a waiver of the  
111 Nation's sovereign immunity, provided that tenants may seek enforcement of a  
112 rental agreement or dispute an action taken pursuant to a rental agreement with  
113 the Oneida Judiciary; and

114 (6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking  
115 use/occupancy of the premises;

116 (A) The rental agreement is not required to be signed by all adults  
117 using/occupying the premises, provided that the rights and responsibilities  
118 contained in the rental agreement do not extend to persons that are not  
119 named as tenants in the rental agreement.

120 (B) Unless legally separated, if a tenant(s) is married, the landlord shall  
121 require that each spouse sign the rental agreement.

122 (b) Any provision of a rental agreement that does any of the following is void and  
123 unenforceable.

124 (1) Allows a landlord to do or threaten to do any of the following because a tenant  
125 has contacted an entity for law enforcement services, health services or safety  
126 services:

127 (A) Increase rent;

128 (B) Decrease services;

129 (C) Bring an action for eviction pursuant to the Eviction and Termination  
130 law; and/or

131 (D) Refuse to renew a rental agreement.

132 (2) Except as otherwise provided in this law in regards to domestic abuse,  
133 authorizes the eviction or exclusion of a tenant from the premises other than  
134 through the process described in the Eviction and Termination law.

135 (3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in  
136 any legal action or dispute arising under the rental agreement except as supported  
137 by a court order.

138 (4) States that the landlord is not liable for property damage or personal injury  
139 caused by negligent acts or omissions of the landlord. This subsection does not  
140 affect ordinary maintenance obligations of a tenant under 710.6-3(b) or assumed  
141 by a tenant under a rental agreement or other written agreement between the  
142 landlord and the tenant.

143 (5) Imposes liability on the tenant for any of the following:  
144 (A) Personal injury arising from causes clearly beyond the tenant's control.  
145 (B) Property damage caused by natural disasters or by persons other than  
146 the tenant or the tenant's guests or invitees. This subsection does not  
147 affect ordinary maintenance obligations of a tenant under 710.6-3(b) or  
148 assumed by a tenant under a rental agreement or other written agreement  
149 between the landlord and the tenant.

150 (6) Waives any obligation on the part of the landlord to deliver the premises in a  
151 fit and habitable condition or to maintain the premises during the tenant's  
152 tenancy.

153 (7) Allows for periodic tenancy, which for the purposes of this section means  
154 when a tenant uses/occupies a premises without an effective and valid rental  
155 agreement by paying rent on a periodic basis including, but not limited to, day-to-  
156 day, week-to-week and month-to-month.

157 710.5-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements  
158 are not permitted under any circumstances.

159  
160 **710.6. Rights and Duties of Landlords and Tenants**

161 710.6-1. This section governs the rights and duties of the landlord and tenant in the absence of  
162 any inconsistent provision found in a valid rental agreement.

163 710.6-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is  
164 evicted from the premises and leaves personal property, the landlord may presume that the tenant  
165 has abandoned the personal property and may dispose of said property in any manner that the  
166 landlord, in his or her sole discretion, determines is appropriate, provided that:

167 (a) The landlord shall hold personal property for a minimum of five (5) business days  
168 and the tenant may retrieve said personal property by contacting the landlord.

169 (b) The landlord shall keep a written log of the date and the work time that the Nation's  
170 staff expends storing and/or removing personal property and/or removing/disposing of  
171 debris left at the property after the expiration of the timeframe provided in the order to  
172 vacate.

173 (c) The Land Commission and the Comprehensive Housing Division shall jointly create  
174 rules further governing the disposition of personal property.

175 710.6-3. *Repairs; Untenability.* This section applies to all leases if there is no contrary  
176 provision in writing signed by both parties.

177 (a) *Duties of the Landlord.*

178 (1) Except for repairs made necessary by the negligence of, or improper use of the  
179 premises by the tenant, the landlord has a duty to do all of the following:

180 (A) Keep in a reasonable state of repair portions of the premises over  
181 which the landlord maintains control.

182 (B) Keep in a reasonable state of repair all equipment under the landlord's  
183 control necessary to supply services that the landlord has expressly or

184 impliedly agreed to furnish to the tenant, such as heat, water, elevator, or  
185 air conditioning.

186 (C) Make all necessary structural repairs.

187 (D) Except as provided in section 710.6-3(b)(2), repair or replace any  
188 plumbing, electrical wiring, machinery, or equipment furnished with the  
189 premises and no longer in reasonable working condition.

190 (E) Comply with any laws or rules of the Nation that are applicable to the  
191 premises.

192 (2) If the premises are part of a building where other parts are occupied by one (1)  
193 or more other tenants, negligence or improper use by one (1) tenant does not  
194 relieve the landlord from the landlord's duty to make repairs as provided in 710.6-  
195 3(a)(1), provided that the landlord may require the responsible tenant to pay for  
196 such repairs.

197 (3) A landlord shall disclose to a prospective tenant, before entering into a rental  
198 agreement with or accepting any earnest money or security deposit from the  
199 prospective tenant, any violation of either the Building Code of the Oneida Nation  
200 or the Zoning and Shoreland Protection Ordinance if all of the following apply:

201 (A) The landlord has actual knowledge of the violation;

202 (B) The violation affects the dwelling unit that is the subject of the  
203 prospective rental agreement or a common area of the premises;

204 (C) The violation presents a significant threat to the prospective tenant's  
205 health or safety; and

206 (D) The violation has not yet been corrected but the landlord shall correct  
207 the violation prior to the tenant taking occupancy of the premises.

208 (4) If the premises are damaged by fire, water or other casualty, not the result of  
209 the negligence or intentional act of the landlord, this subsection is inapplicable  
210 and either section 710.6-3(b) or (c) governs.

211 (5) The landlord is responsible for all required pest control to keep the premises  
212 in a safe and healthy condition, provided that where an infestation has occurred  
213 due to the acts or inaction of the tenant the pest control costs may be assessed  
214 against the tenant.

215 (b) *Duties of the Tenant.*

216 (1) If the premises are damaged, including by an infestation of insects or other  
217 pests, due to the acts or inaction of the tenant, the landlord may elect to allow the  
218 tenant to remediate or repair the damage and restore the appearance of the  
219 premises by redecorating. However, the landlord may elect to undertake the  
220 remediation, repair, or redecoration, and in such case the tenant shall reimburse  
221 the landlord for the reasonable cost thereof; the cost to the landlord is presumed  
222 reasonable unless proven otherwise by the tenant.

223 (2) The tenant shall keep plumbing, electrical wiring, machinery and equipment  
224 furnished with the premises in reasonable working order.

225 (3) Tenants shall comply with all laws and rules of the Nation.

226 (c) *Untenability.* If the premises become untenable because of damage by fire, water or  
227 other casualty or because of any condition hazardous to health, or if there is a substantial  
228 violation of section 710.6-3(a) materially affecting the health or safety of the tenant, the  
229 tenant may move from the premises unless the landlord promptly repairs, rebuilds or

230 eliminates the health hazard or the substantial violation of 710.6-3(a) materially affecting  
231 the health or safety of the tenant.

232 (1) The tenant may also move and terminate the rental agreement if the  
233 inconvenience to the tenant by reason of the nature and period of repair,  
234 rebuilding or elimination would impose undue hardship on the tenant.

235 (2) If the tenant remains in possession, the landlord shall decrease rent for each  
236 month to the extent the tenant is deprived of the full normal use of the premises.  
237 The Land Commission and the Comprehensive Housing Division shall jointly  
238 develop rules governing how and when rent is decreased pursuant to this section.  
239 This subsection does not authorize rent to be withheld in full, if the tenant remains  
240 in possession.

241 (3) If the tenant justifiably moves out under this subsection, the tenant is not  
242 liable for rent after the premises become untenable and the landlord shall repay  
243 any rent paid in advance apportioned to the period after the premises become  
244 untenable. This subsection is inapplicable if the damage or condition is caused by  
245 negligence or improper use by the tenant.

246 (d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when  
247 the tenant commences his or her occupancy of the premises that the tenant may use to  
248 make comments, if any, about the condition of the premises. The landlord shall provide  
249 the tenant with seven (7) days from the date the tenant commences his or her occupancy  
250 to complete the check-in sheet and return it to the landlord. The landlord is not required  
251 to provide the check-in sheet to a tenant upon renewal of a rental agreement.

252 (e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written  
253 notice prior to entering the tenant's premises where notice is required to either be  
254 personally served to the tenant or posted on the premises. A landlord is exempt from this  
255 notice requirement in the case of an emergency welfare check. The basis of a welfare  
256 check may include, but is not limited to the following:

257 (1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy  
258 based on reports of child abuse or neglect, medical concerns, suspicious activity  
259 or other reported information;

260 (2) The landlord suspects the tenant has abandoned the premises; and/or

261 (3) The landlord receives notice that the premise's utilities have been  
262 disconnected.

263 (f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as  
264 landlord a person other than the tenant's original landlord can prejudice the right of the  
265 original landlord to possession of the premises.

266 (g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for  
267 additional terms, the landlord shall, at a minimum, inspect the premises once annually.  
268

## 269 **710.7. Domestic Abuse Protections**

270 710.7-1. If a tenant notices the landlord of domestic abuse with of any of the following  
271 documentation, regardless of marital status, the landlord shall change the locks to the premises  
272 and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the  
273 domestic abuser:

274 (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;



- 275 (b) An injunction order under Wis. Stat. 813.122 protecting a child of the tenant from a  
276 co-tenant;
- 277 (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or child of the  
278 tenant from a co-tenant, based on the co-tenant's engaging in an act that would constitute  
279 sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat.  
280 940.32, or attempting or threatening to do the same;
- 281 (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the  
282 tenant;
- 283 (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a  
284 child of the tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- 285 (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the  
286 tenant under Wis. Stat. 940.32; or
- 287 (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant  
288 being arrested for committing a domestic abuse offense against the tenant under Wis.  
289 Stat. 968.075.

290 710.7-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-  
291 tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain  
292 on the premises for the longer of either the duration of the rental agreement or ninety (90) days  
293 from the date the rental agreement is modified. If the latter applies, in addition to removing the  
294 co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend  
295 its duration.

296 710.7-3. The Eviction and Termination law provides tenants that are victims of domestic abuse  
297 with a defense to eviction should the abusers actions be the cause for eviction.

298

### 299 **710.8. Sex Offender Registry**

300 710.8-1. Should a tenant request information about whether any other tenants are required to  
301 register as a sex offender, the landlord shall provide the tenant with written notice that he or she  
302 may obtain information about the sex offender registry and persons registered within the registry  
303 by contacting the department of corrections. The landlord shall include in such notice the  
304 appropriate telephone number and internet site of the department of corrections.

305

### 306 **710.9. Termination of Tenancy at Death of Tenant**

307 710.9-1. If a tenant dies, his or her tenancy is terminated on the earlier of the following:

- 308 (a) Sixty (60) days after the landlord receives notice, is advised, or otherwise becomes  
309 aware of the tenant's death;
- 310 (b) The expiration of the term of the rental agreement.

311 710.9-2. The deceased tenant or his or her estate is not liable for any rent after the termination  
312 of his or her tenancy. A landlord may not contact or communicate with a member of the  
313 deceased tenant's family for the purpose of obtaining from the family member rent for which the  
314 family member has no liability.

315 710.9-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises  
316 from any obligation under a rental agreement or any other liability to the landlord.

317 710.9-4. If the deceased tenant is a Tribal member whose death renders a co-tenant no longer  
318 eligible for a rental agreement, the non-Tribal member tenant may remain in the premises for the  
319 longer of either the duration of the rental agreement or ninety (90) days from the date of the



320 Tribal member tenant's death. If the latter applies, the landlord shall revise the rental agreement  
321 to extend its duration.

322

323

324 **710.10. Landlord or Tenant Actions**

325 710.10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding  
326 actions taken pursuant to this law and/or a rental agreement.

327 710.10-2. No administrative hearing body, including a board, committee or commission, is  
328 authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental  
329 agreement.

330 710.10-3. The landlord is the Comprehensive Housing Division in regards to taking actions  
331 authorized under this law and complaints filed with the Oneida Judiciary shall name the  
332 Comprehensive Housing Division and the specific program.

333

334 *End.*

335

336 

---

Adopted – BC-10-12-16-C

**Title 7. Property - Chapter 710**  
**LANDLORD-TENANT**  
**Tsi? Yuhwatsyawá·ku Aolihwá·ke**  
*where it bound to the earth - issues*

6	710.1.	Purpose and Policy	11	710.6.	Rights and Duties of Landlords and Tenants
7	710.2.	Adoption, Amendment, Repeal	12	710.7.	Domestic Abuse Protections
8	710.3.	Definitions	13	710.8.	Sex Offender Registry
9	710.4.	Rental Programs	14	710.9.	Termination of Tenancy at Death of Tenant
10	710.5.	Rental Agreement Documents	15	710.10.	Landlord or Tenant Actions
			16		

17

18

**710.1. Purpose and Policy**

710.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants of the Nation's rental programs.

710.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants of the Nation's rental programs that preserves the peace, harmony, safety, health, general welfare and the Nation's resources.

25

**710.2. Adoption, Amendment, Repeal**

710.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C.

710.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

710.2-3. 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.

710.2-4. 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.

710.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

37

**710.3. Definitions**

710.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Comprehensive Housing Division" means the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution.<sup>1</sup>

(b) "Landlord" means the Nation in its capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

46

---

<sup>1</sup> See BC Resolution 10-12-16-D providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program.

- 47 (d) “Premises” means the property covered by a rental agreement, including not only the  
48 real property and fixtures, but also any personal property furnished by the landlord  
49 pursuant to a rental agreement.
- 50 (e) “Rental Agreement” means a written contract between a landlord and a tenant,  
51 whereby the tenant is granted the right to use or occupy the premises for a residential  
52 purpose for one (1) year or less, provided that the term may be longer than one (1) year in  
53 circumstances where the contract is on a rent to own basis.
- 54 (f) “Reservation” means all property within the exterior boundaries of the reservation of  
55 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566,  
56 and any lands added thereto pursuant to federal law.
- 57 (g) “Rule” means a set of requirements, including citation fees and penalty schedules,  
58 enacted jointly by the Land Commission and the Comprehensive Housing Division in  
59 accordance with the Administrative Rulemaking law based on authority delegated in this  
60 law in order to implement, interpret and/or enforce this law, provided that where such  
61 requirements relate solely to premises administered pursuant to federal funding, the  
62 Comprehensive Housing Division has sole authority.
- 63 (h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
64 rental agreement.
- 65 (i) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
66 rent will be paid and other responsibilities of the rental agreement performed.

67

**68 710.4. Rental Programs**

69 710.4-1. *Available Rental Programs.* Consistent with available funds, the Comprehensive  
70 Housing Division shall provide residential rental programs for providing housing to the  
71 following types of tenants and the Oneida Land Commission and the Comprehensive Housing  
72 Division shall jointly establish rules naming said programs and providing the specific  
73 requirements and regulations that apply to each program:

- 74 (a) Elder tribal members;  
75 (b) Low-income Oneida tribal members and families; and  
76 (c) Tribal members in general.

77 710.4-2. *Rental Eligibility Requirements.* In order to be eligible for a rental agreement,  
78 applicants shall meet the following conditions:

- 79 (a) Be eighteen (18) years of age at the time of the application;  
80 (b) Have no felony or drug convictions within the past two (2) years from the date of  
81 application, provided that a pardon or forgiveness received pursuant to the Pardon and  
82 Forgiveness law may provide an exception to this condition;  
83 (c) Meet the local governments’ laws’ requirements regarding residency restrictions for  
84 convicted sex offenders;  
85 (d) Meet the income requirements for entering the rental agreement as determined by the  
86 rental program’s governing rules;  
87 (e) Not hold a residential lease with the Nation; and  
88 (f) Meet any other eligibility requirements set by the rental program’s rules, which may  
89 not be less strict than this law, but may be stricter than this law.

90 710.4-3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division  
91 shall jointly develop rules governing the selection of applicants for the issuance of rental  
92 agreements.

93

94 **710.5. Rental Agreement Documents**

95 710.5-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement  
96 are severable. If any provision of a rental agreement is void or unenforceable by reason of any  
97 law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does  
98 not affect other provisions of the rental agreement that can be given effect without the invalid or  
99 unenforceable provision.

100 710.5-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or  
101 termination of a rental agreement is not enforceable unless it meets the requirements of this law  
102 and is in writing.

103 (a) All rental agreements shall:

104 (1) Set forth the amount of rent or other consideration provided in exchange for  
105 the ability to use/occupy the premises;

106 (2) Set forth the required amount of security deposit and require payment of the  
107 security deposit prior to the tenant(s) taking use/occupancy of the premises;

108 (3) Set the time of commencement and expiration of the rental agreement;

109 (4) Provide a reasonably definite description of the premises;

110 (5) State that nothing in the agreement may be considered a waiver of the  
111 Nation's sovereign immunity, provided that tenants may seek enforcement of a  
112 rental agreement or dispute an action taken pursuant to a rental agreement with  
113 the Oneida Judiciary; and

114 (6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking  
115 use/occupancy of the premises;

116 (A) The rental agreement is not required to be signed by all adults  
117 using/occupying the premises, provided that the rights and responsibilities  
118 contained in the rental agreement do not extend to persons that are not  
119 named as tenants in the rental agreement.

120 (B) Unless legally separated, if a tenant(s) is married, the landlord shall  
121 require that each spouse sign the rental agreement.

122 (b) Any provision of a rental agreement that does any of the following is void and  
123 unenforceable.

124 (1) Allows a landlord to do or threaten to do any of the following because a tenant  
125 has contacted an entity for law enforcement services, health services or safety  
126 services:

127 (A) Increase rent;

128 (B) Decrease services;

129 (C) Bring an action for eviction pursuant to the Eviction and Termination  
130 law; and/or

131 (D) Refuse to renew a rental agreement.

132 (2) Except as otherwise provided in this law in regards to domestic abuse,  
133 authorizes the eviction or exclusion of a tenant from the premises other than  
134 through the process described in the Eviction and Termination law.

135 (3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in  
136 any legal action or dispute arising under the rental agreement except as supported  
137 by a court order.

138 (4) States that the landlord is not liable for property damage or personal injury  
139 caused by negligent acts or omissions of the landlord. This subsection does not  
140 affect ordinary maintenance obligations of a tenant under 710.6-3(b) or assumed  
141 by a tenant under a rental agreement or other written agreement between the  
142 landlord and the tenant.

143 (5) Imposes liability on the tenant for any of the following:

144 (A) Personal injury arising from causes clearly beyond the tenant's control.

145 (B) Property damage caused by natural disasters or by persons other than  
146 the tenant or the tenant's guests or invitees. This subsection does not  
147 affect ordinary maintenance obligations of a tenant under 710.6-3(b) or  
148 assumed by a tenant under a rental agreement or other written agreement  
149 between the landlord and the tenant.

150 (6) Waives any obligation on the part of the landlord to deliver the premises in a  
151 fit and habitable condition or to maintain the premises during the tenant's  
152 tenancy.

153 (7) Allows for periodic tenancy, which for the purposes of this section means  
154 when a tenant uses/occupies a premises without an effective and valid rental  
155 agreement by paying rent on a periodic basis including, but not limited to, day-to-  
156 day, week-to-week and month-to-month.

157 710.5-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements  
158 are not permitted under any circumstances.

159

## 160 **710.6. Rights and Duties of Landlords and Tenants**

161 710.6-1. This section governs the rights and duties of the landlord and tenant in the absence of  
162 any inconsistent provision found in a valid rental agreement.

163 710.6-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is  
164 evicted from the premises and leaves personal property, the landlord may presume that the tenant  
165 has abandoned the personal property and may dispose of said property in any manner that the  
166 landlord, in his or her sole discretion, determines is appropriate, provided that:

167 (a) The landlord shall hold personal property for a minimum of five (5) business days  
168 and the tenant may retrieve said personal property by contacting the landlord.

169 (b) The landlord shall keep a written log of the date and the work time that the Nation's  
170 staff expends storing and/or removing personal property and/or removing/disposing of  
171 debris left at the property after the expiration of the timeframe provided in the order to  
172 vacate.

173 (c) The Land Commission and the Comprehensive Housing Division shall jointly create  
174 rules further governing the disposition of personal property.

175 710.6-3. *Repairs; Untenability.* This section applies to all leases if there is no contrary  
176 provision in writing signed by both parties.

177 (a) *Duties of the Landlord.*

178 (1) Except for repairs made necessary by the negligence of, or improper use of the  
179 premises by the tenant, the landlord has a duty to do all of the following:

180 (A) Keep in a reasonable state of repair portions of the premises over  
181 which the landlord maintains control.

182 (B) Keep in a reasonable state of repair all equipment under the landlord's  
183 control necessary to supply services that the landlord has expressly or

- 184 impliedly agreed to furnish to the tenant, such as heat, water, elevator, or  
185 air conditioning.
- 186 (C) Make all necessary structural repairs.
- 187 (D) Except as provided in section 710.6-3(b)(2), repair or replace any  
188 plumbing, electrical wiring, machinery, or equipment furnished with the  
189 premises and no longer in reasonable working condition.
- 190 (E) Comply with any laws or rules of the Nation that are applicable to the  
191 premises.
- 192 (2) If the premises are part of a building where other parts are occupied by one (1)  
193 or more other tenants, negligence or improper use by one (1) tenant does not  
194 relieve the landlord from the landlord's duty to make repairs as provided in 710.6-  
195 3(a)(1), provided that the landlord may require the responsible tenant to pay for  
196 such repairs.
- 197 (3) A landlord shall disclose to a prospective tenant, before entering into a rental  
198 agreement with or accepting any earnest money or security deposit from the  
199 prospective tenant, any violation of either the Building Code of the Oneida Nation  
200 or the Zoning and Shoreland Protection Ordinance if all of the following apply:
- 201 (A) The landlord has actual knowledge of the violation;
- 202 (B) The violation affects the dwelling unit that is the subject of the  
203 prospective rental agreement or a common area of the premises;
- 204 (C) The violation presents a significant threat to the prospective tenant's  
205 health or safety; and
- 206 (D) The violation has not yet been corrected but the landlord shall correct  
207 the violation prior to the tenant taking occupancy of the premises.
- 208 (4) If the premises are damaged by fire, water or other casualty, not the result of  
209 the negligence or intentional act of the landlord, this subsection is inapplicable  
210 and either section 710.6-3(b) or (c) governs.
- 211 (5) The landlord is responsible for all required pest control to keep the premises  
212 in a safe and healthy condition, provided that where an infestation has occurred  
213 due to the acts or inaction of the tenant the pest control costs may be assessed  
214 against the tenant.
- 215 (b) *Duties of the Tenant.*
- 216 (1) If the premises are damaged, including by an infestation of insects or other  
217 pests, due to the acts or inaction of the tenant, the landlord may elect to allow the  
218 tenant to remediate or repair the damage and restore the appearance of the  
219 premises by redecorating. However, the landlord may elect to undertake the  
220 remediation, repair, or redecoration, and in such case the tenant shall reimburse  
221 the landlord for the reasonable cost thereof; the cost to the landlord is presumed  
222 reasonable unless proven otherwise by the tenant.
- 223 (2) The tenant shall keep plumbing, electrical wiring, machinery and equipment  
224 furnished with the premises in reasonable working order.
- 225 (3) Tenants shall comply with all laws and rules of the Nation.
- 226 (c) *Untenability.* If the premises become untenable because of damage by fire, water or  
227 other casualty or because of any condition hazardous to health, or if there is a substantial  
228 violation of section 710.6-3(a) materially affecting the health or safety of the tenant, the  
229 tenant may move from the premises unless the landlord promptly repairs, rebuilds or



230 eliminates the health hazard or the substantial violation of 710.6-3(a) materially affecting  
231 the health or safety of the tenant.

232 (1) The tenant may also move and terminate the rental agreement if the  
233 inconvenience to the tenant by reason of the nature and period of repair,  
234 rebuilding or elimination would impose undue hardship on the tenant.

235 (2) If the tenant remains in possession, the landlord shall decrease rent for each  
236 month to the extent the tenant is deprived of the full normal use of the premises.  
237 The Land Commission and the Comprehensive Housing Division shall jointly  
238 develop rules governing how and when rent is decreased pursuant to this section.  
239 This subsection does not authorize rent to be withheld in full, if the tenant remains  
240 in possession.

241 (3) If the tenant justifiably moves out under this subsection, the tenant is not  
242 liable for rent after the premises become untenable and the landlord shall repay  
243 any rent paid in advance apportioned to the period after the premises become  
244 untenable. This subsection is inapplicable if the damage or condition is caused by  
245 negligence or improper use by the tenant.

246 (d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when  
247 the tenant commences his or her occupancy of the premises that the tenant may use to  
248 make comments, if any, about the condition of the premises. The landlord shall provide  
249 the tenant with seven (7) days from the date the tenant commences his or her occupancy  
250 to complete the check-in sheet and return it to the landlord. The landlord is not required  
251 to provide the check-in sheet to a tenant upon renewal of a rental agreement.

252 (e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written  
253 notice prior to entering the tenant's premises where notice is required to either be  
254 personally served to the tenant or posted on the premises. A landlord is exempt from this  
255 notice requirement in the case of an emergency welfare check. The basis of a welfare  
256 check may include, but is not limited to the following:

257 (1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy  
258 based on reports of child abuse or neglect, medical concerns, suspicious activity  
259 or other reported information;

260 (2) The landlord suspects the tenant has abandoned the premises; and/or

261 (3) The landlord receives notice that the premise's utilities have been  
262 disconnected.

263 (f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as  
264 landlord a person other than the tenant's original landlord can prejudice the right of the  
265 original landlord to possession of the premises.

266 (g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for  
267 additional terms, the landlord shall, at a minimum, inspect the premises once annually.  
268

## 269 **710.7. Domestic Abuse Protections**

270 710.7-1. If a tenant notices the landlord of domestic abuse with of any of the following  
271 documentation, regardless of marital status, the landlord shall change the locks to the premises  
272 and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the  
273 domestic abuser:

274 (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;



- 275 (b) An injunction order under Wis. Stat. 813.122 protecting a child of the tenant from a  
276 co-tenant;
- 277 (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or child of the  
278 tenant from a co-tenant, based on the co-tenant's engaging in an act that would constitute  
279 sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat.  
280 940.32, or attempting or threatening to do the same;
- 281 (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the  
282 tenant;
- 283 (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a  
284 child of the tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- 285 (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the  
286 tenant under Wis. Stat. 940.32; or
- 287 (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant  
288 being arrested for committing a domestic abuse offense against the tenant under Wis.  
289 Stat. 968.075.

290 710.7-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-  
291 tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain  
292 on the premises for the longer of either the duration of the rental agreement or ninety (90) days  
293 from the date the rental agreement is modified. If the latter applies, in addition to removing the  
294 co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend  
295 its duration.

296 710.7-3. The Eviction and Termination law provides tenants that are victims of domestic abuse  
297 with a defense to eviction should the abusers actions be the cause for eviction.  
298

### 299 **710.8. Sex Offender Registry**

300 710.8-1. Should a tenant request information about whether any other tenants are required to  
301 register as a sex offender, the landlord shall provide the tenant with written notice that he or she  
302 may obtain information about the sex offender registry and persons registered within the registry  
303 by contacting the department of corrections. The landlord shall include in such notice the  
304 appropriate telephone number and internet site of the department of corrections.  
305

### 306 **710.9. Termination of Tenancy at Death of Tenant**

307 710.9-1. If a tenant dies, his or her tenancy is terminated on the earlier of the following:

- 308 (a) Sixty (60) days after the landlord receives notice, is advised, or otherwise becomes  
309 aware of the tenant's death;
- 310 (b) The expiration of the term of the rental agreement.

311 710.9-2. The deceased tenant or his or her estate is not liable for any rent after the termination  
312 of his or her tenancy. A landlord may not contact or communicate with a member of the  
313 deceased tenant's family for the purpose of obtaining from the family member rent for which the  
314 family member has no liability.

315 710.9-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises  
316 from any obligation under a rental agreement or any other liability to the landlord.

317 710.9-4. If the deceased tenant is a Tribal member whose death renders a co-tenant no longer  
318 eligible for a rental agreement, the non-Tribal member tenant may remain in the premises for the  
319 longer of either the duration of the rental agreement or ninety (90) days from the date of the

320 Tribal member tenant's death. If the latter applies, the landlord shall revise the rental agreement  
321 to extend its duration.

322

323

324 **710.10. Landlord or Tenant Actions**

325 710.10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding  
326 actions taken pursuant to this law and/or a rental agreement.

327 710.10-2. No administrative hearing body, including a board, committee or commission, is  
328 authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental  
329 agreement.

330 710.10-3. The landlord is the Comprehensive Housing Division in regards to taking actions  
331 authorized under this law and complaints filed with the Oneida Judiciary shall name the  
332 Comprehensive Housing Division and the specific program.

333

334 *End.*

335

336

---

Adopted – BC-10-12-16-C

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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 Hunting, Fishing, Trapping 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: January 25, 2017  
 RE: Hunting, Fishing and Trapping Law Amendments

---

Please find the following attached backup documentation for your consideration of the Hunting, Fishing and Trapping Law Amendments:

1. Resolution: Hunting, Fishing and Trapping Law Amendments
2. Statement of Effect: Hunting, Fishing and Trapping Law Amendments
3. Hunting, Fishing and Trapping Law Amendments Legislative Analysis
4. Hunting, Fishing and Trapping Law (Clean)
5. Hunting, Fishing and Trapping Law Amendments Fiscal Impact Statement

#### *Overview*

This is a proposal to amend an existing Hunting, Fishing and Trapping Law which would:

- Provide rulemaking authority to the Environmental Resource Board (ERB) and Conservation Department.
- Remove specific and detail oriented aspects of hunting, fishing and trapping regulations and place them in a rule handbook.
- Clarify that the state of Wisconsin does not have jurisdiction related to hunting, fishing and trapping matters within the Reservation.
- Require non-tribal members to obtain a license through the Nation when hunting on the Reservation.
- Allow persons age 9 and younger to accompany a mentor while hunting.
- Allow a mentor to accompany two hunters when the hunters are ages 10 & 11.
- Only Tribal members, descendants, non-member Indians and dependents may hunt between the ages of 10 and 11.
- Require persons age 12 – 14 to be supervised by a parent, guardian or responsible adult when hunting.
- Clarify that suspension, revocation and/or future ineligibility for a license/permit is an available penalty.
- Update ERB's hearing process for contested actions.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Hunting, Fishing and Trapping Law was held on December 15, 2016.

#### **Requested Action**

Approve the Resolution: Hunting, Fishing and Trapping Law Amendments

**BC Resolution \_\_\_\_\_***Adoption of Hunting, Fishing and Trapping 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; and  
8

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

12 **WHEREAS**, the Oneida Business Committee adopted the Hunting, Fishing and Trapping law  
13 pursuant to resolution BC-08-31-94-C and amended the law by resolutions: BC-04-24-  
14 96, BC-07-22-98, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E,  
15 BC-08-29-07-F, BC-06-24-09-E, BC-0826-10-I, BC-12-14-11-E, and BC-05-22-13-A;  
16 and  
17

18 **WHEREAS**, these amendments remove specific and detail orientated aspects of hunting, fishing and  
19 trapping regulation and place them into a rule handbook that the Environmental  
20 Resource Board and the Conservation Department are delegated the joint authority and  
21 responsibility to create; and  
22

23 **WHEREAS**, these amendments clarify that non-Tribal members are required to obtain a license and  
24 applicable permits through the Nation when hunting on the Reservation; and  
25

26 **WHEREAS**, the State of Wisconsin will no longer have jurisdiction related to hunting, fishing and  
27 trapping matters within the Reservation; and  
28

29 **WHEREAS**, these amendments modify the licensing and supervision requirements for youth hunters  
30 between the ages of ten (10) and fourteen (14); and  
31

32 **WHEREAS**, these amendments update the Environmental Resource Board's hearing process for  
33 contested actions; and  
34

35 **WHEREAS**, a public meeting regarding these amendments was held on December 15, 2016 in  
36 accordance with the Legislative Procedures Act; and  
37

38 **NOW THEREFORE BE IT RESOLVED**, that the Environmental Resource Board and the  
39 Conservation Department shall have the rule handbook required to support the amendments to the  
40 Hunting, Fishing and Trapping law finalized to become effective on April 25, 2017.  
41

42 **NOW THEREFORE BE IT FURTHER RESOLVED**, that these Hunting, Fishing and Trapping  
43 law amendments are hereby adopted and shall become effective on April 25, 2017.



## Statement of Effect

### *Adoption of Hunting, Fishing and Trapping Law Amendments*

#### *Summary*

This Resolution adopts amendments to the Hunting, Fishing and Trapping law which would:

- Provide rulemaking authority to the Environmental Resource Board (ERB) and Conservation Department.
- Remove specific and detail oriented aspects of hunting, fishing and trapping regulations and place them in a rule handbook.
- Clarify that the state of Wisconsin does not have jurisdiction related to hunting, fishing and trapping matters within the Reservation.
- Require non-tribal members to obtain a license through the Nation when hunting on the Reservation.
- Allow persons age 9 and younger to accompany a mentor while hunting.
- Allow a mentor to accompany two hunters when the hunters are ages 10 & 11.
- Only Tribal members, descendants, non-member Indians and dependents may hunt between the ages of 10 and 11.
- Require persons age 12 – 14 to be supervised by a parent, guardian or responsible adult when hunting.
- Clarify that suspension, revocation and/or future ineligibility for a license/permit is an available penalty.
- Update ERB's hearing process for contested actions.

*By: Krystal L. John, Staff Attorney*

#### *Analysis*

This resolution adopts amendments to the Real Property law which was adopted by resolution BC-08-31-94-C and thereafter amended by resolutions BC-04-24-96, BC-07-22-98, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-0826-10-I, BC-12-14-11-E, and BC-05-22-13-A.

The most notable revisions to the Hunting, Fishing and Trapping law are noted above. Because the Nation does not have any other laws that govern this subject matter, these amendments affect solely this law and do not conflict with any of the Nation's other laws.

Much of the detail orientated content and regulations related to hunting, fishing and trapping have been removed from the law. The law now requires that the Environmental Resource Board and the Conservation Department jointly adopt rules that address and processes and regulations

required to further support this law in accordance with the Administrative Rulemaking law.

The effective date of the law is extended to April 25, 2017, to align with the required effective date for the rules required to be developed by these amendments.

A public meeting was held on December 15, 2016 in accordance with the Legislative Procedures Act.

***Conclusion***

Adoption of these amendments does not conflict with the Nation's laws.





## Hunting, Fishing, Trapping Law Amendments

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Hunting, Fishing, Trapping Law (the Law)				
<b>Sponsor</b>	Tehassi Hill	<b>Drafters</b>	Rebecca Webster, Krystal John	<b>Analyst</b>	Tani Thurner
<b>Requester &amp; Reason for Request</b>	Originally, the Conservation Department requested updates to the law for upcoming hunting seasons, however additional changes were made.				
<b>Purpose</b>	The Law governs hunting, fishing, and trapping on the Reservation/Tribal trust land.				
<b>Authorized/ Affected Entities</b>	Environmental Resource Board, Conservation Department, Oneida Police Department				
<b>Related Legislation</b>	Domestic Animals Law, Public Use of Tribal Land law, Administrative Rulemaking law				
<b>Enforcement &amp; Due Process</b>	Fines/penalties for violations; denial/revocation of licenses/permits. These actions are appealable to ERB; some of ERB's decisions appealable to Judiciary.				
<b>Public Meeting Status</b>	A public meeting was held on December 15, 2016, and the comments received have been reviewed and considered by the LOC.				

1  
1  
1  
2  
3  
4  
5  
1  
1  
1  
1  
2  
3  
4  
1  
1  
1  
2  
3  
4  
1  
1  
2  
3  
4  
1  
1  
2  
3  
4

### Overview

Initially, amendments to the Hunting, Fishing, Trapping law (the Law) were requested in order to update various requirements for upcoming hunting and trapping seasons. However, it was determined that various requirements which may change regularly, would be more appropriately set out in rules so that they could be changed in the future as needed, without needing to amend the entire Law each time.

Various changes were also made to some of the requirements that remain in the Law.

### Jurisdiction

This Law now applies on Tribal trust land outside of the Reservation; as well as on the Reservation. [406.4-2] A new provision clarifies that all state-issued licenses, permits, tags and the like have no legal effect lands over which the Nation exercises its jurisdiction. [406.4-4, current 45.10-6]

### Rulemaking

The Environmental Resource Board (ERB) and the Conservation Department (Department) are given joint rulemaking authority; instead of ERB having primary authority to establish rules after consulting with the Department. [406.5-1]

ERB and the Department are more clearly delegated broad authority to regulate hunting, fishing, and trapping-related activities. Many types of requirements, including penalty schedules, and the maximum size of group deer hunting parties, are removed from the law and would be established through rules instead. [406.5-2 and 406.9-6]

### Licensing Requirements

The amendments clarify that (with certain exceptions) all persons are required to obtain a Sportsman License in order to hunt, fish or trap under this law – non-Indians must now obtain a Sportsman License in addition to a Land Use Permit. [406.6-1(a)] In addition to a Sportsman License, persons may also be required to obtain other permits for more specific activities that fall

5 under this Law.

- 6 • All persons – not just hunters – born in 1973 or later must now complete a hunter safety  
7 course to be eligible for a regular Sportsman License; but the law now establishes a new  
8 “Fishing Only” Sportsman License, for which a hunter safety course is not required.
- 9 • Currently, persons age 15 or younger, who are enrolled members of any tribe or dependents  
10 of Oneida members, may fish without a Sportsman License. The amendments expand this to  
11 include those 16-year-olds, as well.
- 12 • Landowners and lessees are no longer required to obtain a Sportsman License to hunt or trap  
13 certain species on their own property. This applies to coyote, fox, raccoon, woodchuck,  
14 rabbit, squirrel, and any nuisance animal that is an unprotected species.
  - 15 ○ In addition, any “guest” (regardless of age or tribal affiliation) of the  
16 landowner/lessee, may now also hunt or trap those species on the landowner/lessee’s  
17 property without a Sportsman License, if the landowner/lessee has granted  
18 permission. [406.6-1]

### 20 **Hunting - Age Requirements and Mentors**

- 21 • Persons under the age of 12 are now only allowed to hunt if they are enrolled members of  
22 any tribe, Oneida descendants, or if they live with an enrolled Oneida member at least half of  
23 the year. [406.9-5 and 406.3-1(f)]. There are no similar restrictions for any hunters over the  
24 age of 12.
  - 25 ○ Since this is the only time descendants are mentioned in the Law, footnotes are added  
26 which state that “requirements for descendency are determined by the Oneida Trust  
27 Enrollment Committee.” [406.9-5(b) and (c)]
- 28 • Persons aged 9 and younger are now expressly allowed to accompany a mentor while  
29 hunting, but may not use a weapon during the hunt. [406.9-5(c)]
- 30 • Persons aged 10 or 11 years old may still hunt with a mentor. Mentors can now mentor a  
31 maximum of two (instead of just one) youth hunters at a time; only one weapon may be  
32 possessed between the mentor and both mentees. The mentor must remain within arms’ grasp  
33 of both youth hunters at all times, even if the youth hunter is under the age of ten and is not  
34 permitted to hunt with a weapon. Persons are no longer required to complete a hunter safety  
35 course in order to be a mentor (but must complete the hunter safety course if they are  
36 otherwise required to under this law). [406.9-5]
- 37 • 12-14 year olds are currently only permitted to hunt with a parent or guardian. The amended  
38 law also allows them to hunt with another responsible adult. Now, 12-14 year old hunters  
39 must not only be “accompanied” by an adult, but now must also *remain within sight and*  
40 *voice contact* of the adult at all times. [406.9-5(a)]

### 42 **Nuisance Animal Removal**

- 43 • Instead of identifying specific levels of damage that must be caused for a nuisance removal  
44 permit; the law adds a broader definition for nuisance animal [406.3-1(r)] and no longer  
45 limits the Department to only assisting with removal where a specific amount of damage has  
46 occurred. [Current 45.6-4(f)]
- 47 • Landowners and lessees may still remove nuisance animals from their land; “occupants” are  
48 no longer allowed to do so. [406.6-1(a)(2)]
- 49 • The amended law identifies two new situations where a nuisance permit is not required:
  - 50 ○ To hunt or trap beaver(s) that are nuisance animals, or to remove a beaver dam.  
51 However, only the landowner and the Department may set traps on a beaver dam on

- 52 Tribal land; not an agent.
- 53 ○ When there is a legitimate threat to a person's immediate health and safety. The
- 54 taking must be reported, and the Department must investigate. [406.8-3]
- 55 • It is now illegal to live-trap/relocate nuisance animals to other Tribal land or private property
- 56 without written authorization. [406.8-1]
- 57 • A person will now be considered ineligible for a nuisance removal permit if s/he has violated
- 58 this law or rules within the past 12 months, "at a minimum." [406.8-2(a)(4)]
- 59 • Currently, a landowner/lessee may have others assist in the removal of nuisance animals.
- 60 Under the amendments, a permittee is allowed to assign "an agent" to handle the removal;
- 61 using the landowner/lessee's permit. [406.8-4] This appears to mean the landowner/lessee
- 62 may no longer use the nuisance removal permit themselves. Unlike designated hunters,
- 63 agents are not required to be pre-approved by the Department. [406.8-4]
- 64 • Persons killing certain nuisance birds are now required to provide an annual report to the
- 65 U.S. Fish and Wildlife Service for all such takings occurring within the previous year. This
- 66 reflects the Wisconsin DNR Nuisance Guidelines Rule Booklet. [406.8-5]
- 67 • Keeping the Furs of Nuisance Animals. New provisions address what happens to nuisance
- 68 animals once they are killed:
- 69 ○ **If a Nuisance Permit was required:** Permittees/agents may not keep the furs unless
- 70 the permit explicitly and separately authorizes them to keep and sell the wildlife.
- 71 [406.8-6(b)] There are no restrictions for any other parts of a nuisance animal.
- 72 ○ **If a Nuisance Permit was not required:** Permittees/agents may keep the furs, but
- 73 cannot commercialize in, sell, trade, ship or transport any wildlife without a separate
- 74 license or permit authorizing them to do so - except that squirrel parts may be sold
- 75 during "the closed season." [406.8-7]
- 76 • Currently, when a person obtains a permit to remove a nuisance animal, s/he is required to
- 77 open his/her lands for public access for hunting and trapping of that species for one year
- 78 afterwards. The Law no longer specifically requires lands to be opened for public access, but
- 79 applicants for a nuisance permit must still demonstrate that s/he has the authority to control
- 80 hunting and trapping access to the lands subject to the nuisance, as well as any contiguous
- 81 lands (or written consent from the owner/lessor of those lands.) [406.8-2 (a), current 45.6-4]
- 82 • All landowners and lessees who are removing nuisance animals/structures, must now do the
- 83 following, even if a nuisance removal permit is not required:
- 84 ○ follow this Law/rules, including permitted methods of taking and hunting hours.
- 85 ○ grant wardens free and unrestricted access to the premises, and
- 86 ○ promptly furnish any related, requested information. [406.8-6 and 406.8-1]
- 87

### 88 Enforcement and Hearings

- 89 • All persons are now required, instead of encouraged, to report violations of this law (and
- 90 now, must also report violations of rules) [406.10-1 and the current law, 45.16-5]
- 91 • The law now prohibits inflicting or threatening to inflict, bodily harm on a Department
- 92 warden. [406.7-1(q)]
- 93 • Oneida Police Department (OPD) is no longer authorized to enforce this law. Instead, OPD
- 94 officers must report violations to the Department. But, if immediate action is necessary to
- 95 prevent imminent danger to life or serious damage to property, the officer may issue a
- 96 warning/citation, and/or prevent persons from committing a violation of this law. [406.5-4]
- 97 • The amendments add several reasons why the Department may decline to issue a
- 98 license/permit; [406.6-7(a)] and a new, separate list of reasons the Department may suspend,

- 99 revoke, or declare a person ineligible for a license/permit. [406.10-2] The two lists are  
100 different – for example, the Department is authorized to decline to issue a license or permit,  
101 but cannot suspend an already-issued license or permit if: the applicant was ever found guilty  
102 of imposing or threatening to impose great bodily harm on another; or if the applicant has,  
103 within the past three years, egregiously and repeatedly demonstrated poor judgment,  
104 disregard for safety or unsportsmanlike behavior while hunting, fishing or trapping; including  
105 while interacting with other sportsmen or any wardens.
- 106 • This Law authorizes ERB to hear appeals of decisions to decline to issue a license/permit;  
107 and to conduct pre-hearings and hearings when a person is issued a citation.
    - 108 ○ **Licensing/Permitting Actions.** The Department’s decisions “related to” a  
109 license/permit can now be appealed to ERB, which must conduct a hearing. ERB’s  
110 decision is final and cannot be appealed. [406.10-4]
    - 111 ○ **Contesting Citations.** ERB must now schedule monthly pre-hearings where ERB  
112 will accept “pleas” from persons who were issued a citation. Pleas may be entered  
113 either contesting or admitting each violation, and when a plea is entered to contest a  
114 citation, ERB conducts the regular hearing.[406.10-5] The amendments add that  
115 ERB’s decision can be appealed to the Judiciary Court of Appeals in accordance with  
116 the Rules of Appellate Procedure. [406.10-5(e)]
  - 117 • New language adds that ERB may pursue unpaid fines through garnishment or attaching per  
118 capita payments. [406.10-5(d)]

#### 119 120 **Other Changes**

- 121 • Currently, disabled hunter permits exempt a hunter from certain hunting restrictions, but  
122 disabled permittees are still required to be a minimum of 50 feet from the center of a  
123 roadway while hunting. [45.6-2(a) and 45.10-5] Under the amendments, disabled hunter  
124 permittees can hunt from a vehicle within 50 feet of a road “as further detailed in the Rules  
125 developed pursuant to this law”, and the vehicle’s engine can now be running, the vehicle  
126 just must be stationary. [406.6-6]
  - 127 ○ By comparison, under Wisconsin law, it is still illegal to hunt within 50 feet of the  
128 center of a roadway; or to shoot from or across a highway, or within 50 feet of the  
129 roadway’s center. [See, Wis. Stat. 167.31(2)(d)] Although this provision of state law  
130 identifies certain specific exceptions to this rule, it does not allow for an exception for  
131 disabled hunters.
- 132 • Designated hunters are no longer specifically limited to only hunting deer for others, and the  
133 law now requires the rules to be developed that identify the number of permittees a  
134 designated hunter can hunt for. [406.9-4(b)]
- 135 • A permit is now required in order to hunt from a snowmobile, ATV, moped or similar  
136 conveyance; or to use hovercraft, drones, or any other aircraft while hunting. [45.5-1(i)]
- 137 • Various firearms will no longer be prohibited, if the hunter possesses a valid state or federal  
138 permit for that type of firearm. 406.9-2(h) and 45.9-2(h)(4).
- 139 • Various restrictions that applied to particular weapons are expanded. It would be illegal to:
  - 140 ○ transport any cocked bow or crossbow in a vehicle, as well as loaded firearms.
  - 141 ○ use any device typically used for the harvesting of wildlife in a reckless manner, not  
142 just firearms and bows. [406.7-1(k)]
  - 143 ○ discharge air rifles, bows and crossbows (in addition to firearms) into Reservation  
144 lakes, reservoirs or public use areas, except in limited situations. [406.9-1(b)]
  - 145 ○ shoot air rifles, bows, crossbows, or any traps except live traps, within 100 yards of

146 buildings, without permission; instead of just certain firearms or traps. 406.7-1(l) and  
147 406.9-1(b).

- 148 • It is now illegal to provide false information or fail to report relevant information as  
149 requested by the Department, when applying for a license or permit. 45.6-4(a).
- 150 • Shining is still prohibited after 10:00 p.m. each year from September 1- December 31.  
151 This is different from state law, which prohibits shining after 10:00 p.m. from September  
152 15 - December 31. [406.9-2(e).]
- 153 • Persons may now use any artificial light, instead of only flashlights, to find one's way  
154 while hunting on foot at the point of harvest of coyote, raccoon, fox or unprotected  
155 species. By comparison, under state DNR regulations, only a flashlight or firearm-  
156 mounted light may be used in these situations. [See for example, the 2016 Small Game  
157 hunting regulation pamphlet, p. 6.] The amendments to the Law also add that light may  
158 only be used in these situations for "authorized" unprotected species, instead of any  
159 unprotected species. [406.9-2(e)]
- 160 • "Wildlife" is now defined as any animal that does not fall under the definition of  
161 "domestic animal" in the Nation's "Domestic Animal" law. This means that any creature  
162 that falls under that definition would not be subject to regulation under this law –  
163 including weasels, rabbits, turtles, pigeons, various reptiles and amphibians. [34.3-1(c)]  
164

#### 165 Other

166 To reflect the 2015 Constitutional amendments, throughout the law, the word "Tribe" is  
167 replaced with the word "Nation." However, enrolled members are now referred to as "Tribal  
168 Members" instead of just "members." Members of other Indian nations/tribes are now referred to  
169 as non-member Indians, instead of as "persons affiliated with another tribe" [406.3-1]

170 Various minor revisions were made to improve the language and organization of the Law,  
171 and to comply with standard drafting and formatting practices. These changes do not affect the  
172 content of the Law.

173 Section 406-2 has been revised to ensure compliance with the language required by the  
174 Legislative Procedures Act. This Law no longer states that it can be amended/repealed by  
175 General Tribal Council; only by the OBC. [45.2-2]

176  
177



**Title 4. Environment and Natural Resources – Chapter 406**  
**HUNTING, FISHING AND TRAPPING**  
**Lutol@tha>, Latsyw@aha> O>kh@le Atlist@y< Tsi> Kayanl^hsla**  
*Our laws concerning hunting, fishing and trapping*

406.1.	Purpose and Policy	406.6.	Licenses and Permits
406.2.	Adoption, Amendment, Repeal	406.7.	General Regulations
406.3.	Definitions	406.8.	Wildlife Damage and Nuisance Control
406.4.	Jurisdiction	406.9.	Hunting
406.5.	Administration and Supervision	406.10.	Enforcement and Penalties

---

**406.1. Purpose and Policy**

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, respect both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of this law to provide:

(a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and

(b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing and trapping, and associated fines and penalties for violations of this law and the said rules.

**406.2. Adoption, Amendment, Repeal**

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-8-31-94-C, and amended by resolutions BC-4-24-96-A, BC-7-22-98-A, BC-09-13-00-D, BC-6-04-03-A, BC- 6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A and \_\_\_\_\_.

406.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**406.3. Definitions**

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel Length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) “ERB” means the Environmental Resources Board.

(d) “Daily Bag Limit” means the maximum number of a species of wildlife that a person may take during a twenty-four (24) hour period measured from midnight to

- 39 midnight.
- 40 (e) “Department” means the Oneida Conservation Department.
- 41 (f) “Dependent” means a person under the age of eighteen (18) who is the child or  
42 step-child of a Tribal member or who lives with a Tribal member for more than half of  
43 the year.
- 44 (g) “Designated Hunter” means the person named by a permittee as authorized to  
45 harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.
- 46 (h) “Elder” means any person fifty-five (55) years of age or older.
- 47 (i) “Endangered or Threatened” means any species of wildlife within the reservation in  
48 danger of extinction or likely to become in danger of distinction as recognized by ERB  
49 and the Department and under federal law.
- 50 (j) “Fine” means a monetary punishment issued to a person violating this law and/or  
51 the rules created pursuant to this law, which is payable to ERB or the Department within  
52 the amount of time designated by the rules.
- 53 (k) “Fishing” means the taking, capturing, harvesting or attempting to take, capture or  
54 harvest fish of any variety in any manner.
- 55 (l) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to  
56 take, catch, harvest or attempting to harvest any wildlife.
- 57 (m) “License” means a written document issued by the Department granting authority to  
58 engage in specific activities covered under this law and the rules created pursuant to this  
59 law.
- 60 (n) “Loaded” means any firearm containing a cartridge in the chamber or any firearm  
61 containing a cartridge or cartridges in the attached cylinder, magazine or clip.
- 62 (1) Muzzleloading firearms may not be considered loaded if a percussion cap is  
63 not covering the percussion nipple or .209 primers are not in the receiver.
- 64 (2) Flint lock muzzleloading firearms may not be considered loaded if the flash  
65 pan is cleaned of powder.
- 66 (o) “Nation” means the Oneida Nation.
- 67 (p) “Non-Indian” means a person who is not a member of any federally recognized  
68 Indian tribe, band, or community.
- 69 (q) “Non-Member Indian” means a person who is a member of a federally recognized  
70 Indian tribe, band or community other than this Nation.
- 71 (r) “Nuisance Animal” means any wildlife causing and one (1) or combination of the  
72 following:
- 73 (1) Damage to property;
- 74 (2) Damage to or endangered or threatened species of wildlife and/or plants;
- 75 (3) Depredation of crops and/or livestock; or
- 76 (4) Health and/or safety risks posed to persons.
- 77 (s) “Penalty” means a punishment, other than a fine, imposed on a person violating this  
78 law and/or the rules created pursuant to this law and may include, but is not limited to,  
79 the confiscation of equipment and/or wildlife with return of the same at the discretion of  
80 ERB, the imposition of a wildlife protection assessment (civil recovery value), revocation  
81 and/or ineligibility for licenses and/or permits for a specified period of time, and  
82 restitution.
- 83 (t) “Permit” means a document, stamp or tag authorizing a specific activity which is  
84 issued by the Department to the holder of a license.



- 85 (u) “Protected Species” means any species of wildlife that is not endangered or  
86 threatened, but for which ERB has established seasons, daily bag limits, or otherwise  
87 restricted the taking of.
- 88 (v) “Reservation” means all the property within the exterior boundaries of the  
89 reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat.  
90 566, and any lands added thereto pursuant to federal law.
- 91 (w) “Rule” means a set of requirements, including citation fees and penalty schedules,  
92 enacted by ERB and/or the Department in accordance with the Administrative  
93 Rulemaking law based on authority delegated in this law in order to implement, interpret  
94 and/or enforce this law.
- 95 (x) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including  
96 placing or setting any net or other capturing device), capturing, harvesting, snaring or  
97 trapping any wildlife, or attempting any of the foregoing.
- 98 (y) “Transport” means to bring or move from one place to another by means of  
99 carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.
- 100 (z) “Trapping” means the taking of, or attempting to take, any wildlife by means of  
101 setting or operating any device or mechanism that is designed, built, or made to close  
102 upon, hold fast, snare or otherwise capture wildlife.
- 103 (aa) “Tribal Land” means any land within the reservation that is held in fee or in trust  
104 and is owned by the Nation, a Tribal member, or a non-member Indian.
- 105 (bb) “Tribal Member” means an enrolled member of the Nation.
- 106 (cc) “Vehicle” means any self-propelled conveyance that derives power from a motor  
107 and is used to transport persons or objects over land, including but not limited to, an  
108 automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle,  
109 moped or similar conveyance.
- 110 (dd) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian,  
111 or any part or carcass of the same.<sup>1</sup>
- 112

#### 113 **406.4. Jurisdiction**

- 114 406.4-1. This law applies to the following persons:
- 115 (a) All Tribal members,  
116 (b) All non-member Indians, and  
117 (c) All non-Indians who:  
118 (1) enter Tribal land, or  
119 (2) apply for and receive a license and/or permit.  
120 (d) All persons as otherwise permitted under federal law.
- 121 406.4-2. This law applies:  
122 (a) within the boundaries of the reservation, and  
123 (b) on lands held in trust for the Nation outside the boundaries of the reservation.
- 124 406.4-3. *Lack of State Jurisdiction.* The Nation and the federal government have sole  
125 jurisdiction over the management and regulation of the Nation’s natural resources. Accordingly,  
126 licenses, permits, tags and the like issued by the state have no legal effect on lands over which

---

<sup>1</sup> For additional information, please reference the definition of “domestic animal” in the Nation’s Domestic Animal law; any animal that does not fall into the “domestic animal” classification is considered “wildlife” for the purpose of this law.

127 the Nation exercises its jurisdiction under Section 406.4-2.

128

129 **406.5. Administration and Supervision**

130 406.5-1. ERB and the Department, shall protect, manage, supervise, conserve, and enhance all  
131 wildlife within the reservation. ERB and the Department shall jointly establish and maintain the  
132 rules that are required to implement this law. The Department shall administer and enforce this  
133 law and the rules created pursuant to this law.

134 406.5-2. *Authority.* In addition to any other duties delegated to ERB and the Department under  
135 this law, jointly, ERB and the Department are hereby jointly delegated the rulemaking authority  
136 to:

137 (a) Determine the types and number of licenses and permits that may be issued by the  
138 Department, including how many licenses and permits that may be issued to non-Indian  
139 hunters.

140 (b) Establish a fee schedule and application requirements and deadlines for obtaining  
141 licenses and/or permits.

142 (c) Establish or amend daily bag limits and possession limits based on the supply of  
143 wildlife, the needs of conservation, and the objective of achieving a fair allocation of the  
144 harvest. Restrictions in such rules may include, but are not limited to, limits related to  
145 gender, species, size, age, and maturity.

146 (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any  
147 species in need of protection a protected species or an endangered or threatened species,  
148 and thereafter modify or revoke such declarations as may be appropriate.

149 (e) Fix, shorten, extend or close seasons and hunting hours on any wildlife. Provided that  
150 ERB and the Department shall base the open season for the hunting of migratory birds on  
151 the Nation's agreement with the U.S. Fish and Wildlife Service.

152 (f) Establish and/or modify areas' territorial limits, including bodies of water or parts  
153 thereof, for any of the following, as may be necessary:

154 (1) the taking of wildlife;

155 (2) other specified areas, pursuant to the rules jointly developed by ERB and the  
156 Department.

157 (g) Establish methods for checking persons into and out of areas specified under  
158 subsection (f) above.

159 (h) Regulate the operation of boats upon reservation waters and the operation of vehicles  
160 and aircraft used while hunting, fishing or trapping.

161 (i) Regulate and prescribe the means and methods by which wildlife may be taken,  
162 including, but not limited to, the use of:

163 (1) bait;

164 (2) decoys;

165 (3) hunting dogs

166 (4) traps;

167 (5) firearms;

168 (6) ammunition;

169 (7) laser sights; and

170 (8) night vision.

171 (j) Regulate the transportation, registration, tagging, and storage of all wildlife within the  
172 reservation and the shipment or transportation of wildlife off the reservation.

173 (k) Prescribe safety and fire control measures and other rules as may be necessary for  
174 range, forest or wildlife management, and/or for the safety and welfare of outdoor  
175 recreationists, landowners, lessees, occupants and the Nation.

176 (l) Establish a process for retention, storage and disposal of items confiscated or turned  
177 over to the Department in accordance with this law and the rules established pursuant to  
178 this law.

179 (m) Establish a citation schedule that sets the monetary fines and penalties for violations  
180 of this law and/or the rules established pursuant to this law.

181 (n) Create other rules as specifically directed throughout this law or as may be necessary  
182 to implement this law. ERB shall provide notice of said rules both on ERB's website and  
183 ERB and/or the Department shall develop a rule booklet, which the Department shall  
184 provide to each person receiving a license or permit pursuant to this law.

185 406.5-3. *Department Wardens.* Department wardens shall enforce this law and corresponding  
186 rules on the reservation, and, accordingly shall:

187 (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that  
188 the methods and equipment utilized are lawful.

189 (b) Investigate reports of violations of wildlife and environmental laws, including, but  
190 not limited to, this law and corresponding rules.

191 (c) Work to prevent persons from violating this law and/or the corresponding rules.

192 (d) Issue warnings and/or citations, which may include fines and/or penalties, for  
193 violations of this law and/or the corresponding rules.

194 406.5-4. *Oneida Police Department.* Any Oneida Police Department officer, who observes a  
195 violation of this law and/or corresponding rules, shall report such violation to the Department  
196 and/or a Department warden. However, if immediate action is necessary to prevent imminent  
197 danger to life or serious damage to property, the Oneida Police Department officer may issue a  
198 warning or citation for the said violation(s) and/or prevent persons from committing the said  
199 violation(s).

200

## 201 **406.6. Licenses and Permits**

202 406.6-1. *Sportsman License.*

203 (a) A sportsman license is required for all persons hunting, fishing or trapping on Tribal  
204 land, except:

205 (1) Fishing is permitted without a sportsman license for Tribal members,  
206 dependents, and non-member Indians whom are sixteen (16) years of age or  
207 younger.

208 (2) Landowners and lessees and guests with the permission of the landowners or  
209 lessees, may hunt and trap the following species on the property they own or  
210 lease, year-round, without a sportsman license:

211 (A) coyote;

212 (B) fox;

213 (C) raccoon;

214 (D) woodchuck;

215 (E) rabbit;

216 (F) squirrel; and

217 (G) any nuisance animal that is not an endangered or threaten species and  
218 is also not a regulated or protected species.

219 (b) Anyone born on or after January 1, 1973 shall successfully complete a state-certified  
220 hunter safety course to be eligible for a sportsman license, except that:

221 (1) *Fishing Only Sportsman License.* A sportsman license may be issued which  
222 permits fishing only. In such circumstances, successful completion of a state-  
223 certified hunter safety course is not required and the Department shall internally  
224 record such licenses as permitting fishing only.

225 (A) A person issued a “fishing only” sportsman license may not hunt or  
226 trap, or be eligible to hunt or trap, until the licensee provides the  
227 Department with proof of successful completion of a state-certified hunter  
228 safety course.

229 (B) Any licensee holding a fishing only sportsman license may name a  
230 designated hunter to fill the hunting or trapping permits that regularly  
231 accompany a sportsman license based on the rules established pursuant to  
232 this Law. For the requirements related to naming a designated hunter,  
233 refer to section 406.9-4.

234 406.6-2. *Ceremonial and/or Feast Permit.* Tribal members may apply for a ceremonial and/or  
235 feast permit to group hunt wildlife outside of the regular applicable seasons.

236 (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for  
237 antlerless deer.

238 (b) A ceremonial and/or feast permit may be issued to a group and/or organization  
239 meeting each of the following requirements:

240 (1) At least eighty-five percent (85%) of the group and/or organization members  
241 are Tribal members;

242 (2) The agent of the group/organization is a Tribal member;

243 (3) The occasion for the ceremonial and/or feast requiring the hunt out of season  
244 is recognized by the Oneida community; and

245 (4) The hunt takes place on the reservation.

246 (c) All persons participating in the ceremonial and/or feast hunt shall be named hunters  
247 on the ceremonial and/or feast permit.

248 (d) The agent of the group ceremonial and/or feast hunt shall notify the Department  
249 warden of the time and place where the hunt will take place no later than twenty-four (24)  
250 hours prior to the hunt. The Department warden may monitor any portion, or the entirety,  
251 of the group ceremonial and/or feast hunt.

252 406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules,  
253 the Department may issue permits authorizing a person to engage in specific hunting, fishing  
254 and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-  
255 2.

256 406.6-4. It is unlawful for any person to:

257 (a) Provide false information or fail to report relevant information as requested by the  
258 Department, when applying for a license or permit; or

259 (b) Aid another in fraudulently securing a license or permit.

260 406.6-5. Except as provided under sections 406.6-1(b)(1)(A), 406.9-4 and 406.9-6, licenses  
261 and/or permits are not transferable and may not be altered, defaced or lent to or from another  
262 person, any may not be used by any person other than the person to whom the license and/or  
263 permit is issued.

264 406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any

265 person who is physically disabled, upon a showing of medical verification of a physical  
266 disability. Disabled hunters shall display the disabled hunter permit sticker in a manner and  
267 location as required by the Department. A disabled hunter permit authorizes a person to hunt  
268 from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the  
269 rules developed pursuant to this law.

270 406.6-7. *Denial of a License or Permit.*

- 271 (a) The Department may decline to issue a license and/or permit to an applicant if:
- 272 (1) The applicant has unpaid fines, civil assessments, other fees and/or restitution  
273 owed because of a violation of this law and/or corresponding rules.
- 274 (2) At any time and for any reason, the Department determines that issuing the  
275 license and/or permit poses a risk to the health, safety, and/or welfare of the  
276 Nation, to natural resources on the reservation, or to any persons. There is a  
277 rebuttable presumption that an applicant poses such a risk under the following  
278 circumstances:
- 279 (A) At the time of the request, the applicant's hunting, fishing or trapping  
280 license, permit or related privileges are suspended or revoked in any  
281 jurisdiction.
- 282 (B) Within three (3) years of the request, the applicant has repeatedly  
283 and/or egregiously done any one (1) or more of the following:
- 284 (i) violated this law and/or corresponding rules and/or the  
285 hunting, fishing, or trapping laws and regulations of other  
286 jurisdictions;
- 287 (ii) violated other laws or rules of the Nation while engaged in  
288 hunting, fishing or trapping activities; or
- 289 (iii) demonstrated poor judgment, disregard for safety or  
290 unsportsmanlike behavior while hunting, fishing or trapping;  
291 including while interacting with other sportsmen or with wardens,  
292 of this jurisdiction or any other.
- 293 (C) At any time, the applicant has been found guilty of imposing or  
294 threatening to impose great bodily harm on another. For the purposes of  
295 this section, great bodily harm means bodily injury which creates a  
296 substantial risk of death, or which causes serious permanent  
297 disfigurement, or which causes a permanent or protracted loss or  
298 impairment of the function of any bodily member or organ or other serious  
299 bodily injury.
- 300 (b) Any person who has had a license or permit denied in accordance with section 406.6-  
301 7(a) may appeal the Department's decision by requesting a hearing before ERB pursuant  
302 to section 406.10-4.

303  
304 **406.7. General Requirements**

305 406.7-1. Persons may not:

- 306 (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission  
307 from the landowner, lessee or occupant.
- 308 (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on  
309 the reservation's lands and waters.
- 310 (c) Cause damage to land or property belonging to another, including but not limited to,



- 311 the Department’s decoys placed for law enforcement purposes by Department wardens or  
312 other law enforcement officers, and signs that give notice of a hunting and/or trespass  
313 restriction.
- 314 (d) Carelessly waste wildlife. Persons hunting, trapping or fishing shall make every  
315 reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall  
316 comply with section 406.7-1(a).
- 317 (e) Knowingly disturb any den, nest, lodge, hut, dam or house that wildlife may build to  
318 shelter themselves and their young.
- 319 (f) No person may take, pursue, injure, or harass small game while on or in its nest or  
320 den, or remove any eggs or young except as may be approved in advance by the  
321 Environmental Resource Board for activities which may include, but are not limited to,  
322 normal agricultural or horticultural practices or wildlife research practices.
- 323 (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical  
324 device or stupefying substance or agent.
- 325 (h) Take another person’s wildlife or disturb another person’s hunting, fishing, or  
326 trapping equipment without permission; or otherwise interfere with the lawful hunting,  
327 fishing, or trapping of another person.
- 328 (i) Stock or possess any live wildlife on the reservation without a permit.
- 329 (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the  
330 reservation or into reservation waters without a permit.
- 331 (k) Use in a reckless manner any device typically used for the harvesting of wildlife,  
332 including but not limited to, firearms, bows, traps and knives.
- 333 (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred  
334 (100) yards of any building structure, unless the owner-occupant, lessee or tenant has  
335 given permission.
- 336 (m) Use a gas powered motorboat on the Nation’s waters, except for the Department’s use  
337 for law enforcement and conservation purposes.
- 338 (n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where  
339 hunting or trapping is expressly prohibited by the Nation’s laws or rules.
- 340 (o) Sell or purchase wildlife that was harvested on the reservation, except as may be  
341 expressly allowed by this law and corresponding rules.
- 342 (1) Under no circumstances may trading, gifting, or sharing of wildlife for  
343 traditional or ceremonial purposes be considered a violation of this section.
- 344 (p) Refuse to obey a Department warden’s lawful order.
- 345 (q) Inflict or threaten to inflict bodily harm upon a Department warden. For the purposes  
346 of this law, “bodily harm” means physical pain or injury or any impairment of the  
347 physical condition.
- 348 406.7-2. *Possession, Registration and Transportation of Carcasses.* No person may hunt, trap,  
349 possess or transport any wildlife unless he or she possesses the appropriate license and any  
350 required permit, including tags, for harvesting and/or possessing such wildlife.
- 351 406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle  
352 on a roadway, may retain possession of the said deer, provided that the person shall have the deer  
353 tagged by the Department or the Department’s designee.
- 354 406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any  
355 person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass  
356 tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such

357 manner as ERB and the Department shall jointly establish in its the rules. No person may  
358 possess or transport harvested wildlife that is not properly tagged in accordance with this law and  
359 corresponding rules.

360 406.7-5. *Health Advisory*. ERB and the Department shall ensure that all hunting and fishing  
361 rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese  
362 and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health  
363 defects, that such risks are greatest for women and children, and that detailed information about  
364 PCBs is available from the Department upon request.

365

#### 366 **406.8. Wildlife Damage and Nuisance Control**

367 406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land  
368 under their control and their associated structures, provided that landowners and lessees shall  
369 satisfy all requirements of this law and corresponding rules , including, but not limited to the  
370 permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not  
371 be relocated to Tribal lands without express written authorization from the Department, and,  
372 similarly, may not be relocated to private property without express written authorization from the  
373 landowner.

374 406.8-2. *Nuisance Animal Removal Permit*. A nuisance animal removal permit is required to  
375 hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

376 (a) In order to be eligible for a nuisance animal removal permit, the applicant shall  
377 demonstrate that:

378 (1) He or she has the authority to control hunting and trapping access to the lands  
379 subject to the nuisance or being damaged as well as any contiguous lands. In  
380 circumstances where the contiguous lands are not owned or leased by the  
381 applicant, the applicant shall demonstrate authority to control hunting and  
382 trapping access to the contiguous lands by providing the Department with the  
383 property owner's or lessor's written consent;

384 (2) He or she either is employing or agrees to employ, reasonable alternative  
385 abatement methods to removal;

386 (3) The wildlife sought to be removed is a nuisance animal and reasonable  
387 alternative abatement methods either have been or are reasonably likely to be  
388 unsuccessful;

389 (4) He or she has complied with this law and corresponding rules and the  
390 conditions of any previously-issued nuisance animal removal permit, at a  
391 minimum, for the previous twelve (12) months from the date he or she applies for  
392 the permit;

393 (5) The nuisance animal removal permit applied for does not conflict with any  
394 provisions of the Nation's agreement with the United States Fish and Wildlife  
395 Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

396 (b) Each permittee shall keep a record of all permit activities and shall provide the said  
397 permit record to the Department within ten (10) days of the permit's expiration. At a  
398 minimum, the permittee shall include in the record any agents assigned under section  
399 406.8-4 and the total number of nuisance animals removed pursuant to the permit,  
400 provided that, the Department may name additional items required to be included in the  
401 record. All permit records may be inspected by the Department at any time.

402 (c) The permittee shall return all unused permits, including carcass tags, to the



403 Department within ten (10) days of the permit's expiration.  
404 406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is  
405 not required if the nuisance animal would otherwise be exempt from the license and permit  
406 requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically  
407 not required in following circumstances:

408 (a) *Beaver.* A nuisance animal removal permit is not needed for a landowner, lessee, or  
409 an authorized agent to hunt or trap beaver(s) that are nuisance animals, or to remove a  
410 beaver dam. However, only the landowner and the Department may set traps on a beaver  
411 dam on Tribal land; this privilege may not be transferred to an agent.

412 (b) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is  
413 otherwise required, may be removed without the required permit if such removal is  
414 necessary to maintain a person's immediate health and safety.

415 (1) Persons taking a nuisance animal under emergency circumstances shall report  
416 the emergency taking to the Department on the required form available with the  
417 Department.

418 (2) The Department shall conduct an investigation into the validity of the alleged  
419 emergency circumstance. If the investigation provides clear and convincing  
420 evidence that the taking was not in fact required due to a legitimate threat to a  
421 person's immediate health and safety, the Department shall classify the taking an  
422 unlawful taking without a permit and shall take the appropriate corrective  
423 measures.

424 406.8-4. *Designated Agents.* A landowner may utilize an agent to remove a nuisance animal  
425 pursuant to the provisions of this law. If the requirements of this law and corresponding rules are  
426 satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if  
427 applicable, may be utilized by the landowner's assigned agent.

428 (a) In order for an agent to be assigned to remove a nuisance animal, the landowner shall  
429 ensure that the following conditions are met:

430 (1) The agent shall have a valid license for hunting or trapping that nuisance  
431 animal's species;

432 (2) The landowner shall grant written permission to the agent specifically  
433 identifying the following:

434 (A) The location of the nuisance animal where the removal activities are  
435 sought to occur;

436 (B) An authorized time period for the removal of the nuisance animal; and

437 (C) Any other information as may be required by the rules established  
438 pursuant to this law.

439 (b) The Department may limit the number of persons permitted to assist in a removal.

440 (c) The landowner or lessee permittee may not charge any assigned agent any form of  
441 fee.

442 406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-  
443 winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3  
444 Migratory Bird Permit Office by January 31st for all such takings occurring within the previous  
445 January to December.

446 406.8-6. *Department Warden's Access.* Any landowner or lessee pursuing the removal of a  
447 nuisance animal shall grant Department wardens free and unrestricted access to the premises on  
448 which the said removal is being conducted, is anticipated to be conducted, or has been

449 conducted. Further, the landowner or lessee, and the landowner's agent, if applicable, shall  
450 promptly furnish any information requested by a Department warden relating to the said  
451 removal.

452 406.8-7. *Retaining Fur, Carcasses and other Parts of Nuisance Animals.* The following applies  
453 to nuisance animals removed in accordance with this section:

454 (a) The permittee and each agent assigned under section 406.8-4 may retain no more than  
455 one (1) deer removed pursuant to a nuisance animal removal permit. The Department  
456 shall distribute or dispose of any deer that are not so retained by offering them to Tribal  
457 members in the following order:

458 (1) Elders;

459 (2) Disabled persons; and

460 (3) Any other interested persons.

461 (b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken  
462 pursuant to a nuisance animal removal permit, the permittee shall be explicitly and  
463 separately authorized by the permit to retain the wildlife and to sell the wildlife.

464 (c) Furs from nuisance animals which did not require a nuisance animal removal permit  
465 in order to be removed, may be retained by a landowner, lessee or assigned agent without  
466 a permit. Provided that the landowner, lessee or assigned agent shall have a valid license  
467 and/or permit in order to commercialize in, sell, trade, ship or transport any wildlife,  
468 except that any squirrels' parts retained may be sold during the closed season.

469

#### 470 **406.9. Hunting**

471 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

472 (a) Hunt using any weapon other than a firearm, air rifle, bow or crossbow that is  
473 authorized under this law and corresponding rules for the taking of a particular species.

474 (b) Discharge a firearm, air rifle, bow or crossbow:

475 (1) Into reservation lakes, reservoirs, or any area designated for public use  
476 pursuant to the Public Use of Tribal Land law, except for the purpose of hunting  
477 migratory birds during established seasons, in accordance with the rules created  
478 pursuant to this law;

479 (2) Across any roadway; or

480 (3) Within one hundred (100) yards of any structure, unless the owner-occupant,  
481 lessee or tenant has granted express permission.

482 (c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

483 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a  
484 permit, if applicable, do any of the following:

485 (a) Hunt with the use of aircraft;

486 (b) Hunt within fifty (50) feet of the center of a paved road;

487 (c) Hunt from a vehicle;

488 (d) Hunt while under the influence of alcohol or a controlled substance;

489 (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light  
490 to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon,  
491 fox, or any other authorized unprotected species;

492 (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September,  
493 October, November and December; during all other months, shining is allowed at any  
494 hour;

- 495 (g) Hunt in a party of more than ten (10) persons;  
496 (h) Hunt with, or possess while hunting:  
497 (1) Any firearm for which the possession is unlawful under Wisconsin or Federal  
498 law;  
499 (2) Slugs, except that a person may possess slugs during deer firearm season if he  
500 or she also possesses the required associated permit;  
501 (3) A handgun with a barrel length of less than five (5) inches;  
502 (4) A concealed handgun without a valid permit from the State of Wisconsin;  
503 and/or  
504 (5) Any of the following without a valid federal permit:  
505 (A) A shotgun that has a barrel length of less than eighteen (18) inches or  
506 an overall length of less than twenty-six (26) inches;  
507 (B) A rifle that has a barrel length of less than sixteen (16) inches or an  
508 overall length of less than twenty-six (26) inches;  
509 (C) A fully-automatic firearm;  
510 (D) Any mechanism designed to muffle, silence or minimize the report of  
511 any firearm.
- 512 406.9-3. *Accidents.* Any person, who discharges a firearm, bow, or crossbow while hunting  
513 and injures another person, shall render or attempt to obtain necessary medical assistance,  
514 provide the injured person with his or her name and contact information including address, and  
515 report the accident to either the Department or the Oneida Police Department as soon as possible.
- 516 406.9-4. *Designated Hunters.* A permittee may name a designated hunter to hunt, fish, or trap  
517 on behalf of the permittee in the event that the permittee is physically or legally unable to take  
518 pursuant to his or her own permit, provided that, the designated hunter shall provide his or her  
519 name and contact information to the Department along with a signed statement from the original  
520 permittee naming the designated hunter. The designated hunter shall receive the Department's  
521 approval of the designation before using the permits of the original permittee.
- 522 (a) To be eligible to be named a Designated Hunter, the named person shall:  
523 (1) Possess a valid hunting license;  
524 (2) Be eligible for the permits for which the person is named the designated  
525 hunter; and  
526 (3) Meet any other requirements of the rules created pursuant to this law.
- 527 (b) Designated hunters may hunt for the number of permittees as authorized by the rules  
528 developed pursuant to this law.
- 529 (c) Any wildlife taken by a designated hunter remains the property of the original  
530 permittee; the designated hunter shall transfer any wildlife taken by designation to the  
531 original permittee's possession as soon as practicable following the taking.
- 532 406.9-5. *Age Restrictions.*  
533 (a) Persons between the ages of twelve (12) and fourteen (14) years old may only hunt if  
534 they have obtained the required license and permits and are under the immediate  
535 supervision of a parent, legal guardian or a responsible adult to which a parent or legal  
536 guardian has delegated his or her supervisory responsibilities. Adults accompanying  
537 youth hunters pursuant to this section shall remain within voice and sight contact of the  
538 youth hunters at all times.

- 539 (b) Tribal members, descendants<sup>2</sup>, non-member Indians and dependents aged ten (10) or  
540 eleven (11) years old may hunt if they have a mentor present while hunting and have  
541 obtained any required licenses and permits.
- 542 (c) Tribal members, descendants<sup>3</sup>, non-member Indians and dependents having less than  
543 ten (10) years of age may accompany a mentor while hunting, provided that youth under  
544 the age of ten (10) may not use a weapon during the hunt.
- 545 (d) The following limitations apply to youth hunters and their mentors hunting pursuant  
546 to this section:
- 547 (1) Only one (1) weapon may be possessed jointly between the mentor and his or  
548 her mentee(s);
- 549 (2) Mentors may mentor a maximum of two (2) youth hunters at the same time;  
550 and
- 551 (3) The mentor shall remain within an arm's grasp of each youth hunter at all  
552 times.
- 553 (e) In order to be eligible to be a mentor, the person shall:
- 554 (1) Be at least eighteen (18) years old;
- 555 (2) Have a valid license and any required permits; and
- 556 (3) Be the youth hunter's parent or legal guardian or have permission from the  
557 hunter's parent or legal guardian to be the hunter's mentor.

558 406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people  
559 and may be limited in size as provided in the rules developed pursuant to this law. Any member  
560 of a deer hunting party may harvest deer on behalf of another member of the deer hunting party  
561 under the following circumstances:

- 562 (a) At the time and place of the harvest, the member of the hunting party who harvests  
563 the deer shall be in contact with the member of the hunting party on whose behalf the  
564 deer was harvested. For the purpose of this section, contact means visual or voice contact  
565 without the aid of any mechanical or electronic amplifying device other than a hearing  
566 aid. Hand radios are permitted, however may not be used as an acceptable means of  
567 contact as required in this section.
- 568 (b) The member of the hunting party for whom the deer was harvested shall possess a  
569 valid, license and carcass tag for the deer.
- 570 (c) The member of the hunting party who harvests the deer shall ensure that a valid  
571 carcass tag is attached to the deer by a member of the hunting party prior to field dressing  
572 and moving the deer; the member of the hunting party that harvests the deer may not  
573 leave said deer unattended until it has been properly tagged.

574  
575 **406.10. Enforcement and Penalties**

576 406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the  
577 corresponding rules to the Department or the Oneida Police Department. The department  
578 receiving information regarding violations shall keep the information confidential.

579 406.10-2. *Licenses/Permits Suspension, Revocation and/or Ineligibility.* The Department may  
580 suspend, revoke or deem a party ineligible for a license or permit as a penalty for committing any

---

<sup>2</sup> Requirements for descendency are determined by the Oneida Trust Enrollment Committee.

<sup>3</sup> See footnote 2.

- 581 one (1) of the following acts or any combination thereof:
- 582 (a) Has committed an act causing any of his or hers hunting, fishing or trapping licenses,  
583 permits or privileges to be suspended or revoked by any other jurisdiction, whether it be  
584 tribal, state or federal, where, for the purposes of this section, a person's right to possess  
585 firearms is considered a hunting privilege;
- 586 (b) Provides false information, or assists other in providing false information, when  
587 applying for a license or permit;
- 588 (c) Fails to timely pay a fine or abide by a penalty assessed against him or her as a  
589 consequence for violating the provisions of this law and/or the corresponding rules;  
590 and/or
- 591 (d) Violates this law and/or the corresponding rules and the violation is one for which the  
592 citation schedule identifies suspension, revocation, or ineligibility of a license or permit  
593 as an available penalty.
- 594 406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written  
595 warnings and/or citations to any person found to be in violation of this law and/or the  
596 corresponding rules. The Department shall ensure that all warning and citations identify the  
597 relevant violation and, if applicable, the fine and/or penalties imposed as a consequence of the  
598 violation.
- 599 406.10-4. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision  
600 of the Department related to a license and/or permit may appeal such action by requesting a  
601 hearing before ERB.
- 602 (a) In order to be considered timely, the person contesting an action of the Department  
603 shall file the appeal within ten (10) business days of the date of the Department's action.  
604 ERB may not hear appeals that are not timely filed.
- 605 (b) ERB shall schedule a hearing for all timely filed appeal, and shall ensure that such  
606 hearings are held within thirty (30) calendar days from the date the appeal was filed.
- 607 (c) ERB shall conduct hearings in accordance with its bylaws and any other applicable  
608 regulations, standard operating procedures, rules, laws or policies governing the Nation's  
609 administrative hearings.
- 610 (d) ERB's determination related to a license and/or permit is final; no further review is  
611 available.
- 612 406.10-5. *Contested Action Hearings.* All citations issued pursuant to this law shall include a  
613 prehearing date set for the next scheduled monthly prehearing date that is at least thirty (30)  
614 calendar days after the citation was issued. Persons wishing to contest a citation shall appear at  
615 the prehearing, at which time the Environmental Resource Board shall accept pleas which either  
616 contest or admit committing the act for which the citation was issued. For all persons entering a  
617 plea contesting the fact that they committed the act for which a citation was issued, ERB shall  
618 schedule a hearing as expeditiously as possible, provided that ERB shall schedule all hearings  
619 within ninety (90) days of the date of the prehearing. In addition to scheduling requested  
620 hearings, ERB may also make conditional orders at the prehearing which are effective until the  
621 matter is resolved.
- 622 (a) ERB shall conduct prehearings and hearings in accordance with its bylaws and any  
623 other applicable regulations, standard operating procedures, rules, laws or policies  
624 governing the Nation's administrative hearings.
- 625 (b) *Community Service.* Community service may be substituted for fines at ERB's  
626 discretion, provided that, if so substituted, ERB shall use the rate of one (1) hour per ten

627 dollars (\$10.00) of the fine.  
628 (c) All fines and penalties issued by citations are payable to ERB or its designee, the  
629 proceeds of which ERB shall contribute to the Nation's general fund.  
630 (d) ERB may pursue payment from parties who have failed to make the required  
631 payments through the garnishment process contained in the Garnishment law and/or by  
632 attaching a Tribal member's per capita payment pursuant to the Per Capita law.  
633 (e) Any person wishing to contest ERB's determination related to a contested citation  
634 may appeal the applicable determination to the Judiciary's Court of Appeals in  
635 accordance with the Rules of Appellate Procedure.

636  
637 *End.*

~~638~~

---

641 Adopted - BC-8-31-94-C  
642 Adopted - BC-4-24-96-A  
643 Adopted - BC-07-22-98-A  
644 Amended - BC-09-13-00-D  
645 Amended - BC-6-04-03-A  
646 Amended - BC-6-30-04-I  
647 Amended - BC-7-13-05-E  
648 Amended - BC-8-29-07-F  
649 Amended - BC-06-24-09-E  
650 Amended - BC-08-26-10-I  
651 Emergency Amended - BC-06-22-11-H (Expired)  
652 Amended – BC-12-14-11-E  
653 Amended – BC-05-22-13-A



# MEMORANDUM

DATE: January 10, 2017  
FROM: Rae Skenandore, Project Manager  
TO: Larry Barton, Chief Financial Officer  
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer  
RE: **Fiscal Impact of the Hunting, Fishing, and Trapping Law Amendments**

## I. Background

The Legislative Operating Committee (LOC) has requested a Financial Impact Statement on draft 20 of the Hunting, Fishing, and Trapping Law Amendments. This Law was adopted by the Oneida Business Committee by resolution BC-8-31-94-C, and amended by resolutions BC-4-24-96-A, BC-7-22-98-A, BC-09-13-00-D, BC-6-04-03-A, BC- 6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, and BC-05-22-13-A. A public meeting on the current amendments was held on December 22. According to the Legislative Reference Office, the new law contains the following:

- Remove many of the specific and detail oriented aspects of hunting, fishing and trapping regulations from the Law and move them to a rule handbook which the Environmental Resource Board and Conservation Department are delegated the joint rulemaking authority to create.
- Clarify that the State of Wisconsin has no jurisdiction related to hunting, fishing and trapping matters within the Reservation and create a requirement that non-Tribal members be licensed through the Nation to hunt within the Reservation.
- Change the age requirements related to hunting. For hunters twelve (12) to seventeen (17) a parent, guardian or authorized adult must be present.
- Only Tribal members, descendants, non-member Indians and dependents may hunt between the ages ten (10) to eleven (11) and a mentor is required to accompany the youth hunter with a maximum of one (1) weapon shared between the youth and the mentor.
- Allow minors under the age of ten (10) to hunt with a mentor, provided that a weapon may not be used.



- Clarify that suspension, revocation and/or future ineligibility for a license/permit is an available penalty under this Law.
- Updates the Environmental Resource Board’s hearing process for contested actions under this law.

## **II. Executive Summary of Findings**

A “Fiscal Impact Statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the law after implementation. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

Finance contacted Conservation and the Environmental Resource Board regarding any anticipated expenses of implementing the Law. Neither anticipates any additional expenses due to the amendments and they estimate that 90 days will be needed to approve the rules.

## **III. Financial Impact**

No impact.

## **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 the Oneida Business Committee and General Tribal Council has full information with which to render a decision.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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 Per Capita 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  
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  
DATE: January 25, 2017  
RE: Per Capita Law Amendments

Please find the following attached backup documentation for your consideration of the Per Capita Law Amendments:

1. Resolution: Per Capita Law Amendments
2. Statement of Effect: Per Capita Law Amendments
3. Per Capita Law Amendments Legislative Analysis
4. Per Capita Law (Clean)
5. Per Capita Law Amendments Fiscal Impact Statement

#### *Overview*

This is a proposal to amend the existing Per Capita Law which would:

- Reduce the frequency of per capita distributions to elders while maintaining the elders' payments by placing elders on the same distribution schedules as adults.
- Allow for per capita distributions to be paid to a Tribal member who has filled out the required distribution forms but died prior to the distribution date.
- Create a majority age beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are inherited when the beneficiary passes.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the hearing authority of the Trust Enrollment Committee to the Judiciary.
- Revise the attachment process to allow entities to collect debt owed to the Nation without requiring a court order.

In accordance with the Legislative Procedures Act, public meetings on the proposed amendments to the Per Capita Law were held on May 19, 2016, June 16, 2016 and December 15, 2016.

#### **Requested Action**

Approve the Resolution: Adoption of Per Capita Law Amendments

**BC Resolution \_\_\_\_\_**  
*Adoption of Per Capita 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; and  
8

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

12 **WHEREAS,** the Oneida Business Committee adopted the Per Capita law pursuant to resolution BC-  
13 07-12-00-B and amended the law by resolutions: BC-11-06-02-A, BC-06-16-04-C, BC-  
14 04-22-09-A, BC-05-09-12-B and BC-08-14-13; and  
15

16 **WHEREAS,** these amendments place all elders on the same distribution schedule as adults so that  
17 first time elders with birthdays after the distribution date will receive their payment  
18 early at the same time as everyone else; and  
19

20 **WHEREAS,** these amendments modify the policy related to a Tribal member that dies prior to a  
21 distribution date to permit payment so long as the Tribal member timely filled out the  
22 distribution form, provided that such payments may not be re-issued to the estate or any  
23 other claimant; and  
24

25 **WHEREAS,** these amendments add new provisions which allow for a beneficiary designation for any  
26 Tribal member with a per capita trust account; and  
27

28 **WHEREAS,** these amendments clarify the distribution process and requirements for deceased Tribal  
29 members' trust accounts; and  
30

31 **WHEREAS,** these amendments establish bank fees for closed accounts and returned distributions to  
32 be deducted from the per capita payment; and  
33

34 **WHEREAS,** these amendments transfer the Trust Enrollment Committee's original hearing body  
35 authority to the Oneida Judiciary; and  
36

37 **WHEREAS,** the these amendments revise the attachment process to allow the Nation's entities to  
38 collect debt owed to the Nation without requiring a court order; and  
39

40 **WHEREAS,** public meetings regarding these amendments were held on May 19, 2016, June 16, 2016  
41 and December 15, 2016, in accordance with the Legislative Procedures Act; and  
42

43 **NOW THEREFORE BE IT RESOLVED,** that the Trust Enrollment Department and the Trust  
44 Enrollment Committee shall develop the rules required to support these Per Capita law amendments to  
45 be effective no later than May 25, 2017.  
46

47 **NOW THEREFORE BE IT FURTHER RESOLVED,** that these Per Capita law amendments are  
48 hereby adopted.



## Statement of Effect

### *Adoption of Per Capita Law Amendments*

#### *Summary*

This Resolution adopts amendments to the Per Capita law which would:

- Reduce the frequency of per capita distributions to elders while maintaining the elders' payments by placing elders on the same distribution schedules as adults.
- Allow for per capita distributions to be paid to a Tribal member who has filled out the required distribution forms but died prior to the distribution date.
- Create a majority age beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are inherited when the beneficiary passes.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the hearing authority of the Trust Enrollment Committee to the Judiciary.
- Revise the attachment process to allow entities to collect debt owed to the Nation without requiring a court order.

*By: Krystal L. John, Staff Attorney*

#### *Analysis*

This resolution adopts amendments to the Per Capita law which was adopted by resolution BC-07-12-00-B and thereafter amended by resolutions BC-11-06-02-A, BC-06-16-04-C, BC-14-04-22-09-A, BC-05-09-12-B and BC-08-14-13.

In addition to the summary of the most notable revisions to the Per Capita law provided above, the amendments to the Per Capita law also delegate administrative rulemaking authority to the Trust Enrollment Department (Department) and the Trust Enrollment Committee (Committee) to further define the processes needed to implement this law.

The Department is permitted, but not required, to create rules which would modify the adult distribution form and instructions.

The Committee is required to create rules:

- related to distribution timelines for requests for prior payments;
- to provide the definition of and notice to potentially interested parties in the event a

Tribal member with a trust account dies without a beneficiary designation form on file;

- to establish valuation dates and frequency of reports and identify data critical to the completion of the reports, provided that the Trust Enrollment Committee may delegate such reporting responsibilities to duly selected vendors; and
- to determine when a guardian qualifies for distribution from an established trust account.

Public meetings were held on May 19, 2016, June 16, 2016 and December 15, 2016 in accordance with the Legislative Procedures Act.

In accordance with the Legislative Procedures Act, the effective date of these amendments is February 1, 2017, which is ten (10) business days from the date the resolution is adopted. The effective date is not required to be extended in order to allow the Committee time to develop the rules because the rules will be ready for the 2017 per capita distribution cycle as the resolution requires the rules to be effective by no later than April 25, 2017.

#### ***Conclusion***

Adoption of these amendments does not conflict with the Nation's laws.





Analysis to Draft # 17 for OBC Consideration  
2017 01 25

## Per Capita Amendments

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Per Capita (law) Amendments				
<b>Sponsor</b>	David P. Jordan	<b>Drafter</b>	Krystal L. John	<b>Analyst</b>	Maureen Perkins
<b>Requester &amp; Reason for Request</b>	Trust Department. To 1) clarify minor and majority age beneficiary references as they relate to deferrals and hardships; 2) make changes in Elder distributions; 3) incorporate fees for stop payments and closed bank accounts and 4) review how resolutions BC-01-28-04-A and BC-11-06-02 are affected by the proposed changes and original intent, as they apply to the law.				
<b>Purpose</b>	The purpose of this law is to specify the procedures to be followed in the event that per capita payments are distributed by the Nation and to clearly state the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payments [See 123.1-1].				
<b>Authorized/ Affected Entities</b>	Oneida Business Committee, Trust Enrollment Committee, Trust Enrollment Department, Judiciary, Oneida Accounting Department, Oneida Nation Child Support Agency, other Oneida Entities that may be owed a debt/fine by a Tribal member.				
<b>Related Legislation</b>	Per Capita Trust Agreement, Tribal Revenue Allocation Plan, Child Support Law and Accompanying Rules, Memorandum of Agreement, Judiciary				
<b>Enforcement &amp; Due Process</b>	Any Tribal member or guardian of a Tribal member can file a complaint regarding actions taken according to this law and/or rules [See 123.7] or an attachment [See 123.4-9(d)(5)] to the Judiciary. Attachments may be ordered by the Judiciary for child support arrears or a federal tax levy [See 123.4-9(a)(1) and 123.4-9(a)(3)]. Oneida entities are not required to receive an attachment order from the Judiciary prior to initiating a per capita payment attachment unless an attachment hearing is requested [see 123.4-9(d) and 123.4-9(d)(5)]. Debt owed to an Oneida Entity includes any money owed and any fines that have been issued by the Oneida Entity [See 123.4-9(a)(2)(A)]. The Judiciary may order attachments against per capita payments of Tribal members who have not returned a notarized membership payment form or who refuse a per capita payment [See 123-4.9(f)]. All fees associated with reissuing a distribution must be applied to the distribution [see 123.5-2(e)(2)(B)] unless it is an error on the Nation's behalf [See 123.5-2(e)(2)(B)(i)].				
<b>Public Meeting Status</b>	Public meetings were held May 19, June 16, and December 1, 2016. The LOC has reviewed the public comments received during the public comment period; any changes made based on the public comments received have been incorporated into this draft.				

1

1

### Overview

1 The proposed Per Capita law amendments were requested by the Trust Enrollment  
2 Department (formerly known individually as the Trust Department and the Enrollment  
3 Department) to reduce the frequency of per capita distributions to elders while still maintaining  
4 the elders payments by placing elders on the same distribution schedule as adults, allow for per  
5 capita distributions to be paid to a Tribal member who has filled out the required distribution



6 forms but died prior to the distribution date, create the majority age beneficiary category distinct  
7 from minor beneficiary, include provisions that allow all persons with per capita trust accounts to  
8 name beneficiaries, clarify how per capita distributions held in trust accounts are inherited when  
9 the beneficiary passes, establish bank fees for closed accounts and returned distributions, and  
10 transfers the hearing authority of the Trust Enrollment Committee to the Judiciary. Additional  
11 amendments include: repeals BC resolution 11-06-02-A, merges Trust and Enrollment  
12 Departments into one Trust Enrollment Department, recognizes the Trust Enrollment Committee  
13 (the current law recognizes the Trust Committee), eliminates deadlines related to attachments,  
14 eliminates the requirement for Oneida entities to receive an attachment order from the Judiciary  
15 unless an attachment hearing is requested and eliminates the role of the Trust Enrollment  
16 Committee to hold administrative hearings.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**Analysis was requested regarding the following resolutions:**

▪ **BC Resolution 11-06-02-A**

- This resolution amended the Per Capita Ordinance to create a separate per capita payment schedule for elders who turn 62 and 65 in a distribution year. The amendments added age 65 to the definition of elder in the Per Capita Ordinance. The resolution also established that elders who turn 62 or 65 by December 31<sup>st</sup> were to receive the respective elders’ per capita payment for that September 30<sup>th</sup> distribution year. Those who turn 62 or 65 after September 30<sup>th</sup> were to receive their respective first time elder per capita payment in the month following their birth date. This establishes that there are additional elders payments sent after September 30<sup>th</sup> of a distribution year for those who are turning 62 and 65 after September 30 of that distribution year.
  - The proposed amendments still honor December 31<sup>st</sup> as the cut off for elders who reach the age determined by the GTC resolution in the distribution year that takes place on September 30<sup>th</sup>. These distributions; however, will occur on September 30<sup>th</sup> along with all adult distributions. Elders who reach age categories established by the GTC resolution between October 1<sup>st</sup> and December 31<sup>st</sup> will receive their elders’ payments early on September 30<sup>th</sup> of that distribution year.
  - BC Resolution 11-06-02-A conflicts with the proposed amendments in that there is not a separate schedule for elders’ payments in the proposed law as established by this resolution. Elders are classified as adults in the definition and therefore follow the adult distribution timeline.
    - Adult is defined as a Tribal member who is at least eighteen (18) years of age on or before September 1<sup>st</sup> of a given year [See 123.3-1(a)].

	<b>BC Resolution 11-06-02-A</b>	<b>Current Law</b>	<b>Proposed Amendments</b>
definition	Elder: shall mean those tribal members who are age 62 years or	<b>9.3-1(e)</b> “Elder” shall mean those Tribal members who are age 62 years or over, or 65 years or over, as of	<b>123.3-1</b> “Adult” means a Tribal member who is at least eighteen (18) years of age on or before September 1 <sup>st</sup> of a given year.

	over, or 65 years or over, as of December 31 of a given year.	December 31st of a given year.	<b>123.4-6(a)</b> For the purposes of this section, elder means a Tribal Member who meets the age requirements as of December 31st of a given year to be eligible for an elder distribution as determined by the effective General Tribal Council Resolution.
	<b>BC Resolution 11-06-02-A</b>	<b>Current Law</b>	<b>Proposed Amendments</b>
Payments / Distributions	(c) Payments Sent. Per capita payments shall be mailed on September 30 <sup>th</sup> . 1) After September 30, and through December 31, first time elder per capita payments shall be sent in the month following birth date.	9.5-3(d) (d) Annual Payments. Annual per capita payments shall be distributed on or before September 30th. First time elder per capita payments for those Tribal members who turn sixty-two (62) or sixty-five (65) after September 30th, and through December 31st, shall be distributed at the end of the month of the elder's birth date.  (e) (1) Prior Payments: Elders. Prior payments requested by eligible elders on or before the twentieth (20th) day of the month shall be distributed by the last business day of that month. Prior payments requested by elders after the twentieth (20th) day of the month shall be distributed by the last business day of the next month.	123.5-2 (c) Annual Distribution Date. The Nation shall distribute all annual per capita payments on or before September 30 <sup>th</sup> , excluding those to beneficiary trust accounts, which are governed by the Per Capita Trust Agreement.

- 45
- 46 ○ **Impact.** BC Resolution 11-06-02-A conflicts with the proposed amendments.
- 47     ▪ This law repeals BC Resolution 11-06-02-A considering that elders will
- 48     still receive their elders' payments in the distribution year according to the
- 49     proposed Per Capita Law amendments.
- 50     ▪ **Special BC Resolution 1-28-04-A**

Analysis to Draft # 17 for OBC Consideration  
2017 01 25

- 51           ○ This resolution was passed at the Special BC meeting held in lieu of the GTC  
52 Annual Meeting due to a lack of quorum. This resolution designates the interest  
53 from the unclaimed unallocated per capita pooled account to be applied to the  
54 Oneida Language Revitalization Program.  
55           ○ Please note that the pooled account itself has not been designated for use by the  
56 GTC through this resolution; only the interest from the account was allocated, the  
57 principal of the account shall not be depleted.  
58           ○ **Impact.** This resolution has no legislative impact on the proposed amendments.  
59

### Proposed Amendments

61 This section will highlight each of the major proposed amendments to the law and will indicate  
62 whether there is overlap or conflict with the Per Capita Trust Agreement.

- 63       ▪ **Repeals BC Resolution 11-06-02-A**  
64           ○ **Impact.** The separate process for elders' per capita distributions has been  
65 eliminated; all adult distributions will follow the same distribution schedule.
- 66       ▪ **Trust Enrollment Committee.** Added responsibilities include: provide input to the  
67 Finance Department regarding per capita matters included in the Nation's revenue  
68 allocation plan [*see 123.4-5(c)*].  
69           ○ **Impact.** No legislative impact or conflict.
- 70       ▪ **Trust Enrollment Department.** Added responsibilities include:  
71           ○ Ensure the availability and liquidity of funds for transfer of the trust funds under  
72 the authorization of the Trust Enrollment Committee [*see 123.4-6(f)*].  
73           ○ Calculate attachment amounts for collection of Oneida entity debts and implement  
74 Oneida entity attachments [*see 123.4-6(l)*].  
75           ○ **Impact.** No legislative impact or conflict.
- 76       ▪ **Tribal Treasurer** [*see 123.4-8*]. Duties removed:  
77           ○ Make a payment to those Tribal members responding to the membership payment  
78 form deadline who are not minors or incompetent adults [*see 9.7-5(a) of current*  
79 *law*].  
80           ○ Cover unverified member payments for those members who are unresponsive to  
81 the membership payment form deadline [*see 9.7-5(b) of current law*].  
82           ▪ **Impact.** No legislative impact or conflict.
- 83       ▪ **Deadlines.** Deadlines regarding attachments were removed throughout the law to  
84 eliminate the need to amend the law due to updated deadlines in the future [*see 9.4-*  
85 *6(d)(4) and 9.4-6(d)(4)(B) and 9.4-6(d)(4)(C) and 9.4-6(d)(5) and 9.4-6(d)(6)(A) and 9.4-*  
86 *6(d)(6)(B) and 9.4-6(e)(1) and 9.4-6(e)(2) and 9.4-6(e)(3)(A) and 9.4-6(e)(3)(B) of*  
87 *current law*].  
88           ○ **Impact.** No legislative impact or conflict.
- 89       ▪ **Distinction of Majority Age and Minor Beneficiaries.** Two terms have been added to  
90 create clarity in the law: majority age beneficiaries and minor beneficiaries.  
91           ○ **Proposed Amendments to the Law.** The proposed amendments to the law  
92 define the new terms as follows:  
93           ▪ Majority age beneficiaries: a Tribal member who has reached eighteen  
94 (18) years of age by September 1 and is eligible to claim a trust account  
95 for the first time in the distribution year [*see 123.3-1(k)*].  
96           ▪ Minor beneficiaries are defined as Tribal members who are less than

Analysis to Draft # 17 for OBC Consideration  
2017 01 25

- 97                   eighteen (18) years of age *[see 123.3-1(l)]*.
- 98           ○ **Per Capita Trust Agreement.** The Per Capita Trust Agreement refers only to
- 99           “beneficiaries” defined as:
- 100                 ▪ The beneficiaries of the trust shall be all duly enrolled members of the
- 101                 Oneida Tribe of Indians of Wisconsin who are eligible to receive a per
- 102                 capita distribution in any year in which any such distribution is made, and
- 103                 who have not yet attained the age of eighteen years by September 1<sup>st</sup> of the
- 104                 year in which such distribution is made *[see Article I. Beneficiaries of the*
- 105                 *Per Capita Trust Agreement]*.
- 106           ○ **Impact.** No legislative impact or conflict.
- 107           ▪ **Oneida Entity Debt Attachment.** Oneida entities are not required to receive an
- 108           attachment order from the Judiciary prior to initiating a per capita payment attachment
- 109           unless an attachment hearing is requested *[see 123.4-9(d)]*. The entity owed the debt
- 110           must provide two written notices via first class mail to the debtor’s last known address
- 111           prior to issuing final notice of indebtedness with intent to attach. The notice to attach
- 112           must also appear in the Nation’s newspaper. Once this has been satisfied, the Trust
- 113           Enrollment Department will calculate the attachment amount. The Trust Enrollment
- 114           Department may attach per capita payments, as ordered by the Judiciary, of Tribal
- 115           members who do not return a notarized membership payment form or who refuse a
- 116           distribution *[see 123.4-9(f)]*. Any remaining amount after all attachments have been
- 117           satisfied will be distributed to the Tribal member if the Tribal member follows the
- 118           process for requesting a prior per capita payment *[see 123.5-2(e)]* or otherwise deposited
- 119           into the pooled account *[see 123.4-9(f)]*.
- 120           ▪ **Administrative Hearings.** The role of the Trust Enrollment Committee to hold
- 121           administrative hearings regarding challenges to payment or non-payment of per capita
- 122           payments has been removed from this law *[see 9.4-4(c) of current law]*. Disputes are
- 123           settled by the Judiciary in the proposed amendments.
- 124                 ○ **Proposed Amendments to the Law.** The proposed amendments to the law state,
- 125                 “The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding
- 126                 actions taken pursuant to this law and/or rules.” *[see 123.7-1]*.
- 127                 ○ **Per Capita Trust Agreement.** The Per Capita Trust Agreement states, “If any
- 128                 dispute arises out of the distribution of a beneficiary’s interest under the trust, all
- 129                 such matters shall be resolved according to the procedures set forth in the Oneida
- 130                 Administrative Procedures Act, except as otherwise provided in the Oneida Tribe
- 131                 of Indians of Wisconsin Revenue Allocation Plan *[see Article XV of the Per*
- 132                 *Capita Trust Agreement]*.
- 133                 ○ **Impact.** Article XV of the Per Capita Trust Agreement would need to be updated
- 134                 to refer disputes to the Judiciary.
- 135           ▪ **Bank Fees.** The current law is silent with respect to bank fees.
- 136                 ○ **Proposed Amendments to the Law.** All fees associated with reissuing a
- 137                 distribution (due to stop payment or incorrect direct deposit information) must be
- 138                 applied to the distribution *[see 123.5-2(d)(1)]* unless it is an error on the Nation’s
- 139                 behalf *[see 123.5-2(d)(2)]*.
- 140                 ○ **Impact.** No legislative impact or conflict.
- 141           ▪ **Elders Payments.** The separate process for elder’s distributions was removed from this
- 142           law. Elder’s distributions now follow the same process and adhere to the same deadlines

Analysis to Draft # 17 for OBC Consideration  
2017 01 25

143 as the adult distributions [see 123.5], except for those elders who reach the age category  
144 established by the GTC resolution between October 1 and December 31 of the  
145 distribution year, who will receive their elders' payments early on September 30 (implied  
146 intent). This change conflicts with BC Resolution 11-06-02-A which sets the distribution  
147 timeline for elders reaching 62 and 65 by December 31<sup>st</sup> of the distribution year.

148 ○ **Impact.** BC Resolution 11-06-02-A is repealed in this law as noted in the  
149 analysis of the resolution above.

150 ■ **Deceased Tribal Members.** Tribal Members who complete the distribution form and  
151 die prior to the distribution date will receive a per capita payment. The payment will  
152 only be made in the Tribal Member's name and will not be reissued in the name of any  
153 claimant or the decedent's estate [see 123.5-3(a)].

154 ○ **Impact.** No legislative impact or conflict.

155 ■ **Beneficiary Designation Forms.** All minor/majority age beneficiaries and legally  
156 incompetent adults will receive beneficiary designation forms from the Trust Enrollment  
157 Department to name a beneficiary to inherit any remaining trust account balance in the  
158 event of death of the minor/majority age beneficiary or legally incompetent adult. The  
159 Trust Enrollment Department will send these forms out each year for newly enrolled  
160 members and Tribal members declared legally incompetent [see 123.6-3].

161 ○ **Impact.** No legislative impact or conflict.

162 ■ **Per Capita Actions.** A process to file a complaint to the Judiciary was added to this law  
163 [See 123.7].

164 ○ **Impact.** The complaint process would need to be updated in the Per Capita Trust  
165 Agreement as it currently refers to the Administrative Procedures Act and the  
166 Revenue Allocation Plan to settle disputes [See Article XV of the Per Capita Trust  
167 Agreement].

168 ■ **Complaint with Regard to Oneida Entity Debt and Federal Tax Levy Attachments**

169 ○ Tribal members subject to attachment to collect a debt owed to the Judiciary who  
170 wish to file a complaint regarding the attachment may file a request for a show  
171 cause hearing with the Judiciary within 30 days of the final notice of indebtedness  
172 with intent to attach. The Judiciary shall honor all requests for show cause  
173 hearings [see 123.4-9(d)(5)]. .

174 ■ **Impact.** Provides an opportunity for Tribal members to file a complaint  
175 regarding an attachment to collect debt issued by the Judiciary.

176

177

#### **Administrative Rulemaking Authority**

178 ■ The Trust Enrollment Department has rulemaking authority under this law to develop and  
179 implement the following rules:

180 ○ Modify the Adult Distribution Form and Instructions [see 123.5-2(b)(1)].

181

182 ■ The Trust Enrollment Committee has rulemaking authority under this law to develop and  
183 implement the following rules:

183 ○ Distribution timelines [see 123.5-2(b)(1)(A)].

184 ○ Defining potentially interested parties in the event there is no signed beneficiary  
185 designation form on record [see 123.5-3(a)].





**Title 1. Government and Finances – Chapter 123**

**PER CAPITA**

**Shakotiwi Stawih Olihwake**

*Issues concerning where they give the money*

123.1. Purpose and Policy	123.5. Distributions
123.2. Adoption, Amendment, Repeal	123.6. Minor/Majority Age Beneficiaries and Legally Incompetent Adults
123.3. Definitions	123.7. Per Capita Actions
123.4. General	

---

1  
2 **123.1. Purpose and Policy**  
3 123.1-1. *Purpose.* The purpose of this law is:  
4 (a) To specify the procedure to be followed in the event that per capita payments are  
5 distributed by the Nation; and  
6 (b) To clearly state the responsibilities of the various Oneida entities in the distribution or  
7 maintenance of any such per capita payments.  
8 123.1-2. *Policy.* It is the policy of the Nation to have a consistent methodology for distribution  
9 of per capita payments, including payments derived from gaming revenues and regulated by  
10 IGRA.  
11  
12 **123.2. Adoption, Amendment, Repeal**  
13 123.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-7-12-00-B  
14 and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B  
15 and BC-08-14-13-D and \_\_\_\_\_.  
16 123.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
17 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
18 123.2-3. Should a provision of this law or the application thereof to any person or  
19 circumstances be held as invalid, such invalidity shall not affect other provisions of this law  
20 which are considered to have legal force without the invalid portions.  
21 123.2-4. In the event of a conflict between a provision of this law and a provision of another  
22 law, the provisions of this law shall control. Provided that this law repeals Oneida Business  
23 Committee resolution 11-06-02-A.  
24 123.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
25  
26 **123.3. Definitions**  
27 123.3-1. This section shall govern the definitions of words and phrases as used herein. All  
28 words not defined herein shall be used in their ordinary and everyday sense.  
29 (a) “Adult” means a Tribal member who is at least eighteen (18) years of age on or  
30 before September 1<sup>st</sup> of a given year.  
31 (b) “Arrears” means the amount of money a Tribal member has not paid pursuant to the  
32 most recent child support court order against him or her.  
33 (c) “Court of competent jurisdiction” means the Judiciary, a state or federal court or  
34 another court recognized by the Judiciary as having the jurisdiction to hear and determine  
35 a particular legal proceeding.  
36 (d) “Day” means calendar days, unless otherwise specifically stated.  
37 (e) “Debtor” means a Tribal member owing a debt to an Oneida entity.  
38 (f) “Direct Deposit” means the electronic distribution of funds.  
39 (g) “Distribution” means the transfer of funds to Tribal members.  
40 (h) “IGRA” means the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et.seq.



Draft 17 – For OBC Consideration  
2017 01 25

- 41 (i) “Judiciary” means the Nation’s judicial system, which includes the Family Court,  
42 Trial Court and/or Appellate Court.
- 43 (j) “Legally Incompetent Adult” means a Tribal member who is at least eighteen (18)  
44 years of age and has been declared incompetent by a court of competent jurisdiction  
45 pursuant to applicable law.
- 46 (k) “Majority Age Beneficiary” means a Tribal member who has reached eighteen (18)  
47 years of age by September 1<sup>st</sup> and is eligible to claim a trust account for the first time in  
48 the distribution year.
- 49 (l) “Minor Beneficiary” means a Tribal member who is less than eighteen (18) years age.
- 50 (m) “Nation” means the Oneida Nation.
- 51 (n) “Oneida Entity” means a department, board, committee, commission or chartered  
52 corporation of the Nation or the Judiciary.
- 53 (o) “Outstanding Check” means a check that has been written by the Nation, but has not  
54 yet cleared the bank on which it was drawn.
- 55 (p) “Per Capita Payment” means the amount authorized by the General Tribal Council to  
56 be distributed to Tribal members.
- 57 (q) “Pooled Account” means the account set up by the General Tribal Council or Oneida  
58 Business Committee, through resolution, for the purpose of managing undistributed funds  
59 pursuant to the Nation’s laws.
- 60 (r) “Proof of Education” means the documents identified in Article III of the Per Capita  
61 Trust Agreement as acceptable to demonstrate that the tribal member has received a high  
62 school diploma or its equivalent.
- 63 (s) “Rule” means a set of requirements enacted by the Trust Enrollment Committee  
64 and/or the Trust Enrollment Department in accordance with the Administrative  
65 Rulemaking law based on authority delegated in this law in order to implement, interpret  
66 and/or enforce this law.
- 67 (t) “Tribal Member” means an individual who is an enrolled member of the Nation.
- 68 (u) “Trust Account” means an account(s) established by the Trust Enrollment Committee  
69 for the purpose of maintaining per capita funds for persons pursuant to the Nation’s  
70 revenue allocation plan, which includes, but is not limited to, minor beneficiaries and  
71 legally incompetent adults.
- 72 (v) “Trust Enrollment Committee” means that body designated by the General Tribal  
73 Council to manage the trust funds for the Nation on behalf of Tribal members, and which  
74 is also responsible for the Nation’s enrollment records.
- 75 (w) “Trust Fund Accountant” means the third party professionals hired by the Trust  
76 Enrollment Committee to oversee trust accounts established pursuant to this law.

77  
78 **123.4. General**

79 123.4-1. This section sets forth the responsibilities delegated under this law.

80 123.4-2. *Supersedes.* This law supersedes any contradictory language contained in any other  
81 per capita payment plan.

82 123.4-3. *Budgetary Limitations.* This law may not be construed as mandating a per capita  
83 payment; per capita payments may only be issued at the direction of the General Tribal Council  
84 through adoption of a resolution.

Draft 17 – For OBC Consideration  
2017 01 25

- 85 123.4-4. *Oneida Business Committee.* The Oneida Business Committee shall:  
86 (a) Identify and allocate funds available for per capita payments;  
87 (b) Forward approved revenue allocation plans to the Bureau of Indian Affairs;  
88 (c) Transfer funds to the appropriate Oneida entity(ies) pursuant to the Nation’s laws  
89 within a reasonable time frame;  
90 (d) Be responsible for any activities not specifically identified but reasonably related to  
91 the responsibilities in this in this sub-section; and  
92 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
93 Trust Enrollment Committee.
- 94 123.4-5. *Trust Enrollment Committee.* The Trust Enrollment Committee shall:  
95 (a) Manage trust accounts related to per capita payments with fiduciary responsibility;  
96 (b) Maintain the Nation’s membership rolls so that the Trust Enrollment Department can  
97 accurately identify which Tribal members are eligible for distribution;  
98 (c) Provide input to the Finance Department regarding per capita matters included in the  
99 Nation’s revenue allocation plan;  
100 (d) Be responsible for any activities not specifically identified but reasonably related to  
101 the responsibilities in this sub-section; and  
102 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
103 Oneida Business Committee.
- 104 123.4-6. *Trust Enrollment Department.* When a per capita payment is approved, the Trust  
105 Enrollment Department shall:  
106 (a) Develop and finalize a list of the eligible distribution recipients broken down into the  
107 following categories: minor beneficiaries, majority age beneficiaries, legally incompetent  
108 adults, adults and elders. For the purposes of this section, elder means a Tribal member  
109 who meets the age requirements as of December 31<sup>st</sup> of a given year to be eligible for an  
110 elder distribution as determined by the effective General Tribal Council Resolution.  
111 (b) Provide the finalized list of Tribal members eligible to receive the distribution to the  
112 Oneida Accounting Department and trust fund accountant.  
113 (c) Send membership distribution and trust account forms and receipts related to  
114 approved per capita payments.  
115 (d) Manage and maintain the Enrollment Database including, but not limited to,  
116 membership and distribution information.  
117 (e) Process the distribution data and forward the data to the Oneida Accounting  
118 Department and trust fund accountant.  
119 (f) Ensure the availability and liquidity of funds for transfer of the trust funds under the  
120 authorization of the Trust Enrollment Committee.  
121 (g) Provide fund transfer instructions to the relevant initiating institution: the custodial  
122 bank or the Oneida Accounting Department.  
123 (h) Work with the Trust Enrollment Committee to establish any necessary trust accounts.  
124 (i) Monitor all trust accounts for the purposes of necessary reporting, claims and  
125 distribution verification.  
126 (j) Record issued, voided, redeemed, and outstanding check distributions in the  
127 Enrollment Database.

Draft 17 – For OBC Consideration  
2017 01 25

- 128 (k) Complete trust account reconciliations.  
129 (l) Calculate attachment amounts for collection of Oneida entity debts and implement  
130 Oneida entity attachments.
- 131 123.4-7. *Oneida Accounting Department.* When a per capita payment is approved, the Oneida  
132 Accounting Department shall:
- 133 (a) Initiate and complete the funds transfer upon receipt of funds transfer instructions  
134 from the authorizing Oneida entity and shall ensure that the physical movement of funds  
135 happens no later than one (1) business day prior to the distribution date.  
136 (b) Record issued, voided and outstanding check distributions on the general ledger.  
137 (c) Complete bank account reconciliations.  
138 (d) Process per capita distribution to the payables ledger.  
139 (e) Perform all activities related to fiscal and calendar year end processes, including  
140 providing tax documents and tax reporting as required by applicable law.
- 141 123.4-8. *Tribal Treasurer.* The office of the Oneida Treasurer shall identify funds and shall  
142 timely transfer the necessary amount of relevant funds to the Trust Enrollment Committee, the  
143 trust fund accountant and the Oneida Accounting Department.
- 144 123.4-9. *Attachments.* Per capita payments are benefits offered by the Nation to Tribal  
145 members. All per capita payments, except distributions to or from a trust account for a  
146 beneficiary, may be subject to attachment prior to distribution in accordance with this section.  
147 Entities seeking to attach a per capita payment shall follow the timelines identified in this law.
- 148 (a) Per capita payments may only be attached for the following purposes, and in the  
149 following order:
- 150 (1) Child support arrears ordered by a court of competent jurisdiction. After child  
151 support arrears are fully satisfied, the Trust Enrollment Department shall apply  
152 any remaining per capita payments for the payment of debt owed to an Oneida  
153 entity.
- 154 (A) If a Tribal member owes arrears in more than one (1) child support  
155 order, the Oneida Nation Child Support Agency shall equally divide the  
156 per capita payment based on the number of court orders under which  
157 arrears are owed.
- 158 (2) Debt owed to an Oneida entity that is past due. After child support arrears and  
159 debt owed to an Oneida entity have been fully satisfied, the Trust Enrollment  
160 Department shall apply any remaining per capita payment for the payment of a  
161 federal tax levy.
- 162 (A) “Debt owed to an Oneida entity” includes any money owed to an  
163 Oneida entity and any fines that have been issued by an Oneida entity.  
164 (B) If a Tribal member owes debt to more than one (1) Oneida entity, the  
165 Trust Enrollment Department shall equally divide the per capita payment  
166 based on the number of Oneida entities that are owed debt.
- 167 (3) A federal tax levy.
- 168 (b) If the amount of the per capita payment exceeds the amount of the attachment, the  
169 Trust Enrollment Department shall distribute the remaining balance to the Tribal  
170 member, provided the Tribal member has met the distribution requirements contained in

Draft 17 – For OBC Consideration  
2017 01 25

171 this law. If there is a remaining unclaimed balance, the Tribal member may request it to  
172 be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall deposit  
173 any remaining refused balance in accordance with 123.5-5.

174 (c) *Child Support Attachments.* Claimants or their designated representative shall submit  
175 all requests for attachments for child support arrears to the Oneida Nation Child Support  
176 Agency.

177 (1) After receiving an initial attachment request for child support arrears, the  
178 Oneida Nation Child Support Agency shall send a one-time notice and a voluntary  
179 federal income tax withholding request form to those Tribal members whose per  
180 capita payment will be attached for child support arrears.

181 (2) The Oneida Nation Child Support Agency shall prepare a certified accounting  
182 of all attachment requests and forward the accounting to the Judiciary.

183 (3) The Trust Enrollment Department may not process an attachment of a Tribal  
184 member's per capita payment to collect child support arrears without first having  
185 received an order of determination issued by the Judiciary.

186 (4) After the child support arrears have been satisfied, if an attachment request is  
187 submitted for the same Tribal member's per capita payment based on new child  
188 support arrears, the Oneida Nation Child Support Agency shall issue another one-  
189 time notice and federal income tax withholding form in accordance with 123.4-  
190 9(c)(1).

191 (d) *Oneida Entity Debt Attachments.* Oneida entities are not required to receive an  
192 attachment order from the Judiciary prior to initiating a per capita payment attachment  
193 unless an attachment hearing is requested under section 123.4-9(d)(5).

194 (1) *Notice of Indebtedness.* Prior to initiating an attachment, the Oneida entity  
195 owed the debt shall provide written notice of indebtedness to the debtor by first  
196 (1<sup>st</sup>) class mail at the debtor's last known address.

197 (A) *Frequency of Notice.* Oneida entities shall send debtors notice of  
198 indebtedness for each month a debt is owed with each notice being sent a  
199 minimum of thirty (30) calendar days apart. Oneida entities shall send  
200 two (2) consecutive monthly notices prior to the debt becoming eligible  
201 for attachment.

202 (B) *Notice Content.* Oneida entities shall include the following in their  
203 notices of indebtedness:

204 (i) How many notices of indebtedness have been provided prior to  
205 the subject notice and the dates of all prior notices;

206 (ii) The amount of the debtor's indebtedness;

207 (iii) Information for making payment on the debt; and

208 (iv) An explanation that if the debt is not paid in full within thirty  
209 (30) calendar days from the date of the second consecutive  
210 monthly notice, the entity may initiate an automatic attachment of  
211 the Tribal member's per capita payment.

212 (2) *Initiating an Attachment.* After thirty (30) calendar days have lapsed since the  
213 Oneida entity sent the second consecutive monthly notice of indebtedness, the

Draft 17 – For OBC Consideration

2017 01 25

214 Oneida entity may initiate an attachment by providing the debtor with a final  
215 notice of indebtedness with intent to attach. The Oneida entity shall send the final  
216 notice to the debtor by certified mail. Additionally, the Oneida entity shall post  
217 notice of intent to attach in the Nation's newspaper, where such notice includes  
218 only the debtor's name, the Oneida entity owed a debt and the Oneida entity's  
219 contact information for payment. The Oneida entity shall submit its request to  
220 post to the newspaper at the same time as the final notice with intent to attach is  
221 mailed in order to ensure that notice is posted in the newspaper a minimum of ten  
222 (10) business days before the close of the debtor's thirty (30) calendar day time  
223 period to resolve the debt or request an attachment hearing.

224 (A) The Oneida entity shall include the following in the final notice of  
225 indebtedness with intent to attach:

226 (i) The dates of all prior notices of indebtedness provided to the  
227 debtor;

228 (ii) The amount of the debtor's indebtedness;

229 (iii) Information for making payment on the debt;

230 (iv) An explanation that this is the final notice and the Oneida  
231 entity has by this final notice initiated an attachment against the  
232 debtor;

233 (v) An explanation that if the debt is not paid in full within thirty  
234 (30) calendar days from the date of the final notice of indebtedness  
235 with intent to attach that the Trust Enrollment Department will  
236 automatically attach the debtor's available per capita payment in  
237 order to satisfy the debt;

238 (vi) An explanation that the debtor may request an attachment  
239 hearing with the Judiciary to contest the validity of the debt by  
240 submitting a petition to the Judiciary within thirty (30) calendar  
241 days from the date of the of the final notice of indebtedness with  
242 intent to attach and that the debtor is responsible for any filing fees  
243 required by the Judiciary; and

244 (vii) A membership distribution form which the debtor shall  
245 submit to the Trust Enrollment Department no later than  
246 September 1<sup>st</sup> in order for voluntary federal income taxes to be  
247 withheld.

248 (B) *Attachment Deadlines*. In order for the Trust Enrollment Department  
249 to process an attachment for a current per capita payment distribution,  
250 Oneida Entities shall:

251 (i) Send the Trust Enrollment Department a one-time final  
252 accounting of all debts subject to attachment no later than July 31<sup>st</sup>,  
253 provided that, in order for a debt to be included in the final  
254 accounting, the Oneida entity's shall have sent the debtor a final  
255 notice of indebtedness with intent to attach in which the debtor's  
256 thirty (30) day period to resolve the debt or request an attachment



Draft 17 – For OBC Consideration  
2017 01 25

- 257 hearing with the Judiciary expires on or before July 31<sup>st</sup>; and  
258 (ii) Receive, review and respond to the withholding report, in  
259 accordance with the deadline provided by the Trust Enrollment  
260 Department.
- 261 (3) *Calculating the Attachment Amount.* The Trust Enrollment Department shall  
262 determine the amount of per capita payment attachment based on the order  
263 provided in section 123.4-9(a).
- 264 (4) *Payment of Debt Prior to Attachment.* A debtor may make payments towards  
265 a debt subject to attachment at any time.
- 266 (A) Oneida entities shall keep record of all debtors payments and shall  
267 only include unpaid debts in their final accounting submitted to the Trust  
268 Enrollment Department.
- 269 (B) Once the Oneida entity has submitted the final accounting to the Trust  
270 Enrollment Department, the attachment amount may not be modified. If a  
271 debtor makes a payment towards a debt subject to attachment after the  
272 final accounting has been submitted to the Trust Enrollment Department,  
273 the Oneida entity shall reimburse the debtor for payments received in  
274 excess of the amount of the debt noticed to the debtor within thirty (30)  
275 calendar days from its receipt of the per capita payment attachment.
- 276 (5) *Requesting an Attachment Hearing.* A debtor may request an attachment  
277 hearing with the Judiciary to contest the validity of the debt by submitting a  
278 petition to the Judiciary within thirty (30) calendar days from the date of the final  
279 notice of indebtedness with intent to attach, provided that the debtor shall include  
280 a copy of the final notice of indebtedness with intent to attach with the petition.
- 281 (A) The debtor shall pay any filing fees required by the Judiciary before  
282 the Judiciary may consider the petition complete.
- 283 (B) When a request for an attachment hearing is timely made, the Oneida  
284 entity is still not required to obtain a judgment, but shall receive an  
285 attachment order before the Trust Enrollment Department may attach a per  
286 capita payment to collect debt owed to the Oneida entity.
- 287 (6) *Multiple Attachments.* If a single per capita payment is not sufficient to  
288 satisfy the debt owed to an Oneida entity, the Oneida entity shall follow the  
289 process contained in section 123.4-9(d)(1)-(5) for each per capita payment it seeks  
290 to attach.
- 291 (e) *Federal Tax Levy Attachments.* Claimants or their designated representatives shall  
292 submit all requests for attachments for a federal tax levy to the Judiciary. The Trust  
293 Enrollment Department may not process an attachment of a Tribal member's per capita  
294 payment to collect a federal tax levy without first having received an order of  
295 determination from the Judiciary.
- 296 (f) The Judiciary may order and the Trust Enrollment Department may process  
297 attachments against per capita payments of Tribal members who do not return a notarized  
298 membership payment form as required under 123.5-2(b)(1) or who refuse a payment  
299 under 123.5-2(f). If the amount of the per capita payment exceeds the amount of the

Draft 17 – For OBC Consideration  
2017 01 25

300 attachment resulting in a remaining unclaimed balance, the Tribal member may request it  
301 to be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall  
302 deposit any remaining refused balance in accordance with 123.5-5.

303 123.4-10. *Federal Income Tax Withholding.*

304 (a) *Voluntary.* The Trust Enrollment Department shall withhold federal income taxes  
305 from a distribution only when the following applies:

306 (1) Tribal members whose per capita payment is not subject to attachment in  
307 accordance with section 123.4-9 may voluntarily request to have federal income  
308 tax withheld, provided that Tribal members shall make such requests in  
309 accordance with the applicable distribution deadlines.

310 (2) If the Trust Enrollment Department receives a timely voluntary request to  
311 have federal income tax withheld from a Tribal member whose per capita  
312 payment is subject to attachment in accordance with section 123.4-9, the Trust  
313 Enrollment Department shall apply the federal income tax withholding to the  
314 applicable distribution before any attachments are applied.

315 (b) *Mandatory.* A Tribal member who meets all of the requirements of this law, but  
316 refuses to provide the Trust Enrollment Department with his or her social security  
317 number or individual tax identification number is subject to mandatory federal income  
318 tax withholding from his or her per capita payment, as required by federal law.

319 (c) *IRS Publication 15a.* The Nation shall comply with the most recent edition of IRS  
320 Publication 15a.

321

### 322 **123.5. Distributions**

323 123.5-1. *General.* This section sets forth the required processes for distribution of per capita  
324 payments.

325 123.5-2. *Deadlines.* The following deadlines apply in regards to the annual per capita  
326 payment. Where the dates fall on a Saturday, Sunday, or holiday the deadline is construed to be  
327 the close of business on the following business day. For any additional per capita payments, the  
328 Trust Enrollment Committee may establish dates and deadlines associated with those payments,  
329 as needed.

330 (a) *Eligibility.* Eligibility falls into the following categories:

331 (1) *Filing Deadlines.* An individual who is not a Tribal member shall file a new  
332 enrollment application no later than the close of business on January 31<sup>st</sup> in order  
333 to be considered eligible for the following per capita payment.

334 (A) *Enrollment Deadlines.* An individual is considered enrolled for the  
335 purposes of a per capita payment if the individual has been approved for  
336 enrollment by a vote of the Oneida Business Committee by March 31<sup>st</sup>.

337 (B) A newly enrolled Tribal member is eligible only for per capita  
338 payments authorized to be distributed following the effective date of his or  
339 her enrollment; he or she is not eligible to receive any per capita payments  
340 that were distributed prior to the effective date of his or her enrollment.

341 (2) *Dual Enrollment.* A Tribal member who is dually enrolled with another  
342 Indian tribe is not eligible for a per capita payment unless his or her  
343 relinquishment from the other tribe has been processed and written verification



Draft 17 – For OBC Consideration  
2017 01 25

344 that the member is no longer enrolled with that tribe has been received by the  
345 Trust Enrollment Department by September 1<sup>st</sup>.

346 (b) *Distribution Documents.*

347 (1) *Adult Distribution Form and Instructions.* Unless and until the Trust  
348 Enrollment Department modifies the Adult Distribution Form and Instructions by  
349 creating rules, the Trust Enrollment Department shall comply with the following.

350 (A) Prior to July 1<sup>st</sup> of the year the Trust Enrollment Department shall mail  
351 membership distribution forms and instructions to all adult Tribal  
352 members. Adults shall complete, notarize and return a notarized  
353 membership distribution form to the Trust Enrollment Department by  
354 close of business on or before September 1<sup>st</sup> in order to be eligible for a  
355 per capita distribution.

356 (B) The Trust Enrollment Department shall make available late  
357 membership distribution forms and shall accept such forms in compliance  
358 with section 123.5-2(e).

359 (2) *Majority Age Beneficiary Distribution Form and Instructions.*

360 (A) Prior to April 1<sup>st</sup> of the year the Trust Enrollment Department shall  
361 mail trust account forms and instructions to eligible majority age  
362 beneficiaries for trust account distributions in accordance with Article III  
363 of the Per Capita Trust Agreement.

364 (B) The Trust Enrollment Department shall make available late trust  
365 account forms and shall accept such forms in accordance with Article III  
366 of the Per Capita Trust Agreement.

367 (c) *Annual Distribution Date.* The Nation shall distribute all annual per capita payments  
368 on or before September 30<sup>th</sup>, excluding those to beneficiary trust accounts, which are  
369 governed by the Per Capita Trust Agreement.

370 (d) *Direct Deposit.* Adults and majority age beneficiaries may submit a direct deposit  
371 form at any time, provided that in order for it to be applied to an upcoming distribution,  
372 the Tribal member shall submit the direct deposit form by the applicable per capita or  
373 trust account distribution form deadline.

374 (1) Upon receipt of notice from the Oneida Accounting Department of any fees  
375 incurred by the Nation associated with reissuance of a distribution, the Trust  
376 Enrollment Department shall deduct any such fees from the reissued distribution.  
377 (Fees may include, but are not limited to, stop payment and direct deposit bank  
378 rejection fees).

379 (2) The Nation shall waive fees if a check is reissued due to an error on its behalf.  
380 A reissue made due to an error on the Nation's behalf may not count against the  
381 Tribal member as identified in 123.5-2(e)(2)(A).

382 (e) *Request for a Prior Per Capita Payment.*

383 (1) *Unclaimed Payment.* Tribal members shall submit a request for a prior adult  
384 per capita payment, for which the Tribal member was eligible, but was not  
385 claimed or fully attached, by September 1<sup>st</sup> of the next year. For example, if a  
386 payment's original distribution date is in 2000, then the deadline is September 1,

Draft 17 – For OBC Consideration

2017 01 25

387 2001. If a request is not received by the deadline date, the payment expires and  
388 the Trust Enrollment Department shall deposit such funds in a pooled account in  
389 accordance with 123.5-5.

390 (A) The Trust Enrollment Department shall process prior per capita  
391 payments requested by eligible adults according to the Trust Enrollment  
392 Committee's rules regarding distribution timelines.

393 (B) The Trust Enrollment Department shall process prior per capita  
394 payments requested by a majority age beneficiary in accordance with  
395 Article III of the Per Capita Trust Agreement.

396 (2) *Distribution of Outstanding Checks including rejected Direct Deposit funds.*  
397 Tribal members shall submit a request for an adult or majority age beneficiary's  
398 prior distribution, for which a Tribal member already claimed, but did not redeem,  
399 by September 1<sup>st</sup> of the next year. For example, if a distribution's original issue  
400 date is in 2000, then the deadline is September 1, 2001.

401 (A) An adult, minor beneficiary or majority age beneficiary's distribution  
402 may only be reissued once. After the distribution/rejected direct deposit  
403 funds are reissued, the Tribal member has ninety (90) days to redeem it or  
404 the distribution will expire and may not be reissued. The Trust Enrollment  
405 Department shall process expired funds in accordance with 123.5-5.

406 (B) Upon receipt of notice from the Oneida Accounting Department of any  
407 fees incurred by the Nation associated with reissuance of a distribution,  
408 the Trust Enrollment Department shall deduct any such fees from the  
409 reissued distribution. (Fees may include, but are not limited to, stop  
410 payment and direct deposit bank rejection fees).

411 (i) The Nation shall waive fees if a check is reissued due to an  
412 error on its behalf. A reissue made due to an error on the Nation's  
413 behalf may not count against the Tribal member as identified in  
414 123.5-2(e)(2)(A).

415 (f) *Refusal of Distributions.* An adult or majority age beneficiary may refuse any  
416 distribution due to him or her, including a trust account distribution, by completing a  
417 refusal form available with the Trust Enrollment Department. However, if the Judiciary  
418 has approved an attachment of an adult distribution, only the remaining portion of the  
419 distribution, if any, may be refused. Majority age beneficiary and legally incompetent  
420 adult distributions are not attachable.

421 (1) Upon submitting the refusal form to the Trust Enrollment Department, the  
422 adult or majority age beneficiary irrevocably waives his or her right to the specific  
423 distribution as indicated on the form.

424 (2) Tribal members seeking to refuse a distribution shall submit refusal forms in  
425 accordance with sections 123.5-2(b)(1)(A) and 123.5-2(b)(2)(A).

426 (3) The Trust Enrollment Department shall process refused distributions in  
427 accordance with 123.5-5.

428 123.5-3. *Deceased Tribal Members.*

429 (a) *Deceased Tribal Member Distribution Forms.* Tribal members are eligible to receive

Draft 17 – For OBC Consideration  
2017 01 25

430 a distribution so long as the Tribal member has complied with the distribution documents  
431 and/or distribution rule(s) requirements. This includes distributions identified to be  
432 deposited to a trust account. The estate of a deceased Tribal member may not submit a  
433 membership distribution form on behalf of the deceased to claim a distribution. The  
434 Tribal member is only eligible for the distribution if the Tribal member either personally  
435 or through an appointed representative submits the distribution form while the Tribal  
436 member is still living. Should a Tribal member become deceased after submitting the  
437 required distribution form, but before the distribution date, the Trust Enrollment  
438 Department shall continue to issue the distribution in the name of the deceased Tribal  
439 member. The Trust Enrollment Department shall not reissue any distributions in the  
440 name of any claimant or the decedent's estate.

441 (b) *Deceased Minor/Majority Age Beneficiary or Legally Incompetent Adult.*

442 (1) *When there is a Beneficiary Designation Form on Record.* A minor/majority  
443 age beneficiary's or a legally incompetent adult's trust account balance upon  
444 death is inheritable upon the date of the beneficiary's death in accordance with the  
445 most recent beneficiary designation form on record as applicable. Within thirty  
446 (30) calendar days of learning of a minor/majority age beneficiary's or legally  
447 incompetent adult's death, the Trust Enrollment Department shall provide notice  
448 of any remaining trust account balance to the designated beneficiary using the last  
449 address on file. Should a designated beneficiary claim the remaining trust  
450 account balance, the Trust Enrollment Department shall issue the distribution in  
451 the name of the first available designated beneficiary(s). If a designated  
452 beneficiary does not request distribution of the remaining balance of a trust  
453 account within one (1) year after the Trust Enrollment Department's date of  
454 notice, the Trust Enrollment Department shall liquidate and deposit the trust fund  
455 account as follows:

456 (A) For the remaining balance in minor/majority age beneficiary's trust  
457 account, to the Oneida Youth Leadership Institute.

458 (B) For the remaining balance in a legally incompetent adult's trust  
459 account, to the General Fund.

460 (2) *When there is No Beneficiary Designation Form on Record.* The Trust  
461 Enrollment Committee shall establish rules defining potentially interested parties  
462 in the event there is no signed beneficiary designation form on record. The Trust  
463 Enrollment Committee shall also include in such rules notice provisions that put  
464 those potentially interested parties on notice that the Nation has a probate process  
465 and the potential consequences of a failure to comply with the probate process.  
466 Where a distribution is issued in accordance with the issuance of a domiciliary  
467 letter naming a personal representative of the estate, the Trust Enrollment  
468 Department shall issue the distribution in the name of the estate of the  
469 minor/majority age beneficiary or the legally incompetent adult.

470 123.5-4. *Relinquishment of Tribal Membership.* Tribal members are ineligible for any current,  
471 future and/or prior per capita payment distributions as of the date his or her Tribal membership is  
472 relinquished.

Draft 17 – For OBC Consideration

2017 01 25

473 (a) *Relinquished Adult*. The Trust Enrollment Department shall process funds set aside  
474 for a relinquished adult's distribution in accordance with 123.5-5.

475 (b) *Majority Age/Minor Beneficiary Relinquishment*. Upon a majority age/minor  
476 beneficiary's relinquishment the following provisions apply:

477 (1) The Trust Enrollment Department shall deposit any funds in a trust account  
478 for a majority age/minor beneficiary in a joint savings account in the name of the  
479 Trust Enrollment Committee and the relinquished majority age/minor beneficiary.

480 (2) A relinquished majority age/minor beneficiary is eligible to claim the joint  
481 savings account if he or she is eighteen (18) years of age by September 1<sup>st</sup> of the  
482 distribution year and submits the majority age distribution form by July 1<sup>st</sup> of the  
483 same year. In addition, a relinquished majority/minor age beneficiary shall claim  
484 any remaining funds held in the joint savings account prior to the first distribution  
485 following his or her twenty-first (21<sup>st</sup>) birthday.

486 (3) A relinquished majority age/minor beneficiary may refuse his or her joint  
487 savings account funds at the age of eighteen (18). The proof of education  
488 requirement is not required to refuse joint savings account funds, however the  
489 relinquished majority age/minor beneficiary shall satisfy the requirements of  
490 section 123.5-2(f).

491 (4) The Trust Enrollment Department shall follow the Trust Enrollment  
492 Committee's standard operating procedure for allocating any fees necessary for  
493 the establishment and maintenance of a relinquished majority age/minor  
494 beneficiary's joint savings account to the said account.

495 (5) The Trust Enrollment Department shall deposit any unclaimed joint savings  
496 account funds in a Pooled Account in accordance with section 123.5-5.

497 (c) *Legally Incompetent Adult Relinquishment*. Upon a legally incompetent adult's  
498 relinquishment the Trust Enrollment Department shall disburse any funds in a trust  
499 account for the legally incompetent adult to the guardian of the legally incompetent adult.

500 (1) If the trust account funds for a legally incompetent adult are not claimed  
501 within one (1) year after the date of relinquishment, the Trust Enrollment  
502 Department shall liquidate and deposit the trust fund account in accordance with  
503 123.5-5.

504 123.5-5. *Pooled Account*. Pooled account funds are identified by the Trust Enrollment  
505 Department, to be used for a purpose designated by General Tribal Council. Pooled account  
506 funds result from the following.

507 (a) *Expiration of Unclaimed Per Capita Payments*. Tribal Members' rights to unclaimed  
508 Per Capita Payments expire upon the occurrence of any one (1) of the following:

509 (1) A Tribal member submits a refusal form under 123.5-2(f);

510 (2) A Tribal member fails to request a prior distribution or trust account funds  
511 within the time provided under this law and/or the Per Capita Trust Agreement;

512 (3) An adult receives a distribution in accordance with 123.5-3(a) and the  
513 distribution is not redeemed within one (1) year of the date of distribution;

514 (4) The estate of a deceased majority age/minor beneficiary fails to request  
515 distribution of the trust account within the time provided under 123.5-3(b); or

Draft 17 – For OBC Consideration  
2017 01 25

516 (5) The guardian of a deceased legally incompetent adult fails to request  
517 distribution of the trust account within the time provided under 123.5-3(c).  
518

519 **123.6. Minor/Majority Age Beneficiaries and Legally Incompetent Adults**

520 123.6-1. *Minor Beneficiaries.* This section sets forth a consistent method to protect and  
521 preserve the interests of minor beneficiaries in any distribution to which a minor beneficiary may  
522 be eligible. All distributions to minor beneficiaries are governed by this law, IGRA, the Tribal  
523 Revenue Allocation Plan and the Per Capita Trust Agreement.

524 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
525 standard operating procedures for setting up, monitoring and distributing the trust  
526 accounts. The Trust Enrollment Committee may choose to maintain pooled or individual  
527 accounts, separate accounts for each distribution or series of distributions, or any other  
528 combination which is in the best interests of the beneficiaries and which is consistent  
529 with the terms of the Per Capita Trust Agreement and the Trust Enrollment Committee's  
530 investment policy.

531 (1) The Trust Enrollment Committee is responsible for the protection and  
532 preservation of per capita payment funds for beneficiaries. As part of that  
533 responsibility, the Trust Enrollment Committee shall complete and issue any  
534 necessary reports to the beneficiaries. The Trust Enrollment Committee shall  
535 develop rules, which establish valuation dates and frequency of reports and  
536 identify data critical to the completion of the reports. The Trust Enrollment  
537 Committee may delegate such reporting responsibilities to duly selected vendors.

538 (b) *Costs of Account.* The Trust Enrollment Department shall apply administrative costs  
539 related to a trust account to the said account. Administrative costs are those costs related  
540 to third party fees and expenses resulting from managing the accounts. Administrative  
541 costs do not include any costs related to the expenses of the Trust Enrollment Committee  
542 or Trust Enrollment Department.

543 (c) *No Guarantee.* It is the Trust Enrollment Committee's responsibility to invest  
544 beneficiaries' distributions in accordance with the Per Capita Trust Agreement. Because  
545 the market affects the value of trust accounts, beneficiaries are not guaranteed any  
546 specific amount of distribution made prior to becoming a majority age beneficiary.

547 (d) *Disbursement to Majority Age Beneficiaries.* Disbursement of trust account funds to  
548 majority age beneficiaries is governed by the Per Capita Trust Agreement, provided that  
549 to be eligible for a distribution, the majority age beneficiary is required to:

550 (1) Meet the age and education requirements where:

551 (A) If the majority age beneficiary has proof of education by September 1<sup>st</sup>  
552 of the distribution year as required by the Per Capita Trust Agreement, he  
553 or she is eligible for distribution at eighteen (18) years of age.

554 (B) If the majority age beneficiary does not have proof of education by  
555 September 1<sup>st</sup> of the Distribution year as required by the Per Capita Trust  
556 Agreement, he or she remains eligible to claim their trust account funds  
557 upon reaching twenty-one (21) years of age.

558 (C) *Exceptions.* The following Tribal members are exempt from the



Draft 17 – For OBC Consideration

2017 01 25

559 requirement to provide proof of education in order to be eligible for a  
560 minor trust account distribution prior to reaching twenty-one (21) years of  
561 age:

562 (i) Majority age beneficiaries declared to be a legally incompetent  
563 adult under 123.6-2. In such circumstances, the Trust Enrollment  
564 Department shall liquidate and deposit any funds from the minor's  
565 trust account into a legally incompetent adult trust account.

566 (ii) Majority age beneficiaries who have documentation of learning  
567 or other disability from a professional qualified to make such a  
568 diagnosis and who are able to present a certificate of attendance  
569 showing he or she has attended twelve (12) years of school. In  
570 such circumstances, that certificate of attendance is deemed the  
571 equivalent to proof of education.

572 (D) *Fraudulent Proof of a Diploma.* In the event the Trust Enrollment  
573 Department deems that a majority age beneficiary has submitted  
574 fraudulent proof of education, the Trust Enrollment Department shall:

575 (i) If distribution has not been made to the Tribal member,  
576 withhold distribution of the trust account funds until the  
577 requirements of this law have been met;

578 (ii) Impose a fine against the Tribal member of one-third (1/3) of  
579 the Tribal member's entire trust account funds;

580 (iii) Notify the Tribal member of the following:

581 (a) His or her proof of education has been deemed  
582 fraudulent;

583 (b) If not already distributed to the Tribal member, the trust  
584 account funds may not be distributed until he or she  
585 submits valid proof of education or reaches twenty-one (21)  
586 years of age;

587 (c) A fine of one-third (1/3) of the Tribal member's entire  
588 trust account funds has been imposed; and

589 (d) How to appeal the Trust Enrollment Department's  
590 determination of the fraudulent proof of education,  
591 including any applicable time limits.

592 (iv) If necessary to satisfy the fine, take action to have the Tribal  
593 member's future per capita payments attached in accordance with  
594 this law.

595 (v) Deposit any funds collected to pay a fine imposed pursuant to  
596 this section in a pooled account in accordance with 123.5-5.

597 (2) Complete and submit a majority age beneficiary distribution form and/or  
598 deferral payment agreement by July 1<sup>st</sup> of the distribution year. A majority age  
599 beneficiary may postpone distribution of all or some of his or her trust account  
600 funds by entering into a deferral payment agreement pursuant to the Per Capita  
601 Trust Agreement.



Draft 17 – For OBC Consideration  
2017 01 25

602 123.6-2. *Legally Incompetent Adults.* This section sets forth a consistent method to protect and  
603 preserve the interests of legally incompetent adults in any distribution for which they may be  
604 eligible. If a distribution includes legally incompetent adults as eligible recipients, the Trust  
605 Enrollment Department shall deposit such distributions into a trust account in accordance with  
606 the Tribal Revenue Allocation Plan and IGRA.

607 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
608 standard operating procedures for setting up, monitoring, and distributing trust accounts.  
609 When an adult is declared legally incompetent, the Trust Enrollment Department shall  
610 place any distribution that is claimed on his or her behalf in a trust account for health,  
611 welfare and/or education expenses. The Trust Enrollment Committee shall develop rules  
612 for determining when a guardian qualifies for distribution from an established trust  
613 account.

614 (b) *Reversal of Incompetency.* If a court of competent jurisdiction determines that an  
615 adult is no longer legally incompetent, the adult shall provide the Trust Enrollment  
616 Department with a certified copy of the order. Provided that the adult is eligible for the  
617 distribution and has followed the processes required under this law, upon receipt of an  
618 order reversing incompetency, the Trust Enrollment Department shall distribute any  
619 funds held in the trust account for the legally incompetent adult to the adult now deemed  
620 competent.

621 123.6-3. *Beneficiary Designation Forms.* The Trust Enrollment Department shall provide all  
622 minor/majority age beneficiaries and legally incompetent adults with beneficiary designation  
623 forms which name a beneficiary to inherit any remaining trust account balance in the event of the  
624 minor/majority age beneficiary's or legally incompetent adult's death. Once every year, the  
625 Trust Enrollment Department shall mail such forms out to newly enrolled Tribal members, all  
626 persons that became a majority age beneficiary in that year and Tribal members declared a  
627 legally incompetent adult in that year or had a new guardian appointed in that year. The  
628 beneficiary designation form is required to include the following:

- 629 (a) An explanation of the effect of and benefits to designating a beneficiary(s);  
630 (b) An explanation of the potential consequences to not naming a beneficiary(s); and  
631 (c) A signature field for the applicable of the parent/guardian or majority age beneficiary  
632 with an explanation of when each party is expected to sign.  
633

### 634 **123.7. Per Capita Actions**

635 123.7-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions  
636 taken pursuant to this law and/or rules.

637 123.7-2. No administrative hearing body, including a board, committee or commission, is  
638 authorized to hear a complaint regarding actions taken pursuant to this law and/or rules.

639 123.7-3. In regards to taking actions authorized under this law, complaints filed with the  
640 Oneida Judiciary shall name the Trust Enrollment Department.

641 *End.*

Adopted - BC-7-12-00-B

Emergency Amendments – BC-01-03-01-B

Emergency Amendments - BC-2-28-01-E

Amendments - BC-11-06-02-A (Elder Per Capita)

Emergency Amendments - BC-6-25-03-G (Child support

priority for attachment)

Amendments - BC-6-16-04-C (Child support priority for  
attachment)

Emergency Amendments - BC-9-12-07-A (one-time per capita  
payment)

Draft 17 – For OBC Consideration

2017 01 25

Amendments – BC-04-22-09-A (High School Diploma; legally incompetent adults)	Amendments Adopted – BC-05-09-12-B (Fraudulent diploma, dual enrollments)
Emergency Amendments – BC-06-08-11-D (Fraudulent diploma; dual enrollments)	Emergency Amendments – BC-09-12-12-A (Change in distribution date) Expired 3-12-13
Emergency Amendments extended – BC-11-09-11-E (Fraudulent diploma; dual enrollments)	Amendments Adopted – BC-08-14-13-D

# MEMORANDUM

DATE: January 11, 2017  
FROM: Rae Skenandore, Project Manager  
TO: Larry Barton, Chief Financial Officer  
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer  
RE: **Fiscal Impact of the Per Capita Amendments**

## I. Background

This Law is adopted by the Oneida Business Committee by resolution BC-7-12-00-B and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B and BC-08-14-13-D. A public meeting was held on December 22, 2016. The fiscal analysis was completed on Draft 17.

According to the Legislative Reference Office, the new Law contains the following:

- Reduce the frequency of per capita distributions to elders while still maintaining the elders' payments by placing elders on the same distribution schedule as adults.
- Allow per capita distributions to all Tribal members who have completed the required distribution forms, even if the Tribal member becomes deceased before the per capita distribution.
- Create the majority age (18) beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are "inheritable" when the beneficiary is deceased.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the Trust and Enrollment Committee hearing authority to the Oneida Judiciary.
- Revise the attachment process to allow entitles to collect debt owed to the Nation without requiring a judgment from a court.

## **II. Executive Summary of Findings**

A “Fiscal Impact Statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the law after implementation. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

According to the Director for the Trust and Enrollment Committee, there are no projected increases in expenses due to the implementation of these amendments. In fact, it is anticipated that there may be some incalculable administrative savings due to the decrease disbursements. Amendments will take effect during the Fiscal Year 2017 payouts.

## **III. Financial Impact**

No impact.

## **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 the Oneida Business Committee and General Tribal Council has full information with which to render a decision.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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 December 21, 2016 LOC Meeting Minutes

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. <input type="text" value="12/21/16 LOC 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: 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](http://Oneida-nsn.gov)



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

December 21, 2016 9:01 a.m.

**Present:** Brandon Stevens, David P. Jordan, Fawn Billie, Tehassi Hill

*Note: Tehassi Hill was excused from the LOC Meeting for an appointment but arrived to the meeting at approximately 10:30 a.m. during the discussion on the Community Support Fund Amendments.*

**Excused:** Jennifer Webster

**Others Present:** Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Krystal John, Jo Anne House, Rae Skenandore, Mike Debraska, Rhiannon R. Metoxen, Cathy Bachhuber, Trina Schuyler, Debra Powless, Tom Wilbur.

### I. Call to Order and Approval of the Agenda

Brandon Stevens called the December 21, 2016 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by David P. Jordan to adopt the agenda moving the Endowment Fund Amendments (New Submission #1) to first on the agenda and Community Support Fund Amendments (Current Business #1) to last on the agenda; seconded by Fawn Billie. Motion carried unanimously.

### II. Minutes to be approved

#### 1. December 7, 2016 LOC Meeting Minutes

Motion by David P. Jordan to approve the December 7, 2016 LOC meeting minutes; seconded by Fawn Billie. Motion carried unanimously.

### III. Current Business

#### 1. Community Support Fund Amendments

Motion by David P. Jordan to make the appropriate changes to the Community Support Fund Amendments adoption packet and forward updated adoption packet to the LOC via e-poll for approval, and then forward the Community Support Fund adoption packet to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried, with Tehassi Hill abstaining.

#### 2. Oneida Seal and Flag Law

Motion by Fawn Billie to defer the Oneida Seal and Flag Law to the next LOC meeting on January 4, 2017; seconded by David P. Jordan. Motion carried unanimously.

#### 3. Real Property Law Amendments

Motion by David P. Jordan to defer the Real Property Law Amendments to the second LOC meeting in January; seconded by Fawn Billie. Motion carried

Legislative Operating Committee Meeting Minutes of December 21, 2016



unanimously.

~~Motion by David P. Jordan for the LOC to send a memorandum to the Organizational Development Specialist asking to add an agenda item to the joint meeting between the Oneida Business Committee, Oneida Land Commission and Oneida Land Claims Commission on January 6, 2017, regarding the proposed policy statement in the Real Property Law Amendments; seconded by Fawn Billie. Motion carried unanimously.~~

Motion by David P. Jordan to rescind the 2<sup>nd</sup> motion regarding the Real Property Law Amendments; seconded by Fawn Billie. Motion carried unanimously.<sup>1</sup>

#### **IV. New Submissions**

##### **1. Endowment Fund Amendments**

Motion by David P. Jordan to add Endowment Fund Amendments to the Active Files list as a high priority with David P. Jordan as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

##### **2. Petition: Delgado-Panel of Educators and Retention of Kindergarteners**

Motion by David P. Jordan to add Petition: Delgado-Panel of Educators and Retention of Kindergarteners to the Active Files list with Fawn Billie as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to approve the 45 Day Progress Report and forward to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

##### **3. Landlord-Tenant Law Emergency Amendments**

Motion by David P. Jordan to add the Landlord-Tenant Law Emergency Amendments to the Active Files list with David Jordan as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

#### **V. Additions**

#### **VI. Administrative Updates**

#### **VII. Executive Session**

#### **VIII. Recess/Adjourn**

Motion by Fawn Billie to adjourn the December 21, 2016 Legislative Operating Committee meeting at 10:40 a.m.; seconded by Tehassi Hill. Motion carried unanimously.

---

<sup>1</sup> Motion made at January 4, 2017 LOC Meeting to rescind the 2<sup>nd</sup> motion regarding Real Property Law Amendments and to approve the December 21, 2016 LOC meeting minutes with the noted change.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**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: 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](http://Oneida-nsn.gov)



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

January 4, 2017 9:01 a.m.

**Present:** Brandon Stevens, David P. Jordan, Fawn Billie, Tehassi Hill, Jennifer Webster

**Excused:**

**Others Present:** Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Krystal John, Jennifer Falck, Rae Skenandore, Mike Debraska, Danelle Wilson, Shad Webster.

### I. Call to Order and Approval of the Agenda

Tehassi Hill called the January 4, 2017 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by David P. Jordan. Motion carried unanimously.

### II. Minutes to be approved

#### 1. December 21, 2016 LOC Meeting Minutes

Motion by David P. Jordan to rescind the second motion regarding the Real Property Law Amendments made on December 21, 2016:

*Motion by David P. Jordan to defer the Real Property Law Amendments to the second LOC meeting in January; seconded by Fawn Billie. Motion carried unanimously.*

~~*Motion by David P. Jordan for the LOC to send a memorandum to the Organizational Development Specialist asking to add an agenda item to the joint meeting between the Oneida Business Committee, Oneida Land Commission and Oneida Land Claims Commission on January 6, 2017, regarding the proposed policy statement in the Real Property Law Amendments; seconded by Fawn Billie. Motion carried unanimously.*~~

and approve the December 21, 2016 LOC meeting minutes with the noted change; seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to direct the LRO to provide an updated comment response memo reflecting the acceptance of the response or comments; seconded by Fawn Billie. Motion carried unanimously.

### III. Current Business

#### 1. Oneida Nation Seal and Flag Law (01:30-02:45)

Motion by Jennifer Webster to make the noted change and to forward the Oneida Nation Seal and Flag Law to the Oneida Business Committee for consideration noting

Legislative Operating Committee Meeting Minutes of January 4, 2017

that the legislative analysis shall be updated; seconded by David P. Jordan. Motion carried unanimously.

*Noted change include: 1) revised the definition of Oneida-owned building to mean a building wholly owned and/or operated by the Nation within the boundaries of the Reservation and to such other lands as may be here after added thereto within or without said boundary lines under the law of the United States except as otherwise provided by law.*

**2. Petition: Delgado- Panel of Educators & Retention of Kindergarten Students (02:50-06:30)**

Motion by Jennifer Webster to forward the legislative analysis regarding the Petition: Delgado- Panel of Educators & Retention of Kindergarten Students to Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

**3. Tribal Criminal Code, Tribal Traffic Code, and Tribal Public Peace Laws (09:52-13:20)**

Motion by Tehassi Hill to accept the 60-day update; seconded by Jennifer Webster. Motion carried unanimously.

**4. Community Support Fund Amendments (13:22-18:50)**

Motion by Jennifer Webster to accept the December 21, 2016 Community Support Fund Amendments e-poll and enter the e-poll results into the record; seconded by Fawn Billie. Motion carried unanimously.

**5. Endowment Fund Amendments (18:50-27:05)**

Motion by David P. Jordan to forward the Endowment Fund Amendments to the LRO and the Finance Department for a legislative analysis and fiscal analysis to be completed by January 12, 2017; seconded by Tehassi Hill. Motion carried unanimously.

**6. Tobacco Law Amendments (27:05-30:35)**

Motion by Tehassi Hill to accept the Tobacco Law Amendments public meeting comments; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Tehassi Hill to request an updated legislative analysis and fiscal analysis be brought back by January 12, 2017 and to direct the LRO to put together an adoption packet with the noted changes; seconded by Jennifer Webster. Motion carried unanimously.

*Noted changes include: 1) alphabetize the definitions, 2) remove the definition of manager, 3) on line 77 tobacco outlet changed to Oneida retail location, 4) on line 89 removed Oneida Nation, 5) on line 97 added "or her" and 6) on line 105 removed Oneida Nation.*

7. **Hunting, Fishing and Trapping Law Amendments (30:36-01:19:33)**

Motion by Tehassi Hill to accept the Hunting, Fishing and Trapping Law Amendments public meeting comments; seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to direct the LRO to develop an adoption packet with the noted changes; seconded by Jennifer Webster. Motion carried unanimously.

*Noted changes include: 1) create a list in rules pertaining to the designated hunter numbers, 2) remove hunting party size limits from law and create rule to address this issue, 3) remove supervision requirement for hunters age 15 – 17, and 4) revise 406.6-6 to delete subsections (a) & (b) and to include the following language “A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet of the center of the road as further detailed in the rules.”*

8. **Per Capita Law Amendments (01:19:38-01:21:55)**

Motion by Tehassi Hill to accept the Per Capita Law Amendments public meeting comments; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Fawn Billie to defer the Per Capita Law Amendments public meeting comments to a work meeting to commence directly after the conclusion of the January 4, 2017 LOC meeting; seconded by Jennifer Webster. Motion carried unanimously.

9. **Budget Management and Control Law (01:21:56-01:49:26)**

Motion by Jennifer Webster to accept the Budget Management and Control Law public comments; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Fawn Billie to direct the LRO to put together an adoption packet with the noted changes; seconded by Tehassi Hill. Motion carried unanimously.

*Noted changes include: 1) replace “entity” with “fund unit”, 2) include physical infrastructure to the definition of capital improvement, 3) clarify that “capital expenditure” is non-physical and “capital improvements” is physical, 4) include a footnote after the definition for “Capital expenditure” which states that acquisition of existing buildings and land completed by the Oneida Land Commission are not included in the definition of capital expenditure, 5) fix the grammatical error in section 121.3(i), 6) include the language “or that have been modified” to section 121.6-1, and 7) include the following language to section 121.7-1 “until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the general fund to be re-allocated in accordance with the Oneida Business Committee’s priority list under 121.5-3 using the regular budget process under 121.5.”*

**10. Employment Law (01:49:28-01:57:28)**

Motion by Fawn Billie to direct the LRO to conduct an e-poll of the adoption packet regarding the Employment Law in consideration of forwarding to the Oneida Business Committee; seconded by Tehassi Hill. Motion carried unanimously.

**IV. New Submissions****V. Additions****VI. Administrative Updates****1. Public Meeting SOP (01:57:29-01:57:55)**

Motion by Tehassi Hill to accept the Public Meeting SOP as FYI; seconded by David P. Jordan. Motion carried unanimously.

**VII. Executive Session****1. Department of Public Works HVAC Contracts**

Motion by Fawn Billie to enter into executive session at 10:59 a.m., seconded by Tehassi Hill. Motion carried unanimously.

Motion by Fawn Billie to come out of executive session at 11:10 a.m., seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to add the Independent Contractor Policy to the active files list with David P. Jordan as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

**VIII. Adjourn**

Motion by David P. Jordan to adjourn the January 4, 2017 Legislative Operating Committee meeting at 11:11 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

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:

Review the Division of Land Management & Oneida Land Commission rules regarding Mortgage and Foreclosure law Rule 1-Mortgage Programs, Guidelines and Requirements; Land-lord Tenant law Rule 1-General Rental Program Eligibility, Selection and Other Requirements; and Real Property law Rule 2-Comprehensive Housing Division Residential Sites.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Memos from LOC, DOLM, and Land Comm

3. Rule 1: Rental Packet

2. Rule 1: Mortgage Packet

4. Rule 2: Sales Packet

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

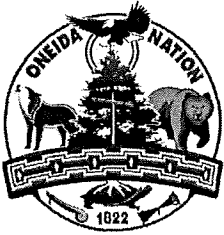
5. Submission

Authorized Sponsor / Liaison: Brandon Stevens, Council Member

Primary Requestor: Jennifer Falck, Director, Legislative Reference Office  
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: Legislative Operating Committee  
 Oneida Business Committee  
 FROM: Jennifer Falck, LRO Director *JF*  
 DATE: January 25, 2017  
 RE: Business Committee Review of Division of Land Management and Oneida Land  
 Commission Certified Rules

### Certified Rules

Please find attached the following rule packets that were certified at the Legislative Operating Committee's (LOC) January 18, 2017 meeting;

1. Mortgage and Foreclosure law Rule No. 1 – Mortgage Programs, Guidelines and Requirements
2. Landlord-Tenant law Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements
3. Real Property law Rule No. 2 – Comprehensive Housing Division Residential Sales.

Each packet includes the required documentation including;

- A. The draft proposed rule
- B. A memo from the Agency to the LOC
- C. Supporting documentation
- D. Summary Report

The certification packets comply with the procedural requirements contained in the Administrative Rulemaking law:

- A public meeting notice for the above listed rules was published in the Kalihwisaks on December 1, 2016; and
- A public meeting for the rules was held on December 15, 2016; and
- The public comment period was held open until December 22, 2016; and
- There were no oral or written comments received during the public meeting or the public meeting comment period; and
- The Land Commission approved of the certification packets of the rules for LOC submission of January 9, 2017.

The certification packets provided by the Division of Land Management and Oneida Land Commission contain all documentation required by the Administrative Rulemaking law for a complete administrative record.

The rules have the following effective dates:

- Mortgage and Foreclosure law Rule No. 1 – Mortgage Programs, Guidelines and Requirements – March 9, 2017
- Landlord-Tenant law Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements – February 9, 2017
- Real Property law Rule No. 2 – Comprehensive Housing Division Residential Sales – March 9, 2017.

**Business Committee Review**

After a Rule is certified by the LOC, the Business Committee will review the Rule. If the Business Committee has concerns, the Authorized Agency will work with them to address the concerns. For more information see the Administrative Rulemaking law.

Division of Land Management  
 PO Box 365  
 Oneida, WI 54155  
 920-869-1690



## MEMORANDUM

TO: Legislative Operating Committee  
 FROM: Division of Land Management and Oneida Land Commission  
 SUBJECT: Request for Certification of Procedural Compliance – Mortgage and Foreclosure Rule No. 1 – Mortgage Programs, Guidelines, and Requirements  
 DATE: January 18, 2017

The Division of Land Management and the Oneida Land Commission are exercising their joint rule making authority to further define sections of the Mortgage and Foreclosure Law.

The rule is newly drafted and is not a revision of a prior rule. In accordance with the Administrative Rulemaking Law, a public meeting was held for these rules on December 15, 2016 for which the comment period expired on December 22, 2016. There were no community members in attendance and no written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

Rulemaking Timeline	
Required Action	Date Completed
Received Land Commission approval of DRAFT rules and direction to proceed with holding a public meeting.	November 7, 2016
Public Meeting notice for the three rules is posted in the Kalihwisaks (see page 28) and on the Oneida Register.	December 1, 2016
Public Meeting held.	December 15, 2016
Public Comment Period closed, there were no comments received.	December 22, 2016
Land Commission approval of LOC submission packet.	January 9, 2017

The following attachments are included for your review:

1. E-mail listing Land Commission motions, changes, and directives from the November 7, 2016 meeting.
2. Summary Report
3. Public Meeting Notice

4. Copy of Public Meeting published in the Kalihwisaks – Page 28 of the December 1, 2016 issue.
5. Sign-in sheet from December 15, 2016 Public Meeting.
6. Public meeting transcription from the December 15, 2016 Public Meeting.
7. Land Commission minutes dated January 9, 2017, approving the rule packet to be submitted to LOC.

**Action Requested:**

Find that the development of the Mortgage and Foreclosure Rule No. 1 – Mortgage Programs, Guidelines, and Requirements has procedurally complied with the requirements of the Administrative Rulemaking laws and recognize its effective date as March 9, 2016.

Cc: Pat Pelky, Interim Director, Division of Land Management

# MEMORANDUM

DATE: January 18, 2017  
 FROM: Rae Skenandore, Chairwoman Oneida Land Commission  
 TO: Oneida Business Committee  
 RE: **Land Rules Summary**

The Land Commission has approved the new rules and fully supports the changes to existing requirements and procedures to improve operations. The intent of this memo is to provide the Business Committee with a summary of the changes in requirements and procedures that will be implemented through the new rules.

**I. Mortgage and Foreclosure Law Rule no. One (1)  
 Mortgage Programs, Guidelines and Requirements.**

- A. Interest rates will be set annually by the Land Commission.
- B. These rules will allow for the Division to consolidate the loan programs while maintaining the variety of the services offered.
- C. A new requirement for a credit rating of 550. This score was a compromise between the need to help the membership and the risk of nonpayment or foreclosure.
- D. Members can reduce their closing costs from 1% to .5% if they attend an approved homebuyer education program, i.e. Neighborworks Homebuyer Education. Topics include:
1. Are you ready to buy a home?
  2. Managing Your Money
  3. Understanding Credit
  4. Obtaining a Mortgage Loan
  5. Shopping for a Home
  6. Protecting Your Investment
- E. Payment terms fluctuate depending on the amount owed. But, 30 years is the standard if a mortgage is over \$30,000.
- F. Mortgage terms may be modified by the Land Commission if a home is appraised over \$250,000.



- G. The Division may subordinate their position so members can secure outside refinancing.
- H. The Division may deny financing to a member purchasing a home for sale by owner if health and safety issues are identified.
- I. Mortgage decisions are final. The rules clearly lay out an objective set of requirements. These are rules of law and not appealable. Changes to the rules follow the process outlined in the Administrative Rulemaking Law.
- II. Landlord Tenant Rule No. One (1) General Rental Program Eligibility, Selection, and Other Requirements.**
- A. The largest changes are the inclusion of an independent third party (Bay Bank) into the process and changing it to an objective first come, first serve process.
- III. Real Property Law Rule No. 2 (two) – Comprehensive Housing Division Residential Sales.**
- A. To maintain a manageable inventory, the condition of the homes sold will vary. Some residential sales will still occur under the “move in ready” piloted program. Other sales will be to homes that are more along the lines of a “handyman special”. Requirements are detailed for permitting and health and safety issues for homes for sale “as is” or “handyman specials”. The condition of the home will be disclosed on the flyer.
- B. A first right of refusal will be extended to the current tenant of any rental property being converted to a home sale.
- C. Prequalification is required prior to bid.
- D. Bay Bank will be utilized as an objective third party to collect offers to purchase.
- E. A lottery system will be used to establish the first through the last bid if multiple parties arrive at the same time.
- F. The current point system will be eliminated in favor of the bid process.
- G. The highest bid from a prequalified buyer will be accepted. Financing from the Division is limited to the appraised value of the home. If the highest bid exceeds the appraised value, the difference is due upon closing.
- H. Residential Sales are final. The rules clearly lay out an objective set of requirements. These are rules of law and not appealable. Changes to the rules follow the process outlined in the Administrative Rulemaking Law.



**Nicole A. Rommel**

---

**From:** Lori A. Elm  
**Sent:** Tuesday, November 22, 2016 6:00 PM  
**To:** Nicole A. Rommel  
**Cc:** Stephanie L. Skenandore; Jacqueline M. Schuman; Rebecca L. Skenandore  
**Subject:** Directive from November 7, 2016 Land Commission meeting - Rules

**Directive from November 7, 2016 Land Commission meeting**

C. Review & approve Rule: Title 6. Property and Land – Chapter 601 REAL PROPERTY Rule No. 2 – Comprehensive Housing Division Residential Sales (Draft 1) – Krystal John

Overview of 2.4 Advertising and Showing, introducing line 40, where the Nation is offering a home for sale as-is process, clarification on “forms” must be on our form or not accepted.

- Notes: Directed revisions in section 2.7 to clarify that we will only accept offers to purchase that use the Nation’s form.

**Motion by Jay T. Rasmussen to approve the rules with the modifications were only the Oneida Nations forms are accepted and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.**

D. Review & approve Rule: Title 6. Property and Land – Chapter 612 MORTGAGE and FORECLOSURE Rule No. 1 – Mortgage Programs, Guidelines and Requirements (Draft 3) – Krystal John

- Notes: Directed revision in the following sections:
- 1.5-1 to clarify that only the Nation’s mortgage applications will be accepted;
- 1.9-3 to clarify that this section only applies when the financing is for a property being sold by a party other than the Nation and to fix the numbering of the subsections;
- 1.11 to change the policy from only refinancing the Nation’s loans to refinancing any loan so long as the loan does not finance individual fee land.

**Motion by Rebecca Webster to approve the rules with the noted revisions accepted, and directs DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Donald McLester. Motion carried.**

E. Review & approve Rule: Title 7. Property and Land – Chapter 710 LANDLORD-TENANT Rule No. 1 – General Rental Program Eligibility, Selection and Other Requirements (Draft 1) – Krystal John

- Notes: Directed revisions in section 1.5-2 to clarify that we will only accept rental applications that use the Nation’s form.

**Motion by Jay T. Rasmussen to approve the rules with the noted revisions accepted, and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.**



## Title 6. Property and Land – Chapter 612

### MORTGAGE and FORECLOSURE

#### Rule # 1 – Mortgage Programs, Guidelines and Requirements

- 1.1. Purpose and Effective Date
- 1.2. Adoption, Amendment and Repeal
- 1.3. Definitions
- 1.4. Mortgage Eligibility Requirements
- 1.5. Mortgage Application
- 1.6. Appraisal, Inspection and Closing Costs
- 1.7. Interest Rates and Payment Terms
- 1.8. Subordination Agreement
- 1.9. Reports and Documents Required Prior to Entering a Mortgage
- 1.10. Tribal Loan Credit (TLC) Program
- 1.11. Refinancing a Loan Held by the Nation
- 1.12. Final Decision

#### 1.1. Purpose and Effective Date

1.1-1. *Purpose.* The purpose of this rule is to provide the various mortgage programs offered by the Comprehensive Housing Division and to provide additional requirements for participating in such programs than the minimum requirements found in the Mortgage and Foreclosure law.

1.1-2. *Delegation.* The Mortgage and Foreclosure law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

#### 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Mortgage and Foreclosure law.

#### 1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Appraisal” means the valuation of real property by the estimate of an authorized person.

(b) “Comprehensive Housing Division” means the entity responsible for housing matters specifically related to mortgages and foreclosures as defined by Oneida Business Committee Resolution.

(c) “Cosmetic” means a renovation that improves the appearance of a building without

changing its size, or improving its structure, safety, or code integrity and doesn't correct a problem that interrupts the use of the home or threatens to cause permanent damage. Examples include, but are not limited to: painting, flooring, fixtures, landscaping.

(d) "Home Inspection" means an examination of a property's condition.

(e) "Mortgage" means a lien, held by the Nation, on a real property interest that is given as security for the payment of a debt and/or the performance of a duty, including the refinancing of an original conveyance, that will become void upon the payment and/or performance according to the stipulated terms.

(f) "Mortgagor" means the borrower in a mortgage.

(g) "Nation" means the Oneida Nation.

(h) "Non-Cosmetic" means a renovation that changes the size, improves the structure, safety or code integrity of a structure or corrects a problem that interrupts the use of the home or threatens to cause permanent damage. Examples include, but are not limited to: roof repairs, water damage or mold repairs.

(i) "Refinance" means an exchange of an old debt for a new debt, as by renegotiating a different interest rate, term of the debt, or by repaying the existing loan with money acquired from a new loan.

(j) "Title" means legal evidence of a person's ownership rights in real property.

(k) "Title Report" means the written analysis of the status of title to real property, including a property description, names of titleholders and how the title is held, tax rate, encumbrances and any real property taxes due.

#### **1.4. Mortgage Eligibility Requirements**

1.4-1. *Ineligible Properties.* Mortgages are not available for properties with condominiums, townhomes and/or duplexes.

1.4-2. *Credit Rating.* In order to be eligible, mortgage applicants are required to have a minimum Trans Union credit rating of 550.

1.4-3. *Debt to Income Ratio.* In order to be eligible, mortgage applicants are required to have a debt to income ratio of thirty-six percent (36%) or lower.

(a) Comprehensive Housing Division staff shall calculate the debt to income ratio by dividing the mortgagor's monthly debt by the mortgagor's gross monthly income.

(b) For purposes of calculating income for the debt to income ratio, the Comprehensive Housing Division staff:

(1) May not include child support payments;

(2) May not include education grants/scholarships; and

(3) Shall include per capita payments to the extent that receipt of per capita payment may be verified for each of the five (5) years prior to mortgage application.

(A) For per capita payments paid by the Nation, the Comprehensive Housing Division staff shall verify with the Trust Enrollment Department that the applicant received the full eligible amount of the per capita payments for each of the five (5) years prior to mortgage application.

(B) For per capita payments paid by other tribes the Comprehensive Housing Division staff shall verify that the applicant received per capita payments for each of the five (5) years prior to mortgage application using the applicant's tax return.

(C) When per capita payments qualify to be considered as part of the income calculation, Comprehensive Housing Division staff shall use an average of the payments the applicant received for the five (5) years prior to mortgage application.

(4) If mortgage applicants include an unmarried couple in which one (1) party is a Tribal member and the other is not, the Comprehensive Housing Division staff shall only include the Tribal member's income.

1.4-4. *Loan to Value Ratio.* Except as provided otherwise in this rule, the Comprehensive Housing Division may not offer mortgages if:

(a) For a cash-out mortgage or a refinancing, the loan to value ratio exceeds ninety percent (90%) of the value of the improvements;

(b) For a mortgage to purchase a home, regardless of cash-out, or for home repairs, the loan to value ratio exceeds one hundred percent (100%) of the value of the real property subject to the mortgage.

1.4-5. *Total Amount of all Judgments.* In order to be eligible, mortgage applicants shall have a maximum total of \$20,000 in money judgments and/or collections. At the time of prequalification, all money judgments and/or collections must either be satisfied in full or subject to current payment agreements with proof of payments being received under the payment agreements for each of the six (6) months prior to the request for prequalification.

## **1.5. Mortgage Application**

1.5-1. *Application Form.* Tribal members wishing to receive a residential mortgage from the Comprehensive Housing Division may submit a mortgage application to the Comprehensive Housing Division, using the mortgage application form available on the Nation's website and at the Comprehensive Housing Division, which includes any requirements for supplemental information required to verify eligibility. Mortgage applications that do not use the form provided by the Nation will not be accepted by the Comprehensive Housing Division.

## **1.6. Appraisal, Inspection and Closing Costs**

1.6-1. Mortgagors are responsible for paying all appraisal and inspection costs.

1.6-2. The Comprehensive Housing Division shall assess administrative closing fees against mortgagors at the rate of one percent (1%) of the total mortgage amount, provided that the Comprehensive Housing Division shall offer a discounted rate of one-half percent (0.5%) to mortgagors that complete a home ownership informational session from the list approved by the Land Commission by written resolution.

1.6-3. Payment may be accepted from a source other than a Comprehensive Housing Division loan for appraisal, inspection and closing costs if including such costs in the mortgage would cause the mortgage to exceed to allowable loan to value ratio provided in article 1.4-4.

## **1.7. Interest Rates and Payment Terms**

1.7-1. *Setting the Interest Rate Annually.* The Land Commission shall approve, by written resolution, the applicable interest rate for all mortgages offered by the Comprehensive Housing Division annually no later than September 30th, provided that veteran loan rates are subject to input from the Oneida Nation Veteran's Affairs Committee.

1.7-2. *Modifying the Interest Rate Program Wide.* The Land Commission may approve a program-wide interest rate change at any time, by written resolution. The Comprehensive



Housing Division shall ensure that such interest rate changes are applied to all mortgages offered.

1.7-3. *Payment Terms.* The Comprehensive Housing Division shall base payment terms on the mortgagor's monthly income and expenses and the amount of the total purchase price of the property, provided that the Comprehensive Housing Division staff shall use the same calculation of income that was used for determining the debt to income ratio.

(a) The Comprehensive Housing Division staff shall calculate mortgage payments using the standard requirements provided as follows, provided that nothing in this section may be interpreted as preventing a mortgagor from agreeing to an earlier payoff date.

(1) For mortgages with a total amount less than \$30,000, the loan duration is calculated by providing one (1) payment year for each \$1,000 of the mortgage. For example, a mortgage for \$14,000 would be required to be paid off in fourteen (14) years.

(2) For mortgages with a total amount of \$30,000 or more, mortgage duration is set at thirty (30) years.

(b) Late payments shall be assessed a late payment fee equal to five percent (5%) of the mortgagor's required monthly principal and interest payment.

1.7-4. *Individual Modifications to Interest Rates and/or Payment Terms.* If the market inhibits the sale, by either the Nation or an individual Tribal member, of a home appraised at \$250,000 or more, the Land Commission may adjust the offered mortgage rate and/or the mortgage duration as applied to an individual piece of real property.

## **1.8. Subordination Agreement**

1.8-1. *Subordination of the Nation's Loan to Secure Refinancing.* The Comprehensive Housing Division may subordinate the Nation's first position mortgage interest to second position mortgage interest in order to allow a mortgagor to secure refinancing through a lender outside of the Nation if the amount financed through the second mortgage from the outside lender is greater than the balance of the Nation's mortgage balance. For example, if a mortgagor has a mortgage balance of \$10,000 with the Nation and is getting an equity loan from Bay Bank in the amount of \$40,000, the Comprehensive Housing Division may agree to subordinate the Nation's mortgage interest from first to second position to allow the mortgagor to secure the equity loan from Bay Bank.

## **1.9. Reports and Documents Required Prior to Entering a Mortgage**

1.9-1. *Required Reports and Documents.* The following reports and documents are required prior to the Comprehensive Housing Division entering any mortgage, provided that when the Nation is the seller, the Comprehensive Housing Division shall provide (a) through (f). When the Nation is not the seller, the buyer and seller may negotiate which parties are responsible for providing the required reports and documents.

(a) Clear title report, where for purposes of this section clear title is synonymous with good title, merchantable title and marketable title and means that the land is free from encumbrances, "good title" being one free from litigation, palpable defects, and grave doubts, compromising both legal and equitable titles and fairly deducible of record;

(b) Survey or lease site information;

(c) Passed well test (for all sites with wells);

(d) Passed septic test (for all sites with septic systems);

- (e) Appraisal dated within one (1) year from the Comprehensive Housing Division's approval of the mortgage, provided that, where the home and improvements are upon land leased by the Nation, the appraisal may not include the value of the land;
  - (f) Home inspection dated within one (1) year from the Comprehensive Housing Division's approval of the mortgage;
  - (g) Agreement or offer to purchase; and
  - (h) If the Nation is not the seller, a real estate condition report.
- 1.9-2. The following reports and documents are optional at the buyer's discretion:
- (a) Level 1 environmental report;
  - (b) Asbestos report;
  - (c) Lead based paint report; and/or
  - (d) Mold report.
- 1.9-3. The Comprehensive Housing Division may deny financing of a property offered for sale by a party other than the Nation if there are issues with any of the required reports and documents identified in section 1.8-1.
- (a) In the event that health and safety issues are identified in the home inspection, the Comprehensive Housing Division shall deny financing in the current condition and shall provide the parties with the following options:
    - (1) The seller may complete the required repairs to correct the health and safety issues prior to closing;
    - (2) The seller may lower the purchase price in order to offset the cost of the repairs required to correct the health and safety issues so that the buyer may finance the repairs;
    - (3) The seller may provide the buyer with an allowance upon closing which would allow the buyer to complete the required repairs to correct the health and safety issues; or
    - (4) The buyer may rescind the offer to purchase and walk away from the transaction based on the health and safety issues identified in the home inspection.

### **1.10. Tribal Loan Credit (TLC) Program**

1.10-1. *Purpose.* The purpose of the TLC program is to provide Tribal members with available financing for the following:

- (a) The purchase of a home upon land owned by the Nation, where the selling party may be either by the Nation or an individual Tribal member;
- (b) The purchase of a home upon land owned by the Nation with financing included for required/recommended home repairs;
- (c) A down payment to purchase land and/or improvements except where a Comprehensive Housing Division mortgage is financing the purchase;
- (d) Construction of a new home upon land owned by the Nation;
- (e) Home repairs or upgrades on an existing home already owned by the Tribal member; and
- (f) To borrow against the homeowner's equity in the property.

1.10-2. *Down Payments.* Tribal members applying for a TLC loan for the purpose of securing a down payment may receive a maximum loan amount of the 2.25% of the total purchase price, as required by HUD's section 184 loan program.

1.10-3. *Requirements when Simultaneously Financing the Purchase of a Home and Home*

*Repairs.* When simultaneously financing the purchase of a home and home repairs, the loan to value ratio may be a maximum of one hundred percent (100%) of the value subject-to the scheduled repairs plus a construction contingency of five percent (5%) of the amount of the mortgage allocated to the scheduled repairs.

(a) *Construction and Payment Plan.* Within five (5) calendar days of an appraisal paid for by the selected mortgagor or mortgagor selection, whichever is later, the mortgage applicant shall submit a construction and payment plan to the Comprehensive Housing Division. The Comprehensive Housing Division may offer extensions for submitting the construction and payment plans provided that, in all circumstances, the construction and payment plan must be submitted within twenty-one (21) days of the date the mortgagor is selected/approved for a mortgage.

(1) The construction plan must provide for cosmetic and non-cosmetic improvements to be completed in different phases of construction.

(2) Licensed contractors are required for all non-cosmetic work. Mortgage applicants shall submit copies of signed contracts with licensed contractors for all non-cosmetic work at the time of submission of the construction plan or, at a minimum, before payments may be released for a non-cosmetic construction phase.

(3) The first payment provided in the payment plan may not exceed one third (1/3) of the total amount of the mortgage allocated towards the improvements.

(b) *Contingency.* The Comprehensive Housing Division shall issue contingency checks in the form of a one-time lump sum check to the mortgagor. It is the mortgagor's responsibility to manage the contingency as needed for the entire project.

(c) *Release of Payments Subsequent to the First Payment.* Prior to releasing payments subsequent to the first payment for the first phase of construction, a representative of the Comprehensive Housing Division shall verify that the previous phase of construction has been satisfactorily completed. In addition, if the prior phase of construction included non-cosmetic work, prior to releasing payment for the next phase, the mortgagor shall submit lien waivers to the Comprehensive Housing Division.

1.10-4. *Requirements for Financing Mobile, Modular or Pre-fabricated Homes.* In order for the purchase of a mobile, modular or pre-fabricated home that is not a permanent poured foundation/basement to be eligible for a TLC loan, it must be less than five (5) years old based on model year. A mobile, modular or pre-fabricated home that is on a permanent poured foundation/basement is eligible for a TLC loan regardless of the home's model year.

(a) In order for a mobile, modular or pre-fabricated home to be eligible for a TLC loan, regardless of whether it is purchased or newly constructed, it must be placed on one (1) of the following:

- (1) A permanent poured foundation/basement;
- (2) Four foot (4') frost walls with eight inch (8") blocks; or
- (3) An anchored floating slab.

1.10-5. *Requirements for Financing Construction of New Home.* In order for construction of a new home to be eligible for a TLC loan, the beginning construction date must be within ninety (90) calendar days of the loan's closing date and construction must be completed within six (6) months of the construction start date. Construction completion dates may be extended by the director of the Comprehensive Housing Division on a case-by-case basis.

(a) The following additional documents are required to be submitted to the



Comprehensive Housing Division in order for an applicant to be eligible for a TLC construction loan:

- (1) Copies of the blueprints and/or plans for the construction;
- (2) Copies of construction contracts with certified contractors;
- (3) A passed percolation test on the vacant land if municipal sewer and water is not available;
- (4) Copies of all Oneida zoning and building permits; and
- (5) Once construction is complete, a copy of the occupancy permit issued by Oneida Zoning.

1.10-6. *Limitation on Equity Loans.* Tribal members with equity in their home and improvements may borrow a maximum amount of \$50,000 against the equity in their home, provided that equity loans are only available if the home and improvements are located on land owned by the Nation.

### **1.11. Refinancing a Loan Held by the Nation**

1.11-1. *No Refinancing of Individual Fee Land Mortgages.* Refinancing is not available for mortgages of property that are individual fee lands. For purposes of this section, “individual fee land” means real property held in fee status by an individual or group of individuals.

1.11-2. *When Refinancing is Available.* Refinancing is only available for the consolidation of mortgages or if the refinancing is required to reflect a change in property rights and responsibilities or to maintain home health and safety. Where a refinancing is completed in the case of divorce, any amount required to be paid by the spouse whose name will remain on the mortgage to the spouse whose name is to be removed from the mortgage may be included in the new loan amount.

1.11-3. *Removing a Mortgagor from the Mortgage.* The only way a mortgagor’s named may be removed from a loan is through refinancing.

1.11-4. *Refinancing Interest Rate.* The interest rate applicable to the refinancing is the current Land Commission approved interest rate.

### **1.12. Final Decision**

1.12-1. *No Appeal.* The decisions made in regard to Comprehensive Housing Division mortgages are final. Neither the Oneida Judiciary nor any administrative body, including a board, committee or commission is authorized to hear a complaint in regard to Comprehensive Housing Division decisions related to mortgagor selection, the decision of whether or not to provide financing and the terms of the financing.

*End.*

---

Original effective date: 03-09-2017  
Amendment effective date:

Division of Land Management  
PO Box 365  
Oneida, WI 54155  
920-869-1690



## Summary Report for: Mortgage Programs, Guidelines and Requirements

Original effective date: N/A

Amendment effective date: N/A

**Name of Rule:** Mortgage Programs, Guidelines and Requirements

**Name of law being interpreted:** Title 6. Property and Land – Chapter 612  
MORTGAGE and FORECLOSURE

**Rule Number:** 1

**Other Laws or Rules that may be affected:** N/A

**Brief Summary of the proposed rule:** This rule will identify the mortgages available through the Nation and the requirements and process for applying for such loans. Establishes how interest rates are set and may be amended. The rule also consolidates the loan programs while maintaining all loan services.

**Statement of Effect:** See Attached.

**Financial Analysis:** See Attached.

---



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



### **Statement of Effect**

*Mortgage and Foreclosure Law Rule No. 1 – Mortgage Programs, Guidelines and Requirements*

#### **Summary**

This rule provides the various mortgage programs offered by the Comprehensive Housing Division and provides additional requirements for participating in such programs than the minimum requirements found in the Mortgage and Foreclosure Law.

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

#### **Analysis by the Legislative Reference Office**

Section 612.4 of the Mortgage and Foreclosure Law confers administrative rulemaking authority to the Comprehensive Housing Division and the Land Commission as authorized by the Administrative Rulemaking Law. Section 612.4-1 of the Mortgage and Foreclosure Law states that the Comprehensive Housing Division shall provide mortgage programs and shall establish rules naming said programs and providing the specific requirements for each program. Section 612.4-3 requires that the Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of a mortgage. Section 612.4-4 requires that the Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the requirements of mortgages entered into by the Comprehensive Housing Division. Oneida Business Committee Resolution 08-10-16-L provides that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management.

Mortgage and Foreclosure Law Rule No. 1 – Mortgage Programs, Guidelines and Requirements provides the various mortgage programs offered by the Comprehensive Housing Division and provides additional requirements for participating in such programs than the minimum requirements found in the Mortgage and Foreclosure Law.

Section 1.4 of the Mortgage and Foreclosure Law Rule No. 1 provides mortgage eligibility requirements including what properties are ineligible for mortgages, the required debt to income ratio for a mortgage applicant, the required loan to value ratio of a mortgage, and the maximum total amount of all judgements a mortgage applicant is allowed to have.

Section 1.5 of the Mortgage and Foreclosure Law Rule No. 1 sets the requirement that every tribal member wishing to receive a residential mortgage from the Comprehensive Housing Division must submit the mortgage application form available on the Nation's website and at the Comprehensive Housing Division, which includes any supplemental requirements, to the Comprehensive Housing Division in order to be considered for a mortgage.

Section 1.6 of the Mortgage and Foreclosure Law Rule No. 1 discusses appraisal, inspection and closing costs. This section discusses who is responsible for paying appraisal and inspection costs,



the rate at which the Comprehensive Housing Division will assess closing fees, and from what sources payments may be accepted for appraisal, inspection and closing costs.

Section 1.7 of the Mortgage and Foreclosure Law Rule No. 1 discusses interest rates and payment terms. This section provides how interest rates will be set annually, how the interest rate can be modified program wide, payment terms for mortgages, and how individual modifications to interest rates and/or payment terms can be made.

Section 1.8 of the Mortgage and Foreclosure Law Rule No. 1 provides requirements for a subordination agreement allowing the Comprehensive Housing Division to subordinate the Nation's first position mortgage interest to second position mortgage interest in order to allow a mortgagor to secure refinancing through a lender outside of the Nation.

Section 1.9 of the Mortgage and Foreclosure Law Rule No. 1 describes the reports and documents required prior to entering a mortgage. This section provides which reports and documents are required prior to the Comprehensive Housing Division entering any mortgage, and who is responsible for providing the documents, as well as which reports and documents are optional at the buyer's discretion. This section also states that the Comprehensive Housing Division may deny financing of a property offered for sale if there are issues with any of the required reports and documents and provides parties with options on how to move forward.

Section 1.10 of the Mortgage and Foreclosure Law Rule No. 1 describes the Tribal Loan Credit (TLC) Program, its purpose, loans for the purpose of down payments, and requirements when simultaneously financing the purchase of a home and home repairs. This section also discusses requirements for financing mobile, modular, or pre-fabricated homes, requirements for financing construction of new homes, and limitations on equity loans.

Section 1.11 of the Mortgage and Foreclosure Law Rule No. 1 discusses refinancing a loan held by the Nation. This section provides that refinancing of individual fee land mortgages is not available, discusses when refinancing is available, how to remove a mortgagor from the mortgage, and what the interest rate applicable to refinancing is.

Section 1.12 of the Mortgage and Foreclosure Law Rule No. 1 discusses the fact that the decisions made in regard to Comprehensive Housing Division mortgages are final, and there is no appeal process available.

### *Conclusion*

There are no legal bars to adopting Mortgage and Foreclosure Law Rule No.1: Mortgage Programs, Guidelines and Requirements.

Division of Land Management  
 PO Box 365  
 Oneida, WI 54155  
 920-869-1690



Financial Analysis for Mortgage Programs, Guidelines and Requirements

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		\$0.00
Personnel		\$0.00
Office		\$0.00
Documentation Costs		\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		60 days
Other, please explain		\$0.00
Total		\$0.00

NOTICE OF  
**PUBLIC MEETING**

TO BE HELD

**Thursday, December 15, 2016 at 10:00 AM**

IN THE

**Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155**

In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting this Public Meeting to gather feedback from the community regarding the following rules.

**TOPICS:**

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

**The Comprehensive Housing Division Residential Sales Rule would:**

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

**The Mortgage Programs, Guidelines and Requirements Rule would:**

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintains all loan services.

**The General Rental Program Eligibility, Selection and Other Requirements Rule would:**

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for a general rental.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD  
OPEN UNTIL Thursday, December 22,  
2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax.

Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689



## Attachment 4

28 Téken Niwása Téklú • December 1, 2016

Classified

www.kalihwisaks.com

Call the Kalihwisaks at  
**1.920.496.5631**  
to place an ad

## Oneida's Best Marketplace!

• BUY • SELL • SHOP • BARTER • TRADE • SEARCH • LEASE •

Mail submissions to:  
Post Office Box 365  
Oneida, Wisconsin 54155

### DO YOU HAVE SOMETHING TO SELL?

Try Using the Kalihwisaks Classifieds!  
For a limited time, get three lines of FREE Classified ad space. For details call 920-496-5631 or email kalihwisaks@oneidation.org

### EMPLOYMENT

#### NATIVE AMERICAN LIAISON

Pulaski Community School District  
20 hrs/week

Position will generally work 4 hours per day, however hours may vary based on student need.

Travel between schools is required.

Valid driver's license and personal vehicle required.

Application and details online at:  
[www.pulaskischools.org](http://www.pulaskischools.org)

Click on Employment Opportunities

### FOR SALE

China cabinet - dark wood,  
glass doors \$55. Dark desk  
- \$55, 920-788-4584

### TRUCK FOR SALE

'93 Chevy Silverado pickup  
4 x 4. Asking \$1,200. FMI,  
call: 920.660.9280.

### TRUCK FOR SALE

2001 Ford F150XL pickup.  
Asking \$1,500. Clean, runs  
good, call: 920.425.3562.

### HOME FOR SALE

709 Theode St., Green Bay -  
2 BR, 1 bath, 2 stall garage,  
big yard. 74k OBO 920-713-

### Oneida Personnel Commission

#### Three (3) vacancies

#### Qualifications:

- Must be enrolled members of the Oneida Nation.
- The entire combined commission may not consist of more than two (2) members from any one division of the Oneida Tribe, or less than seven (7) community members who are not employed by the Tribe.
- Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Tribe, including but not limited to the oath of office, the OPPP, the Ethic Code, the Judicial Code and the Oneida Rules of Civil Procedure.
- A member may not be an employee of the Human Resources Department, any advocacy group (department), or any other recognized hearing body within the Oneida Tribe, e.g. Personnel Relations Officers and Paralegals.
- Commissioners shall be available for meetings, trainings, interviews, pre-screenings, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the OBC, if deemed appropriate by the OPC.
- Both formal and informal communications with any entity by any commissioner on behalf of the OPC will be as directed by the Commission, or as routinely required by Officers. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP which shall provide procedural guidance on determining when, how and by whom OPC communications are made.

Deadline: 4:30pm Friday, December 16, 2016

### NOTICE OF

## PUBLIC MEETING

TO BE HELD

Thursday, December 15, 2016 at 10:00 AM  
IN THE

Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting this Public Meeting to gather feedback from the community regarding the following rules.

### TOPICS:

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

#### The Comprehensive Housing Division Residential Sales Rule would:

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

#### The Mortgage Programs, Guidelines and Requirements Rule would:

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintains all loan services.

#### The General Rental Program Eligibility, Selection and Other Requirements Rule would:

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for a general rental.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD**  
**OPEN UNTIL Thursday, December 22,**  
**2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax.

Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidation.org](mailto:LAND@oneidation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689

# Attachment 5

## Public Hearing at Division of Land Management

### Sign In Sheet

December 15, 2016

Check if  
oral  
testimony

Print Name	Sign Name	
1. Nicole Kimmel	32. Nicole Kimmel	
2. Becky Skendone	33. [Signature]	
3. Diane Wilson	34. Diane Wilson	
4.	35.	
5.	36.	
6.	37.	
7.	38.	
8.	39.	
9.	40.	
10.	41.	
11.	42.	
12.	43.	
13.	44.	
14.	45.	
15.	46.	
16.	47.	
17.	48.	
18.	49.	
19.	50.	
20.	51.	
21.	52.	
22.	53.	
23.	54.	
24.	55.	
25.	56.	
26.	57.	
27.	58.	
28.	59.	
29.	60.	
30.	61.	
31.	62.	



**Meeting:** Public Meeting  
**Where:** Division of Land Management Conference Room  
470 Airport Drive, Oneida WI 54115  
**Date:** December 15, 2016  
**Topics:** Comprehensive Housing Division Residential Sales Rule  
Mortgage Programs, Guidelines and Requirements Rule  
General Rental Program Eligibility, Section and Other Requirement Rule

Meeting begun at: 10:00 am

Nicole Rommel This is the Public Meeting of Thursday, December 15, 2016, 10:00 am in the Division of Land Management Conference Room, 470 Airport Drive, Oneida WI 54115. In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting the Public Meeting to gather feedback from the community regarding the following rules.

Topics: Comprehensive Housing Division Residential Sales Rule, Mortgage Programs, Guidelines and Requirements Rule, General Rental Program Eligibility, Section and Other Requirement Rule

The Comprehensive Housing Division Residential Sales Rule would: Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and Identify requirements for the notice when the Nation sells a home as-is that may require repairs upon purchase.

The Mortgage Programs, Guidelines and Requirements Rule would: Identify the mortgages available through the Nation and the requirements and process for applying for such loans; Establish how interest rates are set and may be amended; Consolidate the loan programs while maintains all loan services.

The General Rental Program Eligibility, Selection and Other Requirements Rule would: Get rid of the current points system for DOLM rental units and move to a first come, first served process; and identify the requirements to be eligible and apply for a general rental. To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

PUBLIC COMMENT PERIOD, OPEN UNTIL Thursday, December 22, 2016, During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax. Oneida Division of Land Management, 470 Airport Drive, Oneida, WI 54155 E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org), Phone: 920-869-1690, Fax: 920-869-1689

It is now 10:15 am, those present are: myself Nicole Rommel, Becky Skenandore, and

Diane Wilson all is representing the Division of Land Management. At this time there are no community members here to give a public comment. We will be waiting 5 (five) more minutes and we will than consider the meeting closed.

This is a continuation of the Public Meeting of December 15, 2016, it is now 10:23 am, and there aren't any community members that have come to make a comment at this meeting, so we are calling this meeting closed with no community comments at 10:23 am.

## Attachment 7

**ONEIDA LAND COMMISSION MEETING MINUTES  
LITTE BEAR CONFERENCE ROOM  
JANUARY 9, 2017 @ 5:00 PM**

**I. CALLED TO ORDER @ 5:00 pm by Chair- Rae Skenandore**

**Present:** Chair-Rae Skenandore, Vice Chair- Racquel Hill, Secretary-Jay T. Rasmussen, Lloyd Powless, Commissioner, Donald McLester, Commissioner,

**Excused:** Sherrole Benton, Commissioner, Rebecca Webster, Commissioner

**BUSINESS COMMITTEE LIAISON:** Ron "Tehassi" Hill

**OTHERS PRESENT:** Mary Jo Nash, Lori Elm, Nicole Rommel, Sheila Huntington, Stephanie Skenandore, Diane Wilson, Krystal John, Leanne Doxtator, Sue Doxtator

**II. APPROVE/AMEND AGENDA**

Motion by Donald McLester to approve the agenda with the correction to executive session, commercial leases, deleting the duplicating request #7 and correct #12201301C and delete #8. Also to add 1496 Riverdale Drive to the Loan. Seconded by Racquel Hill. Motion carried.

**III. APPROVE/AMEND MINUTES**

A. December 5, 2016

Motion by Racquel Hill to approve the minutes of December 5, 2016 with the edits and changes: IV. Tabled Business, A. LUTU II 0343, last part of motion, to reword to read more clearly; C. LUTU 0346, add defer to January 9<sup>th</sup>, 2017 meeting; V. Old Business, A. Location of meeting, reword motion, VI. New Business, correct wording Secretary "to" draft; VII. Reports, LUTU-0373, change to include not to be subdivided. LUTU-0279 Summary of items should be attached. What items? VIII Executive Session the S needs to be removed from executives, A. Old Business 1. Add the directive. 2. Change pro to pros and feel to fee. D. Acquisition 10201601C add what is not a conflict.

**IV. TABLED BUSINESS**

A. Request to name 1940 W. Mason

**V. OLD BUSINESS**

A. General Rental Program Eligibility Selection and Other Requirements (Rule) Request

B. Mortgage and Foreclosure Guidelines and Requirements (Rule) Request to approve



C. Comprehensive Housing Division Residential Sales (Rule) Request to approve

Motion by Racquel Hill to approve all the rules with the recommendations and to forward with noted revisions and changes recommend by Krystal John and the one adjustment to the rule by financing. Seconded by Jay T. Rasmussen. Motion carried. LOC will need three (3) separate packets with each rule per Krystal John.

D. Leasing Law Update

Accepted as FYI. Krystal submitted a memo that the law is not approved until we receive official approval from the Secretary (BIA). The Real Property Law Public meeting comments were considered by the LOC recently and have been directed by the LOC to be brought forward to consider the adoption on the January 18, 2017 and then forwarded to OBC on the January 25, 2017.

E. Driveway Easement Reaffirm – tribal parcel # 17-0-2165-00 Update

F. Request Easement across former railroad (WPS)

G. WE Energies request for 50ft easement at W2104 HWY 54

Motion by Jay T. Rasmussen to accept E, F and G as FYI. Seconded by Donald McLester. Motion carried.

H. Real Property Law

## VI. NEW BUSINESS

A. Electronic Signatures – Rae Skenandore

Discussion that Kelly McAndrews is checking into options and to see what the state statutes are along with the BIA on the Federal level. Kelly will continue to work with the staff and the Land Commission.

B. Joint Meeting and Reporting Memo

Motion by Racquel Hill to change the joint meeting to September 18, 2017. The meeting will be held at LBDC at 5PM. Seconded by Donald McLester. Motion carried.

## VII. REPORTS

### A. PLANNING

1. LUTU SOP Update

Update on the planning of the LUTU and to invite the LC was given by Susan Doxtator. Motion by Jay T. Rasmussen to accept as FYI. Seconded by Racquel Hill. Motion carried.

2. LUTU 0376 Former Lois Metoxen, N5953 County Road E

3. LUTU 0346 Former Colleen & Kerry Metoxen, 219 Valley Drive (Tribal Fee Land)

4. LUTU 0388 Former Owner Steven Ambrosius, W141 Service Rd

LUTU 0376 bring back to the February 13, 2017 meeting with a formal recommendation to keep this a conservancy area.

LUTU 0346 bring back to the February 13, 2017 meeting for HBO sites,



Division of Land Management  
 PO Box 365  
 Oneida, WI 54155  
 920-869-1690



## MEMORANDUM

TO: Legislative Operating Committee  
 FROM: Division of Land Management and Oneida Land Commission  
 SUBJECT: Request for Certification of Procedural Compliance – Landlord - Tenant Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements  
 DATE: January 18, 2017

The Division of Land Management and the Oneida Land Commission are exercising their joint rule making authority to further define sections of the Landlord - Tenant Law.

The rule is newly drafted and is not a revision of a prior rule. In accordance with the Administrative Rulemaking Law, a public meeting was held for these rules on December 15, 2016 for which the comment period expired on December 22, 2016. There were no community members in attendance and no written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

Rulemaking Timeline	
Required Action	Date Completed
Received Land Commission approval of DRAFT rules and direction to proceed with holding a public meeting.	November 7, 2016
Public Meeting notice for the three rules is posted in the Kalihwisaks (see page 28) and on the Oneida Register.	December 1, 2016
Public Meeting held.	December 15, 2016
Public Comment Period closed, there were no comments received.	December 22, 2016
Land Commission approval of LOC submission packet.	January 9, 2017

The following attachments are included for your review:

1. E-mail listing Land Commission motions, changes, and directives from the November 7, 2016 meeting.
2. Summary Report
3. Public Meeting Notice

4. Copy of Public Meeting published in the Kalihwisaks – Page 28 of the December 1, 2016 issue
5. Sign-in sheet from December 15, 2016 Public Meeting
6. Public meeting transcription from the December 15, 2016 Public Meeting
7. Land Commission minutes dated January 9, 2017, approving the rule packet to be submitted to LOC

**Action Requested:**

Find that the development of the Landlord - Tenant Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements has procedurally complied with the requirements of the Administrative Rulemaking laws and recognize its effective date as February 9, 2016.

Cc: Pat Pelky, Interim Director, Division of Land Management

## Attachment 1

Nicole A. Rommel

From: Lori A. Elm  
 Sent: Tuesday, November 22, 2016 6:00 PM  
 To: Nicole A. Rommel  
 Cc: Stephanie L. Skenandore; Jacqueline M. Schuman; Rebecca L. Skenandore  
 Subject: Directive from November 7, 2016 Land Commission meeting - Rules

## Directive from November 7, 2016 Land Commission meeting

C. Review & approve Rule: Title 6. Property and Land – Chapter 601 REAL PROPERTY Rule No. 2 – Comprehensive Housing Division Residential Sales (Draft 1) – Krystal John

Overview of 2.4 Advertising and Showing, introducing line 40, where the Nation is offering a home for sale as-is process, clarification on "forms" must be on our form or not accepted.

- Notes. Directed revisions in section 2.7 to clarify that we will only accept offers to purchase that use the Nation's form.

Motion by Jay T. Rasmussen to approve the rules with the modifications were only the Oneida Nations forms are accepted and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.

D. Review & approve Rule: Title 6. Property and Land – Chapter 612 MORTGAGE and FORECLOSURE Rule No. 1 – Mortgage Programs, Guidelines and Requirements (Draft 3) – Krystal John

- Notes. Directed revision in the following sections:
- 1.5-1 to clarify that only the Nation's mortgage applications will be accepted;
- 1.9-3 to clarify that this section only applies when the financing is for a property being sold by a party other than the Nation and to fix the numbering of the subsections;
- 1.11 to change the policy from only refinancing the Nation's loans to refinancing any loan so long as the loan does not finance individual fee land.

Motion by Rebecca Webster to approve the rules with the noted revisions accepted, and directs DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Donald McLeister. Motion carried.

F. Review & approve Rule: Title 7. Property and Land – Chapter 710 LANDLORD-TENANT Rule No. 1 – General Rental Program Eligibility, Selection and Other Requirements (Draft 1) – Krystal John

- Notes. Directed revisions in section 1.5-2 to clarify that we will only accept rental applications that use the Nation's form.

Motion by Jay T. Rasmussen to approve the rules with the noted revisions accepted, and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.



## Title 6. Property and Land – Chapter 611

### LANDLORD-TENANT

#### Rule # 1 – General Rental Program Eligibility, Selection and Other Requirements

- 1.1. Purpose and Effective Date
- 1.2. Adoption and Authority
- 1.3. Definitions
- 1.4. Eligibility Requirements
- 1.5. Advertisings, Application Period and Tenant Selection
- 1.6. Security Deposits
- 1.7. Annual Inspection and Rental Agreement Renewal
- 1.8. Rental Agreement Cancellation

### 1.1. Purpose and Effective Date

1.1-1. *Purpose.* The purpose of this rule is to provide additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division’s general rental programs that are not reserved for elders or low-income Tribal members.

1.1-2. *Delegation.* The Landlord-Tenant law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

### 1.2. Adoption and Authority

1.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

### 1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

- (a) “Comprehensive Housing Division” means the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution.<sup>1</sup>

<sup>1</sup> See BC Resolution 10-12-16-D providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program.



- (b) “Landlord” means the Nation in its capacity to rent real property subject to a rental agreement.
- (c) “Nation” means the Oneida Nation.
- (d) “Premises” means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.
- (e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less.
- (f) “Tenant” means the person granted the right to use or occupy a premises pursuant to a rental agreement.
- (g) “Security Deposit” means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

#### **1.4. Eligibility Requirements**

1.4-1. *Tribal Member Status.* At least one (1) of the tenants named as a party to the rental agreement is required to be a Tribal member.

1.4-2. *Debt to Income Ratio.* In order to be eligible for a rental agreement, applicants shall have a maximum debt to income ratio of fifty percent (50%).

(a) Comprehensive Housing Division staff shall calculate the debt to income ratio by dividing the applicant’s monthly debt by the applicant’s monthly income.

(b) For purposes of calculating income for the debt to income ratio, the Comprehensive Housing Division staff:

- (1) May not include child support payments;
- (2) May not include education grants/scholarships;
- (3) May not include medical bills; and
- (3) Shall include per capita payments to the extent that receipt of per capita payment may be verified for each of the five (5) years prior to rental application.

(A) For per capita payments paid by the Nation, the Comprehensive Housing Division staff shall verify with the Trust Enrollment Department that the applicant received the full eligible amount of the per capita payments for each of the five (5) years prior to rental application.

(B) For per capita payments paid by other tribes the Comprehensive Housing Division staff shall verify that the applicant received per capita payments for each of the five (5) years prior to rental application using the applicant’s tax return.

(C) When per capita payments qualify to be considered as part of the income calculation, Comprehensive Housing Division staff shall use an average to the payments the applicant received for the five (5) years prior to rental application.

1.4-3. *Utility Bills.* Applicants for a rental agreement may not have any outstanding balance owed to a utility provider.

1.4-4. *Past Due Accounts.* Applicants for a rental agreement are ineligible if a review of the applicant’s credit report reveals more than five (5) accounts that are past due and/or in collections, provided that medical bills may not be included in this consideration.

## **1.5. Advertisings, Application Period and Tenant Selection**

1.5-1. *Advertising.* The Comprehensive Housing Division shall advertise all properties for rent in its general rental program both on the Nation's website and at the Comprehensive Housing Division.

(a) The Comprehensive Housing Division shall list the monthly rent for the property on the advertisement with a note that the security deposit required is equal to one (1) month's rent payment.

(b) The Comprehensive Housing Division shall provide the showing dates and application period in the advertisement.

1.5-2. *Application Period.* When the Comprehensive Housing Division offers a property for rent in its general rental program, it shall set an application period during which rental applications may be submitted at the Bay Bank drop box. The Comprehensive Housing Division may extend the application period by providing notice of the extension both on the Nation's website, Bay Bank and the Comprehensive Housing Division. The Comprehensive Housing Division shall disqualify rental applications received outside of the application period.

(a) Tribal members wishing to rent a property in the Comprehensive Housing Division's general rental program may submit a rental application at the Bay Bank drop box, in person, using the rental application form available on the Nation's website and at the Comprehensive Housing Division, which includes any requirements for supplemental information required to verify eligibility. Rental applications submitted using any form other than the Nation will be considered ineligible by the Comprehensive Housing Division.

(b) Prior to accepting a rental application for the drop box, Bay Bank staff shall date and time stamp all rental applications upon receipt. In the event that multiple parties arrive at the same time to submit a rental application (i.e. if parties are waiting to submit prior to business hours), Bay Bank staff shall determine the order of receipt through a lottery system in which each party receives a number by chance. Bay Bank staff shall number the offers having the same date and time stamps by from lowest drawn number to highest drawn number.

(c) Comprehensive Housing Division staff may not collect the rental applications until the business day immediately following the close of the application period.

1.5-3. *Tenant Selection.* Upon receipt of submitted rental applications, Comprehensive Housing Division staff shall determine which applicants are eligible and select a tenant based on the eligible rental application that was received earliest based on the date and time stamp.

## **1.6. Security Deposits**

1.6-1. *Standard Security Deposit.* Prior to providing a selected tenant with keys to the property, Comprehensive Housing Division staff shall ensure that the standard security deposit equal to one (1) month's rent payment has been paid by the tenant.

1.6-2. *Increased Security Deposit for Pets.* Tenants in the Comprehensive Housing Division's general rental program may have pets in accordance with the Domestic Animal Ordinance, provided that an increased security deposit is required.

(a) The standard security deposit does not apply to tenants with pets. Comprehensive Housing Division staff shall require that tenants with pets (excluding fish) pay a security deposit that is equal to two (2) month's rent payments.

(b) In the event that a tenant wishes to acquire a pet after the rental agreement has been



signed, the tenant shall notify the Comprehensive Housing Division and shall pay the difference between the increased security deposit for pets and the standard security deposit.

### **1.7. Annual Inspection and Rental Agreement Renewal**

1.7-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule tenants' annual inspections for a date that is within thirty (30) calendar days of the expiration of the tenants' rental agreement.

1.7-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual inspection shall use the checklist that is approved by the Comprehensive Housing Division director. Upon completion of the inspection, Comprehensive Housing Division staff shall request that the tenant(s) sign the completed checklist.

1.7-3. *Inspection Findings.* In the event that an inspection reveals conditions that may affect the health and safety of the tenant and/or the community or the integrity and condition of the rental premises, the Comprehensive Housing Division shall implement a follow up schedule to ensure the issue is adequately remedied. If the issue is not adequately remedied based on the schedule determined by the Comprehensive Housing Division, termination and eviction may be necessary.

1.7-4. *Damages.* Tenants may be required to pay costs to repair any damages to the rental premises discovered during the annual inspection. Payment for such costs must be received by the Comprehensive Housing Division prior to signing a rental agreement renewal.

1.7-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month term. Tenants wishing to remain in the property are required to sign a renewal rental agreement annually. The Comprehensive Housing Division may, in its discretion, decline renewal of a rental agreement if it determines that the renewal is not in the best interest of the Nation. In the event a tenant fails to enter a rental agreement renewal and has not vacated the rental premises within thirty (30) calendar days of the expiration of the rental agreement, the Comprehensive Housing Division shall initiate the eviction process pursuant to the Eviction and Termination law.

### **1.8. Rental Agreement Cancellation**

1.8-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the general rental program are requested to provide the Comprehensive Housing Division with a minimum of two (2) weeks of notice.

1.8-2. *Prorated Rent.* In the event of cancellation of a rental agreement, the Comprehensive Housing Division staff shall prorate the last month's rent payment requirement based upon the greater of the following:

- (a) The number of calendar days the unit was occupied in the last month; or
- (b) Two (2) weeks, which is the minimum allowable notice.

*End.*

---

Original effective date: 02-09-2017

Amendment effective date:

Division of Land Management  
PO Box 365  
Oneida, WI 54155  
920-869-1690



**Summary Report for: General Rental Program Eligibility, Selection and Other Requirements**

Original effective date: N/A

Amendment effective date: N/A

**Name of Rule:** General Rental Program Eligibility, Selection and Other Requirements

**Name of law being interpreted:** Title 7. Property and Land - Chapter 710  
LANDLORD-TENANT

**Rule Number:** 1

**Other Laws or Rules that may be affected:** N/A

**Brief Summary of the proposed rule:** Get rid of the current points system for DOLM rental units and move to a first come, first served process. Identify the requirements to be eligible and apply for a general rental.

**Statement of Effect:** See Attached.

**Financial Analysis:** See Attached.

---



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



### Statement of Effect

#### *Landlord-Tenant Rule No. 1 - General Rental Program Eligibility, Selection, and Other Requirements*

#### *Summary*

This rule provides additional eligibility requirements, selection procedures, and general requirements that govern the Comprehensive Housing Division's general rental programs that are not reserved for elders or low-income members of the Oneida Nation.

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

#### *Analysis by the Legislative Reference Office*

Section 710.4 of the Landlord-Tenant Law confers administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission as authorized by the Administrative Rulemaking Law. Section 710.4-1 of the Landlord-Tenant Law states that the Comprehensive Housing Division shall provide residential rental programs that provide housing to tenants that are elder tribal members, low-income Oneida tribal members and families, and tribal members in general. Section 710.4-1 further states that the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program. Oneida Business Committee Resolution 10-12-16-D provides that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements.

Section 710.4-2 of the Landlord-Tenant Law describes rental eligibility requirements and states that in order to be eligible for a rental agreement, one of the conditions the applicants shall meet are any eligibility requirements set by the rental program's rules. Section 710.4-3 of the Landlord-Tenant Law then goes on to state that the Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.

Landlord-Tenant Law Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements provides additional eligibility requirements, selection procedures, and general requirements that govern the Comprehensive Housing Division's general rental programs that are not reserved for elders or low-income members of the Nation.

Section 1.4 of Landlord-Tenant Law Rule No. 1 provides eligibility requirements for participation in rental programs for general members of the Nation, which include the requirement of tribal member status, a maximum debt to income ratio of fifty percent (50%), no outstanding utility bills owed to a utility provider, and no more than five (5) accounts that are past due and/or in collections on an applicant's credit report, excluding medical bills.



Section 1.5 of the Landlord-Tenant Law Rule No. 1 provides for advertising, application period and tenant selection requirements. Section 1.5-1 requires that the Comprehensive Housing Division advertise all properties for rent in its general rental programs both in the Nation's website and at the Comprehensive Housing Division, as well as states the required information that must be stated in the advertisement. Section 1.5-2 requires that when the Comprehensive Housing Division offers a property for rent in its general rental program, it shall set an application period during which the rental applications may be submitted at the Bay Bank drop box, and the process in which applications will be accepted. Section 1.5-3 provides that upon receipt of submitted rental applications, Comprehensive Housing Division staff shall determine the eligibility of each applicant and select a tenant based on the eligible rental application that was received earliest.

Section 1.6 of the Landlord-Tenant Law Rule No. 1 provides that Comprehensive Housing Division staff shall ensure that a security deposit equal to one (1) month's rent payment has been paid by the tenant prior to providing the tenant with keys to the property. It is further provided that an increased security deposit is required when the tenant has pets.

Section 1.7 of the Landlord-Tenant Law Rule No. 1 provides requirements for annual inspections and rental agreement renewals. Section 1.7 sets requirements for when the inspection will take place, what inspection checklist shall be used, what process will be followed if an inspection reveals conditions that may affect the premises, who will pay for damages discovered during an inspection, and rental agreement renewal.

Section 1.8 of the Landlord-Tenant Law Rule No. 1 provides requirements for tenants wishing to cancel a rental agreement, including a two (2) week notice requirement for cancellation, and a requirement for prorating the last month's rent payment based on the cancellation.

#### *Conclusion*

There are no legal bars to adopting Landlord-Tenant Law Rule No. 1 – General Rental Program Eligibility, Selection, and Other Requirements.

Division of Land Management  
PO Box 365  
Oneida, WI 54155  
920-869-1690



Financial Analysis for:            General Rental Program Eligibility, Selection  
and Other Requirements

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		\$0.00
Personnel		\$0.00
Office		\$0.00
Documentation Costs		\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		N/A
Other, please explain		\$0.00
	Total	\$0.00

NOTICE OF  
**PUBLIC MEETING**  
TO BE HELD  
Thursday, December 15, 2016 at 10:00 AM  
IN THE  
Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting this Public Meeting to gather feedback from the community regarding the following rules.

**TOPICS:**

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

The Comprehensive Housing Division Residential Sales Rule would:

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

The Mortgage Programs, Guidelines and Requirements Rule would:

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintains all loan services.

The General Rental Program Eligibility, Selection and Other Requirements Rule would:

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for general rental.

To obtain copies of the Public Meeting document for this proposal please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings)

**PUBLIC COMMENT PERIOD**  
**OPEN UNTIL Thursday, December 22,**  
**2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony, spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax.

Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689



# Attachment 4

## Classified

3 Teken Niwása Téklu • December 1, 2016

www.kalihwisaks.com

Call the Kalihwisaks of  
**1.920.496.5631**  
to place an ad

### Oneida's Best Marketplace!

• BUY • SELL • SHOP • BARBER • TRADE • SEARCH • LEASE •

Mall submissions to:  
Post Office Box 365  
Oneida, Wisconsin 54155

**DO YOU HAVE SOMETHING TO SELL?**  
 Sell your Kalihwisaks Classifieds  
 Classifieds are available for sale  
 at the Kalihwisaks Classifieds  
 office. Call 1.920.496.5631  
 or visit our website at  
 www.kalihwisaks.com/advertising

### EMPLOYMENT

#### NATIVE AMERICAN LIAISON

Pulaski Community School District  
20 hrs/week

Students will generally work 4 hours per day, however  
hours may vary based on student need.

Travel between schools is required

Your driver's license and personal vehicle required

Application and details online at  
[www.pulaskischools.org](http://www.pulaskischools.org)

Click on Employment Opportunities

### Oneida Personnel Commission

Three (3) vacancies

#### Qualifications

1. Must be enrolled members of the Oneida Nation.

2. The entire combined commission may not consist of more than two (2) members from any one division of the Oneida Tribe, or less than seven (7) community members who are not employed by the Tribe.

3. Be free of any and all direct conflicts of interest or appearances of conflict defined under various laws and policies of the Tribe, including but not limited to the oath of office, the OPPP, the Ethic Code, the Judicial Code and the Nevada Rules of Civil Procedure.

4. A member may not be and employee of the Human Resources Department, an advocacy group (department), or any other recognized hearing body within the Oneida Tribe, e.g. Personnel Relations Officers and Paralegals.

5. Commissioners shall be available for meetings, trainings, interviews, proceedings, assignments, grievance hearings and other duties as needed. Three (3) excused absences to attend to such duties may be reported to the OBC, if deemed appropriate by the OPC.

Both formal and informal communications with any entity by any commissioner on behalf of the OPC will be as directed by the Commission, or as routinely or required by Officers. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP which shall provide procedural guidance on determining when, how and by whom OPC communications should be made.

Deadline: 4:30pm Friday, December 16, 2016

### FOR SALE

China cabinet - dark wood,  
glass doors \$55. Dark desk  
\$55, 920-788-4584

### TRUCK FOR SALE

'93 Chevy Silverado pickup  
4x4. Asking \$1,200. FMI,  
call: 920.660.9280.

### TRUCK FOR SALE

2001 Ford F150XLT pickup  
Asking \$1,500. Clean, runs  
good, call: 920.425.3562.

### HOME FOR SALE

709 Theode St., Green Bay -  
2 BR, 1 bath, 2 stall garage,  
big yard 74k OBO 920-713-

NOTICE OF

## PUBLIC MEETING

TO BE HELD

Thursday, December 15, 2016 at 10:00 AM  
IN THE

Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Division of  
Land Management (DOLM) is hosting this Public Meeting to gather  
feedback from the community regarding the following rules.

### TOPICS:

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

The Comprehensive Housing Division Residential Sales Rule would:

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

The Mortgage Programs, Guidelines and Requirements Rule would:

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintaining all loan services.

The General Rental Program Eligibility, Selection and Other Requirements Rule would:

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for a general rental.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nan.gov/Register/PublicMeetings](http://www.oneida-nan.gov/Register/PublicMeetings)

### PUBLIC COMMENT PERIOD OPEN UNTIL Thursday, December 22, 2016

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax

Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689

# Attachment 5

Public Hearing at Division of Land Management

Sign In Sheet

December 15, 2016

check  
list  
K-11-1104

Print Name	Sign Name
1. Nicole Kimmel	32. Nicole Kimmel
2. Beck Vandenberg	33. Beck Vandenberg
3. David Wilson	34. David Wilson
4.	35.
5.	36.
6.	37.
7.	38.
8.	39.
9.	40.
10.	41.
11.	42.
12.	43.
13.	44.
14.	45.
15.	46.
16.	47.
17.	48.
18.	49.
19.	50.
20.	51.
21.	52.
22.	53.
23.	54.
24.	55.
25.	56.
26.	57.
27.	58.
28.	59.
29.	60.
30.	61.
31.	62.



## Attachment 6

Meeting: Public Meeting  
 Where: Division of Land Management Conference Room  
 470 Airport Drive, Oneida WI 54115  
 Date: December 15, 2016  
 Topics: Comprehensive Housing Division Residential Sales Rule  
 Mortgage Programs, Guidelines and Requirements Rule  
 General Rental Program Eligibility, Section and Other Requirement Rule

Meeting begun at: 10:00 am

Nicole Rommel: This is the Public Meeting of Thursday, December 15, 2016, 10:00 am in the Division of Land Management Conference Room, 470 Airport Drive, Oneida WI 54115. In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting the Public Meeting to gather feedback from the community regarding the following rules.

Topics: Comprehensive Housing Division Residential Sales Rule, Mortgage Programs, Guidelines and Requirements Rule, General Rental Program Eligibility, Section and Other Requirement Rule

The Comprehensive Housing Division Residential Sales Rule would: Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and Identify requirements for the notice when the Nation sells a home as-is that may require repairs upon purchase.

The Mortgage Programs, Guidelines and Requirements Rule would: Identify the mortgages available through the Nation and the requirements and process for applying for such loans; Establish how interest rates are set and may be amended, Consolidate the loan programs while maintains all loan services.

The General Rental Program Eligibility, Selection and Other Requirements Rule would: Get rid of the current points system for DOLM rental units and move to a first come, first served process; and identify the requirements to be eligible and apply for a general rental. To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

PUBLIC COMMENT PERIOD, OPEN UNTIL Thursday, December 22, 2016, During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax. Oneida Division of Land Management, 470 Airport Drive, Oneida, WI 54155 E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org), Phone: 920-869-1690, Fax: 920-869-1689

It is now 10:15 am, those present are: myself Nicole Rommel, Becky Skerandore, and

Diane Wilson all is representing the Division of Land Management. At this time there are no community members here to give a public comment. We will be waiting 5 (five) more minutes and we will than consider the meeting closed.

This is a continuation of the Public Meeting of December 15, 2016, it is now 10:23 am, and there aren't any community members that have come to make a comment at this meeting, so we are calling this meeting closed with no community comments at 10:23 am.

## Attachment 7

ONEIDA LAND COMMISSION MEETING MINUTES  
LITTE BEAR CONFERENCE ROOM  
JANUARY 9, 2017 @ 5:00 PM

I. CALLED TO ORDER @ 5:00 pm by Chair- Rae Skenandore

Present: Chair-Rae Skenandore, Vice Chair- Racquel Hill, Secretary-Jay T. Rasmussen, Lloyd Powless, Commissioner, Donald McLester, Commissioner,

Excused: Sherrole Benton, Commissioner, Rebecca Webster, Commissioner

BUSINESS COMMITTEE LIAISON: Ron "Tehassi" Hill

OTHERS PRESENT: Mary Jo Nash, Lori Elm, Nicole Rommel, Sheila Huntington, Stephanie Skenandore, Diane Wilson, Krystal John, Leanne Doxtator, Sue Doxtator

II. APPROVE/AMEND AGENDA

Motion by Donald McLester to approve the agenda with the correction to executive session commercial leases, deleting the duplicating request #7 and correct #12201301C and delete #8. Also to add 1496 Riverdale Drive to the Loan. Seconded by Racquel Hill Motion carried.

III. APPROVE/AMEND MINUTES

A. December 5, 2016

Motion by Racquel Hill to approve the minutes of December 5, 2016 with the edits and changes: IV. Tabled Business, A. LUTU 0343, last part of motion, to reword to read more clearly; C. LUTU 0346, add defer to January 9<sup>th</sup>, 2017 meeting; V. Old Business, A. Location of meeting; reword motion, VI. New Business, correct wording Secretary "to" draft; VII. Reports, LUTU-0373, change to include not to be subdivided LUTU-0279 Summary of items should be attached. What items? VIII Executive Session the S needs to be removed from executives, A. Old Business 1. Add the directive 2. Change pro to pros and feel to fee. D. Acquisition 10201601C add what is not a conflict.

IV. TABLED BUSINESS

A. Request to name 1940 W. Mason

V. OLD BUSINESS

A. General Rental Program Eligibility Selection and Other Requirements (Rule) Request

B. Mortgage and Foreclosure Guidelines and Requirements (Rule) Request to approve



C. Comprehensive Housing Division Residential Sales (Rule) Request to approve

Motion by Racquel Hill to approve all the rules with the recommendations and to forward with noted revisions and changes recommend by Krystal John and the one adjustment to the rule by financing. Seconded by Jay T. Rasmussen. Motion carried. LOC will need three (3) separate packets with each rule per Krystal John.

D. Leasing Law Update

Accepted as FYI. Krystal submitted a memo that the law is not approved until we receive official approval from the Secretary (BIA). The Real Property Law Public meeting comments were considered by the LOC recently and have been directed by the LOC to be brought forward to consider the adoption on the January 18, 2017 and then forwarded to OBC on the January 25, 2017.

E. Driveway Easement Reaffirm – tribal parcel # 17-0-2165-00 Update

F Request Easement across former railroad. (WPS)

G WE Energies request for 50ft easement at W2104 HWY 54

Motion by Jay T Rasmussen to accept E, F and G as FYI. Seconded by Donald McLester. Motion carried

H. Real Property Law

VI. NEW BUSINESS

A. Electronic Signatures – Rae Skenandore

Discussion that Kelly McAndrews is checking into options and to see what the state statutes are along with the BIA on the Federal level. Kelly will continue to work with the staff and the Land Commission.

B. Joint Meeting and Reporting Memo

Motion by Racquel Hill to change the joint meeting to September 18, 2017. The meeting will be held at LBDC at 5PM. Seconded by Donald McLester. Motion carried.

VII. REPORTS

A. PLANNING

1 LUTJ SOP Update

Update on the planning of the LUTU and to invite the LC was given by Susan Doxtator. Motion by Jay T. Rasmussen to accept as FYI. Seconded by Racquel Hill. Motion carried.

2 LUTU 0376 Former Lois Metoxen. N5953 County Road E

3 LUTU 0346 Former Colleen & Kerry Metoxen, 219 Valley Drive (Tribal Fee Land)

4. LUTU 0388 Former Owner Steven Ambrosius, W141 Service Rd

LUTU 0376 bring back to the February 13, 2017 meeting with a formal recommendation to keep this a conservancy area.

LUTU 0346 bring back to the February 13, 2017 meeting for HBO sites.



Division of Land Management  
 PO Box 365  
 Oneida, WI 54155  
 920-869-1690



## MEMORANDUM

TO: Legislative Operating Committee  
 FROM: Division of Land Management and Oneida Land Commission  
 SUBJECT: Request for Certification of Procedural Compliance – Real Property Rule No. 2 –  
 Comprehensive Housing Division Residential Sales  
 DATE: January 18, 2017

The Division of Land Management and the Oneida Land Commission are exercising their joint rule making authority to further define sections of the Real Property Law.

The rule is newly drafted and is not a revision of a prior rule. In accordance with the Administrative Rulemaking Law, a public meeting was held for these rules on December 15, 2016 for which the comment period expired on December 22, 2016. There were no community members in attendance and no written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

Rulemaking Timeline	
Required Action	Date Completed
Received Land Commission approval of DRAFT rules and direction to proceed with holding a public meeting.	November 7, 2016
Public Meeting notice for the three rules is posted in the Kalihwisaks (see page 28) and on the Oneida Register.	December 1, 2016
Public Meeting held.	December 15, 2016
Public Comment Period closed, there were no comments received.	December 22, 2016
Land Commission approval of LOC submission packet.	January 9, 2017

The following attachments are included for your review:

1. E-mail listing Land Commission motions, changes, and directives from the November 7, 2016 meeting.
2. Summary Report
3. Public Meeting Notice

4. Copy of Public Meeting published in the Kalihwisaks – Page 28 of the December 1, 2016 issue
5. Sign-in sheet from December 15, 2016 Public Meeting
6. Public meeting transcription from the December 15, 2016 Public Meeting
7. Land Commission minutes dated January 9, 2017, approving the rule packet to be submitted to LOC

**Action Requested:**

Find that the development of the Real Property Rule No. 2 – Comprehensive Housing Division Residential Sales has procedurally complied with the requirements of the Administrative Rulemaking laws and recognize its effective date as March 9, 2016.

Cc: Pat Pelky, Interim Director, Division of Land Management

**Nicole A. Rommel**

---

**From:** Lori A. Elm  
**Sent:** Tuesday, November 22, 2016 6:00 PM  
**To:** Nicole A. Rommel  
**Cc:** Stephanie L. Skenandore; Jacqueline M. Schuman; Rebecca L. Skenandore  
**Subject:** Directive from November 7, 2016 Land Commission meeting - Rules

**Directive from November 7, 2016 Land Commission meeting**

**C. Review & approve Rule: Title 6. Property and Land – Chapter 601 REAL PROPERTY Rule No. 2 – Comprehensive Housing Division Residential Sales (Draft 1) – Krystal John**

Overview of 2.4 Advertising and Showing, introducing line 40, where the Nation is offering a home for sale as-is process, clarification on “forms” must be on our form or not accepted.

- Notes: Directed revisions in section 2.7 to clarify that we will only accept offers to purchase that use the Nation’s form.

**Motion by Jay T. Rasmussen to approve the rules with the modifications were only the Oneida Nations forms are accepted and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.**

**D. Review & approve Rule: Title 6. Property and Land – Chapter 612 MORTGAGE and FORECLOSURE Rule No. 1 – Mortgage Programs, Guidelines and Requirements (Draft 3) – Krystal John**

- Notes: Directed revision in the following sections:
- 1.5-1 to clarify that only the Nation’s mortgage applications will be accepted;
- 1.9-3 to clarify that this section only applies when the financing is for a property being sold by a party other than the Nation and to fix the numbering of the subsections;
- 1.11 to change the policy from only refinancing the Nation’s loans to refinancing any loan so long as the loan does not finance individual fee land.

**Motion by Rebecca Webster to approve the rules with the noted revisions accepted, and directs DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Donald McLester. Motion carried.**

**E. Review & approve Rule: Title 7. Property and Land – Chapter 710 LANDLORD-TENANT Rule No. 1 – General Rental Program Eligibility, Selection and Other Requirements (Draft 1) – Krystal John**

- Notes: Directed revisions in section 1.5-2 to clarify that we will only accept rental applications that use the Nation’s form.

**Motion by Jay T. Rasmussen to approve the rules with the noted revisions accepted, and direct DOLM staff to prepare and hold a Public Meeting with notice of this rule, and provided to the Land Commission at their first available meeting. Seconded by Rebecca Webster. Motion carried.**



## Title 6. Property and Land – Chapter 601

### REAL PROPERTY

#### Rule # 2 – Comprehensive Housing Division Residential Sales

- 2.1. Purpose and Effective Date
- 2.2. Adoption, Amendment and Repeal
- 2.3. Definitions
- 2.4. Advertising and Showings
- 2.5. Right of First Refusal to Current Tenant
- 2.6. Prequalification
- 2.7. Offers to Purchase
- 2.8. Final Decision

### 2.1. Purpose and Effective Date

2.1-1. *Purpose.* The purpose of this rule is to provide the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

2.1-2. *Delegation.* The Real Property law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

### 2.2. Adoption, Amendment and Repeal

2.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

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

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Real Property law.

### 2.3. Definitions

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Appraisal Value” means the estimated worth of the property based on a review of the property and market values.

(b) “Nation” means the Oneida Nation.

(c) “Tribal Member” means an individual who is an enrolled member of the Nation.

### 2.4. Advertising and Showings

2.4-1. *Advertising.* The Comprehensive Housing Division shall advertise all homes for sale by the Nation both on the Nation’s website and at the Comprehensive Housing Division.

(a) The Comprehensive Housing Division shall use the home’s appraisal value as the listing price on the advertisement.

(b) The Comprehensive Housing Division shall provide the showing dates and prequalification and offer periods in the advertisement.

(c) Where the Nation is offering a home for sale as-is that requires improvements before



an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, the advertisement shall also include the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit. In addition, the cost estimate shall also include estimated costs to address any health and safety issues which may not amount to a code violation affecting an occupancy permit. The estimate shall include a disclaimer that the estimate is just that and actual costs of the improvements may exceed the costs estimated by the Comprehensive Housing Division.

2.4-2. *Showings.* For each home sold by the Nation, the Comprehensive Housing Division shall conduct showings over the course of one (1) week with a minimum of two (2) public showings wherein one (1) showing is required to be conducted during the Nation's business hours and one (1) showing is required to be conducted after the Nation's business hours. In addition to the two (2) required public showings, the Comprehensive Housing Division may schedule private showings upon a potential buyer's request at its discretion.

## **2.5. Right of First Refusal to Current Tenant**

2.5-1. *Right of First Refusal to Current Tenant.* If the Nation chooses to cease renting a property with a current tenant and chooses to sell said property as residential property as is, provided that the tenant is in good standing with the rental agreement, the Comprehensive Housing Division shall offer the tenant the right of first refusal to purchase the home subject to the mortgage requirements.

## **2.6. Prequalification**

2.6-1. *Setting the Prequalification Period.* The Comprehensive Housing Division shall set the prequalification period as the week immediately following the showing week.

2.6-2. *Prequalification Required.* All interested buyers shall provide proof of prequalification for the homes listed price in order to be eligible to submit an offer to purchase.

(a) Prequalification may be from the Comprehensive Housing Division or an outside lender.

(b) If an interested buyer plans to finance the purchase through a mortgage from the Comprehensive Housing Division, the interested buyer shall schedule a meeting with the Comprehensive Housing Division during the prequalification week in order to determine eligibility.

(c) Where the Nation is offering a home for sale as-is that requires improvements before an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, an interested buyer is required to be pre-approved for the listed price of the home as-is as well as the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit and to address any health and safety issues that may not amount to code violations affecting an occupancy permit.

## **2.7. Offers to Purchase**

2.7-1. *Setting the Offer Period.* When the Comprehensive Housing Division offers a home for sale, it shall set an offer period of one (1) business day during which offers to purchase may be submitted at the Bay Bank drop box. The Comprehensive Housing Division may extend the offer period by providing notice of the extension both on the Nation's website, Bay Bank and the

Comprehensive Housing Division. The Comprehensive Housing Division shall disqualify offers to purchase received outside of the offer period.

2.7-2. *Making an Offer to Purchase.* Tribal members wishing to make an offer to purchase on a home for sale by the Nation may do so by submitting an offer to purchase at the Bay Bank drop box, in person, using the offer to purchase form available on the Nation's website and at the Comprehensive Housing Division. Offers to purchase that are not submitted using the Nation's form will not be accepted by the Comprehensive Housing Division.

(a) Offers to purchase for less than the listing price will not be considered.

(b) Offers to purchase that do not include at least one (1) Tribal member will not be considered.

(c) Prior to accepting an offer to purchase for the drop box, Bay Bank staff shall date and time stamp all offers to purchase upon receipt. In the event that multiple parties arrive at the same time to submit an offer to purchase (i.e. if parties are waiting to submit prior to business hours), Bay Bank staff shall determine the order of receipt through a lottery system in which each party receives a number by chance. Bay Bank staff shall number the offers having the same date and time stamps by from lowest drawn number to highest drawn number.

(d) There is no limit as to how many offers to purchase a Tribal member may submit within an offer period.

2.7-3. *Comprehensive Housing Division Receipt of Offers to Purchase.* Comprehensive Housing Division staff may not collect the offers to purchase until the business day immediately following the close of the offer period. Upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division shall post the dollar amount of the highest prequalified offer to purchase received on the Nation's website; no personal information of the offeror may be included in this posting. Offers to purchase received for which the Comprehensive Housing Division did not receive proof of prequalification will not be considered.

2.7-4. *Buyer Selection.* When the Comprehensive Housing Division receives multiple offers to purchase on a home for sale by the Nation, it shall select the buyer based on the highest prequalified offer received within the offer period. In the event there is a tie for the highest prequalified offer to purchase received within the offer period, the Comprehensive Housing Division shall select the offer that was received earliest based on the date and time stamp.

2.7-5. *Financing.* If financing is required, the selected buyer may choose to finance either through the Nation's mortgage program or through an outside lender.

## 2.8. Final Decision

2.8-1. *No Appeal.* The decisions made in regard to Comprehensive Housing Division residential sales are final. Neither the Oneida Judiciary nor any administrative body, including a board, committee or commission is authorized to hear a complaint in regard to Comprehensive Housing Division decisions related to residential sales.

*End.*

---

Original effective date: 03-09-2017  
Amendment effective date:



Division of Land Management  
PO Box 365  
Oneida, WI 54155  
920-869-1690



## Summary Report for: Comprehensive Housing Division Residential Sales

**Original effective date:** N/A

**Amendment effective date:** N/A

**Name of Rule:** Comprehensive Housing Division Residential Sales

**Name of law being interpreted:** Title 6 – Property and Land Chapter 601: REAL PROPERTY

**Rule Number:** 2

**Other Laws or Rules that may be affected:** Mortgage and Foreclosure Law, Rule No. 1 - Mortgage Programs, Guidelines and Requirements

**Brief Summary of the proposed rule:** Identify the process required when the Nation is selling a home, including advertising, showing and prequalification period. Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process. Identify requirements for the notice when the Nation sells a home as-is that may require repairs upon purchase.

**Statement of Effect:** See Attached.

**Financial Analysis:** See Attached.

---



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



### Statement of Effect

#### *Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales*

#### *Summary*

This rule provides the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

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

#### *Analysis by the Legislative Reference Office*

The current Real Property Law was adopted on February 25, 2015, while the Administrative Rulemaking Law was not adopted until later on February 24, 2016. Although the Real Property Law does not expressly grant the Division of Land Management rulemaking authority, Section 67.16-2(c) of the Real Property Law states that the Land Commission shall have the power and duty to implement and interpret the provisions of this Law. Section 17.3(g) of the Administrative Rulemaking Law defines rulemaking authority as the delegation of authority to authorized agencies in order to implement, interpret and/or enforce a law of the Tribe. Therefore, the Division of Land Management has the authority to promulgate rules that implement and interpret provisions of the Real Property Law.

Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales provides the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

Section 2.4 of the Real Property Law Rule No. 2 discusses advertising and showings of residential properties for sale. This section provides that the Comprehensive Housing Division shall advertise all homes for sale by the Nation both on the Nation's website and at the Comprehensive Housing Division. This section also discusses what should be included in the advertisement such as the listing price and how it is determined, the showing dates and prequalification and offer periods, and the costs estimated for the minimum improvements required to make the residence eligible for an occupancy permit if needed.

Section 2.5 of the Real Property Law Rule No. 2 provides that the Comprehensive Housing Division shall offer a tenant that is currently renting a property the Nation wishes to sell as a residential property the right of first refusal to purchase the home subject to the mortgage requirements, as long as the tenant is in good standing with the rental agreement.

Section 2.6 of the Real Property Law Rule No. 2 discusses prequalification of the sale of a residential property. This section provides that the Comprehensive Housing Division shall set the prequalification period as the week immediately following the showing week and discusses that prequalification, from either the Comprehensive Housing Division or an outside buyer, is required.

Section 2.7 of the Real Property Law Rule No. 2 discusses the offers to purchase. This section provides requirements for the Comprehensive Housing Division when setting an offer to purchase period, discusses how a tribal member can make an offer to purchase, outlines what offers to purchase will not be accepted, and how offers to purchase will be collected. This section also discusses what the Comprehensive Housing Division shall do upon receipt of offers to purchase, how a buyer will be selected, and that financing may be through the Nation's mortgage program or an outside lender.

Section 2.8 of the Real Property Law Rule No. 2 discusses the fact that the decisions made in regard to Comprehensive Housing Division residential sales are final, and there is no appeal process available.

#### *Conclusion*

There are no legal bars to adopting the Real Property Law Rule No.2: Comprehensive Housing Division Residential Sales.

Division of Land Management  
 PO Box 365  
 Oneida, WI 54155  
 920-869-1690



Financial Analysis for: Comprehensive Housing Division Residential Sales

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		\$0.00
Personnel		\$0.00
Office		\$0.00
Documentation Costs	*Repair completion inspections from Title Company=\$150*5 *Zoning inspections=\$40*5	\$950.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		60 days
Other, please explain		\$0.00
Total		\$950.00



NOTICE OF  
**PUBLIC MEETING**

TO BE HELD

**Thursday, December 15, 2016 at 10:00 AM**

IN THE

**Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155**

In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting this Public Meeting to gather feedback from the community regarding the following rules.

**TOPICS:**

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

**The Comprehensive Housing Division Residential Sales Rule would:**

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

**The Mortgage Programs, Guidelines and Requirements Rule would:**

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintains all loan services.

**The General Rental Program Eligibility, Selection and Other Requirements Rule would:**

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for a general rental.

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD  
OPEN UNTIL Thursday, December 22,  
2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax.

**Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689**



## Attachment 4

8 Téken Niwása Téklú • December 1, 2016

Classified

www.kalihwisaks.com

Call the Kalihwisaks at  
**1.920.496.5631**  
to place an ad

## Oneida's Best Marketplace!

• BUY • SELL • SHOP • BARTER • TRADE • SEARCH • LEASE •

Mail submissions to:  
Post Office Box 365  
Oneida, Wisconsin 54155



### EMPLOYMENT

#### NATIVE AMERICAN LIAISON

Pulaski Community School District  
20 hrs/week

Position will generally work 4 hours per day, however  
hours may vary based on student need.

Travel between schools is required.

Valid driver's license and personal vehicle required.

Application and details online at:  
[www.pulaskischools.org](http://www.pulaskischools.org)

Click on Employment Opportunities

### FOR SALE

China cabinet - dark wood,  
glass doors \$55. Dark desk  
- \$55, 920-788-4584

### TRUCK FOR SALE

'93 Chevy Silverado pickup  
4 x 4. Asking \$1,200. FMI,  
call: 920.660.9280.

### TRUCK FOR SALE

2001 Ford F150XL pickup.  
Asking \$1,500. Clean, runs  
good, call: 920.425.3562.

### HOME FOR SALE

709 Theude St., Green Bay -  
2 BR, 1 bath, 2 stall garage,  
big yard. 74k OBO 920-713-

NOTICE OF

## PUBLIC MEETING

TO BE HELD

Thursday, December 15, 2016 at 10:00 AM  
IN THE

Division of Land Management Conference Room,  
470 Airport Drive, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Division of  
Land Management (DOLM) is hosting this Public Meeting to gather  
feedback from the community regarding the following rules.

### TOPICS:

- Comprehensive Housing Division Residential Sales Rule
- Mortgage Programs, Guidelines and Requirements Rule
- General Rental Program Eligibility, Selection and Other Requirements Rule

#### The Comprehensive Housing Division Residential Sales Rule would:

- Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and
- Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and
- Identify requirements for the notice when the Nation sells a home as is that may require repairs upon purchase.

#### The Mortgage Programs, Guidelines and Requirements Rule would:

- Identify the mortgages available through the Nation and the requirements and process for applying for such loans;
- Establish how interest rates are set and may be amended;
- Consolidate the loan programs while maintaining all loan services.

#### The General Rental Program Eligibility, Selection and Other Requirements Rule would:

- Get rid of the current points system for DOLM rental units and move to a first come, first served process; and
- Identify the requirements to be eligible and apply for a general rental.

To obtain copies of the Public Meeting documents for this proposal,  
please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

**PUBLIC COMMENT PERIOD**  
**OPEN UNTIL Thursday, December 22,**  
**2016**

During the Public Comment Period, all interested persons may submit  
written comments and/or a transcript of any testimony/spoken com-  
ments made during the Public Meeting. These may be submitted to  
DOLM by U.S. mail, interoffice mail, e-mail, or fax.

Oneida Division of Land Management  
470 Airport Drive, Oneida, WI 54155  
E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org)  
Phone: 920-869-1690  
Fax: 920-869-1689

### Oneida Personnel Commission

#### Three (3) vacancies

#### Qualifications:

- 1) Must be enrolled members of the Oneida Nation.
- 2) The entire combined commission may not consist of more than two (2) members from any one division of the Oneida Tribe, or less than seven (7) community members who are not employed by the Tribe.
- 3) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Tribe, including but not limited to the oath of office, the OPPP, the Ethic Code, the Judicial Code and the Oneida Rules of Civil Procedure.
- 4) A member may not be and employee of the Human Resources Department, any advocacy group (department), or any other recognized hearing body within the Oneida Tribe, e.g. Personnel Relations Officers and Paralegals.
- 5) Commissioners shall be available for meetings, trainings, interviews, pre-screenings, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the OBC, if deemed appropriate by the OPC.
- 6) Both formal and informal communications with any entity by any commissioner on behalf of the OPC will be as directed by the Commission, or as routinely required by Officers. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP which shall provide procedural guidance on determining when, how and by whom OPC communications are made.

Deadline: 4:30pm Friday, December 16, 2016

Attachment 5

Public Hearing at Division of Land Management

Sign In Sheet

December 15, 2016

Check for  
oral  
testimony

Print Name	Sign Name
1. Nicole Kimmel	32. Nicole Kimmel
2. Becky Skenandore	33. [Signature]
3. Diane Wilson	34. [Signature]
4.	35.
5.	36.
6.	37.
7.	38.
8.	39.
9.	40.
10.	41.
11.	42.
12.	43.
13.	44.
14.	45.
15.	46.
16.	47.
17.	48.
18.	49.
19.	50.
20.	51.
21.	52.
22.	53.
23.	54.
24.	55.
25.	56.
26.	57.
27.	58.
28.	59.
29.	60.
30.	61.
31.	62.



Meeting: Public Meeting  
Where: Division of Land Management Conference Room  
470 Airport Drive, Oneida WI 54115  
Date: December 15, 2016  
  
Topics: Comprehensive Housing Division Residential Sales Rule  
Mortgage Programs, Guidelines and Requirements Rule  
General Rental Program Eligibility, Section and Other Requirement Rule

Meeting begun at: 10:00 am

Nicole Rommel This is the Public Meeting of Thursday, December 15, 2016, 10:00 am in the Division of Land Management Conference Room, 470 Airport Drive, Oneida WI 54115. In accordance with the Administrative Rulemaking Law, the Division of Land Management (DOLM) is hosting the Public Meeting to gather feedback from the community regarding the following rules.

Topics: Comprehensive Housing Division Residential Sales Rule, Mortgage Programs, Guidelines and Requirements Rule, General Rental Program Eligibility, Section and Other Requirement Rule

The Comprehensive Housing Division Residential Sales Rule would: Identify the process required when the Nation is selling a home, including an advertising, showing and prequalification period; and Get rid of the current points system for choosing recipients for DREAM homes and move to a bidding process; and Identify requirements for the notice when the Nation sells a home as-is that may require repairs upon purchase.

The Mortgage Programs, Guidelines and Requirements Rule would: Identify the mortgages available through the Nation and the requirements and process for applying for such loans; Establish how interest rates are set and may be amended; Consolidate the loan programs while maintains all loan services.

The General Rental Program Eligibility, Selection and Other Requirements Rule would: Get rid of the current points system for DOLM rental units and move to a first come, first served process; and identify the requirements to be eligible and apply for a general rental. To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

PUBLIC COMMENT PERIOD, OPEN UNTIL Thursday, December 22, 2016, During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to DOLM by U.S. mail, interoffice mail, e-mail or fax. Oneida Division of Land Management, 470 Airport Drive, Oneida, WI 54155 E-mail: [LAND@oneidanation.org](mailto:LAND@oneidanation.org), Phone: 920-869-1690, Fax: 920-869-1689

It is now 10:15 am, those present are: myself Nicole Rommel, Becky Skenandore, and

Diane Wilson all is representing the Division of Land Management. At this time there are no community members here to give a public comment. We will be waiting 5 (five) more minutes and we will than consider the meeting closed.

This is a continuation of the Public Meeting of December 15, 2016, it is now 10:23 am, and there aren't any community members that have come to make a comment at this meeting, so we are calling this meeting closed with no community comments at 10:23 am.

## Attachment 7

**ONEIDA LAND COMMISSION MEETING MINUTES  
LITTE BEAR CONFERENCE ROOM  
JANUARY 9, 2017 @ 5:00 PM**

**I. CALLED TO ORDER @ 5:00 pm by Chair- Rae Skenandore**

**Present:** Chair-Rae Skenandore, Vice Chair- Racquel Hill, Secretary-Jay T. Rasmussen, Lloyd Powless, Commissioner, Donald McLester, Commissioner,

**Excused:** Sherrole Benton, Commissioner, Rebecca Webster, Commissioner

**BUSINESS COMMITTEE LIAISON:** Ron "Tehassi" Hill

**OTHERS PRESENT:** Mary Jo Nash, Lori Elm, Nicole Rommel, Sheila Huntington, Stephanie Skenandore, Diane Wilson, Krystal John, Leanne Doxtator, Sue Doxtator

**II. APPROVE/AMEND AGENDA**

Motion by Donald McLester to approve the agenda with the correction to executive session, commercial leases, deleting the duplicating request #7 and correct #12201301C and delete #8. Also to add 1496 Riverdale Drive to the Loan. Seconded by Racquel Hill. Motion carried.

**III. APPROVE/AMEND MINUTES****A. December 5, 2016**

Motion by Racquel Hill to approve the minutes of December 5, 2016 with the edits and changes: IV. Tabled Business, A. LUTU II 0343, last part of motion, to reword to read more clearly; C. LUTU 0346, add defer to January 9<sup>th</sup>, 2017 meeting; V. Old Business, A. Location of meeting, reword motion, VI. New Business, correct wording Secretary "to" draft; VII. Reports, LUTU-0373, change to include not to be subdivided. LUTU-0279 Summary of items should be attached. What items? VIII Executive Session the S needs to be removed from executives, A. Old Business 1. Add the directive. 2. Change pro to pros and fee to fee. D. Acquisition 10201601C add what is not a conflict.

**IV. TABLED BUSINESS**

A. Request to name 1940 W. Mason

**V. OLD BUSINESS**

A. General Rental Program Eligibility Selection and Other Requirements (Rule) Request

B. Mortgage and Foreclosure Guidelines and Requirements (Rule) Request to approve



C. Comprehensive Housing Division Residential Sales (Rule) Request to approve

Motion by Racquel Hill to approve all the rules with the recommendations and to forward with noted revisions and changes recommend by Krystal John and the one adjustment to the rule by financing. Seconded by Jay T. Rasmussen. Motion carried. LOC will need three (3) separate packets with each rule per Krystal John.

D. Leasing Law Update

Accepted as FYI. Krystal submitted a memo that the law is not approved until we receive official approval from the Secretary (BIA). The Real Property Law Public meeting comments were considered by the LOC recently and have been directed by the LOC to be brought forward to consider the adoption on the January 18, 2017 and then forwarded to OBC on the January 25, 2017.

E. Driveway Easement Reaffirm – tribal parcel # 17-0-2165-00 Update

F. Request Easement across former railroad (WPS)

G. WE Energies request for 50ft easement at W2104 HWY 54

Motion by Jay T. Rasmussen to accept E, F and G as FYI. Seconded by Donald McLester. Motion carried.

H. Real Property Law

**VI. NEW BUSINESS**

A. Electronic Signatures – Rae Skenandore

Discussion that Kelly McAndrews is checking into options and to see what the state statutes are along with the BIA on the Federal level. Kelly will continue to work with the staff and the Land Commission.

B. Joint Meeting and Reporting Memo

Motion by Racquel Hill to change the joint meeting to September 18, 2017. The meeting will be held at LBDC at 5PM. Seconded by Donald McLester. Motion carried.

**VII. REPORTS**

A. PLANNING

1. LUTU SOP Update

Update on the planning of the LUTU and to invite the LC was given by Susan Doxtator. Motion by Jay T. Rasmussen to accept as FYI. Seconded by Racquel Hill. Motion carried.

2. LUTU 0376 Former Lois Metoxen, N5953 County Road E

3. LUTU 0346 Former Colleen & Kerry Metoxen, 219 Valley Drive (Tribal Fee Land)

4. LUTU 0388 Former Owner Steven Ambrosius, W141 Service Rd

LUTU 0376 bring back to the February 13, 2017 meeting with a formal recommendation to keep this a conservancy area.

LUTU 0346 bring back to the February 13, 2017 meeting for HBO sites,

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 JANUARY 16, 2017

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. FC E-Poll approving 1/16/17 Minutes

3. [Empty text box]

2. FC Mtg Minutes of 1/16/17

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 NATION

P.O. Box 365



Oneida, WI 54115

## ***MEMORANDUM***

**TO:** Finance Committee  
**CC:** Business Committee  
**FR:** Denise Vigue, Executive Assistant  
**DT:** January 18, 2017  
**RE:** **E-Poll Results of: FC Meeting Minutes of Jan. 16, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the January 16, 2017 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

### **E-POLL RESULTS:**

There was a Majority **6 YES** votes from David Jordan, Patrick Stensloff, Wesley Martin, Jr., Larry Barton, Jennifer Webster and Chad Fuss to approve the January 16, 2017 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of Jan. 25, 2017 for approval and the next Finance Committee agenda of Jan. 30, 2017 to ratify this E-Poll action.

Yawłko

---

\* 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

## STRATEGIC FINANCIAL PLANNING MEETING

January 16, 2017 – 9:00 -10:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING

January 16, 2017 – 10:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING MINUTES

---

### FC SFP Meeting:

Patricia King, Treasurer/FC Chair  
David Jordan, BC Council Member  
Chad Fuss, Gaming AGM/FC Alternate

Larry Barton, CFO/FC Vice-Chair  
Jennifer Webster, BC Council Member  
Wesley Martin, Jr., Community Elder Member

**Excused:** Patrick Stensloff, Purchasing Director

**Others Present:** Jennifer Falck, Clorissa Santiago, JoAnne House and Denise Vigue

### FC Regular Meeting:

Patricia King, Treasurer/FC Chair  
David Jordan, BC Council Member  
Chad Fuss, Gaming AGM/FC Alternate  
Wesley Martin, Jr., Community Elder Member

Larry Barton, CFO/FC Vice-Chair  
Jennifer Webster, BC Council Member  
Patrick Stensloff, Purchasing Director

**Others Present:** Sandra Schuyler, Paul Witek, Catherine Hurth, and Denise Vigue, taking minutes

**I. Call to Order:** The FC regular meeting was called to order by the FC Chair at 10:01 A.M.

**II. Approval of Agenda:** JANUARY 16, 2017:

Motion by David Jordan to approve the Finance Committee revised agenda for Jan 16, 2017 with one ADD ON under X. Other. Seconded by Jennifer Webster. Motion carried unanimously.

**III. Approval of Minutes:** JANUARY 3, 2017 (approved via FC E-Poll on 1/4/17):

Motion by David Jordan to ratify the FC E-Poll action of Jan. 4, 2017 approving the Finance Committee meeting minutes of Jan 3, 2017. Seconded by Larry Barton. Motion carried unanimously.

### IV. Tabled Business:

1. FC Recommendation RE: Acheson Education Endowment  
Patricia King, Treasurer

Motion to remove from the table for discussion by David Jordan. Seconded by Wesley Martin, Jr. Motion carried unanimously.

This item was discussed in the FC work meeting today and the consensus was after several drafts the resolution is ready and should be sent to the LOC.

Motion by Jennifer Webster to accept the changes made to the resolution and follow through with the LOC process for public hearing. Seconded by Wesley Martin, Jr. Motion carried unanimously.

**V. Capital Expenditures:** No items

### VI. New Business:

1. Gem Edwards  
Sandra Schuyler, OCHC

Sandra was present to explain this request for the distribution of new insulin pumps for diabetic patients: a grant covers this expense.

Motion by Larry Barton to approve the FY17 Purchase Order for Gem Edwards for diabetic insulin pumps in the amount of \$75,000. Seconded by David Jordan. Motion carried unanimously.

2. Lords Dental  
Sandra Schuyler, OCHC

As explained to Sandra by the dental department staff, this is for uninsured patients or patients who have used up their insurance but still need dental appliances due to their diabetes; this is covered under a grant.

Motion by Larry Barton to approve the FY17 Purchase Order for Lords Dental for dental supplies in the amount of \$60,000. Seconded by Jennifer Webster. Motion carried unanimously.

3. Northeast Asphalt – Change Order #1  
Paul Witek, Engineering Dept.

Paul Witek was present to explain this change order is to wrap up costs for cleanup with the original Gaming Expansion Project. There was extended discussion and it was understood this will be the final expense and the project will be closed out. If there are additional changes it will need to be resubmitted under the CIP process.

Motion by Jennifer Webster to approve the Northeast Asphalt change order #1 in the amount of \$11,897.50. Seconded by Larry Barton. Motion carried unanimously.

4. Global Marketing Advisors  
Engineering Dept. & Gaming Administration

There was extensive discussion over obtaining three bids for this requested market feasibility study; more information is needed; should be relayed to the BC given the possibility of accumulated risk with any changes in Gaming that could result in a significant amount of debt to the Nation.

Motion by David Jordan to send this request back to Gaming and to request they go through the RFP process to obtain three bids. Seconded by Larry Barton. Chad Fuss abstained. Motion carried.

5. Louis Wasserman & Associates  
Engineering Dept. & OHA

Paul Witek explained this would be from an OHA grant and would be for the design work in Phase II for Elder Cottages; once completed they would send out to bid with area construction companies, hopefully construction to begin in June; he noted there were only two respondents from more than 60 bids sent out; this was not the selected firm from the scores, but other firm selected was significantly higher.

Motion by Larry Barton to approve this request in the amount of \$94,171.87; noting that 60 plus firms were solicited. Seconded by Wesley Martin, Jr. Motion carried unanimously.

6. Activation of CIP Funds  
Paul Witek, Engineering Dept.

Paul Witek discussed this request to activate CIP funds for the Engineering Department to have an assessment/design work completed for renovation within Retail; once done Retail will have to come back with a plan and budget for the actual work to be done.

Motion by Larry Barton approved request to activate CIP Funds for assessment and design work for renovations at the designated One Stops in the amount of \$431,000. Seconded by Chad Fuss. Motion carried unanimously.

## VII. **Executive Session:**

1. Consultant Contract #2012-1259 –Amendment  
Sandra Schuyler, OCHC



Motion by David Jordan to move into Executive Session. Seconded by Jennifer Webster. Motion carried unanimously. Time: 10:17 A.M.

Motion by David Jordan to come out of Executive Session. Seconded by Larry Barton. Motion carried unanimously. Time: 10:28 A.M.

David Jordan not present for the vote.

Motion by Larry Barton to approve consultant contract (#2012-1259) amendment in the amount specified in the request. Seconded by Jennifer Webster. Motion carried.

#### VIII. Donation Requests:

1. Church of the Holy Apostles  
Susan White, Sr. Warden

The church has been in the process of updating heating equipment; this request is to replace remaining old furnace in the church.

Motion by Larry Barton to approve from Finance Committee Donation line the request from the Church of the Holy Apostles in the amount of \$2,500. Seconded by David Jordan. Jennifer Webster abstained. Motion carried.

#### IX. Follow Up: No Items

#### X. Other:

1. Finance Committee – FY17 1st Quarter Report  
Larry Barton, CFO

Motion by David Jordan to approve the Finance Committee 1st Quarter Report and to forward to the Tribal Secretary's Office for the next BC agenda of 1/26/17. Seconded by Jennifer Webster. Motion carried unanimously.

#### XI. FYI and /or Thank You:

1. 2 Concerns  
Wesley Martin, Jr.

Wesley discussed problems with the GTC packets being delivered and just tossed on the ground by his and some of his neighbors' houses; the Treasurer will follow up with Internal Services.

He also wanted to know if for elder plowing the smaller plows that do the trails could not be used; the Treasurer related that Governmental Services is working with Conservation to possibly combine services.

2. Finance Committee Updates  
Patricia King, Treasurer

Patricia relayed to the FC that in the upcoming FC work meeting she will be asking for some discussion on the Continuing Resolution; FC to create a contingency plan for FY17 and the future; she will also be bringing to a future work meeting the Finance Committee By-Laws, as it appears there are several versions that have not been fully vetted.

- XII. **Adjourn:** Motion by Wesley Martin, Jr. to adjourn. Seconded by Jennifer Webster. Motion carried unanimously. The regular Finance Committee meeting ended at 11:33 A.M.

Minutes taken & transcribed by:  
Denise Vigue, Executive Assistant to the CFO  
& Finance Committee Contact/Recording Secretary

*Finance Committee- E-Poll Minutes Approval Date: January 18, 2017*

*Oneida Business Committee- FC Minutes Approval Date: \_\_\_\_\_*

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 the Oneida Business Committee's approval of the Community Development Planning Committee's FY16 4th Quarter report.

**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.

**Community Development Planning Committee  
Quarterly Report  
July, August and September 2016**

**CDPC Members**

Melinda J. Danforth, CDPC Chair

Fawn Billie, CDPC Member

Tehassi Hill, CDPC Vice Chair

Jennifer Webster, Member

Lisa Summers, CDPC Member

Brandon Stevens, Alternate

David Jordan, CDPC Member

**Purpose**

To ensure that the Land Use Plan, Comprehensive Plan, Vision Oneida Plan, Housing Plan, all economic development efforts and land use recommendations are working in coordination with each other to improve the Oneida Tribal community and operations.

**Meetings**

The CDPC meets every 1<sup>st</sup> Thursday of the month at 9 a.m. in the Business Committee Conference Room at the Norbert Hill Center. The meeting notice is provided on the Oneida Nation's website.

**Activities Summary**

**CDPC Meeting Dates**

July 7, 2016

August 4, 2016

September 1, 2016

**Cultural Heritage Site Location**

The former GSD Director, Donald White, requested a discussion with the CDPC to discuss the future use of the Cultural Heritage site. Cultural Heritage currently holds the lease and the CDPC was not supportive of a CIP request for a Marriage Barn to be located at the site, as the project did not meet the goals and objectives of the community as stated in the Comprehensive Plan. Also, there was a desire by Tourism to begin looking at sites to locate a Visitors Center and the Cultural Heritage site was identified

as a prime location. The CDPC requested GSD to work with Internal Services (and any other interested entities) to put together a site plan that aligns with the Comprehensive plan, land use plan and Vision Oneida plans. The plan is expected to be reviewed at the April 2017 CDPC meeting.

#### **Blaszyk & Maple Leaf Property Development – Concept**

The Oneida Business Committee was invited to attend the CDPC meeting of September 1<sup>st</sup> to view the first conceptual plans to develop the former Blaszyk & Maple Leaf properties. This project is stemming from the desire of the community for housing development. The CDPC supported the concept presented and requested the team to bring back a final concept paper at the October CDPC meeting.

#### **Recreation Complex Update**

The CDPC began working on reviving the Recreation Facility CIP project that was initially under Governmental Services in 2006. During the first quarter of FY16, the CDPC focused on learning the scope of the previous project in order to determine how to proceed with the project. CDPC determined that CDPC will be the client for this project and will work with the impacted departments and the community to bring forward a CIP package for the Business Committee's consideration.

During the 4<sup>th</sup> quarter, the Oneida Planning Department continues to work on the Recreation complex from a conceptual planning view. It was determined that FY17 will be used to plan the complex, gain community input and develop operational estimates. The goal is to bring forward a CIP package that can be considered for funding beginning in FY18.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  25  /  17 

**2. General Information:**

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

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

Motion to accept the December 8, 2016 Quality of Life Minutes.

**3. Supporting Materials**

Report    Resolution    Contract

Other:

1. <span style="border: 1px solid black; padding: 2px;">December 8, 2016 QOL Minutes</span>	3. <span style="border: 1px solid black; padding: 2px;"></span>
2. <span style="border: 1px solid black; padding: 2px;"></span>	4. <span style="border: 1px solid black; padding: 2px;"></span>

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: Cathy Bachhuber, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.





## Quality of Life Committee Meeting Minutes for December 8, 2016

---

### I. Call to Order and Roll Call

**Meeting called to order by QOL Chairwoman Fawn Billie at 8:33 a.m.**

**Present:** Fawn Billie, Committee Chairwoman; Trish King, Treasurer; Lisa Summers, Secretary; Brandon Stevens and Tehassi Hill, Councilmembers.

**Others present:** Dr. Vir, Melissa Nuthals, Kelly McAndrews, Diane McLester-Heim, Cathy Bachhuber

### II. Approval of the agenda

Motion by Tehassi Hill to approve the agenda, seconded by Brandon Stevens. Motion carried unanimously.

### III. Approval of Meeting Minutes

#### A. November 10, 2016 Quality of Life meeting minutes

Motion by Tehassi Hill to approve the November 10, 2016 Quality of Life Meeting minutes, seconded by Brandon Stevens. Motion carried unanimously.

### IV. Unfinished Business

#### A. Examine Oneida Services for Tribal Members with Disabilities – Universal Form

**Excerpt from June 9, 2016 Quality of Life Meeting:** Motion by Tehassi Hill to accept the verbal report and come back in 30 days for approval of a universal form, seconded by Brandon Stevens. Motion carried unanimously.

**Excerpt from May 12, 2016 Quality of Life Meeting:** Motion by Tehassi Hill to have the QOL Chair meet with the Law office to draft an universal request form to provide to Social Services for case management and to bring back within 30 days, seconded by Brandon Stevens. Motion carried unanimously.

**Excerpt from May 12, 2016 Quality of Life Meeting:** Motion by Tehassi Hill to request GSD to formulate a referral consent form for the BC and send to the QOL Chair to be placed on the next BC agenda for adoption, seconded by Brandon Stevens. Motion carried unanimously.

**Excerpt from April 14, 2016 Quality of Life Meeting:** Motion by Tehassi Hill to accept the Vice Chair's recommendation and invite Mallory Patten to the next QOL meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Tehassi Hill to have the QOL Chair send a memo to the OBC and Tracey Cordova with an update from the QOL. Motion carried unanimously.

#### B. Youth Risk Survey Update – Tina Jorgenson

Motion by Tehassi Hill to accept the update as an FYI, seconded by Brandon Stevens. Motion carried unanimously.

### V. New Business



**VI. Reports**

**VII. Additions**

**VIII. Adjourn**

Motion by Tehassi Hill to adjourn at 9:44 a.m., seconded by Brandon Stevens. Motion carried unanimously.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

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 and Signature on the attached Memorandum of Agreement Between the Oneida Nation and the US Environmental Protection Agency for the TRI Data Exchange

3. Supporting Materials

Report  Resolution  Contract

Other:

- 1.
- 2.
- 3.
- 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Victoria Flowers, Environmental Specialist  
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 the Memorandum of Agreement (MOA) with the EPA is to establish a direct connection with them via the internet to receive reports, submitted by companies that operate within the exterior boundaries of the Oneida Reservation. These companies must report to EPA and the Nation the amount of hazardous material used by them in a year. Currently we receive paper copies of this documentation.

By entering into this agreement, we will receive the information the same way and at the same time as the EPA. It will allow for a reduction in paperwork and more efficient monitoring of these sites.

The MOA also establishes the Nation as a data steward for the locational environmental data. It will allow us to ground-truth the location of listed facilities and adjust their pinpoint location if necessary.

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](mailto:BC_Agenda_Requests@oneidanation.org)

# ONEIDA LAW OFFICE

*CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Brenda L. Skenandore  
Environmental Health & Safety

*Use this number on future correspondence:*

**2017-0001**

FROM: Kelly M. McAndrews, Staff Attorney *km*

DATE: January 4, 2017

RE: U.S. Environmental Protection Agency-MOA

<del>_____</del>	<del>Purchasing Department Use</del>
<del>_____</del>	<del>Contract Approved</del>
<del>_____</del>	<del>Contract Not Approved</del>
	<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:

- ✓ *Please note that all contracts should now be in the name of "Oneida Nation." You should soon be able to download from the Intranet updated contract forms by navigating to Finance>Purchasing> Contract Documents.*
- ✓ *The document is in appropriate legal form. (Execution is a management decision.)*



## **Memorandum of Agreement Between Oneida Nation and the US Environmental Protection Agency for the TRI Data Exchange**

### **1. Overview – Exchange of TRI Data**

This agreement is a voluntary agreement between Oneida Nation (“Nation”), a federally recognized Indian tribe, with Oneida Nation’s Environmental, Health, and Safety Division (“Division”) acting as the representative delegated to administer the Nation’s environmental programs and the US Environmental Protection Agency, with the US Environmental Protection Agency Toxics Release Inventory (TRI) Program Division acting as a representative for the Agency and hereinafter referred to as EPA, for the exchange of Toxics Release Inventory data via the National Environmental Information Exchange Network, hereinafter referred to as the Exchange Network.

### **2. Purpose**

The purpose of this Memorandum of Agreement (MOA) is to outline the specific roles and responsibilities between the Nation and EPA for the purposes of successfully transmitting TRI data via the Exchange Network. This MOA addresses facility reports filed electronically using EPA's Central Data Exchange (CDX), where reports are accepted and simultaneously transmitted to participating federally recognized Indian tribes in Indian country. Reports filed in this manner represent a facility's official submission to both EPA and the Nation.

This agreement does not supersede any existing agreement between the Nation and EPA, nor any future Memoranda of Understanding between the Nation and EPA.

### **3. Background**

In 1986, the Emergency Planning and Community Right-to-Know Act was enacted including Section 313, which created TRI. Under Section 313(a) of EPCRA, certain covered facilities are required to submit annual toxic chemical release forms to EPA and to “an official or officials of the State designated by the Governor.” 42 USC § 11023(a). EPCRA requires that EPA “establish and maintain in a computer data base a national toxic chemical inventory based on data submitted ... under this section.” 42 USC § 11023(j).

In a Final Rule that became effective on April 19, 2012, EPA included provisions in 40 CFR § 372.30(a) to require each facility located in Indian country to submit its annual TRI reports to the appropriate Tribe, rather than to the State in which the facility is geographically located. The Final Rule corrected an earlier inadvertent omission which left Indian Tribes out of the TRI reporting process.

EPCRA is silent as to what tribal recipients of TRI data should do with TRI data but individual tribes may have tribal laws or policies that govern the use of TRI data received by the tribe.

When submitting TRI data, TRI facilities submit through CDX (via TRI-MEweb). When a facility is located in Indian country and the Indian tribe of that Indian country is a participant in the TRI Data Exchange, the facility's data are simultaneously submitted to both EPA and the Indian tribe and the facility's statutory duty has been met for that form provided the form was completed and submitted in accord with the requirements.

#### **4. Participant Responsibilities**

##### **4.1. Data Exchange Mechanism and Schedule**

###### **4.1.1. Submission of Reports by Reporting Facilities**

TRI facilities must submit or revise TRI reports to EPA via CDX unless they are making a trade secret claim. Revisions to TRI reports from Reporting Year (RY) 2005 onward are processed through the TRI Data Exchange. Revisions to TRI reports prior to RY 2005 are not processed through the TRI Data Exchange because the TRI XML schema used in the TRI Data Exchange is only compatible with TRI data from RY 2005 onward.

The data are initially submitted by a facility reporting to the TRI program via EPA's CDX using the TRI-Made Easy Web (*TRI-MEweb*) reporting tool. From CDX, the data are date-stamped and converted into a TRI XML format.

When CDX successfully receives a facility transmission, CDX sends an email to the reporting facility confirming that the data submission to CDX has been successful and that the facility data automatically will be forwarded to the Nation. The email confirms that the facility has fulfilled its obligation to report to both EPA and the Nation in accordance with EPCRA. Only submissions through CDX are considered simultaneous submission to both EPA and the Nation.

###### **4.1.2. Exchange Mechanism After Submission by Reporting Facilities**

After the conversion to the XML format, the TRI data may take two different paths: Node Transfer and/or Download.

###### **Node Transfer**

Using Node Transfer, the TRI data are automatically transferred to the Nation node as soon as they are converted to the XML format. The exchange uses a "push" model in which the "raw" data entered by a TRI facility into CDX are automatically transferred to the Nation's node without any data quality corrections performed by EPA. The data are transferred on a facility-by-facility basis as they are received by CDX. The Nation's node responds to a successfully-submitted report by sending a transaction identification number back to the CDX node. If the initial push of data to the Nation's node fails, CDX

will resend the submission based on its standard operating procedures. For reports filed via CDX, the Nation may choose to send a second confirmation email to the reporting facility confirming the successful receipt of the report by the Nation node.

Use of Node Transfer requires the Nation's node to be appropriately configured and tested as described in section 4.6.

### **Download**

Using Download, the Nation will have access through a password-protected account to the TRI data associated with the Nation that are stored by CDX. The Nation can access and download data using the SDX Viewer tool, a web-based application that is accessible via [cdx.epa.gov](http://cdx.epa.gov). TRI data downloaded via Download are in the same format, XML, as the data that are transferred to the Nation's nodes via Node Transfer and are available for viewing and download as soon as CDX converts them to the XML format.

### **4.2. Data Stewardship**

The stewardship responsibilities of the two parties are described and acknowledged by this agreement. EPA agrees to be the steward for all TRI data submitted through CDX to the Nation. The Nation maintains oversight responsibility for the data. Each party agrees to provide notification and documentation to the other partner when either decides that data quality, completeness, or timeliness has fallen short of expectations.

### **4.3. Use of Data, Access to Data**

Using Node Transfer, CDX transfers TRI data to the Nation's node according to the protocols established in the published Exchange Network protocol and specifications. CDX also retains a copy of the submitted data for processing into EPA data systems. The Nation may use the data as defined by the Nation's business processes.

### **4.4. Consultation**

Prior to EPA's release of the TRI National Analysis for a given reporting year, the Nation agrees to consult with EPA, specifically the TRI Program Division Director. The Nation will consult with EPA in writing and address the Nation's plans for releasing the data including when and why they plan to release the data and any major issues or findings.

### **4.5. Data Elements**

The TRI data referred to in this document include the data elements found on TRI Forms R and A. These data elements are described in the TRI Flow Configuration Document (FCD), which serves as the technical reference for the TRI Data Exchange. The FCD can be found at <http://www.exchangenetwork.net/exchanges/cross/tri.htm>.

### **4.6. Standards and Technology**

EPA and the Nation agree to exchange data using Web services technology as defined in the Exchange Network protocol and specification documents. The TRI Data Exchange configuration is explained in detail in the FCD. TRI Data Exchange participants agree to adhere to the technologies and exchange protocols as defined in the FCD.

#### **4.7. Security**

The TRI Data Exchange flow is encrypted by EPA-CDX for security purposes. The data are formatted in the TRI XML schema that is registered with the Exchange Network and then sent from the CDX node to the Nation's node using secure protocols. A step-by-step description of security authentication is available in the FCD.

The data exchanged under this agreement are not confidential. The information is approved for public distribution and made available on a public Web site. Information claimed to be trade secret as defined by Section 322 of EPCRA and confidential business information (CBI) or trade secrets submitted to support a Section 322 trade secrecy claim will not to be transmitted via the TRI Data Exchange. See 42 USC § 11042. Confidential business information or trade secrets are managed outside of CDX and TRIPS.

#### **4.8. Data Source and Data Quality**

For reports filed electronically via CDX by facilities, the data source is the TRI data reported by facilities that opt to use EPA's TRI-MEweb reporting tool beginning with the reporting year this MOA is signed. Only revisions to Reporting Year 2005 and subsequent years' data submitted through CDX will be automatically transferred to the Nation's node. Revisions to TRI reports prior to RY 2005 are not processed through the TRI Data Exchange because the TRI XML schema used in the TRI Data Exchange is only compatible with TRI data from RY 2005 onward.

EPA and the Nation agree to cooperate to ensure that the data being exchanged are an accurate and complete replica of the data submitted as certified by the reporting facility. The process outlined in the section Dispute Resolution applies to reconciliation of data duplicates, discrepancies, or other quality issues. Individual submissions are tracked using a transaction identification number supplied by the Nation's node to CDX in response to the successful transmission of TRI data.

#### **4.9. Data Timeliness**

Using Node Transfer, data submitted through CDX by facilities are converted to XML and pushed from CDX to the Nation's node automatically on a facility-by-facility basis. Based on pilot testing of the TRI Data Exchange, it is expected that the data will be submitted to the Nation's node within several minutes of its receipt through the CDX. For enforcement purposes, EPA and Nation agree that the date-stamp attached to a submission when it is successfully received by CDX will act as the date-received for the

Nation. These data are also available to the Nation through Download at the Nation's convenience.

#### **4.10. Data Reconciliation**

If at any time one of the partners finds a technical problem with accuracy, completeness, or timeliness of submissions, they should alert the other party. If technical problems cannot be resolved in a timely manner for retransmission to the Nation's node, another method of transmission will be used to forward facility data to the Nation.

#### **4.11. Dispute Resolution**

If at any time one of the partners finds a problem with data quality or completeness, they should start the resolution procedures.

The Nation and EPA data administrators agree to resolve disputes whenever possible. (Data administrators are those assigned with the overall management of TRI data in his or her agency.) The data administrator agrees to contact his or her counterpart, either by telephone, email, or in writing. If the data administrators cannot resolve the dispute within two weeks, they agree to bring it to the attention of their immediate supervisors.

### **5. Financial Arrangements**

**5.1.** All commitments made in this agreement are subject to the availability of appropriated funds and EPA's budget priorities. Nothing in this agreement, in and of itself, obligates EPA to expend appropriations or to enter into any contract, assistance or interagency agreement, or to incur other financial obligations. Any endeavor involving reimbursement or contribution of funds between the parties to this agreement will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate subsidiary agreements that will be effected in writing by representatives of both parties.

**5.2.** EPA may not endorse the purchase or sale of products and services provided by private organizations that become partners in this effort.

### **6. Period of Agreement**

This agreement is intended to facilitate the exchange of data between the Nation and EPA and is not intended to and does not create any right or benefit, substantive or procedural, enforceable by law or equity against EPA, the Nation, their officers or employees, or any other person.

This agreement becomes effective on the date of signatures by both parties and continues until modified by mutual consent or unless terminated with 60 days written notice by either party. Partners should review this agreement periodically, at least once per year. They should amend or revise it as changing needs, conditions, or technology warrant.



## **7. Legal Framework – Disclaimer**

This is a voluntary non-binding agreement between the Nation and EPA regarding the exchange of TRI data through the Exchange Network. This agreement does not fulfill any specific federal reporting requirements and participation does not supersede any data or information management and reporting requirements of any grant, contract, or other agreement.

## 8 Points of Contact

The following individuals have been identified as points of contact within each participating agency:

Oneida Nation Primary Contact Name: Victoria Flowers Title: Environmental Specialist Agency: Environmental, Health and Safety Division Phone: (920) 869-4548 Email: vflowers@oneidanation.org	EPA Primary Contact Name: Shane Knipschild Title: TRI Data Exchange, Project Lead Agency: EPA Phone (202) 566-0953 Email: Knipschild.shane@epa.gov
Oneida Nation Alternate Contact Name: Jeffrey Mears Title: Environmental Area Manager Agency: Environmental, Health and Safety Division Phone: (920) 869-4555 Email: jmears@oneidanation.org	EPA Alternate Contact Name: Connie Dwyer Title: Director Information and Exchange Division Agency: EPA Phone: (202) 566-1691 Email: Dwyer.connie@epa.gov

## 9 Approvals

Oneida Nation

\_\_\_\_\_  
Cristina Danforth, Chairwoman

\_\_\_\_\_  
Date

US EPA Headquarters

\_\_\_\_\_  
Larry Reisman, Acting Division Director  
Toxics Release Inventory Division  
Office of Pollution Prevention and Toxics  
Office of Chemical Safety and Pollution Prevention

\_\_\_\_\_  
Date

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

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 the Oneida Business Committee to accept the Constitutional Amendments Implementation teams report and request a closeout report at the 2nd BC meeting in March 2017.

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Additional Sponsor: Lisa Summers, Tribal Secretary  
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:

At the February 24, 2016 BC meeting, the Oneida Business Committee directed the Constitutional Amendments Implementation team to submit reports every 2nd BC meeting of month. This will be the 4th report to the Business Committee.

The Constitutional Amendments Implementation team has been meeting as necessary as many items have been completed and addressed. As such, the team is suggesting that the Business Committee get a close out report at the 2nd BC meeting of March 2017.

Requested actions:

1. Accept the Report
2. To request the Constitutional Amendments Implementation team to provide a close out report at the 2nd BC meeting in March 2017.

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](mailto:BC_Agenda_Requests@oneidation.org)



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



## MEMORANDUM

TO: Oneida Business Committee  
FROM: Constitutional Amendments Implementation Team  
DATE: January 16, 2017  
SUBJECT: Report #4 – Constitutional Amendments Implementation

Please accept this report as the fourth report to the Oneida Business Committee regarding the progress of the implementation team to address the Constitutional Amendments. Below you find the major updates since the last report.

### **Notification Letters to Oneida Indian Nation & Oneida of the Thames**

At the April 27, 2016 Business Committee meeting, the Business Committee approved the Chairwoman to sign notification letters to the Oneida Indian Nation and the Oneida of the Thames. Vice Chairwoman Danforth has sent the letters to the Chairwoman twice and continues to await a signed copy of the letters.

### **Delegation of Judicial Authority**

The resolution that delegates the judicial authority to the Oneida Judiciary is complete and has been placed upon the March 19, 2017 GTC meeting for consideration.

### **Election Law Amendments**

The General Tribal Council will be considering permanent amendments to the Election Law at the rescheduled GTC Annual meeting on February 13, 2017. These amendments are being proposed to align the Election Law with the newly amended constitution.

### **Petition Forms/Standard Operating Procedures**

The Tribal Secretary's office is nearly complete with the development of a petition form that will be used for future constitutional amendments as well as the necessary standard operating procedures that are needed to comply with the newly adopted constitutional amendments.



Upon closure of the Election Law, Delegation of Judicial authority and petition form/standard operating procedures, the Constitutional Amendments Implementation team has completed its task and can be disbanded. The team anticipates this to be done in March 2017.

Yaw^ko!

**Implementation of the Oneida Constitutional Amendments Report #4**



**Report for the Oneida Business Committee**

**By the Constitutional Amendments Implementation Team**

**January 25, 2017**

## Background

On August 21, 2010 the General Tribal Council (GTC) considered the following 6 constitutional amendments to send to a Secretarial Election.

1. Lower voting age and age to participate in GTC from 21 years old to 18 years old
2. Change the Tribe's official name from Oneida Tribe of Indians of Wisconsin to Oneida Nation
3. Lift requirement to present yourself at the polls, thereby allowing for the development of absentee balloting for Oneida Business Committee elections which are held every three years
4. Remove the Secretary of Interior from an oversight and approval role with the Tribe
5. Formally establish a judicial branch within the Constitution
6. Remove the mandatory "first Monday" meeting requirement to allow the semi-annual meetings to be held on different days

The GTC voted to send all the constitutional amendments to a Secretarial Election, except #3 "Lift requirement to present yourself at the polls, thereby allowing for the development of absentee ballot for Oneida Business Committee elections."

The Business Committee worked with the Department of Interior, Bureau of Indian Affairs to process Oneida's request for a Secretarial Election and on May 2, 2015, the BIA held a Secretarial Election where the Oneida Nation's members voted and approved all five (5) constitutional amendments. The 5 amendments are as follows;

- a. Lower the voting age and age to participate in GTC from 21 years old to 18 years old
- b. Change the Tribe's official name from Oneida Tribe of Indians of Wisconsin to Oneida Nation
- c. Remove the Secretary of Interior from an oversight and approval role with the Tribe
- d. Formally establish a judicial branch within the Constitution
- e. Remove the mandatory "first Monday" meeting requirement to allow the semi-annual meetings to be held on different days

The BIA notified the Oneida Nation on June 24, 2015 that each of the amendments had been certified. In July 2015, an appeal was filed to the Interior Board of Indian Appeals (IBIA) by a tribal member that halted the certification and implementation of the amendments. On February 17, 2016, the Oneida Nation received the IBIA's decision dated February 11, 2016 that rejected the appeal and upheld the decision of the BIA to certify Oneida's Secretarial Election. The Law Office has advised that there are additional appeal processes available to the tribal member in federal court. However, the amendments are deemed effective and certified which requires implementation of the amendments.

On February 24, 2016 the Business Committee formally acknowledged receipt of the IBIA’s decision and directed the Constitutional Amendments Implementation Team begin reporting at the 2<sup>nd</sup> Regular Business Committee meeting of the month on the implementation of the constitutional amendments. This report serves as the fourth report to the Business Committee.

**Constitutional Implementation Team Members**

Melinda J. Danforth, Vice Chairwoman

Jessica Wallenfang, Legislative Assistant to the Vice Chairwoman

Lisa Summers, Tribal Secretary

Lisa Liggins, Legislative Assistant to the Tribal Secretary

Chad Wilson, Project Manager for ERB

Michelle Mays/Jo Ann House, Law Office

Bobbi Webster, Public Relations

**Amendment #1: Lowering of the Voting Age**

<b><u>ISSUE</u></b>	<b><u>WHO</u></b>
GTC Meeting Stipend Payment Policy may need to be amended to include 18 year olds. Possible emergency amendments until it can be adopted permanently	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> <p>A review of the policy by the Law office concluded that the language in the policy did not need to change.</p>
<p>Confirm the FY16 budget contains the potential increase in stipend payments for GTC meetings</p> <p>**18 year olds were allowed to participate at the February 20, 2016 GTC meeting**</p> <p>Attendance will be monitored and FY17 budget will reflect the change</p>	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> <p>Treasurer confirmed that the FY 16 GTC Stipend budget has 11 meetings budgeted and should cover the cost for FY16</p> <p>FY17 Budget will reflect this change</p>
Election Law will need to amended	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul>

**Target: July 2016 Special Elections**	BC adopted Emergency Amendments to the Election Law at the April 27, 2016 BC meeting
Space for GTC meetings	<ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul> Secretary will continue to monitor attendance
Information sessions for 18-20 year olds to prepare them to participate in the GTC meetings.	<ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul> RC & Danelle – work with summer student interns to develop e-learning tools and enhance curriculum with the school

### Amendment #2: Name Change to Oneida Nation

<u>ISSUE</u>	<u>WHO</u>
Branding Initiative will be a vehicle to assist in the logo development, letterhead usage, signage, etc. along with the necessary budget	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul>
Signage <ul style="list-style-type: none"> <li>- Inventory of signage being compiled by Development Division (Jeff Witte)</li> <li>- Troy Parr providing a report on current signage being installed</li> <li>- Jeff Witte reported additional need in signage for Wastewater Treatment facility, Skenandoah, Social Services, and community neighborhoods</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> Request in the FY17 CapEx budget
Tribal Seal <ul style="list-style-type: none"> <li>- Draft Seal &amp; Flag Law in the LOC</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul>
Business Committee resolution to allow for the name change to take place in all of our laws	
Directive from the BC to Direct Reports to make name changes as it comes up. Also, continue using existing paper and letterhead until change is implemented via the branding initiative	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> Tribal Secretary sent memo out 4/13
Comprehensive Policy Governing Boards, Committees and	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul>



Commissions – Oath of Office is specific in the policy and references “Oneida Tribe”	BC approved change at 4/13 BC meeting
Notification to Chief Counsel that we will need to prepare for any changes that are required with the State, pending lawsuits, and with our corporations (i.e. OTIE, 7 Generations Corp, etc.)	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> Tribal Secretary’s office has formally notified all tribally chartered corporations.
Send letters to other Oneida communities of the official name change	Approved at the 4/27/16 BC meeting, awaiting the Chairwoman to forward a copy of the signed letters
Follow up with federal agencies regarding the name change	<ul style="list-style-type: none"> <li>• <b>Complete</b></li> </ul> Federal agencies notified through the Federal Register.
Banking Information – signature cards, account information, etc.	<ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul> Finance will make changes where timely and with the least amount of financial impact to the Tribe.

### Amendment #3: Removal of the DOI

<u>ISSUE</u>	<u>WHO</u>
Develop SOP’s for future amendments to the constitution - Draft will be provided for the team’s review at the June meeting	<ul style="list-style-type: none"> <li>• <b>90% complete</b></li> </ul> Final reviews taking place week of January 16, 2017
Develop SOP’s and flowchart consistent with Policy for changing future amendments to constitution	<ul style="list-style-type: none"> <li>• <b>90% complete</b></li> </ul>
Constitutional referendum as described in the new constitutional amendments process.	<ul style="list-style-type: none"> <li>• <b>Pending GTC approval</b></li> </ul> On GTC 2017 Annual meeting for consideration
Create petition form for constitutional amendments	<ul style="list-style-type: none"> <li>• <b>90% Complete</b></li> </ul>

	Final review taking place week of January 16, 2017
--	--

**Amendment #4: Judiciary**

<u>ISSUE</u>	<u>WHO</u>
GTC Resolution delegating judicial authority to the Judiciary adopted in 2013.	<ul style="list-style-type: none"> <li>• Pending GTC approval</li> </ul> <p>On March 19, 2017 GTC meeting for consideration</p>

**Amendment #5: Removal of the 1<sup>st</sup> Monday Meeting Requirement**

- ❖ Alternate GTC Meeting Dates will be considered after the July 2016 Semi-Annual GTC meeting.

ISSUE	WHO
Review the GTC meeting rules draft to insure there is no language that would need to change before it goes to the GTC for consideration	<ul style="list-style-type: none"> <li>• Complete</li> </ul> <p>Michelle indicates no language is conflicting in the GTC meeting rules</p>

Other Issues Identified:

1. **Overall Communications Plan – Bobbi assigned **\*\*Complete\*\*****
  - Special Edition of the Kali to address the implementation plans for all amendments that pass.
  - Marketing to the 18-20 year olds that they are able to attend the GTC meetings
    - All paperwork to printing to send the letter approved by the BC on April 27, 2016 was completed on May 4, 2016.
    - Social media continues to be utilized to communicate
2. **Celebration –IGAC Assigned **\*\*Complete\*\*****

- Business Committee directed a celebration to occur for the July 2016 GTC meeting. The Office of Intergovernmental Affairs and Communications has been assigned this task.
3. Amended Constitution was posted on Oneida Nation's website by the Legislative Reference Office **\*\*Complete\*\***

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept status update on the Emergency Food Pantry Implementation

**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: Trish King, Tribal Treasurer  
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 October 2, 2016, General Tribal Council (GTC) supported a motion to open an Emergency Food Pantry. A team was created to implement this directive.

At the regular Oneida Business Committee (OBC) meeting of November 9, 2016, the team provided the OBC with an update on the Emergency Food Pantry Implementation. This report was accepted by the OBC; the report identified the GTC directive was broken down into three (3) strategic timeframes with corresponding activities: first, Immediate (1-45 days); next, Mid-Range (46-365 days) and finally, Long-Term (Year 2 and beyond).

Since the acceptance of that report, the activities have moved from the "Immediate" into the "Mid-Range".

The status update will be provided to the OBC via e-mail no later than Monday, January 23, 2017, and will be submitted as a handout at the regular OBC meeting on Wednesday, January 25, 2017.

**\*\*Requested Action\*\***

Accept status update on the Emergency Food Pantry Implementation

- 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: 01 / 25 / 17

Concern # 2017-CC-03

**2. General Information:**

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

[Empty text box]

Agenda Header: Food Pantry

Accept as Information only

Action - please describe:

Read 'denial letter(s)' into record

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. SOP's and processess 3. [Empty text box]

2. Unhealthy food distribution 4. [Empty text box]

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison: *Tina Danforth* Tina Danforth, Tribal Chairwoman

Primary Requestor/Submitter: Nancy Barton  
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:

Processes have created a mess and will not adequately meet the needs of the constituency

Unhealthy food distribution despite a GTC directive to include corn, grass fed beef, buffalo, chicken, eggs, butter, apples, etc

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](mailto:BC_Agenda_Requests@oneidanation.org)

Economic Support Services  
Social Services



December 21, 2016

- ◆ Tribal TANF
- ◆ Child Care
- ◆ Food Share
- ◆ Medical Assistance
- ◆ Wisconsin Job Center
- ◆ Community Support Services Fund
- ◆ Wisconsin Home Energy Assistance
- ◆ Weatherization
- ◆ Food/Shelter Assistance (CSBG)
- ◆ Native Employment Works (NEW)
- ◆ General Assistance

The Emergency Food Voucher program application has been received with the request for a food voucher. The program will provide Emergency Food assistance to households with at least one enrolled Oneida Nation tribal member.

After reviewing the submitted information, your application is being denied due to section 3.2:

Verification of emergency within the previous thirty (30) days.

If you have any questions, please feel free to contact me directly at (920) 490-3950.

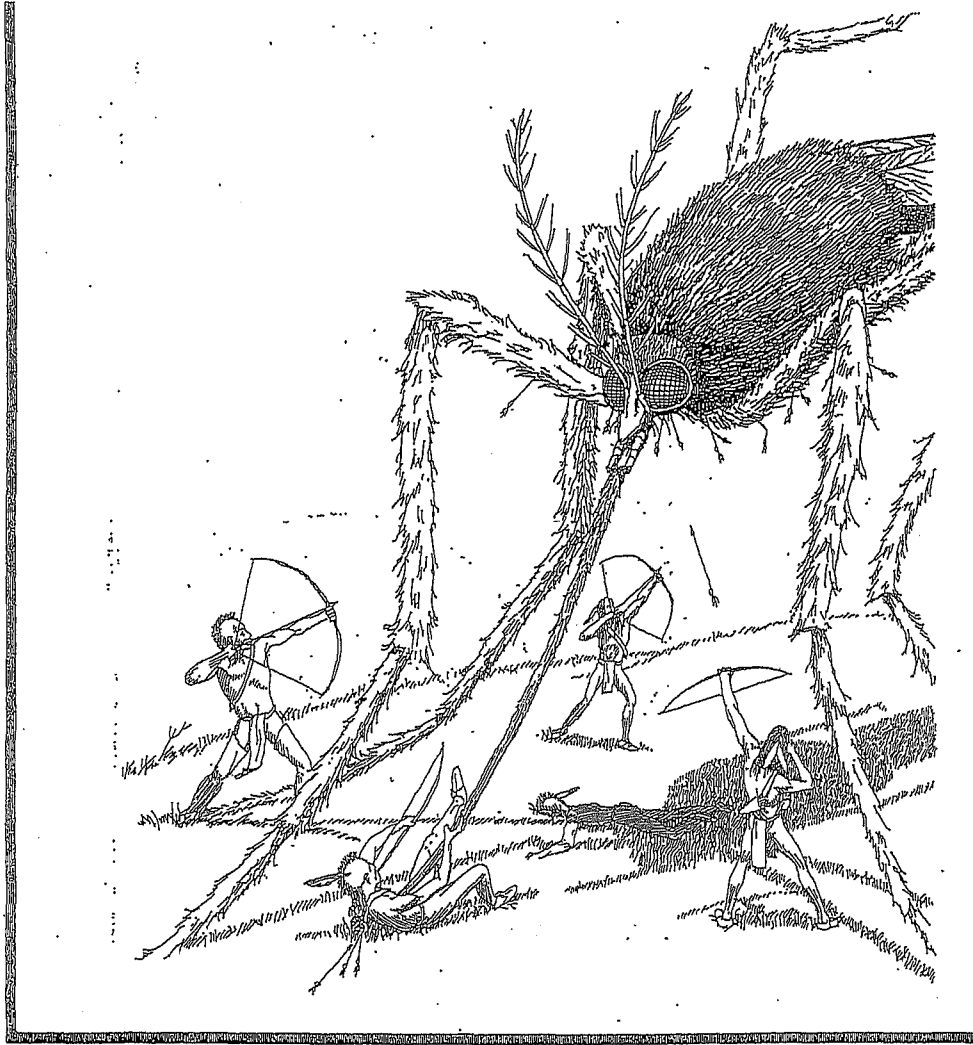
Kind regards,

Stephanie Smith  
Community Support Case Worker

cc: file

# TALES OF — The Seven Dancers

## THE IROQUOIS



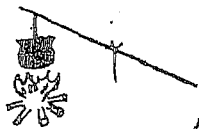
THE SEVEN DANCERS



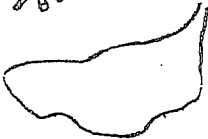
Many winters  
in the past (*arrow going back*)



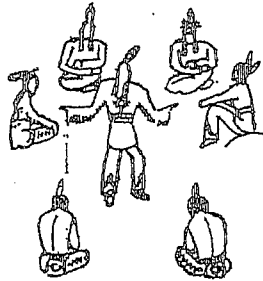
The Mohawk Nation (*People of the Flint*)



were camped



on the Lake Keniatioo\* (*Lake Ontario*).



At that time, a group of children, seven in number, formed a secret organization among themselves.

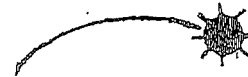


In the night



they would gather around their little council fire in the forest near the lake. There they would dance to the beat of their leader's water drum.

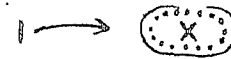
\*(kahn-yah-DEE-yo)



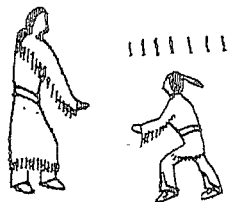
One day



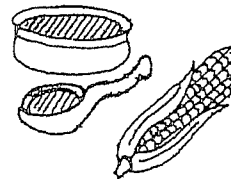
their little chief suggested that they hold a feast.



at their next council fire.



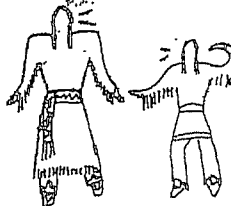
Each of the seven boys was to ask his mother for some food to take to the feast.



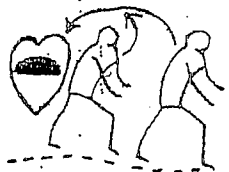
One boy was to ask for corn soup. One was to ask for deer meat. Another was to ask for green corn and so on.



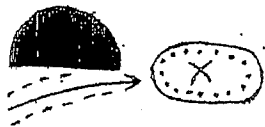
The next day



each boy approached his mother and asked for the desired food. Each of the boys was refused the food. Each mother told her son that he had enough to eat at home, and that there was no need for him to carry away good food to the woods for a feast.



The little warriors were very unhappy because of their failure to secure food for the feast. They had empty hands and gloomy hearts.



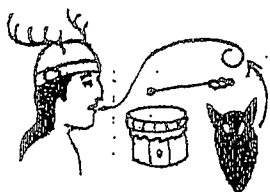
That night, they returned to the dancing ground.



Their little chief said, "Never mind, my warriors. We will show our parents that it is not well to refuse us food. We will dance without our feast."



The little chief told his warriors to dance hard. He told them to look up at the sky while they danced. The chief told them not to look back even though their parents might call for them to return.



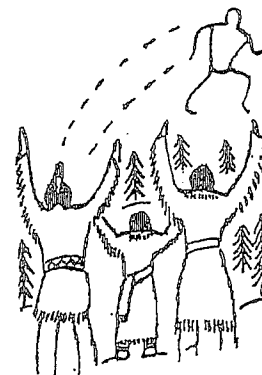
Saying this, he took his water drum and while beating it, he sang a very powerful song, a witch song.



The boys danced and as they danced, their hearts became light. Their feet also became light. They soon forgot their troubles.



Faster went the song, and soon the boys began to feel themselves dance into the sky.

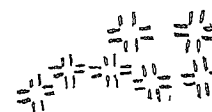


Their parents saw them dancing above the tree tops, and called for them to return.

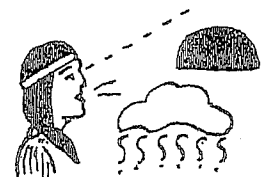


One little dancer looked back

and he became a shooting star.



The rest of the dancers became little flickering stars in the skies.



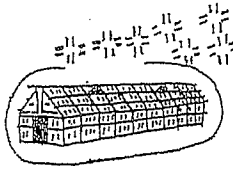
When the Mohawks see the Pleiades flickering and dancing during the cold winter nights, they say:





"The little warriors are dancing hard to-night."

Forever they dance



over the villages of the Iroquois. When they dance directly overhead, it is time for



the Iroquois New Year Feast.



This happens during the Moon (*month*) of the New Year, in January or February.



When a meteor falls through the sky, the Old People tell this story to the children.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 results into the record for approved procedural exceptions to the Ticket Distribution SOP; and to hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

**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: Requestor: Lisa Summers, Tribal Secretary  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Heather Heuer, Info. Mgmt. Spec./BC Support Office  
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, January 4, 2017, at 4:25 p.m., the following E-Poll was conducted:

Summary:

On January 4, 2017, fifty (50) tickets for the Green Bay Packers Wild Card Game for Sunday, January 8, 2017. The tickets were received from Joint Marketing. In order to disburse the tickets, the Business Committee must consider of how tickets will be distributed in accordance with 5.3. of the SOP.

The recommendation is for the Business Committee make two procedural exceptions to the Ticket Distribution SOP. Specifically, section 3.2.1. states notice will be provided to the Enrollment Department "no less than five (5) business days prior to the drawing" and 5.3.1.1.1 states "A random drawing may be considered only if adequate time is available for the notification required in 3.2."

The Enrollment Department has indicated they can hold a drawing tomorrow, January 5, 2017. The random drawing criteria will be members of the Oneida Nation in the state of Wisconsin age 18 and over as of January 5, 2017.

Following the drawing, the Business Committee Support Office will handle distribution as required in the SOP.

Requested Action:

Approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

Deadline for response:

Responses are due no later than 8:30 p.m., TONIGHT, January 4, 2017.

As of the deadline, below are the results:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, 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 results into the record for approved procedural exceptions to the Ticket Distribution SOP; and to hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

- 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

**Heather M. Heuer**

---

**From:** TribalSecretary  
**Sent:** Thursday, January 05, 2017 8:40 AM  
**To:** BC\_Agenda\_Requests  
**Subject:** FW: E-POLL RESULTS: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017  
**Attachments:** EPOLL REQUEST --- Approve procedural exceptions to the Ticket Distributi....pdf; LS response.pdf; JW response.pdf  
**Categories:** Next Meeting

---

**From:** TribalSecretary  
**Sent:** Thursday, January 05, 2017 8:31 AM  
**To:** TribalSecretary <TribalSecretary@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:** Brian A. Doxtator <bdoxtat2@oneidanation.org>; Cathy L. Bachhuber <cbachhub@oneidanation.org>; Danelle A. Wilson <dwilson1@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>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>; Kathleen M. Metoxen <kmetoxe1@oneidanation.org>  
**Subject:** E-POLL RESULTS: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017

**E-POLL RESULTS**

The E-Poll request to approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets, **has been approved**. Below are the results:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, 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)

*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:** TribalSecretary

**Sent:** Wednesday, January 04, 2017 4:25 PM

**To:** 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:** Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@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>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>

**Subject:** E-POLL REQUEST: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017

**Importance:** High

### **E-POLL REQUEST**

#### **Summary:**

On January 4, 2017, fifty (50) tickets for the Green Bay Packers Wild Card Game for Sunday, January 8, 2017. The tickets were received from Joint Marketing.

In order to disburse the tickets, the Business Committee must consider of how tickets will be distributed in accordance with 5.3. of the SOP.

The recommendation is for the Business Committee make two procedural exceptions to the Ticket Distribution SOP. Specifically, section 3.2.1. states notice will be provided to the Enrollment Department "no less than five (5) business days prior to the drawing" and 5.3.1.1.1 states "A random drawing may be considered only if adequate time is available for the notification required in 3.2."

The Enrollment Department has indicated they can hold a drawing tomorrow, January 5, 2017. The random drawing criteria will be members of the Oneida Nation in the state of Wisconsin age 18 and over as of January 5, 2017.

Following the drawing, the Business Committee Support Office will handle distribution as required in the SOP.

#### **Requested Action:**

Approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

#### **Deadline for response:**

Responses are due no later than **8:30 p.m., TONIGHT, January 4, 2017.**

**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)

***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.*



**Heather M. Heuer**

---

**From:** Lisa M. Summers  
**Sent:** Wednesday, January 04, 2017 4:34 PM  
**To:** TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Melinda J. Danforth; Patricia M. King; Ronald W. Hill  
**Cc:** Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore  
**Subject:** RE: E-POLL REQUEST: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017

Approved, noting the requested procedural exception.

---

**From:** TribalSecretary  
**Sent:** Wednesday, January 04, 2017 4:25 PM  
**To:** 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; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore  
**Subject:** E-POLL REQUEST: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017  
**Importance:** High

**E-POLL REQUEST****Summary:**

On January 4, 2017, fifty (50) tickets for the Green Bay Packers Wild Card Game for Sunday, January 8, 2017. The tickets were received from Joint Marketing.

In order to disburse the tickets, the Business Committee must consider of how tickets will be distributed in accordance with 5.3. of the SOP.

The recommendation is for the Business Committee make two procedural exceptions to the Ticket Distribution SOP. Specifically, section 3.2.1. states notice will be provided to the Enrollment Department "no less than five (5) business days prior to the drawing" and 5.3.1.1.1 states "A random drawing may be considered only if adequate time is available for the notification required in 3.2."

The Enrollment Department has indicated they can hold a drawing tomorrow, January 5, 2017. The random drawing criteria will be members of the Oneida Nation in the state of Wisconsin age 18 and over as of January 5, 2017.

Following the drawing, the Business Committee Support Office will handle distribution as required in the SOP.

**Requested Action:**

Approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

**Deadline for response:**

**Heather M. Heuer**

---

**From:** Jennifer A. Webster  
**Sent:** Wednesday, January 04, 2017 6:54 PM  
**To:** TribalSecretary; 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:** Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore  
**Subject:** RE: E-POLL REQUEST: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017

Support for both, Random drawing and procedural exception.  
 Thanks,  
 Jenny

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** TribalSecretary <TribalSecretary@oneidanation.org>  
**Date:** 1/4/17 4:25 PM (GMT-06:00)  
**To:** "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:** "Brian A. Doxtator" <bdoxtat2@oneidanation.org>, "Cathy L. Bachhuber" <cbachhub@oneidanation.org>, "Danelle A. Wilson" <dwilson1@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>, "Michael T. Debraska" <mdebrask@oneidanation.org>, "Rhiannon R. Metoxen" <rmetoxe2@oneidanation.org>, "Tammy M. Skenandore" <tskenan9@oneidanation.org>  
**Subject:** E-POLL REQUEST: Approve procedural exceptions to the Ticket Dist. SOP and hold random drawing on Jan 5, 2017

**E-POLL REQUEST****Summary:**

On January 4, 2017, fifty (50) tickets for the Green Bay Packers Wild Card Game for Sunday, January 8, 2017. The tickets were received from Joint Marketing.

In order to disburse the tickets, the Business Committee must consider of how tickets will be distributed in accordance with 5.3. of the SOP.

The recommendation is for the Business Committee make two procedural exceptions to the Ticket Distribution SOP. Specifically, section 3.2.1. states notice will be provided to the Enrollment Department "no

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: \_\_\_ / \_\_\_ / \_\_\_

2. General Information:

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

[Empty text box]

Agenda Header:

Accept as Information only

Action - please describe:

Approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

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:

On January 4, 2017, fifty (50) tickets for the Green Bay Packers Wild Card Game for Sunday, January 8, 2017. The tickets were received from Joint Marketing.

In order to disburse the tickets, the Business Committee must consider of how tickets will be distributed in accordance with 5.3. of the SOP.

The recommendation is for the Business Committee make two procedural exceptions to the Ticket Distribution SOP. Specifically, section 3.2.1. states notice will be provided to the Enrollment Department "no less than five (5) business days prior to the drawing" and 5.3.1.1.1 states "A random drawing may be considered only if adequate time is available for the notification required in 3.2."

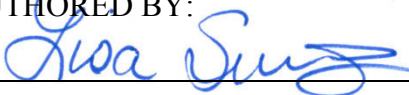
The Enrollment Department has indicated they can hold a drawing tomorrow, January 5, 2017. The random drawing criteria will be members of the Oneida Nation in the state of Wisconsin age 18 and over as of January 5, 2017.

Following the drawing, the Business Committee Support Office will handle distribution as required in the SOP.

**\*\*Requested Action\*\***

Approve procedural exceptions to the Ticket Distribution SOP and hold a random drawing on January 5, 2017, for the purpose of distributing fifty (50) Green Bay Packers Wild Card Game tickets.

- 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

<p align="center"><b>ONEIDA TRIBE OF WISCONSIN</b></p>	<p><b>TITLE:</b> Ticket Distribution</p>	<p>ORIGINATION DATE: 01/27/2016 REVISION DATE: N/A EFFECTIVE DATE: Upon OBC approval</p>
<p><b>DEPARTMENT:</b> Oneida Business Committee</p>	<p><b>APPROVED BY:</b> <i>Oneida Business Committee</i> See Attached OBC meeting minutes</p>	<p>DATE: 01/27/2016</p>
<p><b>AUTHOR:</b> Lisa Summers, Secretary</p>	<p><b>AUTHORED BY:</b> </p>	<p>DATE: 01/27/2016</p>

## 1.0 PURPOSE

- 1.1 Standardize how tickets are distributed by the Oneida Business Committee

## 2.0 DEFINITIONS

- 2.1 *Alternate* means an individual who receives tickets in the event a winner refuses or does not claim.
- 2.2 *Packers Ticket Drawing Pool* means those Tribal members who provided the required information by June 30 and is the random drawing pool used for a random drawing of Packers Tickets.
- 2.3 *Random Drawing* means an act of choosing the recipients of tickets.
- 2.4 *Random Drawing Pool* means those Tribal members who are at least eighteen (18) years old on or before the date of the random drawing, for a random drawing for anything other than Packers Tickets.
- 2.5 *Secretary* means the current elected Secretary of the Tribe or his or her designee.

## 3.0 WORK STANDARD

- 3.1 All tickets will be tracked on a Ticket Distribution Form.
- 3.2 For a random drawing:
- 3.2.1 Notice of random drawing will be provided to the Enrollment Department and the Intergovernmental Affairs and Communications Department no less than five (5) business days prior to drawing.
- 3.2.2 A number of alternates equaling no less than two times the number of winners are selected. Alternates are selected from the same random drawing pool and at the same time as the winners.

- 3.3 Where the dates fall on a Saturday, Sunday, or holiday the deadline shall be construed to be the close of business on the following business day.

#### **4.0 PACKERS TICKETS**

- 4.1 In the event Packers Tickets are available for Tribal members, the following timelines and procedure will be followed. This procedure applies only to Packers Tickets for preseason games and regular season games.

##### June 1

- 4.2 BC Support Office sends a mailing to those Tribal members who are at least eighteen (18) years old on or before July 1.
- 4.3 Mailing includes:
- 4.3.1 Notice that a code of conduct is required in order to accept Packers tickets,
  - 4.3.2 Space for Tribal member to provide the required information:
    - 4.3.2.1 Name,
    - 4.3.2.2 Date of birth,
    - 4.3.2.3 Enrollment number, and
    - 4.3.2.4 Telephone number.
  - 4.3.3 Notice that required information must be returned to the BC Support Office no later than June 30 in order to be included in the Packers Ticket Drawing Pool.

##### July 1

- 4.4 Packers Ticket Drawing Pool is closed and includes only those Tribal members who returned the required information to the BC Support Office by June 30.
- 4.5 Deadline for Joint Marketing to provide notification to the BC Support Office of Packers Tickets available to Tribal members.

#### **5.0 RECEIPTING AND PROCESSING TICKETS**

- 5.1 Tickets are received by the Business Committee Support Office (BC Support Office).
- 5.2 BC Support Office:
- 5.2.1 Verifies the number of tickets received by double count.
  - 5.2.2 Completes any applicable paperwork indicating receipt of tickets.
  - 5.2.3 Completes applicable spaces on the Ticket Distribution Form. Ticket



Distribution Form must include:

- 5.2.3.1 Description of tickets received
  - 5.2.3.2 Date tickets received by the BC Support Office
  - 5.2.3.3 Source of tickets (i.e. donation, contract, sponsorship)
  - 5.2.3.4 Date tickets disbursed and to whom
  - 5.2.4 Provides copy of Ticket Distribution Form to the Secretary within one (1) business day.
- 5.3 Secretary adds Ticket Distribution Form to the next Business Committee meeting agenda for the consideration of how tickets will be distributed.
- 5.3.1 Three options for consideration are:
    - 5.3.1.1 Random drawing
      - 5.3.1.1.1 A random drawing may be considered only if adequate time is available for the notification required in 3.2.
    - 5.3.1.2 First come, first serve
      - 5.3.1.2.1 Eligibility criteria for first come, first serve must be determined by the Business Committee (i.e. Tribal members, employees only, elders age 55 and over)
    - 5.3.1.3 Transfer tickets to Joint Marketing
  - 5.3.2 An E-poll may be used (See OBC SOP titled Conducting Electronic Voting (E-polls)).

## 6.0 **RANDOM DRAWING**

### Prepare for random drawing

- 6.1 BC Support Office provides notice to the Enrollment Department of random drawing. Notice must include:
  - 6.1.1 Date of random drawing.
  - 6.1.2 Time of random drawing.
  - 6.1.3 Number of winners needed.
  - 6.1.4 Number of alternates needed.
  - 6.1.5 Criteria for random drawing pool.
- 6.2 BC Support Office provides notice to the Intergovernmental Affairs and Communications Department of random drawing. Notice must include:
  - 6.2.1 Date of random drawing.
  - 6.2.2 Time of random drawing.
  - 6.2.3 Number of winners that will be drawn.
  - 6.2.4 Date and Time winners may begin to claim their tickets.
  - 6.2.5 Deadline by which winners must claim their tickets.
- 6.3 BC Support Office reserves meeting space to conduct the drawing.

### Pre-Drawing Activities

- 6.4 BC Support Office ensures equipment is functional in order for the Enrollment Department staff to complete the random drawing.

#### Post-Drawing Activities

- 6.5 After random drawing is complete, the Enrollment Department staff provides the winner and alternate information to the BC Support Office. This information includes:
  - 6.5.1 Winner/Alternate Names
  - 6.5.2 Winner/Alternate Enrollment Number
  - 6.5.3 Winner/Alternate Address
  - 6.5.4 Winner/Alternate Phone Number
- 6.6 BC Support Office notifies winner by phone.
  - 6.6.1 Winner may accept or refuse/decline.
  - 6.6.2 If winner accepts:
    - 6.6.2.1 See 9.0.
  - 6.6.3 If winner declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
    - 6.6.3.1 Alternate is notified.
    - 6.6.3.2 If alternate accepts,
      - 6.6.3.2.1 See 9.0.
    - 6.6.3.3 If alternate declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
      - 6.6.3.3.1 see 6.6.3.1.

### **7.0 FIRST COME, FIRST SERVE**

- 7.1 BC Support Office provides notice to Intergovernmental Affairs and Communications of ticket availability. Notice must include:
  - 7.1.1 Total number of tickets available.
  - 7.1.2 Limit of tickets available per person (i.e. four (4) tickets per person).
  - 7.1.3 Eligibility Criteria determined by the Business Committee in 5.3.1.2.1.
  - 7.1.4 Date and Time tickets may begin to be claimed.
  - 7.1.5 Deadline by which tickets must be claimed.
- 7.2 See 9.0.

**8.0 TRANSFER TICKETS TO JOINT MARKETING**

- 8.1 BC Support Office:
  - 8.1.1 Contacts Joint Marketing within one (1) business day to arrange transfer of tickets.
  - 8.1.2 Completes Ticket Distribution Form when transfer of tickets is completed.
  - 8.1.3 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

**9.0 DISBURSING TICKETS**

- 9.1 Recipient signs Acceptance Receipt and code of conduct agreement, if applicable
- 9.2 BC Support Office
  - 9.2.1 Receives acceptance receipt and code of conduct agreement, if applicable.
  - 9.2.2 Updates Ticket Distribution Form.
  - 9.2.3 Disburses tickets.
    - 9.2.3.1 Tickets may be mailed or picked up.
  - 9.2.4 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

**10.0 UNCLAIMED TICKETS**

- 10.1 Any tickets that are unclaimed 48 hours prior to the event will be transferred to Joint Marketing.
- 10.2 See 8.0.

**11.0 REFERENCES**

- 11.1 Conducting Electronic Voting (E-polls) SOP

**12.0 FORMS**

- 12.1 Ticket Distribution Form
- 12.2 Acceptance Receipt
- 12.3 Code of Conduct

**13.0 FLOW CHART**

**XIII. NEW BUSINESS**

- A. Accept request for Business Committee recognition and award of \$500 Exxon/Mobile Alliance Program grant to each six (6) area schools in cooperation with Oneida One Stops and Oneida Travel Center (00:26:00)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

*Presentation of awards by Michele Doxtator and Angela Parks to Niki Disterhaft (Lannoye Elementary School), Kris Wells (Hillcrest Elementary School), Jamie Kallies (Pioneer Elementary School), Diane Stelmach (Martin Luther King Elementary School), Yvette Peguero (Oneida Nation Elementary School), Sharon Mousseau (Oneida High School).*

- B. Approve Ticket Distribution Standard Operating Procedure (4:23:00)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the Ticket Distribution Standard Operating Procedure, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Melinda J. Danforth, David Jordan

- C. Approve request to co-host the 2016 Tri-History Conference on June 13-17, 2016 (00:29:22)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the request to co-host the 2016 Tri-History Conference on June 13-17, 2016, seconded by Fawn Billie. Motion carried with one abstention:

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

**XIV. TRAVEL (4:24:32)****A. Travel Reports**

- 1. Accept travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015**

Motion by Lisa Summers to accept the travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015, seconded by Brandon Stevens. Motion carried with one abstention:

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

- 2. Accept travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72<sup>nd</sup> Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015**

Motion by Fawn Billie to accept the travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72<sup>nd</sup> Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015, seconded by Brandon Stevens. Motion carried with three abstentions:

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

Oneida Business Committee  
TICKET DISTRIBUTION FORM

Description of tickets received: WILD CARD GAME JAN. 8, 2017

Date tickets received by the Business Committee Support Office: 1/4/17

Total number of tickets received: 50

Verified by:	<u>Lisa Liggins</u>	<u>[Signature]</u>	<u>3703</u>
	Printed Name	Signature	Employee #

<u>Heather Humer</u>	<u>[Signature]</u>	<u>15718</u>
Printed Name	Signature	Employee #

Source of tickets (i.e. donation, contract sponsorship):

JOINT MARKETING FOR TRIBAL MEMBER DISTRIBUTION

---



---

**From:** [Cheryl Skolaski](#)  
**To:** [Lisa A. Liggins](#)  
**Subject:** Packer Ticket Drawing  
**Date:** Wednesday, January 04, 2017 2:59:26 PM

---

We will be able to get the list together for a drawing tomorrow. If you need anything else, please let me know. Thanks.



### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept travel report and close out travel.

**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.

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Melinda J. Danforth

<b>Travel Event:</b>	Bemidji Area ITU Budget Meeting		
<b>Travel Location:</b>	Bloomington, MN		
<b>Departure Date:</b>	12/06/2016	<b>Return Date:</b>	12/08/2016
<b>Projected Cost:</b>	\$500.00	<b>Actual Cost:</b>	\$237.25
<b>Date Travel was Approved by OBC:</b>	11/23/2016		

## Narrative/Background:

The Bemidji Area Indian Health Services hosted the FY19 area budget formulation meeting. The Tribes in the Bemidji area gather to develop funding priorities for the region based upon the budget directives handed down from the Secretary of the Department of Health & Human Services. This year the Bemidji area office was anticipating an increase in the the FY19 Budget at an increased rate of 22%. The Tribes voted to place the following areas in the budget as the top funding priorities.

1. Hospitals & Health Clinics (23%)
2. Alcohol & Substance Abuse (15%)
3. Mental Health (12.1%)
4. Dental (11.2%)
5. Purchased & Referred Care (10.9%)
6. Facilities Support (8%)
7. IT/Technology (7.2%)
8. Public Health Nursing (4.2%)
9. Community Health Reps (2.2%)
10. Contract Support Costs (1.8%)
11. Recruitment (1.7%)
12. Urban Centers (1.7%)
13. Health Education (1%)

The Tribes are concerned with the incoming Presidential administration and whether or not the President's increase in IHS will remain. Tribes were frustrated as Bemidji IHS was not prepared to conduct alternative scenarios whereby funding may be cut. However, there was agreement that if there were indications that IHS' budget would be cut, that the Tribes would reconvene and re-prioritize the top funding priorities.

Recruitment and retention of staff continues to be an issue of concern. The trends nationally and the inability of the clinics to compete with salaries, benefits, location, etc are of major concern.

Tribes also were concerned with the overhead costs associated with the IHS Bemidji office. Tribes want to reallocate the overhead costs to the funding priorities in the budget.

With the Bemidji area continuing to be the lowest funded region in Indian Country, the Tribes began discussing a strategy on how to increase funding to our area. Much discussion focused on the importance of sharing data from the clinics as some of the self-governance Tribes in our area are not willing to share their data. Many focused on the role of the Great Lakes Health Board and the use of the epidemiology center to play a significant role in developing the strategy.

Other updates provided were related to the WI Long term care Waiver, Adolescent Treatment Facility, and Behavioral Health.

**Item(s) Requiring Attention:**

[Click here to enter text.](#)

**Requested Action:**

Motion to accept the travel report and close out travel.

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 01 / 25 / 17  e-poll requested

#### 2. General Information:

Event Name: 2017 Tribal Environmental Program Management Conference (TEPM)

Event Location: Chicago, IL

Attendee(s):

Departure Date:

Attendee(s):

Return Date:

Attendee(s):

#### 3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \_\_\_\_\_

#### 4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onnyote?a-ka Principles
- Creating a Positive Organizational Culture
- Committing to Building a Responsible Nation
- Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

The 2017 TEPM conference covers many different environmental topics regarding water, air and land that pertain to the areas I am liaison to. The Back Forty Mine will also be added to the agenda and discussed.

\*This travel is 100% grant funded.

#### 5. Submission

Sponsor:

- 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

2017 Tribal Environmental Program  
Management Conference

**DRAFT**

# Conference Agenda

U.S. Environmental Protection Agency  
(EPA) Region 5 - 12<sup>th</sup> Floor  
Ralph Metcalfe Building • 77 West  
Jackson Blvd., Chicago, IL

Track 1	Water - Lake Michigan Room
Track 2	Air - Lake Superior Room
Track 3	Land - Illinois Room (Waste, Brownfields, Toxics)
Track 4	Multi-Media - Lake Huron Room
Computer Room B	STORET/WQX Training By appointment with Jonathan Burian, <a href="mailto:burian.jonathan@epa.gov">burian.jonathan@epa.gov</a> , (312) 886-2916

MONDAY, April 3, 2017

8:00 am - 9:00 am		
	Note: Conference Rooms are available for use.	
12:00 pm - 1:00 pm	Lunch Break	
1:00 pm - 4:00 pm	Tribal Mercury Workshop (Lake Michigan Room)	Overview of Tribal Governments in Region 5: Douglas Cox, Menominee Tribe; MI tribe TBD; MN tribe TBD
4:00 pm	Adjourn	

TUESDAY, April 4, 2017

8:00 am - 9:00 am	<b>Registration</b>			
9:00 am - 9:45 am	<b>Plenary: Welcome and Introductions</b> Cheryl Newton, Acting Deputy Regional Administrator, EPA Region 5			
9:45 am - 10:45 am	<b>Plenary: Climate Change Monitoring Strategy</b> Shane Bowe, Red Lake Band and Kyle Powys Whyte, Michigan State University (Lake Michigan Room)			
10:45 am - 11:00 am	<b>Morning Break</b>			
11:00 am - 12:00 pm	<b>Pre and Post Monitoring of a Stream Restoration Project</b> Jim Snitgen - Oneida  Wild Rice Tribal Cultural Properties Roger Labine Lac Vieux Desert	Session Title Presenter(s), Organization	Session Title Presenter(s), Organization	<b>Working Session: Cultural Significant Resources,</b> Jeff Mears, Oneida Nation (under development)
12:00 pm - 1:00 pm	<b>Lunch Break</b> Water Division Brown Bag - Lake Ontario			
1:00 pm - 2:00 pm	<b>Plenary: Environmental Justice in R5: Update on EJ 2020 &amp; R5 Implementation; Integrating EJ into Regulatory Work (Enforcement &amp; Permitting); Community-based Work on EJ; EJ Small Grants Program</b> Alan Walts, EPA Region 5 OECA			
2:00 pm - 3:00 pm	Robotic water quality monitoring pontoon temperature measuring and data collection Ole Olmanson - Shakopee Mdewakanton Sioux Community  Increasing Upstream Wild Rice Habitat through Downstream Construction of Bridges; Nathan Podany and Tina Van Zile - Sokaogon	Session Title Presenter(s), Organization	Session Title Presenter(s), Organization	<b>Effective Grants Management: Overview of Desk Review Audits, PPGs, and Other Common Tribal Grants Issues (RMD Assistance Section presenter(s))</b>
3:00 pm - 3:15 pm	<b>Afternoon Break</b>			
3:15 pm - 4:30 pm Water track is 3 sessions 25 minutes each	<b>Engaging and Educating Students through the</b>	Session Title Presenter(s), Organization	Session Title Presenter(s), Organization	<b>NEPA Review Process</b> Presenter TBD



		<p>community Learning Center (CLC) Afterschool Program Celeste Hockings and Patricia Moran - Lac Du Flambeau</p> <p>Story Maps Angela Waupochock Stockbridge Munsee</p> <p>Eco-Ambassador grant - working with KBOCC students on monitoring focal brook trout management streams. Stephanie Kozich - Keweenaw Bay Indian Community</p>			EPA R5 OECA
4:30 pm	Adjourn				

WEDNESDAY, April 5, 2017

8:00 am - 9:00 pm	Registration			
9:00 am - 10:00 am	Plenary: Overview of Legal Cases Potentially Affecting Indian Country Barbara Wester, Office of Regional Counsel and Other Speaker(s) TBD (Lake Michigan Room)			
10:00 am - 11:00 pm	<p>North Liberty Wetlands property restoration - <b>Grant Poole - Pokagon</b> Talk will cover wildlife findings (migratory birds) along with water storage and flood reduction to the Kankakee. This property is all enrolled in the NRCS WRE program.</p> <p>Invasive Species program <b>Mike Arce - Oneida</b></p>	<p>Session Title Presenter(s), Organization</p>	<p>Session Title Presenter(s), Organization</p>	<p>Pesticide General Permit (PGP) for Discharges from the Application of Pesticides <b>Jason Hewitt, R5</b></p> <p>And</p> <p>MN is exploring the possibility of CWA 404 Assumption <b>Shane Bowe - Red Lake and Kerryann Weaver, R5</b></p>
11:00 pm - 12:00 pm	<p>Invasive species Management at the former Badger Army Ammunition <b>Randy Poelma - Ho Chunk</b></p> <p>Trace Levels of Pharmaceuticals in Surface Waters on Menominee Reservation <b>Heather Pyatskowitz Menominee</b></p>	<p>Session Title Presenter(s), Organization</p>	<p>Session Title Presenter(s), Organization</p>	<p>Session Title Presenter(s), Organization</p>
12:00 pm - 1:00 pm	Lunch Break			
1:00 pm - 2:30 pm	Region 5 Tribal Caucus Meeting			
2:30 pm - 5:00 pm	Leadership Roundtable (tribal leadership and EPA managers)			
2:30 pm - 4:30 pm	*Note: Meeting rooms are available during the Leadership Roundtable; one or more sessions could be developed concurrent with this meeting.			
5:00 pm	Adjourn			

Thursday, April 6, 2017

8:00 am - 4:00 pm	Registration
9:00 am - 12:00 pm	Region 5 Tribal Operations Committee Meeting
12:00 pm - 1:00 pm	Working Lunch (topic TBD)
1:00 pm - 2:00 pm	Region 5 Tribal Operations Committee Meeting
2:00 pm - 2:30 pm	Afternoon Break
2:30 pm - 4:30 pm	Open Office Hours: Please contact EPA Staff to set up appointments.
4:30 pm	Adjourn

## Oneida Business Committee Travel Request

**1. OBC Meeting Date Requested:** 01 / 25 / 17  e-poll requested

### 2. General Information:

Event Name: 2017 Crimes Against Children in Indian Country Conference

Event Location: Carlton, MN Attendee(s): Lisa Summers

Departure Date: Apr 24, 2017 Attendee(s):

Return Date: Apr 27, 2017 Attendee(s):

### 3. Budget Information:

- Funds available in individual travel budget(s)  
 Unbudgeted  
 Grant Funded or Reimbursed

Cost Estimate: \$ 657.50

Registration: \$ 225.00  
 Fuel Advance: \$ 50.00  
 Per Diem: \$ 51.00/full day  
 Hotel: \$ 68.00/night+tax

### 4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onyote?a-ka Principles  Creating a Positive Organizational Culture  
 Committing to Building a Responsible Nation  Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

From the conference website (www.ncjtc.org/cacic): "Native American youth are impacted by unique and challenging threats that affect their physical and emotional development and well-being. Often tribal communities do not have the same access to the necessary resources for addressing these threats. The Crimes Against Children in Indian Country (CACIC) Conference was formed in response to the often un-met needs of Native youth."

Highlights of the 2017 Conference include: Case Study: Barway Collins Murder; Marysville Pilchuck High School Shooting; Growing Opioid Threat; Native American Gangs and their Connections to National Gangs. The draft agenda is attached to this request.

As liaison to both the Oneida Child Protective Board and the Oneida Police Commission, this travel fits with those responsibilities.

### 5. Submission

Sponsor: Lisa Summers, Tribal Secretary

- 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



National Criminal Justice Training Center  
of Fox Valley Technical College



## Crimes Against Children in Indian Country Conference

Apr 25-27, 2017 | Carlton, MN | Classroom

Native American youth are impacted by unique and challenging threats that affect their physical and emotional development and well-being. Substance and physical abuse, families in crisis, and violence continue to threaten their communities. Join us at this year's conference to gather resources, strengthen relationships between agencies, and promote a multi-disciplinary, multi-jurisdictional approach to serving Native young people.

**\$225**

### About

#### Conference Highlights

Hear about the details of the **Marysville Pilchuck High School Shooting** and the **Barway Collins Case**, the resources and tactics that were leveraged, and how the coordinated responses were handled.

#### Is this training for you?

The following would benefit from this training:

- Community Member
- Correctional Officer
- Court System Personnel
- Educator
- Law Enforcement
- Prosecutors
- Social Workers
- Tribes/Tribal Partners
- Victim Service Providers

#### About the Venue

Black Bear Resort Casino  
1785 MN-210  
Carlton, MN 55718

#### Website

#### Lodging Options

Black Bear Resort Casino  
1785 MN-210  
Carlton, MN 55718

#### Website

\$68/night *plus applicable taxes*

Reference room block: Fox Valley Technical College

Room block deadline: March 24, 2017



National Criminal Justice Training Center  
of Fox Valley Technical College

Draft

# Crimes Against Children in Indian Country Conference

Apr 25-27, 2017 | Carlton, MN

---

**Apr 25, 2017**

**Time  
Session**

---

7:30 AM - 8:30 AM  
**Conference Registration/Check in**

8:30 AM - 9:00 AM  
**Opening Ceremony**

9:00 AM - 9:30 AM  
**Welcoming Remarks**

9:30 AM - 10:20 AM  
**Session TBD**

10:20 AM - 10:30 AM  
**Break**

10:20 AM - 11:20 AM  
**Workshop #1: Dealing with the Media**

10:30 AM - 11:20 AM  
**Workshop #1 : Parental Abductions from Native American Communities**

What does current research reveal about recent incidents involving missing, abducted and exploited children in Indian Country? Explore local and national trends, victim and offender profiles, the use of different classifications for missing child cases, Federal statutes and jurisdictional issues, and the social ramifications associated with these incidents.

10:30 AM - 11:20 AM  
**Workshop #1: Native American Gangs and Their Connections to National Gangs**

Since 2007, the Native American Drug and Gang Initiative (NADGI) Task Force, has addressed the crime associated with gang and drug activity in the Wisconsin Native American communities. The NADGI covers 9-10 Tribal Reservations spanning most of the state of Wisconsin. Although the gangs on the reservations hold many elements associated with Native American culture, they hold strong ties to larger gangs in urban areas. These affiliations have led to a steady trade in drugs, weapons, gang violence and human trafficking. We will take a deeper dive into the unique character of Native American gangs in Wisconsin and their relationships with other gangs in the large metropolitan areas. Past and present criminal investigations will be referenced to illustrate these points and also offer strategies that have had success in combating this activity.

11:20 AM - 11:30 AM  
**Break**

11:30 AM - 12:20 PM  
**Workshop #1 Sessions (continued)**



12:20 PM - 1:30 PM

**Lunch**

On own

1:30 PM - 3:20 PM

**Case Study: Barway Collins Case**

3:20 PM - 3:30 PM

**Break**

3:30 PM - 4:20 PM

**Child Sexual Abuse in the Church**

Learn what the Catholic Church has done to create safe environments as a result of the historical abuse of children. You will hear about the cultural and structural changes as a result of the crisis and the aftermath that has brought the Catholic Church to where it is today in creating safe environments for children, right here in Minnesota, and across the country.

5:00 PM - 7:00 PM

**Reception**

South of the Border Buffet

**Apr 26, 2017**

**Time**

**Session**

---

9:00 AM - 10:50 AM

**Sharon Baldeagle Abduction- Case Study**

Learn about the details of the abduction and disappearance of Sharon Baldeagle. Sharon was just 11-years-old when she and her friend were abducted. Sharon's friend managed to escape, but Sharon has never been found. The suspect in the case was arrested and charged with the kidnap and sexual assault of both girls. He has also been tied to other abductions.

10:50 AM - 11:00 AM

**Break**

11:00 AM - 11:50 AM

**Workshop #2: Gangs in Indian Country**

Explore the relationship between gangs, technology and exploitation of young people in Indian Country. Learn about the relationship between technology and criminal activities such as gangs and drugs in tribal communities which contribute to and support trafficking and exploitation. You will learn how to recognize the warning signs and traits of criminal elements which engage in these activities.

11:00 AM - 11:50 AM

**Workshop #2: The Growing Opioid Threat**

Learn about the growing threat of prescription/synthetic opioid addiction, associated spread of heroin, and deadly heroin fentanyl mix. This session will cover the background on the epidemic, identification of the various opioids and synthetic opioids, associated paraphernalia and physical signs of abuse, threats of exposure to the public in the form of discarded hypodermic needles, and direct contact with synthetic opioids such as fentanyl/carfentanyl.

11:00 AM - 11:50 AM

**Workshop #2: A Multi-Disciplinary Approach to Interviewing, Investigating, and Building a Case**

Learn the basics of interviewing and interrogation including suspect interviews, witness/victim interviews, communication, rapport, verbal and non-verbal behavior, culture and gender, interviewing children, persuasion theories and strategies for interrogation designed for the investigator. You are welcome to bring tapes/disks of interviews or interrogations for evaluation or sharing with the class. This truly practical course will provide you with the skills to gain high quality information from individuals, no matter what their status might be in the investigation

11:50 AM - 1:00 PM

**Lunch**

On own

1:00 PM - 1:50 PM

**Workshop #2 Sessions (continued)**

1:50 PM - 2:00 PM

**Break**

2:00 PM - 2:50 PM

**Workshop #3: Jacob Wetterling Resource Center**

2:00 PM - 2:50 PM

**Workshop #3: Sex Trafficking**

2:00 PM - 2:50 PM

**Workshop #3: Deception and Sexploitation: It Happens Everywhere**

This workshop highlights a case of sexual exploitation of a child and distribution of material involving the sexual exploitation of minor victims in Indian country. Learn how the distribution of images began with a particular victim and how she was ultimately identified. You will hear about the investigation, prosecution, and ultimate resolution of the case and showcase the collaboration among a variety of tribal, state, and federal agencies which were essential in addressing the victim's needs.

2:50 PM - 3:00 PM

**Break**

3:00 PM - 3:50 PM

**Workshop #3 continued**

3:50 PM - 4:00 PM

**Break**

4:00 PM - 4:50 PM

**Preparing for a Critical Incident in Native American Communities**

Learn about experience- and evidence-based practices for managing the multiple and diverse needs of Native American communities in times of crisis. This diversity is a challenge to many response structures because the fluidity of the crisis, identified needs and the unfolding response create a moving target for priorities. Lessons learned from past incidents indicate that through advanced planning (which includes the establishment of victim assistance protocols), and by developing and maintaining multidisciplinary partnerships, communities are better prepared to engage a holistic approach to ensure that each victim's needs are met. In this interactive workshop, resources will be shared along with answers to the following crisis response questions which are far from simple.

5:00 PM - 5:00 PM

**Dinner**

On your own

**Apr 27, 2017**

**Time**

**Session**

---

9:00 AM - 10:50 AM

**Marysville Pilchuck High School Shooting**

On October 24, 2014, a 15-year old freshman student shot five other students, fatally wounding four of them and himself at Marysville Pilchuck High School in Marysville, WA. The shooter invited several students, whom were all his friends to meet him in the cafeteria via text message. Minutes prior, he sent a group text to his family and families of his would-be victims to apologize for his actions, explaining his motive and included funeral plans. This session will discuss the initial call to law enforcement and the coordinated response to the incident.

10:50 AM - 11:00 AM

**Break**

11:00 AM - 11:50 AM

**Session TBD**

11:50 AM - 12:00 PM

**Closing Ceremony and Conference Conclusion**

---

National Criminal Justice Training Center

(855) 866-2582 | [info@ncjtc.org](mailto:info@ncjtc.org) | [ncjtc.org](http://ncjtc.org) | [facebook.com/ncjtc](https://facebook.com/ncjtc)



### Oneida Business Committee Agenda Request

EXCERPT FROM JANUARY 11, 2017: Motion by Tehassi Hill to defer the Comprehensive Health Division FY '16 4th quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

1. Meeting Date Requested: ~~12~~ / ~~14~~ / ~~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:

Accept Comp. Health Div. FY 16 4th quarter report

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



**ONEIDA COMPREHENSIVE HEALTH DIVISION  
 DR. RAVINDER VIR MEDICAL DIRECTOR  
 DEBRA DANFORTH, RN, BSN, OPERATIONS DIRECTOR  
 DIVISION UPDATE  
 Quarter 4 FY 2016  
 August-September, 2016**



<b>Executive Management Team:</b>	
<b>Division Dir-Operations, Debra Danforth RN, BSN,</b>	<b>869-4807</b>
<b>Division Dir-Medical, Ravinder Vir, MD,</b>	<b>869-4808</b>
<b>Asst. Operations Director, Judi Skenandore,</b>	<b>869-4809</b>
<b>Executive Assistant, Mercie Danforth</b>	<b>869-4810</b>
<b>Business Operations Director, Jeff Carlson,</b>	<b>869-4805</b>
<b>Ancillary Services Director, Dave Larson,</b>	<b>869-4820</b>
<b>Director of Nursing-OCHC, Sandra Schuyler,</b>	<b>869-4906</b>
<b>Behavioral Health Manager, Mari Kriescher,</b>	<b>490-3737</b>
<b>Employee Health Manager, Mary Cornelissen</b>	<b>405-4492</b>
<b>AJRCCC Administrator, Dave Larson (Interim)</b>	<b>869-2797</b>
<b>Public Health Officer, Eric Krawczyk,</b>	<b>869-4812</b>

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



**THE ONEIDA COMPREHENSIVE HEALTH DIVISION IS COMPRISED OF:**

*Oneida Community Health Center (OCHC)  
Anna John Resident Centered Care Community (AJRCCC)  
Oneida Behavioral Health (OBH)  
Employee Health Services (EHS)*

**VISION:**

A progressive sustainable health system that promotes Tsi?niyukwaliho t^ (Our Ways).

**MISSION:**

We provide the highest quality, holistic health care to ensure the wellness of OUR Oneida Community.

**VALUES:**

**Responsive Leadership:** *Consistent attentive listening, honesty, doing the right thing, timely decision making and seeing issues resolved to completion.*

**Culturally Sensitive:** *Meeting people where they are and being sensitive to their unique needs as human beings within the Oneida Community.*

**Continuous Improvement:** *Striving to achieve a higher quality of health care and a higher performing workforce through our Commitment to Learning and Growth.*

**Communication:** *Fostering honest, respectful and timely communication with the appropriate level of transparency.*

**Safety:** *Striving for an environment that provides the highest level of physical and emotional safety for our patients, employees and community in an environment free of fear, retaliation and repercussion.*

**Respect:** *Create a welcoming and compassionate environment focused on the individual needs of OUR community and Health Care Team*

**OUR 2015-2018 STRATEGIC PLAN IS FOCUSED IN FOUR SPECIFIC AREAS:**

1. Improve Population Health Management
2. Continuous Quality Improvement
3. Optimize Technology
4. Enhance Our Workforce



**OUR 2015-2018 INITIATIVES THAT WILL BE FOCUSED TO ACHIEVE OUR STRATEGIES:**

- 1. Accreditation:** The Comprehensive Health Division will validate and assure the community the delivery of the highest quality health care services in achieving AAAHC (Accreditation Association for Ambulatory Health Care) accreditation by December 2017 through team work, leadership and commitment. By accomplishing accreditation we will provide staff a sense of accomplishment, increase quality of care, enhance public validation for community/customer satisfaction, improve recruitment/retention of providers, and increase the probability of outside funding.
- 2. Advancing Technology:** Utilize innovative State of the Art technology and data analytics to continuously improve wellness and health outcomes.
- 3. Optimize staffing processes:** To work collaboratively with HRD to enhance the Division processes for recruitment, hiring, and retention and provide recommendation (s) for change to the Oneida Business Committee by September 30, 2017. By enhancing the recruitment, hiring, and retention processes we will have a lean hiring practice, improve our recruitment and retention, enhance our services from HRD (letters, market analysis), have improved collaboration/working relationship with HRD, fill all vacancies with qualified people in a timely manner, and improve our Supervisor/Director satisfaction with HRD processes.

**IMPROVE POPULATION HEALTH MANAGEMENT****Initiatives: Optimizing Staffing Processes and Accreditation**

- We continue to recruit for vacancies in Primary Care including Pediatrics, Family Practice and Internal Medicine
- All contracted providers will transition to the accrual process by the beginning of FY 2017
- Dr. Sharyl Trail, Psychologist started August 8, 2016. She is a commissioned Corps Officer who will supplement the provider team at Oneida Behavioral Health.
- Susan Katuin, NP retired on May 31, after 22 dedicated years of service to the Oneida community. She will be sorely missed by her patients, our staff and the community.
- We are actively recruiting a Family Nurse Practitioner Michelle Kreft to replace her vacancy who will begin November 7, 2016.
- Access to care remains sub optimal across the Health Division.
- The high NO SHOW rates also contribute to sub optimal access to care for our patients.
- The current NO SHOW Policy went in to effect on September 1, 2015. The policy was intended to change behaviors and reduce our NO SHOW rates, which will in turn improve our patients' access to care.
- No show rates in the Medical Clinic decreased from 13.9% in FY 2015 to 10.3 % in FY 2016.
- Recruitment and retention of Health Care Providers and professionals continues to be a challenge due to nationwide shortage of Primary Care and Psychiatry providers
- Recruitment and retention of nursing staff (RN, LPN, and CMA positions) remains a priority as our efforts continue to create and maintain a team that continues to work on our Population Health Management strategic initiative to transition to a volume to value-based provider.
- Inadequate Information Technology (MIS) resources continue to be an operational concern in an environment where all records are electronic.

- Limited Succession planning for future retirements of staff with longevity and the restraints within the organization limit options available
- The Division is looking at innovative team based approaches to provide quality care to our community.
- A cross functional Population Health Management project team continues its work on our Population Health Management strategic initiative.
- Access to care is continuously monitored across the Health Division. We have staffing, space and financial constraints that prevent us from providing optimal access to care in our Division.
- OCHD is re-evaluating a longer term Facility expansion plan to improve access and for provision of healthcare to our community.

### Medical

- Routine appointments are currently booking 4-8 weeks out for the Medical Clinic
- **See attachment A for No Show data for Medical Clinic**

### Behavioral Health

- ATODA Intake -5 weeks
- ATODA C2 Individual Session ( C2-Counseling 60 min) (Individual Sessions/Routine)-3 days
- Co-Occurring Intake-7 weeks
- Co-Occurring C2 Individual Session ( C2-Counseling 60 min) (Individual Sessions/Routine)-1 week
- Mental Health Intake-17 weeks
- Mental Health (Individual Sessions/Routine)-2 weeks
- Vet Evaluations-10 weeks (These are ONLY for Veterans who are seeking services/benefits through the VA)
- Psychological Evaluations- 6 Weeks
- Psychological Follow Up- 2-days
- Psychiatric Child Evaluation- 6 weeks
- Psychiatric Child Medication Check (Routine) – 4 weeks
- Psychiatric Adult Evaluation- 5 weeks
- Psychiatric Med Check (Routine) - 3 weeks
- Psychiatric Evaluation Follow Up- 6 weeks
- **See attachment B data by provider**
- **See attachment C data for No Show data for Behavioral Health**

### Optical

- Routine exams are booking 5 months out for Optical
  - Optical does have a walk-in clinic on Monday and Thursday mornings for patients who needs their appointments sooner. A sign-up begins at 7:45 AM and the patient will need to wait to be seen.
  - Optical also sees emergencies as needed

- The Annual Diabetic Event was held on August 24th, 2016. Two of our staff represented the Eye Care Department. They had a display booth and giveaways
- Staff attended the Quality of Life Meeting to represent the Eye Care Department. The Eye Care Department put together a success video to show the excellent results we had with the exercise pilot program.
- Eye Care began using iPads in the exam rooms during the short waiting period when the patient's eyes are dilating. They can view various videos that relate to different eye diseases and visual problems that they may be experiencing.
- Dr. Slaby attended the Wisconsin Optometric Association Fall Seminar in Middleton, WI in September, 2016.
- One of the staff members is a part of a small team of employees who are currently meeting to re-establish a new procedure for a Clinic wide chart audit process.
- We upgraded to the newest version of Compulink on 9-30-16 without any major issues!
- Instead of just one Doctor seeing walk in appointments on Monday and Thursday mornings, we had both Doctors seeing patients for the last two weeks of August which doubled the amount of appointments available to students wishing to get in for an exam before school started. All of the exam slots were filled. It was a big success!

## Dental

- Routine exams and Filling appointments are currently booking at the end of October (approx.. 12 weeks)
- Emergencies are seen daily
- Dental cleaning appointments are currently scheduling in the 2nd week of December.
- Patients are called to come in sooner if there are cancelations in the schedules for all appointments
- We are short staffed four dental assistants, Dental is working with HR to post the positions
- Independent Contractor, Dr. Dennis Romero has given his notice to not renew his contract after 9/30/16. He will be opening a private practice.
- Referral of children w/MA/Badger Care or those with no insurance who are in need of a pediatric dentist, continue to be referred to the Oral Health Partnership (OHP), if urgent care is needed the referral is generally to Park West Pediatrics.
- Dental staff have been working with PRC to negotiate a reduced PRC rate with the dental offices who receive majority of our dental referrals.
- Dr. Wendy Pietz (Board Certified Oral Surgeon) completed a site visit on 9.21.16, she has great interest in providing services to our clinic one day a week. An independent contract has been forwarded to her for her review.
- The installation of "Lighthouse" the automated call system to confirm appointments, continues with positive reviews from the patients. The system sends reminders via text, e-mail & phone call, also follow up review is sent to the patient for their input on their visit.

**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY (AJRCCC) UPDATE:**



The average daily census for 4th Qtr of the Fiscal 16 years is indicated in the chart below:

	July	August	September	Total
<b>Total Billable days for the Residents in the Month</b>	1469	1417	1310	4196
<b>Number of Calendar Days</b>	31	30	31	92
<b>Daily Average Census</b>	47	47	42	46
<b>*Oneida Enrolled</b>	34	36	37	
<b>* Other Tribe</b>	4	4	4	
<b>*Non-Tribal</b>	8	8	8	
<b>% full</b>	98.72%	98.40%	88.04%	95.02%
	<b>Payment source</b>		<b>Medicaid</b>	79.68%
			<b>Med A</b>	8.75%
			<b>Private</b>	7.32%
			<b>VA</b>	1.41%

\*Varies by Admissions and Discharges throughout the month

- Between the months of July thru September, 2016; HRD reported that as of Nov 1, 2016 the Anna John Resident Centered Care Community had a total of 59 tribal employees working the 24/7 shifts to care for our Residents during the fourth quarter.
- Quality Assurance/Regulatory Compliance Issues:  
The Quality Assurance mandated that all AJRCCC staff training was completed along with additional policy and procedures updated by the Quality Assurance Team; and no reports were sent in to the State of Wisconsin, Bureau of Quality Assurance.
- Shared activities between AJRCCC and Elder Services continue on a scheduled plan.

- The Congregate Mealsite hours of operation are Monday through Friday from 8:00 AM to 4:30 PM and continues to average 80-100 per day in attendance.
- Dave Larson continues as the Acting Administrator for the AJRCCC awaiting finalization of the reorganization within the Health Division. Job descriptions have been submitted to HR for review and finalization.
- Reorganization should be complete by December 31, 2016.
- The AJRCCC board has been actively reviewing their By-Laws and have been meeting regularly with a full board.

## **OPTIMIZE TECHNOLOGY**

### **Initiatives: Advancing Technology and Accreditation**

#### **ELECTRONIC MEDICAL RECORD (EMR):**

- **The EMR Team** continues ongoing review and updating of the system on a regular basis as new releases are available within the application and added on software. Every update/new release requires numerous hours of testing and coordination for implementation to assure that all the application and updates are tested before going live. We successfully upgraded to version 12.0.12 on August 13, 2016. Our next anticipated upgrade will not be until the first quarter of 2017. There are many anticipated changes and upgrades required in our server configurations that are required for the next upgrade to version 12.2.
- **HIPAA Security Policies/Procedures:** HIPAA and EMR SOP training continues for AJRCCC and MIS staff. We have finalized an E-Learning format for staff in order to deliver this information to MIS staff, but we have encountered formatting issues. This continues to be worked on. We are required to provide this training annually and to new staff. The annual trainings will start at the end of the calendar year 2016 and will be accessed through E-Learning for all employees.
- **Risk Assessment-** We have completed gathering all of the supporting documents to support the risk assessment (RA) completed in December 2015. We have been meeting regularly to complete and implement a correction plan for areas of concern by Nov 2016. We will once again engage with MetaStar to assist us with our annual Risk Assessment. This will take place on November 3, 2016.
- **Patient Portal-** We continue to work on adoption and education to patients on the concept of the patient portal and to encourage patients to be engaged in their healthcare through technology and online access to their healthcare information. We have joined the teams of Medical, Behavioral Health, Optical and Dental to have a combined access page to the three portals for all OCHD patients. We are working on a joint pamphlet and advertising to promote all three portals as a whole. We have been working on revisions of the pamphlet with the change in website design and logo.
- **Clinical Messaging-**Centricity Core Team members received three training sessions and set up of the Automated Clinically Messaging (ACM) functionality to the Medical Portal. This functionality will provide providers the ability to send mass messaging to patients, office visit clinical summaries securely to patients and consult patient summaries to outside providers automatically via the patient portal. We have identified compatibility issues with our current document management system. We will not be able

to capture the content of these “sent” documents in the patients chart. We have engaged in discussion with vendors that will be able to provide this content in GE and have recently incorporated the use of GE/SureScripts Document Management solution. We will have the project kick-off on October 7, 2016.

- **E-signature**-We have received the iPads and security accessories. We have successfully completed installation of the “Security Certificate” for our iPads. We have been working on testing and finalizing registration documents along with continued development of other clinical forms that will be used. We plan to start with the registration area and roll out the registration forms. We are also anticipating expanding the use of forms and application for dental and optical once implementation has successfully been completed in the registration and clinical areas of Behavioral Health and the medical clinic.
- **Meaningful Use (MU)**: Attestation data for 2015 has been submitted to Centers for Medicare & Medicaid Services (CMS). Areas have met the deadline of submission of July 31, 2016. We have switched focus on meaningful use measures and workflow for 2016. We will continue to work with vendors to add needed functionality and workflow in order to meet measures. We will need to attest and report a full year of data (pending confirmation of a change to 3 months of data vs. the full year) for the MU measures for Modified Stage 2 according to CMS guidelines. We will continue to follow the guidelines for the Medicaid program of Meaningful Use as we are directed by CMS.

The team continues to work with MetaStar to help all areas understand and meet Meaningful Use and its different programs. They have also helped areas get eligible providers signed up to CMS programs.

- **Physician’s Quality Reporting System (PQRS)**- We have registered once again to report PQRS data as a group for Oneida Comprehensive Health Division for 2016. We will once again utilize Quality Submission Services (QSS) in conjunction with Clinical Quality Report (CQR) function with GE Centricity for 2016 data submission.
- **Proximity Cards**- We have engaged with Imprivata to implement this automated sign on feature for the medical area at OCHC. We went live August 23, 2016. We continue to work on the application, formatting and profiling of users to make the application work without inconsistencies.
- **Bi-Directional Immunization Registry with Wisconsin Immunization Registry (WIR)**- Scientific Technologies Corporation (STC, formerly ImmsLink), the selected vendor, continues to assist us with our interface with the WIR. We have successfully been submitting data to WIR since mid-November 2015 and have now resolved errors with retrieving WIR data back into GE Centricity. Training for the providers and nursing staff has been completed. Community Health and Medical Records staff training dates have been set. There continues to be mapping, script error, and interoperability issues with WIR. STC continues to work with us to fix these issues as they arise. These issues have caused a delay in training the remaining areas. We continue to monitor the inventory function of the product.
- **Picture Archiving Communication System (PACS)**- We went live on 7/6/2016. Still working on a permanent fix to prevent Linklogic issues when past images are attached to the PACS system. We have engaged discussion with Nuvodia and Hospital Sisters Health System (HSHS) to provide us a secure image transfer agreement between both



entities. We are looking at this transfer to happen over the cloud versus a Virtual Private Network (VPN).

- **Behavioral Health (BH) Chart Status Project-** We will need to **transfer BH Medical Records Excel database into the EMR**. This is a task that we will need GE's, assistance in completing because of the complexity of making sure the licensing requirements are completed prior to the status changing on the patient banner. This work has begun since we have resolved some of the issues with set up of the signature capture. We need the signature capture to function properly to have all of our licensing requirements in the EMR to have the banner fully functioning for the Chart Status. We are continuing to work on the signature capture implementation (starting with Registration) in order to move forward with the BH Chart Status Project.
- **REPORTS-** We are working with the Cognos application on the functionality to be able to pull quality assurance, outcome reports, BH Provider reports, no show, access to care etc. We started to work with MIS staff for BH Reports on 2/16/16. We have been successful with getting ongoing reports of Access to Care, Monthly and Quarterly No Show/Cancellation Summary and we are now testing the Provider Utilization Reports. However, we are currently down one MIS staff person who is not dedicated to only the health division. The staff person will continue to assist us with very limited time due to his current work load.
  - Behavioral Health (BH) has not yet been able to get any of the desired clinical data from the EMR. This is a huge concern. BH has state licensing coming again in January and we are not able to get the outcome data. We have our Mental Health Block Grant that we need our Adverse Childhood Experiences data to report out, with that ending 9/30/16.
  - We are inquiring about the cost to have GE build the Crystal Reports for the EMR as well as the cost for Crystal Report Training to determine the feasibility for the Division. We have successfully worked with MIS and Cognos to produce a monthly no show/cancellation report and a preliminary access to care report. We continue to work with MIS to finalize the access to care report. We will anticipate expanding this Access to Care Report over the next quarter to obtain more detailed information.
- **Population Health Management-** The Project Charter has been completed. Have begun to look at Population Health Management solutions. We have not had any further movement on this initiative at this time. Our next step is to begin the RFP and send out to vendors. Once this is complete we will begin the project plan. There is still no firm time frame from CMS for full implementation to transition to value-based billing processes but we know this is on the horizon within 2017-2018.

#### **PATIENT MANAGEMENT SYSTEM (PMS)**

- **Batch Eligibility-** Emedapps 271 Submission files continue to go through successfully with occasional glitches which result in some of the records erroring out. Emedapps investigates the resulting errors as they are noticed. Full database runs of Batch Eligibility are being discussed as we will still need to have that completed since the GE Centricity Electronic Data Interchange (EDI) Plug-ins that are now in play only go by provider schedules or at the registration level.
- **EDI Eligibility -** The GE Centricity EDI plug-ins are set up and being used by our Billing staff when they need to on a patient-by-patient basis. It is currently being reviewed for process

flow at this time from the PAR Supervisor area. Many of the main insurances have been linked to this capability which has allowed us to be able to electronically check insurance eligibility on a patient in real-time, directly from GE Centricity.

## **CONTINUOUS QUALITY IMPROVEMENT**

### **Initiatives: Accreditation**

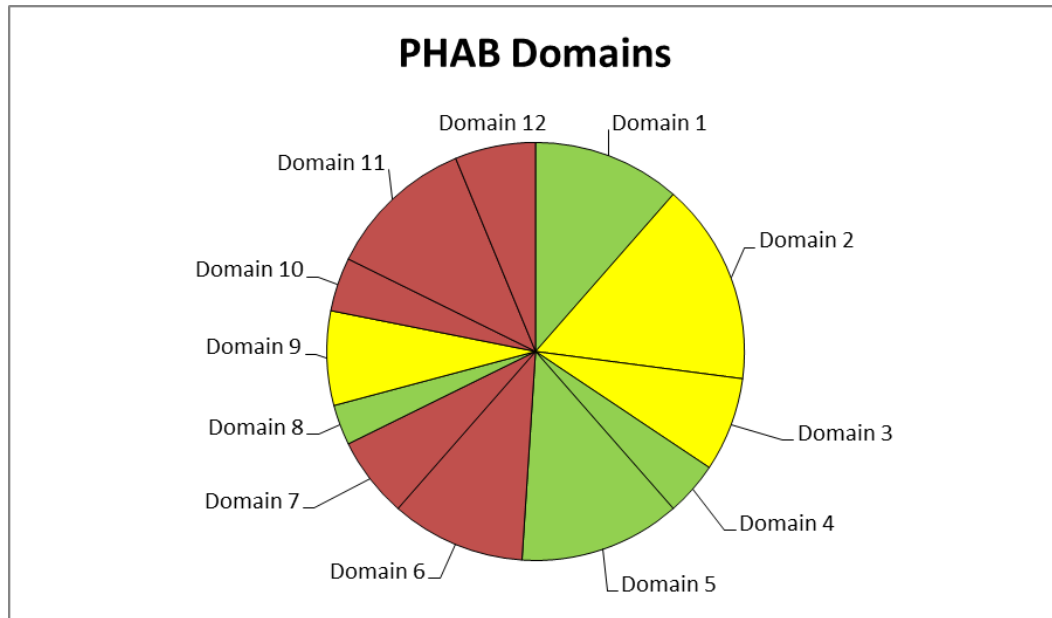
#### **Accreditation of the Health Division**

- Meeting with departments to discuss QA studies and tracking/ data collecting process.  
\* Peer Review, Chart Audits, Credentialing
- Creating a reporting structure for the additional Health Division Committees i.e. Pharmacy and Therapeutics, Infection Control etc to report their meeting minutes to the QA team.
- Work continues on the training tracking tool for OCHD.
- Patient satisfaction survey - fall of 2016.
- We have added an additional hour each month to the Quality Assurance (QA) meeting time to accommodate for the necessary time to address only issues related to accreditation on a monthly basis.
- Initial planning is taking place on creating a reporting structure for the additional Health Division Committees i.e. Pharmacy and Therapeutics, Infection Control, etc. to report their meeting minutes to the QA team.

#### **Public Health Accreditation**

- Completed all activities and closed out public health accreditation mentoring program (ended 09/30/16).
- Closed out Prevention grant objective (grant ended 09/30/16.)
- We completed review of Domains 1 and 5 this quarter! Jean day celebrations were 09/20/16 and 09/27/16. There are a total of 12 Domains in the public health accreditation process. The Documentation Review Team has now completed domain review: 1, 4, 5, 8. In process domain review: 2, 3, 9.
- Sept 30, 2016, a trainer was selected for our Community Health Assessment and Community Health Improvement Plan. We have requested a representative from the State Public Health Department to come on site and provide some general training to the Community Health Services (CHS) Dept team and more focused training of the process for the process selected leadership team. This training will increase staff core competency in several public health core competencies. Additional key partners from within the organization will also be invited to participate in this training. Training date established for 12/08/16.
- Branding activity- final template created for email signature to be used by all CHS Dept staff 09/30/16. This will be used as an example of implementing branding for public health accreditation. Nearly all staff were compliant with applying the template to his/ her individual by 09/30/16. However with a few staff out of the office this day, it was completed for all by the time of this report.
- Branding activity- completed poster board project August 2016. Another example that will be used of implementing the brand for public health accreditation.
- Completed annual review and update of the CHS Department Workforce Development Plan Sept 2016.

- Accreditation coordinator and Health Officer attended e-PHAB training in Virginia at the end of Sept 2016. Completion of this step will grant us access to the documentation section of the e-PHAB software system.



\*\* Red- No review yet

Yellow- greater than 50% complete

Green- 100% complete

## ENHANCE OUR WORKFORCE

Initiative: Optimizing our staffing processes

### HUMAN RESOURCE MANAGEMENT

Number As of 11/01/16 Comprehensive Health Division Employees: 321

- 115 Oneida Enrolled
- 29 American Indian/Alaskan
- 3 Black/African American
- 1 Asian
- 4 Hispanic/Latino
- 169 Caucasian/other
- **AJRCCC: (59)**
  - 24 Oneida Enrolled (INCREASED FROM 15% TO 41.5% OF EMPLOYEE BASE FOR AJRCCC)
  - 8 American Indian/Alaskan
  - 1 Asian
  - 2 Hispanic/Latino
  - 24 Caucasian/other

- **Current vacancies as of 10/24/16:**

- Patient Account Representative
- Purchased/Referred Care Supervisor
- Certified Medical Assistant
- Certified Nursing Assistant
- Coder
- Community Health Worker
- Clinical Substance Abuse Counselor OBH
- Dental Assistant
- Diabetes Program Supervisor
- LPN – AJRCCC
- LPN- OCHC
- MDS Sub-Acute Rehab Nurse – AJRCCC
- Physician Pediatrician
- Physician Family Medicine
- Physician Internal Medicine
- Psychiatrist OBH
- Psychotherapist OBH
- RN – AJRCCC

### FINANCIALS

Funding Sources for FY-2016

TRIBAL CONTRIBUTION: 2.54%

GRANTS: 5.71%

**OTHER SOURCES:**

External Sales/Third Party Revenue/other 52.42%

Indian Health Services 39.33%

**Total Budget: \$51,295,138**

**Status as of 09/30/16**

Budget as of 09/30/16: \$51,295,138

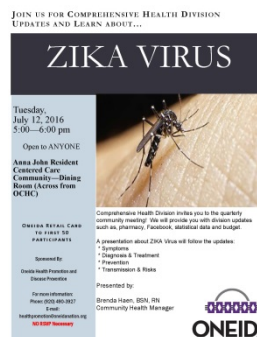
Expenditures as of 09/30/16: \$53,901,414 (Preliminary)

**LONG TERM CARE:**

- There is a great deal of concern regarding the Social Security Act and its impact on both MA and MA waivers. This includes all waivers (e.g. 1915a, 1915b, 1915c, 1915i, 1115). The concern centers around the Office of General Counsel for CMS. General Counsel has repeatedly said that federal statute, federal regulation, and court rulings (to include U.S. Supreme Court) notwithstanding, Tribes are considered an ethnic minority and not a political entity. While Several Tribes and States have found language to side step this issue, this is becoming a larger and more significant issue, particularly as the environment of healthcare is rapidly changing. The Vice Chairwoman raised this concern directly with CMS. **This does need to be a priority going forward with the Trump administration. This may need to be elevated to the HHS level.**
- The most time in MMPC was spent on the transition meeting planned for 8 December 2016 for the new administration. The greatest impact under a Trump administration is the repeal of the ACA. While this carries a number of issues with it, the largest is the repeal of the IHCIA which is part of the ACA. It will be very important for Oneida to be represented in the transition planning.
- CMS working in isolation is becoming a larger and more significant problem. The lack of coordination with its sister agencies in particular Indian Health Service (IHS) and Veterans Administration. The issues revolve around access to care and reimbursement for services. This may also need to be elevated to the HHS level. However most of the issues involved are contingent on the IHCIA staying intact.
- MACRA and MIPS final rule was released on October 14, 2016 and does not specifically say that Tribes are exempted from the requirements. MACRA does not provide an explicit exclusion for FQHC's but they should not be affected because they bill under an all-inclusive rate. **This needs to be clarified with CMS.**



**Safety Town 2016**



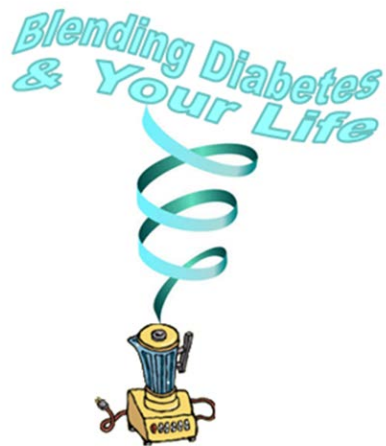
**July Community Meeting**



**OCHD New Furniture**



# Annual Diabetic Event 2016

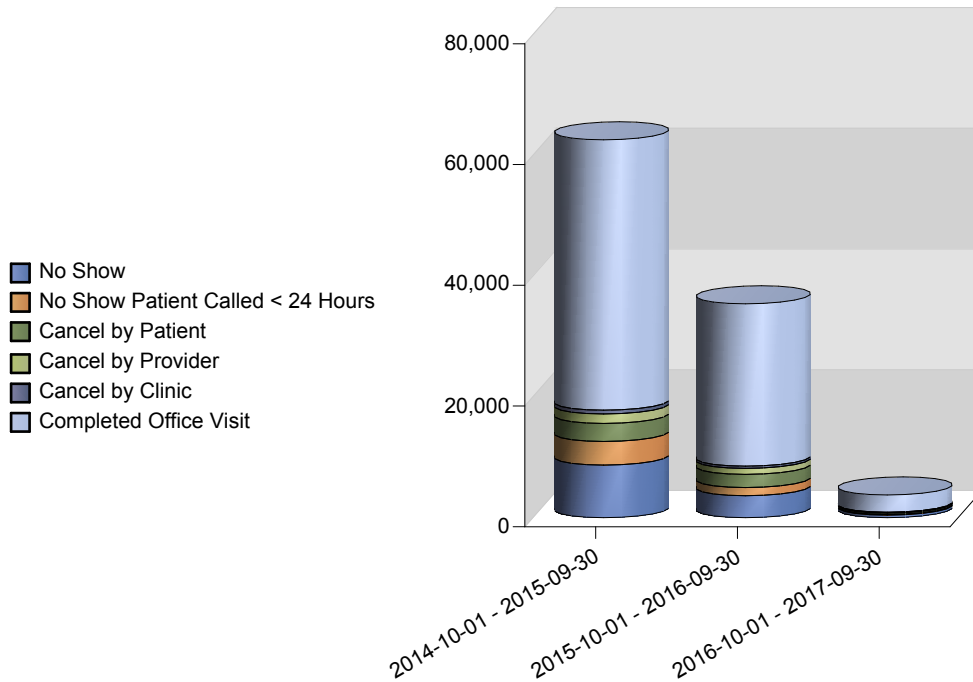


**Please follow us on our Oneida Comprehensive Health Division Facebook page!**





## Three Year By Quarter No Show/Cancellation Summary Oneida Health Center Medical Clinic



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr01	424	11.3%	109	2.9%	213	5.7%	93	2.5%	66	1.8%	886	2,855	3,741	2,114	2,791
<b>2016-10-01 - 2017-09-30</b>		<b>424</b>	<b>11.3%</b>	<b>109</b>	<b>2.9%</b>	<b>213</b>	<b>5.7%</b>	<b>93</b>	<b>2.5%</b>	<b>66</b>	<b>1.8%</b>	<b>886</b>	<b>2,855</b>	<b>3,741</b>	<b>2,114</b>	<b>2,791</b>
2015-10-01 - 2016-09-30	Qtr04	939	11.0%	292	3.4%	564	6.6%	184	2.2%	59	0.7%	2,000	6,544	8,544	6,505	4,621
	Qtr03	861	9.9%	353	4.0%	548	6.3%	192	2.2%	109	1.2%	2,025	6,710	8,735	6,703	4,501
	Qtr02	777	9.0%	338	3.9%	547	6.4%	285	3.3%	115	1.3%	2,037	6,576	8,613	6,577	4,464



## Three Year By Quarter No Show/Cancellation Summary

### Oneida Health Center Medical Clinic

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr01	1,059	11.2%	370	3.9%	522	5.5%	337	3.6%	81	0.9%	2,361	7,061	9,422	7,065	5,031
<b>2015-10-01 - 2016-09-30</b>		<b>3,636</b>	<b>10.3%</b>	<b>1,353</b>	<b>3.8%</b>	<b>2,181</b>	<b>6.2%</b>	<b>998</b>	<b>2.8%</b>	<b>364</b>	<b>1.0%</b>	<b>8,423</b>	<b>26,891</b>	<b>35,314</b>	<b>26,850</b>	<b>8,662</b>
2014-10-01 - 2015-09-30	Qtr04	2,089	13.8%	784	5.2%	780	5.1%	472	3.1%	107	0.7%	4,232	10,928	15,160	10,930	6,159
	Qtr03	2,134	13.9%	994	6.5%	734	4.8%	465	3.0%	112	0.7%	4,439	10,902	15,341	10,911	6,038
	Qtr02	2,176	13.8%	1,128	7.1%	709	4.5%	285	1.8%	209	1.3%	4,507	11,274	15,781	11,294	6,224
	Qtr01	2,308	14.2%	1,008	6.2%	762	4.7%	352	2.2%	197	1.2%	4,627	11,681	16,308	11,697	6,545
<b>2014-10-01 - 2015-09-30</b>		<b>8,707</b>	<b>13.9%</b>	<b>3,914</b>	<b>6.3%</b>	<b>2,985</b>	<b>4.8%</b>	<b>1,574</b>	<b>2.5%</b>	<b>625</b>	<b>1.0%</b>	<b>17,805</b>	<b>44,785</b>	<b>62,590</b>	<b>44,832</b>	<b>10,263</b>
<b>Summary</b>		<b>12,767</b>	<b>12.6%</b>	<b>5,376</b>	<b>5.3%</b>	<b>5,379</b>	<b>5.3%</b>	<b>2,665</b>	<b>2.6%</b>	<b>1,055</b>	<b>1.0%</b>	<b>27,114</b>	<b>74,531</b>	<b>101,645</b>	<b>73,796</b>	<b>11,961</b>



## BH - Access Of Care 3rd Available appointment

### BH ATODA Intakes

Resource	Appointment Type	Next 3rd Open
Krueger MSW APSW CSAC, Rebecca	Intake Mental Health/ATODA-90	Dec 16, 2016 10:00:00 AM
Lalonde BS CSAC, Scott	Intake Mental Health/ATODA-90	Dec 30, 2016 7:00:00 AM
Metoxen MSW SAC , Lynn	Intake Mental Health/ATODA-90	Dec 29, 2016 10:00:00 AM

### BH-ATODA (C2)

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Individual Therapy Session-60	Nov 7, 2016 3:00:00 PM
Krueger MSW APSW CSAC, Rebecca	Individual Therapy Session-60	Nov 9, 2016 12:00:00 PM
Lalonde BS CSAC, Scott	Individual Therapy Session-60	Nov 16, 2016 7:00:00 AM
Rasmussen BSW CSAC, Dale S	Individual Therapy Session-60	Nov 1, 2016 3:00:00 PM
Schoen BS CSAC, Kelly	Individual Therapy Session-60	Nov 24, 2016 12:00:00 PM

### BH-Co-Occuring Intake

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	Intake Mental Health/ATODA-90	Jan 5, 2017 9:00:00 AM
King MSW LCSW CSAC, Mary Beth	Intake Mental Health/ATODA-90	Dec 23, 2016 7:30:00 AM
Lambert LPC CSAC, Timothy C	Intake Mental Health/ATODA-90	Jan 5, 2017 3:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Intake Mental Health/ATODA-90	Jan 3, 2017 8:00:00 AM

### BH-Co-Occuring C2

Resource	Appointment Type	Next 3rd Open
Cheney MSW, LCSW, SAS Benjamin R	Individual Therapy Session-60	Nov 10, 2016 2:00:00 PM
Collier, Carmen D MS LPC CSAC	Individual Therapy Session-60	Nov 10, 2016 9:30:00 AM
King MSW LCSW CSAC, Mary Beth	Individual Therapy Session-60	Nov 2, 2016 10:00:00 AM



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Lambert LPC CSAC, Timothy C	Individual Therapy Session-60	Nov 7, 2016 9:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Individual Therapy Session-60	Nov 8, 2016 9:30:00 AM

### BH MH Intakes

Resource	Appointment Type	Next 3rd Open
Helander MSW LCSW, Valorie	Intake Mental Health/ATODA-90	Jan 17, 2017 11:00:00 AM
Huhtala MSW LCSW, Rhonda	Intake Mental Health/ATODA-90	Feb 21, 2017 9:00:00 AM

### BH-Mental Health (C2)

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Individual Therapy Session-60	Nov 22, 2016 8:00:00 AM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Individual Therapy Session-60	Nov 21, 2016 6:00:00 PM
Helander MSW LCSW, Valorie	Individual Therapy Session-60	Nov 10, 2016 2:00:00 PM
Huhtala MSW LCSW, Rhonda	Individual Therapy Session-60	Nov 23, 2016 1:00:00 PM
Sayers MSW LCSW LMFT, Kathleen	Individual Therapy Session-60	Nov 21, 2016 11:00:00 AM
Shaw MSW LCSW, Lisa	Individual Therapy Session-60	Dec 13, 2016 8:30:00 AM

### BH-EMDR Intakes

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	BH-EMDR Intake	Dec 5, 2016 1:00:00 PM

### BH-EMDR Therapy

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	BH-EMDR Therapy	Nov 23, 2016 11:00:00 AM
King MSW LCSW CSAC, Mary Beth	BH-EMDR Therapy	Nov 15, 2016 8:00:00 AM



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	BH-EMDR Therapy	Dec 12, 2016 1:00:00 PM

### BH-Veteran Eval

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	Veterans Evaluation	Dec 5, 2016 8:30:00 AM

### BH-Intial Reiki Appointment

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	Reiki	Nov 23, 2016 3:00:00 PM
Lalonde BS CSAC, Scott	Reiki	Dec 16, 2016 11:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Reiki	Nov 28, 2016 2:00:00 PM

### BH-Psych Evals

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Evaluation	Nov 14, 2016 8:30:00 AM
Trail PsyD Sharyl	Psychological Evaluation	Nov 14, 2016 1:00:00 PM

### BH- Psych Eval FU

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Eval Follow Up	Nov 4, 2016 2:00:00 PM

### BH-Child Evals

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Eval	Dec 13, 2016 1:00:00 PM

### BH-Child Med Checks



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Med Check	Nov 15, 2016 10:00:00 AM

### BH-Adult Evals

Resource	Appointment Type	Next 3rd Open
Shekar MD, Chandra K.	BH-Adult Eval	Dec 5, 2016 3:00:00 PM

### BH-Med Checks

Resource	Appointment Type	Next 3rd Open
O'Neill, MD, Michael	BH-Medication Check	Nov 8, 2016 9:15:00 AM
Patil MD, Veeranagouda	BH-Medication Check	Dec 12, 2016 3:00:00 PM
Rodriguez MD, Josefina	BH-Medication Check	Nov 17, 2016 5:00:00 PM
Shekar MD, Chandra K.	BH-Medication Check	Nov 9, 2016 3:30:00 PM

### BH-RN Triage Assessment

Resource	Appointment Type	Next 3rd Open
Paluch MSE RN LPC, Dave	RN-Psychiatric Nursing Assessment	Nov 30, 2016 9:30:00 AM
Skrivanie MSN RN, Lois	RN-Psychiatric Nursing Assessment	Nov 10, 2016 10:00:00 AM

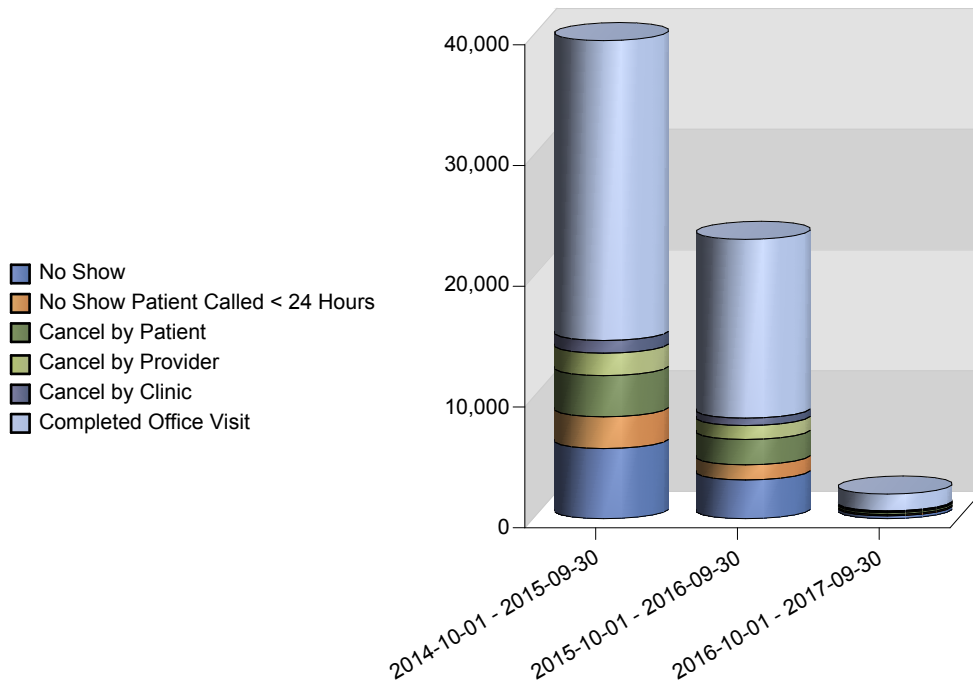
### BH-Eval FU

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Eval FU	Jan 12, 2017 3:00:00 PM
O'Neill, MD, Michael	BH-Eval FU	Nov 15, 2016 10:45:00 AM
Patil MD, Veeranagouda	BH-Eval FU	Dec 30, 2016 1:30:00 PM
Rodriguez MD, Josefina	BH-Eval FU	Nov 16, 2016 9:30:00 AM





## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr01	232	11.4%	102	5.0%	162	8.0%	87	4.3%	62	3.0%	645	1,391	2,036	1,222	939
<b>2016-10-01 - 2017-09-30</b>		<b>232</b>	<b>11.4%</b>	<b>102</b>	<b>5.0%</b>	<b>162</b>	<b>8.0%</b>	<b>87</b>	<b>4.3%</b>	<b>62</b>	<b>3.0%</b>	<b>645</b>	<b>1,391</b>	<b>2,036</b>	<b>1,222</b>	<b>939</b>
2015-10-01 - 2016-09-30	Qtr04	769	13.2%	268	4.6%	537	9.2%	281	4.8%	164	2.8%	2,019	3,808	5,827	3,786	1,481
	Qtr03	807	13.8%	314	5.4%	532	9.1%	205	3.5%	101	1.7%	1,959	3,895	5,854	3,638	1,496
	Qtr02	824	13.2%	339	5.4%	573	9.2%	307	4.9%	224	3.6%	2,267	3,979	6,246	3,636	1,501



## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr01	807	15.5%	331	6.4%	456	8.8%	362	7.0%	122	2.3%	2,078	3,127	5,205	3,122	1,377
<b>2015-10-01 - 2016-09-30</b>		<b>3,207</b>	<b>13.9%</b>	<b>1,252</b>	<b>5.4%</b>	<b>2,098</b>	<b>9.1%</b>	<b>1,155</b>	<b>5.0%</b>	<b>611</b>	<b>2.6%</b>	<b>8,323</b>	<b>14,809</b>	<b>23,132</b>	<b>14,182</b>	<b>2,485</b>
2014-10-01 - 2015-09-30	Qtr04	1,477	15.4%	633	6.6%	816	8.5%	392	4.1%	230	2.4%	3,548	6,037	9,585	6,038	2,098
	Qtr03	1,510	15.2%	631	6.4%	887	8.9%	451	4.5%	146	1.5%	3,625	6,300	9,925	6,303	2,206
	Qtr02	1,373	13.6%	666	6.6%	930	9.2%	538	5.3%	392	3.9%	3,899	6,179	10,078	6,182	2,119
	Qtr01	1,445	14.4%	701	7.0%	776	7.8%	481	4.8%	280	2.8%	3,683	6,323	10,006	6,371	2,151
<b>2014-10-01 - 2015-09-30</b>		<b>5,805</b>	<b>14.7%</b>	<b>2,631</b>	<b>6.6%</b>	<b>3,409</b>	<b>8.6%</b>	<b>1,862</b>	<b>4.7%</b>	<b>1,048</b>	<b>2.6%</b>	<b>14,755</b>	<b>24,839</b>	<b>39,594</b>	<b>24,894</b>	<b>3,417</b>
<b>Summary</b>		<b>9,244</b>	<b>14.3%</b>	<b>3,985</b>	<b>6.2%</b>	<b>5,669</b>	<b>8.8%</b>	<b>3,104</b>	<b>4.8%</b>	<b>1,721</b>	<b>2.7%</b>	<b>23,723</b>	<b>41,039</b>	<b>64,762</b>	<b>40,298</b>	<b>4,288</b>

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~12/28/16~~ Meeting Cancelled

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 Seven Generations Corporation

### **Narrative Report:**

#### **Explanation of the core of the Corporation's business practices:**

The purpose of Oneida Seven Generations Corporation (OSGC) is to promote and enhance economic diversification on behalf of the Oneida Tribe of Indians of Wisconsin. OSGC manages commercial developments such as the Bellin facility on Commanche Avenue, the Schneider facility on Glory Road, the Badger Sheet Metal Works facility on Partnership Drive, and the West Mason and Packerland malls. As of September 2016, we have three properties with lease space available; they are half of the former Tower Foods facility (as of our December report this facility has been leased out for the Oneida Food Pantry), the restaurant space at the Travel Center, and an office / retail suite on Packerland Drive. We have talked with potential tenants on the available spaces. There are fifteen properties under OSGC's management; with over thirty leasable areas.

#### **Explanation of the Corporation's market information:**

*Property Management:* OSGC employs one part-time tribal elderly member who assists in managing approximately 30 tenant leases. In addition to monitoring the leases, the leasing person assists in making sure the corporation buildings are insured and that tenants insure their occupancy, implementing property management procedures, and compiling data information.

#### **Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same:**

The vision for OSGC is to increase the profitability of the company's income real estate base by searching for development opportunities. The primary goal is to promote the benefits of the Free Trade Zone and the HUB Zone properties that are available through OSGC.

The progress we have made towards this goal: working with local Chambers of Commerce to pursue potential tenants.

We are also marketing our properties through Facebook and other social media outlets. We have seen an increase in properties being marketed through the internet which is less costly and has the ability to reach more businesses looking for space. In order to remain competitive we are moving into this market area.





## Oneida Seven Generations Corporation

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

Our medium to long range goals includes the following:

- To dissolve OSGC, per the GTC motion, once it's economically feasible due to the current lawsuits.

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

**Financial / Physical:** Checking accounts; Buildings; Other Business Ventures

**Employees:** OSGC has two employees; one full-time and one part-time.

**Main Customers:** Bellin Health Systems; Schneider National; Badger Sheet Metal Works; United States Postal Services and Oneida Nation.

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

OSGC has won in the appeal process in the WI State Supreme court against the City of Green Bay regarding our rescinded permit. OSGC is now pursuing all business and legal options to recoup its investment due to the company as a result of illegal revocation of CUP by the City of Green Bay.

### Oneida Business Committee Agenda Request

EXCERPT FROM JANUARY 11, 2017: Motion by David Jordan to defer the Personnel Commission FY '16 4th quarter report to the January 25, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

1. Meeting Date Requested: ~~12~~/~~28~~/~~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:

Fourth Quarterly Report for the Oneida Personnel Commission FY2016

#### 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: Yvonne Jourdan, Chairperson, Oneida Personnel Commission  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



ONEIDA PERSONNEL COMMISSION  
 FY 2016 Quarterly Report Fourth Quarter  
 July, August and September 2016  
 Submitted by: Yvonne Jourdan

**NAMES**

Officers: Yvonne Jourdan, Chairperson  
 Gary Smith, Vice-Chairperson  
 Sharon Alvarez, Treasurer  
 Rochelle Powless, Secretary

Members: Bradley Graham  
 Tomas Escamea  
 Clifford Danforth  
 Sandra Dennett  
 Eric Krawczyk  
 Pearl Webster  
 Carol Smith

**MINUTES**

All approved minutes have been submitted to the Office of the Tribal Secretary.

July 19, 2016	Regular Meeting	(Approved)
August 16, 2016	Regular Meeting	(Approved)
September 20, 2016	Regular Meeting	(Approved)

**FINANCIAL**

See attached R&E statements for the months of July, August and September 2016.

**SPECIAL EVENTS AND TRAVEL**

No out-of-state travel/training occurred during this quarter.

**LOCAL TRAINING**

Training for the first quarter of this fiscal year included standard initial reviews, grievance hearings, and grievance decisions training which took place in July, August and September.

**ACTIVITY REPORT-Oneida Personnel Commission**

Activity	July	August	September	Totals
Pre-Screens	19	31	14	64
Interviews	10	30	17	57
Reassignments	4	7	6	17
Initial Reviews	2	2	1	5
Grievances	2	1	2	4
Deliberations	1	1	0	2
Decision Writing	0	1	1	2

Motion Decisions	1	1	4	6
Regular Meetings	1	1	1	3
Special Meetings	0	0	0	0
Training*	5	3	5	13
Non-Gaming Employees with an advocate	0	0	0	0
Non-Gaming Employees without an advocate	2	2	0	4
Gaming Employees with an advocate	0	0	1	1
Gaming Employees without an advocate	0	0	0	0
Non-Gaming Management with an advocate	0	0	0	0
Non-Gaming Management without an advocate	2	2	0	4
Gaming Management with an advocate	0	0	1	1
Gaming Management without an advocate	0	0	0	0

- The numbers within the Reassignment boxes, are the numbers of employees that were reassigned into different positions for that specific month.

Training could mean attending out-of-state, local training, or in-house training. New commissioners are mentored by existing commissioners during Initial Reviews, Grievance Hearings, Decision Writing, Hearing Officer Responsibilities, and Motion Decisions. This type of involvement is also considered training.

#### **PERSONAL COMMENTS - Yvonne Jourdan, Chairperson - OPC**

This Commission has continued to review the proposed Employment Law (draft #21), that is currently at the Legislative Operating Committee (LOC). We have taken the position that this new Law is not favorable to the employment base. We have taken the position that we would inform General Tribal Council (G.T.C) of the Commission's perspective and bring awareness to both G.T.C. and the employment base, we are doing this through our articles placed in our Tribal newspaper. This Commission has requested verbally that once the Oneida Business Committee establishes a date for General Tribal Council to meet and decide whether or not they support this Law, we would like to present our perspectives, issues and concerns regarding the proposed Employment Law.

This Commission had filed a complaint regarding some unfair and unethical hiring practices that were allowed and controlled by the Human Resources Department, to date,

that complaint has been unfounded by the Human Resource Departmental Manager, and it is now in the hands of the Oneida Business Committee. As of the date of this report, the Oneida Business Committee has yet to resolve this complaint. The complaint was filed in July 2016.

The Commission continues to review current policies that have been approved and passed by the Oneida Business Committee (OBC) along with the Human Resource Department, (HRD) with the expectation that there can be improvements and discussion with both the OBC and HRD. The Personnel Commission continues to review the by-laws, SOP's, and the training manual for accuracy and relevance to the laws and policies of the Oneida Tribe. We have completed work on updating the qualifications for future Commissioners, which will be reflected in our By-Laws, and are currently pending at the LOC. In the future Quarterly reports, starting with the first Quarter of FY 2017, this Commission will report inconsistencies in the application of policies and procedures regarding hiring practices within HRD, this will include grievance matters that have come before this Commission.

#### **GOALS AND OBJECTIVES – FY2016**

- |  |                          |
|--|--------------------------|
| 1. Personnel Commission By-Laws              | REVISIONS                |
| 2. Training Manual                           | IN PROGRESS              |
| 3. Updating Qualifications for Commissioners | REVISIONS PENDING AT LOC |
| 3. Interdepartmental Relationships           | NEEDS IMPROVEMENT        |
| 4. Updating Personnel Commission SOP's       | IN PROGRESS              |

#### **OBJECTIVE STATEMENT – FY 2016**

1. Optimize organizational efficiency and effectiveness
2. Learning and growth perspective
3. Owner/customer/stakeholder perspective

#### **MEETING REQUIREMENTS**

*Oneida Personnel Commission By-Laws*, Article III. Meetings.

3-1 *Regular Meetings*. The OPC officers shall establish a schedule of regular meetings for the upcoming year beginning in November. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Administrator. Robert's Rules of Order shall be used as a guideline for conducting meetings.

3-2 *Special Meetings*. Special meetings shall be called not less than three (3) days prior to the date of the special meeting.

3-3 *Emergency meetings*. Emergency meetings shall be scheduled as needed and provide details of the emergency.

3-4 *Legislative Sessions*. When considering revisions or suggestions to the OPC regarding the labor laws of the Tribe, a Legislative Session may be scheduled to devote a focused exclusive convened working meeting of the OPC to specifically address amendment or revision of existing or proposed labor laws of the Tribe. An internal OPC SOP may be drafted governing the procedures to be followed in implementing such Legislative Session.

3-5 *Quorum*. A quorum shall consist of a majority of the OPC members. In the absence of the Chairperson and the Vice-Chairperson, the members present at the meeting shall elect a Chairperson *Pro Tem* to preside over the meeting.

**FOLLOW-UP**

- Meeting with the Personnel Commission's alternate Liaison, David Jordan, Tribal Councilman, regarding issues and concerns of the Commission.

4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 8/11/2016 13:38:34

CBRUNE01  
 10JUL/2016

REPORT NAME: BD\_T\_FISCL REF:C  
 REPORT FOR COMPLETE FISCAL YEAR  
 AND Y-T-D INFORMATION

Year To Date figures  
 as of JUL 2016

Processing Instruction: Submit for last closed month.

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
Revenue - External								
SERVICE FEE REVENUE	000-400001-000	40	90	40			40	
Sub-Total		40	90	40			40	
Revenue/Contribution- Internal								
I/T SERVICE FEE REVENUE	000-450001-000	10	30					
TRIBAL CONTRIBUTION	000-458100-000	225,911	248,510	221,518	280,725	336,871	277,664	332,135
INTRA/SAME SERVICE FEE REVENUE	000-480001-000	150	30					
Sub-Total		226,071	248,570	221,518	280,725	336,871	277,664	332,135
Labor/Payroll Expense								
PERSONNEL	000-502100-000	75,680	74,757	64,977	76,063	91,275	80,189	91,275
WAGE ACCRUAL EXPENSE	000-502100-999	341	334	(1,002)			(1,002)	
SALARIES - TRAINING	000-502110-000	38	36					
PAID TIME OFF	000-504000-000	11,138	12,067	11,958			11,958	
FRINGE BENEFIT	000-505000-000	33,870	35,738	31,895	31,795	38,153	38,253	37,697
FRINGE ACCRUAL EXPENSE	000-505000-999	131	160	(421)			(421)	
Sub-Total		121,198	123,092	107,407	107,858	129,428	128,977	128,972
Cost of Sales								
Sub-Total								
External Expenses								
SUPPLIES & MATERIALS	000-700001-000	1,478	1,324	828	300	360	888	360
COPY CHARGES	000-700010-000	562	1,027	646	342	410	714	410
TRANSP. & PER DIEM	000-701000-000				1,666	2,000	334	2,000
OUTSIDE SERVICES	000-702010-000	749	527	135	1,034	1,240	341	760
LEGAL SERVICES	000-702400-000		14,903	36,958	35,000	42,000	43,958	42,000
TRAINING & EDUCATION	000-705010-000				1,666	2,000	334	2,000
RENTAL USAGE	000-705202-000	1,568	1,561	1,286	958	1,150	1,478	1,150
HEAT & LIGHTS	000-705211-000	4,508	3,721	2,785	3,750	4,500	3,535	4,500
WATER & SEWER	000-705212-000	82	91	74	50	60	84	60
TELEPHONE	000-705213-000	574	432	380	358	430	452	430
BUSINESS EXPENSE	000-705300-000							200
STIPENDS	000-705305-000	275						
INSURANCE	000-705500-000	663	619	474	550	660	584	660

4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 8/11/2016 13:38:34

CBRUNE01  
 10JUL/2016

REPORT NAME: BD\_T\_FISCL REF:C  
 REPORT FOR COMPLETE FISCAL YEAR  
 AND Y-T-D INFORMATION

Year To Date figures  
 as of JUL 2016

Processing Instruction: Submit for last closed month.

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
STIPENDS	100-705305-000	42,507	37,000	18,750	70,624	84,750	32,876	80,750
STIPENDS	200-705305-000			1,200			1,200	
STIPENDS	400-705305-000	5,500	6,300	5,050	6,916	8,300	6,434	8,300
STIPENDS	500-705305-000	23,220	32,250	26,000	28,984	34,780	31,796	34,780
STIPENDS	600-705305-000	4,100	7,575	4,650	5,500	6,600	5,750	6,600
Sub-Total		85,786	107,330	99,216	157,698	189,240	130,758	184,960
Internal Expenses								
I/T SUPPLIES & MATERIALS	000-750001-000	394	75		84	100	16	100
I/T - PRINTING	000-750009-000	1,266			84	100	16	100
I/T RENT EXPENSE	000-755201-000	3,453	3,442		2,916	3,500	584	3,500
I/T UTILITIES EXPENSE	000-755210-000		1	1			1	
I/T DEPRECIATION ALLOCATION	000-755216-000			2,869			2,869	
INDIRECT COSTS	000-758300-000	13,958	14,662	12,225	12,085	14,503	14,643	14,503
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	55	56	(159)			(159)	
Sub-Total		19,126	18,236	14,936	15,169	18,203	17,970	18,203
NET PROFIT OR (LOSS)		1	2	(1)			(1)	



4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 9/13/2016 13:16:06

CBRUNE01  
 11AUG/2016

REPORT NAME: BD\_T\_FISCL  
 REF:C

4273007 - PERSONNEL BOARD  
 REPORT FOR COMPLETE FISCAL YEAR  
 AND Y-T-D INFORMATION

Processing Instruction: Submit for last closed month.

Year To Date figures  
 as of AUG 2016

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
Revenue - External								
SERVICE FEE REVENUE	000-400001-000	40	90	40			40	
Sub-Total		40	90	40			40	
Revenue/Contribution- Internal								
I/T SERVICE FEE REVENUE	000-450001-000	10	30					
TRIBAL CONTRIBUTION	000-458100-000	225,911	248,510	242,817	308,798	336,871	270,890	332,135
INTRA/SAME SERVICE FEE REVENUE	000-480001-000	150	30					
Sub-Total		226,071	248,570	242,817	308,798	336,871	270,890	332,135
Labor/Payroll Expense								
PERSONNEL	000-502100-000	75,680	74,757	71,599	83,669	91,275	79,205	91,275
WAGE ACCRUAL EXPENSE	000-502100-999	341	334	47			47	
SALARIES - TRAINING	000-502110-000	38	36					
PAID TIME OFF	000-504000-000	11,138	12,067	12,334			12,334	
FRINGE BENEFIT	000-505000-000	33,870	35,738	34,819	34,974	38,153	37,998	37,697
FRINGE ACCRUAL EXPENSE	000-505000-999	131	160	18			18	
Sub-Total		121,198	123,092	118,817	118,643	129,428	129,602	128,972
Cost of Sales								
Sub-Total								
External Expenses								
SUPPLIES & MATERIALS	000-700001-000	1,478	1,324	828	330	360	858	360
COPY CHARGES	000-700010-000	562	1,027	646	376	410	680	410
TRANSP. & PER DIEM	000-701000-000				1,833	2,000	167	2,000
OUTSIDE SERVICES	000-702010-000	749	527	152	1,137	1,240	255	760
LEGAL SERVICES	000-702400-000		14,903	36,958	38,500	42,000	40,458	42,000
TRAINING & EDUCATION	000-705010-000				1,833	2,000	167	2,000
RENTAL USAGE	000-705202-000	1,568	1,561	1,414	1,054	1,150	1,510	1,150
HEAT & LIGHTS	000-705211-000	4,508	3,721	3,046	4,125	4,500	3,421	4,500
WATER & SEWER	000-705212-000	82	91	81	55	60	86	60
TELEPHONE	000-705213-000	574	432	418	394	430	454	430
BUSINESS EXPENSE	000-705300-000							200
STIPENDS	000-705305-000	275						
INSURANCE	000-705500-000	663	619	521	605	660	576	660

4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 9/13/2016 13:16:06

CBRUNE01  
 11AUG/2016

REPORT NAME: BD\_T\_FISCL  
 REF:C

4273007 - PERSONNEL BOARD  
 REPORT FOR COMPLETE FISCAL YEAR  
 AND Y-T-D INFORMATION

Processing Instruction: Submit for last closed month.

Year To Date figures  
 as of AUG 2016

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
STIPENDS	100-705305-000	42,507	37,000	21,375	77,687	84,750	28,438	80,750
STIPENDS	200-705305-000			1,200			1,200	
STIPENDS	400-705305-000	5,500	6,300	5,350	7,608	8,300	6,042	8,300
STIPENDS	500-705305-000	23,220	32,250	30,700	31,882	34,780	33,598	34,780
STIPENDS	600-705305-000	4,100	7,575	4,850	6,050	6,600	5,400	6,600
Sub-Total		85,786	107,330	107,539	173,469	189,240	123,310	184,960
Internal Expenses								
I/T SUPPLIES & MATERIALS	000-750001-000	394	75		92	100	8	100
I/T - PRINTING	000-750009-000	1,266			92	100	8	100
I/T RENT EXPENSE	000-755201-000	3,453	3,442		3,208	3,500	292	3,500
I/T UTILITIES EXPENSE	000-755210-000		1	1			1	
I/T DEPRECIATION ALLOCATION	000-755216-000			3,156			3,156	
INDIRECT COSTS	000-758300-000	13,958	14,662	13,337	13,294	14,503	14,546	14,503
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	55	56	8			8	
Sub-Total		19,126	18,236	16,502	16,686	18,203	18,019	18,203
NET PROFIT OR (LOSS)		1	2	(1)			(1)	

4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 10/26/2016 09:02:38

CBRUNE01  
 12SEP/2016

REPORT NAME: BD\_T\_FISCL  
 REF:C

4273007 - PERSONNEL BOARD  
 REPORT FOR COMPLETE FISCAL YEAR  
 AND Y-T-D INFORMATION

Processing Instruction: Submit for last closed month.

Year To Date figures  
 as of SEP 2016

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
Revenue - External								
SERVICE FEE REVENUE	000-400001-000	40	90	40			40	
Sub-Total		40	90	40			40	
Revenue/Contribution- Internal								
I/T SERVICE FEE REVENUE	000-450001-000	10	30					
TRIBAL CONTRIBUTION	000-458100-000	225,911	248,510	276,555	336,871	336,871	276,555	332,135
INTRA/SAME SERVICE FEE REVENUE	000-480001-000	150	30					
Sub-Total		226,071	248,570	276,555	336,871	336,871	276,555	332,135
Labor/Payroll Expense								
PERSONNEL	000-502100-000	75,680	74,757	78,004	91,275	91,275	78,004	91,275
WAGE ACCRUAL EXPENSE	000-502100-999	341	334	771			771	
SALARIES - TRAINING	000-502110-000	38	36					
PAID TIME OFF	000-504000-000	11,138	12,067	13,007			13,007	
FRINGE BENEFIT	000-505000-000	33,870	35,738	37,753	38,153	38,153	37,753	37,697
FRINGE ACCRUAL EXPENSE	000-505000-999	131	160	313			313	
Sub-Total		121,198	123,092	129,848	129,428	129,428	129,848	128,972
Cost of Sales								
Sub-Total								
External Expenses								
SUPPLIES & MATERIALS	000-700001-000	1,478	1,324	1,006	360	360	1,006	360
COPY CHARGES	000-700010-000	562	1,027	951	410	410	951	410
TRANSP. & PER DIEM	000-701000-000				2,000	2,000		2,000
OUTSIDE SERVICES	000-702010-000	749	527	208	1,240	1,240	208	760
LEGAL SERVICES	000-702400-000		14,903	50,558	42,000	42,000	50,558	42,000
TRAINING & EDUCATION	000-705010-000				2,000	2,000		2,000
RENTAL USAGE	000-705202-000	1,568	1,561	1,543	1,150	1,150	1,543	1,150
HEAT & LIGHTS	000-705211-000	4,508	3,721	3,291	4,500	4,500	3,291	4,500
WATER & SEWER	000-705212-000	82	91	88	60	60	88	60
TELEPHONE	000-705213-000	574	432	455	430	430	455	430
BUSINESS EXPENSE	000-705300-000							200
STIPENDS	000-705305-000	275						
INSURANCE	000-705500-000	663	619	569	660	660	569	660

4273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/RUNTIME: 10/26/2016 09:02:38

CBRUNE01  
 12SEP/2016

4273007 - PERSONNEL BOARD  
 REPORT NAME: BD\_T\_FISCL REPORT FOR COMPLETE FISCAL YEAR  
 REF:C AND Y-T-D INFORMATION

Processing Instruction: Submit for last closed month. Year To Date figures as of SEP 2016

ACCOUNT NAME	ACCOUNT NUMBER	FISCAL 2014 ACTUAL	FISCAL 2015 ACTUAL	Y-T-D 2016 ACTUAL	Y-T-D 2016 BUDGET	ANNUAL 2016 BUDGET	ANNUAL 2016 PROJECTED	ANNUAL 2017 PROPOSED BUDGET
STIPENDS	100-705305-000	42,507	37,000	24,500	84,750	84,750	24,500	80,750
STIPENDS	200-705305-000			1,200			1,200	
STIPENDS	400-705305-000	5,500	6,300	5,850	8,300	8,300	5,850	8,300
STIPENDS	500-705305-000	23,220	32,250	33,300	34,780	34,780	33,300	34,780
STIPENDS	600-705305-000	4,100	7,575	5,200	6,600	6,600	5,200	6,600
Sub-Total		85,786	107,330	128,719	189,240	189,240	128,719	184,960
Internal Expenses								
I/T SUPPLIES & MATERIALS	000-750001-000	394	75		100	100		100
I/T - PRINTING	000-750009-000	1,266			100	100		100
I/T RENT EXPENSE	000-755201-000	3,453	3,442		3,500	3,500		3,500
I/T UTILITIES EXPENSE	000-755210-000		1	1			1	
I/T DEPRECIATION ALLOCATION	000-755216-000			3,442			3,442	
INDIRECT COSTS	000-758300-000	13,958	14,662	14,462	14,503	14,503	14,462	14,503
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	55	56	122			122	
Sub-Total		19,126	18,236	18,027	18,203	18,203	18,027	18,203
NET PROFIT OR (LOSS)		1	2	1			1	

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

July 19, 2016 – NOON

East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

A. Call to Order: Attendance (12:00p.m.)

Yvonne Jordan, Chairwoman, called the meeting to order at 12:00p.m.

**MOTION:** Gary Smith motioned to approve the attendance, excusing Rochelle Powless and Eric Krawczyk.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

Also in attendance: Gina Buenrostro, Administrator, Bridget Cornelius, Executive Assistant, Attorney Robert Sweeney, Oneida Business Committee-Councilman, David Jordan, Bradley Graham's father.

B. Approval of Agenda (5 minutes)

Yvonne Jourdan	Chairwoman
Gary Smith	Vice Chair
Sandy Dennett	Member
Sharon Alvarez	Treasurer
Carol Smith	Member
Julie Clark	Member
Pearl Webster	Member
Bradley Graham	Member
Tomas Escamea	Member

**EXCUSED:**

Eric Krawczyk	Member
Rochelle Powless	Secretary

**MOTION:** Julie Clark motioned to approve the agenda, requesting to move to the end of the agenda F.1.(b)., and add F.1.(d) which is for Sandy Dennett, and that herself (Julie Clark) and Carol Smith be excused for the rest of the meeting after this topic is in discussion, with stipends to be paid for both herself and Carol Smith.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

C. Review\Approval of Minutes:

**MOTION:** Bradley Graham motioned to approve the June 21, 2016, meeting minutes.

**SECOND:** Julie Clark

**MOTION CARRIED UNANIMOUSLY**

D. Tabled Business: NONEE. Old Business: No updates or discussion

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
July 19, 2016 – NOON  
East Wing Conference Room

**F. New Business (3)**

1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)
  - a. 2<sup>nd</sup> Quarterly Report-request to revise or edit
  - b. Status of complaint with HRD, regarding the Fitness, Parks and Recreation Area Manager interviews
  - c. Attorney Sweeney's contract, FY 2017-2018-2019
  - d. Sandy Dennett

**MOTION:** Julie Clark motioned to go into executive session.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**                      **TIME:12:30PM**

**MOTION:** Bradley Graham motioned to come out of executive session.

**SECOND:** Tomas Escamea seconded the motion.

**MOTION CARRIED UNANIMOUSLY**                      **TIME:12:49PM**

**MOTION:** Bradley Graham to go into executive session.

**SECOND:** Pearl Webster seconded the motion.

**MOTION CARRIED UNANIMOUSLY**                      **TIME: 1:03PM**

**MOTION:** Sandy Dennett to come out of executive session.

**MOTION CARRIED UNANIMOUSLY**                      **TIME: 1:48PM**

**MOTION:** Sandy Dennett moves that the Oneida Personnel Commission keep their FY 2016 2<sup>nd</sup> Quarterly Report the same, no alterations or edits.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

**\*\*Julie Clark and Carol Smith have recused themselves from all discussion\*\***

**(b.)** Status of complaint with HRD, regarding the Fitness, Parks and Recreation Area Manager interviews

**MOTION:**Sandy Dennett moves that the Oneida Personnel Commission file a complaint on Geraldine Danforth, HRD Manager, pertaining to the handling of the Fitness, Parks and Recreation Area Manager pre-screen and hiring process, with the Oneida Business Committee no later than 4:30Pm on July 19, 2016.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Bradley Graham moves that Attorney Sweeney file a petition (injunction) with the Oneida Judiciary regarding the regarding the pre-screen and hiring process of the Fitness, Parks and Recreation Area Manager.

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**



## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

July 19, 2016 – NOON

East Wing Conference Room

**MOTION:** Bradley Graham moves that the Oneida Personnel Commission schedule a “fact finding” hearing, regarding the pre-screen and hiring process of the Fitness, Parks and Recreation Area Manager, and that the Personnel Commission utilize “pro tem” judges, scheduled for August 12, 2016.

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**

(c). Attorney Sweeney’s contract, FY 2017-2018-2019

**MOTION:** Bradley Graham moves that the Administrator process the 3 year contract for Attorney Sweeney and submit to the Oneida Business Committee.

**SECOND:** Sandy Dennett

**MOTION CARRIED UNANIMOUSLY**

### 2. Activity Report

**MOTION:** Pearl Webster moves to approve the activity report.

**SECOND:** Sharon Alvarez

**MOTION CARRIED UNANIMOUSLY**

### 3. Financial Report

**MOTION:** Bradley Graham moves to accept the financial Report.

**SECOND:** Gary Smith

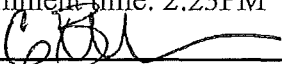
**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Gary Smith moves to adjourn.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

Adjournment time: 2:23PM

  
Minutes prepared by Gina Buenrostro, for Rochelle Powless, Secretary

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

August 16, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary: Rochelle A. Powless (NOT PRESENT)

- A. Call to Order: Attendance (12:02p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant

**EXCUSED:**

Rochelle A. Powless	Secretary
---------------------	-----------

**MOTION:** Bradley Graham motioned to approve the attendance excusing Rochelle

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**C.**

**MOTION:** Bradley Graham motioned to approve the agenda with changes:

**New Business** – Add 1.c. FYI

**SECOND:** Carol Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. Review\Approval of Minutes: July 19, 2016, OPC Regular Meeting  
(Rochelle Powless 10 minutes)

**MOTION:** Bradley Graham motioned to approve the July 19, 2016, OPC Regular Meeting Minutes.

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- D. Tabled Business (none)

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

August 16, 2016 – NOON

East Wing Conference Room

**E. Old Business (3)**

1. Draft article for the Kahliwisaks (entire commission 10 minutes)

MOTION: Gary Smith motioned to accept update

SECOND: Tomas Escamea

MOTION CARRIED UNANIMOUSLY

2. **Internal Audit Request-UPDATE**

MOTION: Bradley Graham motioned to accept update

SECOND: Sharon Alvarez

MOTION CARRIED UNANIMOUSLY

3. **Employment Law Draft 17-UPDATE**

MOTION: Bradley Graham motioned that the Chair send a letter to the Oneida Business Committee to get on annual agenda for topic of Employment Law

SECOND: Carol Smith

MOTION CARRIED UNANIMOUSLY

\*Put in as a Business Committee Agenda and send to the secretary, Motion passed with Carol Smith abstaining.

4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)

\*\* Carol Smith is recused from all discussion on this topic\*\*

MOTION: Sharon Alvarez motion to go into executive session

SECOND: Bradley Graham

TIME: 12:32PM

MOTION CARRIED UNANIMOUSLY

MOTION: Gary Smith motioned to come out of executive session

SECOND: Bradley Graham

TIME: 12:59PM

MOTION CARRIED UNANIMOUSLY

MOTION: Sharon Alvarez motioned to accept update

SECOND: Gary Smith

MOTION CARRIED UNANIMOUSLY

MOTION: Gary Smith motioned that HRD provide top candidates scores, names and results, and carbon copy the Oneida Business Committee

SECOND: Bradley Graham

OPPOSED: Carol Smith

MOTION CARRIED

MOTION: Bradley Graham motioned that the HRD send to the Oneida Personnel Commission the regular call log, and carbon copy the Oneida Business Committee

SECOND: Sharon Alvarez

OPPOSED: Carol Smith

MOTION CARRIED

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
August 16, 2016 – NOON  
East Wing Conference Room

**F. New Business(4)**

1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)
  - a. Training Dates-NONE GIVEN

**MOTION:** Gary Smith motioned that there will be no further training until the Oneida Personnel gets new members

**SECOND:** Sharon Alvarez

**MOTION CARRIED UNANIMOUSLY**

- b. Barb Kolitsch, training issues

**MOTION:** Gary Smith motioned to table this item until the Oneida Personnel Commission gets more members

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

**2. Financial Report June 2016**

**MOTION:** Carol Smith motioned to approve

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

**3. Activity Report July 2016**

**MOTION:** Gary Smith motions to approve

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

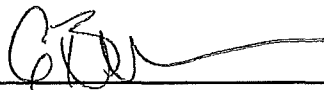
**4. Training Log**

No Action taken

**MOTION:** Carol Smith moved to adjourn at 1:46 PM.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**



---

Minutes taken for the secretary by Gina Buenrostro

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
September 20, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary: Rochelle A. Powless (NOT PRESENT)

- A. Call to Order: Attendance (12:01p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:01p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Eric Krawczyk	Member
Jennifer Hill	Member
Leland Wigg-Ninham	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney

**EXCUSED:**

Rochelle A. Powless	Secretary
---------------------	-----------

**MOTION:** Pearl Webster motioned to approve the attendance excusing Rochelle

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:

**New Business** – Add 1.c. FYI

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. Review\Approval of Minutes: August 16, 2016, OPC Regular Meeting  
(Rochelle Powless 10 minutes)

**MOTION:** Gary Smith motioned to approve the August 16, 2016, OPC Regular Meeting Minutes, with corrections.

**SECOND:** Bradley Graham seconded the motion.

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

September 20, 2016 – NOON

East Wing Conference Room

**MOTION CARRIED UNANIMOUSLY****D. Tabled Business (none)****E. Old Business (4)**

1. Draft article for the Kahliwisaks (entire commission 10 minutes)

MOTION: Sharon Alvarez motioned to accept update

SECOND: Pearl Webster

MOTION CARRIED UNANIMOUSLY

**2. Internal Audit Request-UPDATE**

No Update

**3. Employment Law Draft 17-UPDATE**

No Update

4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion\*\*\*

MOTION: Bradley Graham moved to go into executive session

SECOND: Tom Escamea

TIME: 12:25PM

MOTION CARRIED UNANIMOUSLY

MOTION: Bradley Graham moved to come out of executive session

SECOND: Sharon Alvarez

TIME: 1:35PM

MOTION CARRIED UNANIMOUSLY

MOTION: Bradley Graham moved to send a letter to the Tribal Secretary's office to request a receipt for the acceptance of the complaint, and to inquire who from the Oneida Business Committee is handling the complaint regarding the Area Manager of Fitness, Parks and Recreation interviews and prescreening concerns and issues

SECOND: Gary Smith

MOTION CARRIED UNANIMOUSLY

**F. New Business(4)**

1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)

MOTION: Sharon Alvarez motioned to go into executive session

SECOND: Pearl Webster Time: 12:37PM

MOTION CARRIED UNANIMOUSLY

MOTION: Gary Smith motioned to come out of executive session

SECOND: Sharon Alvarez Time: 12:48PM

MOTION CARRIED UNANIMOUSLY



## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

September 20, 2016 – NOON

East Wing Conference Room

## a. Contract for Robert Sweeney

MOTION: Bradley Graham moved to approve the 3 year contract w/changes

SECOND: Gary Smith

MOTION CARRIED

## b. Hearing Process

MOTION: Bradley Graham moved to go into executive session

SECOND: Gary Smith Time: 12:50PM

MOTION CARRIED UNANIMOUSLY

MOTION: Bradley Graham moved to come out of executive session

SECOND: Gary Smith Time: 1:30PM

MOTION CARRIED UNANIMOUSLY

c. 3<sup>rd</sup> Quarterly Report

MOTION: Bradley Graham moved to approve report

SECOND: Gary Smith

MOTION CARRIED UNANIMOUSLY

## d. By-laws

No Action, Bylaws will be on the next agenda, the redline version

## e. Training Waiver-Eric

MOTION: Gary Smith moved to waive the training for “New Commissioners” for  
Eric Krawczyk

SECOND: Sharon Alvarez

ABSTAIN: Eric Krawczyk and Bradley Graham

MOTION CARRIED

## 2. Financial Report July 2016

MOTION: Pearl Webster motioned to approve

SECOND: Bradley Graham seconded the motion.

MOTION CARRIED UNANIMOUSLY

## 3. Activity Report August 2016

MOTION: Bradley Graham motions to approve

SECOND: Gary Smith

MOTION CARRIED UNANIMOUSLY

## 4. Training Log

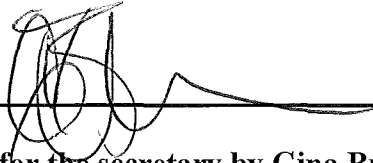
No Action taken

MOTION: Bradley Graham moved to adjourn at 1:52 PM.

SECOND: Gary Smith

MOTION CARRIED UNANIMOUSLY

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
September 20, 2016 – NOON  
East Wing Conference Room

A handwritten signature in black ink, appearing to be 'Gina Buenrostro', is written over a horizontal line.

**Minutes taken for the secretary by Gina Buenrostro**

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 OCHD FY 2017 First Quarter Report

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



**ONEIDA COMPREHENSIVE HEALTH DIVISION  
 DR. RAVINDER VIR MEDICAL DIRECTOR  
 DEBRA DANFORTH, RN, BSN, OPERATIONS DIRECTOR  
 DIVISION UPDATE  
 Quarter 1 FY 2017  
 October-December, 2016**



<b>Executive Management Team:</b>	
<b>Division Dir-Operations, Debra Danforth RN, BSN,</b>	<b>869-4807</b>
<b>Division Dir-Medical, Ravinder Vir, MD,</b>	<b>869-4808</b>
<b>Asst. Operations Director, Judi Skenandore,</b>	<b>869-4809</b>
<b>Executive Assistant, Mercie Danforth</b>	<b>869-4810</b>
<b>Business Operations Director, Jeff Carlson,</b>	<b>869-4805</b>
<b>Ancillary Services Director, Dave Larson,</b>	<b>869-4820</b>
<b>Director of Nursing-OCHC, Sandra Schuyler,</b>	<b>869-4906</b>
<b>Behavioral Health Manager, Mari Kriescher,</b>	<b>490-3737</b>
<b>Employee Health Manager, Mary Cornelissen</b>	<b>405-4492</b>
<b>AJRCCC Administrator, Dave Larson (Interim)</b>	<b>869-2797</b>
<b>Public Health Officer, Eric Krawczyk,</b>	<b>869-4812</b>

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



**THE ONEIDA COMPREHENSIVE HEALTH DIVISION IS COMPRISED OF:**

*Oneida Community Health Center (OCHC)  
Anna John Resident Centered Care Community (AJRCCC)  
Oneida Behavioral Health (OBH)  
Employee Health Services (EHS)*

**VISION:**

A progressive sustainable health system that promotes Tsi?niyukwaliho tá (Our Ways).

**MISSION:**

We provide the highest quality, holistic health care to ensure the wellness of OUR Oneida Community.

**VALUES:**

**Responsive Leadership:** *Consistent attentive listening, honesty, doing the right thing, timely decision making and seeing issues resolved to completion.*

**Culturally Sensitive:** *Meeting people where they are and being sensitive to their unique needs as human beings within the Oneida Community.*

**Continuous Improvement:** *Striving to achieve a higher quality of health care and a higher performing workforce through our Commitment to Learning and Growth.*

**Communication:** *Fostering honest, respectful and timely communication with the appropriate level of transparency.*

**Safety:** *Striving for an environment that provides the highest level of physical and emotional safety for our patients, employees and community in an environment free of fear, retaliation and repercussion.*

**Respect:** *Create a welcoming and compassionate environment focused on the individual needs of OUR community and Health Care Team*

**OUR 2015-2018 STRATEGIC PLAN IS FOCUSED IN FOUR SPECIFIC AREAS:**

1. Improve Population Health Management
2. Continuous Quality Improvement
3. Optimize Technology
4. Enhance Our Workforce

## OUR 2015-2018 INITIATIVES THAT WILL BE FOCUSED TO ACHIEVE OUR STRATEGIES:

1. **Accreditation:** The Comprehensive Health Division will validate and assure the community the delivery of the highest quality health care services in achieving AAAHC (Accreditation Association for Ambulatory Health Care) accreditation by December 2017 through team work, leadership and commitment. By accomplishing accreditation we will provide staff a sense of accomplishment, increase quality of care, enhance public validation for community/customer satisfaction, improve recruitment/retention of providers, and increase the probability of outside funding.
2. **Advancing Technology:** Utilize innovative State of the Art technology and data analytics to continuously improve wellness and health outcomes.
3. **Optimize staffing processes:** To work collaboratively with HRD to enhance the Division processes for recruitment, hiring, and retention and provide recommendation (s) for change to the Oneida Business Committee by September 30, 2017. By enhancing the recruitment, hiring, and retention processes we will have a lean hiring practice, improve our recruitment and retention, enhance our services from HRD (letters, market analysis), have improved collaboration/working relationship with HRD, fill all vacancies with qualified people in a timely manner, and improve our Supervisor/Director satisfaction with HRD processes.

## IMPROVE POPULATION HEALTH MANAGEMENT

### Initiatives: Optimizing Staffing Processes and Accreditation

- We continue to recruit for vacancies in Primary Care including Pediatrics, Family Practice and Internal Medicine
- Michelle Kreft Family Practice Nurse Practitioner started on November 7, 2016.
- Access to care remains sub optimal across the Health Division.
- The high NO SHOW rates also contribute to sub optimal access to care for our patients.
- No show rates in the Medical Clinic decreased from 13.9% in FY 2015 to 10.3 % in FY 2016.
- Recruitment and retention of Health Care Providers and professionals remains ongoing.
- Recruitment and retention of nursing staff (RN, LPN, and CMA positions) remains ongoing.
- Limited Succession planning for future retirements of staff with longevity and the restraints within the organization limit options available
- The Division is looking at innovative team based approaches to provide quality care to our community.
- A cross functional Population Health Management project team continues its work on our Population Health Management strategic initiative.
- Access to care is continuously monitored across the Health Division. We have staffing, space and financial constraints that prevent us from providing optimal access to care in our Division.
- OCHD is re-evaluating a longer term Facility expansion plan to improve access and for provision of healthcare to our community.

### Medical

- Routine appointments are currently booking 4-8 weeks out for the Medical Clinic
- **See attachment A for No Show data for Medical Clinic**



## Behavioral Health

- Psychotherapist positions are filled. Susan Exworthy started on November 7, 2016 and Heidi Blanks started on December 19th, 2016
- Clinical Substance Abuse Counselor- 1 position filled, Heidi Kleinschmidt started on December 5th, 2016.
- Executive Summary of Customer Service Survey for 2016 see attachment B
- No Show and Access to Care reports see attachment D & E.

## Optical

- Routine exams are booking 5 months out for Optical
  - Optical does have a walk-in clinic on Monday and Thursday mornings for patients who needs their appointments sooner. A sign-up begins at 7:45 AM and the patient will need to wait to be seen.
  - Optical also sees emergencies as needed
- Dr. Roxanne Doyle-Keszko submitted her resignation effective December 31, 2016 to transition to a part-time private practice closer to her home.
- Efforts for recruitment to fill her vacancy have been initiated and hope to have a full time replacement by March, 2017.
- A contract for a new full time Optometrist was started for Dr. Tracy Rosiek. Her anticipated start date is Monday, March 6th, 2017.
- Dr. Ashley Torreano started on 12-29-16 as a fill in Independent Contracted Optometrist.
- Ruth Anne McMonagle started as a sub relief Optometric Technician in October.
- Practice Watch is a function within Compulink that would allow us to text a patient an appointment reminder. It is currently not functioning properly due to Oneida's security access requirements. We continue to work with MIS security to resolve this issue.

## Dental

- For Routine exam and Filling appointments the week of April 17, 2017
- Emergencies are still being seen on a daily basis
- Dental Cleaning and other Perio appointments are being scheduled the week of August 28, 2017. A call list is still utilized for cancelations.
- We are short staffed four dental assistants, Dental is working with HR to post the positions
- Continue CDHC access to care w/hygienist (Barb A) at Head Start, ONES, High School and Diabetes Clinic
- Letter to community regarding Cell Phone use within the Dental Clinic see attachment C
- Referral of children w/MA/Badger Care or those with no insurance who are in need of a pediatric dentist, continue to be referred to the Oral Health Partnership (OHP), additionally contact has been made with First Impressions Pediatric Clinics. There are offices in Appleton, Suamico and in the spring an office will open in Bellevue.
- Dental staff have been working with PRC to negotiate a reduced PRC rate with the dental offices who receive majority of our dental referrals.
- Dr. Wendy Pietz (Board Certified Oral Surgeon) started in December 8, 2016 and will provide services 3-4 times per month.
- Contact has been made with a sedation dentistry office in Freedom and Algoma. Both dentists have agreed to see our patients who need sedation to complete their routine dental needs.

**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY (AJRCCC) UPDATE:**



The average daily census for 1st Qtr of the Fiscal Year 2017 is indicated in the chart below:

	October	November	December	Total
<b>Total Billable days for the Residents in the Month</b>	1358	1348	1367	4073
<b>Number of Calendar Days</b>	31	30	31	92
<b>Daily Average Census</b>	43.8	44.9	44.1	44.27
<b>*Oneida Enrolled</b>	38	37	33	
<b>* Other Tribe</b>	4	4	4	
<b>*Non-Tribal</b>	8	9	9	
<b>% full</b>	91.26%	93.61%	91.87%	92.23%
	<b>Payment source</b>			
			<b>Medicaid</b>	73.29%
			<b>Med A</b>	6.75%
			<b>Private</b>	13.36%
			<b>VA</b>	.93%

\*Varies by Admissions and Discharges throughout the month

- Between the months of October to December, 2016; HRD reported that as of 1/1/2017 the Anna John Resident Centered Care Community had a total of 65 tribal employees working the 24/7 shifts to care for our Residents during the 1st quarter 2017.
- Quality Assurance/Regulatory Compliance Issues:  
The Quality Assurance mandated that all AJRCCC staff training was completed along with additional policy and procedures updated by the Quality Assurance Team; and 2 minor reports were sent in to the State of Wisconsin, Bureau of Quality Assurance.
- Shared activities between AJRCCC and Elder Services continue on a scheduled plan.
- The Congregate Mealsite hours of operation are Monday through Friday from 8:00 AM to 4:30 PM and continues to average 80-100 per day in attendance.
- Dave Larson continues as the Acting Administrator for the AJRCCC awaiting finalization of the reorganization within the Health Division. Job descriptions have been submitted to HR for finalization along with the Reorganization paperwork.
- Reorganization should be complete by January 31, 2017.



- The AJRCCC board has been actively reviewing their By-Laws and have been meeting regularly with a full board.

## OPTIMIZE TECHNOLOGY

### **Initiatives: Advancing Technology and Accreditation**

- **The EMR Team** continues ongoing review and updating of the system on a regular basis as new releases are available within the application and added on software. Every update/new release requires numerous hours of testing and coordination for implementation to assure that all the application and updates are tested before going live. Our next anticipated upgrade will not be until the second quarter of 2017. There are many anticipated changes and upgrades required in our server configurations that are required for the next upgrade to 12.2. This upgrade is in preparation for the Electronic Prescribing of Controlled Substances (EPCS). MIS has been working this last quarter on upgrading our servers for all the needed applications to meet the requirements for this new version of Centricity.
- **HIPAA Security Policies/Procedures:** HIPAA and EMR SOP training continues for AJRCCC and MIS staff. We have finalized an E-Learning format for staff in order to deliver this information to MIS staff, but we have encountered formatting issues. We were able to find a solution in order to provide the E-Learning, but were not able to complete for the end of 2016. Required areas that needed this training were given face to face training once again this year. In 2017, we will continue to work on providing this training through E-Learning for all employees.
- **Risk Assessment-** We continue to meet regularly and have completed and implemented the correction plan for 2016. We once again engaged with MetaStar to assist us with our annual Risk Assessment. We have completed the required HIPAA Security Risk Assessment Review and Walk through by the end 2016 for the areas. The walk through assessment for AJRCCC is in process.
- **Patient Portal-** Nothing new to update this quarter.
- **Automated Clinically Messaging (ACM):** This is a functionality which has been added to the Medical Patient Portal. This functionality will provide providers the ability to send mass or individual messaging to patients, office visit clinical summaries securely to patients and consult patient summaries to outside providers automatically via the patient portal. In the last quarter we have installed GE/SureScripts Document Management solution. Mid-December we tested and went live with the automation of Transfer of Care (TOC) documents to providers we had secure email address too that we refer to. The ability to get service providers direct address has been a challenge and we continue to gather more direct addresses. Oneida Community Health Center has successfully been testing and was able to complete 1 secure message per provider to a patient. We continue to test and work through this functionally. We hope to go live with this to all medical staff and patients by end of 2nd quarter of the calendar year. This will allow us to communicate securely with patients via the patient portal.
- **E-signature-** BH will be requesting the quote for laptops for the 2<sup>nd</sup> phase of implementation.
- **Meaningful Use (MU):** We are coming to an end of the 90 day reporting period for MU measures for Modified Stage 2 for 2016. We will continue to follow the guidelines for the Medicaid program of Meaningful Use as we are directed by Center for Medicaid and



Medicare Services (CMS). We have been monitoring and will evaluate the Clinical Quality Reporting (CQR) results after the 1<sup>st</sup> of the year to verify we have met the required measures in order to receive the incentive money. We will need to attest for Modified Stage 2 by February 28, 2017 for qualified Eligible Professionals (EP).

The team continues to work with MetaStar to assist all areas with meeting Meaningful Use and its different programs.

- **PQRS-Physician's Quality Reporting System.** We have registered once again to report PQRS data as a group for Oneida Community Health Center for 2016. We will utilize Quality Submission Services (QSS) in conjunction with Clinical Quality Reporting (CQR) function with GE Centricity for 2016 data submission. We have received notification that our PQRS data submitted in 2016 for 2015 was sufficient and we will receive no negative payments for Medicare payments in 2017.
- **Proximity Cards-** We have successfully implemented Imprivata in the Optical and Medical areas. We continue to work on the application, formatting and profiling of users to make the application work without inconsistencies.
- **Picture Archiving Communication System (PACS)-** We have successfully implemented a permanent fix to prevent Link Logic issues when past images are attached to the PACS system. We have successfully implemented a solution with Nuvodia and Hospital Sisters Health System (HSHS) to provide us the ability of a secure image transfer agreement between both entities.
- **Behavioral Health Chart Status Project (OBH)-** We will need to continue transferring our OBH Medical Records Excel database into the EMR. This is a task that we will continue to require the assistance of the General Electric (GE) consultant because of the complexity of the licensing requirements to complete this portion of the status changes on the patient banner. This has been worked on but is still in process; we have resolved some of the issues with set up of the signature capture. The signature capture must be in working order to have all of our licensing requirements in the EMR utilizing the banner for a fully functioning Chart Status. We are continue to work on the signature capture implementation (starting with Registration) in order to move forward with the OBH Chart Status Project. We are in the process of testing the reports for all areas. However, we are not fully functioning with all of our documents live which poses a challenge to ensure the report is functioning as designed. We have initiated having the medical records techs start the conversion of chart status to test the reports. We have about 10,200 charts that need to be converted to eliminate the excel database for OBH. A request for overtime for medical records techs is forthcoming to complete the conversion.
- **REPORTS-** We are working with the Cognos application to determine if the functionality of that system will be sufficient to enable the ability to pull quality assurance and outcome reports, OBH Provider reports, no show reports and access to care report. We continue to work with Management Information Systems (MIS) on OBH Reports. We has been successful with getting ongoing reports of Access to Care, Monthly and Quarterly No Show/Cancellation Summary and Provider Utilization Reports for OBH but continue to work on these reports for the medical area as well as Optical and Dental. However, MIS will be continuing to assist us however has very limited time available due to the current MIS workload and only one person in this position with MIS to do this.
  - "VisAnalytics Reporting User Guide" is available. This is work in progress and needs to be user friendly.
  - Oneida Behavioral Health (OBH) has not yet been able to get the desired clinical data from the EMR.



- Oneida Community Health Center (OCHC) continues to work with MIS to finalize the access to care report. We anticipate expanding this to Access to Care Report to be included as part of this report over the next quarter.
- We have contracted with GE to create Crystal Reports for OBH Chart Status. We have received the 1<sup>st</sup> test report in December 2016 and are in the process of testing and reviewing.
- **Team Based Care /Population Health Management-** The project charter for Population Health Management has been completed but is in need of some revisions. The Diabetic Team is currently working on a project plan for Team Based Care. Our proposed go live date is 1/20/2018.

#### **PATIENT MANAGEMENT SYSTEM (PMS)**

- Batch Eligibility- Emedapps 271 Submission files continue to go through still with occasional glitches. Emedapps continues to fix them as they occur. Full database runs of Batch Eligibility have been attempted with little success because they are being tested in the Development environment and a new version of the SevaXchange application. A new full database run will be completed again the weekend of January 13, 2017. This must be completed since the General Electric (GE) Centricity Electronic Data Interchange (EDI) Plug-ins that are currently in use only get completed at the registration level.
- Electronic Data Interchange (EDI) Eligibility - The GE Centricity EDI plug-ins are set up and being used by our Billing and Registration staff on a patient-by-patient basis. Batch eligibility EDI by the provider schedule has currently been suspended until we get a better idea on the number of transactions we are actually sending in a month. Many of the main insurances have been linked to this capability which has allowed us to electronically check insurance eligibility on a patient in real-time, directly from GE Centricity.

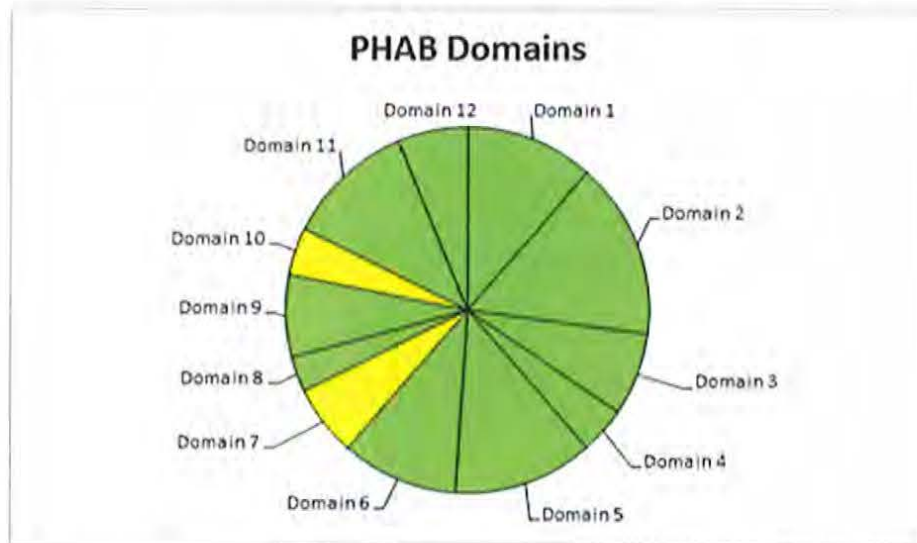
### **CONTINUOUS QUALITY IMPROVEMENT** **Initiatives: Accreditation**

#### **Accreditation of the Health Division**

- Data tracking and collecting with all departments.
- Continue going through the G drive.
- Orientation Manual
- Patient satisfaction survey – Jan/ Feb 2017.
- Reviewing all procedure codes.
- Integrating Diabetic education with facebook posts on TVs that will be installed in front lobby.
- Working on a reporting structure for the additional Health Division Committees i.e. Pharmacy and Therapeutics, Infection Control etc to report their meeting minutes to the QA team.
- Work continues on the training tracking tool for OCHD with Human Resources.
- We had a follow up meeting regarding the Bomb Threat incident on 11/01/16 and will be developing a team in collaboration with the Oneida Police Department, Emergency Management and other areas to address the areas that needed improvement following our debriefing. Over all the incident was a great learning tool for our emergency policies.

**Public Health Accreditation**

- Opened new Prevention grant objective Sept 2016 – August 2017. Funds will be used to cover costs to continue Tribal Accreditation and Quality Forums.
- In November, submitted the Community Health Services Department quarterly performance management progress reports for April – June 2016 and July – Sept 2016 to the division Quality Improvement Committee.
- Community Health Services Department and key internal partners for the next Community Health Assessment completed training on an overview of a Community Health Assessment and how it relates to day to day on Dec 8, 2016.
- Community Health Assessment (CHA) Leadership team has been assembled to coordinate the next Community Health Assessment (CHA). Meetings will begin in Jan 2017.
- We completed review of Domains 12, 3, 11, 2, 6, 10, and 7. This means we reviewed and identified documentation for all twelve domains!
- Article submitted to the Kalihwisaks and Facebook announcement informing the community of our success in completing review of all twelve domains during the last week of Dec 2016.



\*\* Red- No review yet      Yellow- greater than 50% complete      Green- 100% complete

**ENHANCE OUR WORKFORCE**  
**Initiative: Optimizing our staffing processes**

**HUMAN RESOURCE MANAGEMENT**

**Number As of 01/01/17 Comprehensive Health Division Employees: 335**

- 118 Oneida Enrolled
- 31 American Indian/Alaskan
- 3 Black/African American
- 2 Asian
- 4 Hispanic/Latino
- 175 Caucasian/other
- 2 Two or More Races



- **AJRCCC: (65)**
  - 26 Oneida Enrolled (INCREASED FROM 15% TO 41.5% OF EMPLOYEE BASE FOR AJRCCC)
  - 9 American Indian/Alaskan
  - 1 Asian
  - 2 Hispanic/Latino
  - 27 Caucasian/other
  
- **Current vacancies as of 01/01/17:**
  - Purchased/Referred Care Supervisor
  - Certified Medical Assistant-OCHC
  - Certified Nursing Assistant
  - Clinical Substance Abuse Counselor OBH
  - Dental Assistant /ET
  - Diabetes Program Supervisor
  - LPN – AJRCCC
  - LPN- OCHC
  - Mammography Technician-OCHC
  - Physician Pediatrician
  - Physician Family Medicine
  - Physician Internal Medicine
  - Psychiatrist OBH
  - Psychotherapist OBH
  - RN – AJRCCC
  - RN-OCHC
  - Dietary Aide/Cook-AJRCCC

## FINANCIALS

\*\*Based on 4<sup>th</sup> Quarter FY 2016 with GL closed for FY 2017 and GL not closed for FY 2016

### Funding Sources for FY-2017

**TRIBAL CONTRIBUTION:** 3.10%

**GRANTS:** 3.96%

### OTHER SOURCES:

External Sales/Third Party Revenue/other income 47.51%

Indian Health Services: 45.43%

**Total Budget:** **\$51,295,138**

### Status as of 01/18/17

Budget as of 01/18/17: \$51,295,138

Revenues/Expenditures as of 01/18/17: \$53,901,414

## LONG TERM CARE:

- There is a great deal of concern regarding the Social Security Act and its impact on both MA and MA waivers. This includes all waivers (e.g. 1915a, 1915b, 1915c, 1915i, 1115). The concern centers around the Office of General Counsel for CMS. General Counsel has repeatedly said that federal statute, federal regulation, and court rulings (to include U.S. Supreme Court) notwithstanding, Tribes are considered an ethnic minority and not a political entity. While Several Tribes and States have found language to side step this issue, this is becoming a larger and more significant issue, particularly as the environment of healthcare is rapidly changing. The Vice Chairwoman raised this

concern directly with CMS. **This does need to be a priority going forward with the Trump administration. This may need to be elevated to the HHS level.**

- The Long Term Care Workgroup with the State of WI, the 1915C waiver is the recommendation that will be coming forward from this group. This group is not in favor of a demonstration waiver and will be discussed in detail at the February 9, 2017 meeting with just the Tribes. The meeting with the that will include the State participation will be held on February 10, 2017 in Wausau.
- MACRA and MIPS final rule was released on October 14, 2016 and does not specifically say that Tribes are exempted from the requirements. MACRA does not provide an explicit exclusion for FQHC's but they should not be affected because they bill under an all-inclusive rate. **This needs to be clarified with CMS and remains an issue throughout Indian Country.**
- Working collaboratively with Governmental Services Division.
- Reorganization is in process for the Community Options Program(COP) to better address the needs of long term care and improved efficiencies within this area.

### Celebrations and Successes:

We have had two retirements this quarter and wish them both well as they enter a new stage in their life! Congratulations to both Brian Denny and Judi Skenandore!



Community Health Assessment Team



Participants of Craft Sale 2016



OCHC Bomb Threat Evacuation Incident



We would like to welcome Chenoa Webster to Comprehensive Health Division!!!

Shekoli Swakweku,

“My name is Chenoa Webster and I am excited to join the team at Community Health as a Community Health Worker for Healthy Start. I have a long history of work experience within the early childhood development field and have worked for the tribe at Oneida Child Care Centers and the Head Start Program. In addition to my work with the tribe, I have worked with youth outreach of all ages in Native communities in MN, AZ, and WI within after-school programming, mentorship programs, AmeriCorps, elementary and high schools, and early learning centers.

I grew up in Minneapolis, MN and attended school at the University of Arizona in Tucson for two years. I achieved my Child Development Associate (CDA) specializing in infant and toddler development and have really enjoyed working with our youngest youth and families in the community. Achieving an optimal start to life is so important for our youth and future generations to come. This is why I believe so strongly in the Healthy Start Program and I know it can be all the difference needed in many children and families lives.

In my free time, I enjoy spending time with my family the most and especially with my two daughters who are my pride and joy. I love adventurous travel and am always looking for new opportunities to learn and grow.

I am so honored to continue my work with youth and families within our Oneida community and I look forward to working in a new capacity for Healthy Start within the Community Health Department.”



**Highlights for the Comprehensive Health Division for 2016**

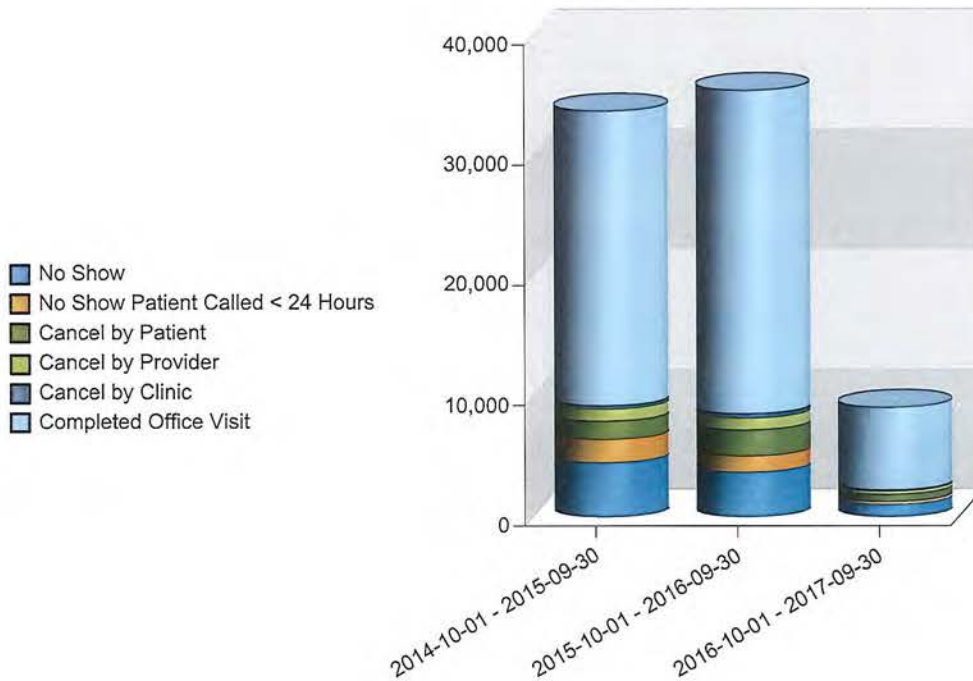
- In May – we went to smoke free campuses for the Divisions buildings.
- 2016 saw the first year of monthly cultural awareness trainings. In November there was a poll done showing that there was an increased awareness in staff regarding Oneida's culture.
- An awesome face book was developed to communicate with the community / employees.
- 2016 saw new providers coming on board throughout the Division.
- Active shooter training Tribal Wide
- Evacuation of staff and patients during a bomb scare – successful and in a timely manner.
- Many electronic medical record successes. One success - immunization information able to travel electronically to and from Wisconsin immunization registry.
- Many of the mandatory trainings have been developed into e-learnings. Not losing patient care time to complete the trainings.
- The booster club has arranged some fantastic events that staff enjoyed. Successful money raising events to coordinate the events for staff enjoyment. Employee Morale has improved throughout the Division!
- 2016 Craft Sale was a huge success once again!
- Community Health has applied for Public Health Accreditation.
- Meeting goals for Meaningful Use and the Physician Quality Reporting System. Both measure quality of care.
- Center for Disease Control (CDC) recognition and acceptance for the Diabetes Prevention Program (DPP) following application for the new Medicare DPP program.
- Screening mammography available following installation of new digital mammography.

**We look forward to 2017 with all the challenges and positive changes to come.**

**Please follow us on our Oneida Comprehensive Health Division Facebook page!**



## Three Year By Quarter No Show/Cancellation Summary Oneida Health Center Medical Clinic



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr01	976	10.8%	267	3.0%	579	6.4%	255	2.8%	98	1.1%	2,128	6,883	9,011	6,114	4,803
2016-10-01 - 2017-09-30		976	10.8%	267	3.0%	579	6.4%	255	2.8%	98	1.1%	2,128	6,883	9,011	6,114	4,803
2015-10-01 - 2016-09-30	Qtr04	939	11.0%	292	3.4%	564	6.6%	184	2.2%	59	0.7%	2,000	6,546	8,546	6,533	4,621
	Qtr03	861	9.9%	353	4.0%	549	6.3%	192	2.2%	109	1.2%	2,026	6,710	8,736	6,704	4,501
	Qtr02	777	9.0%	338	3.9%	547	6.4%	285	3.3%	115	1.3%	2,037	6,576	8,613	6,577	4,464





## Three Year By Quarter No Show/Cancellation Summary

### Oneida Health Center Medical Clinic

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr01	1,059	11.2%	370	3.9%	522	5.5%	337	3.6%	81	0.9%	2,361	7,061	9,422	7,065	5,031
2015-10-01 - 2016-09-30		3,636	10.3%	1,353	3.8%	2,182	6.2%	998	2.8%	364	1.0%	8,424	26,893	35,317	26,879	8,662
2014-10-01 - 2015-09-30	Qtr04	989	13.3%	334	4.5%	402	5.4%	315	4.2%	65	0.9%	2,105	5,358	7,463	5,359	4,102
	Qtr03	1,119	13.1%	502	5.9%	418	4.9%	346	4.1%	65	0.8%	2,450	6,072	8,522	6,074	4,355
	Qtr02	1,120	12.7%	601	6.8%	368	4.2%	145	1.6%	69	0.8%	2,303	6,524	8,827	6,526	4,514
	Qtr01	1,203	13.5%	509	5.7%	361	4.0%	206	2.3%	85	1.0%	2,364	6,563	8,927	6,566	4,808
2014-10-01 - 2015-09-30		4,431	13.1%	1,946	5.8%	1,549	4.6%	1,012	3.0%	284	0.8%	9,222	24,517	33,739	24,525	8,307
Summary		9,043	11.6%	3,566	4.6%	4,310	5.5%	2,265	2.9%	746	1.0%	19,774	58,293	78,067	57,518	11,030



B.

**Oneida Behavioral Health Services**  
**2016 Customer**  
**Experience Survey (CES)**

**Executive Summary:**  
**October 2016**



A Good Mind. / A Good Heart. / A Strong Fire.

Data Compiled by: Dr. David Prestby, Oneida Behavioral Health Services (BHS),  
Research, Data, & Evaluation Analyst  
11/15/2016

**[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]**

**November 15, 2016**

**ONEIDA BEHAVIORAL HEALTH SERVICES (BHS):  
2016 CUSTOMER EXPERIENCE SURVEY (CES) EXECUTIVE SUMMARY  
(October 2016)**

The following **TABLES** and **FIGURES (10.00 to 10.14)** described in this report were designed to be a general visual aid to the reader. The preliminary data results are explained in terms of percentage or numbers represented for each question of the **2016 Customer Experience Survey (CES)**. Participants (n=216) represent the client/patient who participated in the one page (12 question) **2016 Customer Experience Survey (CES)**. This executive summary is for the month of October 2016.

**TABLE 10.00** (below) reveals the data of “Type of Provider Service Received Today” at Oneida Behavioral Health Services for October 2016 and **TABLE 10.01** (below) reveals the Patient Account Representative (PAR) assistance for when Oneida BHS Providers didn’t put their ID number on the survey form. **TABLE 10.02** (following page) reveals the total data distribution for which Oneida BHS provider was seen by the survey participant.

**TABLE 10.00**  
**Type of Provider Service Received Today at Oneida BHS**

Provider Service	Frequency	Percent	Valid Percent	Cumulative Percent
ATODA	35	16.2	16.2	16.2
CO	47	21.8	21.8	38.0
MH	72	33.3	33.3	71.3
DR	51	23.6	23.6	94.9
Triage	1	.5	.5	95.4
SW	10	4.6	4.6	100.0
Total	216	100.0	100.0	

**TABLE 10.01**  
**PAR Assist for Oneida BHS Provider for Survey**

PAR Assisted BHS Provider	Frequency	Percent	Valid Percent	Cumulative Percent
PAR Robert Pamanet	57	26.4	26.4	26.4
PAR Tina Platt	18	8.3	8.3	34.7
No PAR Assist Needed	141	65.3	65.3	100.0
Total	216	100.0	100.0	

[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]

November 15, 2016

TABLE 10.02

## Provider Seen Today at Oneida BHS

Oneida BHS Provider	Frequency	Percent	Valid Percent	Cumulative Percent
Mike Agneessens	15	6.9	6.9	6.9
Scott Lalonde	11	5.1	5.1	12.0
Becky Krueger	9	4.2	4.2	16.2
Tor Adkins	20	9.3	9.3	25.5
Benjamin Cheney	23	10.6	10.6	36.1
Martha Brito	22	10.2	10.2	46.3
Valorie Helander	4	1.9	1.9	48.1
Rhonda Huhtala	13	6.0	6.0	54.2
Lisa Shaw	8	3.7	3.7	57.9
Marybeth King	1	.5	.5	58.3
Timothy Lambert	5	2.3	2.3	60.6
Teri Nehring	15	6.9	6.9	67.6
Carmen Collier	3	1.4	1.4	69.0
Dr. Michael O'Neill	11	5.1	5.1	74.1
Dr. Veeranagouda Patil	16	7.4	7.4	81.5
Dr. Josephina Rodriguez	7	3.2	3.2	84.7
Dr. Chandra Shekar	3	1.4	1.4	86.1
Dr. David Dzubinski	9	4.2	4.2	90.3
Rob Haen	1	.5	.5	90.7
Jessica DeGroot	4	1.9	1.9	92.6
Christina Courtney	1	.5	.5	93.1
Lynn Metoxen	5	2.3	2.3	95.4
Kate Sayers	4	1.9	1.9	97.2
Dr. Sharyl Trail	2	.9	.9	98.1
Omit	4	1.9	1.9	100.0
Total	216	100.0	100.0	



**[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]**

**November 15, 2016**

In **TABLE 10.03**, evaluation respondents may have one or multiple responses to the one specific qualitative Oneida Behavioral Health Services (BHS) October **2016 Customer Experience Survey (CES)** question (question #12), but the response(s) is only counted as one response, either positive/encouraging response, neutral response, or negative response. The exception to this rule is if responses were in two or three areas. Overall, 73.0% of the total comments were in the positive/encouraging response level (n=60), 10.0% were in the neutral response level (n=8) and 17.0% of the total comments were in the negative response area (n=14). The total number of qualitative responses for the Oneida Behavioral Health Services (BHS) October **2016 Customer Experience Survey (CES)** Individual Survey Responses was 82.

**TABLE 10.03**

**Qualitative Response Summary (n=82) of the Oneida Behavioral Health Services (BHS):  
Additional Comments from the October 2016 Customer Experience Survey (CES) Individual  
Survey Responses (n=82)\***

<b>Type of Response</b>	<b>Number of Responses</b>	<b>Percent of Responses</b>
<b>Positive/Encouraging Response</b>	<b>60</b>	<b>73%</b>
<b>Neutral Response</b>	<b>8</b>	<b>10%</b>
<b>Negative Response</b>	<b>14</b>	<b>17%</b>
<b>Total Responses</b>	<b>82</b>	<b>100%</b>

\*Data compiled by Dr. David Prestby, Oneida Behavioral Health Services, Research, Data, & Evaluation Analyst, November 14, 2016.

All responses for the one specific qualitative Oneida Behavioral Health Services (BHS) October **2016 Customer Experience Survey (CES)** question (item question #12) may be viewed on the next two pages in **RESPONSE TABLE 10.03A** (next page) and **RESPONSE TABLE 10.03B** (following page). The remaining **TABLES** and **FIGURES (10.04 to 10.14)** provides preliminary data results in terms of percentage or numbers represented for each of the eleven (n=11) quantitative assessment questions of the October **2016 Customer Experience Survey (CES)**.



[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]

November 15, 2016

RESPONSE TABLE 10.03A (Part 1 of 2)

Oneida Behavioral Health Services (BHS): Evaluation of Additional Comments from the October 2016 Customer Experience Survey (CES) Individual Survey Responses (n=82)\*

Question #	Positive/Encouraging Response (n=60)	Negative Response (n=14)
12. Please share any additional comments; concerns or suggestions (use back of form if needed):	Great work, Staff is friendly & very helpful, Rebecca is respectful and easy to converse with, there is a good social worker-client atmosphere, Becky is awesome, Becky was great & very friendly, Torr is good listener, Tor is very concern/well informed-cares about his clients very much, Tor is helping me more than any other Counselor-I trust him & am extremely comfortable working on my issues with him, Torland has been a great counselor easy talk to about anything or everything, Everything is getting better in my family-my son's grades are unbelievable better because of these services, Tor is great really caring, I am always helped in my life when I see Tor, Love the music, Dr. D was great, Best Doctor "Dr. O" you have in this department, like the waiting room message, Experience here at Behavioral Health is always good for me-the staff are friendly and welcoming, Everything with my appt. today went very good, Always a great experience-the doctors are friendly and professional, today the waiting room was set up differently then I had seen it before & it was playing music-I think that was a great idea I really enjoyed listening while I was waiting, great staff as always, thanks for all your help, I love coming to Oneida BH-I don't know if I would be comfortable going elsewhere, I feel better today leaving my appointment, Rob Rock's, very helpful and right to the point, I think they are doing a good job and are very helping, Kate is an amazing woman-I would recommend her to everyone, Yes-this is a very helpful place I appreciate the services of OBH, Love Nigel the dog, I enjoy seeing my counselor-she helps me very much through my concerns, made my daughter very comfortable and that what I want so she is comfortable and able to express her feelings & continue to be comfortable-thank you, Martha has been such a great help to me-I am feeling more confident & starting to have a positive outlook for my future thanks to Martha, My Provider has helped me continuously with my sobriety and I really appreciate her help-she has opened my eyes to a lot of answers to my problems-don't know what I would do without her, I am very happy with Mike A as my provider, great listener Scott was great and easy to talk to, Scott was very helpful and respectful, Scott is the best AODA counselor, (Continued on Part 2 Response Table 10.03B)	I wish Dr. X would do more for me-it seems that I walk in & out with him, Don't like the new waiting room, Don't like color of paint, why is TV up and turned off, It could have been better if my Dr. was prepared for me on time, Dr. X did not listen to anything I had to say "personal issues"-I will not be back to see him, put some chairs back up by the front desk again, The BHS nurse was LATE again, I don't like the way the chairs are arrange in the waiting room it's to cramped too close to other people-feels like it's less privacy, Hallway smells like a hospital, Don't like waiting area impersonal not cozy, A "PAR" is not always welcoming-I feel that sometimes I am a bother or an annoyance to her, maybe put a clock in the lobby,  (Continued on Part 2 Response Table 10.03B)

\*Data compiled by Dr. David Prestby, Oneida Behavioral Health Services, Research, Data, & Evaluation Analyst, November 14, 2016. All responses are typed as they appear from the CES. Thus, there may be some misspelling and grammatical errors.



**[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]**

**November 15, 2016**

**RESPONSE TABLE 10.03B (Part 2 of 2)**

**Oneida Behavioral Health Services (BHS): Evaluation of Additional Comments from the October 2016 Customer Experience Survey (CES) Individual Survey Responses (n=82)\***

Question #	Positive/Encouraging Response (n=60)	Negative Response (n=14)
12. Please share any additional comments; concerns or suggestions (use back of form if needed):	I always thought AODA as kind of a bad thing-I know realize it helps people to the best of their ability, I find Teri to be a wonderful and caring person and I am glad I get counseling from her and also glad I met her in my journey through life, an excellent option to my other services Terry is honest and very astute to my issues and helping me with my challenges, Terri N is very competent and knowledgeable through her counseling session-she is very caring which makes her a counselor you can trust and open up to, I always feel very welcomed and I feel at ease and know I can express my feelings, My counselor is like an angel on my shoulders, very friendly & concerned about what I need, I didn't see Terri for a few weeks and she called me to see how I was doing-I appreciate her for her concern and I needed to see her so I went to thank her for calling actually in my time of need, I love carmen she has helped me so much already would see her twice a week if I could, Carmen helped with making sure I understood everything, Rhonda was both very professional and personable, Rhonda is very nice and understanding, I would like to thank Ben he is helping me in ways I wasn't understanding, my provider was very thorough and understandable-thank you, I feel a sense of safety here, counselor respectful & easy to talk to, I have the feeling of control versus I felt lost prior to seeing Ben-He has helped with suggestions about my health and wellbeing so I can get back on track and return to school and my life and can be normal again, talking with Ben and helping me heal and giving me recommendations for my health has improved my life-he is like a friend and I look forward to talk about my situations he helps me through on my visits, Thank you I appreciate the encouragement, I've worked with this provider previously & this person works wonderful with me-they keep it real and tells it like it is, excellent care, (n=60)	Don't like when I see the Doctor that the nurse that does the weight & blood pressure asks for information on any depression-not the nurse's business-I thought that's suppose to stay private with the doctor and I-would like that to change, (n=14)

\*Data compiled by Dr. David Prestby, Oneida Behavioral Health Services, Research, Data, & Evaluation Analyst, November 14, 2016. All responses are typed as they appear from the CES. Thus, there may be some misspelling and grammatical errors.

NOTE: Neutral or non-judgmental responses were also totaled in separate response categories, i.e. "N/A", "None", etc. There were a total of 8 Neutral or non-judgmental responses (n=8).

\*\*Note: Neutral/General Responses are as follows; nice to see some growth too a lot of work on all are parts-thanks, I knew all of this stuff before, None, This time I do not have any additional comments, Absolutely, have a great day, thank you, very good and helpful, (n=8).

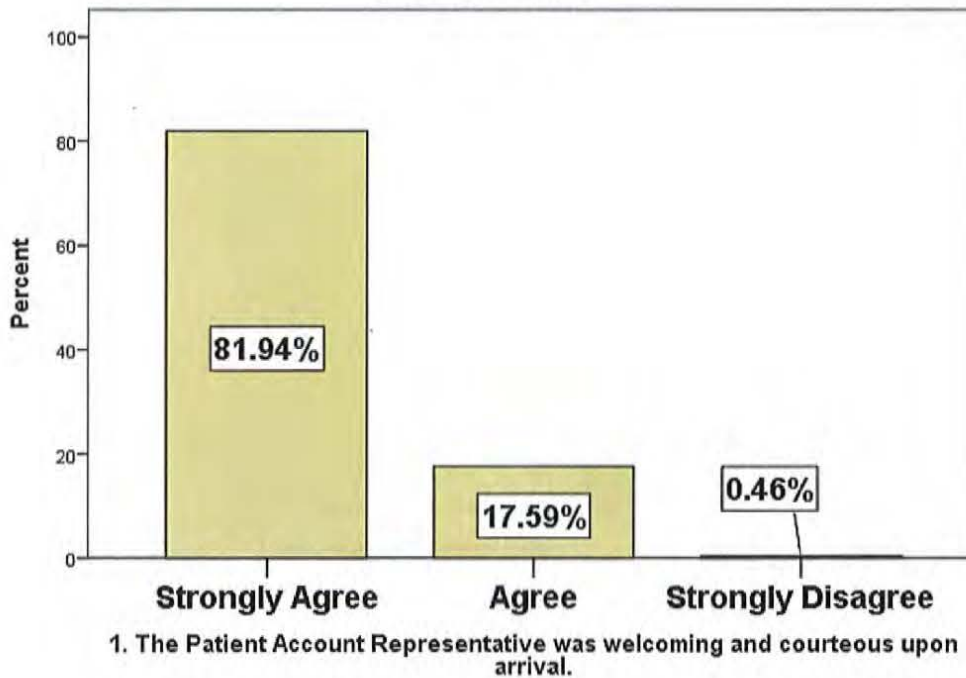


**TABLE 10.04**

**1. The Patient Account Representative was welcoming and courteous upon arrival.**

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	177	81.9	81.9	81.9
Agree	38	17.6	17.6	99.5
Strongly Disagree	1	.5	.5	100.0
Total	216	100.0	100.0	

**FIGURE 10.04**



**TABLE 10.05**

**2. The clinic setting was clean, comfortable and inviting.**

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	165	76.4	76.4	76.4
Agree	49	22.7	22.7	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

**FIGURE 10.05**

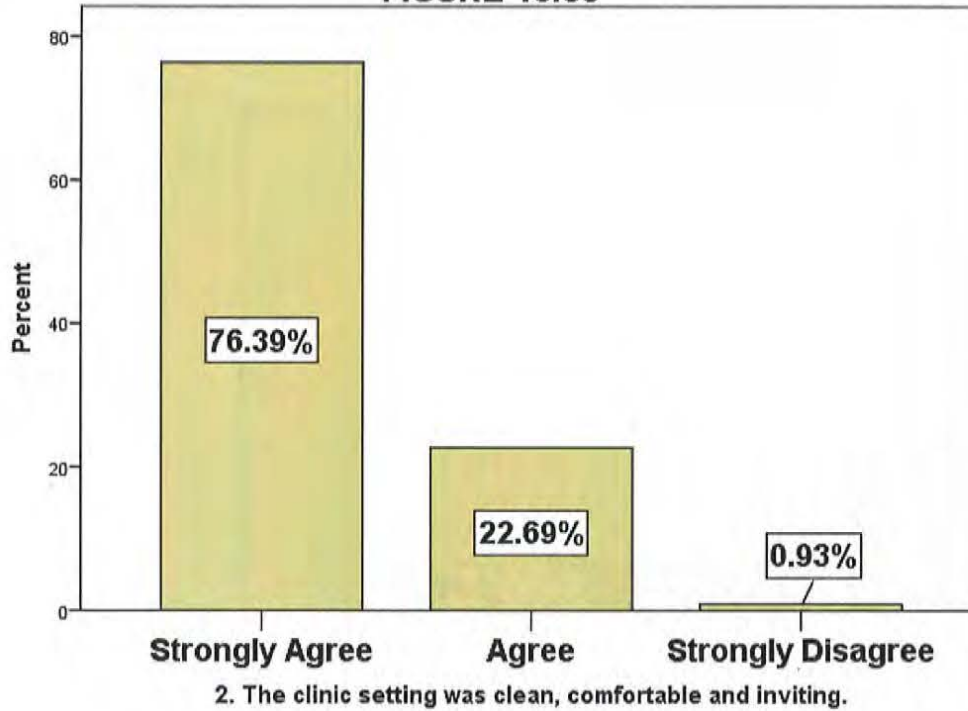


TABLE 10.06

3. The clinic was set up in a way that respects my privacy

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	163	75.5	75.5	75.5
Agree	47	21.8	21.8	97.2
Disagree	4	1.9	1.9	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

FIGURE 10.06

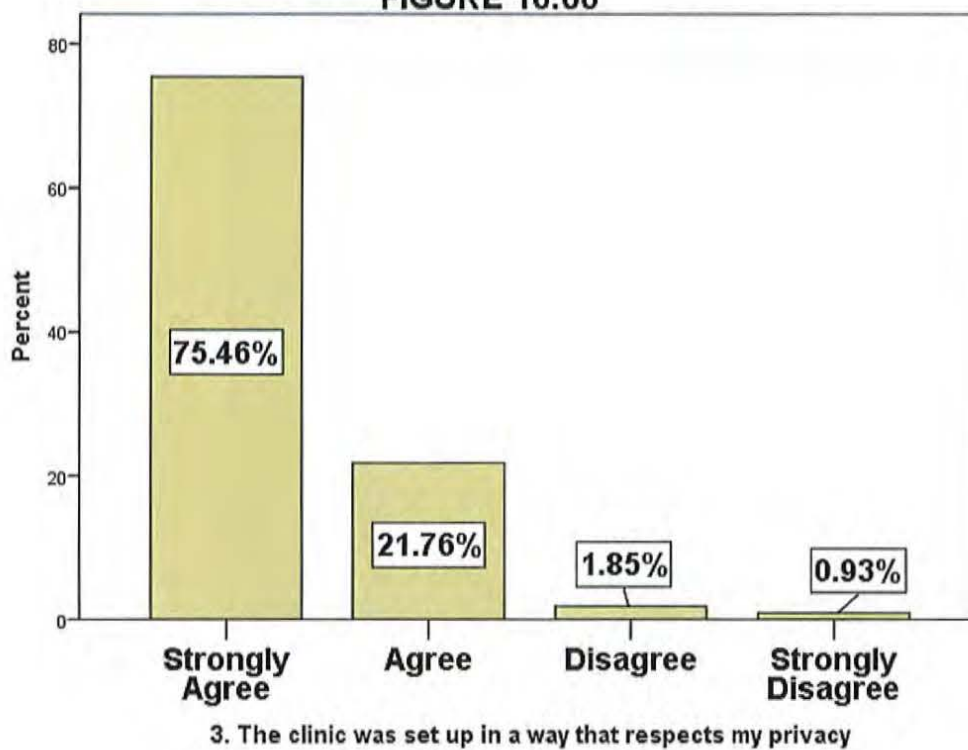
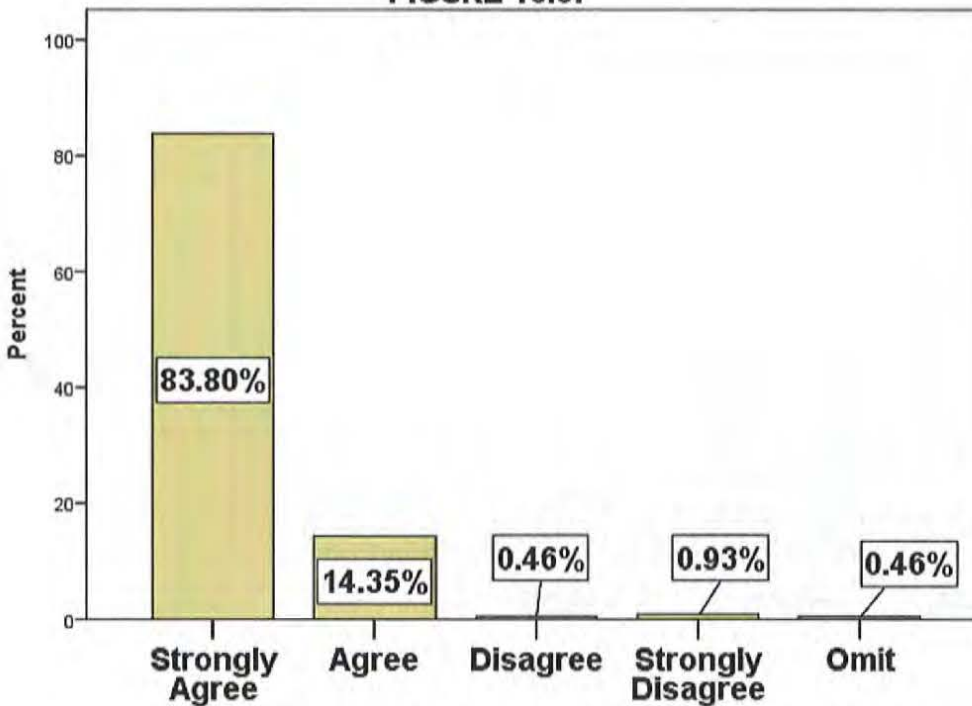


TABLE 10.07

4. The provider I saw today was respectful of my cultural needs.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	181	83.8	83.8	83.8
Agree	31	14.4	14.4	98.1
Disagree	1	.5	.5	98.6
Strongly Disagree	2	.9	.9	99.5
Omit	1	.5	.5	100.0
Total	216	100.0	100.0	

FIGURE 10.07



4. The provider I saw today was respectful of my cultural needs.

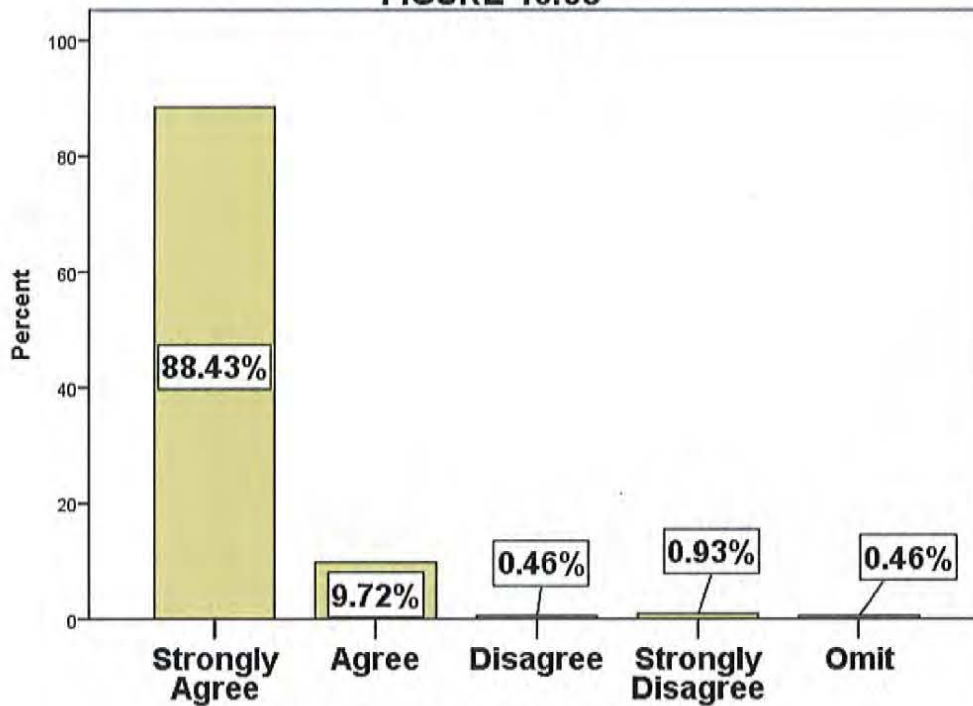


TABLE 10.08

5. I have confidence in the provider I saw today.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	191	88.4	88.4	88.4
Agree	21	9.7	9.7	98.1
Disagree	1	.5	.5	98.6
Strongly Disagree	2	.9	.9	99.5
Omit	1	.5	.5	100.0
Total	216	100.0	100.0	

FIGURE 10.08



5. I have confidence in the provider I saw today.

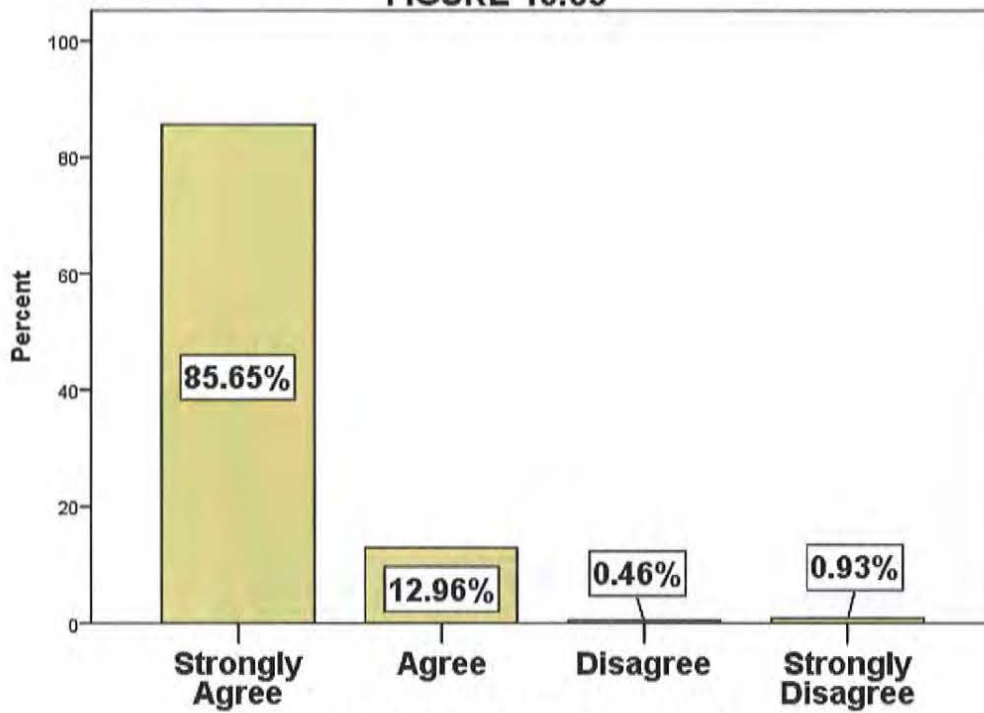


TABLE 10.09

6. The provider I saw today was prepared and dependable.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	185	85.6	85.6	85.6
Agree	28	13.0	13.0	98.6
Disagree	1	.5	.5	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

FIGURE 10.09



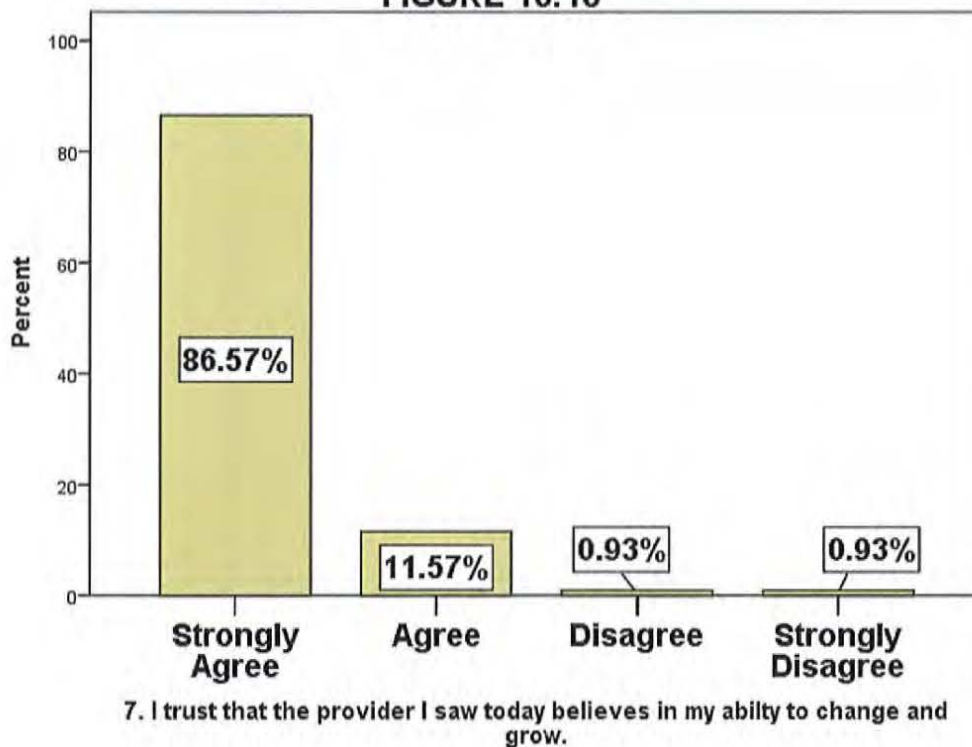
6. The provider I saw today was prepared and dependable.

TABLE 10.10

7. I trust that the provider I saw today believes in my ability to change and grow.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	187	86.6	86.6	86.6
Agree	25	11.6	11.6	98.1
Disagree	2	.9	.9	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

FIGURE 10.10

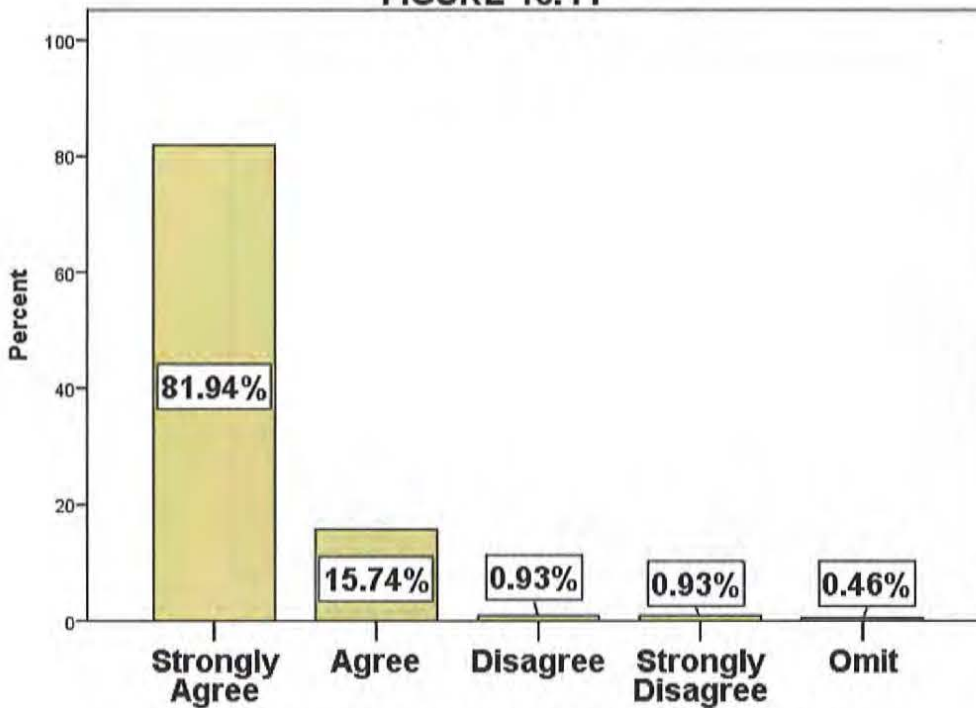


**TABLE 10.11**

**8. I feel my provider is helping me to achieve my goals.**

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	177	81.9	81.9	81.9
Agree	34	15.7	15.7	97.7
Disagree	2	.9	.9	98.6
Strongly Disagree	2	.9	.9	99.5
Omit	1	.5	.5	100.0
Total	216	100.0	100.0	

**FIGURE 10.11**



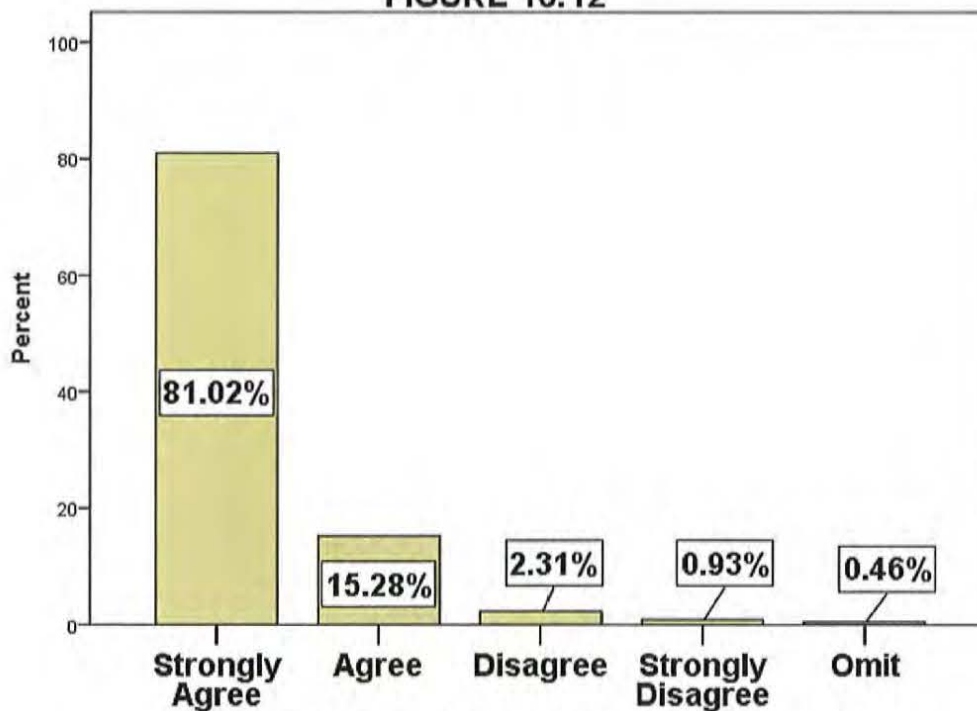
8. I feel my provider is helping me to achieve my goals.

TABLE 10.12

9. The provider started and ended my sessions on time today.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	175	81.0	81.0	81.0
Agree	33	15.3	15.3	96.3
Disagree	5	2.3	2.3	98.6
Strongly Disagree	2	.9	.9	99.5
Omit	1	.5	.5	100.0
Total	216	100.0	100.0	

FIGURE 10.12



9. The provider started and ended my sessions on time today.

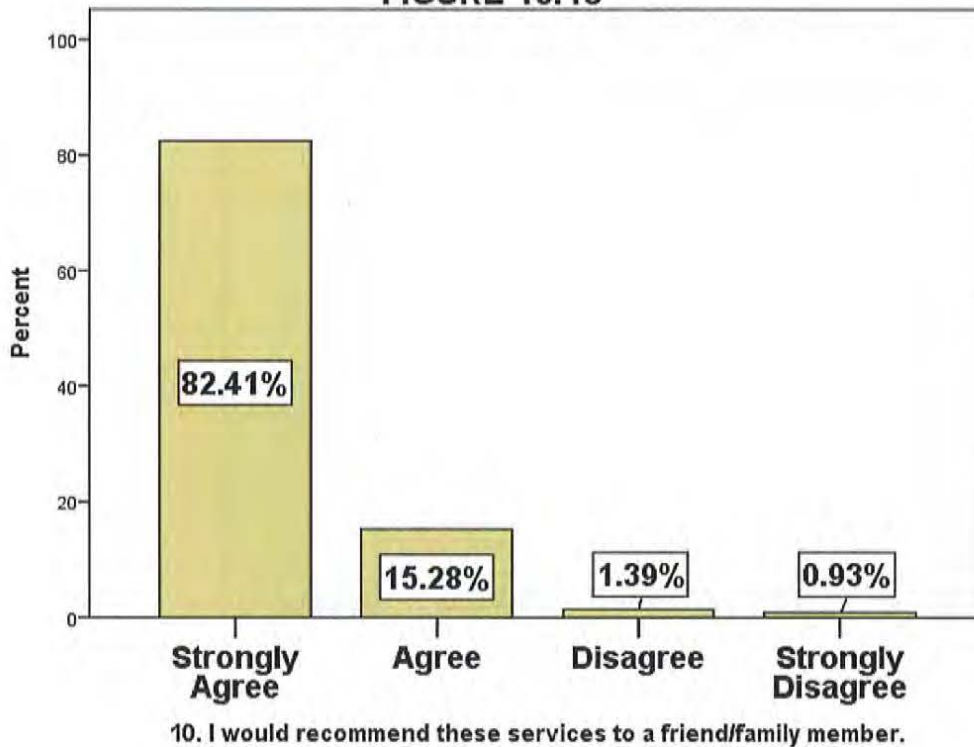


TABLE 10.13

10. I would recommend these services to a friend/family member.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	178	82.4	82.4	82.4
Agree	33	15.3	15.3	97.7
Disagree	3	1.4	1.4	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

FIGURE 10.13



10. I would recommend these services to a friend/family member.

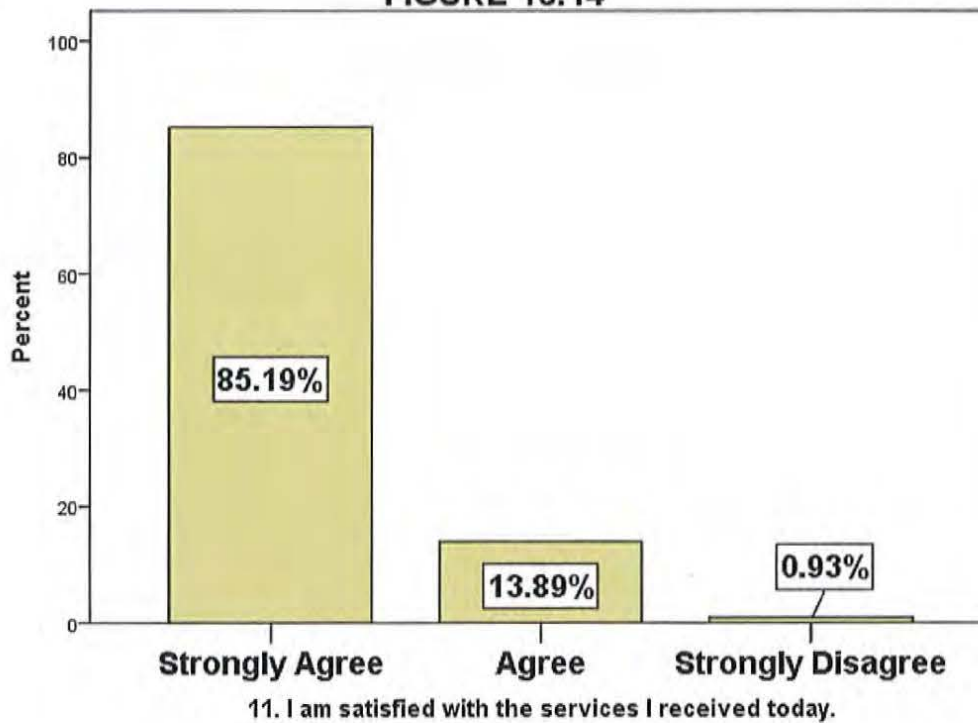


TABLE 10.14

11. I am satisfied with the services I received today.

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Agree	184	85.2	85.2	85.2
Agree	30	13.9	13.9	99.1
Strongly Disagree	2	.9	.9	100.0
Total	216	100.0	100.0	

FIGURE 10.14



[2016 CUSTOMER  
EXPERIENCE SURVEY (CES)]

November 15, 2016



**A Good Mind. / A Good Heart. / A Strong Fire.**

To all Oneida Dental Patients and families:

We have recently been experiencing an increasingly high number of incidents of our patients bringing their cell phones into the treatment areas when coming into the Dental Clinic. We have had situations where patients have tried to take calls while they are getting their teeth worked on, patients that have tried to video themselves while getting procedures performed or patients wanting to take pictures of themselves in the dental chair etc. Although we recognize that Social Media, Snapchat, Facebook and Instagram are all popular sites and everyone wants to share their experiences, it's really not safe for our patients and staff. As the Dental department, we want to protect your privacy and your safety and provide the best dental experience that we can for you as patients utilizing our services. Therefore, we feel it necessary to take this action to insure that we are protecting your safety and privacy as Oneida Dental Patients. Thank you in advance for your full cooperation!

**Effective immediately:** for patient safety and privacy, no cell phones, tablets or video recorders will be allowed in the patient treatment areas of the Oneida Dental Clinic.

Cell phones ringing and/or vibrating cause disruption to the dental staff. This creates a safety issue for dental staff and the patients receiving dental treatment.

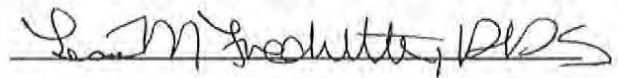
Your options are:

1. Do not bring your cell phone to your dental appointment.
2. If you choose to bring your phone into the Dental area you will be asked by the Dental Staff to turn your phone off and it will be placed into a container in the treatment room and returned to you at the end of treatment.
3. Individuals who accompany patients may choose to wait in the waiting area with their phone, or turn their phone off and place it into a container in the treatment room. The phone will be returned at the end of treatment.
4. Individuals choosing to not follow this notice will have treatment stopped and the appointment rescheduled.

Yaw^ko for your understanding and cooperation.



Dr. Bill Stempski, Dental Director



Dr. Lisa Frechette, Assistant Dental Director





## BH - Access Of Care 3rd Available appointment

### BH ATODA Intakes

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Intake Mental Health/ATODA-90	Feb 20, 2017 1:00:00 PM
Krueger MSW APSW CSAC, Rebecca	Intake Mental Health/ATODA-90	Feb 10, 2017 10:00:00 AM
Metoxen MSW SAC , Lynn	Intake Mental Health/ATODA-90	Feb 9, 2017 10:00:00 AM

### BH-ATODA (C2)

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Individual Therapy Session-60	Dec 21, 2016 10:00:00 AM
Krueger MSW APSW CSAC, Rebecca	Individual Therapy Session-60	Dec 23, 2016 8:00:00 AM
Lalonde BS CSAC, Scott	Individual Therapy Session-60	Dec 27, 2016 3:00:00 PM
Rasmussen BSW CSAC, Dale S	Individual Therapy Session-60	Dec 16, 2016 4:30:00 PM

### BH-Co-Occuring Intake

Resource	Appointment Type	Next 3rd Open
Cheney MSW, LCSW, SAS Benjamin R	Intake Mental Health/ATODA-90	Feb 13, 2017 8:30:00 AM
Collier, Carmen D MS LPC CSAC	Intake Mental Health/ATODA-90	Feb 1, 2017 4:30:00 PM
King MSW LCSW CSAC, Mary Beth	Intake Mental Health/ATODA-90	Feb 2, 2017 8:00:00 AM
Lambert LPC CSAC, Timothy C	Intake Mental Health/ATODA-90	Feb 2, 2017 3:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Intake Mental Health/ATODA-90	Jan 30, 2017 8:00:00 AM

### BH-Co-Occuring C2

Resource	Appointment Type	Next 3rd Open
Cheney MSW, LCSW, SAS Benjamin R	Individual Therapy Session-60	Dec 16, 2016 8:30:00 AM
Collier, Carmen D MS LPC CSAC	Individual Therapy Session-60	Dec 14, 2016 10:00:00 AM
King MSW LCSW CSAC, Mary Beth	Individual Therapy Session-60	Dec 21, 2016 10:00:00 AM



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Lambert LPC CSAC, Timothy C	Individual Therapy Session-60	Dec 12, 2016 10:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Individual Therapy Session-60	Dec 5, 2016 7:00:00 AM

### BH MH Intakes

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Intake Mental Health/ATODA-90	Feb 13, 2017 10:00:00 AM
Exworthy, Susan M	Intake Mental Health/ATODA-90	Jan 10, 2017 2:00:00 PM
Helander MSW LCSW, Valorie	Intake Mental Health/ATODA-90	Feb 13, 2017 11:00:00 AM
Huhtala MSW LCSW, Rhonda	Intake Mental Health/ATODA-90	Feb 21, 2017 9:00:00 AM
Sayers MSW LCSW LMFT, Kathleen	Intake Mental Health/ATODA-90	Feb 6, 2017 7:00:00 AM
Shaw MSW LCSW, Lisa	Intake Mental Health/ATODA-90	Feb 2, 2017 10:00:00 AM

### BH-Mental Health (C2)

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Individual Therapy Session-60	Dec 21, 2016 7:30:00 AM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Individual Therapy Session-60	Dec 22, 2016 7:00:00 PM
Helander MSW LCSW, Valorie	Individual Therapy Session-60	Dec 27, 2016 9:00:00 AM
Huhtala MSW LCSW, Rhonda	Individual Therapy Session-60	Jan 9, 2017 11:00:00 AM
Sayers MSW LCSW LMFT, Kathleen	Individual Therapy Session-60	Dec 29, 2016 2:00:00 PM
Shaw MSW LCSW, Lisa	Individual Therapy Session-60	Jan 10, 2017 9:30:00 AM

### BH-EMDR Intakes

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	BH-EMDR Intake	May 30, 2017 2:00:00 PM
King MSW LCSW CSAC, Mary Beth	BH-EMDR Intake	Jan 16, 2017 1:00:00 PM





## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	BH-EMDR Intake	Jan 31, 2017 2:00:00 PM

### BH-EMDR Therapy

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	BH-EMDR Therapy	Dec 16, 2016 3:00:00 PM
King MSW LCSW CSAC, Mary Beth	BH-EMDR Therapy	Dec 22, 2016 2:00:00 PM
Shaw MSW LCSW, Lisa	BH-EMDR Therapy	Jan 18, 2017 7:30:00 AM

### BH-Veteran Eval

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	Veterans Evaluation	Feb 20, 2017 8:30:00 AM

### BH-Intial Reiki Appointment

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	Reiki	Dec 14, 2016 6:00:00 PM
Lalonde BS CSAC, Scott	Reiki	Dec 30, 2016 11:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Reiki	Jan 5, 2017 10:00:00 AM
Shaw MSW LCSW, Lisa	Reiki	Jan 17, 2017 10:30:00 AM

### BH-Psych Evals

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Evaluation	Dec 22, 2016 8:30:00 AM
Trail PsyD Sharyl	Psychological Evaluation	Dec 9, 2016 9:00:00 AM

### BH- Psych Eval FU



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Eval Follow Up	Dec 2, 2016 1:00:00 PM

### BH-Child Evals

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Eval	Jan 24, 2017 1:00:00 PM

### BH-Child Med Checks

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Med Check	Dec 14, 2016 7:00:00 AM

### BH-Adult Evals

Resource	Appointment Type	Next 3rd Open
Patil MD, Veeranagouda	BH-Adult Eval	Feb 1, 2017 1:00:00 PM
Rodriguez MD, Josefina	BH-Adult Eval	Jan 30, 2017 9:00:00 AM
Shekar MD, Chandra K.	BH-Adult Eval	Jan 10, 2017 2:00:00 PM

### BH-Med Checks

Resource	Appointment Type	Next 3rd Open
O'Neill, MD, Michael	BH-Medication Check	Dec 8, 2016 9:30:00 AM
Patil MD, Veeranagouda	BH-Medication Check	Jan 6, 2017 11:30:00 AM
Rodriguez MD, Josefina	BH-Medication Check	Jan 11, 2017 10:00:00 AM
Shekar MD, Chandra K.	BH-Medication Check	Dec 14, 2016 10:00:00 AM

### BH-RN Triage Assessment

Resource	Appointment Type	Next 3rd Open
Paluch MSE RN LPC, Dave	RN-Psychiatric Nursing Assessment	Jan 4, 2017 9:30:00 AM



## BH - Access Of Care

### 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Skrivanie MSN RN, Lois	RN-Psychatric Nursing Assessment	Dec 20, 2016 2:00:00 PM

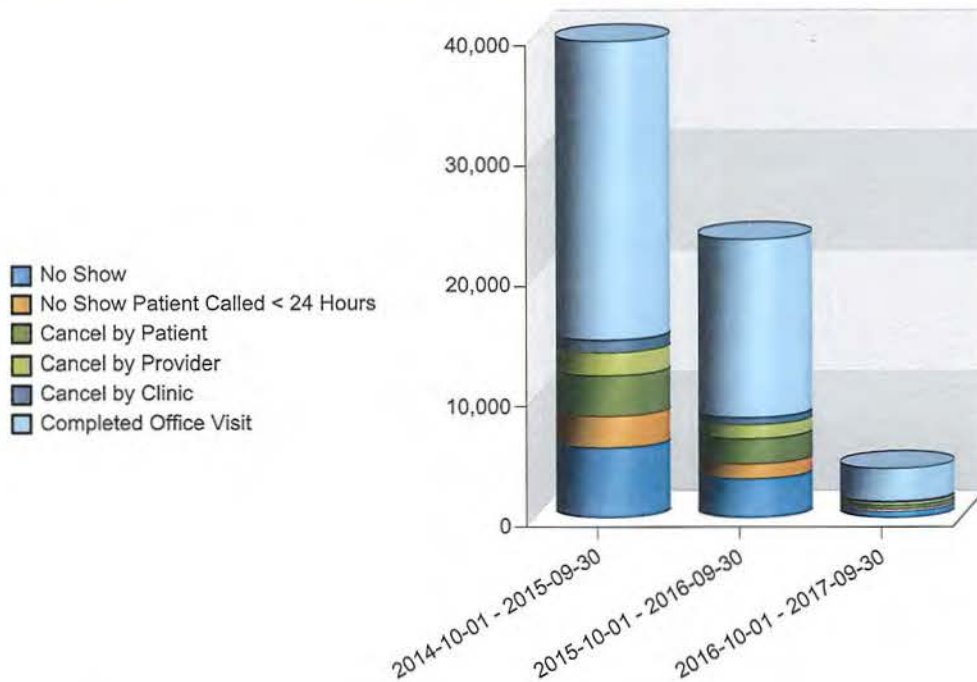
#### BH-Eval FU

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Eval FU	Feb 9, 2017 3:00:00 PM
ONeill, MD, Michael	BH-Eval FU	Dec 12, 2016 10:30:00 AM
Patil MD, Veeranagouda	BH-Eval FU	Jan 13, 2017 1:30:00 PM
Rodriguez MD, Josefina	BH-Eval FU	Jan 4, 2017 9:30:00 AM





## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr01	497	12.2%	188	4.6%	343	8.4%	179	4.4%	148	3.6%	1,355	2,733	4,088	2,507	1,299
2016-10-01 - 2017-09-30		497	12.2%	188	4.6%	343	8.4%	179	4.4%	148	3.6%	1,355	2,733	4,088	2,507	1,299
2015-10-01 - 2016-09-30	Qtr04	769	13.2%	268	4.6%	537	9.2%	281	4.8%	164	2.8%	2,019	3,809	5,828	3,796	1,481
	Qtr03	807	13.8%	314	5.4%	532	9.1%	205	3.5%	101	1.7%	1,959	3,895	5,854	3,643	1,496
	Qtr02	824	13.2%	339	5.4%	573	9.2%	307	4.9%	224	3.6%	2,267	3,979	6,246	3,643	1,501



CP



## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services

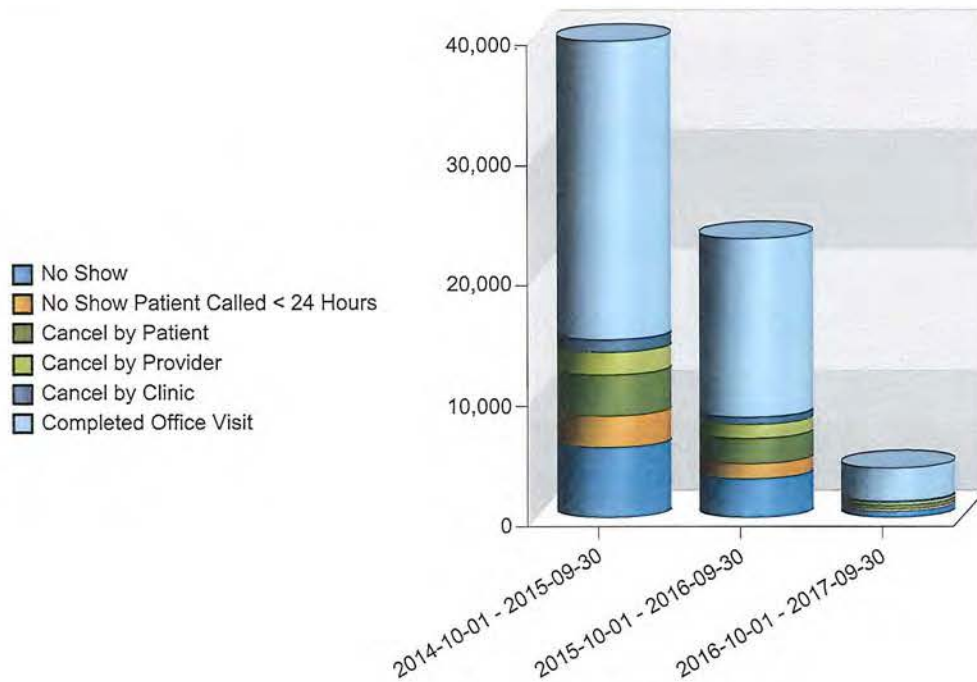
Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr01	807	15.5%	331	6.4%	456	8.8%	362	7.0%	122	2.3%	2,078	3,127	5,205	3,122	1,377
2015-10-01 - 2016-09-30		3,207	13.9%	1,252	5.4%	2,098	9.1%	1,155	5.0%	611	2.6%	8,323	14,810	23,133	14,204	2,485
2014-10-01 - 2015-09-30	Qtr04	1,477	15.4%	633	6.6%	816	8.5%	392	4.1%	230	2.4%	3,548	6,037	9,585	6,038	2,098
	Qtr03	1,510	15.2%	631	6.4%	887	8.9%	451	4.5%	146	1.5%	3,625	6,300	9,925	6,303	2,206
	Qtr02	1,373	13.6%	666	6.6%	930	9.2%	538	5.3%	392	3.9%	3,899	6,179	10,078	6,182	2,119
	Qtr01	1,445	14.4%	701	7.0%	776	7.8%	481	4.8%	280	2.8%	3,683	6,323	10,006	6,371	2,151
2014-10-01 - 2015-09-30		5,805	14.7%	2,631	6.6%	3,409	8.6%	1,862	4.7%	1,048	2.6%	14,755	24,839	39,594	24,894	3,417
Summary		9,509	14.2%	4,071	6.1%	5,850	8.8%	3,196	4.8%	1,807	2.7%	24,433	42,382	66,815	41,605	4,345

CP





## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2016-10-01 - 2017-09-30	Qtr01	497	12.2%	188	4.6%	343	8.4%	179	4.4%	148	3.6%	1,355	2,733	4,088	2,507	1,299
2016-10-01 - 2017-09-30		497	12.2%	188	4.6%	343	8.4%	179	4.4%	148	3.6%	1,355	2,733	4,088	2,507	1,299
2015-10-01 - 2016-09-30	Qtr04	769	13.2%	268	4.6%	537	9.2%	281	4.8%	164	2.8%	2,019	3,809	5,828	3,796	1,481
	Qtr03	807	13.8%	314	5.4%	532	9.1%	205	3.5%	101	1.7%	1,959	3,895	5,854	3,643	1,496
	Qtr02	824	13.2%	339	5.4%	573	9.2%	307	4.9%	224	3.6%	2,267	3,979	6,246	3,643	1,501



## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr01	807	15.5%	331	6.4%	456	8.8%	362	7.0%	122	2.3%	2,078	3,127	5,205	3,122	1,377
2015-10-01 - 2016-09-30		3,207	13.9%	1,252	5.4%	2,098	9.1%	1,155	5.0%	611	2.6%	8,323	14,810	23,133	14,204	2,485
2014-10-01 - 2015-09-30	Qtr04	1,477	15.4%	633	6.6%	816	8.5%	392	4.1%	230	2.4%	3,548	6,037	9,585	6,038	2,098
	Qtr03	1,510	15.2%	631	6.4%	887	8.9%	451	4.5%	146	1.5%	3,625	6,300	9,925	6,303	2,206
	Qtr02	1,373	13.6%	666	6.6%	930	9.2%	538	5.3%	392	3.9%	3,899	6,179	10,078	6,182	2,119
	Qtr01	1,445	14.4%	701	7.0%	776	7.8%	481	4.8%	280	2.8%	3,683	6,323	10,006	6,371	2,151
2014-10-01 - 2015-09-30		5,805	14.7%	2,631	6.6%	3,409	8.6%	1,862	4.7%	1,048	2.6%	14,755	24,839	39,594	24,894	3,417
Summary		9,509	14.2%	4,071	6.1%	5,850	8.8%	3,196	4.8%	1,807	2.7%	24,433	42,382	66,815	41,605	4,345

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Reports

Accept as Information only

Action - please describe:

Development Division 1st Quarter Report.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Attached Report

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:

Troy Parr, Asst. Division Director/Development

Primary Requestor:

[Signature]  
Your Name, Title / Dept. or Tribal Member

[Signature]

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.



# Development Division

Development Branch – Troy D. Parr  
Operations Branch – Jacque Boyle

**1st Quarter Report: October,  
November, December 2016**

Revised: 01/05/2017

### Development Division – *Creating Efficiency*

*Below are some highlights of FY '17 - First Quarter, Development Branch work effort:*

#### Fiscal Year 2017 Budget:

The Development Branch Team continues to focus on the Community Planning and Development efforts throughout the entire Oneida Reservation. These efforts continue through internal staff work product and service of internal clients. Because the FY' 17 budget was not approved in FY' 17 Q-1, the Capital Improvement Project (CIP) Budget has not yet been approved. Without budget approval, funds have not been activated to expend CIP funds for proposed FY' 17 projects.

#### Creating Operational Efficiencies:

The Development Branch has worked hard to do more with less this past quarter. We are currently operating without several key positions that have historically been part of the Development Branch. Through consolidation of department operations, and realignment of operational management, we have created efficiencies that will allow the Development Branch to be more cost-effective. This was achieved by combining positions and re-aligning reporting responsibilities. The only downside to this effort has been the inability to compensate employees who have taken on additional duties. With the future overall Oneida Nation reorganization efforts, we are hopeful to resolve these issues.

#### Reducing Expenses:

The consolidation of the GLIS and the Planning Department into one department has proven to create some significant savings of Tribal Contribution to the Development Branch budget. By eliminating duplication in many of the same expenses related to operating two separate facilities, there was a generous amount of savings. New department management has created shared-use of a common facility, equipment and supplies - all greatly reduced the overall expenses.

#### Creating New Revenues:

These efforts continue with primary effort has been placed on creation of new real estate lease revenues. Although much effort has been placed in this area of emphasis, the lingering final future plans for the Seven Generations Corporation lies at the center of future development of a new external development entity. With the support of the Land Commission, the Oneida Business Committee, and future budget allocations new lease revenue and other new revenue streams can be achieved.

Yaw^ko,  
Troy D. Parr, AIA  
Oneida Architect

## INTERNAL PLANNING EFFORT FOCUS

Central Oneida

Rural Nest



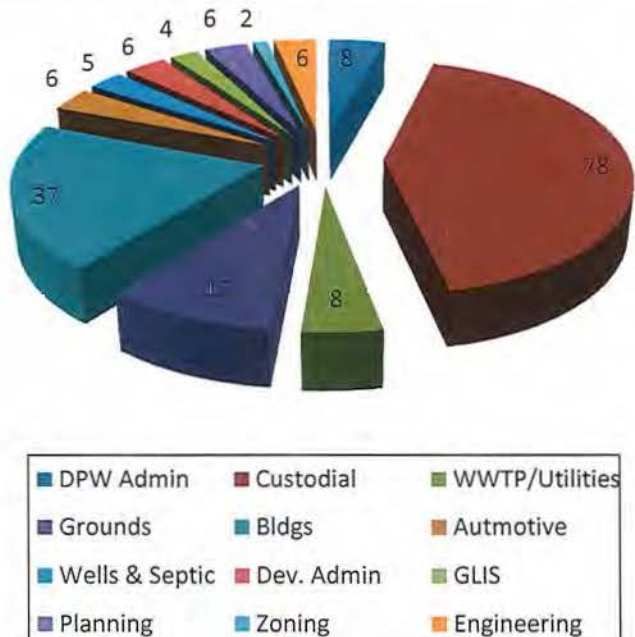
## TRIPLE BOTTOM LINE APPROACH



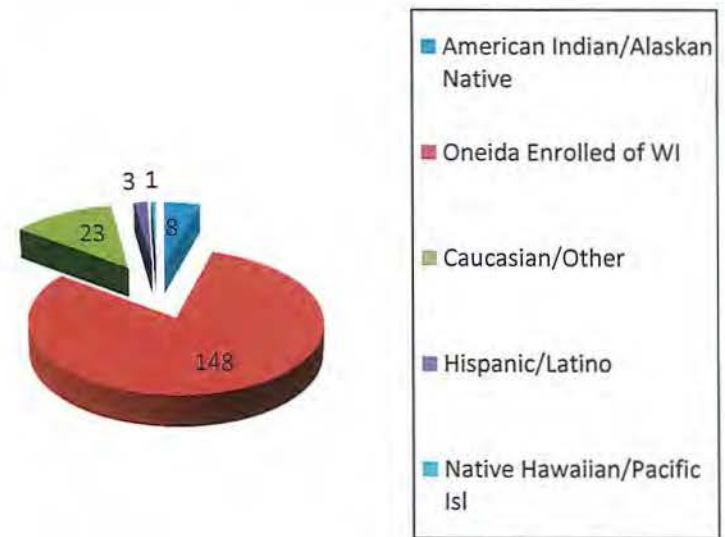
### Development Division – Quarterly report

- The Development Division supports the overall physical well-being of our nation as expressed by planning, designing, constructing and maintaining the Tribal facilities, space and physical systems and provide accurate corresponding data to the nation.
- The Development Division consists of the Development Branch which is GIS, Planning & Statistics, Transportation and Engineering. The Operations Branch/DPW include: Plumbing, Automotive; Facilities, Groundskeeping, Custodial, Automotive, Fleet and Roads.

# Employees by Department

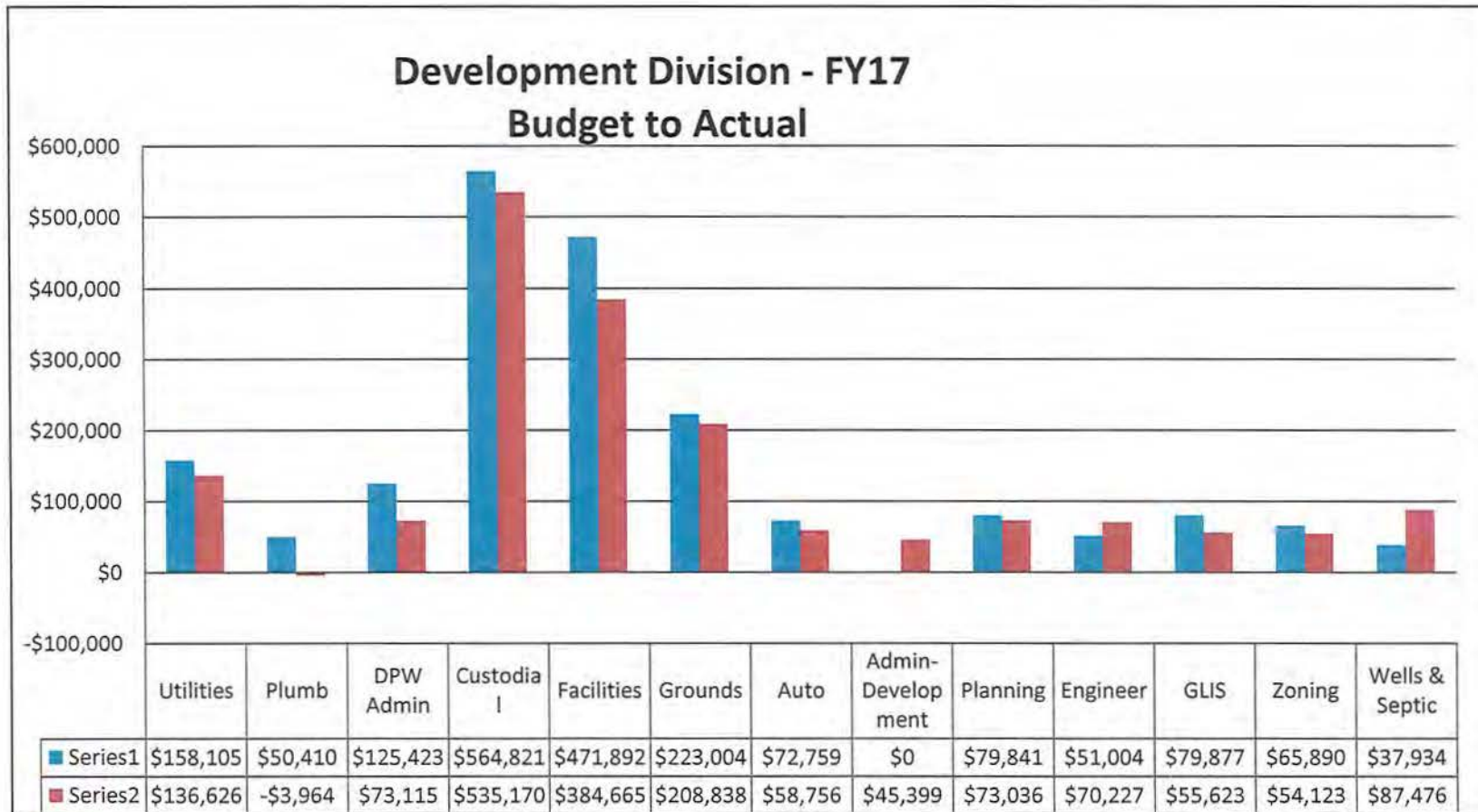


# Tribal Members vs. Others



### Development Division – Quarterly report

This information reported is for the first three months of the fiscal year (October, November, December of 2016)



**Development Division – Quarterly report – FY 16 (4th Quarter) We are 10.02 % better than budget.**

<b>Department</b>	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>	<b>%</b>
Utilities	\$158,105	\$136,626	\$21,479	13.59%
Plumb	\$50,410	-\$3,964	\$54,374	107.86%
DPW Admin	\$125,423	\$73,115	\$52,308	41.71%
Custodial	\$564,821	\$535,170	\$29,651	5.25%
Facilities	\$471,892	\$384,665	\$87,227	18.48%
Grounds	\$223,004	\$208,838	\$14,166	6.35%
Auto	\$72,759	\$58,756	\$14,003	19.25%
Admin-Development	\$0	\$45,399	-\$45,399	
Planning	\$79,841	\$73,036	\$6,805	8.52%
Engineer	\$51,004	\$70,227	-\$19,223	-37.69%
GLIS	\$79,877	\$55,623	\$24,254	30.36%
Zoning	\$65,890	\$54,123	\$11,767	17.86%
Wells & Septic	\$37,934	\$87,476	-\$49,542	-130.60%
BIA Advanced Funding	-\$6,147	\$10,262	-\$16,409	266.94%
Transportation Planning	\$20	\$0	\$20	
Tribal Transportation	\$0	\$5,648	-\$5,648	
Indian HS - Scattered Sites	-\$20	\$0	-\$20	
<b>Total FY15</b>	<b>\$1,974,813</b>	<b>\$1,795,000</b>	<b>\$179,813</b>	<b>10.02%</b>



## Development Division – Quarterly report

### • Project List by Department:

- Engineering – (Contact Paul Witek: 920-869-4543)
  - Residential Home sites.
  - Health Center Miscellaneous
  - Social Services Building Remodel – Phase V
  - Oneida Nation High School
  - Cemetery Improvements
  - Uskah Village Apartments
  - Early Head Start Facility
  - Oneida Golf Enterprise Remodel – Phase II
  - Water Main Loop
  - NHC Remodeling – Phase II
  - Business Park Storm Water
  - Oneida Fishery Restoration – Phase II
  - Solar Electric Deployment, assistance.
  - Tribal Transportation Program, assistance.
  - NHC Head Start Relocation
  - Beechtree Lane extension
  - O.F.F. Facility Improvements
  - Oneida Recreation Complex
  - Tsyunhehkwa Storage/Shelter
  - Elder Village Cottages – Phase II
  - Miscellaneous Small projects

## Development Division – Quarterly Report (Departmental Updates)

### ▪ Engineering:

We are managing the various CIP, Non-CIP, OHA, and other miscellaneous projects. We provide assistance to the Zoning Department with plan reviews for code compliance. In addition, we help various Tribal Departments with design and construction coordination for minor interior remodel projects. Major projects are identified in listing above. (James Petitjean – Interim Assistant Division Director; Paul Witek - Senior Architect.); (Vacant positions: 0; Paul Witek – Senior Tribal Architect).

### • Oneida Housing Authority:

- Green Valley – in closeout process. Contracting for Architect to draft the designs for twelve (12) – 1 & 2 Bedroom Cottages to be build in 2017.
- Elder Village – Infrastructure – Phase II – Emergency access – closeout process.
- Uskah Village – Infrastructure in close out process.
- Townhome Apartment - #1 is in the final construction state and is scheduled to be completed and handed over to OHA by the end of March 2017.
- Bidding Plans will be ready for review January 2017 so we can bid out (1 – 3) 4 Plex Town home Apartments. These Town home apartments should be ready for advertising and sealed bids should be opened n late February 2017. Date TBD so we can start construction by the end of May 2017.
- Review draft RFP for an Architect to design (2) 6-Plex single bedroom apartments; these also should be ready for bid and ready for construction in spring of 2017.



## Development Division – Quarterly Report (Departmental Updates)

- **GIS:** The primary objective of the GLIS department is to provide high quality GIS services for the Oneida Tribal organization and its stakeholders. This involves data management, creating maps and conducting spatial/statistical analysis using GIS software and developing strategies and solutions for GIS data consumption. Some of the special datasets created by the department this quarter include:

- Oneida tribal member land ownership w/assessed values
- Foreign Trade Zones on and around the Reservation
- DOLM residential leases
- Oneida population by municipality

A third function that falls under the data management umbrella, is the development of tools which aide and expedite the data manipulation and map creation process. Some of the tools created this quarter include:

- An updated Geocoding tool for plotting tabular address data
- Several string manipulation scripts involving concatenation, splitting strings, and removing characters.

- A new feature added to the website this quarter is the “Request A Map” form, which allows users to create and send a map request online. The department also works with its customers to develop custom GIS solutions to meet their business needs. Over the last quarter, the department has set up private GIS data repositories for several groups. This allows members of the group to view specialized GIS data relevant only their area or project(s). Groups added in the last quarter include: Cultural Heritage; Oneida Zoning and Land Commission. Also this quarter, the department deployed a GIS app for the Holy Apostles Cemetery Board which is used as a burial database and location tool. The department also worked with church staff to develop a strategy for updating burial data.

## Development Division – Quarterly Report (Departmental Updates)

- Planning & Statistics – Update of Projects:

- Community outreach – Central Oneida Transportation maps and concept design images ere brought out to the community Oneida Elder Expo event (August), Applefest (September), Harvest Fest (October), Budget Showcase Session at Thornberry Creek (November).
- Community based Planning Process – a discussion on the process was held between Planning staff, Sue Doxtater, interim GIS Manager and James Petitjean. The document has a few items that need to be refined, next steps will be to present the process to Paul Witek, Senior Tribal Architect for review. Planning Department will come together one more time for a final review before presenting to other department staff.
- Central Oneida Area Development Plan/ Oneida Harvest – Life Sustenance Community Center/ Transportation Project- At the October CPDC I provided an update on the streetscape project and how it relates to the idea of placing a Food Center at the (former) BP site. Joanie Buckley, Governmental Services Director, identified funding resource to allow for the creation of a foot print for the food center. The drawings will aid the presentation of information for potential grants and funding resources. Scheduled to start work on the design of the buildings footprint during the last week of January. Worked with statistician to create a survey-monkey to measure the communities interest in the possibilities for development in Central Oneida. Updated the Land Commission (November) and CDPC (December) on the transportation plan which included the discussion of potential development on the former BP site. Land Commission approved the update and the CDPC approved the update and requested a working session to be held in January.



## Development Division – Quarterly Report (Departmental Updates)

- Central Oneida Transportation Plan- Studio Indigenous presented concepts for the streetscape which showed a relationship to BP site in Upper Oneida. The visuals addressed the desire to have safe connections across HWY 54, edible landscape along the trail system, seating, and cultural identity. Individual meeting to gather input with local business owner was held before presentation. Facilitated a discussion between Development Division management and Planning staff to identify expectations, concerns and support on moving this project forward. Working with James Petitjean, to develop a RFP for the streetscape project. Funding was identified to address the appearance of the former BP site. Next steps, will be to research potential options for the fence, and surface (base material and soil structure), write up a cost estimate.
- Fishery Restoration Project (Oneida Lake)- Working with the Lake Project Team to provide options for playground equipment. Playground equipment was selected, will be stored off-site and scheduled to be installed in the Spring 2017.
- 54 One Stop Replacement: Complete
- Oneida Nation High School: Working on the re-write of the CIP Concept Paper for this project with the Oneida School Board.
- OHA Elder Village Cottages: Complete
- Uskah Village Apartments: Under construction. Completion scheduled for March 2017.
- Oneida Nation Farms Barn: Complete and occupied.
- Transportation Planning

## Development Division – Quarterly Report (Departmental Updates)

- Business Park Storm Water Management Plan – Currently reviewing current construction plans.
  - Box Club – Follow up with client; process CIP
  - Signage Standards – Continue work on street signage standards incorporating existing standards. Review bids on latest project.
  - Community Recreation Center – Review CIP process.;
  - McLester memorial – Prepare schedule of how to proceed to have CIP into BC prior to May for budget inclusion; Preparing work plan, setting up meetings to review project status January 19th.
  - Roundabouts and HWY 54 & 172 landscape – Providing management review on contractor work efforts. Following up on contract for retaining wall work.
  - Early Head Start Facility: Work on the interior design and finishes has been recently completed. Work on over- all design continuing. Bidding and construction scheduled for Spring 2017.
  - OHA Elder Village Cottages – Phase II: Recently completed reviewing and scoring architectural proposals for the design of the Phase II Cottages. Louis Wasserman and Associates, LLC were awarded the contract.
  - Contract negotiations are complete and awaiting legal review.
  - Scheduling and timelines to be determined.
  - Uskah Village Apartments – 6 Plex: This project is currently on hold due to funding not being available at this time. Awaiting Congressional action.
- NEW ASSIGNMENTS
- The following projects have not yet been assigned numbers. We are in the preliminary planning stages of the CIP; Elder Day Care Program Facility: O.N.C.O.A. has approved the CIP application; Expansion of the Elder Apartments: Collecting and researching information on these structures.

## Development Division – Quarterly Report (Departmental Updates)

### ○ Planning Statistician

- 2016 Quality of Life Survey have been compiled and shared with OBC & Division Directors. Currently working on communicating results to the membership with assistance from Legislative Affairs.
- SEOTS completed part 2 of the community wellness study.
- Employment Law Communication survey was completed with employees with results to be used at GTC meeting.
- Planning Department is continuing to validate data regarding development of Central Oneida with community input through a survey.
- Oneida demographic profile has been updated with 2016 data.

### ○ Zoning

For the quarter of October, November and December

Permits issued:

13 – Building Permits

1 – Land Use Permit

1 – Sanitary Permit

Other information:

LLURP has been reviewed and updated waiting on approval.

The information packet for the annual letter to State for Fire was approved by the BC in October/November.

This letter will be sent out in Jan 2017, once approved.

Zoning is currently working on the annual alarm letters that will be sent to the municipalities. It has been determined that these letters will need to be done on an annual basis. The last time these were sent were in Jan-2015.



Assistant Development Director of  
Operations  
DPW  
Jacque Boyle

# DEPARTMENT OF PUBLIC WORKS



## QUARTERLY REPORT: Oct/Nov/Dec FY2016

Created 01.17.2017

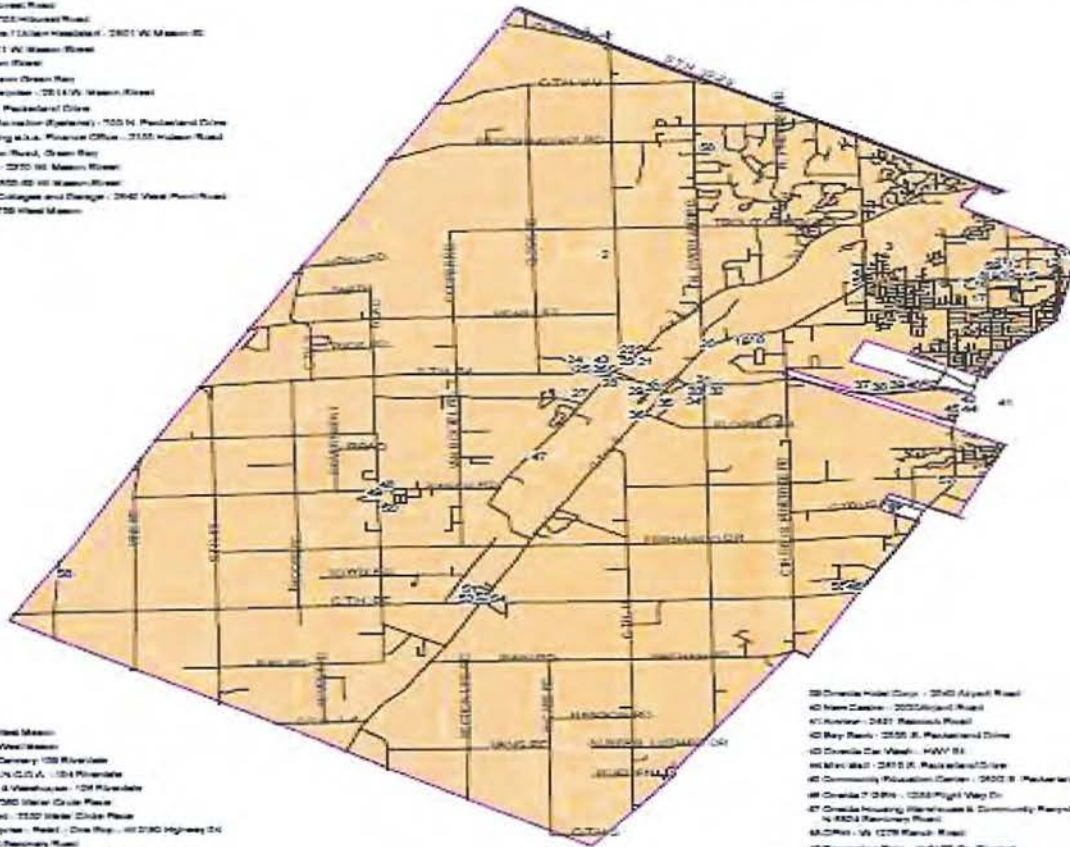
## DEPARTMENT OF PUBLIC WORKS

- The mission of the Department of Public Works is to effectively maintain public infrastructure with the utmost efficiency. We provide essential services in the area of Facilities Management and all health and safety code enforcement, Fleet Management, Plumbing Services, and Vehicle Repair & Maintenance. We at Public Works, strive to enhance the appearance of the Oneida Nation by maintaining landscape of all tribal entities along with providing safe roads and pathways for community members, employees and visitors in the utmost practical, useful, economical, safe and beneficial way.
- The Department of Public Works consists of Administration, Groundskeeping, Automotive, Custodial, Facilities, Plumbing, Community Wells & Septic, and recently added Wastewater Treatment Plant/Utilities Department.



### ONEIDA NATION TRIBAL BUILDINGS AND BUSINESSES

- Buildings - Addresses
- 1 Oneida Travel Center - 1824 Co. Rd 28
- 2 Convention - 14407 County Road 10
- 3 Deceptive Training Center - 4317 Packard
- 4 Language - 2727 Hudson Road
- 5 Cultural Heritage - 2725 Hudson Road
- 6 Three Rivers Casino (Under Construction) - 2801 W. Mason Rd
- 7 Housing/Res - 2721 W. Mason Road
- 8 HRD - 2800 W. Mason Road
- 9 Housing 2000 W. Mason Green Rd
- 10 Oneida Tobacco Enterprise - 2514 W. Mason Road
- 11 2000 Health - 2514 N. Packard Drive
- 12 OER (Occupational Information Systems) - 100 N. Packard Drive
- 13 Certified Accounting s.s.a. Finance Office - 2135 Hudson Road
- 14 Purser - 2029 Laramie Road, Green Bay
- 15 Oneida Medical - 2720 W. Mason Road
- 16 West Mason Road - 2825 W. Mason Road
- 17 Postal Services & College and Design - 2840 West Packard Road
- 18 Kujawer Plaza - 2720 West Mason



- 19 Oneida Lodge - 2720 West Mason
- 20 Spirit Club and - 2276 West Mason
- 21 Tupperware - s.s.a. Century 100 Riverdale
- 22 Senior Center s.s.a. C.N.C.S.A. - 1204 Riverdale
- 23 Senior Center Storage & Warehouse - 1204 Riverdale
- 24 Food Distribution - N 2780 West Co. Rd
- 25 Little Bear Charismatic - 2220 West Co. Rd
- 26 Oneida Tobacco Enterprise - Road - Oneida - W 2780 Highway 24
- 27 Tupperware - 14725 Recovery Road
- 28 National HQ Center (High School) INC - N 2710 Recovery Road
- 29 Oneida Center - Member Subing - 2811 Arby Road
- 30 Oneida Building (Old) - Library Registration - 201219 Rd
- 31 Division of Land Management - 432 Arby Road
- 32 Free Health Center - Oneida, WI
- 33 Round Road (Old) Care Center s.s.a. Three Rivers Casino - 2867 S. Co
- 34 Law Recession - 2280 - 2807 2800 S. Oneida
- 35 Parish Hall s.s.a. Packard Drive - 2228 Packard Road
- 36 Law Enforcement Center s.s.a. Police Dept. - 2720 Packard Road
- 37 Casino Warehouse - 2720 Arby Road
- 38 Oneida Motor Ability Center - 2122 Arby Road

- 39 Oneida Hotel Corp - 2840 Arby Road
- 40 New Casino - 2025 Packard Road
- 41 Auditor - 2421 Packard Road
- 42 Bay Road - 2525 S. Packard Drive
- 43 Oneida Car Wash - HWY 24
- 44 Men 802 - 2815 S. Packard Drive
- 45 Community Relations Center - 2822 S. Packard Drive
- 46 Oneida T 28th - 1228 High Way Dr
- 47 Oneida Housing Maintenance & Community Recycling Dropoff - N 2824 Recovery Road
- 48 OER - W 1278 Packard Road
- 49 Recreation Bldg - N 2427 Co. Trunk A
- 50 Tobacco Shop - Library (Trade Park) - 2725 West Pack Drive
- 51 Oneida Nation Museum - W 2822 County Trunk B
- 52 Anne John Building House - 18 2844 County Trunk B
- 53 Purser - Oneida Health Center - 14712 Packard Road
- 54 Oneida BP - 43212 Packard Road
- 55 Packard Drive Buildings (2) - 1228 Highway Drive
- 56 Park - N 2424 County Road C
- 57 Packard One Bldg - 1128 S. Packard Drive
- 58 Thursday Club House - 4725 N. Packard Road
- 59 Warehouse/Storage - 828 Packard Drive

#### GEOGRAPHIC LAND INFORMATION SYSTEMS

N 703 Packard Drive  
Green Bay, Wisconsin  
(920) 496-2307

File: Bldgs-Businesses.ctb.mxd Date: Date: 8-5-98 Revised: 05-19-09



Source: Division of Land Management  
Coordinate System: Wisconsin State Plane, Central Zone  
Lambert Projection, U.S. Foot  
Horizontal Datum: NAD83  
Vertical Datum: NAVD83

The map to your left depicts the names and location of buildings the Oneida Tribe is responsible for maintaining.

To view the map in a larger format, please visit <http://arcims.otiw.org/glis.html>



# DPW Highlights and Updates

The *Administration* staff of the Department of Public Works commits to enhance, support and develop teamwork, communication and quality customer service to the Oneida Nation that provides an approachable friendly atmosphere.

The staff continues to implement the upgrade of the Archibus system as well as train managers and supervisors on the changes. Mobile device selection is in the research phase and we are working with MIS on a few issues that need to be resolved before its use in the field. Automotive Department and Custodial Department will also replace their Maximo software for inventory tracking with the Archibus system.

The *Fleet Department* is also part of DPW Administration. Their main objective is to assist departments with there vehicle needs, such as; purchasing a new vehicle, cleaning department vehicles, and scheduling vehicles from the fleet as needed to meet organizational transportation needs. The total number of fleet vehicles to date is 190 with 36 of the vehicles kept on site. The vehicle auction was held on October 10, 2016 to October 14, 2016.

The Admin *Safety* area has scheduled CPR training for two departments and will continue to schedule this with additional departments. They have purchased and issued safety vests to personnel working outside and will be meeting with Risk Management and the Insurance Carrier in early February to schedule additional safety training. They are working with Emergency Management to coordinate Fire extinguisher training. Staff have also assisted in meetings and development of emergency procedures for various facilities.



## DPW Highlights and Updates

The *Automotive* Department is here to provide professional and quality service with all Tribal businesses in maintenance and repairs of all Tribal Vehicles. There have been a total of 207 work orders completed in October, November, and December 2016.

The *Custodial Department* makes up for the majority of our employee population here at DPW. Their main objective is the cleanliness of all spaces occupied by Oneida Tribal Employees.

Staffing concerns: Custodial has a high employee turn over due to it being an entry level position and lower wages being offered than other internal departments. We currently have 9 vacant positions and are evaluating staffing levels and work standards to create benchmarks for each building. Have implemented a cross functional team to update training materials and cleaning procedures. Working with Risk Management on injury prevention for the workforce.





## DPW Highlights and Updates

The *Utilities Department* provides Safe drinking water and environmentally safe wastewater treatment and Septage removal. We also provide Billing for Sewer/Water, Septic Removal and Refuse/Recycling services.

Currently our Department has 8 Full-time Employees and no vacant positions. Six of our Employee's require training throughout the year to acquire CEC's for annual license renewals.



# Dpw Highlights and Updates

The main duties of the *Groundskeeping Department* are to establish a reputable and self-sufficient department for the Oneida Nation in maintaining all the tribal grounds by means of cutting grass in warmer weather and snow and ice removal in the winter months.

Initiatives: Groundskeeping is working on several projects that include revising daily logs and equipment logs, improving employee scheduling, and tracking work performed. Site plans are being used to identify snow removal procedures and equipment that is needed at each building. The biggest challenge during this season is the snow and ice removal. We have implemented better communication systems with Retail and the Casino to address our customer needs in a more efficient and effective manner.

The *Facilities Department* provides preventative and on-demand maintenance of facilities. The facilities are maintained according to all building codes, licensing requirements, and funding agency specifications so that they may continue to support the delivery of a wide range of governmental services. By coordinating the maintenance, inspection, and permitting of the life safety systems through DPW Facilities, the tribe incurs financial savings through efficient scheduling, volume discounts on supplies, and extended life of equipment.

A cross functional team is performing building assessments for each of the Tribal Facilities to identify both maintenance and capital improvements that are needed. The team does a walk through of the facility with the operations manager, documents the maintenance needs, provides a written report, and then meets with managers to determine the next steps for completion to occur.



# Facilities PROJECTS

PROJECT UPDATES	DESCRIPTION
Facilities Capex Projects	<p>Description: The FY 17 Facilities capex projects include roof replacement, HVAC upgrades, Lighting upgrades, Flooring replacements, and other equipment upgrades.</p> <p>Current Status: RFP's are being sent out for some projects and other projects are in the design phase. Implementation of all projects is on hold unless it is a regulatory or safety issue as per the continuing resolution.</p>



# Facilities PROJECTS

PROJECT UPDATES	DESCRIPTION
<p>Community Wells, Pumphouses and Water Main Loop – IHS Project BE-12-G87</p>	<p>Phase I was completed in FY' 15, which consisted of the Test Well, Exploratory Soil Borings and Ground Water Study. Mau &amp; Associates has completed the legal description for the Easement in December 2015.</p> <p>CTW has completed drilling both wells as of March 2016, Phase II- I.H.S is requesting an additional pump and water test on well #4 to ensure water test meet EPA standards. The plans and specs for this project are going through the first round of revisions by I.H.S Senior Engineer. Estimated completion is November 2017.</p>

# Archibus work order report

## Archived Work Requests by Problem Type

Problem Type	Month				
	Total	2016-10	2016-11	2016-12	2017-01
<b>Total</b>	617	307	115	133	62
(no value)	2		2.0		
BLINDS	3	2.0		1.0	
CARD ACCESS	13	4.0	8.0	1.0	
CLEANING	23	23.0			
CONSTRUCTION	3	2.0	1.0		
COOLER/FREEZER	3	1.0		2.0	
DAMAGE	2	1.0		1.0	
DISPOSAL	6	3.0		2.0	1.0
DOOR-LOCKS-KEYS	21	11.0	5.0	2.0	3.0
ELECTRICAL	31	19.0		9.0	3.0
ELECTRICAL PROB	9	4.0	1.0	1.0	3.0
FINISHES	5	2.0	2.0		1.0
FLAGS	1	1.0			
FLOORING/CEILING	7	4.0	1.0	1.0	1.0
FURNITURE RELAT	25	10.0	7.0	7.0	1.0
GENERATOR	1			1.0	
GROUNDS	15	4.0	1.0	6.0	4.0
HVAC	46	22.0	14.0	6.0	4.0
HVAC\HVAC - PM	6		1.0	5.0	
HVAC\HVAC - PROBLEM	46		14.0	19.0	13.0
LIGHTING	40	14.0	14.0	8.0	4.0
MAINTENANCE	137	66.0	28.0	29.0	14.0
OFFICE MOVE	6	5.0		1.0	
OTHER	66	39.0	9.0	15.0	3.0
PAINT	7	6.0	1.0		
PARKING LOT	2			2.0	
PLUMBING	55	39.0	4.0	10.0	2.0
PREVENTIVE MAINT	1		1.0		
REMODELING	1	1.0			
RODENTS-INSECTS	14	14.0			
ROOF	1	1.0			
SAFETY	2			1.0	1.0
SECURITY	2				2.0
SIGNS	6	4.0		2.0	
SPECIAL EVENT	2				2.0
TABLES-CHAIRS	6	4.0	1.0	1.0	
UNUSUAL SMELL	1	1.0			



FY2017

# Community Well & Septic and Plumbing Dept's



## FY2017 1st Quarterly Report

# 1st Quarterly Report

### Program Goals

- Inspect, document sites and enlist under tribal jurisdiction
- License to inspect sites with POWTS
- License to inspect sites with private wells
- Soil testing & basement evaluation for new sites/existing
- Encourage tribal members to be under the tribal jurisdiction
- Provide education to tribal member for preventative maintenance for POWTS
- Provide WSLH water samples for tribal members, address metals as needed
- Setup data base for all tribal POWTS



### Budget

A cost saving to tribal members served and an upgrade to the clients standard of living a savings to our tribal contribution budget

### Project Partners

Our partners are: Indian Health Service, Environmental Protection Agency, EH&S-Environmental Quality Department, Conservation Department, Facilities Department, Groundskeeping Department, Plumbing Department, Utilities Department, Zoning Department, Brown County Zoning and Outagamie County Zoning.

### Opportunity

- Upgrade the standard of living by providing a safe source of water and proper sanitation facilities
- To serve Oneida enrolled tribal members who live within the Oneida reservation boundaries
- Tribal member's to build a home & using the funds either a leverage and/or savings
- To re-invest into our own community, savings to homeowner, protect the groundwater
- To work within in our tribal departments to make projects successful and keep funding within tribe
- Educate the homeowner about their role in caring for their POWTS and well water
- Educate the homeowner about water conservation & protecting the groundwater
- Working with and for other departments saves money and helps keep funds within tribe



Oneida Development Division

SAVE WATER.....EVERY DROP COUNTS

### Contact Information

Dennis Johnson, Project Manager 920-869-4579  
 djohnso2@oneidanation.org

FY2017

# Community Well & Septic and Plumbing Dept's

## FY2017 1st Quarterly Report



1st Quarterly Report

### Highlights –

#### **5 Monitoring Wells at the Oneida Cemetery:**

Well on site are to monitor for future cemetery expansion. Our Plumbers will continue to collect data from each well once a month. The Technical team is working with the Hydro-geologist to design additional drain tile.



#### **Oneida Nation Farm New Barn:**

This project was completed in December 2016.



#### **Beechtree Lane Water Sewer Project:**

The extension of water and sewer mains and laterals to the 7 lots are completed. Preparing sites for future building. These sites should be ready for new homeowners this summer.



#### **Restructuring of Community Well & Septic and Plumbing Departments:**

Completed for two departments.



Oneida Development Division

SAVE WATER.....EVERY DROP COUNTS

### Contact Information

Dennis Johnson, Project Manager 920-869-4579  
djohnso2@oneidanation.org

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 25 / 17

**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 report.

**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:

\_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.



## GOVERNMENTAL SERVICES DIVISION (GSD) QUARTERLY REPORT (FY 2017 - 1<sup>ST</sup> QTR)

### GSD Executive Summary

After 18 years, GSD's FY17 First Quarter experienced leadership change at the Division Director level. The incoming Director bringing extensive operational and service delivery experience began with an overall assessment of the "state of GSD". The assessment revealed significant strengths at the program and individual levels: a deep seated concern about community members, pride in the Nation's history, identity and a large group of dedicated and knowledgeable professionals that holds us all together.

Additionally, the ongoing assessment coupled with employee, funding sources and community dialogue brought to light many challenges. One of the more difficult challenges facing GSD is workplace culture. Employees get stuck in their ways and often respond harshly to calls for change. However, this resistance to change may be a contributor to what has led GSD astray in its mission to serve our community and advocate for our Oneida Nation. Whether the widespread negativity and overt disregard for organizational rules, tolerance of mediocrity or a lack of effort from some employees, together these negative aspects of GSD's workplace culture significantly harms the Nation and its ability to effectively serve our community in an era of uncertainty and diminishing dollars.

The new Division Director's job is to assess the problem(s), implement strategies that address the problem(s) and position GSD for recovery. Identifying the problems, addressing them head-on and knowing change occurs on an individual basis Area Managers were tasked with some very fundamental changes that would reinforce GSD employees' commitment to our community. An expectation was established that leadership be accountable and 'know their programs.' This increased presence set the stage and expectation for much needed guidance, direction, support, and follow through for more optimal operations.

The idea of changing workplace culture may sound simple to someone who's never been faced with the task before. But as anyone with experience knows, it's a massive challenge. GSD is committed to the community that throughout 2017 we will continue to assess, identify, adjust, correct, hold accountable and implement solutions that will honor the strength, identity and all that holds our Oneida Nation together.

### EDUCATION AND TRAINING

Base Customers

	Oct	Nov	Dec
Early Intervention	65	78	89
Child Care	55	63	64
YES	442	509	509
Job Training	76	81	82
Higher Education	629	655	681
Arts	2684	1562	1112
CEC	205	205	187
TOTAL	4,156	3,153	2,724

## Customer Service

	October	November	December
Early Intervention	98%	0*	0*
Child Care	0*	76%	100%
YES	93%	94%	97%
Job Training	100%	100%	100%
Higher Education	100%	83%	100%
Arts	95%	100%	0*
CEC	94%	88%	100%
Average	96.6%	90.1%	99.4%

\*No surveys returned

Information obtained from Scorecard Metrix

**Early Intervention**

- Held annual Breakfast with Santa at NWTC on December 3, 2016. Total attendance was 388 parents/children. Oneida participation was approximately 74%.
- The Federal count as of December 1, 2016 is 74 children in Part B, this is a yearly increase of 11 children which will result in a \$65-85,000.00 increase in revenue from the BIA for 2017. Part C has also increased the number of Birth - 3 children to Brown and Outagamie counties for services. The revenue for Part C is based on a set amount of funding divided by all the participating Tribes.
- Sixty-two (62) visits were conducted which included: home, childcare centers and medical appoints.
- Currently 37 children on IEP's and 6 pending.

**Child Care**

- 1<sup>st</sup> quarter targets – Increased by 7 new enrollments
- All children enrolled will have health screenings 71% completed
- Child Care revising business plan collaborating with the Community Development Planning Committee (CDPC)

**Youth Enrichment Services (Y.E.S)**

- Morning Program at King Elementary is being held again this year with the assistance of a Cultural Resource Specialist from the Green Bay Title VI Program. A reduced number of children (11) being served due to limited staffing and space
- Y.E.S. Program is now fully staffed with the hiring of the Seymour High School Advocate in November
- West De Pere High School Y.E.S. Advocate worked with the West De Pere Title VI staff to arrange for tutors from the UWGB First Nations Studies Program
- Y.E.S. high school students participated in campus visits to the University of Wisconsin-Oshkosh (46 students) in October and the University of Wisconsin-Green Bay (38 students) in December
- Y.E.S. collaborating with Higher Education Department staff developing plans to provide scholarship workshops
- Y.E.S. Staff collaborated with the Seymour Community School District Staff to help address the mental health needs of the students and staff who were responding to the



tragedies that occurred within the community. Additional needs identified that collaboration with Oneida Behavioral Health and Cultural Heritage could support

- Y.E.S. Staff continues to collaborate with the Domestic Violence Prevention and Experiential and Adventures Programs in providing groups to address the social needs of the youth
- Y.E.S. Program Staff continue to participate in free-of-charge professional development workshops, by utilizing programs offered by the Wisconsin Disproportionality Technical Assistance Network (DTAN). Workshops: Addressing the American Indian Student Achievement Gap, Network Identity Safety, Equity and Social Justice, and Beyond Diversity
- Southwest High School Y.E.S. Staff assisted the Native Club students in hosting the Bittersweet Winds Exhibit with Richie Plass on October 26-27. Approximately 280 community members and students the exhibit

### **Job Training**

- The number of intakes of new consumers has increased significantly from the prior 1 – 2 intakes per month during the FY 2016 fourth quarter. Sixteen new intakes were completed during the first quarter (5 – 6 per month), and the eligible consumers are in the early stages of developing Individualized Plans for Employment (IPE). There is a process to be followed for taking a consumer from Intake to a successful employment outcome which, on average, takes about 18 months. Currently there are 82 consumers at various stages in the process.
- To date, three (3) Job Training Program consumers, carried-over from the previous quarter, completed their required 90 days of employment to be considered successful outcomes. Grants plan for 18 successful outcomes over the 12 month grant period, an average of 1.5 successful outcomes per month.
- Usage of the Job Center Resource Room has been averaging 62 individual users per month. This is a slight increase (6%) from the previous quarter.

### **Higher Education**

- 185 students were dispersed funds, totaling \$1,066,811.48.
- Held 1<sup>st</sup> Fall 2016-17 Community College Access Night on October 20, 2016, at CEC. (3 Participants)
- Attended Green Bay Title VII Family Night on October 25, 2016. (36 students and parents.)
- Attended Site II Annual Family Feast, November 15, 2016, which was sponsored by Oneida Housing Authority. Approximately 30 participants, with 3 follow-up contacts.
- On October 25, 2016, volunteered for Seymour High School College Goal/Gear-up efforts.
- Met with 56 students from Oneida, Bayport, Freedom, Ashwaubenon, Green Bay West and Pulaski.
- Working on “Scholarship Search” presentation with Oneida Y.E.S. program.
- Meeting with HRD on “Post Graduate Work Experience Program.” Currently developing SOP for 2016-17 Pilot Program.
- Staff attended: bi-annual WASFAA (Wisconsin Association of Student Financial Aid Administrators) conference in Milwaukee in November. This conference provides staff

with the latest updates on Federal Financial Aid. Also attended NWTC Professional Learning Day.

### Arts

- Christine Klimmek taught a watercolor holiday card-making class that was very well received. The Oneida Language house had a staff member attend to help add Oneida language to cards.
- The children in the MOC program performed for the Transportation conference at the Radisson in November.

### Community Education Center

- Year-over-year utilization increased approximately 10-20%.
- We have completed the 2<sup>nd</sup> full quarter of classes. During the 1<sup>st</sup> quarter, 24 classes were held with 105 participants. Class offerings continue to increase.
- We have completed the 3<sup>rd</sup> rendition of the Community Guide Book, a tool that advertises programming for almost all of GSD and a few other areas. We increased the number of participating departments by approximately 30%.

## PARKS AND RECREATION

There were several events in each of the departments within Parks and Recreation. In an effort to reduce Tribal Contribution funding a collaboration fundraising event between several facilities (Civic Recreation, Cliff Webster Memorial Recreation and Family Fitness) were held to raise funds for the Breakfast with Santa event. The goals of the event were to raise \$500, keep members active (\$1/ mile or class) as well as community building (adults supporting the youth event). We were pleased with reaching over 500 miles, and almost raising the \$500 goal. Breakfast with Santa is zero Tribal Contribution and is made possible by donations from community members, Ryan Funeral Home, Festival Foods, as well as community members volunteering to make this event a success.

There are over 680 members registered at Oneida Recreation. Recreation provides services from age 4 on up. The Recreation Grade Point Average (GPA) for the first quarter was 3.38 for the Civic Center and 2.4 for Clifford Webster Bldg. In addition to assisting with homework, the youth enjoy art activities, outdoor events with Experiential, and the elders have activities as well every week. The Elder Bowling league will begin in February.

Experiential has offered several classes at noon and after work. These classes are consistently full with many having waiting lists. Classes are offered with support from a Diabetic Grant. In addition to community classes and events, Experiential offers mindfulness walks where employees get RAS points. These walks have waiting lists as well.

The Fitness Center has over 4,500 members that attend the various classes and activities offered. The Fitness center provides sports classes and swimming opportunities for the Head Start students. In addition to community use, the Fitness Center offers classes and options for employees to participate in for RAS points.

**Oneida Recreation**

Month	Attendance – Visits	Current Members
Oct	3627	669
Nov	2388	685
Dec	3068	689

\*NOTE: all memberships will need to be renewed beginning 1/1/17.

**Service Development Outcomes and Customer Results:**

- **Birth to 18 months:** No results  
0 membership
- **Toddler – 18 mo. – 3 years :** No Results  
0 membership
- **Pre-School – 4-5 years:**  
25 memberships (4%) 13-Male/12-Female 18-Oneida/1-Desc./3-Other Tribe/3-Other
- **School Age – 6-12 years:**  
355 memberships (52%) 212-Male/143-Female 222-Oneida/16-Desc./45-Other  
Tribe/72-Other

NOTE: Youth need to be 7 years of age to attend the Recreation afterschool program.

***Physical Development Needs:*** This age group is finally learning to master gross and fine motor skills. They have lots of energy and enjoy physical activities and structured games with rules. The Sports & Fitness area provides ample opportunities for school-age children to expend their extra energy. We encourage all school-age children to participate in 60 minutes of physical activity daily (the recommended amount according to the President's Council on Fitness). We also provide youth with opportunities to participate in structured leagues such as flag football.

Month	Outcome	Civic Center Result	Clifford E. Webster Bldg Result
Oct	Each member completes 60 minutes of physical activity/day.	23%	34%
Nov	Each member completes 60 minutes of physical activity/day.	26%	49%
Dec	Each member completes 60 minutes of physical activity/day.	33%	52%
	TOTAL	27%	45%



**Emotional Development Needs:** School-age children begin to form longer lasting friendships with the same-sex peers as they become more interested in identifying with the likes and dislikes of a group. They are self-conscious about their abilities and need to be acknowledged and encouraged by adults. Social Recreation area focuses on the emotional needs of youth. Girls and Guys Groups provide opportunities for school-age youth to interact with peers and learn new skills. Character Club provides this age group with opportunities to build their character and get involved in the community. For example, Character Club participants cleaned up the housing sites around each facility, made Christmas ornaments for the elders, and learned many valuable life skills. These activities allow the youth to practice the character traits they learn about all year long.

Month	Outcome	Civic Center Result	Clifford E. Webster Bldg Result
Oct	Participants learn about each pillar of Character Development and have opportunities to exhibit them.	49.5%	51%
Nov	Participants learn about each pillar of Character Development and have opportunities to exhibit them.	38%	57%
Dec	Participants learn about each pillar of Character Development and have opportunities to exhibit them.	32%	46%
	TOTAL	40%	51%



***Cognitive Development Needs:** Children this age have longer attention spans and are interested in discovering things for themselves. They like intellectual challenges and reading about things they like. The Learning Centers at each facility are filled with books to read on various subjects. The youth are encouraged to build their reading skills daily. Before youth are allowed to use the computer or gaming systems in the rooms, they are required to read for 15 minutes. Activities such as Brain Food also encourage youth to complete daily homework assignments and read for enjoyment. When the youth have completed assignments, they are rewarded with a healthy meal prepared by the staff. The Art Rooms also provide school-age youth with opportunities to explore new and exciting ways to express themselves creatively. Youth at the Clifford E. Webster Building enjoy art, journaling, upcycled craft projects, poetry, and pottery. Youth at the Civic Center enjoy drawing, photography, and completing Native American art projects such as beading and moccasin making.*

<b>Month</b>	<b>Outcome</b>	<b>Civic Center</b>	<b>Clifford E. Webster Bldg</b>
Oct	Complete homework	36%	63%
Nov	Complete homework	39%	69%
Dec	Complete homework	37%	79%
	TOTAL	37%	70%
1 <sup>st</sup> Grading Period	Complete homework daily and increase GPA.	18 Report Cards Collected	7 Report Cards Collected
	Average GPA	3.38	2.40





Month	Outcome	Civic Center	Clifford E. Webster Bldg
Oct	Exposed to a variety of art mediums & techniques	38%	47%
Nov	Exposed to a variety of art mediums & techniques	98%	36%
Dec	Exposed to a variety of art mediums & techniques	76%	51%
TOTAL		71%	45%



• **Adolescent – 13-18 years:**

120 memberships (17%) 71-Male/49-Female 82-Oneida/5-Desc./11-Other Tribe/22-Other

*Physical Development Needs: This time of rapid growth (the most since infancy) can lead to a lack of coordination, loss of self-esteem and feeling awkward. Sports & Fitness areas offer teens opportunities to play sports and games in a relaxed non-competitive setting. This age group enjoys interacting with staff during games and leagues.*

Month	Outcome	Civic Center Result	Clifford E. Webster Bldg Result
Oct	Completes 60 minutes of physical activity/day.	14%	16%

Nov	Completes 60 minutes of physical activity/day.	12%	16%
Dec	Completes 60 minutes of physical activity/day.	10%	21%
	TOTAL	12%	18%



**Emotional Development Needs:** Adolescents are very self-conscious about their bodies and physical appearance in general which can lead to psychological vulnerabilities. They have a strong desire to conform to their peers and form close one-on-one relationships. Social Recreation areas work hard to provide opportunities for youth to increase their social skills. Social skills such as character development, verbal and non-verbal communication, etiquette, and personal hygiene are stressed in activities such as bingo, Girls Group, and Guys Group.

Month	Outcome	Civic Center	Clifford E. Webster Bldg
Oct	Learn about each pillar of Character Development with opportunities to exhibit them.	10.5%	12%
Nov	Learn about each pillar of Character Development with opportunities to exhibit them.	11%	11%
Dec	Learn about each pillar of Character Development with opportunities to exhibit them.	13%	5%
	TOTAL	11.5%	9%



**Cognitive Development Needs:** Adolescents are developing abstract thinking. They are beginning to think about social issues and future goals in life. They can plan with little or no help from adults. The Learning Centers are available for all teens to complete their homework assignments and for computer use. The Arts areas also encourage teens to express themselves creatively in a variety of activities and programs such as pottery, traditional native arts, journaling and upcycled art.

Month	Outcome	Civic Center Result	Clifford E. Webster Bldg Result
Oct	Participants complete homework assignments.	11%	17%
Nov	Participants complete homework assignments.	13%	14%
Dec	Participants complete homework assignments.	11%	9%
		12%	13%
1 <sup>st</sup> Grading Period	Complete homework assignments daily and increase GPA.	2 Report Cards Collected	6 Report Card Collected
	Average GPA	2.30	2.85





Month	Outcome	Civic Center Result	Clifford E. Webster Bldg Result
Oct	Participants will be exposed to a variety of art mediums & techniques	2%	11%
Nov	Participants will be exposed to a variety of art mediums & techniques	2%	10%
Dec	Participants will be exposed to a variety of art mediums & techniques	16%	8%
	TOTAL	7%	10%



• **Young Adult – 19-35 years:**

41 memberships (6%) 27-Male/14-Female 29-Oneida/2-Desc./1-Other Tribe/9-Other  
 This stage is a continuation of the adolescent phase, as young adults continue to separate themselves from family and focus more on friendships. It is an exciting time of new

*opportunities for education, careers, and other life experiences. The young adult must develop into a mature adult and face their new responsibilities.*

Month	Men’s Basketball – Noon Hour, Sunday, After 9 pm at Civic Center
Oct	116
Nov	56
Dec	69
TOTAL	241

- **Middle Age – 36-64 years:**

58 memberships (8 %) 24-Male/34-Female 44-Oneida/0-Desc./2-Other Tribe/12-Other

*This time is a period of reflection, family and career. This self-reflection is the time for a person to become content with their life and who they are as they prepare for retirement. It is a time for a person to enjoy their family life – children, grandchildren, extended family, etc.*

Month	# of Rentals – Clifford E. Webster Bldg	Attendance
Oct	12	249
Nov	17	281
Dec	17	440
TOTALS	46	970

- Average # of rentals per month = 21. Average Attendance per month = 323. Community rentals range from events such as holiday parties, birthday parties, family reunions, baby showers, etc. The Clifford E. Webster Building is rented out on weekends and holidays.
- During the first quarter, the number of rentals decreased by 11% and rental attendance decreased by 14% compared to FY16.

- **Elder/Older Adult – 65 plus:**

90 memberships (13%) 28-Male/62-Female 58-Oneida/0-Desc./5-Other Tribe/27-Other

NOTE: Elders age 55 and older can attend the Recreation elder activities.

*The elder adult stage is no longer considered “old age.” There are some who have to suffer the illness and discomfort of growing older, but the majority of elders are healthy and active. Retirement is a time for people to pursue the interests that they did not have time to before. It is important to stay active and involved after retirement; many find this involvement in community, social, political and personal activities and projects. Although, this stage is a time for preparing for death, it is also a time to enjoy life and do many exciting, worthwhile things.*



Month	Bingo Attendance	Bowling League Attendance
Oct	160	0
Nov	200	0
Dec	116	0
TOTAL	476	0

- Bingo is held every Wednesday from 1:30 – 3:00 pm at the Clifford E. Webster building. We average 39 elders per session. The Bowling League will begin in February 2017 and will be held every other week at Ashwaubenon Bowling Lanes.



- **Other Events/Highlights:**

### **Boo Bash**

Friday, October 21, 2016 –

1085 community members attended the event (638 youth ages 0-12/389 teens/adults/58 volunteers).



### **Flying Leaf Lacrosse Field Grand Opening**

Monday, October 24, 2016 – 180 Community members attended the event. There was a traditional & youth Lacrosse exhibition, food, raffle, and lots of fun.



**Fall 500**

This is a Fundraiser implemented by the Oneida Family Fitness Center and held November 14 – 23, 2016.. Each participant was asked to walk/run one mile and then donate \$1 towards Breakfast with Santa. Each Recreation Facility also participated in the event.

Family Fitness Center	281 Miles Completed	\$353.50 Donated
Civic Center	127 Miles Completed	\$ 88.00 Donated
Clifford Webster Bldg.	99 Miles Completed	\$ 0
<b>TOTALS</b>	<b>507 Miles Completed</b>	<b>\$441.50 Donated</b>



**Breakfast with Santa**

Breakfast with Santa was held on Saturday, December 10, 2016 from 8:00 am – 10:30 am at the Civic Center. Youth ages 8 and below lined up to get a picture with Santa and receive a gift. All family members were able to enjoy a hot breakfast of pancakes, sausage and milk, water or juice. Festival Foods donated the pancake mix, sausage, water, milk, juice, and butter. The Veterans



donated the syrup and tablecloths, and Retail donated the plates, napkins, and plasticware. Volunteers from the community helped with cooking, serving, and clean up. John Powless III volunteered to be Santa while elders assisted with dispersing presents. Attendance was 405 (ages 8 and under); 349 (ages 9+ and adults) and 19 volunteers. Total = 773.



### **Oneida Experiential & Adventures**

Customer utilization number First Quarter- 608 programs varied between an hour to multiday programs.

Average Customer Satisfaction= 97%

There has been excellent attendance for the RAS & Diabetic noon and evening classes. Some classes now having a waiting list and have adjusted staff to accommodate the number of registrants.

Oneida Experiential has provided healthy options for the RAS point system by helping employees to improve their health by making real behavior changes and discovering and overcoming road blocks that has prevented them from making these changes previously.

Health Center Diabetic Prevention, Depression prevention, Family Enrichment Programs, RAS- Program, Domestic Violence Alternative HS, Lombardi Yes boys and Girls, Wise Women Gathering Place

*Family Fun Night* – hosted a Family Feud Game night sponsored by the Special Diabetic Programs for Indians grant (SDPI) with 32 participants to have fun while learning about Diabetes management.

Flute Making Class- participants made an Indian Love Flute while learning about living in balance and the positive effects that has on themselves, their families, and the community

After school program for Lombardi students – both boys and girls groups that works with the YES advocate to look at leadership development.

Bi-monthly intervention group - for two classes of boys at the Turtle School who are showing violent tendencies and/or are being very disrespectful to teachers.

Snow Shoe Hikes - held five (5) hikes for both the Diabetic and the RAS programs paid for by the Diabetic grant. These are very well attended with comments received stating what great medicine it is.

Mindfulness Walks - teaches people to take a moment to practice mindfulness techniques out in nature to connect with them and nature, in effort to reduce stress and increase positive coping techniques.

-IOP Alcohol and Drug BH - experiential initiatives (2x/month) – Therapeutic Recreation programming methods of teaching healing processes from addictions. This month we had over 20 participants where the focus was on addiction and the impacts on the family.

-Journey Outpatient Alcohol and Drug BH - experiential initiatives ( 2x/month) Therapeutic Recreation programming methods of teaching healing process's from addictions.

Family Enrichment - provided canoe and kayaking tours for families to experience fun, leisure activities they can do while building stronger family connections.

Title VII - contracted to do a seven (7) session teambuilding/conflict resolution/mindset/stress management program

Yes Community Connection Program - held a program for the mentoring of Lombardi students by the Southwest students in an effort to ease any tensions of Lombardi students going to high school. Program has a focus on community involvement and how to be/have a positive impact.

Alternative School - making and planning objectives in order to achieve goals.

Depression care - provided birding tours for the elderly. This is an ongoing program that serves the elderly to address depression and ways to cope and live life to the fullest. Group members are pushed to expand their comfort zone and explore fixing a mindset restricting of growth.

Survival classes - Collaborated or provided Survival classes that meet bi-monthly for recreation members.

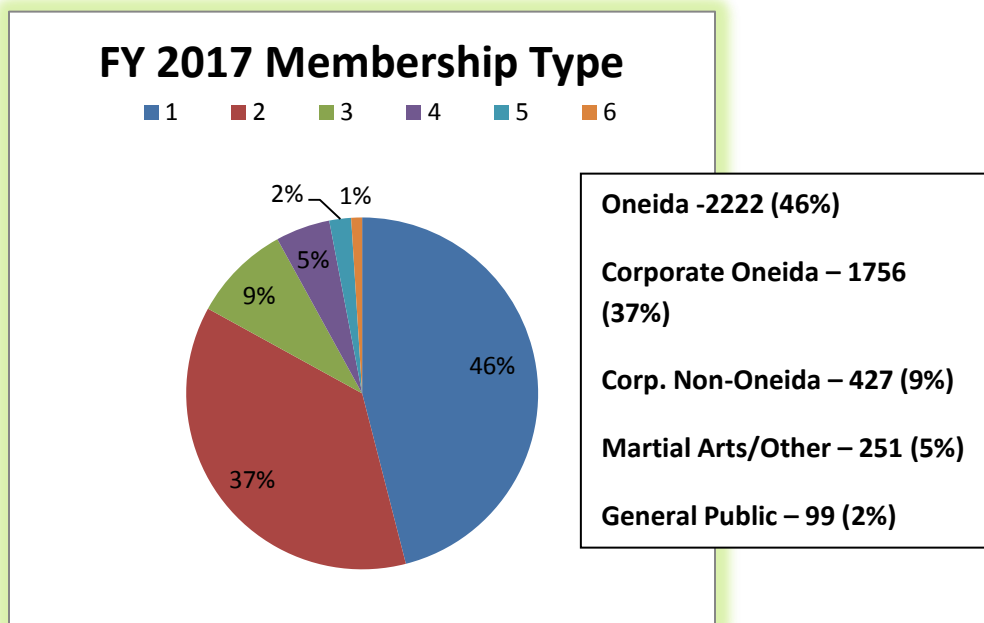


**Oneida Family Fitness**

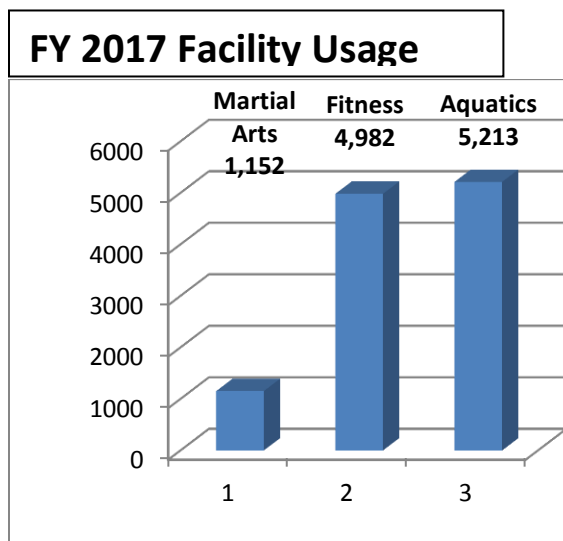
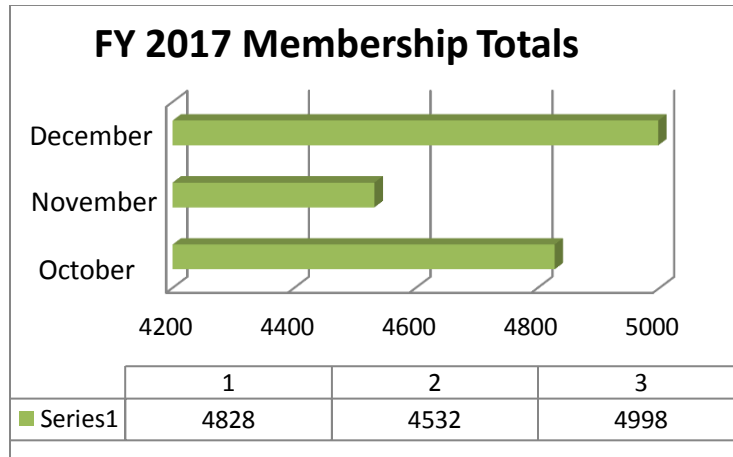
This quarter, Oneida Family Fitness focused on max improve the health and wellness of the membership,

**First quarter statistics:**

Membership total: 4,599  
Facility usage: 29,579







<b>1<sup>st</sup> Quarter Focus – Increase Engagement</b>		
<b>Initiative</b>	<b>Activities</b>	<b>Outcomes</b>
Provide fitness & wellness programs for all ages and abilities.	1) Fit Kids’- Head Start program 2) Swim lessons 3) Increased family swim availability 4) Provide Tai Chi & Chair Yoga services for elders at Elder Services. 5) Fit-Ball Challenge to engage members to meet the recommended physical activity guidelines by checking into facility and exercising.	1) 159 Head Start children 2) 6 levels offered; 38 youth attended. 3) Extended hours on Aquatics schedule for family 4) 4 x per month at Elder Services. 5) 40 members participated

Increase participants' knowledge, skill, and ability of physical fitness and healthy lifestyles to reduce health care costs.	1) Offering stress management 6 week program – RAS point eligible 2) Reward members who engage in the recommended physical activity (3-5 days/week) 3) Offering weight management program to earn RAS points	1) 35 individual completed the program 2) 10% of Membership 3) 40 individuals completed the RAS weigh of Life program
--	--	---

### **CULTURAL HERITAGE**

Cultural Heritage consists of 30 employees tasked with providing language, history and culture throughout the Oneida Nation community and to invite, encourage and share knowledge of the components listed in the Tsi>Niyukwalihot^ definition. Cultural Heritage is in the process of addressing collaboration and accessibility that will enrich and support integration efforts throughout our tribal community

#### **Administration:**

- *Increase practice and participation of Oneida Culture*
- *Increase cultural events*
- *2 year academy- Tsi>Niyukwalih%=t<*
- *Rites of Passage*

**Total Employees:** 27 Oneida and 3 Non-Oneida

**Cultural:** 4 employees

- 1 Cultural Advisor
- 1 Cultural/Language Archivist
- 1 Wellness facilitator
- 1 Healing facilitator

*Entrusted to work with individuals providing traditional healing and wellness practices using their individual talents of mind, body and spirit*

**History:** 5 employees

- 1 Tribal Historic Preservation officer
- 1 Tribal Historian
- 1 Researcher
- 1 History Archivist
- 1 History Multi-Media Specialist

*Promote knowledge of cultural resources, historical events and connection to ancestors. Keep knowledge of culture alive throughout the Oneida community Entrusted to the preservation of Tribal member remains. Protect and uphold Federal Laws. Survey Tribal lands in reservation boundaries.*

**Language Department:** 8 employees

- 1 Manager
- 1 Language facilitator
- 1 Language Multi-Media specialist
- 1 Elder supervisor
- 4 Language trainees

*Entrusted to work with tribal entities and the Oneida community to revitalize, expand and use the Oneida language*

**Library:** 5 employees

- 1 Manager
- 1 Assistant Manager
- 1 Administrative Assistant/Library Aide
- 1 Librarian
- 1 Library Aide

*Access to current, balanced materials, services and programs, enriched cultural and recreational use of time, up to date research material*

**Museum:** 6 employees

- 1 Manager
- 1 Assistant Manager
- 1 Administrative Assistant
- 1 Interpreter
- 1 Educator
- 1 Gift Shop Coordinator

*Increase visitor and community knowledge through exhibits, tours and off-site presentations. Promote Oneida artists exhibiting their art, gift shop sales, collaboration, and /or acquiring to add to Museum collection. Increase revenue through gift shop sales. Collaborate with other departments, Iroquois museums, cultural centers, libraries and/or collecting institution*

**Accomplishments/Achievements:**

**Administration** - December marks the 9th months of the 1st official 2-year intensive adult language/ culture initiative following a 2-year pilot program. Participants are able to identify, pronounce and say a short opening or thanksgiving address. They are able to introduce themselves by their Oneida name, clan, and nation. Any of the participants who did not know their clan were able to get assistance in identifying their clan family. They are aware of the creation story and the yearly ceremonial cycle. Daily language lessons help them identify common phrases and items in different tenses. Cultural activities developed skills or knowledge in tanning hides, making baskets, Kastowes. The Language/Culture Archivist conducts the classes.

The same participants in the morning group wanted to begin evening craft or sewing classes. They meet on Tuesday and Thursdays from 5 – 9 pm to sew, bead, and/or complete regalia or other projects.

	Oct	Nov	Dec	Average
# served	112	91	101	101

# of times	663	643	648	651
------------	-----	-----	-----	-----

**Obstacles & Solutions:**

- Operating at capacity  
*Obstacle:* Limited Instructors  
*Proposed Solution:* Align and update job descriptions to address the need to work collaboratively with other tribal programs and community to incorporate the Oneida Language and Culture within the Oneida Nation.
- Balancing Resources  
*Obstacle:* Current alignment limits sharing of knowledge  
*Proposed Solution:* Align and update job descriptions to address the need to work collaboratively with other tribal programs and community to incorporate the Oneida Language and Culture within the Oneida Nation.

*Obstacle:* Access limited to language speakers and knowledge holders. Social Services identify significant ‘gap’ in language & Culture with ‘at-risk’ and ‘in-need’ tribal members

*Proposed Solution:* Collaborate efforts to robustly and consistently integrate language and culture into community and programs

**Performance Highlights**

- 7-10 participants attend daily Language/Culture lessons in the 2-year intensive Adult initiative. They are able to introduce themselves by name, clan, and nation.

The skills obtained include making Kastowes, baskets, tanning a buffalo hide, making cow horn rattles, and water drums

- Evening craft and sewing classes are held at Redstone from 5-9 pm. Seven (7) attendees worked on dresses, shirts, star quilts, and completing past projects involving raised bead work. Pot luck meals are often shared.



**Language**

**Service Outcomes and Customer Results:**

- October –1) Attended Kaliwiyo ceremonies and hosted Kaliwiyo in Oneida which strengthens the Oneida language and our ways. 233 visitors during Kaliwiyo ceremonies with 915 people renewing their relationship with our Creator
- Beginning to strengthen partnerships with College of Menominee Nation (CMN), Headstart and Oneida Community Education Center (OCEC) by meeting/communicating about scheduling classes and language sessions

## **Museum**

The museum accomplished the objectives and activities for the first quarter. We focused our energy and efforts in creating and installing new exhibits, offering community activities and increasing gift shop sales.

### **1. Increase visitor knowledge through updated exhibits and increasing visitor knowledge**

Six Nations Exhibit: This exhibit focuses on the Haudensaunee and commonly known to others as the Iroquois Confederacy. A map shows the territorial boundaries of our homelands in New York State. Kastowes are displayed representing the 6 Nations of the Iroquois Confederacy. Technology was incorporated by installing an I-pad station which allows visitors to gain additional knowledge of Oneida and the other five Nations.



### **Tours and Off-Site Presentations**

The Oneida Museum conducted 12 tours during the first quarter of FY17. Tour groups included UW Whitewater's Center for Global Education, three tour groups of Oneida Tribal Members – two Norbert Hill Head Start classes and one Oneida Judicial System Judge, and an international student group from Lycée René Char Academy of Avignon, France partnered with the “French Connection” program at North High School in Sheboygan, WI.

#### **TOUR GROUPS**

<b>DATE</b>	<b>GROUP</b>	<b>SIZE</b>
10/2016	Culture Tours	20



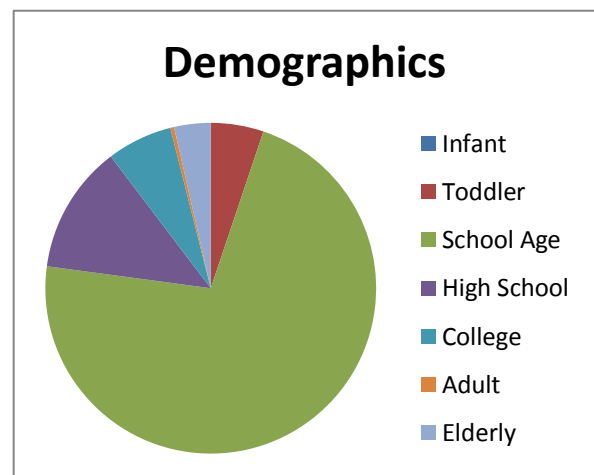
10/2016	Center for Global Education - UW Whitewater	27
10/2016	Northwestern University	10
10/2016	Oneida Judicial System	1
10/2016	Norbert Hill Head Start	20
10/2016	Lycée Rene Char and North High School	47
10/2016	Norbert Hill Head Start	22
11/2016	Gift Certificate Winner	9
11/2016	Menasha High School	55
11/2016	Cub Scouts Pack 4463	9
12/2016	Neighborhood House of Milwaukee	2
12/2016	NWTC	15

**OFFSITE PRESENTATION GROUPS**

DATE	GROUP	SIZE
10/2016	Tsyunh#hkw<	79
10/2016	Tsyunh#hkw<	76
10/2016	Tsyunh#hkw<	40
10/2016	Tsyunh#hkw<	74
11/2016	Hemlock Creek Elementary	150
11/2016	Green Bay Kenney Elementary	36

**TOTALS**

MONTH	MUSEUM TOURS	OFF-SITE PRESENTATIONS
Oct	147	269
Nov	73	186
Dec	17	0
Totals	237	455



2. Promote Oneida artists by exhibiting their art, gift shop sales, collaboration,

## acquiring art to add to museum collection.

### Promoting Oneida artists

The museum hosted craft classes taught by and to promote Oneida artists. The classes included a raised beadwork barrette class, basket weaving, and a beaded earring class. The classes were well received and booked to capacity. The classes offered related to Oneida History and Culture and stemmed from survey results received from Tribal members. With the limited space within the museum's "Education Center" (the trailer) and depending on the project, classes cannot exceed more than 15 participants. To also cut down on Museum expenses, materials for classes are extended to the instructor. Registration fees are then collected by the instructor..

### Basket Weaving

In November, the museum hosted The Oneida Basket Guild to demonstrate the creation of a simple basket and for participants to create their own. The class was provided free of charge as a part of a grant the Guild received to teach their craft. Everyone finished, however, due to limited space, the class could only accommodate eight participants.



### Raised Bead Work Barrette

Beading is always a very popular topic. The raised bead work barrette class filled up quickly. The museum hosted Neva Cahill, represented in the International Raised Beadwork Conference, as an instructor of the class. The museum is hosting another raised beadwork class in the second quarter.

### Beaded Earrings

The beaded earring class filled up within two hours of the posting with a waiting list. This is another class that community members enjoy. We have been asked to offer this class again; therefore, it is also scheduled to be repeated in the second quarter.

<p><b>BEADED EARRING CLASS</b>          WITH ELIZA SKENANDORE          Wednesday, Dec 14, 2016          5:00 - 8:00 PM          W892 Cty Hwy EE</p>		<p>Facebook.com/SMCrafts</p>
<p>12 Spots Available, Materials Provided</p> <p><b>\$20</b></p>	<p>Contact Eric Dextator to Sign Up          edoxat3@oneidanation.org          (920) 869-6534</p>	<p>Hosted by:</p> <p>ONEIDA Museum</p>

### Museum Gift Shop Vendors

The museum promotes and supports Oneida artists by purchasing their crafts and artwork which is resold in the gift shop. The vendors that we invested in this quarter include:

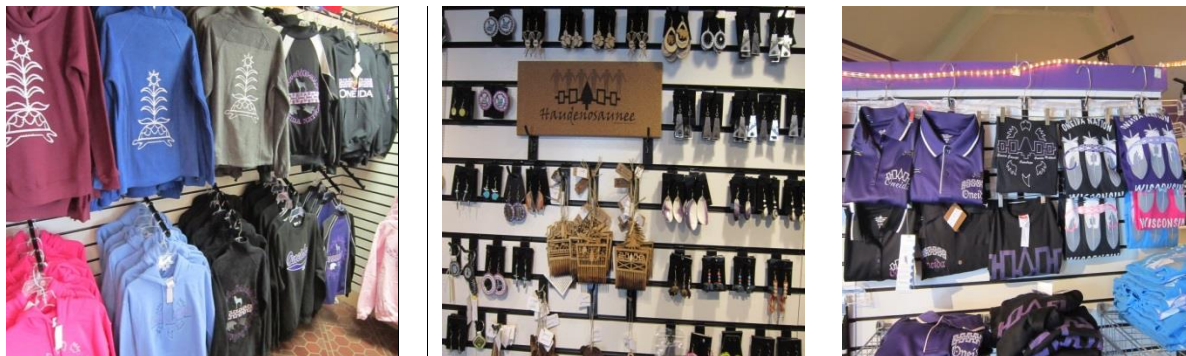
### Adding Art to the Collections

The museum obtained a large donation of art by a tribal artist, David Ninham. The art is now part of the museum permanent collection. However, due to limited space, we cannot exhibit the collection at our current location.

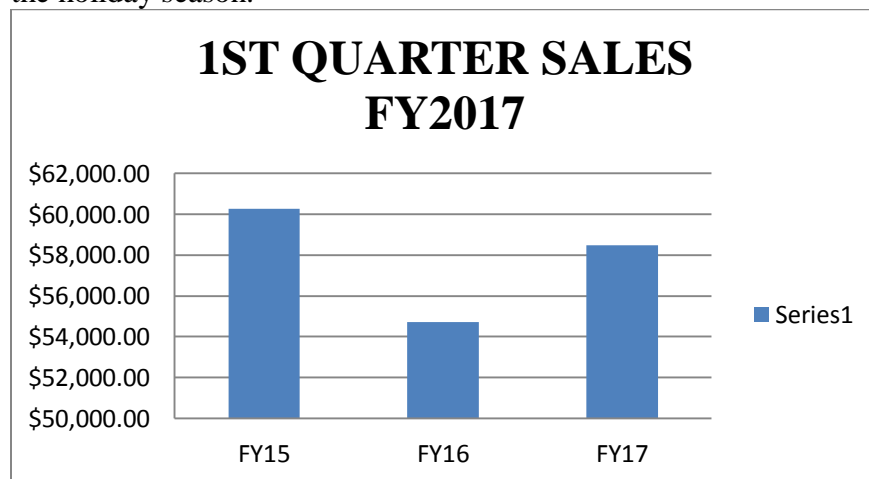
**3. Increase revenue through gift shop sales.**

We have worked diligently to increase the number of Tribal vendors utilized who come from within the Oneida Nation and other Haudenosaunee Nations. Many items are hand crafted. As a result, the artist can only produce a small number of items in comparison to mass-produced items. However, our visitors prefer the hand crafted items which are usually purchased as gifts. The challenge is finding various vendors that can make similar items. We continue to add more artists every year. The better selection results in increased sales as indicated in the quarterly comparison.

Gift shop sales continue to increase. This is another opportunity for us to educate and share information regarding our culture. We accomplish this by supplying clothing with cultural designs. We also carry items that are part of our culture to include black ash baskets, raised beadwork, water drums, and more. Because of the wide variety of products, we see an increase in sales.



Our gift shop sales increased over FY2016. The sales increase was a result of the vendors sending new product prior to the holiday season. We were also able to obtain re-orders during the holiday season.



**4. Collaborate with other tribal departments, Iroquois museums/cultural centers/libraries and collecting institutions.**

The museum is a resource for other tribal departments and outside agencies. During the first quarter, the museum assisted with

- Provided photographs to Somerville Architects to incorporate into the new head start building
- Assisted videotaping of Cultural Session for the Health Center Staff.
- Provided educational information and presentations at Tsyunhehkwa's Harvest Days
- Assisted the Recreational Center with Boo Bash

Issues, concerns and recommendations:

- The museum continues to encounter issues with the current location. We were unable to utilize the classroom and breakroom located in the trailer because a few inches of ice froze the door and it locked shut. This is an ongoing problem.
- More recently, we had a group of 120 students visit the museum. The group was split into 4 groups. Unfortunately, we did not have a comfortable place for them to eat. The children sat on the floor in the museum to eat their lunches.
- Bathrooms were also a problem because we only have one stall for females and one for males. This is a huge inconvenience when you have a large group.
- Another major concern is lack of parking space. During the holidays, we only have about five (5) available spaces for customers. Parking along the driveway can be treacherous in the winter.

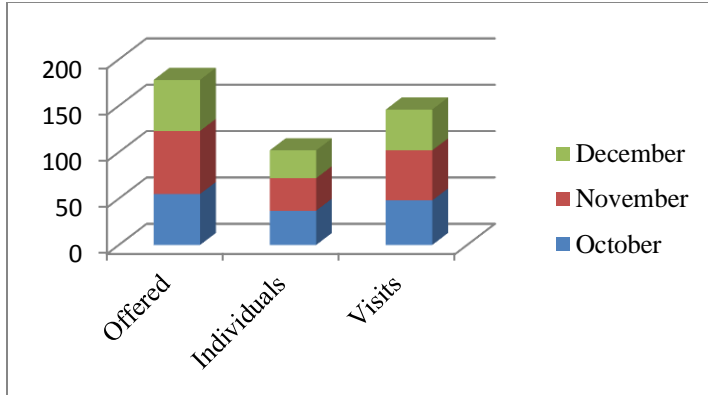
Objectives for Next Quarter:

- Install Pottery Exhibit highlighting the accomplishments of Jennifer's Stevens
- Install a pottery exhibit at the Casino which ties back to the exhibit here at the museum
- Events: Reception for Jennifer Stevens Exhibit, Young Artist Auction, Guess the Thunders
- Classes: Scarf Making and two beading classes
- Update forms, update SOP's, and focus on the archives

### **Cultural Wellness**

#### **Customer/Client utilization of services**

<b>Month</b>	<b>Offered</b>	<b>Individuals</b>	<b>Visits</b>
Oct	55	37	48
Nov	68	35	54
Dec	55	30	44
<b>TOTAL</b>	<b>178</b>	<b>102</b>	<b>146</b>

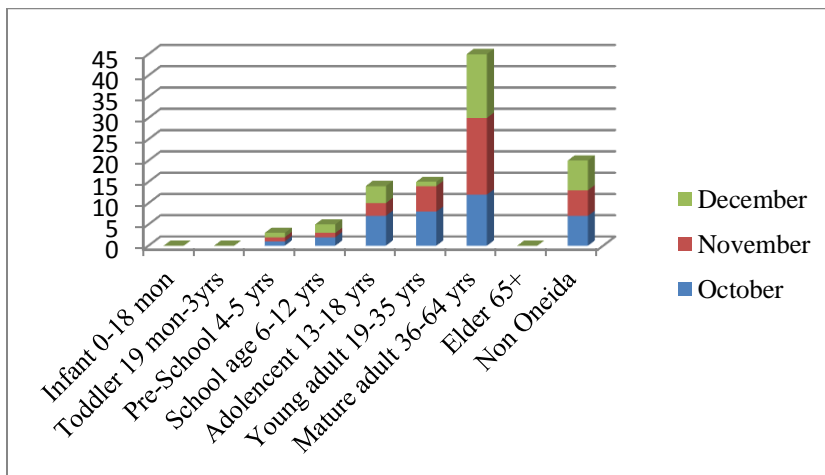


**Goal:** Assist Individuals in holistic health needs

**Outcome:** Assisted 102 individuals in traditional healing and wellness practices using a holistic approach by addressing the unmet needs of mind, body, emotion, and spirit. Of those 102 individuals, 44 were repeat visits. There were a total of 178 appointments scheduled this quarter.

**Customer/Client age breakdown**

Customer Base	October	November	December
Infant 0-18 month	0	0	0
Toddler 19 mon-3 yrs	0	0	0
Pre School 4-5 yrs	1	1	1
School age 6-12 yrs	2	1	2
Adolescent 13-18 yrs	7	3	4
Young Adult 19-35 yrs	8	6	1
Mature Adult 36-64 yrs	12	18	15
Elder 65+	0	0	0
Non Oneida	7	6	7



**Customer Based Learning Opportunities**

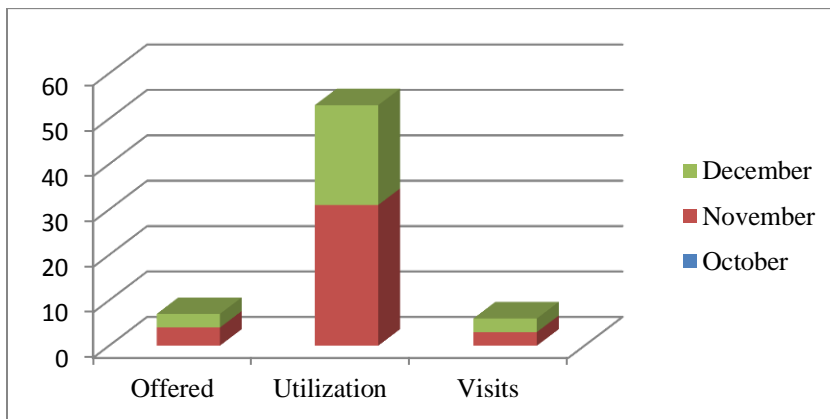


**Enhanced Domestic Abuse Service for Native Americans Grant Schedule**

Date	Time	Location	Class	Presenters
Nov 8	5-7 pm	OLC/Green Rm	Intro/Experiential-Team Building	Cindy
Nov 15	5-7 pm	OLC/Green Rm	Safety Planning	Vange/Annette
Nov 22	5-7 pm	OLC/Green Rm	Midwinter Ceremony	Randy
Nov 29	5-7 pm	Cannery	Self-Care Products	Laurie/Annette
Dec 6	5-7 pm	OLC/Green Rm	Corn Bread Workshop	Cannery
Dec 13	5-7 pm	OLC/Green Rm	Moccasins	Rosa
Dec 20	5-7 pm	OLC/Green Rm	Moccasins	Rosa

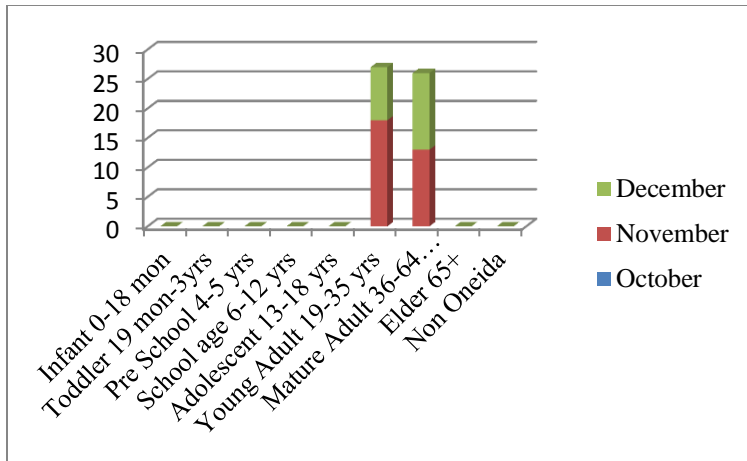
**Participant Participation**

Month	# Offered	Utilization	Visits
Oct	0	0	0
Nov	4	31	3
Dec	3	22	3
TOTAL	7	53	6



**Participant age breakdown**

Customer Base	October	November	December
Infant 0-18 month	0	0	0
Toddler 19 mon-3 yrs	0	0	0
Pre School 4-5 yrs	0	0	0
School age 6-12 yrs	0	0	0
Adolescent 13-18 yrs	0	0	0
Young Adult 19-35 yrs	0	18	9
Mature Adult 36-64 yrs	0	13	13
Elder 65+	0	0	0
Non Oneida	0	0	0



**Customer Based Learning Opportunities:** Assisted in seven (7) classes for the Enhanced Domestic Abuse Service for Native Americans Grant. The group meets on Tuesday evenings from 5-7:30 pm. The population serviced is young and mature adults.

**Objective:** Create a 2017 list of presentations

**Outcome:** Finished presentation topics and confirmed location for 2017 presentations

**Historic Preservation**

Project	October	November	December	Total
Customer Satisfaction	100% all verbal comments, good job	100% verbal comments, good Job	100% 2 written customer satisfactions/verba 1	100% total customer satisfaction
Oneida Language Acquisition	1/ability to identify 6 fundamental components	1/ability to identify 6 fundamental components	1/ability to identify 6 fundamental components	Creation Story Clans Ceremonies Great Law Kalihwiyo Post contact
Customer Base Learning	# of 5 opportunities offered, 14 attended	#4 opportunity' s offered, 4 attended	# 2 opportunities offered, 2 attended	11 total opportunities offered/ provided
Utilized how many times	1x	1x	1x	1x
Projects provided	17	17	17	51
Tribal reviews	0	21	6	27
General Public reviews	0	0	0	0
Ind. Tribal Member reviews	0	21	0	21
WISDOT reviews	45	22	8	75
Site monitoring	0	0	0	0
Consultations	1	0	0	1

Archives & Lit search	50	133	23	206
CPSR permits	0	21	0	21
Burial/inadvertent	1	1	1	3
Consultants	1	1	1	3
DOLM/Lease/Demolition	45	22	8	75
<b>Total # of projects per month</b>	160	259	64	Total of 483 projects for first quarter

### Outcomes for the first quarter:

- Conducting 160 projects for October
- Conducted 259 projects for November
- Fifty (50) acres of property had Phase I, II, and III of Archeological Surveys completed. Phase I surveys are used to identify the site, conduct literature, and review records such as WPA Notes, GLIS burial, historical maps and elder interviews etc. Phase II consists of more in-depth research which includes an evaluation of the site and assessments of effects that may or may not affect the project. When the assessment is conducted and if artifacts, mounds, burials, or cultural ceremonial place are identified, it is determined there will be an effect to the project. Phase III involves the resolution of any effects and developing a data recovery plan during the evaluation phase. If the burial sites, mounds, archeological site, and/or cultural sensitive area will be impacted by the project, consultation begins to determine if the area can be left intact or if things will need to be removed. If removed, a data recovery plan is developed with specific and detailed instructions of the area and scope of work to save cultural items.
- 219 individual projects were entered and categorized into Onbase for record preservation while 228 individual projects need yet to be indexed. All federal, state, county, and Tribal reviews are entered into Onbase and scanned and categorized and maintained for better record preservation.

The majority of the customer-based learning for the first quarter were 36-64 year of age and elders 65 and older. However this number is substantially low due to many of the projects listed in chart are not yet completed or not scheduled to begin until after the colder winter months. Projects during the spring, fall, and summer increase significantly due to the fact there is 80% more ground visibility.

### Accomplishments/Achievements:

- Received a WISDOT capacity Grant of \$4,500.00 to be used for a historic preservation project at the Methodist cemetery to help identify un marked Native American human remains.
- Corina D. Williams was nominated by and voted in by all 11 Wisconsin Tribes to serve as the Secretary of the Wisconsin Inter-Tribal Repatriation Committee. It is a 4-year term and is responsible to administer funding, along with establishing the Committee as a 501c3 c to allow for independent fundraising to aide in covering costs for repatriation

efforts for catalogued and uncatalogued Native American human remains throughout the state of Wisconsin.

## **Social Services Area**

**Executive Summary:** The Oneida Tribal Social Service programs strives for continued performance in service reporting and delivery to the Oneida population to meet the diverse and challenging needs on and off the reservation. The programs serve as a last-resort assistance unit as social service programs continue to be an important safety net for the membership.

### **SEOTS**

Focused on 1) Maximizing community engagement, and 2) Surveying indicators of wellness within the Oneida community of southeast Wisconsin.

**Statistics:**     **Base Number:** 717 (+22% over prior year)  
                      **Utilization:** 1,660 (+9% over prior year)

**Utilized Programs/Services:** Medication Distribution (569), Native American Craft Fair (344), Tuesday Elder Activities (291), Office Equipment Use (81), Craft Class (81).

- The Native American Craft Fair held on Saturday, November 19<sup>th</sup> was the best attended event thus far with 344 attending throughout the day. The event provided exposure to Native American artists and crafts.
- The second half of the SEOTS community wellness survey was implemented during October. The results have been compiled and are currently being reviewed by staff and local agencies.
- SEOTS continues to maintain a close relationship with the Oneida Elder community of southeast Wisconsin. Of the 1,660 visits during the 1<sup>st</sup> quarter, 707 were age 55+ (of those who identified their age).

**Performance Targets:** The performance target for the 1<sup>st</sup> quarter was to increase participation over prior year by 3% with the understanding that programs and services will continue to improve. SEOTS has exceeded that goal.

During the 2<sup>nd</sup> quarter SEOTS plans to start revising the strategic plan based on survey data gathered over a two-year period.

**Customer Satisfaction:** The average score 90%.

### **Food Distribution**

Services five (5) counties (Brown, Outagamie, Door, Manitowoc, and Kewaunee). This is a low-income program funded mostly by a USDA grant and 25% Tribal contribution. The program supplies families with a nutritional and well balanced food package valued at over \$100.00 per person. This includes fresh fruits and fresh vegetables as well as a variety of meat and other foods supplied by the USDA.

### **Scorecard Statistics**

	Oct	Nov	Dec	Total	Average
Base # of customers	746	798	808	2,352	784
Customer Utilization	597	727	718	2,042	681

- a) Identify 1<sup>st</sup> quarter initiatives to achieve customer outcomes: Wellness Outcome. We continue to supply fresh vegetables and fruits to each household.
- b) Customer trends: There has been an increase in participation of Food Distribution because of the standard shelter/utility expense deduction that is allowed to each household. The standard income deduction of \$400 has helped many households to qualify.
- c) Operations forecast for program based upon customer information. Through the continued efforts of the Tribal organizations to push USDA to offer traditional foods such as wild rice and salmon fillets and are starting to see them added gradually.

**Program Narrative Summary:** The Food Distribution Program on Indian Reservations (FDPIR) is a federal program that provides USDA foods to low-income households, including the elderly, living on Indian reservations. Our partnership with USDA through established grant contracts continues to provide healthy/nutritional values in the food products provided to clients with a food package that meets or exceeds the requirements in the national food pyramid matrix.

**Identify Program challenges/efforts to overcome them:** In order to provide the continuing services and benefits of our program provided by the grant contract agreements with USDA, that allow our community to receive the nutritional foods provided by USDA. SOLUTION: Monitor budgets insuring that we use the monies that are in our grant.

**Identify Program performance targets achieved:** Delivery services have increased based on increased participation: Oct-75, Nov-75, Dec -79, Average: 76

**Identify performance target(s) for 1<sup>st</sup> quarter achievement:** Continue to monitor customer satisfaction in food product quality.

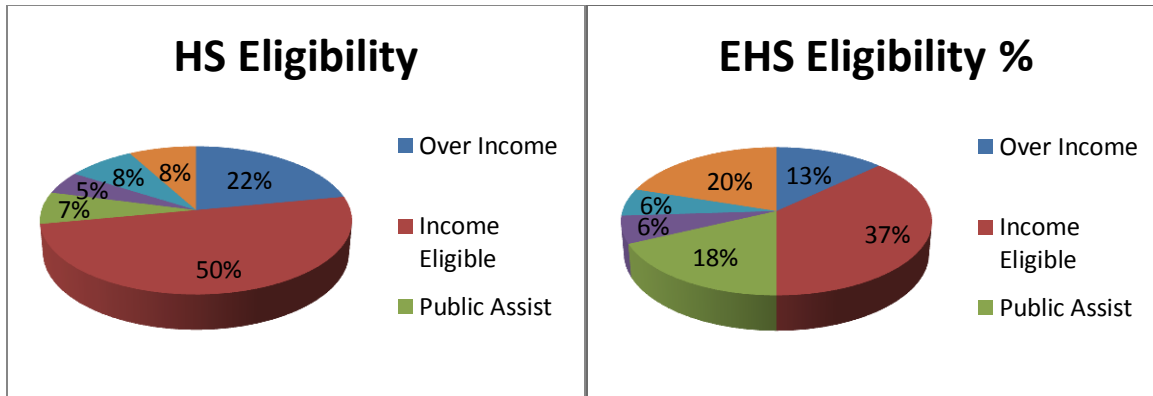
### Head Start/ Early Head Start

Membership total: (Base Number) 424

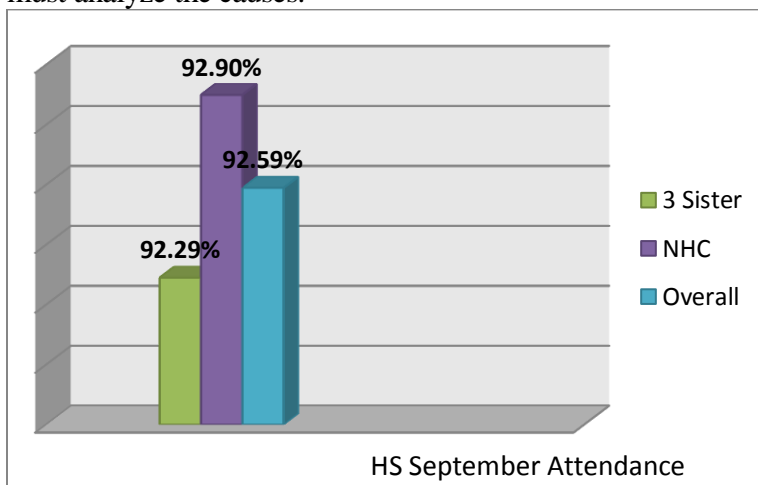
Duplication of Numbers: (Utilization) 591

Federal regulations allow Tribal programs to have up to 49% of the children over income provided that all income-eligible children are given opportunities to be in the program.





1302.16 (b) If a program’s monthly average daily attendance rate falls below 85 percent, the program must analyze the causes.



1 <sup>st</sup> Quarter Focus		
Initiative	Activities	Outcomes
Head Start monthly child attendance at 91% or above	<ol style="list-style-type: none"> <li>1. Parent information on attendance requirements given at first home visit in August</li> <li>2. Attendance Policy discussed at Parent Orientation 2016.</li> <li>3. Parent attendance reminders went out to all Head Start parents whose children fell below 85% for attendance which is the federal benchmark</li> </ol>	<ol style="list-style-type: none"> <li>1. Attendance at 92.59%</li> </ol>
Based on the Tribal Budget alignment, 95% of children reaching developmental milestones to get the children ready for school.1302.33	<ol style="list-style-type: none"> <li>1. Weekly educational home visits with families in the Early Head Start program</li> <li>2. Monthly family</li> </ol>	<b>Early Head Start</b> Social Emotional - 94% Large Motor - 97% Fine Motor - 98%

(b)(2) A program must regularly use information to determine children’s strengths/needs and to adjust data to better support the children’s development	Socialization for EHS families 3. Data collected quarterly. HS was not in session during this quarter	Cognitive - 98% Literacy - 86% Math - 69%
---	---	---

Oneida Head Start/Early Head Start’s customer satisfaction rating was at 96% on average.

Plans for FY 2017:

- Continue to increase children’s skills in the area of math
- Maintain Head Start attendance at 91% or higher

Some of the challenge we see that prohibits our membership to be more engaged are:

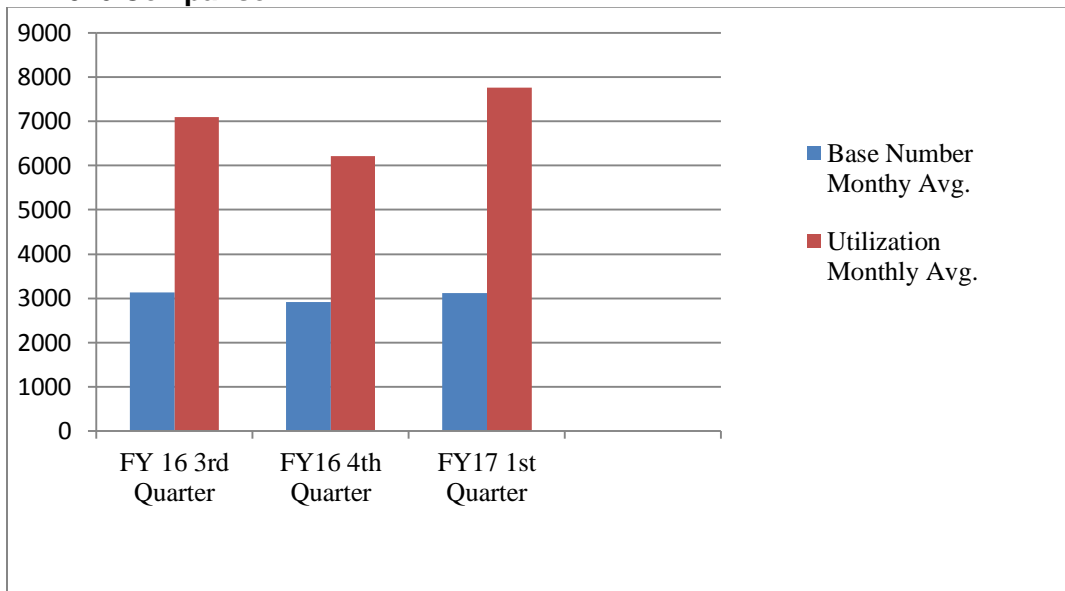
- Parents who send children to school less than 85%
- Parents understanding what math skills are for infants and toddlers

**Family Services**

Focused on increasing utilization in services to promote safe and healthy families in addition to increasing financial stability for families through improved collection rates for Child Support.

**Statistics:**      **Clients/cases:** (Base Number) 3,120 monthly average  
**Number of client contact:** (Utilization) 7,763 monthly average

**FY 2016 Comparison**



1st Quarter			
Program	Initiative (On-Going)	Activities	Outcomes

Child Support	Increase collections of current support for children	-Sending Treasures and Making Parents Smile (STAMPS)  -Barrier Assessment  -Offer Co-Parenting Class	-Offered to Child Support families who had an incarcerated parent.  -Utilized during initial appointments-referral  -December 6th 1 attendee
Indian Child Welfare (ICW)	Increase safety and permanency for children	-Case management of Oneida children in the Child Welfare system  -Ensure placement preferences are followed	-174 new referrals  -59 current on-going cases  -79% w/parent or relative
Foster Care/Kinship Care	Providing support for Kinship providers  Providing Oneida foster homes for children in need of placements	Kinship Care payments  Collaboration with ICW	-53 Families served monthly for Kinship Care  -12 children in Oneida Foster Homes
Parenting	Successful completion of program	-Trauma Informed Parenting  -Teen Parents  -PEC	-15 Participants completed  -2 teens plus their support s  -9 participants
Prevention	Education	- Community Response (Child Welfare Prevention)  -On-going weekly programming at Turtle school for Head Start, Elementary and Middle School.	-7 families  -145 youth

Domestic Violence	Education/Awareness/Support	-Men’s Group	-42 participants
		-Girls Group	-31 participants
		-Boys Group	-14 participants
Yetiya?tanu’nha	Supporting students credit recovery	-Supporting student’s through credit recovery and reconnecting them to school and community partners	-11 students

Special initiative that required assistance from all of our programs was the annual Giving Tree coordinated by one of the staff. This year approximately 425 youth were served. This is not specific to Social Services connected families; it is open to the entire community.

Family Support Services conducts quarterly customer satisfaction surveys for the Child Support, Prevention, and Domestic Violence programs. The average satisfaction rating was 98%. The surveys provide feedback on program and services, staff, and the facility.

Some of the challenges encountered:

- Lack of community participation in groups/education events that are offered.
- Staff shortages in Child Support and Prevention due to leaves.
- Lack of supportive services funding for families in need.

**Economic Support Services**

<b>Program</b>	<b>Trending</b>	<b>POP</b>	<b>Base #'s</b>	<b>Utilization</b>	<b>Qualitative Improvement</b>
Income Maintenance	Cases fluctuate monthly.	Low Income	3739	Program participants have 6 month and annual reviews. Some months higher than others	New programming of FSET requirements has added single people now eligible for services.
N.E.W (New Employment Works)	Case #'s fluctuate depending on new employment.	Low Income	306	Some times of the year are higher than others due to grant being specific for new employment	SOP revised for implementation
General Assistance	Consistent Oct-4 Nov-4 Dec-4	Low Income	12	Consistent	Calendar year grant and ends Dec. 31 annually

TANF	Oct-16 Nov-19 Dec 19	Low Income	54	Program participants have 6 month and annual reviews. Some months higher than others	TANF Manager and 2 Case management staff attended the National TANF Institute on 7/17/16.
TANF Diversion/Crisis/Support Services	Diversion: 10-31 11-10 12-38 Crisis: 10-4 Nov-6 Dec-0	Low Income	89	Consistent utilization for these services	Investigating new support services to offer clients – ongoing.
Child Care	Needs increasing	Low Income	222	Utilized consistently and has risen	Continually improving service delivery and adjustments made accordingly.
Daycare	Consistent each mth	Low Income	176	Utilized consistently and rising.	Currently operating with one Daycare teacher and posted for 2 <sup>nd</sup> teacher
Oneida Food Cards	Consistent each mth	Low Income	452	Appears members are utilizing the food card more often due to the changes in food share requirements	Plan to investigate this program further for improvements
Community Support	Consistent	Low Income	103	Not utilized as much as previous years	Amending SOPs due to currently working with the LOC on changes to the Fund Policy.
WHEAP	Case #s rise in Oct.-Apr. each year	Low Income	192	Consistent	WHEAP continually update on new program requirements.
CSBG (Community Services Block Grant)	Counts fluctuate each month	Low Income	12	Members utilize for rental and emergency food assistance.	Part of the Family Services Grant shared with Children and Family Services. Investigating other ways to utilize funds.
Food Voucher Program		Low Income	396	396 Members served with 10 Denials.	Temporary program until Food Pantry opens.

The Base Numbers for programs constantly change due to the nature of the programs.

Community Support assisted as many as 37 members in October; 41 in Nov; and 25 in Dec. These numbers will fluctuate each month and cannot be projected.

This is a program that is being thoroughly looked at currently and revisions to the policy are being made in collaboration with the LOC.

### Elder Services





	Transport	Activities	Repair	(Homemaker)	(Personal Care)	Abuse	NAFCG	Benefits
Oct	420	205	40	110	19	18	29	52
Nov	266	172	29	144	13	20	47	114
Dec	291	145	38	157	20	15	55	23

	Outreach & Assessments	Congregate Meals	HDM	Home Chore	ADRS	DCS	Apartments	Major Home
Oct	429	1263	1549	74	22	Only track unduplicated	0	
Nov	270	1050	1426	74	11		0	
Dec	296	1087	1571	323	39		0	

1 <sup>st</sup> Quarter Focus – Increase engagement		
Initiative	Activities	Outcomes
<p>Work with AJRCCC to send out high quality food that the elders enjoy but still meet guidelines.</p> <p>Dementia Care Specialist to increase awareness of Dementia Care Program</p> <p>Help make the Nation Dementia friendly</p> <p>Keeping people in their communities and out of nursing homes will be an increasingly important issue as we go forward.</p> <p>Providing adequate Long Term Care Services.</p> <p>Keep elders safe in their homes</p>	<p>Recruit volunteers and attend and keep the communication open with the Nutrition Advisory Council</p> <p>Keeping the Nutrition Advisory Council involved by having them participate in the meals.</p> <p>Offered presentations to other tribal departments</p> <p>Offer Purple Angel program</p> <p>Started Memory Café and offer memory screens</p> <p>Enrolled caregiver in REACH program to help keep elders stay at home longer</p> <p>Attend state meetings and trainings on Aging programs Alzheimer’s Caregiver program for coordination of home and community based services with the Native American Family Caregiver program.</p>	<p>Working with the Nutrition Advisory Board and volunteers to help maintain independence when coming to the meal site.</p> <p>Support for caregivers and people with dementia have a social outlet by offering Memory Café</p> <p>Support caregivers in their efforts to care for their loved ones at home and stay in the community longer.</p> <p>Support people who may have dementia who are looking for services and need a diagnosis</p> <p>Planning upcoming evidence based workshop for Healthy Living with Diabetes, Stepping On fall prevention and Powerful Tools for Caregivers. 3 Staff trained in all 3 courses</p> <p>Elder Abuse and Adult</p>

	Work with OPD, other entities to ensure policies are in place	Protective Services
--	---	---------------------

### **Veterans Department**

- 761 Clientele visits
- 31 Other Tribes
- 51 Days Bldg Usage
- 1033 Calls Received
- 33 VA Disability Claims
- 7 new clients

A major initiative of the Veterans Department is improving customer service and to maintain clientele numbers at approximately 253 visits per month and approximately 344 calls per month.

Another major initiative was the 1st Wild Game Feast held in November. A Purple Heart Veteran was donated a Bear Hunting Tag and in turn donated the Bear he shot with some deer meat. The Oneida Conservation Department donated duck and geese, and the Oneida Nation Farm donated the buffalo. Community members along with the Purple Heart Veteran's family did the cooking and serving. Turnout for this event was extremely good, and the Veteran's Department received an abundance of positive feedback.

In December, for the holidays, the Oneida Nation Veterans Advisory Committee honored all 14 veterans at the Anna John Resident Care Community Center with a fruit/food/candy/cheese box; Wis. Indian Veterans Association-Oneida Chapter donated 8 food baskets to area needy families, along with the Native American Veterans who provided 30 food baskets for community families, and Robert Cornelius VFW Post 7784 provided a miniature Christmas tree plant and sang Christmas carols to every resident at our AJRCCC.

Re-alignment: Consistent with GSD's commitment to address opportunities to improve operations, oversight, service delivery and/or revenue stream(s) GSD worked with the Internal Services and Comprehensive Health Divisions to align services and programs:

- Veterans Department align/report to Internal Services Division
  - Two employees
  - Compliments agricultural strategies specifically Aquaponics
  - Compliments Tourism, volunteerism and community-wide destination-events

### **Transit**

Transit has identified significant opportunities for improvement in service delivery and internal operations. In upcoming quarters Transit will actively evaluate policies and long-standing operations that may no longer adequately and efficiently serve the community.

Public Transit saw a slight increase in utilization. Public Transit customers bridge two (2) significant population demographics economically: Lower Middle Income and Low Income. These economic sectors are highly affected by costs associated with transportation such as vehicle, vehicle maintenance, and fuel.

Transit experienced an increase in utilization for **youth by 59.7%** which is attributed to a seasonal cycle as various K-12 schools in Public Transit Service Area begins in September annually.

#### Number of Trips & Total Miles Fiscal Year 2017

	<b>Adult (18— 54)</b>	<b>Elder (55+)</b>	<b>Youth (6— 17)</b>	<b>Infant (0— 5)</b>	<b>Wheel Chair</b>	<b>Total</b>	<b>Miles</b>
October	1,285	1,388	1,117	90	230	4,110	<b>27,254</b>
November	1,165	1,282	1,166	104	152	3,869	<b>26,621</b>
December	1,117	1,298	1,246	172	152	3,985	<b>27,727</b>
<b>Subtotal</b>	<b>3,567</b>	<b>4,893</b>	<b>3,529</b>	<b>366</b>	<b>534</b>	<b>11,964</b>	<b>81,602</b>

<b>Total</b>	<b>3,567</b>	<b>4,893</b>	<b>3,529</b>	<b>366</b>	<b>534</b>	<b>11,964</b>	<b>81,602</b>
--------------	--------------	--------------	--------------	------------	------------	---------------	---------------

**X. GENERAL TRIBAL COUNCIL**

**A. Petitioner Edward Delgado: Oneida panel of educators and retention of kindergarten students**

**1. Accept legal analysis**

Sponsor: Jo Anne House, Chief Counsel

**B. Approve March 19, 2017, special General Tribal Council meeting materials**

Sponsor: Lisa Summers, Tribal Secretary

**C. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

**1. Approval of using the alternate General Tribal Council meeting date of Monday, February 13, 2017, for the Annual General Tribal Council meeting**

Requestor: 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](mailto:TribalSecretary@oneidanation.org). Thank you.*





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



## Memorandum

Hand out at BC Meeting

To: Oneida Business Committee  
 From: Lisa Summers, Secretary  
 Patricia King, Treasurer  
 Date: January 23, 2017  
 Re: Update on Emergency Food Pantry Implementation

JAN 25 2017

Regarding item# 07.C.

This following correspondence serves as a status update regarding the General Tribal Council (G.T.C.) directive to open an emergency food pantry.

### Background

On October 2, 2016, G.T.C. supported a motion to open an Emergency Food Pantry for the Oneida Community<sup>1</sup>. Following the directive, research began on the previous food pantry cost, infrastructure and service model. Additionally, the Oneida Business Committee (O.B.C.) conducted a work meeting on October 17, 2016, where the agenda included recommended next steps for compliance of the G.T.C. directive to open an emergency food pantry. The first step was to assign a team.

The O.B.C. supported Treasurer King and Secretary Summers as team members representing the O.B.C., and to work with tribal operations to implement the G.T.C. directive. In addition, the O.B.C. also supported the continued work toward implementing initiatives toward food sovereignty of the Oneida Nation.

To date, three (3) operation divisions and one (1) corporation has been mobilized to work on ensuring the G.T.C. directive is being complied with. It was determined to break down the G.T.C. directive into three (3) strategic timeframes with corresponding activities: first, Immediate (1-45 days); next, Mid-Range (46-365 days) and finally, Long-Term (Year 2 and beyond).

<sup>1</sup> G.T.C. MEETING EXCERPT FROM OCTOBER 2, 2016: Motion by Nancy Barton to open an emergency food pantry at the former Tower Foods building; that it be opened in 45 days; that the following be donations – buffalo, grass fed beef, apples, corn; that all food line items budgeted for programs, Boards, Committees, and Commissions be directed to the food pantry; to hire a manager and 2 warehouse workers for the pantry who are enrolled Oneida members; that the manager report quarterly to the O.B.C. and directly to G.T.C. at the Semi-Annual and Annual meeting; to reinstate the 2008 budget for this food pantry when the program was terminated; their supplies listed in the petition (a van for delivery and pick up, a fork lift, 2 dollies, computer software, office supplies, freezers, and refrigerators; and that one of the requirements to be eligible for food pantry would be that at least one member of the household is an enrolled Oneida member. Seconded by Mike Debraska. Motion carried by hand count: 651 support; 387 opposed; 41 abstentions

## Immediate Steps (1-45 days)

There were several decisions which needed to be made in order to ensure key elements of the G.T.C. directive were in compliance. The following are decisions already made, as well as the decisions underway for the immediate steps approach, these include the following:

- O.B.C. reviewed the G.T.C. directive and supported a request to identify team implementation members as the Secretary, Treasurer, and includes individuals from Internal Services, Governmental Services and Department of Public Works
  - Other departments engaged in this effort include Finance, the Business Committee Support Office (B.C.S.O.) and Intergovernmental Affairs & Communications (I.G.A.C.)
- The definition of “Emergency Food Pantry” has been developed and is as follows:  
Definition: Food Emergency – “Food emergency is any situation that causes an unforeseen or sudden occurrence of a food shortage to an individual or family requiring an immediate remedy to address the nutritional needs of the household”.
- Initial research has been completed on local food pantry structures and service models, as well as a review of the most current audit from the previous pantry. This information is assisting the team in determining outstanding questions such as appropriate hours of operation, appropriate intake procedures, storage requirements in relation to capacity, etc.
- Communication has been initiated with Oneida Seven Generations Corporation and work has begun to complete a proper lease agreement for the facility identified in the motion.
- Steps have been taken to identify the funds equal to the 2008 “operating budget” and a separate business unit will be created with initial oversight by the O.B.C. via the B.C.S.O. for tracking purposes. Once an operational transition is complete, the business unit will also transition to appropriate staff.
  - Finance has sent notification to appropriate parties regarding food lines in their budget(s).
  - Finance has created an account to which non-operating expenses can be charged.
- Department of Public Works assignments include:
  - equipment and furnishing identification, coordination and installation where needed,
  - building inspection/assessment, and
  - initial cleaning for public use and continued custodial scheduling.
- Stop gap measures are being taken to ensure service begins no later than the identified G.T.C. deadline, of Wednesday, November 16, 2016
  - Working with Oneida Retail (Market) and the team to implement a voucher system for the identified products (e.g. buffalo, beef, milk, in season fruit or vegetables, corn)
  - Details on the business unit and voucher system will be tracked by the B.C.S.O. until the intermediate steps are completed and can be transitioned to appropriate staff
  - Team will meet to determine scope of product amount based on identified best practices to address immediate food insecurity
  - Team identified the employees directed in the motion are not feasible in the immediate steps; however, will be addressed as part of the mid-range steps.

- I.G.A.C. has been engaged to assist with the development and implementation of communication about this service for immediate and long term.

**UPDATE: This aspect of the implementation plan is now concluded. The final date an individual(s) may redeem an outstanding voucher is Friday, January 27, 2017. A report was provided by the team which identified the number of people served, cost, etc. This report is included for your reference as "Attachment A."**

**Mid-Range Steps (46-365 days)**

Additionally, there are next steps which also need to be completed to meet the required directive elements about future funding which include; staff scheduling and management, coordinating efforts with food sources for production schedule, and identification of acceptable measurement (e.g. approve 10% of annual corn product harvested be donated for pantry stock). The following are identified next steps; which need to be completed in a collaborative effort between the team and the O.B.C., including tentative target date(s).

Next Step	Appropriate Area	Target Date
Implement appropriate customer intake	G.S.D.	Dec. 16, '16
Ensure public awareness	I.G.A.C.	Dec. 1, '16
Review efficacy of Food Card Program	G.S.D.	Jan. 1 '16
Identify funds for the lease agreement with Oneida Seven Generations Corporation	O.B.C.	On-going
Set up Focus Groups to gauge need	G.S.D.	T.BD.
Assess employees required and establish hours of operation	O.B.C.	Dec. 23 '16
Assess current production outputs and needs (i.e. land, funding, personnel)	I.S.D./Finance	Feb. 1 '16
Identify production benchmarks/measurement to meet the need	I.S.D./Finance	T.B.D.
Review Community Food Program Grant and assess applicability of the grant to this project	I.S.D.	T.B.D.
Coordinate donation efforts (i.e. food drive, donation acceptance hours, volunteerism, advertising)	T.B.D	Dec. 1 '16
Identify food sources (i.e. local stores, deer hunters)	T.B.D.	T.B.D.
Establish disposal and composting process to address excess/expired product	T.B.D.	T.B.D.



**UPDATE:** This aspect of the implementation plan is currently in process. The team meeting will be set for early February and includes the special work meeting with Internal Services which is being tentatively being coordinated for Feb. 6, 2017.

**Long-Term Steps (2 years and beyond)**

Lastly, the O.B.C. agreed to support the overall effort of completing and implementing a long-term food sovereignty strategy based in the already approved concepts identified in the comprehensive plan and further detailed through various plans such as Oneida Community Integrated Food Systems and approved Agriculture Strategy. On July 8, 2015, the O.B.C. approved the Agriculture Strategy via motion and the team has identified the following steps which need to be taken to keep the long-term commitment to reservation food sovereignty moving forward.

Five Inter-related Strategies	
1. Build a community mindset for healthy foods	<ul style="list-style-type: none"> <li>• Youth Entrepreneur</li> <li>• Farm to School Program</li> <li>• Local Food Promotion Program (LFPP) Training</li> <li>• Community Gardens</li> <li>• Apple Fest, Husking Bee, Pick your own strawberries</li> <li>• Edible Landscape</li> <li>• Communication Education</li> <li>• Educational Corridor                             <ul style="list-style-type: none"> <li>○ Orchard Park</li> <li>○ Life Sustenance Community Center</li> <li>○ Water Circle Permaculture Park</li> <li>○ Healing Park</li> <li>○ Wildlife Education Center</li> </ul> </li> <li>• Experiential Learning for Indian Country</li> </ul>
2. Increase local agricultural & food production	<ul style="list-style-type: none"> <li>• Reposition Tsyunhehkwa; Increase Angus Beef production</li> <li>• Plant new Apple Orchard Trees; Farm to School – aquaponics</li> <li>• Wild rice planting</li> <li>• Edible trails</li> <li>• Commercial greenhouse</li> </ul>
3. Build local food economies	<ul style="list-style-type: none"> <li>• Short Term                             <ul style="list-style-type: none"> <li>○ Farmers' Market Vendors</li> <li>○ Commercial composting</li> </ul> </li> <li>• Mid Term                             <ul style="list-style-type: none"> <li>○ Food Center</li> <li>○ Create Diabetic food products</li> <li>○ hemp</li> </ul> </li> <li>• Long Term                             <ul style="list-style-type: none"> <li>○ Food Hub</li> <li>○ Processing Center</li> </ul> </li> </ul>
4. Integrate local food into community outlets	<ul style="list-style-type: none"> <li>• Short Term                             <ul style="list-style-type: none"> <li>○ School to 20% local</li> </ul> </li> </ul>

<ul style="list-style-type: none"><li>○ Food Distribution Program on Indian Reservations (FDIPR) to 10% local</li><li>○ Oneida One Stops</li><li>○ Restaurants</li><li>● Long Term<ul style="list-style-type: none"><li>○ School to 80% local</li><li>○ FDIPR to 25% local</li><li>○ Other community outlets</li></ul></li></ul>
<p>5. Ensure sustainable development &amp; practices</p> <ul style="list-style-type: none"><li>● Land Management practices</li><li>● Land restoration<ul style="list-style-type: none"><li>○ Oneida Lake</li></ul></li><li>● Experiential education<ul style="list-style-type: none"><li>○ Healing Park</li><li>○ Wildlife Education Center</li></ul></li></ul>

### **Summary**

The O.B.C. will implement the G.T.C. Directive to open an Emergency Food Pantry within the required timeframe. Due to the many internal and external rules and regulations, and the timeliness to complete all necessary G.T.C. directive elements, a (3) strategic timeframes plan will ensure a higher probability of success.

The following tactics are in progress:

- Definition of Food Emergency
- Create Emergency Food Pantry business unit with initial oversight by the O.B.C. via the B.C.S.O.
- D.P.W. will begin process work to be completed; all expenses shall be reflected within the Emergency Food Pantry business unit
- Finalize lease with Seven Generations Corporation
- Implementation of the Communication Plan

Agricultural components have remained within their current organizational structure for more than the past two (2) decades. Yet during this time-period, the needs of our community have changed requiring higher standards of service, increased responsiveness, integration of outreach functions, and maximizing existing talent and resources. This strategic approach, stemming from a G.T.C. Emergency Food Pantry directive, supports the O.B.C. to capitalize on existing resources and provide a consistent standard for the Nation to realize sustainability.

**UPDATE: This aspect of the implementation will begin after the February work meeting, as further direction will be required from the BC regarding overall management of the Oneida Nation Farm and how the Farm's participating in the long-term objectives is critical for long-term sustainability.**

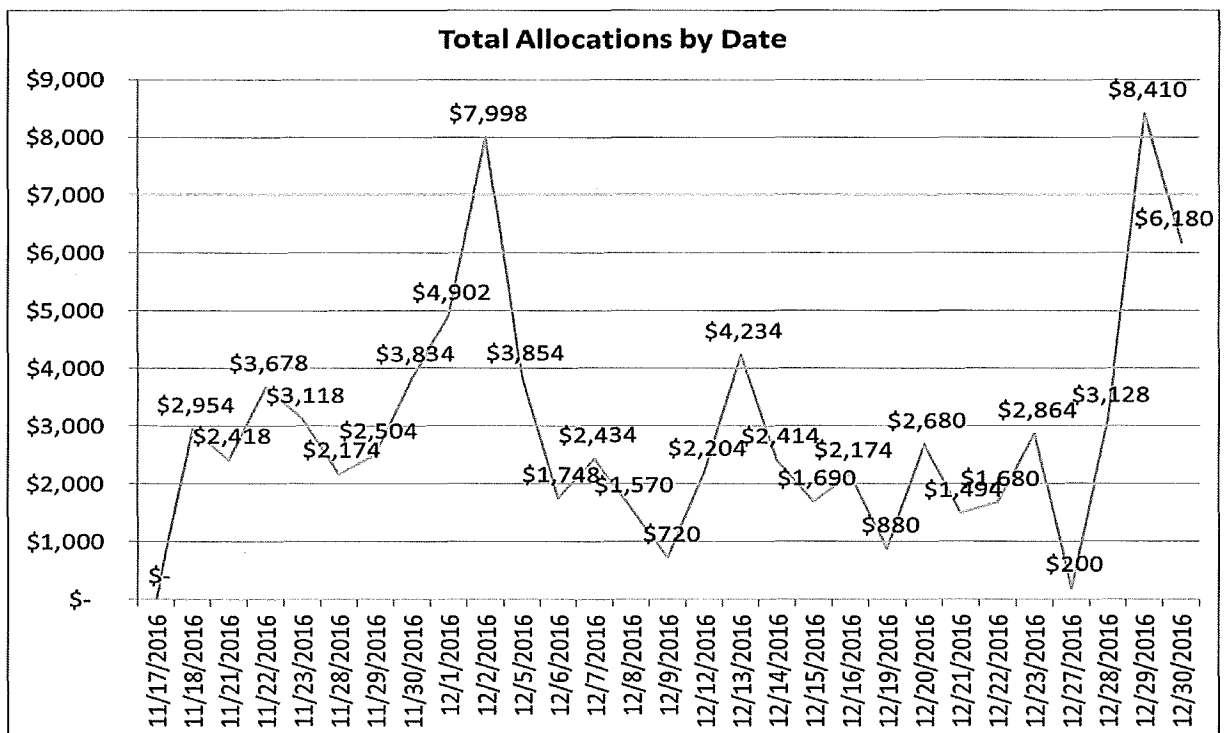
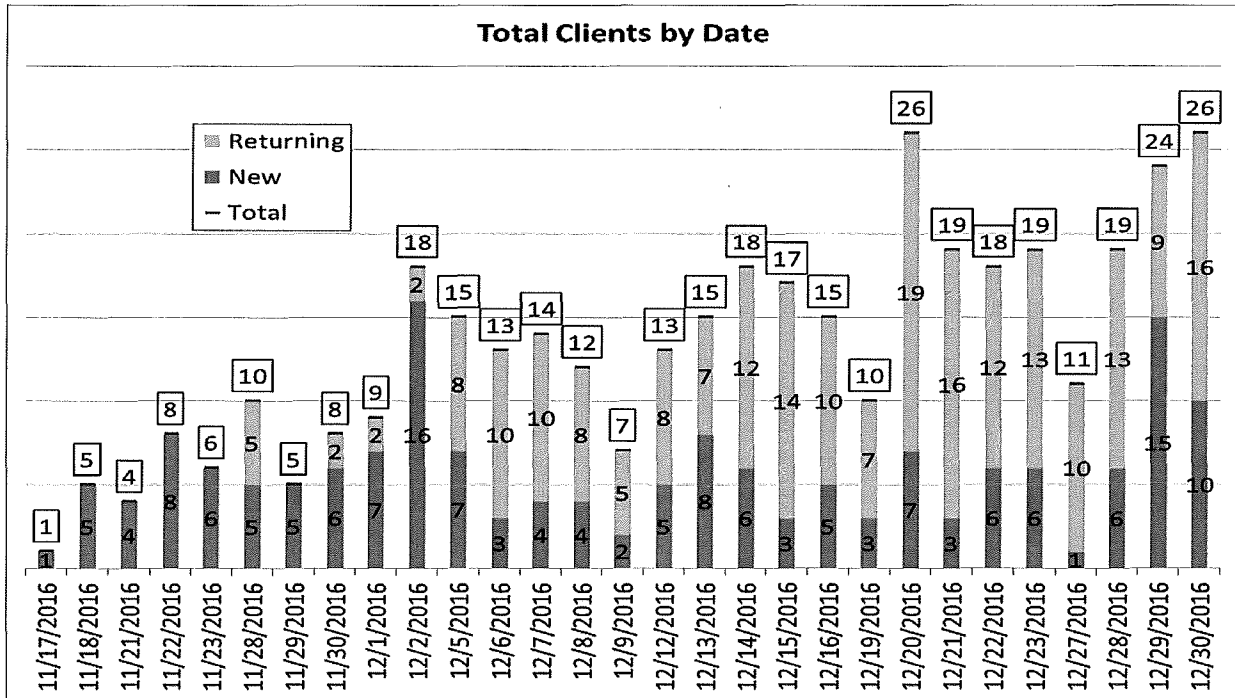
### **Requested Action**

1. Accept this update on the Emergency Food Pantry Implementation as information.



### Oneida Voucher Client Data

The first client meeting occurred on November 17, 2016. From program initiation through Friday, December 30, 2016, there have been 385 client meetings. There were a total 167 unique clients, and 218 who returned for service. 10 clients were denied due to a lack of verification of emergency in the past thirty (30) days. The majority of clients were from Brown County (69%). 30% were from Outagamie County. There was one client from Shawano County, and one client from Milwaukee County. A total of **\$84,138** was allocated in 2016. The average household size of clients was 2.8. The average amount allocated per household was \$218.54, and the average amount allocated per household member was \$78.56.



**Business Committee Meeting**  
8:30 a.m. Wednesday, January 25, 2017  
Thank you for printing clearly

Bill G. Roberts  
Maldine Daulton  
Christina Blue Bird

Barb Eichen  
William J. H. H.

Tom Daulton  
Nicole Rommel

Rachaela Nulman Lamberis  
Madelyn Genskow  
Louis Viller

Stephanie Moxen  
Brad G. Roberts  
Debra J. H.  
Mike H.

Michele Doxtator  
Barb Dickson  
Richard Elm-Hill  
TROYD FARR