

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Meeting Materials February 8, 2017

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 304 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 8th day of February, 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, February 7, 2017
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 a.m. Wednesday, February 8, 2017
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

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

I. CALL TO ORDER AND ROLL CALL

II. OPENING

- A. Special Recognition of Retirement and Years of Service – Don Denny** *p. 6*
 Sponsor: Michele Doxtator, Area Manager/Retail Profits

III. ADOPT THE AGENDA *pp. 1-5*

IV. MINUTES

- A. Approve January 25, 2017, regular meeting minutes** *pp. 7-29*
 Sponsor: Lisa Summers, Tribal Secretary
- B. Approve January 26, 2017, FY '17 1st quarter reports meeting minutes** *pp. 30-38*
 Sponsor: Lisa Summers, Tribal Secretary

V. RESOLUTIONS

- A. Adopt resolution entitled Real Property Law Amendments** *pp. 39-60*
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
- B. Adopt resolution entitled Conflict of Interest Amendments** *pp. 61-91*
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
- C. Adopt resolution entitled Adoption of the Budget Management and Control Law Amendments** *pp. 92-115*
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
- D. Adopt resolution entitled Eviction and Termination Rules Extension** *pp. 116-119*
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

- E. Adopt resolution entitled Landlord-Tenant Rules Extension** *pp. 120-132*
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

VI. STANDING COMMITTEES

A. Legislative Operating Committee

Chair: Brandon Stevens, Councilman

- 1. Accept January 18, 2017, Legislative Operating Committee meeting minutes** *pp. 133-136*

B. Finance Committee

Chair: Trish King, Tribal Treasurer

- 1. Approve January 30, 2017, Finance Committee meeting minutes** *pp. 137-142*

VII. APPOINTMENTS

A. Approve recommendation to appoint Sandra Reveles to the Oneida Personnel Commission

Sponsor: Tina Danforth, Tribal Chairwoman

pp. 143-144

B. Approve recommendation to appoint Kory Wesaw to the Oneida Police Commission

Sponsor: Tina Danforth, Tribal Chairwoman

pp. 145-146

C. Approve recommendation to appoint Lloyd Ninham and Kathryn LaRoque to the Southeastern Oneida Tribal Services Advisory Board

Sponsor: Tina Danforth, Tribal Chairwoman

pp. 147-148

D. Approve recommendation to appoint Loretta Metoxen to the Oneida Land Claims Commission

Sponsor: Tina Danforth, Tribal Chairwoman

pp. 149-150

VIII. NEW BUSINESS

A. Approve 2017 Amended Oneida Trust Enrollment Committee Oneida Business Committee Memorandum of Agreement (OTEC/OBC - MOA) – contract # 2017-0085

Sponsor: Brandon Stevens, Councilman

pp. 151-176

B. Approve draft letter of support to be sent to the Acting Attorney General from the OBC for the Twahwatshi'lay^ project

Sponsor: Fawn Billie, Councilwoman

pp. 177-180

C. Post one (1) vacancy on the Southeastern Oneida Tribal Services Advisory Board with term expiration of November 12, 2017

Sponsor: Lisa Summers, Tribal Secretary

pp. 181-182

D. Accept memorandum from Oneida Election Board regarding representation during quarterly report meetings

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

pp. 183-185

IX. TRAVEL**A. TRAVEL REQUESTS**

1. **Approve travel request – Chairwoman Tina Danforth, Treasurer Trish King, and Councilman David Jordan – 35th Annual Native American Finance Officers Association conference – San Francisco, CA – April 23-26, 2017** *pp. 186-187*
2. **Approve travel request – Up to two (2) Business Committee members – 31st Annual Wisconsin Indian Education Association conference – Minocqua, WI – May 11-14, 2017** *pp. 188-190*

B. 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 travel request in accordance with Travel & Expense Policy – Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer – 72nd Anniversary of Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017** *pp. 191-201*
Requestor: Mike Hill, Chair/Oneida Nation Veterans Affairs Committee
Liaison: Jennifer Webster, Councilwoman
 - b. **Approved travel request – Councilwoman Jennifer Webster – Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings – Washington D.C. – February 27-March 1, 2017** *pp. 202-208*
Requestor: Jennifer Webster, Councilwoman

X. OPERATIONAL REPORTS *(Please Note: Scheduled time slots are approximate and subject to change)*

- A. **Accept Environmental Health & Safety FY '17 1st quarter report (1:30 p.m.-1:50 p.m.)** *pp. 209-217*
Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety
- B. **Accept Division of Land Management FY '17 1st quarter report (1:50 p.m.-2:10 p.m.)** *pp. 218-221*
Sponsor: Patrick Pelky, Division Director/Land Management
- C. **Accept Oneida Housing Authority FY '17 1st quarter report (2:10 p.m.-2:30 p.m.)** *pp. 222-229*
Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority
- D. **Accept Human Resources Department FY '17 1st quarter report (2:30 p.m.-2:50 p.m.)** *pp. 230-244*
Sponsor: Geraldine Danforth, Area Manager/Human Resources Department
- E. **Accept Internal Services Division FY '17 1st quarter report (2:50 p.m.-3:10 p.m.)** *pp.245-257*
Sponsor: Joanie Buckley, Division Director/Internal Services
- F. **Accept Retail Enterprise FY '17 1st quarter report (3:10 p.m.-3:30 p.m.)** *pp. 258-281*
Sponsor: Michele Doxtator, Area Manager/Retail Profits

XI. 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. Accept update on creation of GTC Legal Resource Center; and approve job descriptions for advising attorney and advocates positions** pp. 282-288
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
- B. Schedule special GTC FY 2018 Budget meeting on Sunday, September 17, 2017, at 1:00 p.m.** pp. 289-296
Sponsor: Lisa Summers, Tribal Secretary

XII. EXECUTIVE SESSION *(Please Note: Scheduled time slots are approximate and subject to change)*

A. REPORTS

- 1. Accept Retail Enterprise FY '17 1st quarter report** – Michele Doxtator, Retail Profits Area Manager *(This item is scheduled to begin at 8:30 a.m.)* pp. 297-335
- 2. Accept Chief Counsel report** – Jo Anne House, Chief Counsel p. 336

B. STANDING ITEMS

- 1. Land Claims Strategy** *(No Requested Action)*

C. UNFINISHED BUSINESS

- 1. Accept final report and close-out complaint # 2016-DR11-01** pp. 337-338
Sponsors: Trish King, Tribal Treasurer; Jennifer Webster, Councilwoman; Lisa Summers, Tribal Secretary

EXCERPT FROM JANUARY 25, 2017: Motion by Melinda J. Danforth to accept the verbal update provided regarding complaint # 2016-DR11-01, noting the final written findings will be brought back to the February 8, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

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.

- 2. Accept final report and close-out complaint # 2016-DR14-01** pp. 339-340
Sponsors: Trish King, Tribal Treasurer; Jennifer Webster, Councilwoman; Lisa Summers, Tribal Secretary

EXCERPT FROM JANUARY 25, 2017: Motion by Melinda J. Danforth to accept the verbal update provided regarding complaint # 2016-DR14-01, noting the final written findings will be brought back to the February 8, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.

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.

- 3. Determine next steps regarding Culture & Language reorganization (*This item is scheduled to begin at 11:00 a.m.*)** pp. 341-342
Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM JANUARY 25, 2017: Motion by David Jordan to defer this item to the February 8, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.

- 4. Accept executive session information regarding Oneida Personnel Commission FY '17 1st quarter report (*Not Submitted*) (*This item is scheduled to begin at 10:30 a.m.*)**
Chair: Yvonne Jourdan
Liaison Alternate: David Jordan, Councilman

EXCERPT FROM JANUARY 26, 2017: Motion by Trish King to defer this item back to the Oneida Personnel Commission to separate out the issues as discussed so we can address the Personnel Commission issues in executive session on February 7, 2017; and to defer the FY '17 1st quarter report to the next quarterly reports Business Committee meeting on April 27, 2017, seconded by Lisa Summers. Motion carried unanimously.

D. NEW BUSINESS

- 1. Accept verbal update regarding Environmental Protection Agency programming and funding (*This item is scheduled to begin at 9:00 a.m.*)** p. 343
Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety
- 2. Approve interim reassignment for Development Division (*9:30 a.m.-10:15 a.m.*)** pp. 344-347
Sponsor: Troy Parr, Assistant Division Director/Development
- 3. Approve procedural exception to acquisition limit of \$150,000 for single purchase (*This item is scheduled to begin at 1:30 p.m.*)** pp. 348-352
Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority
- 4. Approve Dun & Bradstreet Inc. – contract # 2017-0003** pp. 353-364
Chair: Mark A. Powless Sr., Oneida Gaming Commission
Liaison: Brandon Stevens, Councilman
- 5. Adopt resolution entitled Regarding Pardon of Richard Dickenson** pp. 365-367
Sponsor: Lisa Summers, Tribal Secretary
- 6. Adopt resolution entitled Regarding Pardon of Seagram Stevens** pp. 368-370
Sponsor: Lisa Summers, Tribal Secretary

XIII. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 4:15 p.m., Friday, February 3, 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: ~~1 / 11 / 17~~ 2 / 8 / 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: 02 / 08 / 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 25, 2017, regular meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="January 25, 2017, regular meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session****8:30 a.m. Tuesday, January 24, 2017****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, January 25, 2017****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes - DRAFT****EXECUTIVE SESSION**

Present: Chairwoman Tina Danforth (departs at 3:23 p.m.), Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Councilwoman Fawn Billie (excused);

Arrived at: ;

Others present: Janice Hirth-Skenandore, Josh Doxtator, Jeff Bowman, Jackie Zalim, Pete King III, Louise Cornelius, Nathan King, JoAnne House, Joanie Buckley, Larry Barton, Steve Ninham, Mary Shaw, Jeff House, Jacque Zalim, Rich VanBoxtel, Tamara VanSchyndel, Josie Skenandore, Janice Jourdan, Dave Cluckey, Mark A. Powless Sr., James Sommerfeldt, Matt Denny, David Deleon, Michele Doxtator, Krystal John;

REGULAR MEETING

Present: Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Councilwoman Fawn Billie;

Arrived at: Chairwoman Tina Danforth at 8:32 a.m.;

Others present: Jo Anne House, Pat Pelky, Joanie Buckley, Cheryl Stevens, Janice Hirth-Skenandore, Josh Doxtator, Geraldine Danforth, Kelly McAnally, Michael Troge, Jacque Boyle, Madelyn Genskow, Michael Debraska, Nancy Barton, Brad Graham, Bill Graham, Liz Somers, Debra Powless, Bonnie Pigman, Larry Barton, Heather Heuer, Jessica Wallenfang, Michele Doxtator, Troy Parr, James Petitjean, Christina Bluebird, Barb Erickson, Tom Danforth, RaLinda Ninham-Lamberies, Tom Danforth, Stephanie Metoxen, Michele Doxtator, Barb Dickson, Richard Elm-Hill, Louis Williams, Edmund Baumgart, Melinda K. Danforth, Donald Wilson, Alvira Close, Teresa Kaquatosh, Michael Finney, Lynn Wautier, Christopher Powless, Mary Ann Peters, Stephanie Skenandore, Terry Metoxen, Kim Laluzerne, Anita Barber, Lori Elm, Michelle Braaten;

I. CALL TO ORDER AND ROLL CALL BY Vice-Chairwoman Melinda J. Danforth at 8:31 a.m.

Chairwoman Tina Danforth arrives at 8:32 a.m. and assumes responsibility of the Chair.

Condolences expressed on behalf of the Oneida Nation and Oneida Business Committee for the families of Elias Ubaldo Gonzales, Carol Metoxen, Robert McKindle, and Jamie Spencer; and families who have lost loved ones over the course of the last couple of weeks.

For the record: Councilwoman Fawn Billie is away on approved travel attending the Tribal Law & Order Action Training in Columbia, South Carolina.

DRAFT**II. OPENING** by Councilman Tehassi Hill

- A. Presentation of Wisconsin Public Service Foundation \$5,000 award and WE Energies \$5,000 award to Oneida Youth Leadership (78-71) program to assist with Junior Golf Clinic-LPGA**
Sponsor: Trish King, Tribal Treasurer

Janice Hirth-Skenandore acknowledges Kelly McAnally and Josh Doxtator for their efforts with the LPGA Thornberry Creek Classic event; and presents awards to, and on behalf of the Oneida Youth Leadership (78-71) program are received by, Joanie Buckley, Internal Services Division Director and Cheryl Stevens, Grants Department Manager.

- B. Special Recognition for Retirement and Years of Service – Don Denny (Not Present)**
Sponsor: Michele Doxtator, Area Manager/Retail Profits

*Secretary Lisa Summers departs at 8:59 a.m.
Secretary Lisa Summers returns at 9:03 a.m.
Councilman David Jordan departs at 9:03 a.m.
Councilman Tehassi Hill departs at 9:05 a.m.
Chairwoman Tina Danforth departs at 9:06 a.m.
Secretary Lisa Summers and Treasurer Trish King depart at 9:07 a.m.
Councilman David Jordan returns at 9:06 a.m.
Chairwoman Tina Danforth returns at 9:09 a.m.
Secretary Lisa Summers and Treasurer Trish King return at 9:10 a.m.*

- C. Special Recognition for years of service – Twenty (20) Oneida Nation employees**
Sponsor: Geraldine Danforth, Area Manager/Human Resources Department

Special recognition by Joanie Buckley of Chris Powless (30 years); Special recognition by Pat Pelky of Terry Metoxen (30 years); Special recognition by Jacque Boyle of Edmund Baumgart (25 years); Special recognition by Pat Pelky of Michael Finney (25 years); Special recognition by Geraldine Danforth of Lynn Wautier (25 years); Special recognition by Geraldine Danforth of Teresa Kaquatosh (25 years); Special recognition by Lori Elm of Stephanie Skenandore (30 years); Special recognition by Anita Barber of Louis Williams (25 years); Special recognition by Kim Laluzerne of Donald Wilson (25 years); Special recognition by Michelle Braaten of Mary Ann Peters (30 years); Special recognition by Michelle Braaten of Alvira Close (25 years); and Special recognition by Geraldine Danforth of Melinda K. Danforth (25 years). Recognition by Geraldine Danforth of the following individuals who were not present: Allen Michaelson for 30 years of service, Karen Melchert for 30 years of service, Nichole Napier for 25 years of service, Leroy Skenandore for 25 years of service, Carie King for 25 years of service, Diana Hernandez for 25 years of service, Ingrid King for 25 years of service, Clinton Skenandore for 25 years of service, David Paluch for 25 years of service, April King for 25 years of service, Lawrence Schoen for 25 years of service, and Paul Danforth for 25 years of service.

III. ADOPT THE AGENDA (00:38:12)

Motion by David Jordan to adopt the agenda with the following change: [Add Executive Session – New Business item “XI.E.07. Accept update regarding strategic land purchase”], seconded by Melinda J. Danforth. Motion carried unanimously:

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

DRAFT**IV. MINUTES (00:39:05)****A. Approve January 11, 2017, regular and January 13, 2017, reconvened meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Melinda J. Danforth to approve the January 11, 2017, regular and January 13, 2017, reconvened meeting minutes, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Fawn Billie, Tehassi Hill

V. RESOLUTIONS**A. Adopt resolution entitled Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed (00:39:43)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to adopt resolution # 01-25-17-A Extending the Appointment of Agent for Oneida Seven Generations Corporation Until Such Time as Dissolution is Completed, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Tehassi Hill

B. Adopt resolution entitled Tobacco Law Amendments (00:40:35)

Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee

Motion by David Jordan to adopt resolution # 01-25-17-B Tobacco Law Amendments, seconded by Lisa Summers. Motion carried with one opposed:

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

Opposed: Melinda J. Danforth

Not Present: Fawn Billie, Tehassi Hill

For the record: Secretary Lisa Summers stated I also struggled with this. I'm going to support it, but for the record I need to state the reasons why I'm supporting it. I agree with a lot of what the Vice-Chairwoman has stated here. However, we know from a strategic perspective there are things coming down the road that we need to be prepared for and this allows us at least one more tool in order to get there. I think the other thing that is important to note is that indian preference still applies in the hiring process. So that regardless of this change, indian preference still happens so meaning Oneidas will be selected first in that process. I think that's something important to note and believe I have that accurate, correct? Okay. I just need to also include that and put that out there for my own purposes. Thank you.

For the record: Chairwoman Tina Danforth stated I think it needs to be noted that indian preference still applies regardless of these amendments and that we are to encourage tribal members to be employed which includes the 16 year olds.

DRAFT**C. Adopt resolution entitled Landlord-Tenant Law Emergency Amendments (00:44:53)**

Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee

Motion by Brandon Stevens to adopt resolution # 01-25-17-C Landlord-Tenant Law Emergency Amendments, seconded by Melinda J. Danforth. Motion carried unanimously:

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

Not Present: Fawn Billie, Tehassi Hill

D. Adopt resolution entitled Hunting, Fishing, and Trapping Amendments (00:49:10)

Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee

Motion by Jennifer Webster to adopt resolution # 01-25-17-D Hunting, Fishing, and Trapping Amendments, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Tehassi Hill

Treasurer Trish King departs at 9:57 a.m.

Treasurer Trish King returns at 10:03 a.m.

E. Adopt resolution entitled Per Capita Amendments (1:02:43)

Sponsor: Brandon Stevens, Councilman/Chair of Legislative Operating Committee

Motion by David Jordan to adopt resolution entitled Per Capita Amendments, seconded by Brandon Stevens. Motion failed with Chairwoman Tina Danforth voting in opposition breaking the tie:

Ayes: David Jordan, Trish King, Brandon Stevens

Opposed: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Opposed tie breaker: Tina Danforth

Not Present: Fawn Billie, Tehassi Hill

Motion by Lisa Summers for this item to be deferred to the February 14, 2017, Business Committee work meeting; and to be brought back to the February 22, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously: **(1:37:00)**

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

Not Present: Fawn Billie, Tehassi Hill

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

Chair: Brandon Stevens, Councilman

1. Accept December 21, 2016, Legislative Operating Committee meeting minutes (1:39:58)

Motion by Melinda J. Danforth to accept the December 21, 2016, Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Fawn Billie, Tehassi Hill

DRAFT**2. Accept January 4, 2017, Legislative Operating Committee meeting minutes (1:40:26)**

Motion by Jennifer Webster to accept the January 4, 2017, Legislative Operating Committee meeting minutes, seconded by Lisa Summers. Motion carried unanimously:

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

Councilman Tehassi Hill returns at 10:16 a.m.

Vice-Chairwoman Melinda J. Danforth departs at 10:19 a.m.

3. Review Division of Land Management & Oneida Land Commission rules regarding Foreclosure Law; Landlord-Tenant Law; and Real Property Law (1:40:50)

Motion by Lisa Summers to accept the Division of Land Management & Oneida Land Commission rules regarding Foreclosure Law; Landlord-Tenant Law; and Real Property Law; with the understanding that the language of 'maximum term' will be included in section 1.7-3 for terms, seconded by Trish King. Motion carried unanimously:

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

B. Finance Committee

Chair: Trish King, Tribal Treasurer

1. Approve January 16, 2017, Finance Committee meeting minutes (1:58:20)

Motion by Lisa Summers to approve the January 16, 2017, Finance Committee meeting minutes, seconded by Trish King. Motion carried unanimously:

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

Vice-Chairwoman Melinda J. Danforth returns at 10:39 a.m.

C. Community Development Planning Committee

Chair: Melinda J. Danforth, Tribal Vice-Chairwoman

1. Accept Community Development Planning Committee FY '16 4th quarter report (2:15:30)

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.

Motion by Lisa Summers to accept the Community Development Planning Committee FY '16 4th quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

DRAFT**D. Quality of Life Committee**

Chair: Fawn Billie, Councilwoman

Chairwoman Tina Danforth departs at 11:18 a.m. and Vice-Chairwoman Melinda J. Danforth assumes responsibility of the Chair.

1. Accept December 8, 2016, Quality of Life Committee meeting minutes (2:33:12)

Motion by Lisa Summers to accept the December 8, 2016, Quality of Life Committee meeting minutes, seconded by Tehassi Hill. Motion carried unanimously:

Secretary Lisa Summers departs at 11:16 a.m. before voting occurs.

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

VII. NEW BUSINESS

Secretary Lisa Summers returns at 11:24 a.m.

A. Approve Memorandum of Agreement – Oneida Nation and U.S. Environmental Protection Agency – Toxic Release Inventory (TRI) Data Exchange – contract # 2017-0001 (2:51:34)

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

Motion by Jennifer Webster to approve the Memorandum of Agreement – Oneida Nation and U.S. Environmental Protection Agency – Toxic Release Inventory (TRI) Data Exchange – contract # 2017-0001, seconded by Tehassi Hill. Motion carried unanimously:

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

Treasurer Trish King departs at 11:41 a.m.

Chairwoman Tina Danforth returns at 11:42 a.m. and resumes responsibility of the Chair.

B. Accept Constitutional Amendments Team report; and request the team to provide close-out report at the March 22, 2017, regular Business Committee meeting (3:05:22)

Sponsors: Melinda J. Danforth, Tribal Vice-Chairwoman; Lisa Summers, Tribal Secretary

Motion by Lisa Summers to accept the Constitutional Amendments Team report; and to request the team to provide close-out report at the March 22, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**C. Accept status update on the Emergency Food Pantry implementation (3:16:04)**

Sponsors: Lisa Summers, Tribal Secretary; Trish King, Tribal Treasurer

Motion by Brandon Stevens to accept the status update on the Emergency Food Pantry implementation, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Fawn Billie

D. Review concern # 2017-CC-03 regarding Emergency Food Pantry denial letter and SOPs (5:49:00)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to accept community concern # 2017-CC-03 as information, seconded by Jennifer Webster. Motion carried unanimously:

Councilwoman Jennifer Webster departs at 3:36 p.m. before voting occurs.

Ayes: Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King , Lisa Summers

Not Present: Fawn Billie, Brandon Stevens, Jennifer Webster

Councilwoman Jennifer Webster returns at 3:41 p.m.

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 (5:53:45)

Requestor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to enter the E-Poll into the records for the 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, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

For the record: Chairwoman Tina Danforth stated I will like to ask that the Secretary's Office provide a list of the names from the wild card drawing to the Business Committee so we can be informed and answer questions accordingly.

DRAFT**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 (5:57:54)**

Motion by Lisa Summers to accept the travel report – Vice-Chairwoman Melinda J. Danforth – Bemidji Area Indian Health Services Annual Tribal Budget Formulation meeting – Bloomington, MN – December 6-8, 2016; and to close-out this travel, seconded by Tehassi Hill. Motion carried with one abstention:

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

B. TRAVEL REQUESTS

- 1. Approve travel request – Councilman Tehassi Hill – 2017 Tribal Environmental Program Management conference – Chicago, IL – April 3-5, 2017 (5:48:42)**

Motion by Jennifer Webster to approve the travel request – Councilman Tehassi Hill – 2017 Tribal Environmental Program Management conference – Chicago, IL – April 3-5, 2017, noting this is 100% grant funded, seconded by Lisa Summers. Motion carried with one abstention:

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

- 2. Approve travel request – Secretary Lisa Summers – 2017 Crimes Against Children in Indian Country conference – Carlton, MN – April 24-27, 2017 (4:59:27)**

Motion by Melinda J. Danforth to approve the travel request – Secretary Lisa Summers – 2017 Crimes Against Children in Indian Country conference – Carlton, MN – April 24-27, 2017, seconded by Trish King. Motion carried unanimously:

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

Motion by Melinda J. Danforth to recess at 12:17 p.m. until 1:30 p.m., seconded by Trish King. Motion carried unanimously: (3:45:50)

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

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

Chairwoman Tina Danforth, Councilwoman Fawn Billie, Secretary Lisa Summers, and Councilman Brandon Stevens not present.

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

Secretary Lisa Summers arrives at 1:31 p.m.

Chairwoman Tina Danforth arrives at 1:52 p.m. and assumes the responsibilities of the Chair.

Treasurer Trish King departs at 2:13 p.m.

1. Accept Comprehensive Health Division FY '16 4th quarter report (3:46:28)

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.

Motion by Lisa Summers to accept the Comprehensive Health Division FY '16 4th quarter report, seconded by Jennifer Webster. Motion carried unanimously: **(4:12:19)**

Ayes: Melinda J. Danforth, Tehassi Hill, David Jordan, Lisa Summers, Jennifer Webster

Not Present: Fawn Billie, Trish King, Brandon Stevens

2. Accept Oneida Seven Generations Corporation FY '16 4th quarter report (4:34:32)

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.

Motion by Lisa Summers to accept the Oneida Seven Generations Corporation FY '16 4th quarter report, seconded by Tehassi Hill. Motion carried with one abstention:

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

Abstained: Melinda J. Danforth

Not Present: Fawn Billie, Trish King, Brandon Stevens

DRAFT**3. Accept Personnel Commission FY '16 4th quarter report (4:35:04)**

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.

Motion by David Jordan to accept the Personnel Commission FY '16 4th quarter report, seconded by Melinda J. Danforth. Motion carried with two opposed:

Ayes: Melinda J. Danforth, David Jordan, Jennifer Webster
Opposed: Tehassi Hill, Lisa Summers
Not Present: Fawn Billie, Trish King, Brandon Stevens
For the record: Secretary Lisa Summers stated that it is inaccurate that anybody's trying to cover anything up. A complaint was submitted against one of our direct reports and we processed it just like we do everything else. There has been no effort to hide anything or hush anything. We are handling it in accordance with every other complaint that we handle when it's a personnel related matter and we've acted accordingly. Thank you.
For the record: Secretary Lisa Summers stated I'm opposing because the report states and I'm going to quote "this commission had filed a complaint regarding some unfair and unethical hiring practices that were allowed and controlled by the Human Resources Department," and I'm going to stop the quotation there. This is exactly why I'm opposing it because these are allegations that have been not proven and it is a premature determination made by the Personnel Commission that something has taken place without being proven and that is the crux of the issue and that is why I'm opposing.
For the record: Councilman Tehassi Hill stated for me it was the same reason.

B. OPERATIONAL REPORTS**1. Accept Comprehensive Health Division FY '17 1st quarter report (3:53:57)**

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

Motion by Lisa Summers to accept the Comprehensive Health Division FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously: **(4:31:49)**

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

Treasurer Trish King returns at 2:32 p.m.

Vice-Chairwoman Melinda J. Danforth departs at 2:42 p.m.

2. Accept Development Division FY '17 1st quarter report (4:45:05)

Sponsors: Troy Parr, Interim Assistant Division Director/Development; Jacque Boyle, Interim Assistant Division Director/Development Operations

Motion by Lisa Summers to accept the Development Division FY '17 1st quarter report, seconded by Trish King. Motion carried unanimously:

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

Vice-Chairwoman Melinda J. Danforth returns at 3:28 p.m.

Councilman Tehassi Hill departs at 3:29 p.m.

DRAFT

Councilman Tehassi Hill returns at 3:32 p.m.

3. Accept Governmental Services Division FY '17 1st quarter report (5:17:57)

Sponsor: Elizabeth Somers, Division Director/Governmental Services

Motion by Lisa Summers to accept the Governmental Services Division FY '17 1st quarter report, noting that the Cultural Heritage section is actually up for discussion on another part of our agenda in executive session, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

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 (6:00:40)

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.

Motion by Lisa Summers to accept the legal analysis as information which was a handout dated January 23, 2017, from Chief Counsel, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

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

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the March 19, 2017, special General Tribal Council meeting materials, seconded by Jennifer Webster. Motion carried unanimously: **(6:04:50)**

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

Not Present: Fawn Billie, Brandon Stevens

Motion by Lisa Summers to approve the Business Committee recommendation memo dated January 19, 2017, regarding the election stipend petition into the meeting packet, seconded by Tehassi Hill. Motion carried unanimously: **(6:41:20)**

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

Not Present: Fawn Billie, Brandon Stevens

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 using the alternate General Tribal Council meeting date of Monday, February 13, 2017, for the Annual General Tribal Council meeting (6:08:30)

Requestor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to enter the E-Poll results into the record for the of using the alternate General Tribal Council meeting date of Monday, February 13, 2017, for the Annual General Tribal Council meeting, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

XI. EXECUTIVE SESSION**A. REPORTS****1. Accept Oneida Airport Hotel Corporation FY '17 1st quarter report (6:11:15)**

Agent: Janice Hirth-Skenandore

Liaison: Trish King, Tribal Treasurer

Motion by Lisa Summers to accept the Oneida Airport Hotel Corporation FY '17 1st quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

Motion by Lisa Summers to request the Oneida Airport Hotel Corporation to provide a preliminary and conceptual plan on how the corporation plans will proceed with strategic renovations at the next quarterly report, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

2. Accept Oneida Golf Enterprise FY '17 1st quarter report (6:12:37)

Agent: Janice Hirth-Skenandore

Liaison: Trish King, Tribal Treasurer

Motion by Jennifer Webster to accept the Oneida Golf Enterprise FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

For the record: Chairwoman Tina Danforth stated I would like to make note that I have asked for a segregated report for the LPGA budget and expenses and revenue regarding the tournament segregated from the rest of operations and I would like for that to be provided at the next report. Thank you.

DRAFT**3. Accept Bay Bancorporation, Inc. FY '17 1st quarter report (6:14:04)**

President: Jeff Bowman
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Tehassi Hill to accept the Bay Bancorporation, Inc. FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

4. Accept Oneida ESC Group, LLC. FY '17 1st quarter report (6:14:35)

Chair: Jackie Zalim
Liaison: Tehassi Hill, Councilman

Motion by Lisa Summers to accept the Oneida ESC Group, LLC. FY '17 1st quarter report, seconded by David Jordan. Motion carried unanimously:

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

5. Accept Oneida Total Integrated Enterprises, LLC. FY '17 1st quarter report (6:15:08)

Interim Chair: Jackie Zalim
Liaison: Tehassi Hill, Councilman

Motion by Melinda J. Danforth to accept the Oneida Total Integrated Enterprises, LLC. FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

6. Accept Oneida Seven Generations Corporation FY '17 1st quarter report (6:15:33)

Agent: Pete King III
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to accept the Oneida Seven Generations Corporation FY '17 1st quarter report, seconded by David Jordan. Motion carried unanimously:

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

a. Accept Oneida Seven Generations Corporation FY '16 4th quarter report (6:16:16)

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.

Motion by Lisa Summers to accept the Oneida Seven Generations Corporation FY '16 4th quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**7. Accept Gaming General Manager report – Louise Cornelius, Gaming General Manager (6:16:46)**

Motion by Melinda J. Danforth to accept the Gaming General Manager report, seconded by David Jordan. Motion carried with one abstention:

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

8. Accept Intergovernmental Affairs & Communications report – Nathan King, Director (6:17:13)

Motion by Tehassi Hill to accept the Intergovernmental Affairs & Communications reports, seconded by David Jordan. Motion carried unanimously:

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

Motion by Tehassi Hill to direct the Director of the Intergovernmental Affairs & Communications Department to work with the Department of Instruction on the proposed Memorandum of Understanding requested in the correspondence sent to the Chair's Office dated December 18, 2016, seconded by Lisa Summers. Motion carried unanimously:

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

Motion by Lisa Summers to request the Intergovernmental Affairs & Communications Director to work with Secretary Lisa Summers' and Councilwoman Fawn Billie's Offices to schedule a work session on the issues and recommendations presented to be done prior to the NCAI event, seconded by David Jordan. Motion carried unanimously:

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

9. Accept Chief Counsel report – Jo Anne House, Chief Counsel (6:19:23)

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

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

B. STANDING ITEMS**1. Land Claims Strategy (No Requested Action)****2. Oneida Golf Enterprise – Ladies Professional Golf Association update (6:19:58)**

Sponsor: Trish King, Tribal Treasurer

Motion by Trish King to accept the Oneida Golf Enterprise – Ladies Professional Golf Association update, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT

For the record: Chairwoman Tina Danforth stated Tehassi is asking that there be scheduled time frames for the both the Gold Enterprise report and the LPGA update that they be assigned times frames that are close in proximity to one another.

C. AUDIT COMMITTEE

Chair: Tehassi Hill, Councilman

1. Accept Audit Committee FY '17 1st quarter report (6:21:25)

Chair: Tehassi Hill, Councilman

Motion by David Jordan to accept the Audit Committee FY '17 1st quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

2. Accept December 15, 2016, Audit Committee meeting minutes (6:21:47)

Motion by Melinda J. Danforth to accept the December 15, 2016, Audit Committee meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

3. Approve audit entitled Title 31 Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:22:16)

Motion by Lisa Summers to approve the audit entitled Title 31 Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

4. Approve audit entitled Oneida Minors Trust Fund; and lift confidentiality requirement to allow Tribal Members to view the audit (6:23:38)

Motion by Lisa Summers to approve the audit entitled Oneida Minors Trust Fund; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

5. Approve audit entitled Gaming Contracts; and lift confidentiality requirement to allow Tribal Members to view the audit (6:24:08)

Motion by Tehassi Hill to approve the audit entitled Gaming Contracts; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

DRAFT**6. Approve audit entitled Parimutuel Wagering; and lift confidentiality requirement to allow Tribal Members to view the audit (6:24:34)**

Motion by Melinda J. Danforth to approve the audit entitled Parimutuel Wagering; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

7. Approve audit entitled Ultimate Texas Hold'em; and lift confidentiality requirement to allow Tribal Members to view the audit (6:25:00)

Motion by Melinda J. Danforth to approve the audit entitled Ultimate Texas Hold'em; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried unanimously:

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

8. Approve audit entitled Cage/Vault Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:25:23)

Motion by Melinda J. Danforth to approve the audit entitled Cage/Vault Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Jennifer Webster. Motion carried unanimously:

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

9. Approve audit entitled Complimentary Items and Services; and lift confidentiality requirement to allow Tribal Members to view the audit (6:25:49)

Motion by Melinda J. Danforth to approve the audit entitled Complimentary Items and Services; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Tehassi Hill. Motion carried unanimously:

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

10. Approve audit entitled Blackjack Rules of Play; and lift confidentiality requirement to allow Tribal Members to view the audit (6:26:14)

Motion by David Jordan to approve the audit entitled Blackjack Rules of Play; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**11. Approve audit entitled Higher Education Performance Assurance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:26:35)**

Motion by David Jordan to approve the audit entitled Higher Education Performance Assurance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried with one abstention:

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

12. Approve audit entitled Retail Open Road Rewards Program; and lift confidentiality requirement to allow Tribal Members to view the audit (6:27:03)

Motion by Lisa Summers to approve the audit entitled Retail Open Road Rewards Program; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

13. Approve audit entitled Surveillance Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:28:15)

Motion by Jennifer Webster to approve the audit entitled Surveillance Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried unanimously:

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

14. Approve audit entitled Bingo Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:28:36)

Motion by Lisa Summers to approve the audit entitled Bingo Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by David Jordan. Motion carried unanimously:

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

15. Approve audit entitled Slots Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:29:00)

Motion by Melinda J. Danforth to approve the audit entitled Slots Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**16. Approve audit entitled Player Tracking Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:29:25)**

Motion by Jennifer Webster to approve the audit entitled Player Tracking Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried unanimously:

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

17. Approve audit entitled Information Technology Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:29:28)

Motion by Jennifer Webster to approve the audit entitled Information Technology Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Tehassi Hill. Motion carried unanimously:

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

18. Approve audit entitled Drop & Count Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:30:12)

Motion by Lisa Summers to approve the audit entitled Drop & Count Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Melinda J. Danforth. Motion carried unanimously:

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

19. Approve audit entitled Drop & Count (Class II Poker & Kiosk) Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit (6:30:41)

Motion by Tehassi Hill to approve the audit entitled Drop & Count (Class II Poker & Kiosk) Compliance; and lift confidentiality requirement to allow Tribal Members to view the audit, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**D. UNFINISHED BUSINESS****1. Accept transition plan update regarding Surveillance System Replacement Project****(6:31:06)**

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.

Motion by Melinda J. Danforth to accept the transition plan update regarding the Surveillance System Replacement Project with the next update provided at the April 26, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

For the record: Vice-Chairwoman Melinda J. Danforth stated I did request a project timeline, yesterday, and they've already sent it to use as of this morning I believe.

2. Accept verbal update and approve extension regarding complaint # 2016-DR06-06**(6:32:05)**

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.

Motion by Lisa Summers to accept the verbal update and approve a sixty (60) day extension regarding complaint # 2016-DR06-06, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

DRAFT**3. Accept update regarding complaint # 2016-DR11-01 (6:32:51)**

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.

Motion by Melinda J. Danforth to accept the verbal update provided regarding complaint # 2016-DR11-01, noting the final written findings will be brought back to the February 8, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

4. Accept update regarding complaint # 2016-DR14-01 (6:33:36)

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.

Motion by Melinda J. Danforth to accept the verbal update provided regarding complaint # 2016-DR14-01, noting the final written findings will be brought back to the February 8, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

E. NEW BUSINESS**1. Determine next steps regarding Culture & Language reorganization (6:34:20)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to defer this item to the February 8, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

2. Approve limited waiver of sovereign immunity – Sovereign Financial LLC. – Confidentiality Agreement – contract # 2017-0007 (6:35:14)

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Sovereign Financial LLC. – Confidentiality Agreement – contract # 2017-0007, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

DRAFT**3. Adopt resolution entitled Resolution to Adopt Name Change Amendments to the Governmental and Enterprise 401(k) Plans; and signing of corresponding documents (6:35:38)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Melinda J. Danforth to adopt resolution # 01-25-17-E Resolution to Adopt Name Change Amendments to the Governmental and Enterprise 401(k) Plans; and signing of corresponding documents, seconded by Tehassi Hill. Motion carried with one abstention:

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

4. Accept update regarding the meeting with Menominee Nation representatives on Back Forty Mine (6:36:48)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Melinda J. Danforth to accept the update regarding the meeting with Menominee Nation representatives on the Back Forty Mine; and to assign the Intergovernmental Affairs & Communications Director to this item for tracking and follow-up, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by David Jordan to go into executive session at 4:22 p.m., seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by David Jordan to come out of executive session at 4:43 p.m., seconded by Melinda J. Danforth. Motion carried unanimously:

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

5. Accept update regarding DR12 and determine next steps (6:38:56)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Melinda J. Danforth to not approve the recommendations presented in the Tribal Secretary's memo dated January 16, 2017; to approve the alternate recommendation provided by the Business Committee today; and to assign Vice-Chairwoman Melinda J. Danforth and Tribal Secretary Lisa Summers to execute that recommendation, seconded by Lisa Summers. Motion carried with one abstention:

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

DRAFT**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 (6:40:40)

Requestor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to enter the E-Poll results into the record for the approved attorney contract - # 2016-1426, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

7. Accept update regarding strategic land purchase (6:42:05)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to accept the update; and to request a follow-up report be brought back in approximately sixty (60) days for the April 26, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

XII. ADJOURN

Motion by David Jordan to adjourn at 4:47 p.m., seconded by Trish King. Motion carried unanimously:

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

Not Present: Fawn Billie, Brandon Stevens

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: 02 / 08 / 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 26, 2017, FY '17 1st quarter reports meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="January 26, 2017, FY '17 1st qtr meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee**

FY '17 1st Quarter Reports
8:00 a.m. Thursday, January 26, 2017
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes – DRAFT**FY '17 1ST QUARTERLY REPORTS MEETING**

Present: Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Tehassi Hill, David Jordan, Jennifer Webster;

Not Present: Councilwoman Fawn Billie;

Arrived at: Chairwoman Tina Danforth at 1:32 p.m.; Councilman Brandon Stevens at 8:03 a.m.;

Others present: Carol Elm, Chad Wilson, Heather Heuer, Dale Powless, Laura Manthe, Marlene Garvey, Brad Graham, Bill Graham, Dylan Benton, Sandra Reveles, Tonya Webster, Lois Powless, Larry Barton, Mike Hill, John Brueninger, Gary Melchert, Dale Melchert, Nancy Barton, Jessica Wallenfang, Danelle Wilson, Pete King III, Jo Anne House, Janice Hirth-Skenandore, Jeff House, Jackie Zalim (via Polycom), Cathy Bachhuber, Barb Erickson, Patricia Lassila;

I. CALL TO ORDER AND ROLL CALL by Vice-Chairwoman Melinda J. Danforth at 8:02 a.m.

For the record: Chairwoman Tina Danforth is away on funeral time. Councilwoman Fawn Billie is away on approved travel attending the Tribal Law & Order Action Training in Columbia, South Carolina.

Councilman Brandon Stevens arrives at 8:03 a.m.

II. OPENING by Councilman Tehassi Hill**III. ADOPT THE (00:03:51)**

Motion by Jennifer Webster to adopt the agenda with the following change: [Allow Item IV.C.06. Accept Oneida Seven Generations Corporation FY '17 1st quarter report, to be first on the agenda in the afternoon], seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

DRAFT**IV. REPORTS****A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept Oneida Nation Arts Board FY '17 1st quarter report (00:04:55)**

Chair: Tamara VanSchyndel
Liaison: Jennifer Webster, Councilwoman

Motion by Lisa Summers to accept the Oneida Nation Arts Board FY '17 1st quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

2. Accept Anna John Residential Centered Care Community Board FY '17 1st quarter report (00:05:52)

Chair: Candace House
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Anna John Residential Centered Care Community Board FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

3. Accept Oneida Child Protective Board FY '17 1st quarter report (00:13:28)

Chair: Dale Powless
Liaison: Lisa Summers, Tribal Secretary

Motion by David Jordan to accept the Oneida Child Protective Board FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Councilman David Jordan departs at 8:26 a.m.

Councilman David Jordan returns at 8:33 a.m.

4. Accept Oneida Environmental Resources Board FY '17 1st quarter report (00:24:22)

Chair: Marlene Garvey
Liaison: Tehassi Hill, Councilman

Motion by Tehassi Hill to accept the Oneida Environmental Resources Board FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**5. Accept Oneida Community Library Board FY '17 1st quarter report (00:51:58)**

Chair: Dylan Benton
Liaison: Fawn Billie, Councilwoman

Motion by Jennifer Webster to accept the Oneida Community Library Board FY '17 1st quarter report, seconded by Trish King. Motion carried unanimously:

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

6. Accept Oneida Personnel Commission FY '17 1st quarter report (00:38:40)

Chair: Yvonne Jourdan
Liaison Alternate: David Jordan, Councilman

Motion by Trish King to defer this item back to the Oneida Personnel Commission to separate out the issues as discussed so we can address the Personnel Commission issues in executive session on February 7, 2017; and to defer the FY '17 1st quarter report to the next quarterly reports Business Committee meeting on April 27, 2017, seconded by Lisa Summers. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 9:03 a.m.

7. Accept Oneida Police Commission FY '17 1st quarter report (1:00:35)

Chair: Bernie Stevens
Liaison: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to accept the Oneida Police Commission FY '17 1st quarter report, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
Not Present: Tina Danforth, Fawn Billie, Tehassi Hill
For the record: Secretary Lisa Summers stated I believe it was part of this first quarter and I think we are all aware, but I just want to make sure that for the record that everybody understands. The Police Department has been working with Emergency Management and the folks from the LPGA coordination to make sure that logistically all of those things are taken care of from a public service perspective and that includes working cooperatively with Hobart and any other municipalities or police agency that needs to be coordinated with in order to make sure that that event is successful.

Councilman Tehassi Hill returns at 9:07 a.m.

Motion by Lisa Summers to recess at 9:11 a.m. until 9:45 a.m., seconded by David Jordan. Motion carried unanimously: **(1:09:06)**

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

Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 9:43 a.m.

Chairwoman Tina Danforth, Councilwoman Fawn Billie, Treasurer Trish King, Secretary Lisa Summers not present.

DRAFT

Secretary Lisa Summers arrives at 9:46 a.m.

Treasurer Trish King arrives at 9:49 a.m.

8. Accept Oneida Pow-wow Committee FY '17 1st quarter report (1:09:24)

Chair: Tonya Webster

Liaison: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Oneida Pow-wow Committee FY '17 1st quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

9. Accept Southeastern Oneida Tribal Services Advisory Board FY '17 1st quarter report (Not Submitted) (1:04:13)

Chair: Daniel Schiller

Liaison: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to defer the Southeastern Oneida Tribal Services Advisory Board FY '17 1st quarter report to the next quarterly reports Business Committee meeting on April 27, 2017; and to request Tribal Secretary Lisa Summers to follow-up with the Chair of the Southeastern Oneida Tribal Services Advisory Board, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

Secretary Lisa Summers departs at 9:56 a.m.

Treasurer Trish King departs at 10:03 a.m.

Secretary Lisa Summers and Treasurer Trish King return at 10:07 a.m.

Treasurer Trish King departs at 10:29 a.m.

10. Accept Oneida Nation Veterans Affairs Committee FY '17 1st quarter report (1:32:42)

Chair: Mike Hill

Liaison: Jennifer Webster, Councilwoman

Motion by David Jordan to accept the Oneida Nation Veterans Affairs Committee FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

Secretary Lisa Summers departs at 10:25 a.m. before voting occurs.

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

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

Motion by David Jordan to request the Liaison of the Oneida Nation Veterans Affairs Committee to work with the Internal Services Division Director and Oneida Community Integrated Food Systems with regards to Oneida Nation Veterans Affairs Committee use of the brat barn for fundraising activities, seconded by Tehassi Hill. Motion carried unanimously:

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

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

DRAFT**B. ELECTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept Oneida Nation Commission on Aging FY '17 1st quarter report (1:23:27)**

Chair: Patricia Lassila
 Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Oneida Nation Commission on Aging FY '17 1st quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

2. Accept Oneida Gaming Commission FY '17 1st quarter report (1:54:25)

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

Motion by David Jordan to accept the Oneida Gaming Commission FY '17 1st quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

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

3. Accept Oneida Election Board FY '17 1st quarter report (2:11:35)

Chair: Racquel Hill
 Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Oneida Election Board FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

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

4. Accept Oneida Land Claims Commission FY '17 1st quarter report (2:52:20)

Vice-Chair: Loretta Metoxen
 Liaison: Jennifer Webster, Councilwoman

Motion by David Jordan to accept the Oneida Land Claims Commission FY '17 1st quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

5. Defer Oneida Land Commission FY '17 1st quarter report (1:07:36)

Chair: Rae Skenandore
 Liaison: Tehassi Hill, Councilman

Motion by David Jordan to defer the Oneida Land Commission FY '17 1st quarter report to the next quarterly reports Business Committee meeting on April 27, 2017, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

DRAFT**6. Accept Oneida Nation School Board FY '17 1st quarter report (2:53:58)**

Chair: Debbie Danforth
Liaison: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Oneida Nation School Board FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by David Jordan to recess at 10:48 a.m. until 1:15 p.m., seconded by Brandon Stevens. Motion carried unanimously: **(2:12:05)**

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

Meeting called to order by Chairwoman Tina Danforth at 1:32 p.m.

Vice-Chairwoman Melinda J. Danforth and Councilwoman Fawn Billie not present.

C. CORPORATE BOARDS**1. Accept Oneida Airport Hotel Corporation FY '17 1st quarter report (2:13:54)**

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

Motion by Jennifer Webster to accept the Oneida Airport Hotel Corporation FY '17 1st quarter report, seconded by Trish King. Motion carried unanimously:

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

2. Accept Oneida Golf Enterprise FY '17 1st quarter report (2:17:30)

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

Motion by Lisa Summers to accept the Oneida Golf Enterprise FY '17 1st quarter report, seconded by Trish King. Motion carried unanimously:

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

3. Accept Bay Bancorporation, Inc. FY '17 1st quarter report (2:25:48)

President: Jeff Bowman
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to accept the Bay Bancorporation, Inc. FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**4. Accept Oneida Engineering, Science, and Construction Group, LLC. FY '17 1st quarter report (2:27:15)**

Chair: Jackie Zalim
Liaison: Tehassi Hill, Councilman

Motion by Lisa Summers to accept the Oneida Engineering, Science, and Construction Group, LLC. FY '17 1st quarter report, seconded by Trish King. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

5. Accept Oneida Total Integrated Enterprises, LLC. FY '17 1st quarter report (2:30:40)

Interim Chair: Jackie Zalim
Liaison: Tehassi Hill, Councilman

Motion by David Jordan to accept the Oneida Total Integrated Enterprises, LLC. FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

6. Accept Oneida Seven Generations Corporation FY '17 1st quarter report (2:13:00)

Agent: Pete King III
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Tehassi Hill to accept the Oneida Seven Generations Corporation FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

D. STANDING COMMITTEES**1. Defer Community Development Planning Committee FY '17 1st quarter report (1:08:08)**

Chair: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to defer the Community Development Planning Committee FY '17 1st quarter report to the next quarterly reports Business Committee meeting on April 27, 2017, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

2. Accept Legislative Operating Committee FY '17 1st quarter report (2:34:10)

Chair: Brandon Stevens, Councilman

Motion by David Jordan to accept the Legislative Operating Committee FY '17 1st quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

DRAFT**3. Accept Quality of Life Committee FY '17 1st quarter report (2:37:52)**

Chair: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Quality of Life Committee FY '17 1st quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

4. Accept Finance Committee FY '17 1st quarter report (2:43:27)

Chair: Trish King, Tribal Treasurer

Motion by Brandon Stevens to accept the Finance Committee FY '17 1st quarter report, seconded by David Jordan. Motion carried with one abstention:

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

Abstained: Lisa Summers

Not Present: Melinda J. Danforth, Fawn Billie

V. ADJOURN

Motion by David Jordan to adjourn at 2:16 p.m., seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, Fawn Billie

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: 2 / 8 / 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 the Real Property Law 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 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: February 8, 2017
RE: Real Property Law Amendments

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

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

Overview

This is a proposal to amend an existing Tribal Law which would:

- Remove hearing body authority from the Oneida Land Commission and transfer it to the Judiciary;
- Update the probate process;
- Add Wisconsin State real estate education requirements for persons purchasing property on behalf of the Nation;
- Remove provisions related to rental housing opportunities provided by the Nation as that subject matter is now contained in the Landlord-Tenant law;
- Remove provisions related to mortgages and foreclosures within the Nation's programs as that subject matter is now contained in the Mortgage and Foreclosure law;
- Remove provisions related to terminating or evicting from the Nation's leasing or rental programs as that subject matter is now contained in the Eviction and Termination law; and
- Remove provisions related to leasing from the Nation as that subject matter is now contained in the Leasing law.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Real Property law was held on October 20, 2016. A second public meeting on the proposed amendments to the Real Property law was held on December 1, 2016.

Requested Action

Approve the Resolution: Real Property Law Amendments.

BC Resolution _____*Adoption of Real Property 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 Real Property law pursuant to resolution
13 BC-05-29-96-A and amended the law by resolutions: BC-03-01-06-D, BC-04-28-10-E
14 and BC-02-25-15-C; and
15

16 **WHEREAS**, these amendments update the probate process and delegate joint administrative
17 rulemaking authority to the Division of Land Management and the Oneida Land
18 Commission; and
19

20 **WHEREAS**, the Division of Land Management and the Oneida Land Commission are required to
21 create rules further defining the process for probate administration; and
22

23 **WHEREAS**, these amendments add Wisconsin State real estate education requirements for persons
24 purchasing property on behalf of the Nation; and
25

26 **WHEREAS**, these amendments transfer the Oneida Land Commission's original hearing body
27 authority to the Oneida Judiciary; and
28

29 **WHEREAS**, these amendments remove provisions related to rental housing opportunities, mortgages
30 and foreclosures and terminations and evictions as such subject matters are addressed in
31 the Landlord-Tenant law, the Mortgage and Foreclosure law, the Eviction and
32 Termination law; and
33

34 **WHEREAS**, these amendments remove provisions related to the leasing from the Nation as such
35 subject matter is addressed in the Leasing law; and
36

37 **WHEREAS**, the Leasing law's effective date is contingent upon approval of the Leasing law by the
38 Secretary of the Department of Interior; and
39

40 **WHEREAS**, public meetings regarding these amendments were held on October 20, 2016 and
41 December 1, 2016, in accordance with the Legislative Procedures Act; and
42

43 **NOW THEREFORE BE IT RESOLVED**, that all parties required to create administrative rules to
44 further support the Real Property law have all such rules finalized to become effective on June 25,
45 2017, provided that the rules related to residential sales by the Nation may have an earlier effective
46 date.
47

48 **NOW THEREFORE BE IT FURTHER RESOLVED**, that in recognition that the Leasing law is
49 not effective until it receives approval from the Secretary of the Department of Interior, the following

Resolution _____

Page 2

50 provision shall replace section 601.9 of the Real Property law until the Leasing law is effective should
51 the Leasing law not be effective by the effective date of these amendments:

52

53 **601.9. Leasing of Real Property**

54 601.9-1. All leasing of tribal land shall be processed through the Division of Land
55 Management.

56 601.9-2. Commercial, Agricultural and Residential Leases of tribal trust land are available,
57 with preference given to Oneida tribal citizens and programs.

58 601.9-3. All leases shall include the responsibility of the lessee and lessor regarding the
59 following principles:

60 (a) Possession of Leased Premises;

61 (b) Improvements;

62 (c) Maintenance of Premises;

63 (d) Assignment and Subleasing;

64 (e) Options to Renew;

65 (f) Destruction of Premises;

66 (g) Termination of Lease;

67 (h) Breach of Lease;

68 (i) Use of Premises;

69 (j) Term of Lease; and

70 (k) Security Deposit.

71 601.9-4. Assignment of leasehold interest for the purpose of financing shall be processed and
72 recorded at the appropriate office by the Division of Land Management. No assignment or
73 related encumbrance to the leasehold interest shall be valid without approval and recordation
74 through procedures established by the Division of Land Management.

75 601.9-5. In the event of default by the lessee of the terms of an approved encumbrance, and the
76 lessee's assignment reaches the point of sale or foreclosure, the Division of Land Management
77 shall have the right to correct the default. If the default is corrected under these circumstances
78 the lessee will be subject to further proceedings which may lead to termination of lessee's
79 lease, loss of improvements, revised payment schedule and/or garnishment of lessee's wages in
80 order to pay the remainder of the default.

81

82 **NOW THEREFORE BE IT FINALLY RESOLVED**, that these Real Property law amendments are
83 hereby adopted and shall become effective on June 25, 2017.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54115-0365
Oneida-nsn.gov



Statement of Effect
Adoption of Real Property Law Amendments

Summary

This Resolution adopts amendments to the Real Property law which would:

- Remove hearing body authority from the Oneida Land Commission and transfer it to the Judiciary;
- Update the probate process;
- Add Wisconsin State real estate education requirements for persons purchasing property on behalf of the Nation;
- Remove provisions related to rental housing opportunities provided by the Nation as that subject matter is now contained in the Landlord-Tenant law;
- Remove provisions related to mortgages and foreclosures within the Nation's programs as that subject matter is now contained in the Mortgage and Foreclosure law;
- Remove provisions related to terminating or evicting from the Nation's leasing or rental programs as that subject matter is now contained in the Eviction and Termination law; and
- Remove provisions related to leasing from the Nation as that subject matter is now contained in the Leasing law.

By: Krystal L. John, Staff Attorney

Analysis

This resolution adopts amendments to the Real Property law which was adopted by resolution BC-05-29-96-A and thereafter amended by resolutions BC-03-01-06-D, BC-04-28-10-E, and BC-02-25-15-C.

In addition to the items amended as summarized above, these amendments to the Real Property law also delegate administrative rulemaking authority to various parties. The Division of Land Management and the Oneida Land Commission are delegated joint authority to create rules that further govern probate administration and requests for land use licenses and easements. The Oneida Land Commission and the Comprehensive Housing Division are delegated joint authority to create rules governing residential sales by the Nation. The Oneida Planning Department is delegated authority to create Land Use Technical Unit, provided that they are required to work in collaboration with affected Oneida divisions, departments and the Oneida Land Commission in developing such rules.

The effective date of the law is extended to June 25, 2017, to align with the required effective date for all rules required to be developed by these amendments, provided that the resolution permits the rules related to residential sale to become effective sooner than June 25, 2017. The Residential sales rule is permitted to become effective sooner because the Real Property law

previously contained a general delegation of rulemaking authority to implement the law which would have allowed the residential sales rule to be adopted without requiring these amendments.

As noted above, these amendments to the Real Property law also removed various provisions with subject matter that has been transferred to newly developed laws, including the Leasing law. The Leasing law was adopted and subsequently amended by the Oneida Business Committee, but is not yet effective because it is pending approval with the Secretary of the Department of Interior. In the event that the Leasing law is not yet approved and made effective by the June 25, 2017, which is the effective date of these Real Property law amendments, the resolution provides leasing provisions which will govern until the Leasing law becomes effective.

Public meetings were held on October 20, 2016 and December 1, 2016 in accordance with the Legislative Procedures Act.

Conclusion

Adoption of these amendments does not conflict with the Nation's laws.

Analysis to draft #8 for OBC Consideration
2017 01 25



5

Real Property Law Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Real Property law (amendments)				
Sponsor	David P. Jordan	Drafter	Krystal L. John	Analyst	Maureen Perkins
Requester & Reason for Request	Land Commission While the primary focus of the amendments is to transfer hearing body authority from the land Commission to the Judiciary, the law requires extensive updating to provide greater clarity as to the intent of the law. Additionally, content was pulled from this law and created into other laws.				
Purpose	The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.				
Authorized/ Affected Entities	Oneida Land Commission, Division of Land Management, Comprehensive Housing Division, Oneida Judiciary, Oneida Nation Register of Deeds, Oneida Planning Department				
Related Legislation	Mortgage and Foreclosure law, Land Ordinance, Leasing law, Landlord-Tenant law, Eviction and Termination law, Public Use of Tribal Land law, Land Commission Bylaws				
Enforcement & Due Process	All involuntary transfers of title require a Judiciary hearing [see 601.7-3]. The Division of Land Management shall process and administer probate estates and, where necessary, shall refer probate estates to the Oneida Judiciary for formal administration [see 601.8-1]. The Judiciary shall hear and administer disputed probate estates or matters requiring appointment of a guardian ad litem and shall have all the above powers conferred upon the Division of Land Management in such cases [see 601.8-2].				
Public Meeting Status	Public meetings were held October 20, 2016 and December 1, 2016. The LOC has fully considered all public comments received during the public comment period; and any changes made based on the public comments received have been incorporated into this draft.				

6

7

Overview

8 The Real Property Law has been redrafted; pulling out content into three separate laws
9 (Landlord-Tenant, Mortgage and Foreclosure, and Eviction and Termination).¹ Additionally,
10 hearing body authority was removed from the Land Commission and transferred to the Judiciary,
11 the probate process was updated and Wisconsin State real estate education and testing
12 requirements were added for persons purchasing property on behalf of the Nation.

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2017 01 25

13 Provisions were pulled from the current Real Property Law and drafted into the following laws:

- 14 ▪ Provisions related to rental housing opportunities provided by the Nation were drafted
15 into the Landlord-Tenant law.
- 16 ▪ Provisions related to mortgages and foreclosures within the Nation's mortgage programs
17 were drafted into the Mortgage and Foreclosure law.
- 18 ▪ Provisions related to terminating or evicting from the Nation's leasing or rental programs
19 were drafted into the Eviction and Termination law.

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Proposed Amendments

22 ▪ The Rules of Statutory Construction [*see 67.2 of current law*] were removed from the
23 current Real Property law as this provision was intended to guide contested cases; these
24 provisions are not necessary under this amended draft because the Judiciary will hear
25 contested cases – these rules are not typically included in laws.

26 ▪ The probate section [*see 67.9 of current law*] was reworked and the Division of Land
27 Management and the Oneida Land Commission were given rulemaking authority to
28 jointly develop rules related to probate [*see 601.8*] under the Administrative Rulemaking
29 law.

30 ▪ Real Estate Trust Accounts section [*see 67.10 of current law*] was removed as these
31 functions are performed through the rules under the Mortgage and Foreclosure law and
32 detail regarding where the funds are kept is not necessary in this law.

33 ▪ The Leasing law references tribal land only and does not include Tribal fee land [*see*
34 602.4-3]. The Leasing law is drafted to align with the HEARTH Act (federal legislation)
35 which only applies to tribal land and excludes lands held in fee status, held in trust for
36 individual Indian landowners as well as mineral leases. These proposed Real Property
37 law amendments state that all leases, go through the Leasing law process regardless of
38 whether the lease is on Tribal trust land or Tribal fee land [*see 601.9-1*].

39 ▪ General contracts were removed from the records section [*see 601.10*]. There was little
40 guidance under the current law [*see 67.12-2 of current law*] and records that were not
41 useful were recorded. The amended law refocuses the Oneida Register of Deeds to only
42 accept records that affect land titles.

43 ▪ The real estate licensing section [*see 67.13 of current law*] was amended to remove the
44 Nation's Tribal Property License requirement and instead require- State of Wisconsin real
45 estate education and exam. Under the amended law, Wisconsin Real Estate education
46 and exam is required for all persons performing real estate closings [*see 601.11-1*]. An
47 Oneida specific training is still required that focuses directly on the Nation's acquisition
48 goals and the unique circumstances that apply to Indian nations. Persons acquiring Tribal
49 fee land on behalf of the Nation are regular employees of the Nation and are not be
50 eligible for a commission [*601.11-1(a)*]. Requiring State of Wisconsin education and
51 exam places those who purchase land on behalf of the Nation on equal footing with the
52 seller, which is an advantage to the Nation. Also, the Nation's Tribal Property License
53 program lacked oversight, which will now be provided through Wisconsin State real
54 estate education. Finally, by requiring Wisconsin real estate education the Land
55 Commission is removed from enforcement issues arising from questions regarding
56 licensing complaints.

57 ▪ The amendments require that two additional Division of Land Management staff are
58 educated and trained as backups to the primary staff member engaged in acquisition of

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- 59 land on behalf of the Nation *[see 601.11-1(b).]*
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- Trust Asset and Accounting Management System (TAAMS) certification was added to the real estate licensing and certification section *[see 601.11-2]*. The TAAMS system is required by the BIA to track land title documents and land transactions, contracts and leases as well as reporting.
 - The Tribal Real Estate Tax section was removed from the current law *[see 67.15 of current law]* because the Real Estate Tax Code referenced was never developed and is not currently intended to be developed.
 - The Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016, and is repealed when the last existing land assignment expires. Further, the amendments add that the Nation may not acknowledge any new land assignments – and in order to be eligible for a Tribal loan issued against an interest in a land assignment, it must first be converted to a residential lease *[see 601.2-4 and current 67.5-4]*. Land assignments are being phased out because the Nation no longer uses land assignments and has moved to residential leases instead.
 - The term of office was removed from the Organization section pertaining to the Oneida Land Commission *[see 67.16-2(b) of current law]* as this detail appropriately appears in the bylaws of the Land Commission. The amended law only includes the Land Commission’s responsibilities that are directly related to this law *[see 601.12-3]*.
 - The disposition of estates of deceased Tribal members section of the current law *[see 67.9]* was amended to the probate section *[see 601.8]*.
 - The amended law moves the appointment of a personal representative earlier in the process *[see 601.8-1(j)]*.
 - The Oneida Land Commission will no longer have the authority to create the Nation’s seal to be used by the Division of Land Management *[see 67.12-6 of current law]*. The Nation’s seal will now be provided by the Tribal Secretary *[see 601.10-5]*.

Rulemaking Authority

87 The following entities have been granted Rulemaking Authority to develop rules under this law:

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- The Division of Land Management and the Oneida Land Commission shall jointly develop rules regarding requests for easements for landlocked properties *[see 601.7-3(e)]*.
 - The Division of Land Management and the Oneida Land Commission shall further develop rules related to probate *[see 601.8-1]*. The rules will include timelines to ensure timely probate completion and land consolidation *[see 601.7-3(c)(3)]*.
 - The Oneida Land Commission shall develop rules to allocate and assign land uses to all Tribal land, except uses governed by the Public Use of Tribal Land law *[see 601.12-2(e)]*.
 - The Oneida Land Commission and the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property *[see 601.12-1]*.
 - The Division of Land Management and the Oneida Land Commission shall develop easement and land use license rules *[see 601.12-3(a)]*.
 - The Oneida Planning Department shall develop the Land Use Technical Unit rules in collaboration with the Oneida Land Commission *[see 601.12-2(e)]*.

Title 6. Property and Land – Chapter 601
REAL PROPERTY
Tok^ske Kayanl^hsla Tsi> Ni>yohuntsya=#
The real/certain laws of the territory of the nation

601.1. Purpose and Policy	601.7. Title Transfer
601.2. Adoption, Amendment, Repeal	601.8. Probate
601.3. Definitions	601.9. Leasing of Real Property
601.4. General Provisions	601.10. Records
601.5. Holding of Ownership	601.11. Real Estate Education Requirements and Certifications
601.6. Legal Descriptions	601.12. Organization

601.1. Purpose and Policy

601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions.

601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder’s rights and responsibilities. In addition, it is the Nation’s policy that probated estates shall be settled expeditiously and without undue delay.

601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C and BC-05-13-15-B.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

(a) “Broker” means a person who acts as an agent and negotiates the sale, purchase or rental of real property on behalf of others for a fee.

(b) “Certified Survey Map” means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

- 37 (c) “Comprehensive Housing Division” means the entity responsible for housing matters
38 as defined by Oneida Business Committee Resolution.¹
- 39 (d) “Easement” means a real property right to cross or otherwise utilize the land of
40 another for a specified purpose.
- 41 (e) “Estate” means a person’s interest in real property or other property.
- 42 (f) “Fiduciary” means a person required to act for the benefit of another person on all
43 matters within the scope of their relationship and by such a relationship owes another
44 duties of good faith, trust, confidence and candor. For the purposes of this law, both
45 brokers and salespersons are “fiduciaries.”
- 46 (g) “Guardian Ad Litem” means a guardian appointed by the Judiciary on behalf of an
47 incompetent or minor party.
- 48 (h) “Individual Fee Land” means real property held in fee status by an individual or
49 group of individuals.
- 50 (i) “Individual Trust Land” means individual Tribal land held in trust by the United
51 States of America for the benefit of a Tribal member.
- 52 (j) “Judiciary” means the judicial system that was established by Oneida General Tribal
53 Council resolution GTC-01-07-13-B to administer the judicial authorities and
54 responsibilities of the Nation.
- 55 (k) “Land Use License” means an agreement entered into by the Nation providing a party
56 the right to occupy and/or utilize a specified piece of Tribal land for a specific purpose
57 and a specific duration, which may require the Nation to be compensated for such use.
- 58 (l) “Leasehold Mortgage” means a mortgage, deed of trust, or other instrument that
59 pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the
60 lessee to a lender or other mortgagee.
- 61 (m) “Nation” means the Oneida Nation.
- 62 (n) “Personal Representative” means a person to whom authority to administer a
63 decedent’s estate have been granted by the Division of Land Management or the
64 Judiciary.
- 65 (o) “Probate” or “Administration” means any proceeding relating to a decedent’s estate,
66 whether there is or is not a will.
- 67 (p) “Real Property” means land and anything growing on, attached to, or erected on the
68 land, excluding anything that may be severed without injury to the land.
- 69 (q) “Reservation” means all the property within the exterior boundaries of the
70 Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida
71 7 Stat. 566, and any lands added thereto pursuant to federal law.
- 72 (r) “Restricted Fee Status” means an interest in real property which includes a provision
73 in the deed or will that, upon the happening or failure to happen of a certain event, the
74 title of the purchaser or devisee will be limited, enlarged, changed or terminated.
- 75 (s) “Rule” means a set of requirements, including fee schedules, enacted by the
76 Comprehensive Housing Division, Division of Land Management, Oneida Planning
77 Department and/or the Oneida Land Commission in accordance with the Administrative
78 Rulemaking law based on authority delegated in this law in order to implement, interpret
79 and/or enforce this law.

¹ See BC Resolutions 08-10-16-L, 10-12-16-B and 10-12-16-D defining the Comprehensive Housing Division for purposes of the Mortgage and Foreclosure law, Eviction and Termination law and Landlord-Tenant law respectively.

80 (t) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of
81 Indian Affairs system for maintaining and tracking land title documents and all legal
82 documents relating to land transactions.

83 (u) “Title Status Report” means a report issued by the Bureau of Indian Affairs after a
84 title examination which shows the proper legal description of a tract of Tribal land;
85 current ownership, including any applicable conditions, exceptions, restrictions or
86 encumbrances on records; and whether the land is in unrestricted, restricted, trust, or
87 other status as indicated by the records in a Land Titles and Records Office. (v) “Tribal
88 Fee Land” means Tribal land held in fee status by the Nation within the Reservation.

89 (v) “Tribal Land” means Tribal fee land and Tribal trust land.

90 (w) “Tribal Member” means an individual who is an enrolled member of the Nation.

91 (x) “Tribal Trust Land” means the surface estate of land or any interest therein held by
92 the United States in trust for the Nation; land held by the Nation subject to federal
93 restrictions against alienation or encumbrance; land reserved for federal purposes; and/or
94 land held by the United States in trust for the Nation under Section 17 of the Indian
95 Reorganization Act, 25 U.S.C §477, et. seq.

96 97 **601.4. General Provisions**

98 601.4-1. *Applicable Real Property.* The provisions of this law extend to all Tribal member’s
99 individual fee land and Tribal member’s individual trust land within the Reservation boundaries
100 and all Tribal land.

101 601.4-2. *Tribal Land Base.* The Division of Land Management shall administer all transactions
102 which add real property to the Tribal land base under the provisions of this law.

103 601.4-3. *Sale of Tribal Land Prohibited.* The sale of Tribal land is specifically prohibited by
104 this law, unless the intent of the transaction is the consolidation or partition of Tribal trust land
105 and/or individual trust land.

106 601.4-4. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land
107 assignments. Further, in order to be eligible for a Tribal loan issued against a real property
108 interest held as a land assignment, the land assignment shall first be converted to a residential
109 lease.

110 601.4-5 *Wisconsin Probate Code and its Related Chapters.* In instances where the Nation
111 lacks definition, procedure, or legal precedent in a probate matter, the Nation shall use
112 Wisconsin’s Probate Code and its related chapters for guidance.

113 601.4-6. *Wisconsin Real Property Law.* The Nation shall follow all applicable portions of the
114 Wisconsin Real Property Law when acquiring individual fee land.

115 601.4-7. *No Waiver of Sovereign Immunity.* Nothing in this law may be construed as a waiver
116 of the Nation’s sovereign immunity.

117 118 **601.5. Holding of Ownership**

119 601.5-1. Interests in real property by more than one (1) person may be held in the following
120 ways:

121 (a) *Joint Tenancy with the Right of Survivorship.* Pursuant to this ownership mechanism
122 each owner has an equal, undivided interest in the real property. When an owner dies,
123 his/her share is divided among the remaining owners; the last living owner owns the
124 entire property.

125 (1) Real property owned by married persons is held under this mechanism unless
126 they have executed a valid marital property agreement specifically stating that the
127 real property in question is held as tenants in common.

128 (b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a
129 percentage of divided interest in the real property. When an owner dies, his/her interest
130 is divided among his/her devisees or heirs.

131 (1) Real property owned by more than one (1) person, other than married persons,
132 is owned under this mechanism unless a deed or transfer document specifically
133 states the real property is held as joint tenants with rights of survivorship.
134

135 **601.6. Legal Descriptions**

136 601.6-1. The legal description for any real property transferred under this law shall be derived
137 from a certified survey map or survey completed by a registered land surveyor according to
138 currently accepted minimum industry standards for property surveys. If the plat of survey
139 changes the legal description of the certified survey map for the same piece of property, the
140 certified survey map's legal description shall be used on transfer documents along with the
141 survey description, which shall be designated as "Also Known As ..." Section, township, range
142 and fourth principal meridian shall be included in all legal descriptions.

143 601.6-2. Every land survey shall be made in accordance with the county register of deeds'
144 records for fee land, and in accordance with the Oneida Nation Register of Deed's records for
145 Tribal Trust Lands and Individual Trust Lands. The surveyor shall acquire data necessary to
146 retrace record title boundaries such as deeds, maps, certificates of title, title status reports, Tribal
147 leases, Tribal home purchase agreements, center line and other boundary line locations.

148 601.6-3. Legal descriptions defining land boundaries shall be complete, providing unequivocal
149 identification of line or boundaries.

150 601.6-4. All surveys prepared for the Nation shall comply with survey requirements outlined in
151 the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and
152 encroachments, as applicable.

153 601.6-5. Legal descriptions shall be used on transfer documents formalizing a purchase, real
154 estate sale, lease, foreclosure, probate transfer, trust acquisition and Tribal resolutions.

155 601.6-6. When real estate is listed, noticed and/or advertised as available for sale, rent or lease
156 to Tribal members, the address is an adequate legal description of the real property.
157

158 **601.7. Title Transfer**

159 601.7-1. *Trust Acquisition*. The Division of Land Management shall use title companies duly
160 registered with the Department of Interior and approved by the Division of Land Management to
161 update abstracts or provide title insurance on real property scheduled for trust acquisition.

162 (a) Title companies shall follow general guidelines provided by the federal government
163 in terms of form, content, period of search, destroyed or lost records and abstracter's
164 certificate.

165 (b) When researching land title for real property within the Reservation which is being
166 considered for trust acquisition, the Division of Land Management staff shall request the
167 title company to search the title back to the original allottee, in order to assure that
168 patents or Indian deeds were legally issued.

169 (c) Any valid liens or encumbrances shown by the commitment for title insurance shall
170 be eliminated before the title is transferred into trust.

171 (d) After land is in trust both a title search of county records and a title status report
172 requested by the Division of Land Management from the Bureau of Indian Affairs shall
173 verify all valid encumbrances, if any, on the title. For the purposes of this section, a valid
174 encumbrance is one that has been preapproved, in writing, by the Division of Land
175 Management based on a standard operating procedure that is effective upon approval by
176 the Oneida Land Commission.

177 (e) Division of Land Management applications to convert Tribal fee land into Tribal trust
178 land require an Oneida Land Commission resolution approving the said conversion.

179 601.7-2. *Deeds.* A deed is the formal document used by the Division of Land Management to
180 transfer title from one party to another.

181 (a) A valid deed shall:

182 (1) Be in writing;

183 (2) Identify the grantor (seller) and grantee (buyer);

184 (3) Provide the legal description of the real property;

185 (4) Identify the interest conveyed, as well as any conditions, reservations,
186 exceptions, or rights of way attached to the interest;

187 (5) Be signed by or on behalf of each of the grantors (sellers);

188 (6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if
189 applicable; and

190 (7) Be delivered to the grantee (buyer).

191 (b) In addition to the requirements listed in section 601.7-3(a), a deed prepared for trust
192 acquisition shall include:

193 (1) The federal authority for trust acquisition;

194 (2) Any exceptions or exclusions from the State of Wisconsin's fees or other
195 transfer requirements;

196 (3) The approximate acreage of the real property being transferred to trust; and

197 (4) The authority and signature of the appropriate Department of Interior official
198 who accepts the real property into trust.

199 (c) A deed transferring fee simple title shall be recorded in the appropriate register of
200 deeds office, provided that, once the real property is in trust, the title shall be recorded
201 with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles
202 and Records Office.

203 601.7-3. *Involuntary Transfer of Title.* All involuntary transfers of title require a hearing and
204 order from the Judiciary, and may occur in the following ways:

205 (a) Eminent Domain. Eminent domain is the right of the Nation's government to acquire
206 Tribal member individual fee land within the Reservation for public uses without the
207 consent of private owners.

208 (1) For the purposes of this section, public uses include, but are not limited to,
209 environmental protection, streets, highways, sanitary sewers, public utility/sites,
210 waste treatment facilities and public housing.

211 (2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate
212 an agreeable taking by making an offer to purchase based on an appraisal of the
213 real property. The appraisal amount may be based on an appraisal provided by
214 the Nation. In the event the property owner objects to the Nation's appraisal, they
215 may obtain an independent appraisal at their own cost. For the purposes of this
216 section, an appraisal means process for estimating a piece of real property's value.

217 (3) The Nation's exercise of eminent domain may be appealed to the Judiciary.

218 (b) Foreclosure. Foreclosures may occur subject to the Mortgage and Foreclosure law
219 when a Tribal member ceases payment on a leasehold mortgage.

220 (c) Tribal Land Consolidation. Section 207 of the Indian Land Consolidation Act
221 (Pub.L. No. 97-459, 96 Stat. 2515, and amended on October 30, 1984 by Pub.L. No. 98-
222 608, 98 Stat. 3171) is incorporated into this law, which provides a mechanism for real
223 property within the Reservation to escheat, or pass, to the Nation.

224 (1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership
225 interest in real property escheats, or passes, to the Nation under the following
226 circumstances, provided that the Nation shall provide just compensation for the
227 interest:

228 (A) The real property is within the Reservation boundaries;

229 (B) The decedent's ownership in the given parcel of land is two percent
230 (2%) or less of the total acreage; and

231 (C) The interest is incapable of earning one hundred dollars (\$100.00) in
232 any one (1) of the five (5) years immediately following the decedent's
233 death.

234 (2) A decedent's heirs may appeal a land consolidation under this section to the
235 Judiciary.

236 (3) Land consolidation is subject to the probate requirements, as included in this
237 law and accompanying rules.

238 (d) Transferring Interests Inherited by Non-Tribal Members. If the owner of an interest
239 of real property which is held in trust or restricted fee status located within the
240 Reservation devises such interest to a non-Tribal member, the Nation may acquire the
241 said interest by paying the fair market value of the interest determined as of the date of
242 the decedent's death. Such transfer is effective upon receipt of an order transferring
243 inherited interests from the Judiciary pursuant to section 205 of the Indian Land
244 Consolidation Act.

245 (1) An order transferring inherited interests may not be granted if:

246 (A) While the decedent's estate is pending, the non-Indian devisee
247 denounces his or her interest in favor of a Tribal member person;

248 (B) The interest is part of a family farm that is devised to a member of the
249 immediate family of the decedent, provided that such a restriction shall be
250 recorded as part of the deed relating to the interest involved; or

251 (C) The devisee agrees in writing that the Nation may acquire the interest
252 for fair market value only if the interest is offered for sale to a person or
253 entity that is not a member of the immediate family of the owner of the
254 interest.

255 (e) Easements for Landlocked Properties. The Division of Land Management and the
256 Oneida Land Commission shall jointly develop rules regarding requests for easements for
257 landlocked properties.

258 601.7-4. Division of Land Management shall work with the Oneida Law Office in order to
259 pursue an involuntary transfer of title.

260

261 **601.8. Probate**

262 601.8-1. The Division of Land Management shall process and administer probate estates and,
263 where necessary, shall refer probate estates to the Oneida Judiciary for formal administration.

264 The Division of Land Management and the Oneida Land Commission shall jointly create any
265 rules necessary to administer probate estates. The Division of Land Management shall:

- 266 (a) Process applications for probate administration;
- 267 (b) Receive proof of heirship demonstrating a party is entitled to receive an intestate
268 decedent's property pursuant to applicable laws and rules;
- 269 (c) Receive consent to serve forms and in undisputed matters, issue domiciliary letters;
- 270 (d) Require and receive affidavits of service;
- 271 (e) Receive waiver and consent to probate administration forms and any related
272 affidavits;
- 273 (f) Issue notice to creditors of the probate's administration, receive creditor claims for
274 consideration and settlement, and issue discharge of creditors when appropriate;
- 275 (g) Receive and process all estate inventories;
- 276 (h) Receive and process, when possible, land transactions in accordance with this law and
277 receive proof of recording documents;
- 278 (i) Receive estate receipts;
- 279 (j) In undisputed matters, receive and process statement of personal representative to
280 close estate and issue discharge of personal representative; and
- 281 (k) Refer disputed matters to the Judiciary, transfer probate and related documents, and
282 participate in the Judiciary's proceedings as necessary.

283 601.8-2. The Judiciary shall hear and administer disputed probate estates or matters requiring
284 appointment of a guardian ad litem and shall have all the above powers conferred upon the
285 Division of Land Management in such cases. In addition, the Judiciary shall hear and administer
286 probate estates in which the Division of Land Management seeks appointment as a personal
287 representative.

288

289 **601.9. Leasing of Real Property**

290 601.9-1. The Division of Land Management shall administer and process all leasing of Tribal
291 land for residential, agricultural and commercial purposes in accordance with the Leasing law.
292 The Leasing law definition of Tribal land does not include Tribal fee land; pursuant to this law,
293 the Division of Land Management shall administer and process all leases of Tribal fee land
294 lasting longer than one (1) year that are not made as part of the homeownership program using
295 federal funding in accordance with the Leasing law.

296

297 **601.10. Records**

298 601.10-1. *Purpose.* The Division of Land Management shall oversee the administration of the
299 Oneida Nation Register of Deeds which shall accept and record documents related to real
300 property located within the Reservation.

301 601.10-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents
302 that provide evidence of activities affecting real property title, preserve the record of a title
303 document and give constructive notice of changes to a title document. Further, said documents
304 shall be originals, signed duplicates or certified copies. The following documents may be
305 accepted by the Oneida Nation Register of Deeds.

- 306 (a) Deeds;
- 307 (b) Probate orders;
- 308 (c) Mortgages and other valid liens;
- 309 (d) Easements, covenants, and restrictions;
- 310 (e) Certified survey maps and plats of survey;

- 311 (f) Patents;
312 (g) Declarations of involuntary transfer or taking;
313 (h) Satisfactions;
314 (i) Leases made pursuant to the Leasing law;
315 (j) Home ownership agreements made pursuant to the Landlord-Tenant law;
316 (k) Marriage agreements; and
317 (l) Correction of title defects.

318 601.10-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide open access to land
319 records and title documents.

320 601.10-4. *Trust Land*. All documents pertaining to Tribal trust land and Individual trust land
321 shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs
322 Land Titles and Records Office.

323 601.10-5. *Tribal Seal*. The Nation's Secretary shall provide the Division of Land Management
324 with the Nation's seal to be used to authenticate documents which are certified by the Oneida
325 Nation Register of Deeds.

326

327 **601.11. Real Estate Education Requirements and Certifications**

328 601.11-1. *Wisconsin Real Estate Education and Exam Required*. All persons engaging in the
329 acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate
330 closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to
331 obtain a Wisconsin Real Estate License, but are required to fulfill the pre-license education
332 requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4)
333 courses of continuing education requirements as required of Wisconsin real estate licensees. The
334 Division of Land Management Director shall select which continuing education courses are
335 required and the Oneida Law Office shall provide the Director with a recommendation. In
336 addition to Wisconsin's minimum education requirements as applied to the Nation's real estate
337 employees in this law, the Division of Land Management shall require such employees to attend
338 real estate training specific to the Nation's goals and unique positions as the Oneida Law Office
339 shall offer on an as-needed basis.

340 (a) While Wisconsin real estate law allows persons engaged in the sale of real estate to
341 earn a commission, persons acquiring Tribal fee land on behalf of the Nation are regular
342 employees of the Nation and, therefore, shall waive any commission for which they
343 might otherwise be eligible.

344 (b) It is critical to the Oneida Nation's goal to reacquire property within the original
345 Reservation boundaries to have employees educated and experienced in executing real
346 estate transactions. Accordingly, the Division of Land Management shall employ a
347 minimum of one (1) employee whose primary focus is real estate acquisitions and shall
348 ensure that a minimum of two (2) employees are educated and trained as backups to the
349 primary.

350 601.11-2. *TAAMS Certification Required*. All persons responsible for encoding leasing
351 information shall obtain a TAAMS certification, which includes, but is not limited to, the
352 following positions:

- 353 (a) Residential and Commercial Leasing Specialists;
354 (b) Land Title and Trust Manager; and
355 (c) Title Examiner.

356 601.11-3. *Fiduciary Responsibility*. All persons engaged in the buying or selling of Tribal land
357 shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all
358 applicable Tribal and federal laws.
359

360 **601.12. Organization**

361 601.12-1. *Comprehensive Housing Division*. The Comprehensive Housing Division shall
362 oversee all residential transactions, excluding residential leases, within the Reservation and shall
363 process and administer said transactions using the applicable of the Landlord-Tenant law, the
364 Mortgage and Foreclosure law and/or the Eviction and Termination law. In addition, the Oneida
365 Land Commission and the Comprehensive Housing Division shall exercise joint rulemaking
366 authority to provide process requirements, including but not limited to advertising, notice,
367 prequalification, and selection, that apply in all circumstances when the Nation is selling a
368 residential property.

369 601.12-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7)
370 elected Tribal members and shall:

- 371 (a) Interpret the provisions of this law and create policy to guide the Division of Land
372 Management in implementing the same;
373 (b) Approve or deny all easements and land use licenses;
374 (c) Review and adopt the Division of Land Management’s standard operating procedures
375 for entering into agriculture and commercial leases pursuant to the Leasing law;
376 (d) Approve or deny all acquisition of Tribal land;
377 (e) Allocate and assign land uses to all Tribal land, except those uses governed by the
378 Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the
379 Oneida Planning Department shall develop in collaboration with affected Oneida
380 divisions and departments and the Oneida Land Commission; and
381 (f) Name all buildings, roads, parks and the like on Tribal land.

382 601.12-3. *Division of Land Management*. The Division of Land Management shall implement
383 this law in accordance with the policy directives provided by the Oneida Land Commission. The
384 Division of Land Management shall:

- 385 (a) Forward requests for easements and land use licenses to the Oneida Land
386 Commission based on the easement and land use license rules jointly developed by the
387 Division of Land Management and the Oneida Land Commission;
388 (b) Administer and oversee the Oneida Nation Register of Deeds;
389 (c) Enter into and administer residential, agricultural and commercial leases pursuant to
390 the Leasing law and the Eviction and Termination law and any corresponding rules;
391 (d) Prepare title reports and process trust transactions; and
392 (e) Process land acquisition transactions as approved by the Oneida Land Commission.
393

394 *End.*

~~395~~

397

398 Adopted - BC-5-29-96-A

399 Amended-BC-3-01-06-D

400 Amended-BC-04-28-10-E

401 Amended – BC-02-25-15-C

402 Amended-BC-05-13-15-B

MEMORANDUM

DATE: January 16, 2017
FROM: Rae Skenandore, Project Manager
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Fiscal Impact of the Real Property Amendments**

I. Background

This Law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C and BC-05-13-15-B. A public meeting was held on December 22, 2016. The fiscal analysis was completed on Draft eight (8). Public meetings were held October 20, 2016 and December 1, 2016. According to the Legislative Reference Office, the new Law contains the following:

- Amendments to the Real Property Law incorporate the Leasing Law by reference, and upon adoption will replace the version of this Law adopted by BC-05-13-15-B.
- Provisions were removed from the current Real Property Law and drafted into the following Laws:
 - Provisions related to rental housing opportunities provided by the Nation were drafted into the Landlord-Tenant Law.
 - Provisions related to mortgages and foreclosures within the Nation's mortgage programs were drafted into the Mortgage and Foreclosure Law.
 - Provisions related to terminating or evicting from the Nation's leasing or rental programs were drafted into the Eviction and Termination Law.
- The Rules of Statutory Construction were removed from the current Real Property Law.
- The probate section was changed and the Division of Land Management and the Oneida Land Commission have rulemaking authority to jointly develop probate rules.

- Real Estate Trust Accounts section was removed and added under the Mortgage and Foreclosure Law.
- The proposed Real Property Law amendments state that all leases, go through the Leasing Law process for renewal and approval.
- General contracts were removed from the records section. The amended Law refocuses the Oneida Register of Deeds to only accept records that affect land titles.
- The Real Estate Licensing section was amended.
 - The Nation's Tribal Property License requirement is replaced with the State of Wisconsin Real Estate pre-license educational requirements, continuing education requirements and the Wisconsin Real Estate License exam.
 - Wisconsin Real Estate education and exam is required for all persons performing real estate closings. However, the persons are not required to obtain a WI license.
 - An Oneida specific training is still required that focuses directly on the Nation's acquisition goals and the unique circumstances that apply to Indian Nations.
 - Persons acquiring Tribal fee land on behalf of the Nation are regular employees of the Nation and are not be eligible for a commission or any related form of compensation or remuneration.
 - Requiring State of Wisconsin education and exam places those who purchase land on behalf of the Nation on equal footing with the seller, which is an advantage to the Nation.
 - The Land Commission is removed from enforcement issues arising from questions regarding licensing complaints or disputes.
 - The amendments require that two (2) additional Division of Land Management staff are educated and trained as backups to the primary staff member engaged in acquisition of land on behalf of the Nation.
- Trust Asset and Accounting Management System (TAAMS) certification was added to the Real Estate Licensing and Certification section. The TAAMS system is required by the BIA to track land title documents and land transactions, contracts and leases as well as reporting.

- The Tribal Real Estate Tax section was removed from the current Law because the Real Estate Tax Code referenced has yet to be developed and is not currently intended to be developed.
- The Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016, and is repealed when the last existing land assignment expires. Further, the amendments add that the Nation may not acknowledge any new land assignments and in order to be eligible for a Tribal loan issued against an interest in a land assignment, it must first be converted to a residential lease. Land assignments are being phased out because the Nation no longer assigns land, instead a residential lease is utilized.
- The term of office was removed from the Organization section pertaining to the Oneida Land Commission as this detail appropriately appears in the Bylaws of the Land Commission. The amended Law only includes the Land Commission's responsibilities that are directly related to this Law.
- The disposition of estates of deceased Tribal members section of the current Law was amended to the probate section.
- The amended Law moves the appointment of a personal representative earlier in the process.
- The Oneida Land Commission will no longer have the authority to create the Nation's Official seal to be used by the Division of Land Management. The Nation's seal will now be provided by the Oneida Business Committee.
- The following entities have been granted Rulemaking Authority to develop rules under this Law:
 - The Division of Land Management and the Oneida Land Commission shall jointly develop rules regarding requests for easements for landlocked properties.
 - The Division of Land Management and the Oneida Land Commission shall further develop rules related to probate. The rules will include timelines to ensure timely probate completion and land consolidation.
 - The Oneida Land Commission shall develop rules to allocate and assign land uses to all Tribal land, except uses governed by the Public Use of Tribal Land Law.
 - The Oneida Land Commission and upon implementation, the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process

requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property.

- The Division of Land Management and the Oneida Land Commission shall develop easement and land use license rules.
- The Oneida Planning Department shall develop the Land Use Technical Unit rules in collaboration with the Oneida Land Commission

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 Division of Land Management, there are no projected increases in expenses due to the implementation of these. All parties required to create administrative rules under the Real Property Law shall have all such rules finalized to become effective on June 25, 2017, provided that the rules related to residential sales by the Nation may have an earlier effective date.

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: 2 / 8 / 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 the Conflict of Interest Amendments for adoption.

-If the Business Committee does not approve the Conflict of Interest Amendments, please consider the Conflict of Interest Emergency Amendments Extension for adoption, as the current emergency amendments will expire February 10, 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: 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: February 8, 2017
 RE: Conflict of Interest Law Amendments

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

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

Overview

The attached Resolution will adopt permanent amendments to the current Conflict of Interest Policy (the "Policy") that are necessary in order to keep the Policy in compliance with requirements set by the United States Department of Housing and Urban Development. Amendments to the Policy were adopted by the Oneida Business Committee (OBC) on an emergency basis through Resolution BC-08-10-16-M. The emergency amendments expire on February 10, 2017.

The permanent amendments:

- Refer to the Policy as the Conflict of Interest law (the "Law") moving forward;
- Expand the definition of "conflict of interest" to include any interests, whether the interest is real or apparent and to include any financial or familial interest an elected official, officer, political appointee, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party *[see 217.3-1(b)]*;
- Clarify and expand who the Law applies to, so the Law is consistent in its application to the Nation's agents, elected officials, officers, political appointees, employees, consultants, and appointed or elected members of a board, committee or commission;
- Delegate responsibility to maintain, collect, and distribute conflict of interest disclosure forms to the Nation's Human Resource Department (HRD) for employees, and the Office of the Nation's Secretary for elected officials, officers, political appointees, and elected or appointed members of a board, committee or commission *[see 217.4-3]*;
- Add penalties for failure to disclose a conflict of interest for elected officials, officers and

political appointees *[see 217.5-2, and 217.5-4]*;

- Clarify that when a supervisor is provided with credible evidence that an employee failed to disclose a conflict of interest, that employee will be placed on leave pursuant to the Investigative Leave Policy, except this Law requires the investigation be completed within seven (7) days, rather than the fifteen (15) days identified in the Investigative Leave Policy *[see 217.5-1]*;
- Create a new section titled, “Prohibited Activities Resulting from a Disclosed Conflict of Interest” which states that once a conflict of interest is disclosed an employee, consultant, elected official, officer, agent, political appointee, or elected or appointed member of a board, committee and commission cannot participate in the selection, award or administration of any contract, including those contracts supported by a federal award, or any activities identified in the Nation’s laws, policies or rules *[see 217.6-1]*;
- Require the Nation’s entities to create standard operating procedures and/or work standards that outline further prohibited activities resulting from a disclosed conflict of interest, and identify ways to alleviate conflicts of interest so that a person is not prohibited from participating in normal activities *[see 217.6-2]*.

A public meeting on the proposed amendments was held on January 3, 2017, in accordance with the Legislative Procedures Act. The Legislative Operating Committee received no written or oral comments during the public comment period ending on January 10, 2017.

Requested Action

Approve the Resolution: Conflict of Interest Law Amendments

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Conflict of Interest 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 Conflict of Interest Policy (the "Policy") was adopted by the Oneida Business Committee by resolution BC-06-10-98-C; and
- WHEREAS,** an audit completed by the United States Department of Housing and Urban Development (HUD) was received by the Oneida Nation on June 12, 2016, which showed that the Policy was not in compliance with certain HUD requirements; and
- WHEREAS,** HUD gave the Oneida Nation ninety (90) days to become compliance with HUD requirements; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Policy pursuant to Resolution BC-08-10-6-M in accordance with the emergency adoption process set forth in the Legislative Procedures Act (LPA); and
- WHEREAS,** the emergency amendments brought the Policy into compliance with HUD requirements; and
- WHEREAS,** the emergency amendments to the Policy expire February 10, 2017; and
- WHEREAS,** the permanent amendments to the Policy are necessary to remain compliant with the HUD requirements; and
- WHEREAS,** permanent amendments include changing the Policy to a law to align with the Legislative Operating Committee's directive that all legislation is to be classified as laws moving forward; and
- WHEREAS,** amendments expand and clarify who the Law applies to so that the Law is consistently applied to all of the Nation's agents, elected officials, officers, political appointees, employees, consultants, and appointed or elected members of a board, committee or commission; and
- WHEREAS,** the amendments delegate responsibility to maintain, collect, and distribute conflict of interest disclosure forms to the Nation's Human Resource Department (HRD) for employees, and the Office of the Nation's Secretary for elected officials, officers, political appointees, and elected or appointed members of a board, committee or commission; and

WHEREAS, the amendments add penalties for failure to disclose a conflict of interest for elected officials, officers and political appointees; and

WHEREAS, the amendments clarify when a supervisor is provided with credible evidence that an employee failed to disclose a conflict of interest, that employee will be placed on leave pursuant to the Investigative Leave Policy, except this Law requires the investigation be completed within seven (7) days, rather than the fifteen (15) days identified in the Investigative Leave Policy; and

WHEREAS, the amendments specify that when an employee, consultant, elected official, political appointee, officer, agent, or appointed or elected member of a board, committee or commission discloses a conflict of interest, he or she may not participate in the selection, award, or administration of a contract including contracts supported by a Federal award or any other prohibited activities identified in the Nation's laws, policies or rules; and

WHEREAS, the amendments require the Nation's entities to create standard operating procedures and/or work standards that outline further prohibited activities resulting from a disclosed conflict of interest and identify ways to alleviate and mitigate conflicts of interest; and

WHEREAS, a public meeting on the amendments was held on January 3, 2017, in accordance with the LPA, and no written or oral comments were received by the Legislative Operating Committee during the public comment period ending on January 10, 2017.

NOW THEREFORE BE IT RESOLVED, that amendments to the Conflict of Interest law are hereby adopted and are effective immediately.



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



Statement of Effect

Conflict of Interest Law Amendments

Summary

This Resolution adopts permanent amendments to the Conflict of Interest Law (the “Law”).

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

Analysis by the Legislative Reference Office

This resolution adopts permanent amendments to the Conflict of Interest Policy (the “Policy”).

In December 2015 the United States Department of Housing and Urban Development (HUD) conducted an on-site monitoring review of the Oneida Housing Authority and provided a report to the Nation on June 12, 2016 in which they found that the Nation’s Conflict of Interest Policy was not in compliance with 2 CFR Section 200.318(c)(1), regarding contracts supported by a federal award. The Nation was given ninety (90) days to bring the Conflict of Interest Policy into compliance.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is "necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population" and when enactment or amendment of legislation is required sooner than would be possible under the LPA. Through Resolution BC-08-10-16-M, the OBC enacted emergency amendments to the Policy to obtain compliance with HUD’s regulations.

The emergency amendments brought the Policy into compliance by implementing the following revisions:

- Expanding the definition of “conflict of interest” to include any interests, whether the interest is real or apparent and to include any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party;
- Adding a new section titled “Prohibited activities resulting from a Conflict of Interest” which includes the required language that no employee, officer, or agent may participate in the selection, award or administration of a contract supported by a Federal award if he or she has a conflict of interest.

In order for the Policy to remain compliant with HUD, the emergency amendments must be permanently adopted. The Policy’s emergency amendments expire February 10, 2017.

Since the emergency amendments were adopted on August 10, 2016, additional amendments to the Policy have been proposed. Amendments now refer the Policy as a law. This aligns with the Legislative Operating Committee's directive that all legislation is to be classified as laws moving forward.

Amendments to the Law clarify and expand who the Law applies to, so that the Law is consistent in including the Nation's agents, elected officials, officers, political appointees, employees, consultants, and appointed or elected members of a board, committee or commission throughout the Law.

Currently, the Policy states that the Oneida Law Office shall be responsible for creating a standard form, and any specialized forms, upon which conflicts of interest can be disclosed. Although the Policy states that forms to disclose conflicts of interest will be created, it is currently unclear on who shall maintain and distribute those forms. The amendments delegate responsibility to maintain, collect, and distribute conflict of interest disclosure forms to the Nation's Human Resource Department (HRD) for employees, and the Office of the Nation's Secretary for elected officials, officers, political appointees, and elected or appointed members of a board, committee or commission.

The Policy currently only provides penalties for non-disclosure of a conflict of interest to employees, members of boards, committees and commissions and those who contract with the Nation. The Policy includes employees in the definition for who can possess a conflict of interest but is silent on any penalties an elected official would face if they failed to disclose a conflict of interest. The amendments add penalties for failure to disclose a conflict of interest for not only elected officials, but officers and political appointees as well.

Additionally, the amendments clarify that when a supervisor is provided with credible evidence that an employee failed to disclose a conflict of interest, that employee will be placed on leave pursuant to the Investigative Leave Policy, except this Law requires the investigation be completed within seven (7) days, rather than the fifteen (15) days identified in the Investigative Leave Policy.

The amendments in the Law also expand the section regarding prohibited activities resulting from a disclosed conflict of interest by including consultants, elected officials, political appointees, and elected or appointed members of a board, committee and commission in addition to employees, officers, and agents. The amendments specify that after a conflict is disclosed, the named parties cannot participate in the selection, award or administration of any contract, including those contracts supported by a federal award, or any activities identified in the Nation's laws, policies or rules.

The amendments also require the Nation's entities to create standard operating procedures and/or work standards that outline further prohibited activities resulting from a disclosed conflict of interest, and identify ways to alleviate conflicts of interest so that a person is not prohibited from participating in normal activities.

A public meeting on the proposed amendments was held on January 3, 2017, in accordance with the Legislative Procedures Act. The Legislative Operating Committee received no written or oral comments during the public comment period which ended on January 10, 2017.

Conclusion

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



Conflict of Interest Amendments Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: Brandon Stevens	SPONSOR: Brandon Stevens	DRAFTER: Clorissa N. Santiago	ANALYST: Candice E. Skenandore
Intent	Permanently adopt the emergency amendments which bring this legislation in compliance with HUD requirements as well as approve additional changes to the Law.		
Purpose	Ensure that anyone that has access to confidential information be subject to specific limitations in order to protect the interests of the Nation [See Conflict of Interest 217.1-1].		
Affected Entities	The Nation's agents; consultants; elected officials; employees; the entities; members who serve on a board, committee or commission; OBC officers, political appointees and any person that is associated with the above persons in personal, martial, familial, business, financial or other relationships. The Law does not pertain to insurance providers seeking to enter into third party payment agreements with the Pharmacy [See Conflict of Interest 217.3-1 & 217.7-2]. The HRD and the Secretary's Office are responsible for maintaining and distributing/collecting annual Conflict of Interest disclosure forms [See Conflict of Interest 217.4-3 (a) & (b)].		
Affected Legislation	Investigative Leave Policy, Personnel Policies and Procedures, Comprehensive Policy Governing Boards, Committees and Commissions, Removal Law.		
Enforcement/Due Process	<ul style="list-style-type: none"> ▪ Employees who fail to disclose a conflict of interest will be placed on leave pursuant to the Investigative Leave Policy; except that this Law requires the investigation to be concluded within 7 days [See Conflict of Interest 217.5-1]. If an employee receives an adverse employment action due to failing to disclose a conflict of interest, the employee can appeal the adverse employment action pursuant to the Nation's personnel policies and procedures. ▪ Elected officials or officers who fail to disclose a conflict of interest may be subject to removal or face penalties pursuant to the Nation's laws regarding penalties [See Conflict of Interest 217.5-2]. ▪ Members of a board, committee or commission may be subject to removal pursuant to Removal Law or have their appointment terminated by the OBC pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions. Members may also face penalties pursuant to the Nation's laws regarding penalties [See Conflict of Interest 217.5-3]. ▪ Political appointees that fail to disclose a conflict may be subject to discipline at the discretion of the elected official they serve [See Conflict of Interest 217.5-4]. ▪ A person or organization that contracts with the Nation may have their contracts terminated for failing to disclose a conflict [See Conflict of Interest 217.5-5]. 		
Public Meeting	A public meeting was held on January 3, 2017 and no comments were received.		

1 SECTION 2. LEGISLATIVE DEVELOPMENT

- 2 A. The Oneida Business Committee (OBC) requested the Legislative Operating Committee
3 (LOC) to develop emergency amendments to the Conflict of Interest Policy (Law) to

4 address mandatory recusal in the event of certain conflicts [*See OBC Meeting Minutes,*
5 *July 13, 2016*]. This request stemmed from an audit completed by the U.S. Department
6 of Housing and Urban Development (HUD) on June 12, 2016, which found that the Law
7 was not in compliance with certain HUD requirements and gave the Oneida Nation
8 (Nation) 90 days to become compliant.

- 9 B. The OBC adopted emergency amendments to comply with the HUD audit pursuant to
10 resolution BC-08-10-16-M.
- 11 C. These emergency amendments are set to expire on February 10, 2017. The Legislative
12 Procedures Act allows the OBC to extend the emergency amendments for up to an
13 additional six months, if necessary [*See Legislative Procedures Act 16.9-5 (b)*].
- 14 D. The emergency amendments, along with additional changes to the Law, are brought
15 forward for consideration of permanent adoption.

16 17 **SECTION 3. CONSULTATION**

- 18 A. The following departments/divisions were consulted when developing the revisions to
19 this Law: Oneida Law Office, Development Division, and Indian Preference.
- 20 B. A search of similar tribal legislation was conducted and the Stockbridge-Munsee
21 Community Band of Mohican Indians' Code of Conduct and Menominee Indian Tribe of
22 Wisconsin's Conflict of Interest were reviewed when developing this legislative analysis
23 [*See Stockbridge-Munsee's Code of Conduct, CH. 51 and Menominee Indian Tribe of*
24 *Wisconsin's Ethics, CH. 77, Article I. Conflict of Interest*].

25 26 **SECTION 4. PROCESS**

- 27 A. The developmental process of this Law is in compliance with the process set forth in the
28 Legislative Procedures Act.
- 29 B. July 13, 2016: This item was added to the Active Files List.
- 30 C. January 3, 2017: The LOC held a public meeting.
- 31 D. No public comments were received.

32 33 **SECTION 5. PROPOSED AMENDMENTS TO LEGISLATION**

34 Proposed amendments to the Law include the following:

- 35 A. Expand the definition section to include terms required by HUD as well as better clarify
36 identified persons [*See Conflict of Interest 217.3-1*].
- 37 B. Expand who the Law applies to which now includes the Nation's agents, elected officials,
38 officers, political appointees and anyone with familial ties to an agent, elected official,
39 employee, consultant, appointed or elected member of a board, committee or commission
40 and officers [*See Conflict of Interest 217.4-1 (a)*].
- 41 C. Require the Secretary to inform all elected officials, officers, political appointees and
42 elected/appointed members of boards, committees and commissions of this Law and
43 require the identified persons to disclose any conflicts of interest [*See Conflict of Interest*
44 *217.4-2 (c)*]. In addition, the Law delegates the Human Resources Department (HRD)
45 and the Secretary's Office with the responsibility of maintaining and distributing conflict
46 of interest disclosure forms.
- 47 ▪ HRD must collect annual conflict of interest disclosure forms from all employees.
 - 48 ▪ The Secretary's Office must collect annual conflict of interest disclosure forms
49 from all elected officials, officers, and elected/appointed members.
 - 50 ▪ Employees, elected officials, officers, and elected/appointed members must
51 disclose a conflict of interest as soon as it arises [*See Conflict of Interest 217.4-3*]

- 52 (a) & (b)].
- 53 D. Clarify that if a supervisor is provided with credible evidence that an employee failed to
- 54 disclose a conflict of interest, that employee will be placed on leave pursuant to the
- 55 Investigative Leave Policy, except this Law requires the investigation be completed
- 56 within seven days, rather than the 15 days identified in the Investigative Leave Policy. If
- 57 the investigation substantiates that the employee failed to disclose a conflict, the
- 58 supervisor must terminate the employee's employment [*See Conflict of Interest 217.5-1*
- 59 *and Investigative Leave Policy 8-1*].
- 60 E. Subject elected officials, officers and political appointees to penalties for failing to
- 61 disclose a conflict of interest [*See Conflict of Interest 217.5-2*]. Currently, only
- 62 employees; members of boards, committees and commissions, and those who contract
- 63 with the Nation are subject to penalties for failing to disclose conflicts.
- 64 F. Specify that when a conflict of interest is disclosed, an elected official, employee,
- 65 consultant, officer, agent, political appointee or an elected/appointed member of board,
- 66 committee or commission cannot participate in the selection, award or administration of a
- 67 contract, including contract support, by a Federal award or any prohibited activities
- 68 identified in the Nation's laws, policies or rules [*See Conflict of Interest 217.6-1*].
- 69 G. Require the Nation's entities to create standard operating procedures and/or work
- 70 standards that further outline prohibited activities when a conflict of interest is disclosed
- 71 as well as ways to alleviate the conflict of interest [*See Conflict of Interest 217.6-2*].
- 72

73 SECTION 6. EFFECT ON EXISTING LEGISLATION, ENFORCEMENT, & DUE

74 PROCESS

- 75 A. Personnel Policies and Procedures
- 76 ▪ An employee can have his/her employment terminated for failing to disclose a
- 77 conflict of interest. However, he/she can appeal the adverse employment action
- 78 pursuant to the Nation's laws, rules and policies governing employment [*See*
- 79 *Conflict of Interest 217.5-1*].
- 80 B. Removal Law and Comprehensive Policy Governing Boards, Committees and
- 81 Commissions
- 82 ▪ If an officer, elected official, or elected member fails to disclose a conflict of
- 83 interest, he/she may be subject to removal pursuant to the Removal Law and if an
- 84 appointed member of an entity fails to disclose a conflict of interest, the OBC
- 85 may terminate his/her appointment in accordance with the law governing boards,
- 86 committees and commissions for appointed officials [*See 217.5-2 & 217.5-3*].
- 87 C. Nation's laws regarding penalties
- 88 ▪ If an elected official, officer, or elected/appointed member of a board, committee
- 89 or commission fails to disclose a conflict of interest, he/she may be subject to
- 90 penalties pursuant to laws of the Nation regarding penalties [*See Conflict of*
- 91 *Interest 217.5-2 & 217.5-3*]. The Nation currently does not have legislation
- 92 regarding penalties but if in the future such a law is adopted, elected officials,
- 93 officers, and elected/appointed members that violate this Law may face
- 94 penalties/sanctions.
- 95

96 SECTION 7. OTHER CONSIDERATIONS

- 97 A. Additional changes were made to ensure the Law is consistent with standard drafting
- 98 practices and to improve the clarity of the Law without affect the content of the Law.
- 99 B. Please refer to the fiscal impact statement for any financial impacts.

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Title 2. Employment – Chapter 217
CONFLICT OF INTEREST ~~Policy~~

~~Article I-217.1.~~ Purpose and Policy
~~Article II-217.2.~~ Adoption, Amendment, Repeal
~~Article I-217.3.~~ Definitions
~~217.4.~~ General

~~Article V-217.5.~~ Penalties for Non-Disclosure of a Conflict of Interest
~~Article VI- Exceptions~~

Disclosed Conflict of Interest
~~217.7.~~ Exemptions

~~Article I-217.6.~~ Prohibited Activities Resulting from a

217.1. Purpose and Policy

~~1-1-~~

217.1-1 Purpose. The ~~Oneida Tribe~~ desires purpose of this law is for the Nation to ensure that all employees, consultants, elected officials, officers, political appointees, officials appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the ~~Oneida Tribe~~ Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the ~~Oneida Tribe~~ Nation.

~~1-2-~~ ~~The Oneida Tribe asserts~~ 217.1-2. Policy. It is the policy of the Nation to assert its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the ~~Oneida Tribe~~ Nation in the course of an employee's duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights.

~~1-3-~~ The ~~Oneida Tribe~~ Nation asserts that no persons who work for the ~~Oneida Tribe~~ Nation or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the ~~Oneida Tribe~~ Nation's interests without full and complete prior disclosure to the ~~Oneida Tribe~~ Nation.

Article II-217.2. Adoption, Amendment, Repeal

217.2-1. This ~~Policy is~~ law was adopted by the Oneida Business Committee ~~–by Resolution # BC-606-10-98-C-~~ and amended by BC.

~~2-217.2-2.~~ This ~~Policy~~ law may be amended ~~pursuant to the procedures set out in the Oneida Administrative Procedures Act 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.

217.2-3. Should a provision of this ~~Policy~~ law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~Policy~~ law which are considered to have legal force without the invalid portions.

~~2-4.~~ ~~All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this Policy are hereby superseded unless specifically re-enacted after adoption of this Policy. Specifically, the following resolutions are superseded by this Policy:~~

~~a. Resolution # BC-9-28-90-A, and~~

~~b. Resolution # BC-9-27-90-E.~~

Article III-217.2-4. In the event of a conflict between a provision of this law and a provision of

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36 another law, the provision of this law shall control.

37 217.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

38
39 **217.3. Definitions**

40 217.3-1. This article section shall govern the definitions of words ~~as~~ and phrases ~~as~~ used
41 herein within this law. All words not defined herein shall be used in their ordinary and everyday
42 sense.

43 ~~3-2-~~(a) “Agent” means a person who is authorized to act for or in place of of another,
44 which may include an employee, consultant, elected official, officer, political appointee,
45 and appointed or elected member of the Nation.

46 (b) A Conflict of interest@ shall ~~mean~~ means any interest, real or apparent, whether it be
47 personal, financial, political, or otherwise, in which ~~a~~an elected official, officer, political
48 appointee, employee, consultant, or appointed or elected member ~~of any board,~~
49 ~~committee or commission,~~ or their immediate relatives family members, friends or
50 associates, or any other person with whom they have contact, have that conflicts with any
51 right of the ~~Oneida Tribe~~Nation to property, information, or any other right to own and
52 operate activities free from undisclosed competition or other violation of such rights of
53 the ~~Oneida Tribe~~Nation. In addition, conflict of interest also means any financial or
54 familial interest an elected official, officer, political appointee, employee, consultant, or
55 appointed or elected member or their immediate family members may have in any
56 transaction between the Nation and an outside party.

57 ~~3-3-~~(c) “Consultant” means a person who provides expertise or guidance to the Nation.

58 (d) “Elected official” means a person elected to the Oneida Business Committee who
59 does not hold an officer position.

60 (e) “Employee” means anyone employed by the Oneida Nation in one of the following
61 employed capacities: full-time, part-time, emergency temporary, limited term or on a
62 contractual basis.

63 (f) “Entity” means a department, program or service of the Nation.

64 (g) “Immediate family member” means an individual’s husband, wife, mother, father,
65 step mother, step father, son, daughter, step son, step daughter, brother, sister, step
66 brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-
67 law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained
68 through legal adoption.

69 (h) “Member” means a person who serves on a board, committee, or commission of the
70 Nation. It does not include the Oneida Business Committee or the governing body of a
71 Tribally Chartered Corporation.

72 (i) “Nation” means the Oneida Nation.

73 (j) “Officer” means a person elected to the Oneida Business Committee holding the
74 Chairperson, Vice Chairperson, Secretary, or Treasurer position.

75 (k) “Political appointee” means a person who assists an elected member of the Oneida
76 Business Committee in their daily activities and operations.

77 (l) A Third party agreement@ shall ~~mean~~ means any agreement with the Pharmacy in which
78 an insurance provider agrees to reimburse the Pharmacy for drugs and supplies sold to
79 subscribers of a valid health plan of that insurance provider.

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81 **Article I** ~~(Feb 1)~~ **217.4. General.**

82 ~~4-1. Purpose. This Policy shall be interpreted to prevent the use of inside information by which~~
83 ~~such use would be to the detriment of the Oneida Tribe.~~

84 ~~4-2. Scope.~~

85 217.4-1. Scope.

86 (a-) This Policy law shall apply to agents, elected officials, officers, political appointees,
87 employees, consultants, appointed or elected members of boards, committees and
88 commissions, officers of the Oneida Tribe or any other persons with whom they may be
89 associated in personal, marital, familial, business, financial or other relationships.

90 (b-) Under the protection of this Policy law are the resources of the Oneida Tribe Nation,
91 its enterprises, programs, business interests, financial information, trade secrets and any
92 other information that could be used against the Oneida Tribe Nation or those duly
93 authorized to represent its interests.

94 217.4-32. Amendment of Documents. The following documents shall be amended as required in
95 order to implement this Policy law:

96 a. Personnel Policies and Procedures for employees.

97 (a) The Nation's laws, rules and policies governing employment.

98 (1-) Prospective employees will be asked shall disclose whether or not they have
99 any conflicts of interest as defined in this Policy law.

100 (2-) Current employees will be asked to shall disclose existing conflicts of
101 interest, if any.

102 (b-) Persons or entities organizations contracting with the Oneida Tribe must Nation shall
103 include a provision in their contract reciting the prohibition against undisclosed conflicts
104 of interest.

105 ~~e. All members of boards, committees and commissions shall be informed in writing by~~
106 ~~the Tribal Secretary of the existence of this Policy.~~

107 (c) The Oneida Nation Secretary shall inform all elected officials, officers, political
108 appointees, and elected or appointed members of the existence of this law in writing. All
109 elected officials, officers, political appointees, and elected or appointed members shall
110 disclose any conflicts of interest.

111 217.4-43. Forms. Forms shall be prepared upon which disclosures of conflicts which exist may
112 be listed and returned to the Oneida Business Committee for action as indicated in this
113 Policy law. The Oneida Law Office shall be responsible for creating a standard form and any
114 specialized forms required by this Policy law. The Nation's Human Resource Department and
115 the Office of the Oneida Nation Secretary shall be responsible for distributing and maintaining
116 conflict of interest disclosure forms.

117
118 Article V(a) The Nation's Human Resource Department shall collect conflict of interest
119 disclosure forms from all employees on an annual basis. Additionally, an employee shall
120 disclose a conflict of interest as soon as the conflict arises.

121 (b) The Office of the Nation's Secretary shall collect conflict of interest disclosure forms
122 from all elected officials, officers, political appointees, and elected and appointed
123 members on an annual basis. Additionally, an elected official, officer, political appointee,
124 or elected or appointed member shall disclose a conflict of interest as soon as the conflict
125 arises.

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217.5. Penalties for Non-Disclosure of a Conflict of Interest

217.5-1. Employees. ~~Employees found~~ If a supervisor is provided credible evidence that an employee has failed to disclose a conflict of interest, the employee shall be ~~in violation of conflicts~~ placed on leave pursuant to the Nation's Investigative Leave Policy, except that the duration of the investigation for an alleged conflict of interest shall be ~~suspended without pay pending a complete investigation and terminated where evidence identifies that a undisclosed conflicts exists or existed.~~ This investigation must be concluded within seven (7) days of the suspension, after which the terminated employee shall have the same rights of appeal as all other employees pursuant to procedures set forth in the Personnel Policies and Procedures ~~employee being placed on leave.~~ A supervisor shall terminate an employee from his or her employment with the Nation when an investigation substantiates that the employee failed to disclose a conflict of interest.

217.5-2. ~~Boards, Committees~~ Elected Officials and Commissions. ~~Members of boards, committees and commissions may be either removed~~ Officers. An elected official or officer who fails to disclose a conflict of interest may be subject to removal pursuant to the Removal Law ~~for elected officials~~ or penalties pursuant to laws of the Nation regarding penalties.

217.5-3. Elected or Appointed Members. A member who fails to disclose a conflict of interest may be subject to penalties pursuant to laws of the Nation regarding penalties, and subject to removal pursuant to the Removal Law for elected members, or have their appointment terminated by the Oneida Business Committee pursuant to the law governing board, committees and commissions for appointed ~~officials~~ members.

217.5-3-4. Political Appointees. A political appointee that fails to disclose a conflict of interest may be subject to discipline at the discretion of the elected official the political appointee serves.
217.5-5. Contracts. ~~Entities~~ An organization or ~~persons~~ a person who ~~do~~ does not disclose conflicts of interest may be subject to termination of their contracts.

Article VI. Exceptions

217.6. Prohibited Activities Resulting from a Disclosed Conflict of Interest

217.6-1. When an existing conflict of interest is disclosed, no employee, consultant, elected official, political appointee, officer, agent, or appointed or elected member may participate in:

- (a) the selection, award, or administration of a contract including contracts supported by a Federal award; and/or
- (b) any other prohibited activities identified in any other law, policy or rule of the Nation.

217.6-2. Entities of the Nation shall develop standard operating procedures and/or work standards outlining further prohibited activities resulting from disclosed conflicts of interest and means by which a party can alleviate or mitigate the conflict of interest.

- (a) In the event arrangements are made to alleviate or mitigate the conflict of interest, it may become permissible for a party to participate under section 217.6-1(b) at the discretion of the division director and to the extent permitted by any applicable law, policy or rule. However, in all circumstances, such parties shall remain prohibited from participating under section 217.6-1(a).

217.7. Exemptions

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171 217.7-1. Exemptions to this Policylaw are for the purpose of excluding activities of the Oneida
172 TribeNation for which no conflict of interest can exist. These activities generally occur when the
173 Oneida TribeNation is acting as a provider of services for which another will be making
174 payments or reimbursing costs of providing the services. Exemptions ~~must~~shall be specifically
175 identified within this Articlelaw.

176 217.7-2. Pharmacy. This exemption shall be designed to relieve the Pharmacy and insurance
177 providers from the requirements of the Conflict of Interest Policylaw while recognizing the
178 unique relationship between the Pharmacy and insurance providers in third party payment
179 agreements where no
180 proprietary information of the OneidaTribeNation is provided to the insurance providers, and
181 there is little or no opportunity for a conflict of interest between the insurance providers and the
182 OneidaTribeNation. This exemption shall be designed to increase the attractiveness of the
183 Pharmacy to subscribers of multiple insurance providers. This exemption shall apply solely to
184 insurance providers seeking to enter into third party payment agreements with the Pharmacy.

185
186 *End.*

189 Adopted - BC-06-10-98-C
190 Emergency ~~Amendment~~Amended - BC-04-12-06-JJ
191 Emergency Amended - BC-09-27-06-E (~~adoption of emergency amendments~~)
192 Emergency Amended – BC-08-10-16-M
193

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Title 2. Employment – Chapter 217
CONFLICT OF INTEREST

217.1. Purpose and Policy	217.5. Penalties for Non-Disclosure of a Conflict of Interest
217.2. Adoption, Amendment, Repeal	217.6. Prohibited Activities Resulting from a Disclosed Conflict of Interest
217.3. Definitions	217.7. Exemptions
217.4. General	

217.1. Purpose and Policy

217.1-1 *Purpose*. The purpose of this law is for the Nation to ensure that all employees, consultants, elected officials, officers, political appointees, appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Nation.

217.1-2. *Policy*. It is the policy of the Nation to assert its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Nation in the course of an employee's duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights. The Nation asserts that no persons who work for the Nation or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the Nation's interests without full and complete prior disclosure to the Nation.

217.2. Adoption, Amendment, Repeal

217.2-1. This law was adopted by the Oneida Business Committee by Resolution BC-06-10-98-C and amended by BC_____.

217.2-2. 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.

217.2-3. 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.

217.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provision of this law shall control.

217.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

217.3. Definitions

217.3-1. 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) "Agent" means a person who is authorized to act for or in place of of another, which may include an employee, consultant, elected official, officer, political appointee, and appointed or elected member of the Nation.

(b) AConflict of interest@ means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee, employee, consultant, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have

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39 that conflicts with any right of the Nation to property, information, or any other right to
40 own and operate activities free from undisclosed competition or other violation of such
41 rights of the Nation. In addition, conflict of interest also means any financial or familial
42 interest an elected official, officer, political appointee, employee, consultant, or appointed
43 or elected member or their immediate family members may have in any transaction
44 between the Nation and an outside party.

45 (c) “Consultant” means a person who provides expertise or guidance to the Nation.

46 (d) “Elected official” means a person elected to the Oneida Business Committee who
47 does not hold an officer position.

48 (e) “Employee” means anyone employed by the Oneida Nation in one of the following
49 employed capacities: full-time, part-time, emergency temporary, limited term or on a
50 contractual basis.

51 (f) “Entity” means a department, program or service of the Nation.

52 (g) “Immediate family member” means an individual’s husband, wife, mother, father,
53 step mother, step father, son, daughter, step son, step daughter, brother, sister, step
54 brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-
55 law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained
56 through legal adoption.

57 (h) “Member” means a person who serves on a board, committee, or commission of the
58 Nation. It does not include the Oneida Business Committee or the governing body of a
59 Tribally Chartered Corporation.

60 (i) “Nation” means the Oneida Nation.

61 (j) “Officer” means a person elected to the Oneida Business Committee holding the
62 Chairperson, Vice Chairperson, Secretary, or Treasurer position.

63 (k) “Political appointee” means a person who assists an elected member of the Oneida
64 Business Committee in their daily activities and operations.

65 (l) *Third party agreement* means any agreement with the Pharmacy in which an
66 insurance provider agrees to reimburse the Pharmacy for drugs and supplies sold to
67 subscribers of a valid health plan of that insurance provider.

69 **217.4. General.**

70 217.4-1. *Scope.*

71 (a) This law shall apply to agents, elected officials, officers, political appointees,
72 employees, consultants, appointed or elected members or any other persons with whom
73 they may be associated in personal, marital, familial, business, financial or other
74 relationships.

75 (b) Under the protection of this law are the resources of the Nation, its enterprises,
76 programs, business interests, financial information, trade secrets and any other
77 information that could be used against the Nation or those duly authorized to represent its
78 interests.

79 217.4-2. *Amendment of Documents.* The following documents shall be amended as required in
80 order to implement this law:

81 (a) The Nation’s laws, rules and policies governing employment.

82 (1) Prospective employees shall disclose whether or not they have any conflicts
83 of interest as defined in this law.

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84 (2) Current employees shall disclose existing conflicts of interest, if any.

85 (b) Persons or organizations contracting with the Nation shall include a provision in their
86 contract reciting the prohibition against undisclosed conflicts of interest.

87 (c) The Oneida Nation Secretary shall inform all elected officials, officers, political
88 appointees, and elected or appointed members of the existence of this law in writing. All
89 elected officials, officers, political appointees, and elected or appointed members shall
90 disclose any conflicts of interest.

91 217.4-3. *Forms.* Forms shall be prepared upon which disclosures of conflicts which exist may
92 be listed and returned to the Oneida Business Committee for action as indicated in this law. The
93 Oneida Law Office shall be responsible for creating a standard form and any specialized forms
94 required by this law. The Nation's Human Resource Department and the Office of the Oneida
95 Nation Secretary shall be responsible for distributing and maintaining conflict of interest
96 disclosure forms.

97 (a) The Nation's Human Resource Department shall collect conflict of interest disclosure
98 forms from all employees on an annual basis. Additionally, an employee shall disclose a
99 conflict of interest as soon as the conflict arises.

100 (b) The Office of the Nation's Secretary shall collect conflict of interest disclosure forms
101 from all elected officials, officers, political appointees, and elected and appointed
102 members on an annual basis. Additionally, an elected official, officer, political appointee,
103 or elected or appointed member shall disclose a conflict of interest as soon as the conflict
104 arises.

105

106 **217.5. Penalties for Non-Disclosure of a Conflict of Interest**

107 217.5-1. *Employees.* If a supervisor is provided credible evidence that an employee has failed
108 to disclose a conflict of interest, the employee shall be placed on leave pursuant to the Nation's
109 Investigative Leave Policy, except that the duration of the investigation for an alleged conflict of
110 interest shall be concluded within seven (7) days of the employee being placed on leave. A
111 supervisor shall terminate an employee from his or her employment with the Nation when an
112 investigation substantiates that the employee failed to disclose a conflict of interest.

113 217.5-2. *Elected Officials and Officers.* An elected official or officer who fails to disclose a
114 conflict of interest may be subject to removal pursuant to the Removal Law or penalties pursuant
115 to laws of the Nation regarding penalties.

116 217.5-3. *Elected or Appointed Members.* A member who fails to disclose a conflict of interest
117 may be subject to penalties pursuant to laws of the Nation regarding penalties, and subject to
118 removal pursuant to the Removal Law for elected members, or have their appointment
119 terminated by the Oneida Business Committee pursuant to the law governing board, committees
120 and commissions for appointed members.

121 217.5-4. *Political Appointees.* A political appointee that fails to disclose a conflict of interest
122 may be subject to discipline at the discretion of the elected official the political appointee serves.

123 217.5-5. *Contracts.* An organization or a person who does not disclose conflicts of interest may
124 be subject to termination of their contracts.

125

126 **217.6. Prohibited Activities Resulting from a Disclosed Conflict of Interest**

127 217.6-1. When an existing conflict of interest is disclosed, no employee, consultant, elected
128 official, political appointee, officer, agent, or appointed or elected member may participate in:

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129 (a) the selection, award, or administration of a contract including contracts supported by
130 a Federal award; and/or

131 (b) any other prohibited activities identified in any other law, policy or rule of the
132 Nation.

133 217.6-2. Entities of the Nation shall develop standard operating procedures and/or work
134 standards outlining further prohibited activities resulting from disclosed conflicts of interest and
135 means by which a party can alleviate or mitigate the conflict of interest.

136 (a) In the event arrangements are made to alleviate or mitigate the conflict of interest, it
137 may become permissible for a party to participate under section 217.6-1(b) at the
138 discretion of the division director and to the extent permitted by any applicable law,
139 policy or rule. However, in all circumstances, such parties shall remain prohibited from
140 participating under section 217.6-1(a).

141

142 **217.7. Exemptions**

143 217.7-1. Exemptions to this law are for the purpose of excluding activities of the Nation for
144 which no conflict of interest can exist. These activities generally occur when the Nation is acting
145 as a provider of services for which another will be making payments or reimbursing costs of
146 providing the services. Exemptions shall be specifically identified within this law.

147 217.7-2. *Pharmacy.* This exemption shall be designed to relieve the Pharmacy and insurance
148 providers from the requirements of the Conflict of Interest law while recognizing the unique
149 relationship between the Pharmacy and insurance providers in third party payment agreements
150 where no proprietary information of the Nation is provided to the insurance providers, and there
151 is little or no opportunity for a conflict of interest between the insurance providers and the
152 Nation. This exemption shall be designed to increase the attractiveness of the Pharmacy to
153 subscribers of multiple insurance providers. This exemption shall apply solely to insurance
154 providers seeking to enter into third party payment agreements with the Pharmacy.

155

156 *End.*

157

158

159 Adopted - BC-06-10-98-C

160 Emergency Amended - BC-04-12-06-JJ

161 Emergency Amended - BC-09-27-06-E

162 Emergency Amended - BC-08-10-16-M

163

MEMORANDUM

DATE: January 24, 2017
FROM: Rae Skenandore, Project Manager
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Fiscal Impact of the Conflict of Interest Amendments**

I. Background

This Law was adopted by the Oneida Business Committee by resolution BC-6-10-98-C. Emergency amendments to comply with Housing and Urban Development (HUD) requirements were adopted through resolution BC-08-10-16-M. These emergency amendments were needed for mandatory recusal in the event of certain conflicts and they are set to expire on February 10, 2017. A public meeting was held on January 3rd. According to the Legislative Reference Office, the new Law will:

- Permanently adopt the emergency amendment which sets a minimum standard for prohibited activities resulting from a disclosed conflict of interest and requires that no employee, officer or agent of the Nation may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest;
- Permanently adopt the emergency amendment which expanded the definition of conflict of interest to include any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party;
- Add a definition for the term “immediate family member;”
- Require departments and entities of the Nation to develop standard operating procedures and/or work standards outlining prohibited activities resulting from disclosed conflicts of interest and means by which a party can alleviate or mitigate the conflict of interest; and

- Permanently adopt emergency amendments which allow Division Directors the discretion, to the extent permitted by applicable Law, policy or rule, to decide if a conflict of interest has been properly alleviated or mitigated according to standard operating procedures.

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 Nation’s Human Resource Department (HRD) and the Office of the Oneida Nation Secretary are identified as being responsible for the implementation of the Law. Finance sent inquiries to both parties requesting input for the Fiscal Impact Statement. HRD stated that their portion of the responsibilities will be carried out with existing resources and therefore there will be no impact. However, the Secretary’s office did not respond to the request. Therefore, any potential financial impact to that area is indeterminate.

The Conflict of Interest amendments require the Nation’s laws, rules and policies governing employment be amended as required in order to implement this Law. The Conflict of Interest Law aligns with the requirements in the proposed Employment Law. An update on the Employment Law is on the agenda for the February 13th, 2017 General Tribal Council (GTC) meeting. The Conflict of Interest amendments will need to go into effect immediately upon adoption, since the emergency amendments expire on February 10, 2017.

III. Financial Impact

Indeterminate.

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 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: February 8, 2017
 RE: Extension of the Conflict of Interest Policy Emergency Amendments

Please find the following attached backup documentation for your consideration of the extension of the Conflict of Interest Policy Emergency Amendments:

1. Resolution: Conflict of Interest Policy Emergency Amendments Extension
2. Statement of Effect: Conflict of Interest Policy Emergency Amendments Extension
3. Conflict of Interest Law (Redline)
4. Conflict of Interest Law (Clean)

Overview

In December 2015 the United States Department of Housing and Urban Development (HUD) conducted an on-site monitoring review of the Oneida Housing Authority and provided a report to the Nation on June 12, 2016, in which they found that the Nation's Conflict of Interest Policy was not in compliance with 2 CFR Section 200.318(c)(1), regarding contracts supported by a federal award. The Nation was given ninety (90) days to bring the Policy into compliance.

Through Resolution BC-08-10-16-M, the OBC issued a finding of an emergency and stated the necessity for these emergency amendments so that the Policy would comply with HUD's regulations.

The emergency amendments:

- Expand the definition of "conflict of interest" to include any interests, whether the interest is real or apparent and to include any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party; and
- Add a new section titled "Prohibited Activities Resulting from a Conflict of Interest" which includes the required language that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a conflict of interest.

Section 16.9-5(b) of the Legislative Procedures Act allows for the opportunity of a one-time emergency law extension of up to six (6) months. Adoption of this Resolution would extend the emergency amendments for an additional six (6) months, allowing the Policy to remain compliant with HUD until permanent amendments can be adopted.

Requested Action

Approve the Resolution: Conflict of Interest Policy Emergency Amendments Extension

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Conflict of Interest Policy Emergency Amendments Extension

- 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 Conflict of Interest Policy (the "Policy") was adopted by the Oneida Business Committee by Resolution BC-06-10-98-C; and
- WHEREAS,** an audit completed by the United States Department of Housing and Urban Development (HUD) was received by the Oneida Nation on June 12, 2016, which showed that the Policy was not in compliance with certain HUD requirements; and
- WHEREAS,** HUD gave the Oneida Nation ninety (90) days to become compliance with HUD requirements; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Policy pursuant to Resolution BC-08-10-6-M in accordance with the emergency adoption process set forth in the Legislative Procedures Act (LPA); and
- WHEREAS,** the emergency amendments brought the Policy into compliance with HUD requirements; and
- WHEREAS,** the emergency amendments to the Policy expire February 10, 2017; and
- WHEREAS,** the LPA 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,** extension of the emergency adoption would enable the emergency amendments to remain in effect while they are processed for permanent adoption; and
- WHEREAS,** extension of the emergency amendments is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and amendment of the law is required sooner than would be possible under the LPA; and

NOW THEREFORE BE IT RESOLVED, that the emergency amendments to the Conflict of Interest Policy are hereby extended on an emergency basis for an additional six (6) months; effective February 10, 2017.



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



Statement of Effect

Conflict of Interest Policy Emergency Amendments Extension

Summary

This Resolution extends the adoption of emergency amendments to the Conflict of Interest Policy for six (6) months or until permanent amendments are adopted, whichever occurs first.

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

Analysis by the Legislative Reference Office

In December 2015 the United States Department of Housing and Urban Development (HUD) conducted an on-site monitoring review of the Oneida Housing Authority and provided a report to the Nation on June 12, 2016, in which they found that the Nation's Conflict of Interest Policy was not in compliance with 2 CFR Section 200.318(c)(1), regarding contracts supported by a federal award. The Nation was given ninety (90) days to bring the Policy into compliance.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is "necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population" and when enactment or amendment of legislation is required sooner than would be possible under the LPA. Through Resolution BC-08-10-16-M, the OBC issued a finding of an emergency and stated the necessity for these emergency amendments so that the Policy would comply with HUD's regulations.

The emergency amendments brought the Policy into compliance by implementing the following revisions:

- Expanding the definition of "conflict of interest" to include any interests, whether the interest is real or apparent and to include any financial or familial interest an elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives may have in any transaction between the Oneida Nation and an outside party;
- Adding a new section titled "Prohibited activities resulting from a Conflict of Interest" which includes the required language that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a conflict of interest.

The Policy's emergency amendments expire February 10, 2017. Section 16.9-5(b) of the LPA allows for the opportunity of a one-time extension of an emergency law of up to six (6) months. Adoption of this Resolution would extend the emergency amendments for an additional six (6) months, allowing the Policy to remain compliant with HUD while permanent amendments are processed for adoption.

Conclusion

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

Conflict of Interest Policy

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Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article I. General

6 Article V. Penalties
7 Article VI. Exceptions

Article I. Purpose and Policy

1-1. The Oneida Tribe desires that all employees, consultants, appointees, officials and all others who may have access to information or materials that are confidential or may be used by competitors of the Oneida Tribe-s enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Oneida Tribe.

1-2. The Oneida Tribe asserts its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Oneida Tribe in the course of an employee-s duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights.

1-3. The Oneida Tribe asserts that no persons who work for the Oneida Tribe or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the Oneida Tribe-s interests without full and complete prior disclosure to the Oneida Tribe.

Article II. Adoption, Amendment, Repeal

2-1. This Policy is adopted by the Oneida Business Committee by Resolution # BC-6-10-98-C.

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

2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policy which are considered to have legal force without the invalid portions.

2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this Policy are hereby superseded unless specifically re-enacted after adoption of this Policy. Specifically, the following resolutions are superseded by this Policy:

- a. Resolution # BC-9-28-90-A, and
- b. Resolution # BC-9-27-90-E.

Article III. Definitions

3-1. This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

3-2. AConflict of interest@ shall mean any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which a elected official, employee, consultant, or appointed or elected member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Oneida Tribe to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Oneida Tribe.

49 | In addition, conflict of interest also means any financial or familial interest an elected official,
50 | employee, consultant, or appointed or elected member of any board, committee or commission,
51 | or their immediate relatives may have in any transaction between the Oneida Tribe and an outside
52 | party.

53 | 3-3. AThird party agreement@ shall mean any agreement with the Pharmacy in which an insurance
54 | provider agrees to reimburse the Pharmacy for drugs and supplies sold to subscribers of a valid
55 | health plan of that insurance provider.
56 |

57 | **Article I. General.**

58 | 4-1. *Purpose.* This Policy shall be interpreted to prevent the use of inside information by which
59 | such use would be to the detriment of the Oneida Tribe.

60 | 4-2. *Scope.*

61 | a. This Policy shall apply to employees, consultants, members of boards, committees and
62 | commissions, officers of the Oneida Tribe or any other persons with whom they may be
63 | associated in personal, marital, business, financial or other relationships.

64 | b. Under the protection of this Policy are the resources of the Oneida Tribe, its
65 | enterprises, programs, business interests, financial information, trade secrets and any
66 | other information that could be used against the Oneida Tribe or those duly authorized to
67 | represent its interests.

68 | 4-3. *Amendment of Documents.* The following documents shall be amended as required in order
69 | to implement this Policy:

70 | a. Personnel Policies and Procedures for employees.

71 | 1. Prospective employees will be asked whether or not they have any conflicts of
72 | interest as defined in this Policy.

73 | 2. Current employees will be asked to disclose existing conflicts of interest, if
74 | any.

75 | b. Persons or entities contracting with the Oneida Tribe must include a provision reciting
76 | the prohibition against undisclosed conflicts of interest.

77 | c. All members of boards, committees and commissions shall be informed in writing by
78 | the Tribal Secretary of the existence of this Policy.

79 | 4-4. *Forms.* Forms shall be prepared upon which disclosures of conflicts which exist may be
80 | listed and returned to the Oneida Business Committee for action as indicated in this Policy. The
81 | Oneida Law Office shall be responsible for creating a standard form and any specialized forms
82 | required by this Policy.
83 |

84 | **Article V. Penalties for Non-Disclosure of a Conflict of Interest**

85 | 5-1. *Employees.* Employees found to be in violation of conflicts of interest shall be suspended
86 | without pay pending a complete investigation and terminated where evidence identifies that a
87 | undisclosed conflicts exists or existed. This investigation must be concluded within seven (7)
88 | days of the suspension, after which the terminated employee shall have the same rights of appeal
89 | as all other employees pursuant to procedures set forth in the Personnel Policies and Procedures.

90 | 5-2. *Boards, Committees and Commissions.* Members of boards, committees and commissions
91 | may be either removed pursuant to the Removal Law for elected officials or have their
92 | appointment terminated by the Oneida Business Committee pursuant to the law governing board,
93 | committees and commissions for appointed officials.

94 | 5-3. *Contracts.* Entities or persons who do not disclose conflicts may be subject to termination

95 | of their contracts.

96 |
97 | **Article VI. Prohibited activities resulting from a Conflict of Interest**

98 | **6-1. When a conflict of interest exists, no employee, officer or agent may participate in:**

99 | **a. the selection, award, or administration of a contract supported by a Federal award;**
100 | **and/or**

101 | **b. any other prohibited activities identified in any other law, policy or rule of the Oneida**
102 | **Nation.**

103 | **6-2. In the event arrangements are made to alleviate or mitigate the conflict of interest, it may**
104 | **become permissible for a party to participate under 6-1.b. at the discretion of the division**
105 | **director and to the extent permitted any applicable law, policy or rule, however, in all**
106 | **circumstances, such parties remain prohibited from participating under 6-1.a.**

107 |
108 | **Article VII. Exceptions**

109 | **67-1.** Exemptions to this Policy are for the purpose of excluding activities of the Oneida Tribe
110 | for which no conflict of interest can exist. These activities generally occur when the Oneida
111 | Tribe is acting as a provider of services for which another will be making payments or
112 | reimbursing costs of providing the services. Exemptions must be specifically identified within
113 | this Article.

114 | **67-2. Pharmacy.** This exemption shall be designed to relieve the Pharmacy and insurance
115 | providers from the requirements of the Conflict of Interest Policy while recognizing the unique
116 | relationship between the Pharmacy and insurance providers in third party payment agreements
117 | where no proprietary information of the Oneida Tribe is provided to the insurance providers, and
118 | there is little or no opportunity for a conflict of interest between the insurance providers and the
119 | Oneida Tribe. This exemption shall be designed to increase the attractiveness of the Pharmacy to
120 | subscribers of multiple insurance providers. This exemption shall apply solely to insurance
121 | providers seeking to enter into third party payment agreements with the Pharmacy.

122 |
123 | *End.*
124 |

125 |
126 | Adopted - BC-6-10-98-C

127 | Emergency Amendment - BC-4-12-06-JJ

128 | Amended - BC-9-27-06-E (adoption of emergency amendments)

129 | Amended – BC-8-10-16-M (adoption of emergency amendments)

Conflict of Interest Policy

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Article I. Purpose and Policy	
Article II. Adoption, Amendment, Repeal	
Article I. General	

6	Article V. Penalties
7	Article VI. Exceptions

Article I. Purpose and Policy

1-1. The Oneida Tribe desires that all employees, consultants, appointees, officials and all others who may have access to information or materials that are confidential or may be used by competitors of the Oneida Tribe-s enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Oneida Tribe.

1-2. The Oneida Tribe asserts its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Oneida Tribe in the course of an employee-s duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights.

1-3. The Oneida Tribe asserts that no persons who work for the Oneida Tribe or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the Oneida Tribe-s interests without full and complete prior disclosure to the Oneida Tribe.

Article II. Adoption, Amendment, Repeal

2-1. This Policy is adopted by the Oneida Business Committee by Resolution # BC-6-10-98-C.

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

2-3. Should a provision of this Policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policy which are considered to have legal force without the invalid portions.

2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this Policy are hereby superseded unless specifically re-enacted after adoption of this Policy. Specifically, the following resolutions are superseded by this Policy:

- a. Resolution # BC-9-28-90-A, and
- b. Resolution # BC-9-27-90-E.

Article III. Definitions

3-1. This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

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49 In addition, conflict of interest also means any financial or familial interest an elected official,
50 employee, consultant, or appointed or elected member of any board, committee or commission,
51 or their immediate relatives may have in any transaction between the Oneida Tribe and an outside
52 party.

53 3-3. AThird party agreement@ shall mean any agreement with the Pharmacy in which an insurance
54 provider agrees to reimburse the Pharmacy for drugs and supplies sold to subscribers of a valid
55 health plan of that insurance provider.

56

57 **Article I. General.**

58 4-1. *Purpose.* This Policy shall be interpreted to prevent the use of inside information by which
59 such use would be to the detriment of the Oneida Tribe.

60 4-2. *Scope.*

61 a. This Policy shall apply to employees, consultants, members of boards, committees and
62 commissions, officers of the Oneida Tribe or any other persons with whom they may be
63 associated in personal, marital, business, financial or other relationships.

64 b. Under the protection of this Policy are the resources of the Oneida Tribe, its
65 enterprises, programs, business interests, financial information, trade secrets and any
66 other information that could be used against the Oneida Tribe or those duly authorized to
67 represent its interests.

68 4-3. *Amendment of Documents.* The following documents shall be amended as required in order
69 to implement this Policy:

70 a. Personnel Policies and Procedures for employees.

71 1. Prospective employees will be asked whether or not they have any conflicts of
72 interest as defined in this Policy.

73 2. Current employees will be asked to disclose existing conflicts of interest, if
74 any.

75 b. Persons or entities contracting with the Oneida Tribe must include a provision reciting
76 the prohibition against undisclosed conflicts of interest.

77 c. All members of boards, committees and commissions shall be informed in writing by
78 the Tribal Secretary of the existence of this Policy.

79 4-4. *Forms.* Forms shall be prepared upon which disclosures of conflicts which exist may be
80 listed and returned to the Oneida Business Committee for action as indicated in this Policy. The
81 Oneida Law Office shall be responsible for creating a standard form and any specialized forms
82 required by this Policy.

83

84 **Article V. Penalties for Non-Disclosure of a Conflict of Interest**

85 5-1. *Employees.* Employees found to be in violation of conflicts of interest shall be suspended
86 without pay pending a complete investigation and terminated where evidence identifies that a
87 undisclosed conflicts exists or existed. This investigation must be concluded within seven (7)
88 days of the suspension, after which the terminated employee shall have the same rights of appeal
89 as all other employees pursuant to procedures set forth in the Personnel Policies and Procedures.

90 5-2. *Boards, Committees and Commissions.* Members of boards, committees and commissions
91 may be either removed pursuant to the Removal Law for elected officials or have their
92 appointment terminated by the Oneida Business Committee pursuant to the law governing board,
93 committees and commissions for appointed officials.

94 5-3. *Contracts.* Entities or persons who do not disclose conflicts may be subject to termination

95 of their contracts.

96

97 **Article VI. Prohibited activities resulting from a Conflict of Interest**

98 6-1. When a conflict of interest exists, no employee, officer or agent may participate in:

99 a. the selection, award, or administration of a contract supported by a Federal award;
100 and/orb. any other prohibited activities identified in any other law, policy or rule of the
101 Oneida Nation.

102 6-2. In the event arrangements are made to alleviate or mitigate the conflict of interest, it may
103 become permissible for a party to participate under 6-1.b. at the discretion of the division
104 director and to the extent permitted any applicable law, policy or rule, however, in all
105 circumstances, such parties remain prohibited from participating under 6-1.a.

106

107 **Article VII. Exceptions**

108 7-1. Exemptions to this Policy are for the purpose of excluding activities of the Oneida Tribe for
109 which no conflict of interest can exist. These activities generally occur when the Oneida Tribe is
110 acting as a provider of services for which another will be making payments or reimbursing costs
111 of providing the services. Exemptions must be specifically identified within this Article.

112 7-2. *Pharmacy.* This exemption shall be designed to relieve the Pharmacy and insurance
113 providers from the requirements of the Conflict of Interest Policy while recognizing the unique
114 relationship between the Pharmacy and insurance providers in third party payment agreements
115 where no proprietary information of the Oneida Tribe is provided to the insurance providers, and
116 there is little or no opportunity for a conflict of interest between the insurance providers and the
117 Oneida Tribe. This exemption shall be designed to increase the attractiveness of the Pharmacy to
118 subscribers of multiple insurance providers. This exemption shall apply solely to insurance
119 providers seeking to enter into third party payment agreements with the Pharmacy.

120

121 *End.*

122

123

124 Adopted - BC-6-10-98-C

125 Emergency Amendment - BC-4-12-06-JJ

126 Amended - BC-9-27-06-E (adoption of emergency amendments)

127 Amended – BC-8-10-16-M (adoption of emergency amendments)

128

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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 the Budget Management and Control law 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: February 8, 2017
 RE: Budget Management and Control Law

Please find the following attached backup documentation for your consideration of the Budget Management and Control law:

1. Resolution: Adoption of the Budget Management and Control Law
2. Statement of Effect: Budget Management and Control Law
3. Budget Management and Control Law Legislative Analysis
4. Budget Management and Control Law
5. Budget Management and Control Law Fiscal Impact Statement

Overview

This is a proposal to adopt a new law which would:

- Require a triennial (3 year) strategic planning with short and long term policy and budget goals at both the OBC and departmental level;
- Provide a budget contingency plan to respond to extreme financial distress to include cost savings tools and a business continuity fund;
- Require community input in the budget development process;
- Require the OBC to create a priority list of services provided by the Nation and use the list to distribute the budget. Also, requires fund units with like services to meet and formulate a plan to meet budgetary requirements for their service group;
- Include guidelines and implementation requirements for capital improvement plans for government services and enterprises;
- Provide guidelines for expending the Nation's funds in accordance with the adopted budget;
- Restrict budget transfers once budgets are adopted by the GTC;
- Provide reporting and auditing requirements;
- Codify sign-off authority and delegate rulemaking authority for developing fees and charges for services provided;
- Provide compliance and enforcement mechanisms for violations of this law; and
- Include timelines for draft budget completion prior to presentation to GTC for adoption.

In accordance with the Legislative Procedures Act, a public meeting on the proposed Budget Management and Control law was held on December 15, 2016.

Requested Action

Approve the Resolution: Adoption of the Budget Management and Control Law

BC Resolution _____*Adoption of the Budget Management and Control Law*

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- 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 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation;
7 and
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV,
9 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
10 Council; and
- 11 **WHEREAS,** the Nation does not have a set process for putting the Nation's annual budget
12 together in order to present for the General Tribal Council's consideration; and
- 13 **WHEREAS,** the Oneida Business Committee, based on the Treasurer and the Finance
14 Committee recommendation, directed that a budget management law be
15 developed that sets a standardized process for putting the annual proposed budget
16 together; and
- 17 **WHEREAS,** this Budget Management and Control law requires both the Oneida Business
18 Committee and the Nation's fund units to prepare triennial strategic budget plans;
19 and
- 20 **WHEREAS,** this Budget Management and Control law implements a budgeting process
21 focused on value based budgeting wherein budget increases and budget cuts are
22 allocated based on a priority list approved by the Oneida Business Committee;
23 and
- 24 **WHEREAS,** this Budget Management and Control law requires the Treasurer to schedule and
25 conduct community input meetings both prior to preparing the budget to gather
26 feedback and after preparing the budget to present information prior to the annual
27 General Tribal Council budget meeting; and
- 28 **WHEREAS,** this Budget Management and Control law delegates joint rulemaking authority to
29 the Community Development Planning Committee and the Development Division
30 to create capital improvement rules; and
- 31 **WHEREAS,** this Budget Management and Control law delegates rulemaking authority to the
32 Purchasing Department to create procurement manual rules; and
- 33 **WHEREAS,** a public meeting on the proposed law was held on December 15, 2016 in
34 accordance with the Legislative Procedures Act.

Resolution _____

Page 2

35 **NOW THEREFORE BE IT RESOLVED**, that any rules required to be developed pursuant
36 to the Budget Management and Control law shall be in effect no later than October 1, 2017.

37 **NOW THEREFORE BE IT FURTHER RESOLVED**, that the Budget Management and
38 Control law is hereby adopted and shall become effective for the next fiscal year, on October 1,
39 2017.



Statement of Effect

Resolution: Adoption of the Budget Management and Control Law

Summary

This resolution adopts a new Budget Management and Control law. This is a new law which will:

- Require a triennial (3 year) strategic planning with short and long term policy and budget goals at both the OBC and departmental level;
- Provide a budget contingency plan to respond to extreme financial distress to include cost savings tools and a business continuity fund;
- Require community input in the budget development process;
- Require the OBC to create a priority list of services provided by the Nation and use the list to distribute the budget. Also, requires fund units with like services to meet and formulate a plan to meet budgetary requirements for their service group;
- Include guidelines and implementation requirements for capital improvement plans for government services and enterprises;
- Provide guidelines for expending the Nation's funds in accordance with the adopted budget;
- Restrict budget transfers once budgets are adopted by the GTC;
- Provide reporting and auditing requirements;
- Codify sign-off authority and delegate rulemaking authority for developing fees and charges for services provided;
- Provide compliance and enforcement mechanisms for violations of this law; and
- Include timelines for draft budget completion prior to presentation to GTC for adoption.

Submitted by Krystal L. John, Staff Attorney

Analysis

This resolution adopts the Budget Management and Control law which includes the provisions summarized above. This law merely provides the process required to develop the budget for the purpose of presenting the annual budget to the General Tribal Council for its consideration and/or modification. For that reason, General Tribal Council directives related to budget expenditure are not superseded by this Law; the Law, in section 121.5-9 recognizes that the General Tribal Council has sole authority to adopt the Nation's annual budget.

Based on a review of existing Oneida Business Committee and General Tribal Council resolutions and consultation with the Finance Department, to the best of my knowledge there is only one (1) resolution that speaks to the budget development/amendment process, resolution BC-10-08-08-A. That resolution is titled *Adopting Expenditure Authorization and Reporting Requirements*. Section 121.2-4 of the Law specifically provides that nothing in the Budget

Management and Control law amends or repeals resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*, so the requirements contained in that resolution will apply in addition to the budgeting process requirements contained in this Law.

The Nation does not currently have any laws adopted that address the matter of budget development, so this Law does not conflict with any of the Nation's laws.

Conclusion

Adoption of this Resolution maintains the General Tribal Council's sole authority to approve and adopt the Nation's annual budget, implements budget process requirements in addition to those contained in resolution BC-10-08-08-A, and does not conflict with any of the Nation's laws.



5

Budget Management and Control Legislative Analysis

6

<i>Analysis by the Legislative Reference Office</i>					
Title	Budget Management and Control (law)				
Sponsor	Brandon Stevens	Drafter	Krystal L. John	Analyst	Maureen Perkins
Requester & Reason for Request	OBC – Finance Committee To formalize the process for the Oneida Business Committee and fund units in developing the annual budget for the Oneida Nation for presentation to the General Tribal Council for formal approval.				
Purpose	The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a three year strategy planning process for the Nation’s budget.				
Authorized/ Affected Entities	The Nation’s Treasurer, Chief Financial Officer, Gaming General Manager, Chief Legal Counsel, Chief Executive Manager/General Manager, Oneida Business Committee, managers, Internal Audit Department, Purchasing Department, Community Development Planning Committee, General Tribal Council, fund units				
Related Legislation	Resolution BC-10-08-08-A (<i>Adopting Expenditure Authorization and Reporting Requirements</i>), Audit Law, Conflict of Interest Policy, Code of Ethics, Removal law, Legislative Procedures Act, Oneida Nation Constitution, Accounting standards established by the Financial Accounting Standards Board and the Governmental Accounting Standards Board (GASB)				
Enforcement & Due Process	Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation’s laws, policies and rules, including but not limited to, those related to employment with the Nation, conflicts of interest, ethics and removal from an elected position [see 121.12-2]. Violations of applicable federal or state civil and/or criminal laws may be pursued in a court having jurisdiction over any such matter [see 121.12-3].				
Public Meeting Status	A public meeting was held December 15, 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.				

7

8

Overview

9 This law was requested by the Oneida Business Committee (OBC), specifically the
10 Finance Committee, to guide the process used to develop the Nation’s budget for presentation to
11 the General Tribal Council for formal approval and also to create a triennial strategy planning
12 process for the Nation’s budget. This budget process detailed in the law includes value based
13 budgeting strategies that consider the needs of the community in the budget development process
14 [see 121.1-2].

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- 15 ▪ Triennial (3 year) strategic planning at both the OBC and departmental level to include
- 16 short and long term policy and budget goals for the Nation *[see 121.4]*.
- 17 ▪ Budget contingency plan to respond to extreme financial distress to include cost savings
- 18 tools and a business continuity fund *[see 121.4-3]*.
- 19 ▪ Provides for community input into the budget development process *[121.5-2]*.
- 20 ▪ The OBC will create a priority list of services provided by the Nation that guide in the
- 21 development of the budget to ensure that budget cuts do not affect high priority areas the
- 22 same as low priority areas. Also requires funding units with like services to meet and
- 23 formulate a plan to meet budgetary guidelines *[see 121.5-4]*.
- 24 ▪ Includes guidelines for capital improvement plans for government services and
- 25 enterprises as well as implementation requirements *[see 121.6-2]*.
- 26 ▪ Provides guidelines for expending the Nation's funds in accordance with the adopted
- 27 budget *[see 121.8]*.
- 28 ▪ Restricts budget transfers once budgets are adopted by the GTC *[see 121.9-1]*. Budget
- 29 amendments are not permitted except by the OBC on an emergency basis *[see 121.9-2]*.
- 30 ▪ Provides reporting and auditing requirements *[see 121.10]*.
- 31 ▪ Codifies sign-off authority and creates guidelines for developing fees and charges for
- 32 services provided *[see 121.11]*.
- 33 ▪ Provides compliance and enforcement mechanisms for violations of this law *[see*
- 34 *121.12]*.
- 35 ▪ Includes timelines for draft budget completion prior to presentation to GTC for adoption.
- 36

Budget Process

37
38 The OBC and executive managers create a triennial (3 year) strategic plan for the Nation
39 which includes long and short term major policy and budgetary goals, specific strategies and
40 planned action to achieve each goal, and performance targets and indicators to track the progress
41 *[see 121.4-1(a) to (c)]*. Managers create a triennial strategic plan that aligns with the OBC
42 triennial plan which is submitted to the CFO yearly *[see 121.4-2(a) to (d)]*.

43 The CFO will be required to develop guidelines, which must be approved by the
44 Treasurer and the OBC, including specific deadlines, to be followed by department managers
45 that have budget responsibility in preparing and submitting proposed budgets *[see 121.5-4]*. At a
46 minimum the guidelines must include increase or decrease in cumulative budget for each service
47 group *[see 121.5-4]*.

48 A budget contingency plan is required to plan for periods of extreme financial distress
49 that includes cost savings tools and a business continuity fund which can only be used for
50 specific purposes *[see 121.4-3(a) to (b)]*.

51 Non-negotiable grant funds are exempt from the requirements of the budgetary
52 contingency fund and any cost containment initiatives *[see 121.4-3(c)]*.

53 The Treasurer will hold community input budget meetings to gather feedback on what
54 should be included in the next year's budget *[see 121.5-2]*. After reviewing the feedback
55 provided at the community budget input meetings, the OBC shall establish a priority list of
56 services to guide any budget cuts or increases *[see 121.5-3]*. Fund units offering like services
57 will be requested to meet and decide how to comply with budgetary guidelines and make any
58 necessary cuts to their respective proposed budgets which are guided by the priority list.

59 The draft budget is compiled by the CFO and presented to the OBC for review and
60 modification *[see 121.5-4(a) to (b)]*. The OBC will work with fund unit managers regarding any

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61 OBC proposed budget modifications. A final draft budget is then approved by the OBC by
62 resolution and presented at community meetings prior to being presented to GTC for adoption
63 *[see 121.5-6 to 121.5-9]*.
64

Capital Improvements

65
66 The OBC will create and GTC will approve capital improvement plans for government
67 services to cover 5-10 years and OBC will reassess the plan every 5 years and provide a status
68 report to GTC *[see 121.6-1]*. Capital improvement plans for enterprises may be brought forward
69 according to the capital improvement rules *[see 121.6-2]*. Unexpended capital improvement
70 funds carry over to the next fiscal year and are required to remain appropriated for the same
71 purpose as originally budgeted *[see 121.7-1]*. The CFO will be required to ensure that
72 unexpended capital expenditure funds are reallocated two budget years out according to the
73 OBC's budget priority list for that budget year *[see 121.7-2]*.
74

Budget Authority, Transfers, Amendments, and Reporting

- 75
76 • The Treasurer's authority to expend appropriated funds is delegated to the CFO who shall
77 expend funds according to the budget adopted by the GTC. Managers who manage budgets
78 are delegated authority to expend funds as budgeted by GTC *[see 121.8-1]*.
79 • Grant funds are required to be expended prior to the Nation's funds when there is overlap
80 unless there are restrictions on the grant funds *[see 121.8-2]*.
81 • The OBC is limited to oversight of the budget once it is approved by GTC except in
82 emergency situations. The Treasurer will present expenditure and other financial reports to
83 GTC. The CFO will ensure implementation of the budget as adopted by GTC *[see 121.8-3]*.
84 • Budget transfers are not allowed except as authorized by OBC in emergency situations or to
85 adjust the budget for actual grant funds received. Budget amendments are not allowed
86 except as authorized by OBC in emergency situations *[see 121.9]*.
87 • The CFO will provide copies of the Treasurer's monthly and quarterly operational reports to
88 the OBC according to the Secretary's schedule. Internal audit will perform annual audits and
89 OBC may contract with an independent audit firm as necessary *[see 121.10]*.
90

Administrative Rulemaking

91
92 The following fund units have been granted rulemaking authority to implement, interpret and/or
93 enforce this law:

- 94 • Capital Improvement Rules
95 ○ Shall be jointly created by the Community Development Planning Committee and
96 the Development Division *[see 121.6-2]*
97 ▪ Minimum requirements for the rules included in this law:
98 ▪ Shall include a provision that Oneida Business Committee shall
99 approve all capital improvement plans *[see 121.6-2]*.
100 ▪ Capital Improvement plans shall be implemented, contingent on
101 available funding capacity *[see 121.6-3]*.
102 ▪ Exception criteria for fund units regarding unexpended capital
103 expenditure funds *[see 121.7-1]*.
104 ▪ Unexpended capital improvement funds carry over to the next
105 fiscal year's budget, provided that such funds are required to

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106 remain appropriated for the same purpose as originally budgeted
107 *[see 121.7-1]*.

108 • Procurement Manual Rules

109 ○ Shall be developed by the Purchasing Department *[see 121.8-1]*

110 ■ Minimum requirements for the rules included in this law:

111 ■ Shall provide the sign-off process and authorities required to
112 expend funds on behalf of the Nation *[see 121.11-1]*.

113 ■ Executive managers job descriptions shall include delegated
114 authority to expend appropriated funds based upon the
115 procurement manual rules *[see 121.8-1]*.

116 • Fee Waivers Rules

117 ○ Programs and services charging fees may offer fee waivers, provided that the
118 program/service has developed rules outlining the fee waiver eligibility and
119 requirements *[see 121.11-2]*.

120 **Other**

121 • The Human Resources Department may be required to update job descriptions to reflect
122 authority delegated to expend funds based upon the procurement manual rules developed
123 by the Purchasing Department *[see 121.8-1]*.

124

125

126

Title 1. Government and Finances – Chapter 121
BUDGET MANAGEMENT AND CONTROL

Twahwistatye>n\$ha>

We have a certain amount of money

6	121.1.	Purpose and Policy	12	121.7.	Appropriation of the Nation’s Funds
7	121.2.	Adoption, Amendment, Repeal	13	121.8.	Budget Authority
8	121.3.	Definitions	14	121.9.	Budget Transfers; Amendments
9	121.4.	Strategic Planning	15	121.10.	Reporting
10	121.5.	Budget Process	16	121.11.	Authorizations and Signatures
11	121.6.	Capital Improvements	17	121.12.	Enforcement and Penalties
19			18		

121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation’s budget.

121.1-2. *Policy.* It is the policy of the Nation to rely on value-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution _____.

121.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. 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.

121.2-4. 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. Provided that, nothing in this law amends or repeals the requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements.*

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. 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) “Appropriation” means the legislative act of designating funds for a specific purpose in accordance with the provisions contained in this law.

(b) “Capital expenditure” means any non-recurring and non-physical improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000.00) or more and an estimated life of one (1) year or more; or

(2) Items purchased together where none of the items individually costs more than two thousand dollars (\$2,000.00), but the total purchase price for all of the items is ten thousand dollars (\$10,000.00) or more.

(c) “Capital improvement” means non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major

- 57 alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and
58 similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and an
59 estimated life of one (1) year or more.¹
- 60 (d) “CFO” means the Nation’s Chief Financial Officer.
- 61 (e) “Debt” means the secured or unsecured obligations owed by the Nation.
- 62 (f) “Economic life” means the length of time an asset is expected to be useful.
- 63 (g) “Executive manager” means any one of the following positions within the Nation:
64 Chief Executive Officer/General Manager, Gaming General Manager, Chief Legal
65 Counsel and/or Chief Financial Officer.
- 66 (h) “Expenditure report” means a financial report which includes, but is not limited to, a
67 statement of cash flows, revenues, costs and expenses, assets, liabilities and a statement
68 of financial position.
- 69 (i) “Fiscal year” means the one (1) year period each year from October 1st to September
70 30th.
- 71 (j) “Fund unit” means any board, committee, commission, service, program, enterprise,
72 department, office, or any other division or non-division of the Nation which receives an
73 appropriation approved by the Nation.
- 74 (k) “General reserve fund” means the Nation’s main operating fund which is used to
75 account for all financial resources not accounted for in other funds.
- 76 (l) “GTC allocations” means expenditures directed by the General Tribal Council as
77 required payments and/or benefits to the Nation’s membership and are supported by
78 either a General Tribal Council or Oneida Business Committee resolution.
- 79 (m) “Line item” means the specific account within a fund unit’s budget or category that
80 expenditures are charged to.
- 81 (n) “Manager” means the person in charge of directing, controlling and administering the
82 activities of a fund unit.
- 83 (o) “Nation” means the Oneida Nation.
- 84 (p) “Rule” means a set of requirements, including citation fees and penalty schedules,
85 enacted in accordance with the Administrative Rulemaking law based on authority
86 delegated in this law in order to implement, interpret and enforce this law.
- 87 (q) “Treasurer” means the elected Oneida Nation Treasurer or his or her designee.

89 **121.4. Strategic Planning**

90 121.4-1. *Triennial Strategic Plan.* Prior to December 1st of each year, the Oneida Business
91 Committee, in consultation with the Executive Managers, shall develop a triennial strategic plan
92 which includes, but is not limited to:

- 93 (a) Major policy and budgetary goals for the Nation, both long and short term;

¹ Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in the definition of “Capital Improvement.”

- 94 (b) Specific strategies and planned actions for achieving each goal; and
95 (c) Performance targets and indicators to track progress which, to the extent available,
96 includes, but is not limited to:
97 (1) Statistics and trending data for, at a minimum, the last three (3) complete
98 fiscal years; and
99 (2) Performance targets for, at a minimum, the next three (3) complete fiscal
100 years moving forward.
- 101 121.4-2. *Fund Units' Contributions to the Triennial Strategic Plan.* Managers shall annually
102 develop, submit and maintain a triennial strategic plan for the fund unit's operations which aligns
103 with the triennial strategic plan established by the Oneida Business Committee pursuant to
104 121.4-1. Managers shall submit the fund unit's triennial strategic plan to the CFO when the fund
105 unit's budget is due and, at a minimum, shall include the following in the plan:
106 (a) A statement of the fund unit's mission;
107 (b) Specific goals including a description of the fund unit's strategies as part of its service
108 group provided in 121.5-3(c) which aligns with the goals established in the Nation's
109 triennial strategic plan;
110 (c) Specific strategies for achieving each of the fund unit's goals; and
111 (d) Performance targets and indicators to track progress which, to the extent available,
112 includes, but is not limited to:
113 (1) Statistics and trending data for, at a minimum, the last three (3) complete
114 fiscal years; and
115 (2) Performance targets for, at a minimum, the next three (3) complete fiscal
116 years moving forward.
- 117 121.4-3. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO,
118 executive managers and managers to create a budget contingency plan which provides a strategy
119 for the Nation to respond to extreme financial distress that could negatively impact the Nation.
120 The Oneida Business Committee shall approve, by resolution, the budget contingency plan and
121 any amendments thereto. The Oneida Business Committee is responsible for the implementation
122 of the budget contingency plan, provided that such implementation is predicated on the Oneida
123 Business Committee's determination that the Nation is under extreme financial distress. For the
124 purposes of this section, extreme financial distress includes, but is not limited to, natural or
125 human-made disasters, United States Government shutdown, Tribal shutdown (which occurs
126 when the General Tribal Council has not approved a budget for the Nation prior to the beginning
127 of a new fiscal year) and economic downturns.
128 (a) *Cost Savings Tools.* As part of the budget contingency plan, the Oneida Business
129 Committee may require stabilization funds, reductions of expenditures, furloughs and
130 other cost saving tools provided that such tools are in compliance with the Nation's laws,
131 specifically the Nation's employment laws, rules and policies.
132 (b) *Business Continuity Fund.* The Oneida Business Committee shall maintain a
133 Permanent Executive Contingency account within the ownership investment report to be
134 used to prevent default on debt and to sustain operations during times of extreme
135 financial distress. The Treasurer, in consultation with the CFO, shall establish, and the
136 Oneida Business Committee shall approve, the level of business continuity funds required
137 in the Permanent Executive Contingency account. The Treasurer shall set aside business
138 continuity funds in the Permanent Executive Contingency account until the established
139 level has been achieved. Funds in the Permanent Executive Contingency may only be

140 used for the following purposes and only to the extent that alternative funding sources are
141 unavailable:

- 142 (1) Payments to notes payable to debt service, both principal and interest, and
143 applicable service fees;
- 144 (2) Employee payroll, including all applicable taxes;
- 145 (3) Payments to vendors for gaming and retail;
- 146 (4) Payments to vendors for governmental operations;
- 147 (5) Payments to any other debt; and
- 148 (6) To sustain any of the Nation's other operations during implementation of the
149 budget contingency plan.

150 (c) *Grant Funds*. Grant funds are exempt from requirements of the budget contingency
151 plan and any cost containment initiatives as such funding is not reliant on Tribal
152 contributions. Grant funds shall be spent according to any non-negotiable grant
153 requirements and guidelines of the granting agency to include purchases, travel, training,
154 hiring grant required positions and any other requirements attached to the funds as a
155 condition of the Nation's acceptance of the grant funds.

156

157 **121.5. Budget Process**

158 121.5-1. *General*. All revenues and expenditures of the Nation shall be in accordance with the
159 annual budget adopted by the General Tribal Council. In creating the budget to present to the
160 General Tribal Council for consideration, the Oneida Business Committee, executive managers
161 and managers shall follow the processes provided in this law. The Oneida Business Committee
162 may alter the deadlines provided in this law only upon a showing of good cause, provided that,
163 the Oneida Business Committee shall approve any such alterations by resolution.

164 121.5-2. *Community Input Budget Meeting(s)*. The Treasurer's office shall schedule, at a
165 minimum, one (1) community input budget meeting(s) prior to December 1st of each year. At the
166 community input budget meeting(s), the Treasurer shall afford community members an
167 opportunity to provide input as to what should be included in the upcoming fiscal year budget.
168 Any fund units that plan to request forecast variations for the upcoming budget shall present the
169 need and anticipated dollar amount of the requested forecast variation. For the purposes of this
170 section, a forecast variation is a fund unit's requested deviation from the performance targets the
171 fund unit submitted pursuant to 121.4-2(d)(2).

172 (a) The Treasurer shall ensure the community budget input meeting(s) are voice recorded
173 and transcribed.

174 (b) The CFO shall provide recommendations as to any forecast variations requested by
175 fund units.

176 (c) The CFO and any relevant managers shall provide responses and/or recommendations
177 to all comments and considerations presented by community members.

178 (d) The Treasurer shall work with the CFO to place a community budget input meeting
179 packet on the Oneida Business Committee agenda no later than the last Oneida Business
180 Committee Meeting in January. At a minimum, the packet is required to include:

- 181 (1) The community input budget meeting(s) transcript(s);
- 182 (2) Any applicable fund unit's requested forecast variations; and
- 183 (3) Responses and/or recommendations by the CFO and any relevant managers
184 regarding requests for forecast variations and community members' comments
185 and considerations related to forecast variations.

186 121.5-3. *Priority List Established by the Oneida Business Committee.* The Oneida Business
187 Committee shall review the community input budget meeting packet and shall hold work
188 meetings to create a priority list.

189 (a) The Oneida Business Committee shall establish the priority list by placing the
190 following services provided by the Nation in chronological order with the lowest number
191 having the highest priority. The order of the following service groups provided below
192 has no relation to the service groups' anticipated and/or required placement within the
193 Oneida Business Committee's priority list; the Oneida Business Committee's priority list
194 may vary from year to year based on the needs of the Nation.

- 195 (1) Protection and Preservation of Natural Resources
- 196 (2) Protection and Preservation of Oneida Culture and Language
- 197 (3) Education and Literacy
- 198 (4) Health Care
- 199 (5) Economic Enterprises
- 200 (6) Building and Property Maintenance
- 201 (7) Human Services
- 202 (8) Public Safety
- 203 (9) Housing
- 204 (10) Utilities, Wells, Wastewater and Septic
- 205 (11) Planning, Zoning and Development
- 206 (12) Membership Administration
- 207 (13) Government Administration

208 (b) The Oneida Business Committee shall approve the priority list by resolution no later
209 than the last meeting in February.

210 (c) The CFO shall maintain a list which places each fund unit into a corresponding
211 service group.

212 121.5-4. *Annual Proposed Budgets.* The CFO shall develop the necessary guidelines, including
213 specific deadlines, to be followed by the managers that have budget responsibility in preparing
214 and submitting proposed budgets. Upon review of the Nation's economic state, the CFO shall
215 include in the guidelines the exact amount that each service group's cumulative budget is
216 required to be increased/decreased in accordance with its placement on the priority list. The
217 CFO shall submit the guidelines, as approved by the Treasurer, to the Oneida Business
218 Committee for review in accordance with the deadline as set by the Oneida Business Committee.
219 The Oneida Business Committee may revise the guidelines as it deems necessary and shall
220 approve a set of budgetary guidelines within thirty (30) calendar days of the date the budgetary
221 guidelines proposed by the CFO were received.

222 (a) In accordance with the approved budgetary guidelines, fund units offering like
223 services shall meet together to review each fund unit's budget and discuss strategies for
224 attaining compliance with the approved budgetary guidelines. Each service group shall
225 submit one (1) draft budget which contains each fund unit's individual proposed budget
226 and demonstrates cumulative compliance with the approved budgetary guidelines.

227 (b) The CFO shall receive, review and compile the proposed budgets into the Nation's
228 draft budget which the CFO shall present to the Oneida Business Committee no later than
229 the last Oneida Business Committee meeting in May. The CFO may not alter any
230 proposed budgets until such budgets have been reviewed by the Oneida Business
231 Committee.

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- 232 (1) The CFO shall return any service group’s draft budget that is in non-
233 compliance with the approved budgetary guidelines within ten (10) business days
234 of the date the budget was submitted to the CFO.
- 235 (2) Upon return, the CFO shall notice the service group of the amount of its non-
236 compliance and provide the service group with a deadline for a compliant
237 resubmission.
- 238 (3) Any service group’s budget that remains in non-compliance upon the
239 expiration of the deadline provided by the CFO shall be included in the draft
240 budget submitted to the Oneida Business Committee noting the dollar amount of
241 the service group’s non-compliance. A service group’s continued non-
242 compliance may result in employee discipline according to the Nation’s laws,
243 rules and policies governing employment.
- 244 121.5-5. *Content of Budget.* The CFO shall present the Nation’s draft budget to the Oneida
245 Business Committee for review each year to ensure that it is consistent with the Nation’s
246 spending priorities and budget strategy. The Nation’s draft budget shall include, but is not
247 limited to:
- 248 (a) Estimated revenues to be received from all sources for the year which the budget
249 covers;
 - 250 (b) The individual budgets of each fund unit;
 - 251 (c) A description of each line item within each fund unit’s budget;
 - 252 (d) The estimated expenditures by each fund unit; and
 - 253 (e) Each fund unit’s strategic plan showing alignment with the Nation’s goals.
- 254 121.5-6. *Review of Draft Budget.* In the month of May, the CFO shall meet with the Oneida
255 Business Committee to review the draft budget and provide any recommendations for
256 modifications.
- 257 (a) Following the Oneida Business Committee’s review of the draft budget with the
258 CFO, the Oneida Business Committee shall schedule meetings with managers of each
259 fund unit for which the Oneida Business Committee is considering altering the fund
260 unit’s proposed budget.
 - 261 (b) The Oneida Business Committee shall complete all meetings with fund unit managers
262 required by this section by the end of June each year.
- 263 121.5-7. *Final Draft Budget.* The Oneida Business Committee shall work with fund unit
264 managers and the CFO to compile a final draft budget to be presented to the General Tribal
265 Council. The Oneida Business Committee shall approve, by resolution, the final draft budget to
266 be presented to the General Tribal Council by the end of July each year.
- 267 121.5-8. *Community Meetings.* Once the Oneida Business Committee has approved the final
268 draft budget, the Treasurer shall hold, at a minimum, two (2) community informational meetings
269 to present the contents of the final draft budget that will be presented to the General Tribal
270 Council.
- 271 121.5-9. *Budget Adoption.* The Oneida Business Committee shall present the budget to the
272 General Tribal Council with a request for adoption by resolution no later than September 30th of
273 each year. In the event that the General Tribal Council does not adopt a budget by September
274 30th, the Oneida Business Committee may adopt a continuing budget resolution(s) until such
275 time as a budget is adopted.
- 276

277 **121.6. Capital Improvements**

278 121.6-1. *Capital Improvement Plan for Government Services.* The Oneida Business Committee
279 shall develop and the General Tribal Council shall approve a capital improvement plan for
280 government services and shall reassess the plan once every five (5) years. The capital
281 improvement plan for government services shall cover a period of five (5) to ten (10) years and
282 shall include any risks and liabilities. The Oneida Business Committee shall provide a status
283 report and recommendation for any improvements that have not been completed or that have
284 been modified at the time of the reassessment.

285 121.6-2. *Capital Improvement Plan for Enterprises.* Capital improvement plans for enterprises
286 may be brought forward as needed in accordance with the capital improvement rules which the
287 Community Development Planning Committee and the Development Division shall jointly
288 create, provided that the rules shall include a provision that the Oneida Business Committee shall
289 approve all capital improvement plans.

290 121.6-3. *Capital Improvement Plan Implementation.* Capital Improvement plans shall be
291 implemented, contingent on available funding capacity, using the capital improvement rules.

292

293 **121.7. Appropriation of the Nation's Funds**

294 121.7-1. *Unexpended Capital Improvement Funds.* Unless the fund unit qualifies for an
295 exception as provided in the capital improvement rules, unexpended capital improvement funds
296 carry over to the next fiscal year's budget, provided that such funds are required to remain
297 appropriated for the same purpose as originally budgeted until the project is complete. Once a
298 capital improvement project is complete, any remaining unexpended funds shall be returned to
299 the general fund to be re-allocated in accordance with the Oneida Business Committee's priority
300 list under 121.5-3 using the regular budget process under 121.5.

301 121.7-2. *Unexpended Capital Expenditure Funds.* The CFO shall ensure that all unexpended
302 capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the
303 fiscal year in which the funds were unexpended. Such unexpended funds shall be re-allocated in
304 accordance with the Oneida Business Committee's priority list under 121.5-3 using the regular
305 budget process under 121.5.

306

307 **121.8. Budget Authority**

308 121.8-1. *Authority to Expend Funds.* The Treasurer's authority to expend appropriated funds is
309 delegated to the CFO, who shall make such expenditures in accordance with the adopted budget.
310 This authority is necessarily delegated to other managers, including executive managers, of the
311 Nation who manage the budgets, pursuant to their job descriptions based on the procurement
312 manual rules developed by the Purchasing Department.

313 121.8-2. *Exhaustion of Non-Tribal Funds.* When grant funds provide for forward funding as
314 applicable to a function for which the Nation's funds have also been appropriated, those grant
315 funds shall be used before appropriating the Nation's funds unless the Nation's funds are needed
316 to make up an otherwise shortfall in the overall fund unit budget or there is a restriction on the
317 grant funds that provide otherwise.

318 121.8-3. In addition to the authority and responsibilities provided elsewhere in this law, the
319 following positions and fund units shall have the authority and responsibilities as outlined below:

320 (a) *Oneida Business Committee.* Once the Nation's annual budget is adopted by the
321 General Tribal Council, the authority of the Oneida Business Committee is limited to
322 budget oversight except as otherwise provided in this law. However, these limitations do

323 not prevent the Oneida Business Committee, with input from the CFO, from taking
324 necessary action, on an emergency basis and within the scope of its authority, to protect
325 and safeguard the resources and general welfare of the Nation and ensure compliance
326 with applicable laws, regulations and requirements. The OBC shall ensure that the CFO
327 performs the duties and responsibilities as assigned under this law.

328 (b) *Treasurer*. In addition to the Treasurer's Constitutional responsibilities, the Nation's
329 Treasurer shall:

330 (1) Submit expenditure reports and other financial reports as deemed necessary by
331 the Oneida Business Committee and/or the General Tribal Council at:

332 (A) The annual General Tribal Council meeting;

333 (B) The semi-annual General Tribal Council meeting; and

334 (C) Other such times as may be directed by the Oneida Business
335 Committee and/or the General Tribal Council.

336 (2) Present the proposed draft budget to the General Tribal Council at the annual
337 budget meeting as required by section 121.5-9.

338 (c) *Chief Financial Officer*. Once the Nation's budget is properly adopted, the CFO shall
339 ensure that it is properly implemented. The CFO shall:

340 (1) Provide managers with monthly revenue and expense reports in order for the
341 managers to track their expenditures;

342 (2) Submit, to the Oneida Business Committee, a written report of any monthly
343 variances that are either a difference of three percent (3%) or more from the
344 adopted annual budget or \$50,000 or more in total; and

345 (3) Conduct financial condition meetings with the Nation's management on a
346 quarterly basis.

347 (d) *Managers*. Managers of each business unit shall:

348 (1) Ensure that their business units operate, on a day-to-day basis, in compliance
349 with the budget adopted pursuant this law;

350 (2) Report to the CFO explanations and corrective actions for any monthly
351 variance that are either a difference of three percent (3%) or more from the
352 adopted annual budget or \$50,000 or more in total; and

353 (3) Submit budget review reports to the CFO on a reasonable and timely basis not
354 to exceed thirty (30) calendar days from the end of the month.

355

356 **121.9. Budget Transfers; Amendments**

357 121.9-1. *Budget Transfers*. After the budget is adopted, transfer of funds within the budget is
358 not permitted except as provided in section 121.8-3(a) and to allow the CFO to adjust the
359 approved budget as required to accurately reflect the amount of grant funding actually received.

360 121.9-2. *Budget Amendments*. After the budget is adopted, amendments of the budget are not
361 permitted except as provided in section 121.8-3(a).

362

363 **121.10. Reporting**

364 121.10-1. *Monthly Reporting*. The CFO shall provide copies of the monthly Treasurer's reports
365 and quarterly operational reports from direct reports to the Oneida Business Committee in
366 accordance with Secretary's Oneida Business Committee packet schedule for the Oneida
367 Business Committee Meeting held for the acceptance of such reports.

368 121.10-2. *Audits.* The Internal Audit Department, annually, shall conduct independent
369 comprehensive performance audits, in accordance with the Audit Law, the Financial Accounting
370 Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of
371 randomly selected fund units or of fund units deemed necessary by the Oneida Business
372 Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to
373 the Internal Audit Department. The Oneida Business Committee may, as it deems necessary,
374 contract with an independent audit firm to conduct such audits.
375

376 **121.11. Authorizations and Signatures**

377 121.11-1. *General.* The procurement manual rules developed by the Purchasing Department
378 shall provide the sign-off process and authorities required to expend funds on behalf of the
379 Nation.

380 121.11-2. *Fees and Charges.* Managers of programs and services requiring Tribal contribution
381 that desire to charge fees for their services shall determine the full cost of providing the program
382 and/or service and, only then, may charge fees to cover operational costs. The full cost of
383 providing a program and/or service includes all costs including operation costs, overhead such as
384 direct and indirect costs, and depreciation. Fees and charges may cover the full cost of service
385 and/or goods whenever such fee or charge would not present an undue financial burden to
386 recipient. Programs and services charging fees may offer fee waivers, provided that the
387 program/service has developed rules outlining the fee waiver eligibility and requirements.
388

389 **121.12. Enforcement**

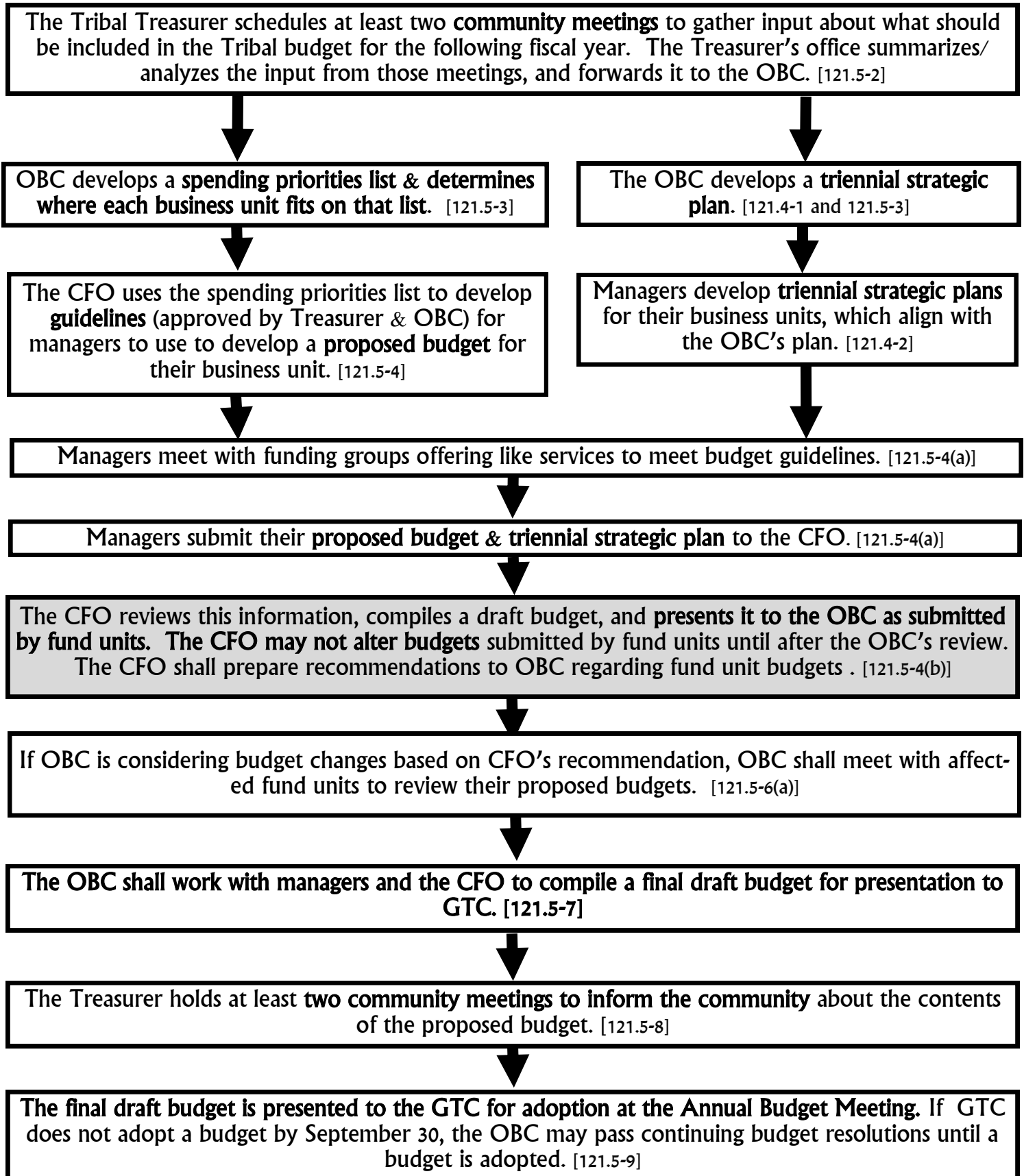
390 121.12-1. *Compliance and Enforcement.* All employees and officials of the Nation shall comply
391 with and enforce this law to the greatest extent possible.

392 121.12-2. *Violations.* Violations of this law shall be addressed using the applicable enforcement
393 tools provided by the Nation's laws, policies and rules, including but not limited to, those related
394 to employment with the Nation, conflicts of interest, ethics and removal from an elected position.

395 121.12-3. *Civil and/or Criminal Charges.* This law shall not be construed to preclude the Nation
396 from pursuing civil and/or criminal charges under applicable law. Violations of applicable
397 federal or state civil and/or criminal laws may be pursued in a court having jurisdiction over any
398 such matter.
399

400
401 *End.*
402

The Annual Budget Process in the Budget Management and Control Law



MEMORANDUM

DATE: January 25, 2017
FROM: Rae Skenandore, Project Manager
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Fiscal Impact of the Budget Management and Control Law**

I. Background

This is a new Law requested by the Oneida Business Committee to formalize the process for developing the budget. A public meeting was held December 15, 2016. This analysis was completed on Draft 13 of the Law. The budget process contained in the new Law includes the following:

- Strategic Planning
 - Triennial (3 year) strategic planning process to include:
 - long and short term policy and budget goals;
 - strategies and actions to achieve each goal;
 - performance targets and indicators.
- Contingency Planning
 - The Oneida Business Committee, Chief Financial Officer, and managers will develop a budget contingency plan to respond to extreme financial distress. The plan is to include cost savings tools to reduce expenditures and implement furloughs. The permanent executive contingency account funding shall be set by the Treasurer and the Chief Financial Officer and approved by the Oneida Business Committee. It is to be utilized to prevent credit default and sustain operations in the event of extreme financial distress.
- Budget Process
 - The Treasurer shall afford community members an opportunity to provide input on items to include in the upcoming budget prior to December 1st.
 - All comments are to be documented and responded to by the Chief Financial Officer or the relevant manager.

- The Oneida Business Committee will create a priority list of services provided.
- The Chief Financial Officer will create guidelines for budget cuts in accordance with the priority list.
 - Like services to meet and formulate a plan to meet budgetary guidelines.
 - The Chief Financial Officer will receive, review, and compile unaltered draft budgets to present to the Oneida Business Committee.
 - Non-compliant service groups must become compliant with the budget guidelines or be subject to employee discipline.
- The Chief Financial Officer shall include the following in the presentation of the Nation's draft budget to the Oneida Business Committee.
 - Estimated revenues
 - Fund unit budgets
 - Line item descriptions
 - Estimated expenditures
 - Strategic plan (Financial)
- The process for review and modifications consists of the following;
 - Chief Financial Officer to present to the Oneida Business Committee
 - Oneida Business Committee to meet with Managers
 - Final draft compiled by Chief Financial Officer for Oneida Business Committee approval
 - Oneida Business Committee to community, minimum of two meetings
 - Oneida Business Committee to General Tribal Council for approval
 - Provides guidelines for expending the Nation's funds in accordance with the adopted budget
- **Budget Appropriations, Responsibility, Authority, Transfers, and Reporting**
 - The Oneida Business Committee shall:
 - The Oneida Business Committee will develop a plan for capital improvements (CIP) for Governmental Services and reassess every 5 years.
 - Have oversight authority and responsibility and is limited to act except on an emergency basis;
 - Ensure the Chief Financial Officer performs responsibilities as assigned under Law;
 - Contract with an independent Audit firm as deems necessary.
 - The Treasurer shall:
 - Delegate budget authority to the Chief Financial Officer;

- Submit expenditure/financial reports to Oneida Business Committee and/or General Tribal Council for annual/semi-annual meeting or as directed;
- Present budget to General Tribal Council.
- Community Development Planning Committee and the Development Division shall:
 - Develop Capital Improvement Project Rules. Unless exempt from the rules, unused Capital Improvement Project funds will carry over from year to year.
 - Improvements are contingent on available funding capacity.
- The Chief Financial Officer shall:
 - Provide managers with monthly revenue and expense reports in order for the managers to track their expenditures;
 - Submit monthly Treasurers reports, quarterly operational reports and monthly variances reports of three percent (3%) or \$50,000 or more in total in compliance with the Tribal Secretary's schedule;
 - Conduct financial condition meetings with the Nation's management on a quarterly basis.
 - Ensure unexpended Capital Improvement Project funds will be returned to the general fund to be reallocated in accordance with the Oneida Business Committee priority list.
- The Purchasing Department shall:
 - Develop procurement manual rules.
- Internal Audit shall:
 - Conduct independent comprehensive performance audits.
- Managers shall;
 - Bring forth enterprise capital improvement plans as needed.
 - Ensure budget compliance.
 - Report monthly variances to the Chief Financial Officer.
 - Submit monthly budget reports within 30 days.
 - Restrict budget transfers.
 - Ensure non-Tribal funds are to be expended prior to Tribal funds when appropriate.
 - Determine the full cost of providing the program and/or service and, may charge fees to cover operational costs. Fees and charges cannot present an undue financial burden to recipients and may be waived provided that the program/service has developed rules outlining the fee waiver eligibility and requirements.
- Employees and elected officials shall:
 - Comply and enforce the Law to the greatest extent possible;

- Violations shall be addressed using the Employment Law, and/or the Conflict of Interest and/or, Code of Ethics and/or the Removal Law and/or criminal or civil Laws.

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 new Law provides a general budget process and the associated roles and responsibilities. This is a process change, therefore, it is assumed that existing internal resources will be utilized to implement the Law and there will be no additional expenditures. According to the Oneida Law Office, the new Law will go into effect October, 1, 2017 for the Fiscal Year 2019 budget. Therefore, those areas delegated rulemaking authority will need to have their rules approved prior to the effective date of 10-1-17.

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: 2 / 8 / 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 the Eviction and Termination Rules Extension Resolution for adoption

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="SOE"/>	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.

BC Resolution _____*Eviction and Termination Rules Extension*

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

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

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

WHEREAS, the Oneida Business Committee adopted the Eviction and Termination law (Law) pursuant to resolution BC-10-12-16-A with an effective date of 120 days from the date of adoption, February 9, 2017; and

WHEREAS, the Law delegates joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules related to disposition of personal property regarding to residential contract terminations and to the Land Commission and the Division of Land Management to create rules related to disposition of personal property regarding agriculture and business contract terminations, and

WHEREAS, the Law's adopting resolution required that such rules related to disposition of personal property be created and adopted no later than the law's effective date; and

WHEREAS, the rules related to disposition of personal property when contracts are terminated will not be ready in time for the February 9, 2017 effective date of the Law; and

WHEREAS, the Law, in section 709.6-1(b)(1), does provide a minimum requirement that requires any property left behind to be held for a minimum of five (5) business days; and

WHEREAS, the required rules would solely govern what is done with personal property left behind in a unit after the five (5) business day period for claiming personal property has expired; and

NOW THEREFORE BE IT RESOLVED, the parties responsible for developing and adopting rules governing the disposition of personal property related to terminated contracts are hereby granted a 90-day extension to create and make effective such rules.

Resolution _____

Page 2

34 **NOW THEREFORE BE IT FURTHER RESOLVED**, that personal property left behind in
35 rental units shall be held by the Nation and may not be disposed of until the required rules
36 governing disposition of personal property are duly adopted.

37 **NOW THEREFORE BE IT FINALLY RESOLVED**, the 90-day extension does not impact
38 the effective date of Eviction and Termination law.

39



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

Eviction and Termination Rules Extension Resolution

Summary

This Resolution grants the parties responsible for developing and adopting rules governing the disposition of personal property related to terminated contracts a 90-day extension to create and make effective such rules. The Resolution also specifies that personal property left behind in unit for which the contract was terminated must be held until the rules governing disposition of personal property are duly adopted.

Submitted by: Krystal L. John, Staff Attorney, Oneida Law Office

Analysis

On October 12, 2016, the Oneida Business Committee (OBC) adopted a new law entitled Eviction and Termination (Law) pursuant to BC resolution 10-12-16-A. The resolution identified an effective date of February 9, 2017 and directed that any rules required to be created to support the Law be adopted in accordance with the Administrative Rulemaking law no later than the effective date of the Law.

The Law grants joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules governing disposition of personal property as related to termination of a residential contract and to the Land Commission and the Division of Land Management as related to termination of an agricultural or business contract. [See *Eviction and Termination 709.6-1*]. These rules will not be completed by the effective date of the Law, February 9, 2017. In order to comply with the process set forth in the Administrative Rulemaking law, the Land Commission, the Comprehensive Housing Division, as defined for the Eviction and Termination law in resolution BC-10-12-16-B, and the Division of Land Management are requesting more time to develop rules governing disposition of personal property as related to terminated contracts.

The Law is able to become effective on February 9, 2017 without a disruption in service due to the lack of rules as the Law already provides the minimum requirement that personal property be held for five (5) business days following a termination and eviction. This is the period the occupant has to claim such property. The rules come into play when the period for claiming property expires and shall govern what is done with unclaimed property. The resolution provides that until such rules are developed the Nation, as the owner, shall hold all property with disposition prohibited until the rules are duly adopted.

Conclusion

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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 the Landlord-Tenant Rules Extension Resolution 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:

On February 1, 2017, the LOC did not certify the Oneida Housing Authority's "Landlord-Tenant Rule #2" because it did not comply with the Administrative Rulemaking Law.

Instead, the LOC passed a motion to;

"Defer to the LOC's Chair's Office, to write a memo to the Oneida Housing Authority, identifying how the Landlord-Tenant Rule #2 does not comply with the Administrative Rulemaking Law."

A memo from the LOC Chair (attached) was sent to the OHA's Executive Director, indicating that the proposed rule conflicts with BC Resolution 12-23-09-A, and made three recommendations that the OHA could consider.

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
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
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TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: February 8, 2017
RE: Certification of Landlord-Tenant Law Rule No. 2

BACKGROUND

On February 1, 2017, the Legislative Operating Committee (LOC) was not able to certify that the Oneida Housing Authority (OHA) had complied with the Administrative Rulemaking law in the promulgation of the Landlord-Tenant law Rule No. 2 – Income Based Rental Program Eligibility, Selection and Other Requirements (the “Rule”).

CONFLICT

The LOC was not able to certify the Rule due to a conflict between the Rule and an existing Oneida Business Committee resolution, BC-12-23-09-A.

The Administrative Rulemaking law (Section 17.4-1) states, “Authorized Agencies may promulgate Rules interpreting the provisions of any law enforced or administered by it; provided that, a Rule may not exceed the Rulemaking authority granted under the law for which the Rule is being promulgated.”

The Landlord-Tenant law (Section 710.4-1) grants OHA rulemaking authority to establish rules naming income-based rental programs and providing the specific requirements and regulations that apply to that program.

The Rule (Section 2.4-4 and 2.4-5) conflicts with the Oneida Business Committee Resolution 12-23-09-A titled, “Oneida Housing Authority Admissions and Occupancy Policy” (“the Policy”). This Policy does not allow OHA to consider debt owed to outside entities, or debt related evictions from a non-OHA entity when determining housing eligibility.

The Rule allows for the consideration of debt owed to outside entities when determining eligibility and does not allow OHA to consider applicants with any outstanding debt owed to a utility provider, or to any landlord for any previous housing. The Rule also allows OHA to consider evictions from the Comprehensive Housing Division, which includes the Division of Land Management and Elder Services in addition to OHA.

OHA, through the rulemaking authority granted by the Landlord-Tenant law under the Administrative Rulemaking law, does not have the authority to supersede or repeal an existing Oneida Business Committee resolution through the promulgation of this Rule.

OHA has been aware of the conflict throughout the rulemaking process. OHA has been planning to request that the Oneida Business Committee repeal the resolution at the same meeting that they reviewed their Rule. OHA scheduled a meeting with the Oneida Business Committee to discuss the issue, but that meeting was cancelled due to inclement weather. OHA's current operations have been compliant with BC Resolution 12-23-09-A.

RECOMMENDATIONS

The LOC has determined that the conflict must be resolved before the rule may be certified and recommends that one of the following actions take place before OHA brings the Rule back to the LOC for certification:

1. OHA revises the rule by amending or deleting the conflicting language which states applicants for a rental agreement may not have any outstanding balance owed to a utility provider or for any previous housing, and that evictions by the Comprehensive Housing Division can be considered; or
2. OHA requests the Oneida Business Committee to consider amending BC Resolution 12-23-09-A to allow OHA to consider an applicant's outstanding balance owed to a utility provider or any previous housing when determining whether to enter into a rental agreement, and to consider prior evictions by all parties of the Comprehensive Housing Division, not just OHA; or
3. OHA requests the Oneida Business Committee to consider repealing BC Resolution 12-23-09-A.

Once OHA addresses the conflict between Landlord-Tenant law Rule No. 2 and the Oneida Business Committee resolution 12-23-09-A, the LOC will consider the certification of Landlord-Tenant law Rule No. 2.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution BC-12-23-09-A

Oneida Housing Authority Admissions and Occupancy Policy

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** under Resolution BC-6-30-08-A, the Oneida Housing Ordinance was repealed and the Oneida Housing Authority (OHA) was directed to be placed as a program of the Tribe; and
- WHEREAS,** Resolution BC-6-30-08-B, repealed the designation of the OHA as the Tribally Designated Housing Entity (TDHE) and designated the Tribe as the TDHE and the recipient of the NAHASDA block grant; and
- WHEREAS,** based on these actions, the Oneida Business Committee is ultimately responsible for the administration of the housing programs; and
- WHEREAS,** the policies that were in effect before OHA became a program of the Tribe were carried over with the newly formed OHA program; and
- WHEREAS,** the Oneida Housing Authority Admissions and Occupancy Policy (Policy) contains social eligibility criteria that is used to determine whether an applicant or a current occupant is qualified to participate in an OHA housing program; and
- WHEREAS,** it is important that admission standards be interpreted in such a way that personal responsibility is balanced with the need to provide housing to Tribal members; and
- WHEREAS,** debt owed to entities outside of the OHA should not affect eligibility for OHA housing programs because Tribal members need a place to live; and

WHEREAS, the Policy should be interpreted to ease the social eligibility criteria to allow more Tribal members to qualify for the benefits offered through the OHA programs.

NOW THEREFORE BE IT RESOLVED that effective immediately, failure to pay previous debt shall not be used to disqualify an applicant or occupant from participating in an Oneida Housing Authority (OHA) housing program where that debt is not owed to OHA.

NOW THEREFORE BE IT FURTHER RESOLVED that effective immediately, previous debt related evictions from a non Oneida Housing Authority (OHA) entity shall not be used to disqualify an applicant from participating in an OHA housing program.

BE IT FINALLY RESOLVED that the General Manager shall work with the Oneida Housing Authority (OHA) to ensure that OHA shall not disqualify an applicant or occupant from participating in an OHA housing program for failure to pay previous debt where that debt is not owed to OHA.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 7 members were present at a meeting duly called, noticed and held on the 23rd day of December 2009; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against; and 1 member not voting; and that said resolution has not been rescinded or amended in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

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



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

Landlord-Tenant Rule No. 2 – Income Based 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 income-based rental programs.

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 BC-10-12-16-D provides that for purposes of this law, the Comprehensive Housing Division means the Oneida Housing Authority for income-based rental agreements.

Section 710.4-2 of the Landlord-Tenant Law requires 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. This joint delegation of rulemaking authority excludes the Land Commission from having joint authority where the rules relate solely to premises administered pursuant to federal funding. Accordingly, the Comprehensive Housing Division has sole rulemaking authority for these rules

Landlord-Tenant Law Rule No. 2 provides additional eligibility requirements, selection procedures, and general requirements that govern the Comprehensive Housing Division's income-based rental programs. The mission of the Nation's income-based housing program is to develop, maintain, and operate affordable housing in safe, sanitary and healthy environments within the reservation.

Section 2.4 of Landlord-Tenant Law Rule No. 2 provides eligibility requirements for participation in the Nation's income-based rental programs. Eligibility requirements include the requirement of tribal member status, maximum and minimum income requirements, and requirements involving outstanding debts, evictions, and criminal convictions.

Section 2.4-4 of the Landlord-Tenant Law Rule No. 2 conflicts with Oneida Business Committee Resolution BC-12-23-09-A, the Oneida Housing Authority Admissions and Occupancy Policy (the "Policy"). This resolution contains social eligibility criteria for Oneida Housing Authority housing programs. One criteria used in the Policy is that debt owed to entities outside of the Oneida Housing Authority is not considered when determining eligibility for Oneida Housing Authority housing. Section 2.4-4 of the Landlord-Tenant Law Rule No. 2 conflicts with the Policy because the rule requires that applicants for a rental agreement may not have any outstanding balance owed to a utility provider, for any previous housing and/or the Comprehensive Housing Division.

Section 2.5 of Landlord-Tenant Law Rule No. 2 describes the application process and requirements, as well as the process for notification of eligibility and ineligibility, and required application updates for those applicants placed on the waitlist.

Section 2.6 of Landlord-Tenant Law Rule No. 2 provides what factors are considered in the tenant selection process for income-based housing, as well as the process for providing notice to tenants for either accepting or rejecting a rental premise.

Section 2.7 of Landlord-Tenant Law Rule No. 2 discusses Comprehensive Housing Division's required rental unit catalog and how it should be categorized, and the process in which rent and security deposits for income-based housing applicants is determined.

Section 2.8 of Landlord-Tenant Law Rule No. 2 provides for the scheduling of annual inspections and what checklist should be used in the inspection, as well as the process for rental agreement renewal.

Section 2.9 of the Landlord-Tenant Law Rule No. 2 discusses rental agreement cancellations, and provides for a required two week notice for cancellation and a process for prorating rent when a renting agreement is canceled.

Conclusion

A conflict exists between this Rule and Oneida Business Committee Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy.

Section 17.4-1(b) of the Administrative Rulemaking Law states that rules developed pursuant to this Law have the same force and effect as the law which delegated the authorized agency rulemaking authority and must be followed by both the general public and the authorized agency promulgating the rule. Section 2.2-4 of the Landlord-Tenant Law Rule No. further states that 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. Section 2.2-5 of the Landlord-Tenant Law Rule No. 2 then states that this rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

Although these provisions may be interpreted to allow Section 2.4-4 of the Landlord-Tenant Law Rule No. 2 to supersede the conflicting Oneida Business Committee Resolution BC-12-23-09-A,

for the sake of clarity and consistency in moving forward towards adoption, it is recommended that either the rule is amended or the resolution is amended or repealed to eliminate the conflict.

BC Resolution _____
Landlord-Tenant Rules Extension

- WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS**, the Oneida Business Committee adopted the Landlord-Tenant law (Law) pursuant to resolution BC-10-12-16-C and thereafter adopted an emergency amendment pursuant to BC Resolution 01-25-17-C which revised the definition of “rental agreement” to include language that rent-to-own contracts may be longer than one (1) year pursuant to; and
- WHEREAS**, the Law as originally adopted and the emergency amendment to the Law both become effective on February 9, 2017; and
- WHEREAS**, the Law delegates joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules naming each rental program and the specific requirements related to each, and
- WHEREAS**, the Law provides that all rentals shall be in accordance with the respective program rules and that, at a minimum, rental programs are required to be developed, by rule, that function to serve (1) the general population; (2) the low-income population; and (3) the elder population; and
- WHEREAS**, the Oneida Housing Authority’s rent-to-own program rule and Oneida Elder Services’ elder rental program rule will not be ready in time for the February 9, 2017 effective date of the Law; and
- WHEREAS**, currently there is no rent-to-own inventory available; therefore, the Oneida Housing Authority focused first on the Landlord-Tenant law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements; and
- WHEREAS**, given that there is no current rent-to-own inventory available, the Oneida Housing Authority determined that it would be best to assess the homeownership program for the purpose improving the program and making any necessary policy revisions rather than adopt a rule based on current practice; and

Resolution _____
Page 2

WHEREAS, the Oneida Housing Authority presented the Landlord-Tenant law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements to the Legislative Operating Committee for procedural compliance on February 1, 2017, which was denied because the rule conflicted with an outstanding Oneida Business Committee Resolution for which the Oneida Housing Authority was requesting an repeal; and

WHEREAS, the next opportunity for Legislative Operating Committee certification of the Landlord-Tenant law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements is February 15, 2017, after the February 9, 2017 effective date of the law; and

WHEREAS, the Oneida Housing Authority needs additional time to develop and make effective the income based rental program rule and the rent-to-own program rule in accordance with the process set forth in the Administrative Rulemaking law; and

WHEREAS, the Oneida Elder Services program has recently experienced a significant change in management which has made finalization of the rule and implementation of the rulemaking process difficult; and

WHEREAS, the Oneida Elder Services program has a public meeting for the Landlord-Tenant law Rental Rule 3: Elder Rental Program Eligibility, Selection and Other Requirements scheduled for February 16, 2017; and

WHEREAS, the Oneida Elder Services program needs additional time to develop the elder rental program rule in accordance with the process set forth in the Administrative Rulemaking law; and

NOW THEREFORE BE IT RESOLVED, the Oneida Housing Authority and Oneida Elder Services are hereby each granted a 60-day extension to create and make effective the rules governing the income based rental program, the rent-to-own program and the elder rental program.

NOW THEREFORE BE IT FURTHER RESOLVED, the income based rental program, the homeownership program and the elder rental program shall continue to operate under the current standard operating procedures until the respective rules are effective.

NOW THEREFORE BE IT FURTHER RESOLVED, that any agreements entered by the Oneida Housing Authority's income based rental program and the rent-to-own program and the Oneida Elder Services elder rental program during the interim period shall be temporary and that permanent agreements shall be entered immediately after the respective rules are effective.

NOW THEREFORE BE IT FINALLY RESOLVED, the 60-day extension does not impact the effective date of Landlord-Tenant law.



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



Statement of Effect

Landlord-Tenant Rules Extension Resolution

Summary

This Resolution grants the Oneida Housing Authority (OHA) and Oneida Elder Services (Elder Services) a 60-day extension to create and make effective the rules governing the rent-to-own program and the elder rental program. The Resolution also specifies that the homeownership program and elder rental program will continue to operate under the current standard operating procedures until the rules become effective. Agreements entered by the rent-to-own program or elder rental program during the extension period will be temporary and permanent agreements will be made after the rules become effective.

Submitted by: Krystal L. John, Attorney, Oneida Law Office

Analysis

On October 12, 2016, the Oneida Business Committee (OBC) adopted a new law entitled Landlord-Tenant (Law) pursuant to BC Resolution 10-12-16-C. On January 25, 2017, an emergency amendment to the Law was adopted in accordance with BC Resolution 01-25-17-C which revised the definition of “rental agreement” to include language that rent-to-own contracts can be longer than one year. Both BC Resolutions 10-12-16-C and 01-25-17-C identify an effective date of February 9, 2017.

The Law grants joint rulemaking authority to the Land Commission and the Comprehensive Housing Division and requires these entities to, among other things; develop rental programs by rule to serve 1) the general population, 2) the low-income population and 3) the elder population [*See Landlord-Tenant 710.4-1*]. Because there is no rent-to-own inventory currently available, the OHA focused on the Landlord-Tenant law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements (Rule 2) which was brought before the Legislative Operating Committee (LOC) on February 1, 2016. The LOC denied certification of Rule 2 because of a conflict with BC Resolution 12-23-09-A. The next opportunity for Rule 2 to be certified is that the February 15, 2017 LOC meeting. Because Rule 2 failed certification, OHA is requesting a 60-day extension to get Rule 2 certified. In addition, the OHA has decided to assess the homeownership program in order to determine if 1) the program can be improved and 2) if policy revisions are required. The OHA will not have the rent-to-own rule completed by the effective date of the Law, February 9, 2017. In order to comply with the process set forth in the Administrative Rulemaking law, OHA is requesting more time to develop the rent-to-own program rule.

The Elder Services program has recently experienced a change in management. This has caused delays in finalizing the rule as required in the Administrative Rulemaking [*See Administrative Rulemaking 17.10-1 (a) (4)*]. Elder Services has developed Landlord-Tenant law Rental Rule 3: Elder Rental Program Eligibility, Selection and Other Requirements and has scheduled a public meeting date of February 16, 2017. This rule will not be effective prior to the Law’s effective

date of February 9, 2017. In order to comply with the process set forth in the Administrative Rulemaking law, Elder Services is requesting more time to develop the elder rental program rule.

Conclusion

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2/ / 1 / 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 January 18, 2017 LOC minutes

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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Business Committee Conference Room-2nd Floor Norbert Hill Center
 January 18, 2017 10:00 a.m.

Present: Brandon Stevens, David P. Jordan, Fawn Billie, Jennifer Webster

Excused: Tehassi Hill

Others Present: Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Krystal John, Jennifer Falck, Rae Skenandore, Bonnie Pigman, Nancy Barton, Jo Anne House, Mike Debraska, Danelle Wilson, Shad Webster, Nicole Rommel

I. Call to Order and Approval of the Agenda

Brandon Stevens called the January 18, 2017 Legislative Operating Committee meeting to order at 10:00 a.m.

Motion by Fawn Billie to approve the agenda; seconded by David P. Jordan. Motion carried unanimously.

II. Minutes to be approved

1. January 4, 2017 LOC Meeting Minutes

Motion by David P. Jordan to approve the January 4, 2017 LOC meeting minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Real Property Law Amendments (00:50-05:23)

Motion by Jennifer Webster to accept the Real Property Law Amendments public meeting comments; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to accept the Real Property Law Amendments adoption packet pending the fiscal impact statement which shall be brought forth at the next LOC meeting; seconded by David P. Jordan. Motion carried unanimously.

2. Tobacco Ordinance Amendments (05:25-06:00)

Motion by Jennifer Webster to approve the adoption packet and to forward the Tobacco Ordinance Amendments to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

3. Drug and Alcohol Free Workplace Policy Amendments (06:02-07:07)

Motion by David P. Jordan to forward the Drug and Alcohol Free Workplace Policy Amendments to the Legislative Reference Office for a legislative analysis; seconded by Fawn Billie. Motion carried unanimously.

4. Endowments Amendments (07:08-41:42)

Motion by Fawn Billie to approve the public meeting packet and send the Endowments Amendments to a public meeting to be held on February 16, 2017
 Legislative Operating Committee Meeting Minutes of January 18, 2017

- noting the fiscal impact statement will be added to the public meeting packet; seconded by Jennifer Webster. Motion carried unanimously.
5. **Landlord-Tenant Emergency Amendments (41:42-43:42)**
Motion by Jennifer Webster to approve the emergency amendments adoption packet and forward the Landlord-Tenant Emergency Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.
 6. **Employment (43:45-45:35)**
Motion by Fawn Billie to approve the Employment e-poll results and enter into the record; seconded by Jennifer Webster. Motion carried unanimously.
 7. **Hunting, Fishing and Trapping Law Amendments (45:36-47:33)**
Motion by Fawn Billie to approve the adoption packet with the noted changes and forward the Hunting, Fishing and Trapping Law Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

Noted changes include renumbering, only requiring supervision while hunting for minors ages fourteen (14) and younger, clarifying the circumstances when a disabled hunter is able to hunt from a vehicle and/or the center of the road, and that rules will determine the number of permittees a designated hunter is able to hunt on behalf of and the size of deer hunting parties.

8. **Per Capita Law Amendments (47:43-01:07:30)**
Motion by David P. Jordan to approve the adoption packet with the noted changes and forward the Per Capita Law Amendments to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

Noted changes include adding definition for “rule”, clarifying that the Trust Enrollment Department is not managing the pooled accounts but identifying what funds are available to be released into the pooled account and to include GTC in section 123.2-2.

IV. New Submissions

1. **Tribal Environmental Response (01:07:30-01:09:03)**
Motion by David P. Jordan to add the Tribal Environmental Response to the active files list with Tehassi Hill as the sponsor noting a low priority level; seconded by Fawn Billie. Motion carried unanimously.
2. **Division of Land Management Rules (01:09:05-01:20:00)**
Motion by Jennifer Webster to certify Mortgage and Foreclosure law Rule 1: Mortgage Programs, Guidelines and Requirements and to forward to the Oneida Business Committee for review; seconded by Fawn Billie. Motion carried unanimously.

Motion by David P. Jordan to certify Landlord-Tenant law Rule 1: General Rental Program Eligibility, Selection and Other Requirements and to forward to the Oneida Business Committee for review; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to certify Real Property law Rule 2: Comprehensive Housing Division Residential Sites and to forward to the Oneida Business Committee for review; seconded by Jennifer Webster. Motion carried unanimously.

V. Additions

VI. Administrative Updates

1. FY 17 First Quarterly Report (01:28:01-01:32:42)

Motion by Fawn Billie to accept the FY 17 First Quarterly Report as FYI and to forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

2. Code of Laws Reorganization Project (01:32:43-01:40:19)

Motion by Jennifer Webster to approve the updated Code of Laws Reorganization Project table; seconded by Fawn Billie. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn the January 18, 2017 Legislative Operating Committee meeting at 11:46 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

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

ONEIDA NATION

P.O. Box 365



Oneida, WI 54115

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: January 31, 2017
RE: **E-Poll Results of: FC Meeting Minutes of Jan. 30, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the January 30, 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 Patrick Stensloff, Larry Barton, Wesley Martin, Jr., Chad Fuss, David Jordan and Jennifer Webster to approve the January 30, 2017 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of February 8, 2017 for approval and the next Finance Committee agenda of February 13, 2017 to ratify this E-Poll action.

Yawλko

* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.



ONEIDA FINANCE COMMITTEE

REGULAR MEETING
Jan. 30, 2017 – 10:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC Regular Meeting:

Patricia King, Treasurer/FC Chair	Larry Barton, CFO/FC Vice-Chair
Jennifer Webster, BC Council Member	David Jordan, BC Council Member
Chad Fuss, Gaming AGM/FC Alternate	Patrick Stensloff, Purchasing Director
Wesley Martin, Jr., Community Elder Member	

Others Present: David Emerson, Timothy Ninham, and Denise Vigue, taking minutes

I. Call to Order: The FC regular meeting was called to order by the FC Chair at 10:00 A.M.

II. Approval of Agenda: JANUARY 30, 2017:

Motion by Wesley Martin, Jr. to approve the Finance Committee agenda for Jan 30, 2017 with one correction to move FYI #3 to NB #2. Seconded by Jennifer Webster. Motion carried unanimously.

III. Approval of Minutes: JANUARY 16, 2017 (approved via FC E-Poll on 1/18/17):

Motion by David Jordan to ratify the FC E-Poll action of Jan. 18, 2017 approving the Finance Committee meeting minutes of Jan. 16, 2017. Seconded by Patrick Stensloff. Motion carried unanimously.

IV. Tabled Business: No items

V. Capital Expenditures: No items

VI. Community Fund:

1. Watercolor Class
Christine Klimmek

Motion by Jennifer Webster to approve from the Community Fund the fees for the Watercolor Class in the amount of \$200. Seconded by David Jordan. Motion carried unanimously.

2. Pancake Fundraiser
Wendy Alvarez, March of Dimes Volunteer

Motion by Wesley Martin, Jr. to approve from the Community Fund five (5) Cases of Coca-Cola Product for use at the Pancake Fundraiser at the Parish Hall. Seconded by David Jordan. Motion carried unanimously.

3. Green Bay Elite Cheer fees
Jacqueline Schuman for daughter, Santierra

Motion by Jennifer Webster to approve from the Community Fund the Green Bay Elite Cheer fees for the daughter of the requestor in the amount of \$200. Seconded by David Jordan. Motion carried unanimously.

4. Karate USA class fees
Kateri Danforth for son, Marques

Motion by David Jordan to approve from the Community Fund the Karate USA class fees for the son of the requestor in the amount of \$200. Seconded by Wesley Martin, Jr. Motion carried unanimously.

5. STARZ Academy class fees
Kateri Danforth for daughter, Mataya

Motion by David Jordan to approve from the Community Fund the STARZ Academy class fees for the daughter of the requestor in the amount of \$200. Seconded by Wesley Martin, Jr. Motion carried unanimously.

6. Purple Aces-AAU Basketball fees
Timothy Ninham for daughter, Imani

Motion by Larry Barton to approve from the Community Fund the Purple Aces AAU Basketball fees for the daughter of the requestor in the amount of \$200. Seconded by Wesley Martin, Jr. Motion carried unanimously.

7. YMCA Swim Lessons fees
Kana Zacarias Skenandore for daughter, Yakatahawine

Motion by Wesley Martin, Jr. to approve from the Community Fund requests #7 through #10 for the YMCA Swim lessons fees for the four (4) daughters of the requestor in the amount of \$200. each. Seconded by David Jordan. Motion carried unanimously.

8. YMCA Swim Lessons fees
Kana Zacarias Skenandore for daughter, Yutlanatahuhsatate

~ See Motion in CF #7

9. YMCA Swim Lessons fees
Kana Zacarias Skenandore for daughter, Yeyewate

~ See Motion in CF #7

10. YMCA Swim Lessons fees
Kana Zacarias Skenandore for daughter, Yakolanakweni

~ See Motion in CF #7

VII. Executive Session: No Items

VIII. New Business:

1. Green Bay Packer Merchandise
Chad Fuss, Asst. GGM & Larry Barton, CFO

Both Larry Barton and Chad Fuss discussed the excess Green Bay Packer merchandise that is housed at Gaming; Gaming has a process for asset management but has not been able to obtain a clear understanding from Joint Marketing, the distributors of said merchandise, of a process to use for the public to request items for raffles and fundraisers. Larry offered that if Joint Marketing does not wish to have the responsibility for distribution then perhaps the Finance Committee could do this as there are already processes in place via the Community Fund and the Donations Policy; issue at hand is items from last season are still not distributed, with Packer players not returning this next season, those items of leaving players will be unusable. There was discussion over the motion made by GTC in 2015 regarding the tickets and merchandise; lastly the FC discussed finding out from Joint Marketing the process for requesting items, how the items are communicated out to the public/community; what internal procedures are in place (criteria); and what has been given out; as there was nothing in today's packet; the FC agreed to ask Joint Marketing to attend next meeting to discuss this issue and to bring all their information as to the process and how to access merchandise.

Motion by Wesley Martin, Jr. to ask Joint Marketing to attend the 2/13/17 FC meeting and bring with them the forms, criteria, processes in place for distribution, list of what has been given out last and this fiscal year, and communication plan of how the use and availability of these items are relayed to the public/community. Seconded by Jennifer Webster. Motion carried unanimously.

2. INTERBLOCK USA, L.C. Lease Games
David Emerson, Gaming Slots Department

David Emerson was present to explain this item is for lease games; they would have had this at the beginning of the year with all the others they bring forward but this is a new vendor to the industry; also attached to this is a request to approve a Blanket Purchase order in the amount of \$70,000.

Motion by David Jordan to approve the Blanket Purchase Order with Interblock USA, L.C. for Lease Games in the amount of \$70,000. Seconded by Jennifer Webster. Motion carried unanimously.

IX. Follow Up: No items

X. FYI and /or Thank You:

1. Outagamie County Agreement
Nathan King, Legislative Affairs

Motion by Jennifer Webster to accept this item and item #2 as FYI. Seconded by Larry Barton. Motion carried unanimously.

2. Aristocrat (4) Game of Thrones Lease Games
David Emerson, Gaming Slots Department

~ See Motion in FYI #1.

XI. Adjourn: Motion by David Jordan to adjourn. Seconded by Chad Fuss. Motion carried unanimously. The regular Finance Committee meeting ended at 11:05 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 31, 2017

Oneida Business Committee's FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Appointments

Accept as Information only

Action - please describe:

Approve the Oneida Personnel Commission recommendation.

3. Supporting Materials

Report Resolution Contract

Other:

1. Memo (attached) 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: Cristina Danforth, Tribal Chairwoman

Primary Requestor/Submitter: Submitted by Lora Skenandore, Assistant to Chairwoman Danforth
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: ONEIDA BUSINESS COMMITTEE
FROM: CHAIRWOMAN TINA DANFORTH
DATE: JANUARY 30, 2017
RE: ONEIDA PERSONNEL COMMISSION

0510

There is 1 applicant for 1 vacancy on the Oneida Personnel Commission. The applicant is Sandra Reveles.

The candidate is qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Sandra L. Reveles to be appointed to serve on the Oneida Personnel Commission.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: ONEIDA BUSINESS COMMITTEE

FROM: CHAIRWOMAN TINA DANFORTH

CFB

DATE: JANUARY 30, 2017

RE: ONEIDA POLICE COMMISSION

There are 3 applicants for 1 vacancy on the Oneida Police Commission. The applicants are Todd VanDen Heuvel, Kory Wesaw, and Donald Miller.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Kory Wesaw to be appointed to the Oneida Police Commission.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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 SEOTS Board recommendation.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by Lora Skenandore, Assistant to Chairwoman Danforth
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: ONEIDA BUSINESS COMMITTEE
FROM: CHAIRWOMAN TINA DANFORTH *ASD*
DATE: JANUARY 30, 2017
RE: SEOTS ADVISORY BOARD

There are 3 applicants for 2 vacancies (1 to finish term 11/12/17 and 1 to serve until 2/28/19) on the SEOTS Advisory Board. The applicants are Brian Harrison, Kathryn LaRoque, and Lloyd Ninham.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Lloyd Ninahm (to finish term 11/12/17) and Kathyrn LaRoque (to serve until 2/28/19) to be appointed to the SEOTS Advisory Board.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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 Land Claims Commission recommendation

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: ONEIDA BUSINESS COMMITTEE

FROM: CHAIRWOMAN TINA DANFORTH

DATE: JANUARY 30, 2017

RE: ONEIDA LAND CLAIMS COMMISSION

There is 1 applicant for 1 vacancy on the Oneida Land Claims Commission. The applicant is Loretta Metoxen.

The candidate is qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Loretta Metoxen to be appointed to serve on the Oneida Land Claims Commission.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 17

2. General Information:

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

New Business

Agenda Header:

Accept as Information only

Action - please describe:

To adopt the 2017 Amended Oneida Trust Enrollment Committee Oneida Business Committee Memorandum of Agreement (OTEC/OBC - MOA). This replaces the 01/28/15 Oneida Trust Enrollment Committee Oneida Business Committee Memorandum of Agreement signed 07/07/2015 (attached for reference).

3. Supporting Materials

Report Resolution Contract

Other:

1. 2017 Amended OTEC/OBC - MOA

3. 01/28/15 OTEC/OBC - MOA

2. OTEC Regular Mtg Minutes 01/24/17 - Draft

4. 07/02/12 OTEC Bylaws

5. Legal Review

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/Submitter: Susan White, Trust Enrollment Director
Your Name, Title / Dept. or Tribal Member *Susan White*

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:

In accordance with Oneida Trust Enrollment Committee Bylaws (approved by GTC on 07/02/12), Article I.2.C., the Oneida Trust Enrollment Committee and Oneida Business Committee are to amend the Memorandum of Agreement on an annual basis. The most recent review resulted in several amendments. The Oneida Trust Enrollment Committee requested and received the Oneida Business Committee's review and comments. Enclosed is the Oneida Trust Enrollment Committees' approved draft. It is submitted for the Oneida Business Committees' approval.

- 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

Bonnie M. Pigman

From: BC_Agenda_Requests
Sent: Tuesday, January 31, 2017 10:07 AM
To: Bonnie M. Pigman
Cc: Susan White; Brent R. Truttmann
Subject: RE: BC Agenda request for 2/8/17 reg mtg

Good morning,

I was informed by Chief Counsel that MOA's and MOU's will generally need a legal review before being presented to the BC for consideration. Please forward the document to Oneida_Law@oneidanation.org with a request for legal review. Thank you in advance!

Heather Heuer

-----Original Message-----

From: Bonnie M. Pigman
Sent: Tuesday, January 31, 2017 8:53 AM
To: BC_Agenda_Requests <BC_Agenda_Requests@oneidanation.org>
Cc: Susan White <SWHITE@oneidanation.org>; Brent R. Truttmann <btruttm2@oneidanation.org>
Subject: FW: BC Agenda request for 2/8/17 reg mtg

Shekolih, please find attached a BC Agenda Request with supporting documents attached for the 2/8/17 OBC Regular Mtg

-----Original Message-----

From: Scan_Purchasing
Sent: Tuesday, January 31, 2017 8:03 AM
To: Bonnie M. Pigman
Subject: BC Agenda request for 2/8/17 reg mtg

This E-mail was sent from "RNP002673790087" (MP C5503).

Scan Date: 01.31.2017 09:03:24 (-0500)
Queries to: Scan_Purchasing@oneidanation.org

Trust Enrollment Department

Latiwista'nunha • Latt'shanalo'loks



LEGAL REVIEW REQUEST FORM

Please Email Law Office File # to Enrollment@Oneidanation.org

DATE: 1/31/17	TELEPHONE: 3930
FROM: Susan White <i>Submit</i>	EXTENSION: 3930
DEPARTMENT:	TRUST ENROLLMENT
REVIEW NEEDED BY:	1/31/17
DOCUMENT TITLE:	OTEC OBC MOA - 2017
COMMENTS:	
Please provide a legal review of the 2017 Oneida Trust Enrollment Committee Oneida Business Committee Memorandum of Agreement.	

ATTACHMENTS:2017 Amended OTEC/OBC MOA, OTEC Reg Mtg Minutes
1/24/17 – Draft, 1/28/15 OTEC/OBC-MOA, 7/2/12 OTC Bylaws

TRUST ENROLLMENT TRACKING

Saved LAWOFFC		Saved to G:\Project List	
Law File # Recv'd		Add File # to PDF title	

ONEIDA LAW OFFICE

CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT

TO: Bonnie Pigman
Trust Committee

Use this number on future correspondence:

FROM: Robert J. Collins II, Staff Attorney

RJC

2017-0085

DATE: January 31, 2017

RE: Oneida Trust Enrollment Committee Oneida
Business Committee Memorandum of Agreement

<u>Purchasing Department Use</u> <input type="checkbox"/> Contract Approved <input checked="" type="checkbox"/> Contract Not Approved <i>(see attached explanation)</i>
--

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

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval prior to execution.



**ONEIDA TRUST ENROLLMENT COMMITTEE
ONEIDA BUSINESS COMMITTEE
MEMORANDUM OF AGREEMENT**



This Memorandum of Agreement is entered into this ____ day of _____ by and between the Oneida Business Committee and the Oneida Trust Enrollment Committee f/k/a Oneida Trust Committee, and both parties agree to respect and abide by the provisions set forth herein.

- WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV, Section 1 of the Constitution of the Oneida Nation f/k/a Oneida Tribe of Indians of Wisconsin to the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council through GTC Resolution #74-4-28 established the Oneida Trust Enrollment Committee to be responsible for the administration and deposition of the trust monies; and
- WHEREAS, the Oneida General Tribal Council, on January 8, 1977, approved the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," as established by the Oneida Trust Enrollment Committee; and
- WHEREAS, the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," approved March 21, 1977, mandated at least one member of the Oneida Trust Enrollment Committee shall be from and represent the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution #1-8-77-C, delegated administrative authority to the Oneida Trust Enrollment Committee to implement the areas of Trust; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance adopted on July 2, 1984, further defined the role of the Oneida Trust Enrollment Committee as the official committee responsible for all aspects of tribal enrollment including the maintenance of the rolls for the Oneida Nation; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance, has delegated the responsibility for maintaining the official rolls of the Oneida Nation to the Oneida Trust Enrollment Committee, and directed that all means shall be used to insure the maintenance of an accurate and confidential Oneida Nation roll to be located in the Offices of the Oneida Reservation in Wisconsin; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 1-8-90, has authorized the Oneida Trust Enrollment Committee to hire financial consultants and investment advisors; and

- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 6-30-90-A and the Per Capita Trust Fund Distribution Plan, has directed that per capita payments be made to tribal members sixty-five (65) years of age and older, and has authorized the Oneida Trust Enrollment Committee to manage the distribution of these monies, to collect monies from new tribal revenues, to negotiate with the Oneida Business Committee regarding annual tribal contributions to the trust fund, to veto the invasion of principal of the trust fund, to create additional trust reserves for handicapped, burial and scholarship, and to manage and invest the trust fund; and that no disturbance of this principal shall occur without 2/3 majority vote of all three (3) of the following: Oneida General Tribal Council, Oneida Trust Enrollment Committee and Oneida Business Committee, and
- WHEREAS, on behalf of the Oneida General Tribal Council, the Oneida Business Committee, through the Per Capita Trust Agreement of November 9, 1994, as amended from time to time, transferred authority to the Oneida Trust Enrollment Committee to manage trust accounts for per capita payments to minors, and directed that disputes between the Oneida Trust Enrollment Committee and the Oneida Business Committee be resolved by negotiation, or in the event that negotiations fail, by the Oneida General Tribal Council; and
- WHEREAS, the Oneida Business Committee, through BC Resolution 5-10-95-D, has authorized the Oneida Trust Enrollment Committee to monitor funds held in trust by the BIA, and to utilize technological resources available through the BIA; and
- WHEREAS, the Oneida Business Committee, through the Per Capita Law, has delegated authority to the Oneida Trust Enrollment Committee to manage trust accounts, to identify persons eligible for per capita payments, and to review and approve Section VIII of the Tribal Revenue Allocation Plans prior to Oneida Business Committee approval.
- WHEREAS, the Oneida Business Committee, through BC Resolution 2-23-05-G delegated exclusive control to the Oneida Trust Enrollment Committee for managing all Oneida Endowment Funds in accordance with Tribal Law; and
- WHEREAS, the Oneida Trust Enrollment Committee is the official governing and final authoritative body to carry out all policy and procedures in the operation of the Trust Enrollment Department; and
- WHEREAS, the Oneida Business Committee and the Oneida Trust Enrollment Committee have each determined that it is in the best interest of the Oneida Nation that an agreement be reached between the Oneida Business Committee and the Oneida Trust Enrollment Committee regarding the autonomous administration of the Trust Enrollment Department and the exercise of the authority delegated to the Oneida Trust Enrollment Committee; and
- WHEREAS, this Memorandum of Agreement is consistent with the Nation's existing laws, policies, and procedures concerning the administrative responsibilities of the Oneida Trust Enrollment Department and the Oneida Trust Enrollment Committee; and

WHEREAS, the Oneida Business Committee and Oneida Trust Enrollment Committee have each by resolution approved the terms of this Memorandum of Agreement and have directed both respective Chairpersons to execute this Agreement on behalf of each Committee;

WITNESSETH:

- 1) The administrative duties and governing activities related to the operation and planning of the Trust Enrollment Department will be by sole approval and sign off authority of the Oneida Trust Enrollment Committee in accordance with the Nation's existing Laws and Policies.
- 2) The Oneida Trust Enrollment Committee, as delegated by the Oneida General Tribal Council, will receive, review, and recommend for approval all enrollment applications pursuant to the Membership Ordinance, with final approval of new enrollees by the Oneida Business Committee.
- 3) All Enrollment information shared with the Oneida Business Committee must be maintained with strictest of confidentiality.
- 4) The Oneida Trust Enrollment Committee will direct the Trust Enrollment Department to expand the data processing base and records located within the Trust Enrollment Department to include:
 - a) Maintain the computerized tribal census database and, in the discretion of the Oneida Trust Enrollment Committee, the distribution of such data to the Nation's departments in accordance with the terms of an approved MOA.
 - i) Enrollment information maintained in a computerized database, regardless of its physical location, shall be subject to the strict confidentiality requirements of the Membership Ordinance. The confidentiality of a computerized enrollment database shall be the responsibility of the Oneida Trust Enrollment Committee. Access to any computerized enrollment database established pursuant to this provision can only be obtained by written approval of the Oneida Trust Enrollment Committee. Employees of the tribal department charged with the responsibility of developing and housing the Enrollment database are bound by the confidentiality requirements of the Membership Ordinance in the same manner as the Oneida Trust Enrollment Committee.
 - b) Maintain the computerized tribal census database for the use of the Oneida Nation and Tribal Members who may be authorized by the Oneida Trust Enrollment Committee, pursuant to the Membership Ordinance, to receive a family tree record for an appropriate fee.
 - c) The Trust Enrollment Department will be responsible for maintaining the information processing systems for the daily monitoring of the Trust Funds and is authorized to subscribe to technological services to monitor, measure, and report on the trust funds.
- 5) All Trust Enrollment Department functions shall be administered in conformity with applicable trust agreements, any other duly approved agreement, ordinance, resolution, by-law, or procedure, as directed by the Oneida General Tribal Council.
- 6) Grievances of the Trust Enrollment Director shall be submitted to the Oneida Tribal Judicial System. All other employee grievances will be processed in accordance with the Oneida Nation's law, policies and rules governing employment.

- 7) All contracts, grants, and proposals related to the operation or planning for the Trust Enrollment Department will be first reviewed and endorsed by the Oneida Trust Enrollment Committee. Copies will be provided to the Oneida Business Committee as "Information only."
- 8) The Oneida Trust Enrollment Committee shall receive 50% of the gross receipts of the vendor licensing revenue collected in accordance with the Vendor Licensing law each year upon completion of the Oneida Nation's organization-wide annual audit. The revenue is designated for deposit only into the Elderly Per Capita Payment Distribution Trust Plan (Elder, Per Capita, Education, and General Welfare Trust) pursuant to GTC Resolution 6-30-90-A Addendum.
- 9) The Oneida Trust Enrollment Committee must approve and the Oneida Business Committee may review fiscal year budgets prepared by the Trust Enrollment Department prior to submission to Oneida General Tribal Council for final approval.
 - a) The Oneida Nation's general fund will provide no less than 75% of the Trust Enrollment Department and the Oneida Trust Enrollment Committee's annual operating budgets for services rendered. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of its authority, the allocation of funds needed to carry out directives of the Oneida General Tribal Council's or Oneida Business Committee's unfunded or emergency mandates.
 - b) In the event the Nation's contribution warrants revision, it will be negotiated between the Oneida Business Committee and Oneida Trust Enrollment Committee.
 - c) The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of their authority, the allocation of funds needed to carry out the terms of this Agreement.
- 10) Long and short-range planning of the Trust Enrollment Department and the Oneida Trust Enrollment Committee will be coordinated with the Oneida Business Committee at the regularly scheduled Quarterly meetings or Special meetings as needed.
 - a) A quorum of both the Oneida Trust Enrollment Committee and the Oneida Business Committee is required in order to conduct a meeting.
- 11) The Oneida Trust Enrollment Committee will provide written annual and semi-annual reports to the Oneida General Tribal Council in accordance with tribal procedures established for all Oneida General Tribal Council reports.
- 12) The Oneida Trust Enrollment Committee will submit copies of meeting minutes to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust Enrollment Committee.
- 13) Either party may propose amendments to this Agreement by submitting such amendments in writing to the Chairperson of the other party. Notice of the proposed amendments shall thereafter be placed on the agenda for the next regularly scheduled meeting. No amendment shall become effective unless it is agreed to in writing by both parties.

- 14) This Agreement shall supersede any and all prior Memoranda of Agreement between the Oneida Business Committee and Oneida Trust Enrollment Committee and shall remain in effect unless terminated by a party or superseded by a subsequent Memorandum of Agreement between the parties.
- 15) In the event that a provision of this Agreement is determined to be invalid or unenforceable, or is superseded by a directive of the Oneida General Tribal Council, the remaining provisions shall not be affected thereby and shall remain in full force and effect.
- 16) This Memorandum of Agreement shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual Oneida Trust Enrollment Committee Officers election.
- 17) In the event there is a dispute between the parties regarding the terms of this agreement or any matter related to this agreement, either party may call for dispute resolution by serving written notice on the Chairperson of the other party. Such notice shall specify the nature of the dispute and shall request a meeting of the parties. Within fifteen (15) business days of service of such notice, the parties shall meet in an attempt to resolve the dispute. Neither party shall be entitled to serve notice of termination of this agreement unless this dispute resolution process has been invoked, the parties have met in an attempt to resolve the dispute which serves as the basis for termination, and thirty (30) calendar days have elapsed from the date of such meeting.
- 18) Upon satisfaction of the provisions of paragraph 17 above, either party may terminate this agreement by serving ninety (90) calendar days prior written notice of termination on the other party.
- 19) Any notice which a party is required or permitted to serve on the other party under this agreement shall be served on that party by first-class mail, return receipt requested, certified inter-office mail, or personal delivery, and shall be addressed to the Chairperson of such party at the address listed below. Service shall be effective upon receipt by the party.

Chair
 1. Oneida Business Committee
 P O Box 365
 Oneida WI 54155-0365

Chair
 Oneida Trust Enrollment Committee
 P O Box 365
 Oneida WI 54155-0365

IN WITNESS WHEREOF the authorized representatives of the parties have hereunto set their hands on the dates set forth below.

 Carole Liggins, Chair
 Oneida Trust Enrollment Committee

 Date

 Cristina Danforth, Chair
 Oneida Business Committee

 Date

Approved XX-XX-XXXX

Approved 01-28-2015
Approved 07-25-2012
Approved 06-23-2010
Approved 07-05-2006
Approved 01-12-2005
Approved 04-16-2003
Approved 03-13-2002
Approved 12-31-1992
Approved 02-22-1988

Regular Trust Enrollment Minutes

24 January 2016

Page 3 of 4

1-24-17 Status Update

Norbert Hill Jr. and Elaine Skenandore-Cornelius would prefer Sustain Oneida Contractor to give updates at OTEC Regular meetings.

Norbert Hill Jr. motioned to accept the update, and that Sustain Oneida Contractor to draft an article highlighting the significance of the Sustain Oneida logo for publication in the *Kalihwisaks*. Seconded Loretta Metoxen. Motion carried unanimously.

→ B. OBC-OTEC MOA – Susan White

11-22-16 Motion to adopt MOA with amendments. 12-20-16 Discussed at Joint Meeting. Comments and suggested revisions to the MOA due by January 10, 2017. OTEC requires approval and resolution for MOA before it can be added to the BC agenda. Submission to the January 25th BC Agenda due by January 17, 2017.

1-24-17 Status Update

Lois Strong does not support OBC request to consider a 3% reduction of tribal contribution. Debra Powless suggested that if OTEC agrees to a 3% reduction, they should negotiate establishing additional trust reserves. Attorney John reminded OTEC that the request is a consideration for the future and not a request to make that amendment in the current MOA. Attorney John will forward non-content edits to the MOA.

Elaine Skenandore-Cornelius motioned to accept the OBC-OTEC MOA with suggested edits from Attorney John, and then forward MOA to the OBC agenda. Seconded Norbert Hill Jr. Loretta Metoxen abstained because she did not have the draft MOA with her. Motion carried.

C. SRI: Dakota Access Pipeline – Susan White

11-22-16 Motion to accept update. 12-20-16 Discussion concerning Oneida's contract with selling Exxon Mobil gas. Motion to accept update.

1-24-17 Status Update

President Trump issued a presidential memorandum to expedite approval for continued construction of the Dakota Access and Keystone Pipelines to the extent permitted by law. Loretta Metoxen heard that President Trump would like to privatize Indian reservations and tax the reservations, and urged everyone to be on the lookout for such policies in the future.

Loretta Metoxen motioned to approve the update. Seconded Dylan Benton. Motion carried unanimously.

VI. **New Business**

A. Trust Fund Performance – Susan White

11-22-16 Motion to approve report. 12-20-16 Discussed at joint meeting. Discussion of department when Financial Analyst leaves. Motion to approve update.

1-24-17 Status Update

Incoming Trust Financial Analyst, Patrick Danforth gave professional background.

Norbert Hill Jr. motioned to approve the update. Seconded Debra Powless. Motion carried unanimously.

B. February's Calendar – Needs Approval

Trust Enrollment Department will notify OTEC of next Sustain Oneida meeting ASAP. Public Meeting for Endowment Law on February 16, 2017 at 12:15 pm in the Business Committee Conference Room will be added to the calendar. Discussion of Feb. 13th Annual GTC meeting. Dylan

**ONEIDA TRUST/ENROLLMENT COMMITTEE
ONEIDA BUSINESS COMMITTEE
MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is entered into this 28th day of January 2015 by and between the Oneida Business Committee and the Oneida Trust/Enrollment Committee f/k/a Oneida Trust Committee, and both parties agree to respect and abide by the provisions set forth herein.

- WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV, Section 1 of the Constitution of the Oneida Tribe of Indians of Wisconsin to the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council through GTC Resolution #74-4-28 established the Oneida Trust/Enrollment Committee to be responsible for the administration and deposition of the trust monies; and
- WHEREAS, the Oneida General Tribal Council, on January 8, 1977, approved the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," as established by the Oneida Trust/Enrollment Committee; and
- WHEREAS, the "Emigrant Indian Trust of the Oneida Tribe of Indians of Wisconsin," approved March 21, 1977, mandated at least one member of the Oneida Trust/Enrollment Committee shall be from and represent the Oneida Business Committee; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution #1-8-77-C, delegated administrative authority to the Oneida Trust/Enrollment Committee to implement the areas of Trust; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance adopted on July 2, 1984, further defined the role of the Oneida Trust/Enrollment Committee as the official committee responsible for all aspects of tribal enrollment including the maintenance of the rolls for the Oneida Tribe; and
- WHEREAS, the Oneida General Tribal Council, through the Membership Ordinance, has delegated the responsibility for maintaining the official rolls of the Oneida Tribe of Indians of Wisconsin to the Oneida Trust/Enrollment Committee, and directed that all means shall be used to insure the maintenance of an accurate and confidential Oneida tribal roll to be located in the Offices of the Oneida Indian Reservation in Wisconsin; and
- WHEREAS, the Oneida General Tribal Council, through GTC Resolution 1-8-90, has authorized the Oneida Trust/Enrollment Committee to hire financial consultants and investment advisors; and

WHEREAS, the Oneida General Tribal Council, through GTC Resolution 6-30-90-A and the Per Capita Trust Fund Distribution Plan, has directed that per capita payments be made to tribal members sixty-five years of age and older, and has authorized the Oneida Trust/Enrollment Committee to manage the distribution of these monies, to collect monies from new tribal revenues, to negotiate with the Oneida Business Committee regarding annual tribal contributions to the trust fund, to veto the invasion of principal of the trust fund, to create additional trust reserves for handicapped, burial and scholarship, and to manage and invest the trust fund; and that no disturbance of this principal shall occur without 2/3 majority vote of all three of the following: Oneida General Tribal Council, Oneida Trust/Enrollment Committee and Oneida Business Committee, and

WHEREAS, the Oneida General Tribal Council, through the Per Capita Trust Agreement of November 9, 1994, transferred authority to the Oneida Trust/Enrollment Committee to manage trust accounts for per capita payments to minors, and directed that disputes between the Oneida Trust/Enrollment Committee and the Oneida Business Committee be resolved by negotiation, or in the event that negotiations fail, by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee, through BC Resolution 5-10-95-D, has authorized the Oneida Trust/Enrollment Committee to monitor funds held in trust by the BIA, and to utilize technological resources available through the BIA; and

WHEREAS, the Oneida Business Committee, through BC Resolution 7-12-00-B and the Per Capita Ordinance, has delegated authority to the Oneida Trust/Enrollment Committee to manage trust accounts, to maintain membership rolls to identify persons eligible for per capita payments, to hold administrative hearings regarding eligibility to receive per capita payments, and to approve Tribal Revenue Allocation Plans; and

WHEREAS, the Oneida Business Committee, through BC Resolution 2-23-05-G delegated exclusive control to the Oneida Trust/Enrollment Committee for managing all Oneida Endowment Funds in accordance with Tribal Law; and

WHEREAS, the Oneida Trust/Enrollment Committee is the official Governing and final authoritative body to carry out all policy and procedures in the operation of the Trust/Enrollment Department; and

WHEREAS, the Oneida Business Committee and the Oneida Trust/Enrollment Committee have each determined that it is in the best interest of the Oneida Tribe that an agreement be reached between the Oneida Business Committee and the Oneida Trust/Enrollment Committee regarding the autonomous administration of the Trust/Enrollment Department and the exercise of the authority delegated to the Oneida Trust/Enrollment Committee; and

WHEREAS, this Memorandum of Agreement is consistent with existing Tribal laws, policies, and procedures concerning the administrative responsibilities of the Oneida Trust/Enrollment Department and the Oneida Trust/Enrollment Committee; and

WHEREAS, the Oneida Business Committee and Oneida Trust/Enrollment Committee have each by resolution approved the terms of this Memorandum of Agreement and have directed both respective Chairpersons to execute this Agreement on behalf of each Committee;

WITNESSETH:

1. The administrative duties and governing activities related to the operation and planning of the Trust/Enrollment Department will be by sole approval and sign off authority of the Oneida Trust/Enrollment Committee in accordance with existing Tribal Laws and Policies.
2. The Oneida Trust/Enrollment Committee, as delegated by the Oneida General Tribal Council, will receive, review, and approve all enrollment applications pursuant to the Membership Ordinance of July 2, 1984, with final approval of new enrollees by the Oneida Business Committee.
3. All Enrollment information shared with the Oneida Business Committee must be maintained with strictest of confidentiality.
4. The Oneida Trust/Enrollment Committee will direct the Trust/Enrollment Department to expand the data processing base and records located within the Trust/Enrollment Department to include:
 - A. The establishment and maintenance of a tribal census on a computerized database and, in the discretion of the Oneida Trust/Enrollment Committee, the distribution of such statistical data to tribal departments upon written request.
 - B. The planning and implementation of a program to record and maintain the family tree records of the Tribal Membership for the use of the Oneida Tribe and convenience of Tribal Members who may be authorized by the Oneida Trust/Enrollment Committee, pursuant to the Membership Ordinance, to receive a family tree record for an appropriate fee.

- C. Enrollment information maintained in a computerized database, notwithstanding of its physical location, shall be subject to the strict confidentiality requirements of the Membership Ordinance. The confidentiality of a computerized enrollment database shall be the responsibility of the Oneida Trust/Enrollment Committee. Access to any computerized enrollment database established pursuant to this provision can only be obtained by written approval of the Oneida Trust/Enrollment Committee. Employees of the tribal department charged with the responsibility of developing and housing the Enrollment database are bound by the confidentiality requirements of the Membership Ordinance in the same manner as the Oneida Trust/Enrollment Committee.
- D. The Trust/Enrollment Department will be responsible for maintaining the information processing systems for the daily monitoring of the Trust Funds and is authorized to subscribe to technological services to monitor, measure, and report on the trust funds.
5. All Trust/Enrollment Department functions shall be administered in conformity with applicable trust agreements, any other duly approved agreement, ordinance, resolution, by-law, or procedure, as directed by the Oneida General Tribal Council.
6. Grievances of the Trust/Enrollment Director will be processed by the Oneida Tribal Judicial System. All other employee grievances will be processed in accordance with the Oneida Tribal Personnel Policy & Procedures.
7. All contracts, grants, and proposals related to the operation or planning for the Trust/Enrollment Department will be first reviewed and endorsed by the Oneida Trust/Enrollment Committee. Copies will be provided to the Oneida Business Committee as "Information only."
8. The Oneida Trust/Enrollment Committee shall receive 50% of the gross receipts of the Vendors Licensing Revenue collected by the Oneida Tribe's Licensing Department each year upon completion of the Oneida Tribe's organization-wide annual audit. The revenue is designated for deposit only into the Elderly Per Capita Payment Distribution Trust Plan pursuant to GTC Resolution 6-30-90-A Addendum.
9. The Oneida Trust/Enrollment Committee must approve and the Oneida Business Committee may review fiscal year budgets prepared by the Trust/Enrollment Department prior to submission to Oneida General Tribal Council for final approval.
- A. The Oneida Tribe's general fund will provide no less than 75% of the Trust/Enrollment Department and the Oneida Trust/Enrollment Committee's annual operating budgets for services rendered. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of its authority, the allocation of funds needed to carry out directives of the Oneida General Tribal Council's or Oneida Business Committee's unfunded or emergency mandates.


- B. In the event the Tribal contribution warrants revision, it will be negotiated between the Oneida Business Committee and Oneida Trust/Enrollment Committee.
 - C. The Oneida Business Committee will support, to the extent feasible and justifiable within the scope of their authority, the allocation of funds needed to carry out the terms of this Agreement.
10. Long and short-range planning of the Trust/Enrollment Department and the Oneida Trust/Enrollment Committee will be coordinated with the Oneida Business Committee at the regularly scheduled Quarterly meetings or Special meetings as needed.
- A. A quorum of both the Oneida Trust/Enrollment Committee and the Oneida Business Committee is required in order to conduct a meeting.
11. The Oneida Trust/Enrollment Committee will provide written annual and semiannual reports to the Oneida General Tribal Council in accordance with tribal procedures established for all Oneida General Tribal Council reports.
12. The Oneida Trust/Enrollment Committee will submit copies of meeting minutes to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust/Enrollment Committee.
13. Either party may propose amendments to this Agreement by submitting such amendments in writing to the Chairperson of the other party. Notice of the proposed amendments shall thereafter be placed on the agenda for the next regularly scheduled meeting. No amendment shall become effective unless it is agreed to in writing by both parties.
14. This Agreement shall supersede any and all prior Memoranda of Agreement between the Oneida Business Committee and Oneida Trust/Enrollment Committee and shall remain in effect unless terminated by a party or superseded by a subsequent Memorandum of Agreement between the parties.
15. In the event that a provision of this Agreement is determined to be invalid or unenforceable, or is superseded by a directive of the Oneida General Tribal Council, the remaining provisions shall not be affected thereby and shall remain in full force and effect.
16. This Memorandum of Agreement shall be reviewed by both parties on an annual basis at the first quarterly meeting after the annual Oneida Trust/Enrollment Committee election.

- 17. In the event that there is a dispute between the parties regarding the terms of this agreement or any matter related to this agreement, either party may call for dispute resolution by serving written notice on the Chairperson of the other party. Such notice shall specify the nature of the dispute and shall request a meeting of the parties. Within fifteen (15) business days of service of such notice, the parties shall meet in an attempt to resolve the dispute. Neither party shall be entitled to serve notice of termination of this agreement unless this dispute resolution process has been invoked, the parties have met in an attempt to resolve the dispute which serves as the basis for termination, and thirty (30) calendar days have elapsed from the date of such meeting.
- 18. Upon satisfaction of the provisions of paragraph 19 above, either party may terminate this agreement by serving ninety (90) calendar days prior written notice of termination on the other party.
- 19. Any notice which a party is required or permitted to serve on the other party under this agreement shall be served on that party by first-class mail, return receipt requested, certified inter-office mail, or personal delivery, and shall be addressed to the Chairperson of such party at the address listed below. Service shall be effective upon receipt by the party.

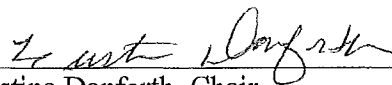
Chair
 Oneida Business Committee
 P O Box 365
 Oneida WI 54155-0365

Chair
 Oneida Trust/Enrollment Committee
 P O Box 365
 Oneida WI 54155-0365

IN WITNESS WHEREOF the authorized representatives of the parties have hereunto set their hands on the dates set forth below.


 Carole Liggins, Chair
 Oneida Trust/Enrollment Committee

07/07/15
 Date


 Cristina Danforth, Chair
 Oneida Business Committee

7/7/15
 Date

Approved 01-28-2015
 Approved 07-25-2012
 Approved 06-23-2010
 Approved 07-05-2006
 Approved 01-12-2005
 Approved 04-16-2003
 Approved 03-13-2002
 Approved 12-31-1992
 Approved 02-22-1988

Oneida Trust/Enrollment Committee Bylaws

Article I. Authority

1. Name
 - A. The official name of this committee shall be the Oneida Trust/Enrollment Committee.
2. Authority
 - A. By the authority of the Oneida Tribe of Indians of Wisconsin, the Oneida Trust/Enrollment Committee was established by General Tribal Council Resolution 4-28-74 and approved by the Oneida General Tribal Council, and charged with duties and responsibilities as set forth in General Tribal Council Resolution 1-8-77-C and approved by General Tribal Council on 07-02-12.
 - B. The Oneida Membership Ordinance established by General Tribal Council Resolution 7-2-84-A, charged the Oneida Trust/Enrollment Committee with membership duties and responsibilities.
 - C. A Memorandum of Agreement exists between the Oneida Trust/Enrollment Committee and Oneida Business Committee and is amended on an annual basis.
 - D. The Oneida Trust/Enrollment Committee has the authority to hire personnel, including, but not limited to a Trust Director and an Enrollment Director. The hiring of all personnel shall be conducted in accordance with the Tribe's personnel policies and procedures and shall be dependent on available funding.
 - E. The purpose of the Oneida Trust/Enrollment Committee is to
 - 1) administer the Emigrant New York Indian Claims Award Docket 75 Trust Fund known as Elderly Per Capita, Higher Education and General Welfare Trust a/f/k/a/ the Elderly Per Capita Payment Distribution Fund and the Oneida Trust Scholarship Fund;
 - 2) administer the Minors Per Capita Trust Funds;
 - 3) administer the Language Revitalization Fund;
 - 4) administer the Per Capita Endowment Fund and any other trusts which may be created;
 - 5) monitor funds held in the name of the Oneida Tribe of Indians of Wisconsin at the Bureau of Indian Affairs;
 - 6) exercise exclusive control of the investment and collection of principal, interest and investments of all monies deposited in, and income derived from, all Oneida Tribe endowment fund accounts; maintain the official roll of the Oneida Tribe of Indians of Wisconsin;
 - 7) approve new applications for enrollment; and
 - 8) supervise the Oneida Trust and Enrollment Departments.
3. Office
 - A. The official mailing address of the Oneida Trust/Enrollment Committee, the Trust Department, and the Enrollment Department is P.O. Box 365, Oneida, WI 54155.
 - B. The physical address of the Trust Department is 909 Packerland Drive, Green Bay, WI 54303. The physical address of the Enrollment Department is 210 Elm Street, Oneida, Wisconsin 54155. The physical address of each Department is subject to change from time to time with approval of the Oneida Trust/Enrollment

Committee.¹ These changes do not require the approval of the General Tribal Council.

4. Membership

A. The Oneida Trust/Enrollment Committee shall be composed of nine (9) members, one (1) of whom will be a member of and represent the Oneida Business Committee. Committee members are elected by the Oneida General Tribal Council by casting ballots at the annual Tribal elections.

B. Qualifications

- 1) To be eligible to run for the Oneida Trust/Enrollment Committee, a candidate shall have the following qualifications:
 - a) Shall be an enrolled Oneida Tribal Member who is eligible to vote in tribal elections.
 - b) Shall live on or near the reservation (within the external boundaries of the Oneida Reservation or in a surrounding community).
 - c) Shall have the ability to honorably protect and uphold the purpose of the Oneida Trust/Enrollment Committee with integrity, diligence and foresight.
 - d) Must be able to obtain a fiduciary bond.

C. Vacancies, Appointments, Resignations, Suspensions, and Removals

1) Vacancies and Appointments

- a) If any member dies, resigns, is removed, is incapacitated, or is otherwise unable to serve, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval of the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve the remainder of the former member's term.
- b) If, after the annual election, a position on the Oneida Trust/Enrollment Committee remains vacant due to the lack of a sufficient number of qualified candidates in the election, the Chairperson of the Oneida Trust/Enrollment Committee shall select a candidate who, upon approval by the Oneida Trust/Enrollment Committee and the Oneida Business Committee, shall serve as if elected in the annual election.

2) Resignation

- a) A resignation shall be submitted in writing at any regular Oneida Trust/Enrollment Committee meeting.

3) Attendance

- a) Attendance at Oneida Trust/Enrollment Committee meetings is critical for the ongoing operation and growth of each department. The Oneida Trust/Enrollment Committee has high expectations when it comes to attendance; therefore, attendance will be closely monitored. Failure to attend meetings on a regular basis or missing three consecutive meeting without prior notification will prompt the Oneida Trust/Enrollment Committee

¹ The Oneida Trust/Enrollment Committee will honor the community's desire to keep the Enrollment Department within central Oneida.

to add the attendance issue to the agenda for discussion and possible action.

- D. Challenged Elections
 - 1) In the event of a challenged election, all Oneida Trust/Enrollment Committee members holding positions prior to the election shall remain members of the Oneida Trust/Enrollment Committee until the election dispute is resolved.
- E. Subcommittees
 - 1) A subcommittee may be appointed by the Chairperson of the Oneida Trust/Enrollment Committee to carry out specific duties, when deemed necessary. The subcommittee shall serve until the duties with which this subcommittee has been charged are completed, and a report has been accepted by the Oneida Trust/Enrollment Committee. Upon dissolution the respective department administrative assistants are responsible for materials to be filed or destroyed.

Article II, Officers

- 1. Officer Selection Process
 - A. Officers shall be elected by the Oneida Trust/Enrollment Committee at the first Regular monthly meeting following the final result of a valid annual election of Oneida Trust/Enrollment Committee positions, will take office, and serve a one (1) year term.
 - B. If an officer position is vacated, an interim election shall be held by the Oneida Trust/Enrollment Committee to fill the office for the balance of the year.
 - C. Any Oneida Trust/Enrollment Committee member nominated for an office as defined in Article II of these bylaws may communicate acceptance of such nomination via correspondence, which may include electronic communications such as email and facsimile and written correspondence.
 - D. Any nomination for an officer position defined in Article II can be made only by an Oneida Trust/Enrollment Committee member who is physically present at a duly called meeting of the Oneida Trust/Enrollment Committee.
- 2. Positions
 - A. Chairperson
 - 1) The Chairperson presides at meetings, appoints committees, oversees all Oneida Trust/Enrollment Committee activities, schedules Special meetings, and supervises the Directors of both the Enrollment and Trust Departments. The Chair shall invite input from Committee members for evaluations.
 - 2) The Chairperson of the Oneida Trust/Enrollment Committee shall serve as an ex-officio member of all established subcommittees.
 - B. Vice-Chairperson
 - 1) The Vice-Chairperson acts with the same authority as the Chairperson in the absence of the Chairperson.
 - C. Secretary
 - 1) The Secretary is responsible for correspondence and minutes of all meetings.
 - 2) In the absence of the Chairperson and Vice-Chairperson, to the Secretary may call the meeting to order and preside until the immediate election of a

Chair Pro Tem.

Article III. Committee Duties

1. The duties of the Oneida Trust/Enrollment Committee include, but are not limited to the following:
 - A. Complete the Oneida Trust/Enrollment Committee Confidentiality Statement and the Non-Disclosure Agreement. At the commencement of taking office, new members shall complete the forms and provide the completed forms to the Trust Director. Upon submission of forms to the Trust Director the member shall have the authority to vote and or receive a stipend payment.
 - B. Provide direction to the Oneida Trust and Enrollment Departments. The Directors of the Trust and Enrollment Departments are responsible to the Oneida Trust/Enrollment Committee, and under the immediate supervision of the Chairperson of the Oneida Trust/Enrollment Committee, or his or her designee. The Enrollment Director and the Trust Director shall comply with all directives of the Oneida Trust/Enrollment Committee and cooperate with the members and representatives of the Oneida Trust/Enrollment Committee.
 - C. Report to the Oneida General Tribal Council semiannually.
 - D. Develop policy relating to the trust funds and enrollment for adoption by the Oneida Trust/Enrollment Committee and/or the Oneida General Tribal Council.
 - E. Oversee Trust Fund distributions.
 - F. Participate in continuing training including orientation, board training and workshops pertaining to investing, fiduciary, Administrative Procedures Act and general knowledge of the policies and procedures of the Oneida Tribe of Indians of Wisconsin. Members of the Committee will also be familiar with the various trust and departmental guidelines and standard operating procedures.
 - G. Carry out all enrollment duties as prescribed in the Membership Ordinance and any subsequent enrollment laws.
 - H. Conduct oversight on Trust Fund investment activity, provide due diligence in all matters relating to the Trust, and maintain fiduciary responsibility in management of the funds in accordance with the requirements of the Oneida Trust Agreements.

Article IV. Meetings

1. Regular Meetings
 - A. The Oneida Trust/Enrollment Committee will meet the first (1st) Tuesday of each month for Enrollments, and the fourth (4th) Tuesday of each month for the Trust. Time and place of meetings shall be established by the Oneida Trust/Enrollment Committee.
2. Emergency/Special Meetings
 - A. The Chairperson may call Emergency/Special meetings. There shall be a minimum of 24 hour verbal notice to all Committee members of any emergency and/or special meeting.
3. Agenda and Meeting Materials
 - A. The Chairperson shall approve the agenda.
 - B. Notice of meeting location, agenda, and materials shall be forwarded to the Committee members by the Enrollment Department or the Trust Department, depending on the subject matter of the meeting.
4. Quorums

- A. A majority of the Oneida Trust/Enrollment Committee shall constitute a quorum. If a quorum is not present within 15 minutes of the announced meeting time, the meeting will be declared dismissed.
- 5. Parliamentary Procedure
 - A. All meetings shall be conducted in accordance with the rules contained in the current edition of ROBERT'S RULES OF ORDER, in all cases to which they are applicable, unless they are inconsistent with these Bylaws and/or any special rules of order the Oneida Trust/Enrollment Committee may adopt.
- 6. Order of Business
 - A. The regular meetings of the Oneida Trust/Enrollment Committee shall follow the order of business as set out herein:
 - 1) Call Meeting to Order
 - 2) Approve Agenda
 - 3) Approve Minutes
 - 4) Attorney Business
 - 5) Old Business
 - 6) New Business
 - 7) Other Business
 - 8) Adjournment
 - B. The emergency/special meetings of the Oneida Trust/Enrollment Committee shall follow the order of business as set by the Chairperson.
- 7. Voting
 - A. Voting shall be in accordance with the simple majority vote of the Committee members present at a duly called meeting.
 - B. The Chairperson may not vote except in the event of a tie.
 - C. Each Oneida Trust/Enrollment Committee member shall have one (1) vote.
 - D. Conflicts of Interest
 - 1) In cases where a conflict of interest exists, a Committee member shall recuse themselves from an action, or the Oneida Trust/Enrollment Committee can vote by a majority of the quorum present to exclude a Committee member they believe has a conflict.
- 8. Stipends
 - A. Meetings
 - 1) A Committee member is eligible to receive a stipend if a quorum has been established in accordance with Article IV 4.
 - 2) A Committee member's stipend is \$75 for attending meetings, regular or special, at least one (1) hour regardless of the length of the meeting.
 - 3) The Chairperson must supervise the departments' directors, which requires additional work. The Chairperson's stipend is \$100 for attending meetings, regular or special, at least one (1) hour regardless of the length of the meeting.
 - B. Conferences and Training
 - 1) Reimbursement for conferences and training shall be in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions, Article XI, 11-6, 11-7 and 11-8.

Article V. Reporting

- 1. General

- A. The Oneida Trust/Enrollment Committee will report to the Oneida General Tribal Council semiannually.
2. Format
 - A. Agenda items shall be in an identified format.
3. Minutes
 - A. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Oneida Trust/Enrollment Committee.
 - B. The Oneida Trust Department will provide copies of minutes of the Oneida Trust/Enrollment Committee meetings pertaining to the Trust to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust/Enrollment Committee.
 - C. The Oneida Enrollment Department will provide copies of minutes of the Oneida Trust/Enrollment Committee meetings pertaining to Enrollments to the Secretary of the Oneida Business Committee within a reasonable time after approval by the Oneida Trust/Enrollment Committee.
 - D. All copies of minutes will be stamped confidential and held by the Tribal Secretary in a sensitive documents area of tribal records.
 - E. Original minutes of the Oneida Trust/Enrollment Committee meetings will be stamped confidential and held by each respective department in a sensitive documents area.
4. Attachments
 - A. Handouts, reports, memoranda, and the like shall be attached to the original minutes and agenda.

Article VI. Amendments

1. At the first regular meeting following certification of election results, a review of these Bylaws will be conducted in order to determine that they are current.
2. The Oneida Trust/Enrollment Committee, upon written notice, may at any of its Regular meetings, by majority vote of voting members, present, adopt, amend, or repeal any or all of the Bylaws provided that the amendment or repeal has been submitted in writing at the previous regular monthly meeting.
3. All amendments are subject to subsequent approval by the Oneida General Tribal Council.

Approved by Oneida Trust/Enrollment Committee:


February 28, 2012

Approved by General Tribal Council:

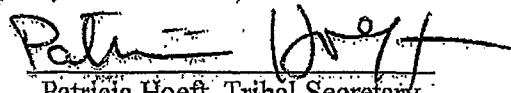
July 2, 2012

CERTIFICATION

I, the undersigned, as Chairperson of the Oneida Trust/Enrollment Committee, hereby certify that the Bylaws, as amended and revised, were adopted by the Oneida Trust/Enrollment Committee on the 28 day of February 2012.


Carole Liggins, Chairperson
Oneida Trust/Enrollment Committee

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council, in session with a quorum of 136 members present, at a meeting duly called, noticed and held on the 2nd day of July, 2012; that the foregoing bylaws were duly adopted at such meeting by a two-thirds vote of those present and that said bylaws have not been amended in any way.


Patricia Hoeft, Tribal Secretary
Oneida Business Committee

Bonnie M. Pigman

From: Susan White
Sent: Tuesday, January 31, 2017 3:54 PM
To: Bonnie M. Pigman
Subject: RE: OTEC/OBC MOA

FYI

From: Robert J. Collins
Sent: Tuesday, January 31, 2017 3:21 PM
To: Susan White
Subject: OTEC/OBC MOA

FYI – I approved the legal form of the MOA.

Robert J. Collins II
Staff Attorney
Oneida Law Office
N7210 Seminary Road
P.O. Box 109
Oneida, WI 54155
Tel. (920) 869-4327
Fax (920) 869-4065

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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:

Motion to approve sending a letter of support to the Acting Attorney General from the Oneida Business Committee for the Twahwatshi'lay^ project.

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: Cathy Bachhuber, 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:

The Gang Task Force Coordinator has requested a letter of support due to the grant funding running out in September 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@oneidanation.org



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



February 8, 2017

Acting Attorney General
Dana J. Boente
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

RE: Twahwaitsi'lay^ Project/ Letter of Support

Acting Attorney General Boente,

On behalf of the Oneida Business Committee, please accept this letter of support for the Twahwatshi'lay^ Project: restoring the fire, readdressing the mind, and rejoining the circle.

The Twahwatshi'lay^ project has established prevention and intervention services through education via the Oneida Nation High School 15 credit diploma program. At this time, the project works with youth ages 15-18. Through this granting process, we will be able to continue to develop and grow programming for the high school youth, as well as develop and deploy a component for incoming freshmen youth ages 14-15. It is a 6 week summer program, as well as, program that meets twice a month during the school year for youth who display at risk behaviors during their 8th grade year. The youth that will be included in this project are those referred for truancy, suspensions, expulsion, and/or other behavioral, social, and emotional issues.

The Oneida Nation will express our support by assisting with some or all of the following actions:

1. Offering Twahwatshi'lay^ as an option
2. Assisting with recruitment, programming curriculum, and behavior plans when appropriate
3. Participating in data collection and sharing
4. Attending quarterly program assessment meetings
5. Attending family, partner, and community open houses

6. Assisting with the creation and signing of a Memorandum of Agreement (MOA) incorporating one or all items listed above; this MOA is to be finalized in the first month after funding is received.

For more information, please contact Oneida Nation Councilwoman Fawn Billie, who also serves on the Quality of Life Committee and is the liaison to the Oneida Nation School Board. Councilwoman Billie can be reached at 920-869-4428 or via email fbillie@oneidanation.org. Thank you for your time and consideration.

Sincerely,

Cristina Danforth
Oneida Nation Chairwoman

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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:

Request to post for (1) vacancy on the SEOTS Board due to a resignation and finish the term until 11/12/17.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Kathleen M. Metoxen, Executive Tribal Clerk

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

On January 25, 2017 the SEOTS Board accepted the resignation of Daniel Schiller.

- 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: 2 / 8 / 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:

A memo was received by Melinda J. Danforth from Election Board Chair, Racquel Hill, on January 26, 2017 to notify the Business Committee there will no longer be Election Board representation for their quarterly reports.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Election Board took formal action at their meeting on January 19, 2017 (incorrect in memo of 1/17/17) to not have representation at the BC Meetings for their Quarterly Reports. The reason stated in their memo is due to the hostile nature of the environment at BC meetings. The Election Board will continue to submit quarterly, semi-annual and annual reports in a written format.

Please see attached memorandum.

- 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 Tribe of Indians of Wisconsin



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



ONEIDA TRIBAL ELECTION BOARD

P.O. BOX 413
ONEIDA, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

MEMORANDUM

To: Business Committee

From: Racquel Hill, Election Board Chairperson *RH*

Date: January 20, 2017

Subject: Election Board Representation for Quarterly Reports

On behalf of the Oneida Election Board, due to the fact that the environment of the Business Committee meetings has become increasingly hostile in nature, as an elected body with specific duties delegated by GTC, the Oneida Election Board has taken formal action at a regular meeting of January 17, 2017 regarding not having representation at the Business Committee meetings for the quarterly reports.

To our knowledge, nothing in the Board's bylaws, Election Law, Comprehensive Board Governing Boards Committees and Commissions, or any other law specifies presence of the Board as a reporting requirement. Based on this fact, the Election Board has decided since there are no mandates for Election Board members to attend the Business Committee meetings, and members are in no way compensated for doing so, the Election Board's position is that complying with the reporting requirements is sufficient and the Election Board will no longer have representation present at the BC meetings.

The Election Board continually meets the reporting requirement to the Business Committee and GTC by submitting timely quarterly, annual, and semi-annual reports. The Election Board prefers that the entire Board address any questions or comments on the reports. Furthermore, the Election Board respectfully requests any questions or requests of the BC for more information about the quarterly reports be submitted through the BC liaisons.

If the Business Committee has any comments or questions on the Election Board's position on this matter, please have the liaisons respond accordingly. Thank you.

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 02 / 08 / 17 e-poll requested

2. General Information:

Event Name: _____ N.A.F.O.A.'s 35th Annual Conference _____

Event Location: _____ San Francisco, CA _____

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: _____ \$2,200 _____

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Oniyote?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:

Participation in a variety of educational "breakout" sessions and opportunities to network with tribes, federal agencies, and leading industry professionals. In addition, conference attendees have the opportunity to dialogue between tribes, federal partners, non-profits, and professionals, with session on investment education, policy affecting tribes, accounting updates, new budgeting methods, and economic development opportunities.

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

NAFOA'S 35TH ANNUAL CONFERENCE

AGENDA

Sunday, April 23, 2017

4:00 PM - 7:00 PM	Pre-Registration Open
5:00 PM - 7:00 PM	Member Tribe Reception/Meeting

Monday, April 24, 2017

7:00 AM - 8:30 AM	Breakfast Buffet
8:30 AM - 12:00 PM	General Session
12:00 PM - 1:30 PM	Luncheon
1:30 PM - 2:45 PM	Breakout Sessions
2:45 PM - 3:00 PM	Refreshment Break
3:00 PM - 4:15 PM	Breakout Sessions
4:15 PM - 5:30 PM	Breakout Sessions
5:30 PM - 7:30 PM	President's Reception

Tuesday, April 25, 2017

7:00 AM - 8:30 AM	Breakfast Buffet
8:30 AM - 10:50 AM	General Session
10:50 AM - 11:10 AM	Refreshment Break
11:10 AM - 12:25 PM	Breakout Sessions
12:30 PM - 2:00 PM	Awards Luncheon
2:00 PM - 3:15 PM	Breakout Sessions
3:15 PM - 3:30 PM	Refreshment Break
3:30 PM - 4:45 PM	Breakout Sessions
5:30 PM - 9:30 PM	Closing Reception - Giants Baseball Game

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 2 / 8 / 17 e-poll requested

2. General Information:

Event Name: _____ 31st Annual WIEA Conference _____

Event Location: _____ Minocqua, WI _____ 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: _____ \$ 823.50

Registration: \$ 250.00
Hotel: \$ 115.00/night
Per Diem: \$ 51.00/full day
Fuel Allowance: \$ 50.00

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onlyote?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 Wisconsin Indian Education Association is a 501 (c) (3) non-profit organization established in 1985 to promote educational opportunities for Indian people in Wisconsin through a unified effort of Native and non-Native members interested in the social and economic advancement of Indian people.

At the Tribal Caucus held in Baraboo, WI, on January 18, 2017, Brian Jackson, WIEA President, requested all WI tribes send representatives to support this year's annual Conference and Awards Banquet.

WIEA profile and conference agenda attached for your reference.

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



Wisconsin Indian Education Association Northeast Region

WISCONSIN INDIAN EDUCATION ASSOCIATION (WIEA) PROFILE

We are pleased to announce that the 2017 Wisconsin Indian Association (WIEA) Conference Mino-Ayaa'Idiiwin - "Let's Be Healthy Together" will be held May 12 - 13, 2017, at The Waters of Minocqua, in Minocqua, Wisconsin. The conference offers an opportunity for individuals, both Native and non-Native, interested in education - adults and youth, educators, parents, community members, representatives from businesses and organizations - to teach and learn together. This is the only statewide conference that specifically addresses issues in Native American education at all educational levels from early childhood programs to graduate and professional schools.

The Wisconsin Indians Education Association is a 501 (c) (3) non-profit organization established in 1985 to promote educational opportunities for Indian people in Wisconsin through a unified effort of Native and non-Native members interested in the social and economic advancement of Indian people. The organization has evolved from an information sharing role into an association that actively addresses key issues that affect Indian education. Our members meet with state legislators, serve on the governor's task force on Recruitment and Retention of Indian Students in the Technical College and University systems and provide input into university planning such as the Design for Diversity.

Wisconsin Education Act 31 (1989/1991) refers to the statutory requirement that all public school districts provide instruction in the history, culture, and tribal sovereignty of the eleven federally-recognized American Indian tribes and bands in the state. In February 2014, the Wisconsin Education Act 31 (1989/1991) Survey Committee conducted Wisconsin school administrator and teacher online surveys to determine how state and tribal agencies can help provide information, training, and technical assistance to school districts in teaching about Wisconsin American Indian sovereign nations. Some highlights of the survey showed the ongoing need for the educational efforts of WIEA and the importance of the WIEA annual conference in addressing the gap in Native American education.

Approximately 7 in 10 administrators said that their school or district needs additional instructional materials regarding Wisconsin American Indian culture and approximately one-half believe more professional development is needed in this area.

Approximately 4 in 10 teachers, who received their Wisconsin teaching licensure after 1991, said that they had college level instruction in the history, culture, and tribal sovereignty of Wisconsin American Indian tribes and bands. Of those who received training, slightly more than one-half said that they received their training in one class only.

Please support the educational efforts of the WIEA. For more information please visit wiewa.org.

**Wisconsin Indian Education Association Northeast Region ~ Attn: Susan Crazy Thunder,
Nicolet College 715-365-4434, scrazythunder@nicoletcollege.edu**

Wisconsin Indian Education Association 31st Annual Conference: 2017

“Mino Ayaq ‘Idiwin: Let’s Be Healthy Together”

May 12st – May 13th 2017 Waters, Minocqua, WI. Lakeland Union High School, & Lac Du Flambeau Lake of Torches Casino

FRIDAY, May 12: AT A GLANCE

7:00a Registration Opens History Tours – Pontoon By Brandon Thoms, Doreen & Bob Kovar

7:45-8:30a Breakfast COURAGEOUS CONVERSATIONS David O’Connor DPI

8:30-8:45a Opening Ceremonies

8:45-9:30a Welcome President of WIEA – Brian Jackson

9:30-10:30a

Keynote Address – Ricky White, White Earth, MN Superintendent

10:45-11:45a Workshops: Session A

12:00-1:15p Lunch/Keynote – Justin Kii Huenemann, CEO Notah Begay III Foundation NB3 Fit

1:30-2:30p Workshops: Session B

2:45-3:45p Workshops: Session C

4:00-5:00 p Regional Caucuses – SUPERINTENDENT –PRINCIPAL ROUND TABLE

5:30-6:45 FEAST Lakeland Union High School

7:00 – Powwow Grand Entry LAKELAND UNION HIGH SCHOOL

8:45 Traveling Song Wrap up Powwow

9:00 Native Style Film Fest Carol Amour – Doreen Rocket W. LDF CONVENTION CENTER

SATURDAY, May 13th: AT A GLANCE

7:00a Registration Opens – History Tours-Pontoon By Brandon Thoms, Doreen & Bob Kovar

7:00 Youth Day Color Run Walk with Tinker Brooke K. and Dustin Mitchell DMB7

7:45-8:30a Breakfast

8:15-8:30a Opening Ceremonies

8:30-8:45a Welcome & Honor Ceremony

8:45-9:45a

Keynote Address – Ahniwake Rose, Executive Director – National Indian Education Association

10:00-11:00a Workshops: Session D

11:15-12:15p Workshops: Session E

12:30-1:45p Lunch/Keynote – STUDENT VIDEO - Dr. Jiim Bouche HYBRID Administrator –Superintendent-Principal Lakeland Union High School

2:00-3:00p Workshops: Session F

3:15-4:15p Workshops: Session G

4:15- WELCOME AWARD WINNER TRANSITIONING TO LDF CONVENTION CENTER

5:45-7:30 Awards BANQUET

8:00 – 9:00 Entertainment Swedish Pop Star Sofia Janock

End of Conference

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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 travel request in accordance with Travel & Expense Policy - Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer - 72nd Anniversary of Iwo Jima Flag Raising Ceremony - Phoenix, AZ - February 23-26, 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: Requestor: Mike Hill, Chair/Oneida Veterans Affairs Committee
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Liaison: Jennifer Webster, Councilwoman
Name, Title / Dept.

Additional Requestor: Submitted by: Heather Heuer, Info. Mgmt. Spec.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BACKGROUND

On Monday, January 30, 2017, at 10:30 a.m., the following E-Poll was conducted:

Summary:

As discussed during ONVAC's FY '17 1st quarter report on Thursday, January 26, 2017, for your consideration and approval is a travel request for eight Oneida Nation Veterans Affairs Committee members & one Veterans Service Officer to attend and participate in the 72nd Anniversary Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017. In accordance with the FY 2017 Continuing Budget Resolution and corresponding spending guidelines, ONVAC would utilize funds from within their budget at FY 2016 levels in order to maintain a positive variance.

Requested Action:

Approve travel request in accordance with Travel & Expense Policy – Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer – 72nd Anniversary of Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017

Deadline for response:

Responses are due no later than 10:30 p.m. Monday, January 30, 2017.

As of the deadline, below are the responses:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Brandon Stevens, Lisa Summers

Support 6 travelers and 1 Veterans Service Officer: Jennifer Webster

Support 4 travelers: David Jordan

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 travel request in accordance with Travel & Expense Policy - Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer - 72nd Anniversary of Iwo Jima Flag Raising Ceremony - Phoenix, AZ - February 23-26, 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@oneidanation.org

BC_Agenda_Requests

From: TribalSecretary
Sent: Tuesday, January 31, 2017 9:08 AM
To: TribalSecretary; 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: Carol Silva; John L. Breuninger (breuningerjohn@gmail.com); 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; BC_Agenda_Requests
Subject: E-POLL RESULTS: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017
Attachments: ONVAC Travel Request.pdf; JW response.pdf; DJ response.pdf
Importance: High
Categories: Next Meeting

E-POLL RESULTS

The E-Poll request to approve travel request in accordance with the Travel & Expense Policy for eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer to attend the 72nd Anniversary of Iwo Jima Flag Raising Ceremony in Phoenix, AZ from February 23-26, 2017, **has been approved**. As of the deadline, below are the results:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Brandon Stevens, Lisa Summers
 Support 6 travelers and 1 Veterans Service Officer: Jennifer Webster
 Support 4 travelers: David Jordan

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: Monday, January 30, 2017 10:30 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 <rhill7@oneidanation.org>

Cc: Carol Silva <CSILVA@oneidanation.org>; John L. Breuninger (breuningerjohn@gmail.com) <breuningerjohn@gmail.com>; 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: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017

Importance: High

E-POLL REQUEST

Summary:

As discussed during ONVAC's FY '17 1st quarter report on Thursday, January 26, 2017, for your consideration and approval is a travel request for eight Oneida Nation Veterans Affairs Committee members & one Veterans Service Officer to attend and participate in the 72nd Anniversary Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017. In accordance with the FY 2017 Continuing Budget Resolution and corresponding spending guidelines, ONVAC would utilize funds from within their budget at FY 2016 levels in order to maintain a positive variance.

Requested Action:

Approve travel request in accordance with Travel & Expense Policy – Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer – 72nd Anniversary of Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017

Deadline for response:

Responses are due no later than **10:30 p.m. Monday, January 30, 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: Jennifer A. Webster
Sent: Monday, January 30, 2017 11:24 AM
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: Carol Silva; John L. Breuninger (breuningerjohn@gmail.com); Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Oroasco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore
Subject: RE: E-POLL REQUEST: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017

I approve 6 members + 1 VSO.
Jenny

From: TribalSecretary
Sent: Monday, January 30, 2017 10:30 AM
To: TribalSecretary; 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: Carol Silva; John L. Breuninger (breuningerjohn@gmail.com); Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Oroasco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore
Subject: E-POLL REQUEST: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017
Importance: High

E-POLL REQUEST**Summary:**

As discussed during ONVAC's FY '17 1st quarter report on Thursday, January 26, 2017, for your consideration and approval is a travel request for eight Oneida Nation Veterans Affairs Committee members & one Veterans Service Officer to attend and participate in the 72nd Anniversary Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017. In accordance with the FY 2017 Continuing Budget Resolution and corresponding spending guidelines, ONVAC would utilize funds from within their budget at FY 2016 levels in order to maintain a positive variance.

Requested Action:

Approve travel request in accordance with Travel & Expense Policy – Eight (8) Oneida Nation Veterans Affairs Committee members & one (1) Veterans Service Officer – 72nd Anniversary of Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017

Deadline for response:

Responses are due no later than **10:30 p.m. Monday, January 30, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with “support” or “oppose”.

Heather Heuer

Heather M. Heuer

From: David P. Jordan
Sent: Monday, January 30, 2017 8:11 PM
To: TribalSecretary
Cc: David P. Jordan
Subject: RE: E-POLL REQUEST: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017

Support sending a total of 4 members. Due to the short notice, the letter was dated November-29-2016 so why didn't they request this sooner? Also this is a one day event.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: TribalSecretary <TribalSecretary@oneidanation.org>
Date: 1/30/17 10:30 AM (GMT-06:00)
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" <rhill7@oneidanation.org>
Cc: Carol Silva <CSILVA@oneidanation.org>, "John L. Breuninger (breuningerjohn@gmail.com)" <breuningerjohn@gmail.com>, "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: ONVAC Travel Request - 72nd Iwo Jima Flag Raising - Phoenix, AZ - Feb. 23-26, 2017

E-POLL REQUEST**Summary:**

As discussed during ONVAC's FY '17 1st quarter report on Thursday, January 26, 2017, for your consideration and approval is a travel request for eight Oneida Nation Veterans Affairs Committee members & one Veterans Service Officer to attend and participate in the 72nd Anniversary Iwo Jima Flag Raising Ceremony – Phoenix, AZ – February 23-26, 2017. In accordance with the FY 2017 Continuing Budget Resolution and corresponding spending guidelines, ONVAC would utilize funds from within their budget at FY 2016 levels in order to maintain a positive variance.

Requested Action:

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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:

approval

As per the attached memorandum, the ONVAC is requesting a ~~"procedural exception"~~ ^{approval} for the number of participants to attend the 72nd IWO JIMA Flag Raising Ceremony on the Gila River Indian Community Reservation in Sacaton, Arizona. The "invitation" is also attached for your review, along with the estimated cost expenditures. This request is for the APPROVAL by the Oneida Business Committee. As previously discussed within our First Quarter Report to the Oneida Business Committee, we will be utilizing funds from within our budget, of which we are remaining within the spending guidelines for FY 2017.

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/Submitter: Mike Hill, ONVAC Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: John L. Breuninger, ONVAC Secretary
Name, Title / Dept.

Additional Requestor: Kerry Metoxen, Oneida Tribal Veterans Service Officer
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

To: Oneida Business Committee

Purpose: As per Travel Procedure, the ONVAC is requesting ~~a Procedural Exception to the number~~ **approval** of traveling participants to attend the aforementioned Veterans Celebration in Sacaton, Arizona.

Oneida Veterans have participated in this Veterans event several times over the past years and we have received a special invitation (attached) to this year's events. The "letter of invitation" explains the rationale and provides some background as to why we have been invited.

We request that the OBC APPROVE our request as we represent the entire Oneida Nation as a representative body of our communities' veterans as well as the Oneida Nation.

Article XVI. Department Travel

16-1. Departments will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share any pertinent information they have with others from their department. Special occasions may develop that need additional personnel from the same department to attend, provided that written approval from the General Manager, Gaming General Manager or Oneida Business Committee is needed, with an explanation for the additional personnel. This will exclude departments that need training hours for specific certifications.

- 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
 Oneida Veteran Affairs Committee
 134 Riverdale Dr.
 Oneida, WI 54155



Michael Hill – Chairman
 James Martin – Vice Chairman
 John L. Breuning - Secretary
 Arthur Cornelius
 Gerald Cornelius
 Floyd J. Hill
 Kenneth House
 Nathan Smith
 Carol Silva

Kerry Metoxen – Veterans Director
 Carolyn Miller – Benefits Specialist
 Jennifer Webster – OBC Liaison

MEMO TO: Oneida Business Committee
FROM: Mike Hill, ONVAC Chairman
DATE: 15 December 2016
SUBJ: Procedural Exception – Ira Hayes Color Guard

Purpose of Travel: ONVAC is requesting a ^{approval} ~~procedural exception~~ for eight ONVAC members and the Veterans Service Officer to travel to Phoenix, Arizona for the 72nd Anniversary of the Iwo Jima Flag Raising on February 23-26, 2017. In accordance with the FY 2017 Continuing Budget Resolution, ONVAC is operating at the Fiscal Year 2016 budget level and remains within the existing guidelines and has a positive variance.

The listed projected expenditures remain within the ONVAC Budget levels and our request for four days (three hotel nights) will give our Veterans the opportunity to participate in all of the activities associated with this event. Event literature is attached.

Estimated Cost of Travel:

Hotel:	3 nights at \$216.00 X 9 rooms at a cost of	\$ 5,832
Per Diem:	2 days at \$51.00 X 9 meals at a cost of	\$ 918
	2 days at \$38.00 X 9 meals at a cost of	\$ 684
Car Rental	1 Van at \$450.00	\$ 450
Luggage	9 times \$50.00 round trip at cost of	\$ 450
Airline	9 * tickets at \$576.20 at a cost of	\$ 5,186
Total Estimates Request		\$13,070

We thank you for your consideration of this request.

* Two individuals are considering driving so Mr. Hill can transport his mobile unit because of his handicap. This opportunity will deduct \$1,152.40 from the airline cost and apply this amount to the mileage expenditure.

ATTACHMENTS

American Legion Post No. 84**P.O. Box 186, Sacaton, Az. 85147****Phone: (520) 562-8484 Fax: (520) 562-3279****E-Mail - ihpost84@gilanet.net**

November 29, 2016

Mike Hill, Chairman
Oneida Nation Veterans Affairs Committee
P.O. Box 365
Oneida, WI 54155

RE: Letter of Invitation

Dear Chairman Hill:

It is with great pleasure that I have been requested by the American Legion, Ira Hayes Post 84 Commander, to scribe this Letter of Invitation to the Oneida Veterans Affairs Committee (ONVAC).

It is our desire for your Veterans Affairs Committee to participate in the 72nd Commemoration of the IWO JIMA FLAG RAISING on Saturday, February 25, 2017 in Sacaton, Arizona. Your Organization has participated in past commemoration events and it was certainly our pleasure to host you along with the many other veterans' organizations from throughout the U.S.

The solidarity of our Native American Veterans Organizations in recognition and support of our comrade Ira Hayes, continues to be a true testament to Native American men and women who have in the past and will continue into the future proudly serving to defend our Nation.

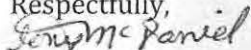
The Oneida Nation, being known to have your People serve in every war and scrimmage since the American Revolution, makes your presence very honorable at our event.

With this being said, I hereby request your consideration of our Invitation. I may be reached via phone to confirm and/or by e-mail at the following numbers/address:

(520) 610- 0777 or ihpost84@gilanet.net

Please log into our Website: irahayespost84.org for the appropriate applications for participation

Respectfully,



Tony McDaniel, Post 84 Adjutant

72nd Anniversary Iwo Jima Flag Raising

**Military Parade and
Flyover to begin at 8:30 AM.
Ceremonies to follow at the
Mathew B. Juan, Ira H. Hayes
Veterans Memorial Park in
Sacaton, AZ.**

All Public and Veterans Groups are welcome.

**Feb. 25
2017**



Luncheon hosted by American Legion Auxiliary Unit No. 84 with St. Peters Church and School. Event sponsored by American Legion Ira H. Hayes Post No. 84 and Auxiliary Unit No. 84. Mailing Address: P.O. Box 186, Sacaton, AZ, 85147 / Phone: 520.562.8484 / Fax: 520.562.3297 / Email: ihpost84@gilanet.net / Web: www.iraheyestpost84.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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 travel request - Councilwoman Jennifer Webster - Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings - Washington D.C. - February 27-March 1, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Emails with request and results"/>	3. <input type="text"/>
2. <input type="text" value="Agenda request form for E-Poll and back-up"/>	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: Requestor: Jennifer Webster, Councilwoman
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, Monday, January 30, 2017, at 11:10 a.m., the following E-Poll was conducted:

Summary:

Councilwoman Webster is respectfully requesting the BC's approval to attend Medicare Medicaid Policy Committee (MMPC) meeting on Tuesday, February 28, 2017 and Tribal Technical Advisory Group (TTAG) in Washington, D.C. on March 1, 2017 with travel dates of February 27, 2017 – March 1, 2017. As the alternate liaison to the Health Care Area, it is extremely important to learn the current topics and challenges in health care that affect Oneida Tribal members. The purpose for an e-poll request is to secure available and cost-effective rates for airfare and hotel.

Requested Action:

Approve travel request – Councilwoman Jennifer Webster – Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings – Washington D.C. – February 27-March 1, 2017.

Deadline for response:

Responses are due no later than 11:10 p.m. Monday, January 30, 2017

As of the deadline, below are the responses:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

REQUESTED ACTION

Enter E-Poll results into the record for approved travel request - Councilwoman Jennifer Webster - Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings - Washington D.C. - February 27-March 1, 2017.

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

From: TribalSecretary
Sent: Tuesday, January 31, 2017 9:11 AM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Debbie J. Melchert; Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore; BC_Agenda_Requests
Subject: E-POLL RESULTS: Councilwoman J.Webster - MMPC & TTAG meetings - D.C. - Feb. 27-Mar. 1, 2017
Attachments: BC Travel for Jenny W - MMPC - TTAG.PDF
Importance: High
Categories: Next Meeting

E-POLL RESULTS

The E-Poll request to approve the travel request for Councilwoman Jennifer Webster to attend the Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings in Washington D.C. from February 27-March 1, 2017, **has been approved**. As of the deadline, below are the results:

Support: Melinda J. Danforth, Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)

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From: TribalSecretary
Sent: Monday, January 30, 2017 11:10 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: Debbie J. Melchert <DMELCHER@oneidanation.org>; 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: Councilwoman J.Webster - MMPC & TTAG meetings - D.C. - Feb. 27-Mar.1, 2017

Importance: High

E-POLL REQUEST

Summary:

Councilwoman Webster is respectfully requesting the BC's approval to attend Medicare Medicaid Policy Committee (MMPC) meeting on Tuesday, February 28, 2017 and Tribal Technical Advisory Group (TTAG) in Washington, D.C. on March 1, 2017 with travel dates of February 27, 2017 – March 1, 2017. As the alternate liaison to the Health Care Area, it is extremely important to learn the current topics and challenges in health care that affect Oneida Tribal members. The purpose for an e-poll request is to secure available and cost-effective rates for airfare and hotel.

Requested Action:

Approve travel request – Councilwoman Jennifer Webster – Medicare, Medicaid, and Health Policy Subcommittee (MMPC) & Tribal Technical Advisory Group (TTAG) meetings – Washington D.C. – February 27-March 1, 2017.

Deadline for response:

Responses are due no later than **11:10 p.m. Monday, January 30, 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)

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National Indian Health Board



2017 MMPC Conference Calls and Face to Face Meetings

DATE/ EVENT	LOCATION
January 4, 2017 Conference Call 2:00PM - 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
February 28, 2017 Face to Face Meeting	TBD Washington, D.C.
April 5, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
2017 Spring MMPC Strategy Session	Date and Location TBD
May 3, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
June 7, 2017 Conference Call 2:00PM – 4:00 PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
July 11, 2017 Face-to-Face Meeting	TBD Washington, D.C.
August 2, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
September 6, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
October 4, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#
October 31, 2017 Face-to-Face Meeting	TBD Washington, D.C.
December 6, 2017 Conference Call 2:00PM – 4:00PM ET	Call-In Number: 1-866-866-2244 Passcode: 594865#

National Indian Health Board



2017 CMS TTAG Conference Calls and Face-to-Face Meetings

DATE/EVENT	LOCATION
January 11, 2017 Conference Call 2:30PM – 4:00PM ET	Call-In Number: 1-877-267-1577 Meeting Number: 995 869 158
March 1-2, 2017 Face-to-Face Meeting	National Museum of the American Indian Fourth & Independence Ave. S.W. Washington, D.C.
April 12, 2017 Conference Call 2:30PM – 4:00PM ET	Call-In Number: 1-877-267-1577 Meeting Number: 991 559 727
June 14, 2017 Conference Call 2:30PM – 4:00PM ET	Call-In Number: 1-877-267-1577 Meeting Number: 999 301 018
July 12-13, 2017 Face-to-Face Meeting	TBD Washington, D.C.
September 13, 2016 Conference Call 2:30PM – 4:00PM ET	Call-In Number: 1-877-267-1577 Meeting Number: 999 275 693
October 11, 2016 Conference Call 2:30PM – 4:00PM ET	Call-In Number: 1-877-267-1577 Meeting Number: 999 893 821
November 1-2, 2017 Face-to-Face Meeting	TBD Washington, D.C.

*****Please keep in mind that these dates are subject to change*****

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 17

2. General Information:

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

Agenda Header: Reports

Accept as Information only

Action - please describe:

Environmental Health & Safety Division 1st 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: Patrick Pelky, Division Director/EHS

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Left: James Snitgen, Water Resources Supervisor, Pat Pelky EHS Director and Councilman Tehassi Hill represented Oneida at the award ceremony at UW Madison on November 10 for 2016 Wetland Hero Award by the WI Wetland Association for outstanding work protecting and restoring wetlands. Above: students plant wild rice from canoes at Where the Waterbirds Nest Natural Area



FY2017 First Quarter Report



A good mind. A good heart. A strong fire.

Oneida Environmental, Health, and Safety Division

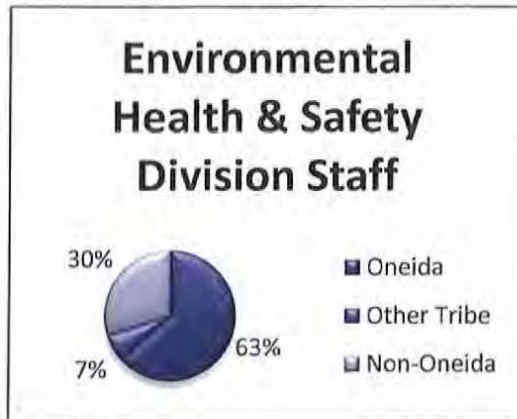
December 30, 2016

Overall Impressions of the First Quarter

In the first quarter of FY2017, EHSD was successful in taking care of our Mother Earth through the Clean Sweep Recycling event. EHSD applied for many grants to continue programs and services for Oneida and continued work to protect Oneida lands, wetlands and waters.

Moving Toward the Practical Vision: How EHSD contributes...

Practical Vision Element	EHSD Fourth Quarter Activities
An engaged community	Water Resource Team has committed to providing at least one article each month as part of the Environmental page in Kalihwisaks. This is an important way to keep the community informed of our activities and also to open dialogue regarding current issues. Household Clean Sweep event focuses on engaging the community in recycling and reducing waste in the home. Community "Wild Game" feast was held at the Veteran's Affairs building and had over three hundred (300) community members come to eat various wild game dishes and visit with one another. The plan is to continue to host this event to show support to our Veterans and the community.
Accountable & effective government	Worked with EPA to renew Construction Site Stormwater Inspector credential. Also worked with EPA on the new process of achieving Treatment as a State (TAS) for Water Quality Standards. Working within our Tribal divisions to address a problem with curbside large item pick up. Continue to work within the framework of both the Demo and Dirt Teams to make construction activities within the organization more efficient. The Conservation Department worked with the Environmental Resources Board and the Law Office to finalize the Hunting, Fishing, and Trapping regulations and the amendments to the Hunting, Fishing, and Trapping law.
Leaders who promote positive social change	
Living a good mind, Ka'nikuh'liyo	
Volunteerism	EHSD staff sponsored two families from adopt a family Oneida giving tree in December and held fundraisers for Christmas gifts and gift cards.
Long term sustainability plans	Long-term sustainability of natural resources depends upon wise use and ultimately, valuing of resource by the community. All outreach events build community appreciation of Oneida waters.
Create economic systems	We will continue to apply for funds from the WDNR summer tribal youth program to employ Oneida youth over the summer months providing them a full time jobs.

Personnel**Time-Off Accrual Management**

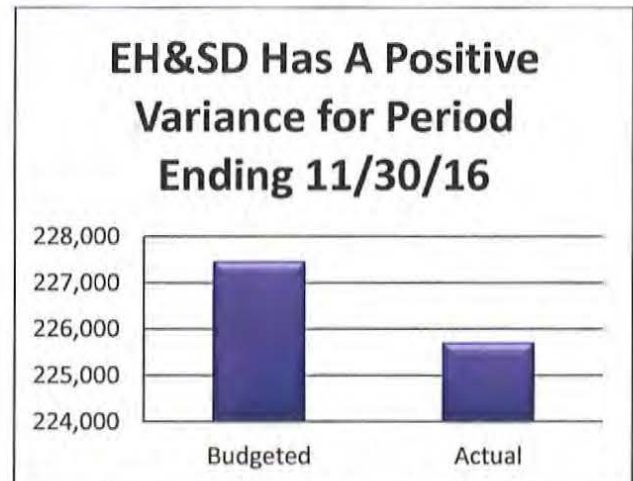
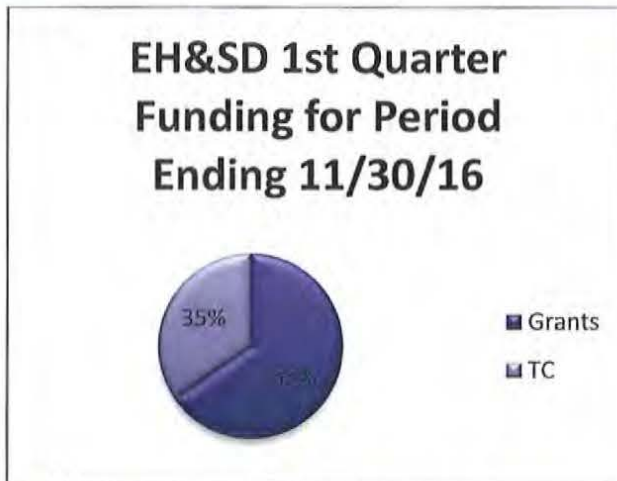
We have 9 employees over the 200 hours for vacation and personal time accruals. These employees are encouraged to take time off monthly by their supervisor and to review their hours on the Employee Self Services computer site.

Travel & Training

EH&S Division Travel for 1st Quarter			
Staff	Event	Location	Cost
EH&SD Division Director	USDA-NRCS Central Tribal Conservation Advisory Council (RTCAC) meeting	Catoosa, OK	Expense Free
EH&SD Division Director	WTCAC Meeting	Red Cliff, WI	Expense Free
Env. Area Manager	Region 5 Tribal Operations Committee Meeting	Manistee, MI	\$419.45
Natural Resources Tech Trainee	Upper Midwest Invasive Species Conference	La Crosse, WI	Expense Free
Fostry & Trails Manager	WTCAC Meeting	Mole Lake, WI	Expense Free
Project Manager	DOE Office of Indian Energy's 14th Annual Program Review	Denver, CO	\$1,482.81
Master Electrician	NREL & GRID Alternative Training for Repairing PV Systems	Denver, CO	\$1,599.70
Journeyman Electrician	NREL & GRID Alternative Training for Repairing PV Systems	Denver, CO	\$1,496.70
Industrial Hygienist	WI Asbestos Conference	Wisc. Dells, WI	\$155.50
Water Resource Specialist	Water Quality Standards Academy	Washington, DC	\$808.70

Grants Applied for or Received in the First Quarter		
Agency	Activities	Amount
BIA	Invasive Species Program grant	\$12,000
NRCS	Agricultural Conservation Easement Program (ACEP)	\$2,455,500
EPA	Brownfield 104(k) Cleanup Grants	\$335,000
EPA	Brownfield 128(a) FY 18 Program Funding	\$118,000
EPA	Exchange Network Grant	\$170,000
EPA	A Direct Implementation Tribal Environmental Agreement (DITCA) where Oneida staff acts on behalf of EPA to assess Underground Injection Control wells on the reservation.	\$30,000

Budget Update



Public Outreach, Conference & Events Attended

October: Wild rice planting with tribal students from West De Pere High School, Oneida Nation High school at Where the Waterbirds Nest and Oneida Lake. Held an event for Kaukauna HS students at Silver Creek on restoration. Gave a tour for the BC and Senate Majority Leader Scott Fitzgerald. 5 staff attended Procurement Training / Purchasing Fundamentals under the new OMB requirements at Radisson. Clean Sweep Event was held on October 12, 2016. Two birdwatching hikes in October with Adventures Program.

November: Compliance Assistance Training to Menominee Tribe, Open House Tours at the Hilltop BP site, Community Showcase booth on EHSD Programs & Services on November 16, 2016 at Thornberry at Oneida. Two Food Safety Classes, as routinely scheduled for November. Health Accreditation Training Hosted by Wisconsin Department of Health and Human Services.



In December Fundraisers were held to sponsor 2 Oneida families from the Oneida Giving Tree.

December: EHSD organized and held a chili and frybread burger fundraiser to raise money to sponsor two families Christmas gifts from the Oneida Social Services Giving tree.

Notable Accomplishments for the First Quarter:

- We initiated a habitat enhancement project on Lancaster Brook. Got several more benthos samples identified. We also had another very productive fisheries meeting and ordered next year's fish stocking request through USFWS Fisheries Biologist Rob Elliott.
- EHSD staff and Councilman Hill attended the ceremony for the award from the Wisconsin Wetlands Association at the ceremony in Madison on November 10th.
- Applied for funding to enroll 412 acres into a new NRCS program Agricultural Conservation Easement Program (ACEP).
- Compiled staff program and services info and made posters for EHSD for Community Showcase on November 16.
- UST Compliance Assistance provided on-site training for the Menominee Tribe and was asked to lead a national UST Training effort by ITEP. The Tribal Environmental Response Program extended an invitation to the community to visit Hilltop BP to learn about the cleanup work being conducted there. Though only 12 community members participated, they included representatives from the Land Commission and Oneida Development Division. Several members of the BC indicated that next spring they would be interested in a tour. Additionally, the program provided support and background information on a potential acquisition.
- Windows of the Norbert Hill Center asbestos replacement were completed and closed out.
- Invasive Species Program: WTCAC seasonal workers treated 89.5 acres of invasive species.
- Presented on the use of drones for invasive species monitoring (Upper Midwest Invasive Species Conference).
- One EHSD staff passed the Airman Knowledge Test and is now a certified remote pilot (only one in Tribe) for the EHSD drone. By registering the drone, and having liability insurance, EHSD is in compliance with FAA Small Unmanned Aerial System (SUAS) regulations.
- UST-DITCA: Presented at the BIA Partners in Action Conference. Assisted EPA with four Federal Inspections (12 TOTAL). Provided Compliance Assistance Training to Menominee Tribe.
- Working with Oneida Community Health on PHAB certification, we have contributed examples of our laws and policies and completed a draft communication MOA with Community Health.
- Work with NRCS on getting 3 new grazing plans done for the Oneida Nation Farm, Tsyunhehkwa, and the County U Farm.
- Got reimbursements from NEW Water for Best Management Practices installed this year.



Wetland Program Manager Tony Kuchma (safety yellow) and Experiential Staff Mark Steinbach (blue) work with Oneida to plant wild rice from canoes at 2 natural areas.

Notable Accomplishments for the First

Quarter Continued:

- The Natural Resources Conservation Department worked with the Recreation Department to host a weekly archery program to introduce young people to the sport of archery. Each class had an average of fifteen (15) children and developed their archery skills as the weeks went on through the five (5) week course. Children learned about the history of archery, how archery plays a role in our culture, range/shooting safety, and finally shooting form/technique.
- The Natural Resources Conservation Department continued to work with the Environmental Resources Board and the Law Office to finalize the Hunting, Fishing, and Trapping regulations and the amendments to the Hunting, Fishing, and Trapping Law. This effort will streamline the regulation and law process for the future, as well as, allow for quicker changes that maybe required for resource management, technological advances, and safety concerns.
- The Natural Resources Conservation Department assisted in finding an Oneida Veteran to participate in a fully funded and guided bear hunt in northern Wisconsin. The local Veteran was successful in harvesting his first bear, a three hundred fifty-two (352) lbs. bruin, after 50 years of not hunting. The hunt had then collaborated into the community "Wild Game" feast that was held at the Veteran's Affairs building and had over three hundred (300) community members come to eat various wild game dishes and visit with one another. The plan is to continue to host this event to show support to our Veterans and the community.
- The Natural Resources Conservation Department secured the Lake site and winterized the facilities for the season. All docks and piers were removed and stored on site for the winter.
- Nearly complete with solar deployment Operating Agreement language; removed Turtle School from primary list (due to BIE rules); technical team convened to discuss installation and maintenance logistics; presented at Dept. of Energy meeting. Troubleshoot motor and auger for Conservation pellet boiler; initiated a workshop energy audit.
- Completing the 2nd Clean Sweep, which was a make-up event for the early cancellation of the July 13th Clean Sweep. We collected over 40 tons of material and served an additional 206 Tribal members at this event.
- The Public Health Sanitarian Trainee was able to successfully complete her REHS/RS exam and is now licensed by the state of Wi as a Registered Sanitarian.

- EHSD worked to find funding for the playground equipment that will be installed at Oneida Lake in Spring 2017 with grant funding from the Health Promotions dept.



Work was completed on removing many of the windows from the outside of the Norbert Hill Center. Most windows were original from 1954. Some were in poor condition and some windows did not open or close. There was asbestos around the perimeter of the windows in the caulking and mortar. All asbestos abatement of windows is in compliance with EPA & BIE Regulations.



Plans for FY17 Second Quarter

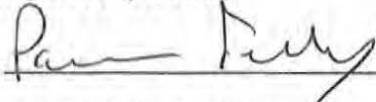
- Surface Water Program will continue getting caught up on the identification of our biological samples that we use to determine the ecological health of our streams and wetlands.
- Preparing for the next large-scale stream restoration project on Silver Creek. Applying for BIA Circle of Flight funding, Great Lakes Restoration Initiative funding and the ACEP contract.
- Revisiting and revising water quality standards and monitoring strategy.
- Developing electronic forms and a database to assist staff in documenting their field work. This will result in measureable results that will be used to demonstrate and analyze program capacity.
- Next quarter we will work on a new application for the DNR Summer Tribal Youth Program grant to employ five Oneida youth full-time over the summer in the Natural Resource Conservation Department.
- Facilitate, review and restructure of the Clean Sweep event to focus more on recycling and less trash. Continue meeting with the Clean Sweep Committee to determine how we will continue with the Clean Sweep event for the future.
- Invasive Species Program: Submit new work plan for 2017-2018 field season. Renew UST Installer and Inspector credentials. Create UST Compliance Assistance/Inspection schedule. Prepare for UST Training course/class for ITEP. Convert all paper field forms to electronic forms.
- We hosted a site visit, including a tour and staff interviews, for representatives from UW Madison Nelson Institute who are working with us on a climate change webinar. Partners include Oneida, Red Cliff, Ho-Chunk and UW. The focus for Oneida is climate change training for health care professionals. For the 2nd quarter the training module should be drafted and ready for partner approval.
- Planning for the FY17 field season, getting the purchase of a crimper roller done, and grant writing
- Grant Application for the CWA Section 319 Nonpoint Program, Grant Application for the BIA-GLRI.
- Updating the current food code.

- Finalize design, contractual work and investor agreements for Solar Deployment Project; finish tribal approval process
- Several staff from the EHSD Division met with staff from the USDA to discuss the plan and utilization of the County U Farm lands as a wetland enhancement effort. Staff will be working together to modify the plans and make recommendations for the site. The restoration efforts will be critical to the waterfowl, surrounding wildlife species, and the membership that will be using the area. There are a number of key components that will be analyzed to determine the best use practices for habitat establishment, nesting cover, and food plots. All of the efforts made will be in conjunction with the benefits/thoughts for the future "Hunter Recruitment" program and the "Hunt for Heroes" event. The programs/events will be used as a management tool to assist with controlling the wildlife resources on the property and providing a quality recreational experience to the participants involved with these functions

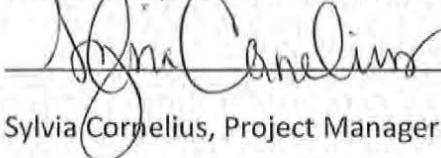
Current local or regional collaborations

The Nature Conservancy, Ducks Unlimited and Outagamie Land Conservation Department all assisted with various wetland and native pollinator restoration efforts. Green Bay Conservation Partners (GBCP) Steering Committee, Landscape Blueprint workgroup, Natural Resources Conservation Service (NRCS), Menominee Tribe, Environmental Protection Agency, WDNR, University of Wisconsin- Green Bay, Green Bay Phragmites Advisory Council, Wisconsin Tribal Conservation Advisory Council, Nuclear Energy Tribal Working Group, EPA Region 5 Tribal Operating Committee, Community Health Department on Public Health Accreditation Board (PHAB) certification, UW Madison Nelson Institute, Brown County, Tradebe Hazardous Waste, Dynamic Recycling, Liberty Tire, Smittys Salvage for the Clean Sweep. WI Department of Health and Human Services, Outagamie County Health Department, US Fish and Wildlife Service (USFWS), UW Extension, NEW Water/GBMSD, Glacierland Resource Conservation & Development, Midwest Tribal Energy Resources Association, Ater Wynne legal consultant, BDO accounting consultant, Department of Energy, National Renewable Energy Laboratory.

Report Prepared By:

 January 6, 2017

Patrick Pelky, EH&S Division Director

 January 6, 2017

Sylvia Cornelius, Project Manager

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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:

Lori Elm, DOLM Office Manager

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

DIVISION OF LAND MANAGEMENT

Quarterly Report 1st Quarter FY 2017

OVERALL IMPRESSION 1ST QUARTER

- MORATORIUM OF PURCHASING NEW DREAM HOMES CONTINUES
- HIP (HOMEOWNERSHIP INDEPENDENT PURCHASE) PROGRAM, IS PROVING TO BE A SUCCESS
- IMPLEMENTING STRATEGIC DIRECTION AND PRACTICAL VISION IN OUR DAILY DUTIES
- CREATING AND DEVELOPING RULES TO BE ADOPTED



Division of Land Management

MISSION: *To acquire all lands within the 1838 original boundaries and distribute according to the needs of the GTC*

WEBSITE: <https://oneida-nsn.gov/business/land-management>

EMPLOYEES AS OF DECEMBER 2016

- 22.5 regular full-time
- 1 Interim Division Director
- 100% enrolled Nation Members

ACCRUAL TIME-OFF MANAGEMENT FOR STAFF:

3 employees over 200 hours of vacation/personal accruals, will use their time off to stay in compliance.

1ST QTR KEY INITIATIVE-COMMUNITY DEVELOPMENT

- Continue moving forward with proposed Comprehensive Housing Division
- HIP (HOMEOWNERSHIP INDEPENDENT PURCHASE) Program closed on 8 homes
- 96% Rental Occupant rate for the quarter—3 vacancies pending, 76 occupied
- Open House 1320 Crestwood on Dec. 6 & 7 - 33 attendees (Applicants being selected)
- Central Oneida Tour with Environmental Department for Land Commissioners

COMMITTING TO BUILD A RESPONSIBLE NATION

ACQUISITION We own 26,368.32 acres, an increase of approximately 16. acres from last quarter. This means we have 40% of the 65,400 acres of the original boundaries See below listing of properties acquired from October to December 2016

Date	Property Address	Acreage
10/7/16	715 Green Ridge (HIP)	.27
10/11/16	1328 Baumgart Rd (HIP)	.23
10/11/16	2075 Winter Cress (HIP)	.35
10/14/16	1615 St Christopher (HIP)	.28
11/1/16	2488 Shady Oak (HIP)	.26
11/3/16	Henn Road (Vacant)	6.5
12/15/16	2750 Yorktown (HIP)	.26
12/15/16	2050 Oakwood (HIP)	.29
12/16/16	3085 Par Ct (HIP)	.48
12/20/16	County Rd J (Vacant)	.21
12/20/16	431 Hillcrest Dr. (Re-acq)	

FEE TO TRUST

Continue with goal of 25 applications into trust for 2017

10 new applications sent to BIA in 1st Quarter- 8 homes in green bay, 1 agriculture property town of Oneida, 1 home town of Oneida

ADVANCING ONVYOTE?A.KA PRINCIPLES

- HIP (Homeownership Independent Purchase) Program is a success. Inquiries continue to come in on a daily basis on this program.
- 687 Residential Leases
- 76 Rentals including 5 life estate
- Maintenance over sees all properties
- Demoed 1774 EE with Demo Team.
- Complete daily work orders in timely manner including plumbing, home repairs, landscaping and all other duties required.

Vacancies	# (Oct –Dec 16)
Demolition	4
Vacant (DREAM) Homes	14
Approved leases (Com & Ag)	6 Ag 3 Commercial
HBO Sites	1 Amendment
	0
Rentals	3

CREATING A POSITIVE ORGANIZATIONAL CULTURE

Working on Rules to stay in compliance with the newly passed laws. We are currently addressing:

Mortgage and Foreclosure Law, Landlord/tenant Law, Real Property Law, and working closely with LRO staff on all matters.

FY 2016 LAND MANAGEMENT OPERATION BUDGET INFO.

October 2016-December 31, 2016

** We are spending according to FY 2016 amounts until FY 2017 Budget is approved.*

1st Quarter Loan Overview				
TYPE	LOANS CLOSED		# OF LOANS	TOTAL LOAN RECEIVABLE
DREAM	4	\$486,145	167	\$12,034,084
THRIL	0	\$0	30	\$362,020
TLC	1	\$50,000	122	\$6,864,434
VET-TLC	1	\$39,000	72	\$5,827,721
VET-THRIL	0	\$0	7	\$106,748
Total	6	\$575,145	398	\$25,195,007

IMPLEMENTING GOOD GOVERNANCE PROCESSES

LAND TITLE AND TRUST has completed the following for first quarter:

Land title and Trust is responsible for providing technical assistants to the Individual Trust Owners.

- 145 Individual Trust files maintained.
- Paperwork for sale pending approval at BIA
- 3 Sales in various stages and assisting with a Partition currently waiting for LDR
- Awaiting final probate order to be issued to process a Grant of Easement for access to Individual Trust Land so he could build a house.
- 3 Individual Fee to Trust Applications at BIA
- 14 Title Reports completed and approved
- 935 Probates files maintained,
- 4 New Probates Opened/4 Probates closed/1 hearing/2 probates sent to BIA
- Processed 39 Utility Forms, 58 owner/address

verifications and 6 WHEAP Forms

- Assisted the Seymour School with their Impact Report verified 234 address and land status.
- BIA TAAMS – Encoded/Q&A 6 Residential Leases and printed 12 Certified Title Status Reports.
- Continue to force TAAMS updates to the computer.
- Oneida Register of Deeds Recorded 59 Documents

TRAINING:

- Attended 2 Day Wisconsin DOT Intertribal Conference
- 3 Day Technical Training with Bureau of Indian Affairs.

BC Action Needed: Request OBC to accept the 1st Quarter Report for the Division of Land Management

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 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 OBC approval of Oneida Housing Authority 1 st Quarterly Direct Report.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="OHA 1st Quarterly Direct Report for Housing"/>	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: _____
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:

In compliance of the 2017 Reporting Schedule for OBC Direct Reports. The Director of OHA is submitting the 1 st Quarterly Direct Report 2017 for review and approval.

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

Memorandum

To: Oneida Business Committee/Tribally Designated Housing Entity
 From: Dale Wheelock, Executive Director Oneida Housing Authority *D.W.*
 Date: January 30, 2017
 Subject: **FY 2017 1st Quarter Report – Direct Report Oneida Housing Authority**

Demographic Information:

The Oneida Housing Authority housing stock as of December 31, 2017 has served an average of **1,168** rental and homebuyer family members each month this quarter.

OHA Operations Quarterly Report Input – 1st Quarter FY 2017
Provided by Scott Denny & Operational Staff

OHA Vacancy Overview			
Period Ending December 31, 2016			
	Number of Units in Housing Inventory	Number of Vacant Units	Number of Eligible Applicants on Wait List
Family & Single Rental	249	18	109
Elder/Disabled Rental	68	5	16
Home Buyers	52	0	48
Totals	369	23	173
Occupancy Rate of 93%			

Wait List Breakdown – Rental Program - 125 Total

Family & Single Rentals -

- 1 bedroom = 33
- 2 bedroom = 26
- 3 bedroom = 36
- 4 bedroom = 14

Elder/Disabled Rentals -

- 1 bedroom = 13
- 2 bedroom = 3

Wait List Numbers – Family Home Ownership Program – 48 Total

- 3 bedroom = 24
- 4 bedroom = 16
- 5 bedroom = 8

Collections

The Oneida Business Committee has requested Tribal Departments to develop contingency plans to address future reductions in revenue or grants. One method of controlling reduced income for housing is to bring accounts receivable current. This has been a problem for some time where a tenant gets

behind on their rent and utilities. Housing’s position has been to give the tenant many opportunities and allow the tenant to remain in housing if there is a payback agreement. The tenant agreements rely on Per Capita payments and Tax Returns to catch up on their account but now there is a trend by tenants to default on those agreements. The Tenant – Landlord Law has brought this problem to the forefront regarding tenant requirements to make their rent and utility payments on time. Therefore, housing has initiated an increase of notices for timely payments or face termination of their lease agreements.

OHA collection efforts focus on unpaid balances from past rental and homeownership tenants, and current rental and homeownership tenants.

Unpaid balances consist of one or combination of the following:

- Unpaid rent
- Green Bay Water Utility tax liens, unpaid by tenant
- Property damage

Unpaid Balances as December 2016

- \$89,032.31
 - Existing rental & home ownership arrears = \$37,992.41
 - Past tenants (within 1 year) without active judgments = \$15,167.40
 - Past tenants (1 yr. & older) without active judgements = \$2,979.25
 - Past tenants (1 yr. & older) with current active judgements = \$32,893.25

December 2016 Unpaid Balances Key Points

- Unpaid balances from existing tenants = \$37,992.41
- Total number of tenants with unpaid balances = 52
- Total number of tenants with balances 3 months or less = 30
- Total number of tenants with balances over 3 months = 22
- Unpaid balances from those with balances over 3 months = \$28,421.53
 - 74.81% of total unpaid balances from existing tenants
- Common trend of tenants not paying full rent from November through January

Unpaid Rent and/or Utilities – Existing Rental and Home Ownership Tenants this reporting period.

Number of tenants notified of unpaid balances	100 – Rental
Number of tenants bringing accounts current	44 – Rental
Number of tenants failing to satisfy unpaid balances resulting in eviction	7 – Rental 0 – Home Ownership
Number of Judiciary Court appearances regarding unpaid balances, and Court outcomes	5 – Rental <ul style="list-style-type: none"> • 3 Court Supported Evictions • 2 Court Supported Stipulation Agreements 0 – Home Ownership
Total Accounts Receivable Above Rent Charged	\$13,619.66

Collection Challenges – Existing Tenants

- Repayment agreements are established in effort to provide tenants an opportunity to avoid termination and eviction due to breach of the rental agreement. A tenant repeated request for “a chance” and their promise to pay can accumulate total arrears.
- Tenant habits of heavily relying on per capita and/or tax returns to pay rent develop poor payment habits while being in breach of the rental agreement.
- Tenant habits of heavily relying on assistance from program providers develop poor payment habits while being in breach of the rental agreement and utility service providers.

Working with the Tenant

- Warning letters are issued when a tenant falls behind or has an unpaid balance.
- A meeting is established to discuss the situation and hear the tenants plan of action
- OHA refers tenants to program providers that may provide assistance
 - Community Support
 - Utility assistance
 - Temporary Assistance for Needy Families (TANF)
 - Budgeting at Community Education Center (CEC)
- OHA Resident Services Staff offers basic budgeting to assist tenant when the tenant is willing to participate in a budget class.
- Repayment Agreements are established
 - Weekly installments
 - Per Capita (when applicable)
 - Tax returns (when applicable)

Collection Challenges – Past Tenants

- Details related to establishing documented evidence to resolve arrears prior to a judgment.
- Tenants that have filed bankruptcy
- Tenant who are deceased
- Statute of Limitations (7yrs)

Concerning Tenant Matters

Unpaid rent and/or utilities continue to be the primary reason for involuntary termination of OHA Rental Agreements. Social concerns are often a significant part of noncompliance of the rental agreement, which places the agreement at risk and in some cases results in eviction.

The reasons behind an eviction are often complex, comprising of multiple compliance concerns with OHA having provided ample opportunity for tenants to make choices necessary to avoid eviction.

OHA continues to work with other departments in effort to guide tenants to resources that may assist the tenant with the necessary training, education, or counseling needed to make decisions to avoid placing their housing at risk of termination.

Administration: Key activities for the past quarter include;

- The HUD required Annual Performance Report (APR) deadline for submittal was December 31, 2016 and the APR was submitted on time to the Chicago HUD office.
- OHA administration has maintained positive communication and relationships with the Chicago HUD grant staff during the quarter through reports and requests for information,
- The Indian Community Development Block Grant (ICDBG) competitive grant funds (\$600,000) is anticipated to be noticed for availability of funds in late March, 2017.
- The Oneida Nation has received a HUD Veterans Affairs Supportive Housing (VASCH) grant award in the amount of \$204,934 in vouchers to provide supportive housing for 20 veterans who are homeless or at risk of becoming homeless. There are 13 Oneida Veterans eligible for vouchers at this time pending income and enrollment verification. The first voucher placement is scheduled to take place in January, 2017.
- The Executive Director participated in the Great Lakes Indian Housing Association quarterly meeting in Minneapolis, MN in November. The meeting covered topic areas of insurance coverage, HUD required Indian Housing Plan, Annual Performance Reports, and On-Site Monitoring stressing the importance of timely submittal of reports and how findings impact on future competitive grant funding such as Indian Community Development Block Grants. There was emphasis on spending down grant awards and to anticipate a trend of 10% reduction in grant allocations beginning in FY 2018.
- The Tenant Landlord Law has a direct impact upon housing operations in terms of accounts receivable and stepping up Tribal court appearances over disputed back rent that is due and tenants not paying their utilities on time. OHA does provide a utility allowance for tenants in setting up the monthly rent payment. This allowance provision reduces the monthly rent amount and affords the tenant the funds to pay their utilities. But the fact remains that some tenants get behind in their monthly utility payments. A critical factor in providing housing is adequate financial income to cover administrative and program maintenance cost. Which is a combination of rental income and HUD allocated funds to maintain existing housing stock.
- The Comprehensive Housing Division Resolution that was approved in October, 2016 and provides for the consolidation of Low-Moderate income Housing Department,

Division of Land Management rental, and Elderly Apartment rental remains in the development stage. There have been numerous sub-team meetings to bring the consolidation into implantation with limited results. The financial issue of adequate funding to support the consolidation remains a major obstacle. OHA staff has been working on implementing an upgrade of the current Housing Data System (HDS) to accommodate the increase of DLM (76) rental and Elder Apartments (29) units. The HDS system needs to be in place to track rental payments, work orders and specific unit cost by the Comprehensive Housing Division. .

New Construction Development:

- Oneida Development Division has oversight and control of all OHA construction projects. Kevin House, Project Manager at Development Division has been working closely with OHA staff to ensure the construction projects at Elder Village and Uskah Village precede on schedule. OHA has provided guidance to the Development Division regarding HUD requirements such as procurement and changes in HUD requirements by the 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance.
- The FY 201 Indian Housing Plan (IHP) call for the construction of 12-14 Elder Cottages to be located in Elder Village. These cottages will be both one and two bedroom units to begin construction in May, 2017. The architectural/engineering firm of Louis Wasserman and Associates has been contracted for this development project.
- The FY 2017 IHP also calls for New Construction at Uskah Village. Plans are for the Development Division to bid out three more 4-plex units in early spring of 2017. There will be 12 additional, 2 bedroom units in Uskah Village with construction starting up in May, 2017. Kevin House, Project Manager is leading the development project phase for starting construction in May, 2017.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 08 / 17

2. General Information:

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

Agenda Header:

Reports

Accept as Information only

Action - please describe:

Accept HRD FY '17 1st 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:

Geraldine R Danforth
Geraldine Danforth, HRD Area Manager

Primary Requestor:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



HRD 1ST QUARTER REPORT OCTOBER THROUGH DECEMBER, FY'17

ADMINISTRATION

- **DONATION OF HOURS.** HR has communicated to the employment base the changes with the new standard operation procedure and required form. There are issues with employees and supervisors getting the right information to HRD. We may need to send the information out more frequently on how the process works. HR has received and approved 30 requests and one denial. Currently, we have 46 employees with donated hours. Total hours are at 806.27 hours – 9 Exempt and 37 Non-exempt Employees.
- **EXEMPT STATUS CHANGES.** The Department of Labor has revamped the federal overtime laws. One of our main goals is to not wrongly classify a job/position to avoid paying overtime.
 - Weekly earnings threshold increases from \$455 to \$913.
 - Exempt status is not determined by the title or recommended title of the position, but rather by the scope of work the position or the employee performs.
 - Deadline to complete changes was December 1, 2016 and HR anticipated meeting this deadline.
 - A federal judge blocked the DOL rule on overtime pay that made workers eligible for mandatory extra pay or time off. This injunction against the rule was at the request of 21 states, US Chamber of Commerce and other business groups.
 - The DOL of states employers should continue as they have been doing since the emergency motion.
 - Under President Trump, he may withdraw the DOL's appeals if a decision on the appeal is not made by Inauguration Day.

Budget: HRD submitted the following budget for FY' 16:

Department	Budget Amount	Funding Source	Spending YTD	Variance
Human Resources	\$2,355,685	Indirect Cost	\$518,567	\$1,837,118
Employee Assistance	\$ 202,468	Tribal Contribution	\$47,429	\$155,039
Workforce Development	\$ 256,345	Grant 79% & TC	\$62,949	\$193,396
Student Intern Program	\$ 95,695	Tribal Contribution	\$5,329	\$90,366
Employee Incentive & Testing	\$ 17,641	Tribal Contribution	-	\$17,641

The Employee Incentive and Testing budget is used to recognize employees who have 25, 30, 35, and 40 years of service or more with a Years of Service gift. The Human Resources Department decreased the budget by \$276,392 from FY'14. To date we have given out 54 blankets for YOS and 4 blankets for Retirement with 25 years of service or more.

EMPLOYEES: Human Resources Dept. has 33 employees, Workforce Development has 3 employees and EAP has 2 employees. Three positions were eliminated in the budget process.

JOB DESCRIPTION REQUIREMENTS: The process for determining experience and educational requirements on job descriptions needs to be revamped. There are times that jobs require experience and the current employee holding the job was trained on the job. Former employees and new applicants have a difficult time gaining employment due to the experience and/or educational requirements. HR is going to review various positions to determine how jobs can receive

on the job training. At the end of the assessment phase, we will ask the Nation to consider taking a stance that we are a “learning organization” and train Tribal members to help them gain employment.

**Accrued Hours
1st Quarter – FY 17**

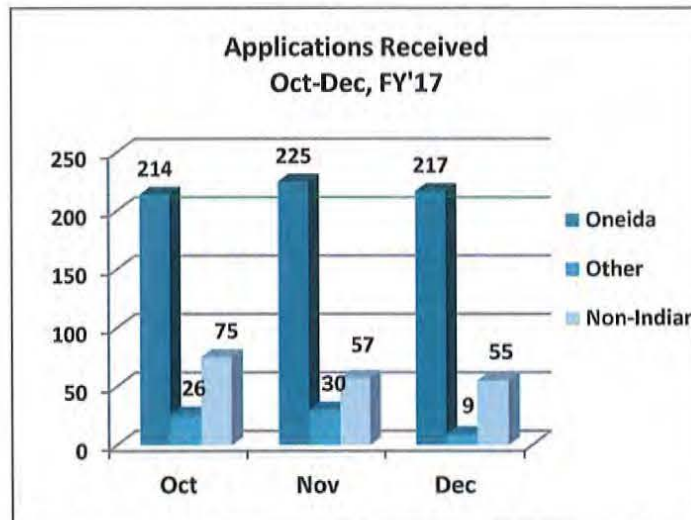
Month	09/14	09/15	09/16	10/16	11/16	12/16
Total Emps.	2608	2623	2639	2637	2643	2642
Total Hours	260,572	263,529	264,422	265,535	270,230	270,174
Total Payout	\$5,271,854	\$5,412,394	\$5,793,148	\$5,864,113	\$5,966,136	\$6,000,695
No EE's at Max 280+ Hours	29	30	42	42	53	47
	\$202,833	\$261,496	\$331,728	\$318,928	\$389,700	\$416,802
No. EE's at 200 – 279 Hours	395	397	394	407	423	446
	\$2,092,224	\$2,092,612	\$2,336,998	\$2,457,169	\$2,515,577	\$2,597,035
Avg. Hours	99.91	100.47	100.2	100.7	102.62	102.26
Avg. Payout	\$2,021	\$2,063	\$2,195	\$2,220	\$2,257	\$2.271

The accruals for the first quarter show 58.86% or 1555 employees have accrued hours of 100 or fewer hours. Employees whose hours are at maximum of 280 hours are 1.78% or 47 employees.

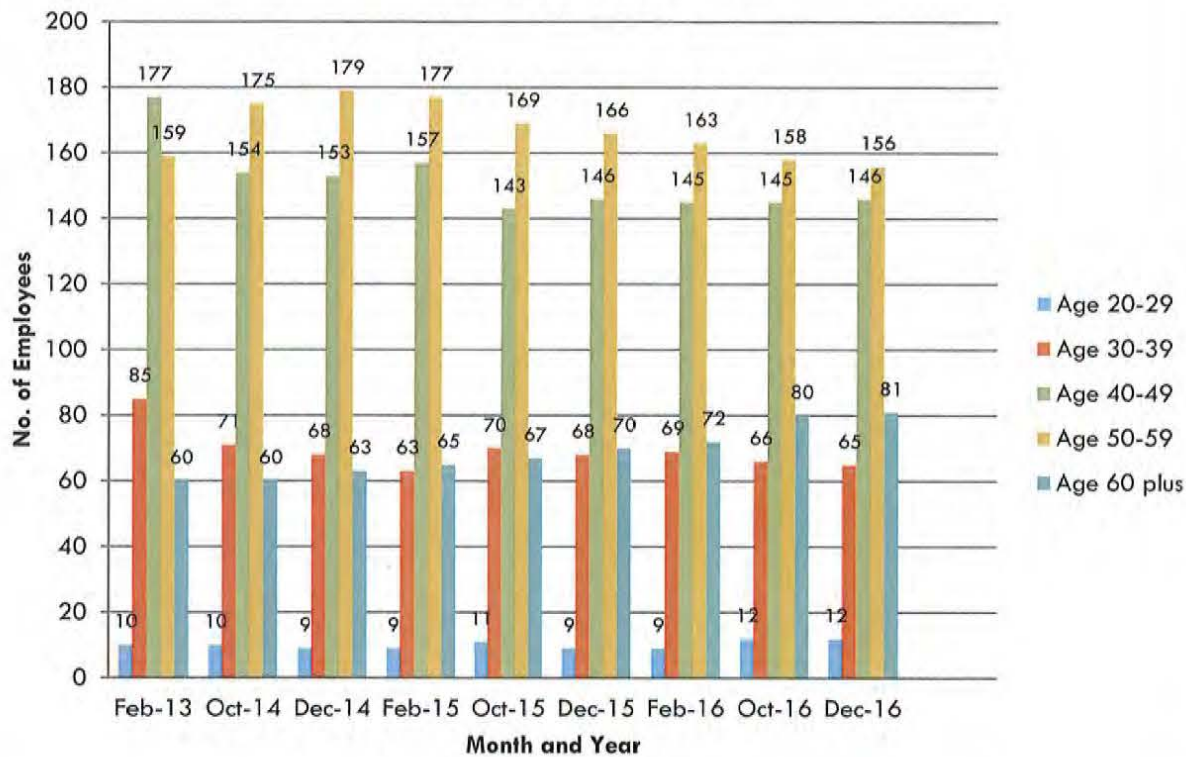


*Administrative Staff at Skenandoah Complex Left to Right:
Yasiman Metoxen and Megan White*

The sign is intended to attract more people to apply for employment with the Oneida Nation. The sign is placed on the front lawn of the Skenandoah Complex and another at Employee Services on Airport Drive. We will also be looking at other avenues for posting jobs such as Craig's list, Casino Careers, and a recruiting firm.

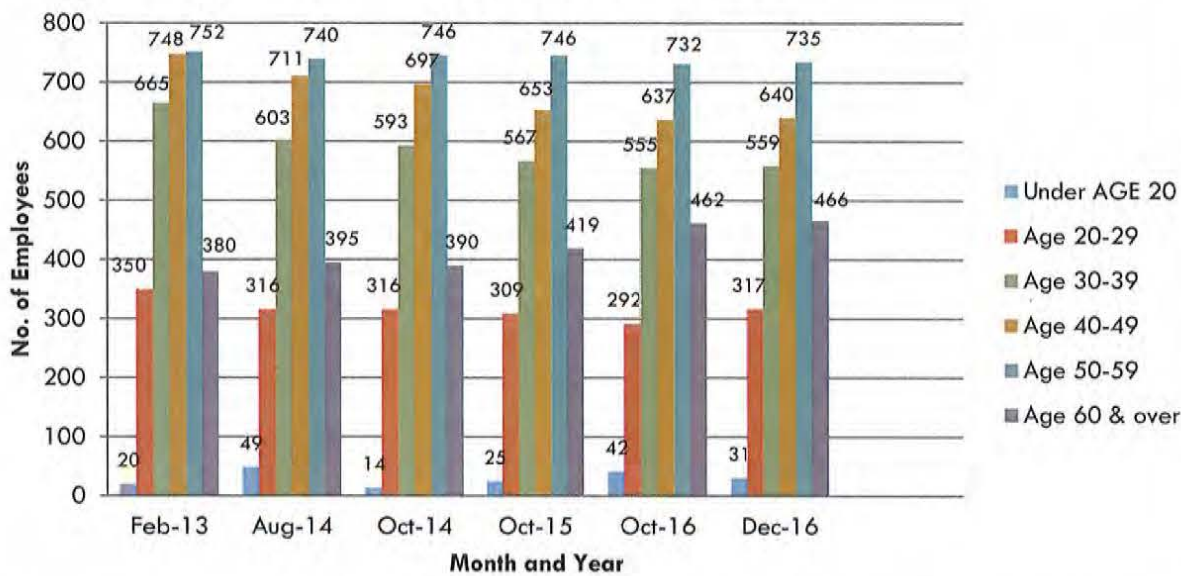


All Supervisors by Age Group 1st Quarter 2017



Currently, there are 460 supervisors; in 2013 there were 491, decrease of 31 supervisors. Of the 460 supervisors, 33.91% of the supervisors are in the age group 50-59. Supervisors in the 60 plus age group are at 17.61% of the total supervisors, increase of 9 employees. Succession planning is needed to ensure the critical positions will have a replacement.

All Employees by Age Group 1st Quarter 2017



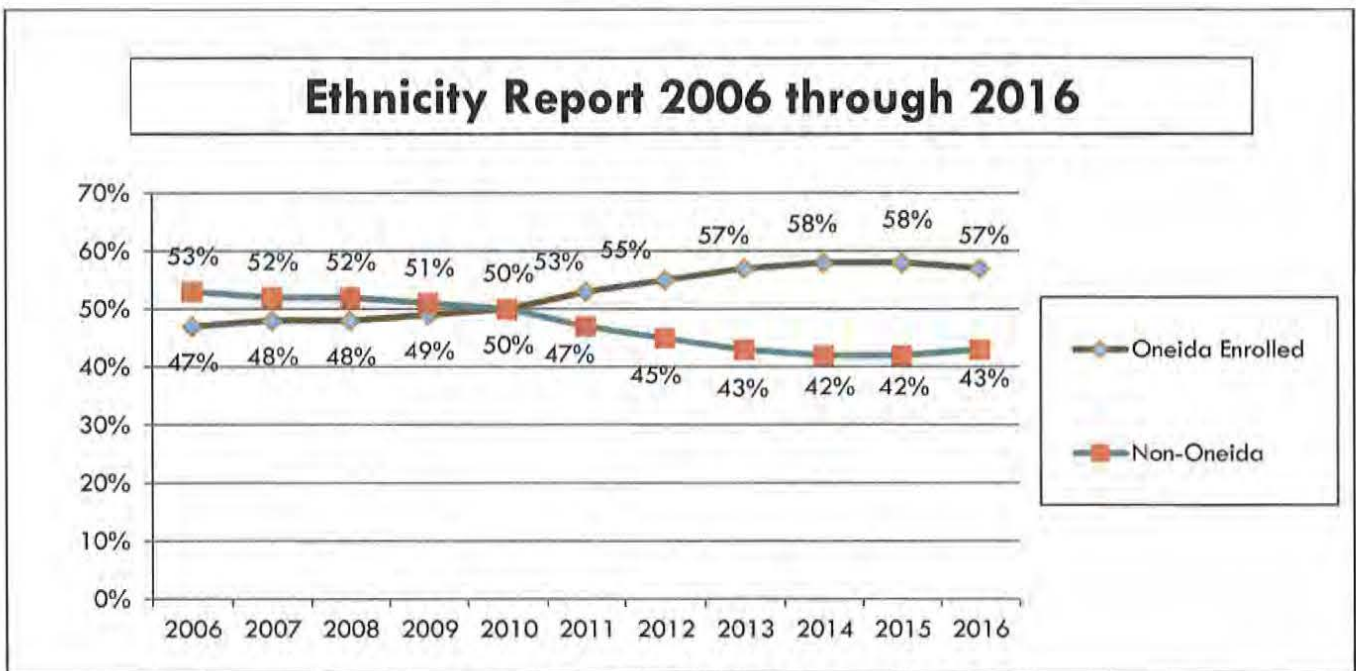
This chart represents all 2748 employees of the Nation. The trend is steady for most age groups. The age group 20 and under has decreased by 11 employees. The age group of 60 and over have gone from 380 in 2013 to 466 in 2016.

- SUCCESSION PLANNING. PURPOSE:** A succession planning process helps prevent the loss of vital organizational history or knowledge due to retirements, vacancies, and/or resignations. The succession planning process will assess all employees. Human Resources is working on a Succession Plan to present to the OBC in the near future to address filling any critical positions that may become vacant as a result of an employee retirement. See age charts.

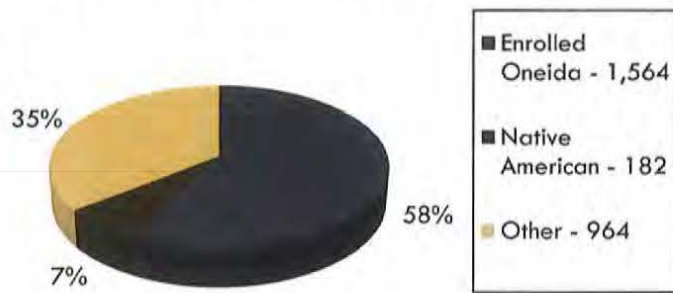
It is important to follow a succession planning process to ensure employees are recruited and properly developed so they have the competencies, skills, education, certifications/licenses, and experience necessary to fill vital positions. The HR management team will look at the following:

- Identifying critical positions which are instrumental to achieving strategic and operational goals.
- Anticipating gaps in those positions due to retirement and other factors.
- Defining the qualifications and competencies required to perform successfully in the position.
- Implementing focused strategies to attract and develop pools of qualified candidates who will be ready for emerging opportunities.
- Ensuring that support for the strategies and processes are in place to retain and fully engage employees.
- Align with the Tribe's Branding initiative.

COMPENSATION, HIRING, AND WORKFORCE DEVELOPMENT



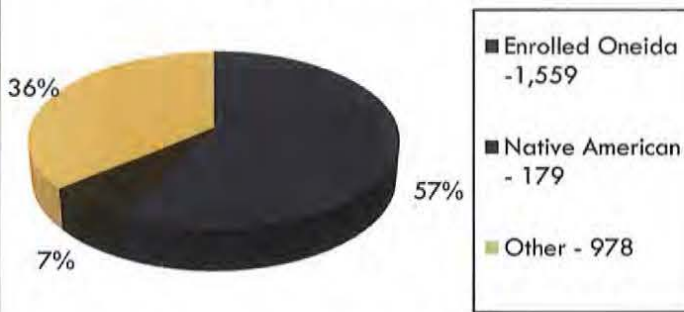
Enthnicity Report - Dec 2015



The Ethnicity report percentages shows a deduction by 1% for enrolled Oneida members and a 1% increase for Native Americans in Dec 2016 in comparison with December 2015

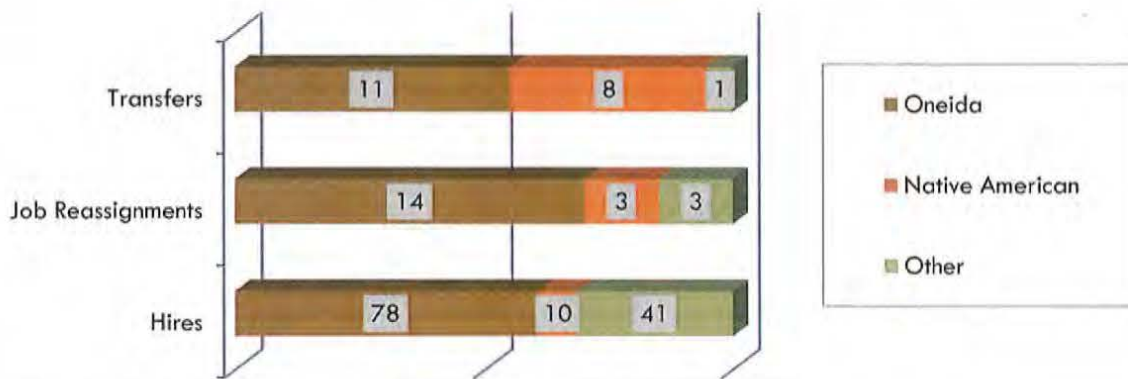
	2015	2016	Diff.
Enrolled Oneida	1,564	1559	-5
Native American	182	179	-3
Other	964	978	+14

Enthnicity Report - Dec 2016



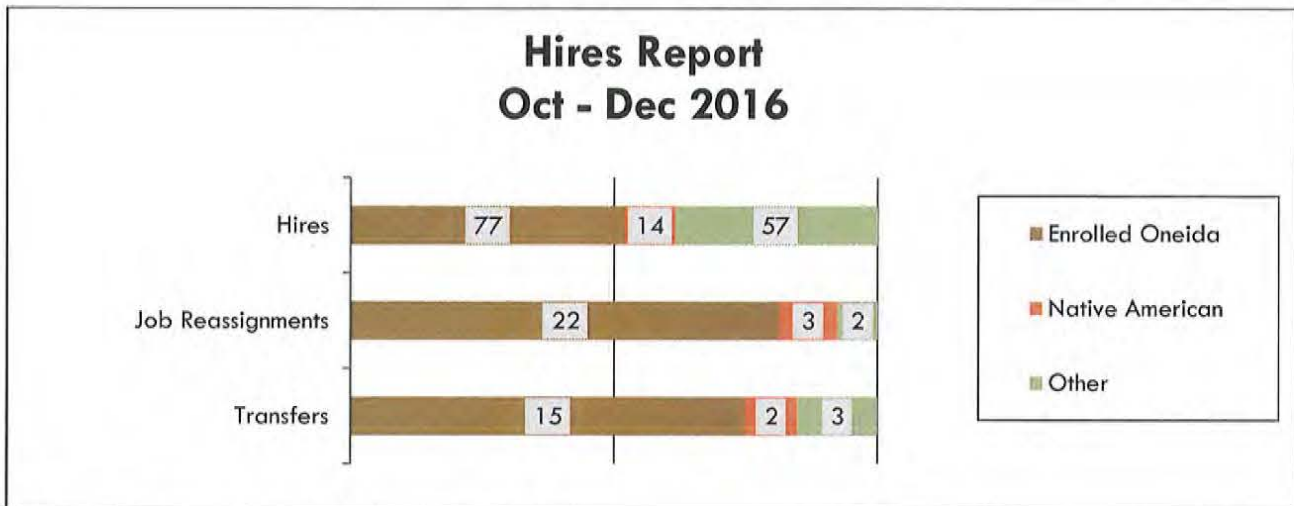
Increase in Number of Employees. There were 2,710 employees in December 2015 and 2,716 employees in December 2016. This is an increase of 6 employees in comparison to the previous year.

Hires Report Oct - Dec 2015



For October – December 2015

- 60% of all hires were filled with enrolled Oneida Tribal members.
- 70% of all job reassignments were filled with enrolled Oneida Tribal members.
- 55% of all transfers were filled with enrolled Oneida Tribal members.



For October - December 2016

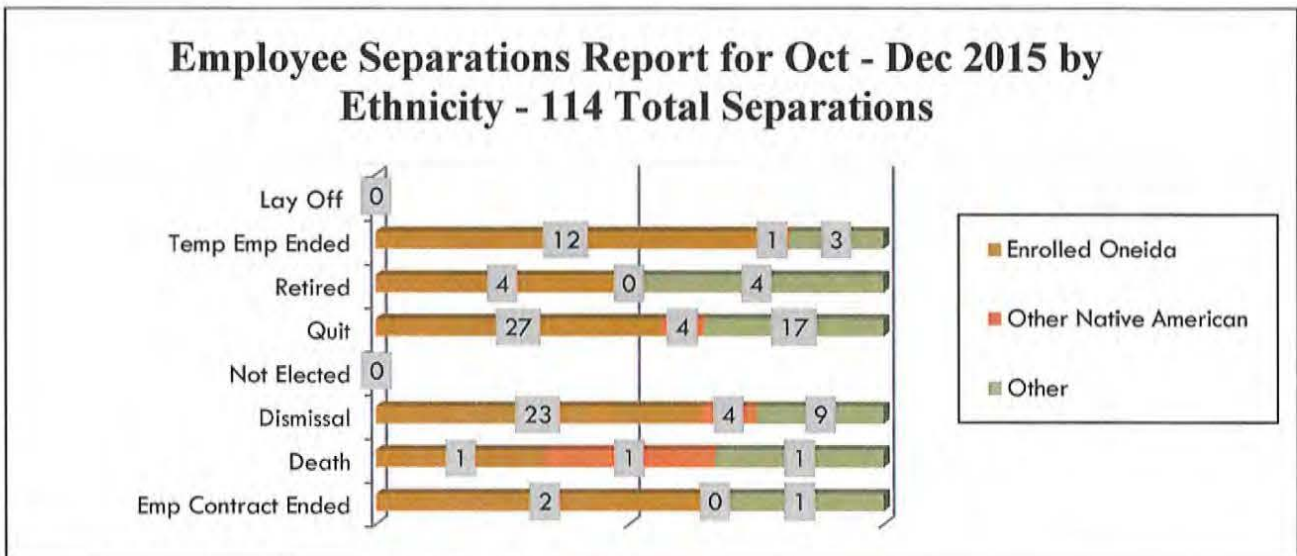
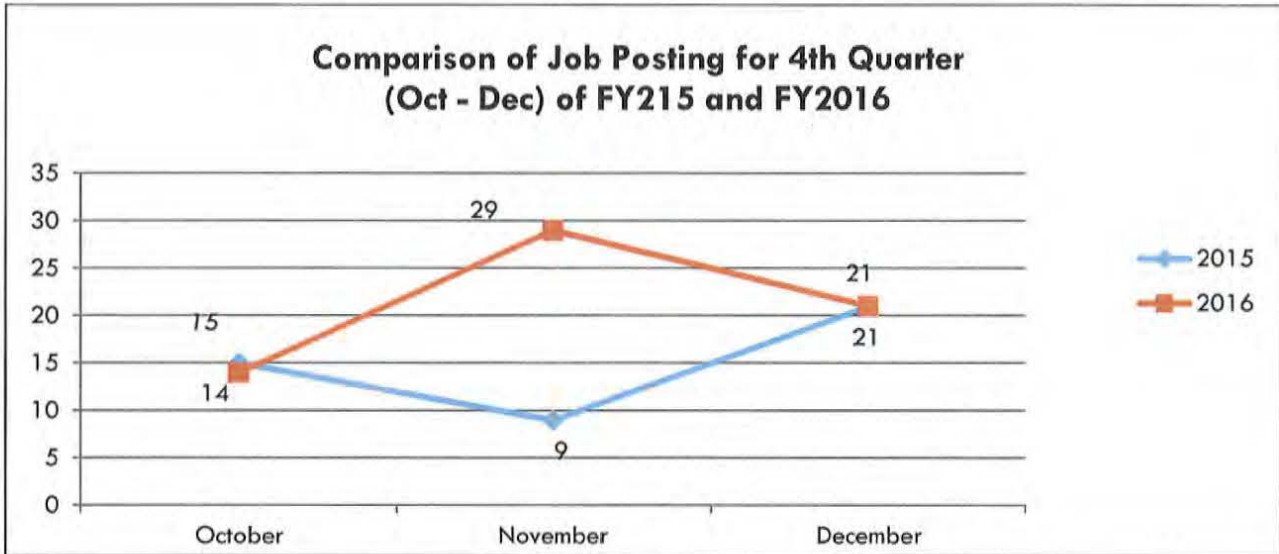
- 52% of all hires were filled with enrolled Oneida Tribal members.
- 81% of all job reassignments were filled with enrolled Oneida Tribal members.
- 75% of all transfers were filled with enrolled Oneida Tribal members.

Job Postings by Division for October, November and December 2015				
	October	November	December	TOTAL
Gaming	3	2	8	13
Comprehensive Health	0	1	1	2
Development	0	1	1	2
Land Management	0	0	0	0
Environmental Health & Safety	0	0	0	0
Internal Services	1	0	0	1
Enterprise	1	0	0	1
Finance	0	0	0	0
Non-Divisional	3	4	9	16
Governmental Services	7	1	2	10
Total	15	9	21	45

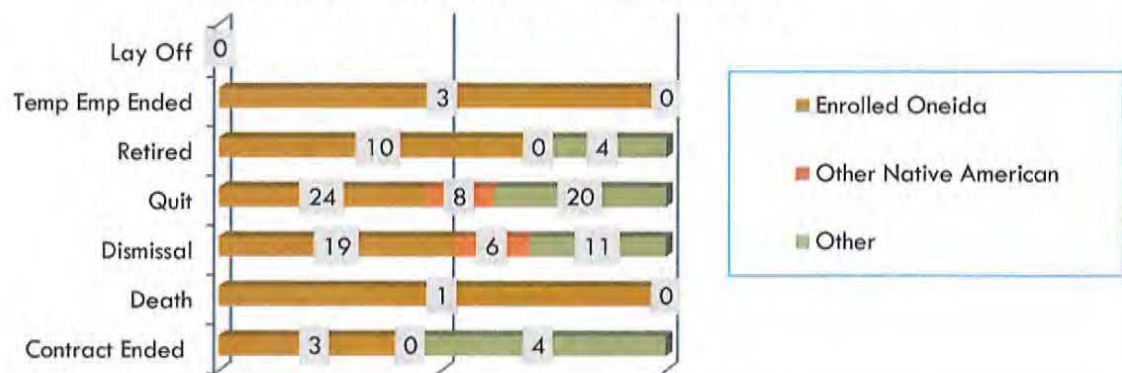
Job Postings by Division for October, November and December 2016				
	October	November	December	TOTAL
Gaming	6	9	4	19
Comprehensive Health	3	8	2	13
Development	0	0	0	0
Land Management	0	0	0	0
Environmental, Health & Safety	0	0	1	1
Internal Services	1	2	1	4
Enterprise	0	1	0	1
Finance	0	0	0	0

Non-Divisional	0	5	9	14
Governmental Services	4	4	4	12
Total	14	29	21	64

A total of 64 positions were posted from October through December 2016 in comparison to 45 positions posted during this same time frame, October through December 2015.

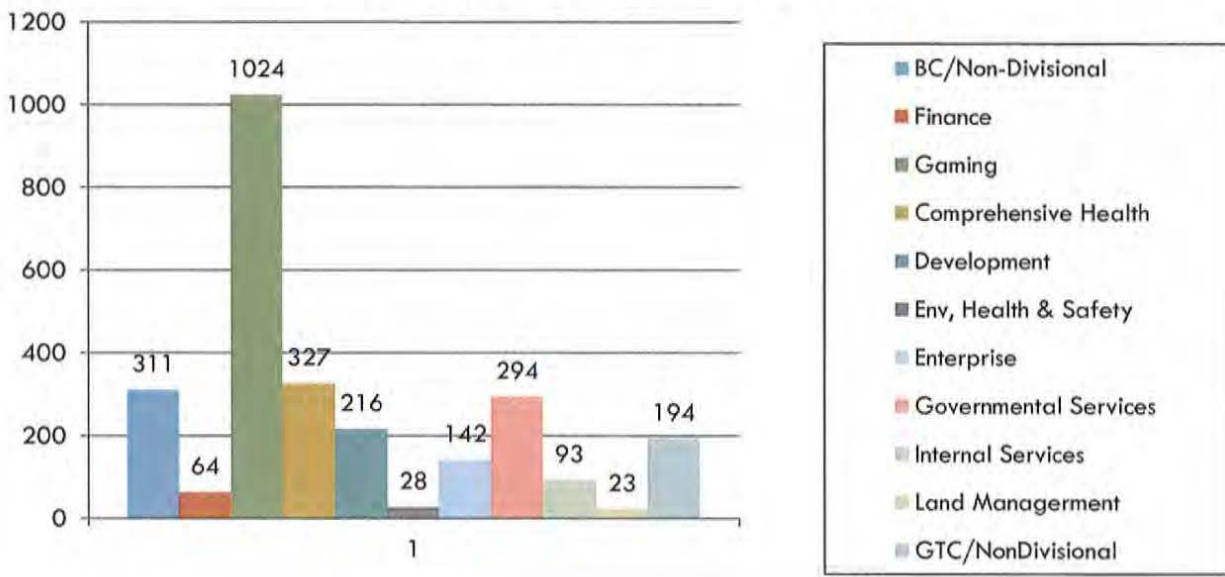


Employee Separation Report for Oct - Dec 2016 by Ethnicity - 113 Total Separations



There were a total of 113 employee separations for the period of October through December 2016 in comparison to 114 employee separations for October through December 2015.

Number of Employees within each Division /Non-Division January 2017 - 2,716 Total Employees



WORKFORCE DEVELOPMENT DEPARTMENT

	October	November	December	TOTAL
TrANS	0	1	2	3
Work Certified	0	8	0	8
OutStanding Applicant	0	0	0	0
NWTC	18	8	10	36
Youth Employment Solution Success	0	5	2	7
Supportive Services	6	7	7	20
Mock Interviews	2	8	4	14
Presentations	3	1	1	5
Client Outreach	78	38	99	215
Collaboration with partners	19	3	31	53
Total	126	79	156	361

During the grant's 4th quarter, Workforce Development did outreach to a total of 361 clients. Our Vision is to ***Build a Strong Oneida Workforce.*** The project has two (2) objectives :

Objective 1: By October 2018, we will build an Oneida workforce by providing classes and training that will increase the knowledge, skill set, employability and earning potential for 180 Oneida community members

Objective 2: By October 2018, build both internal and external partnerships with employers and colleges to help 120 program participants obtain Full-time employment within the community.

During this past quarter, the staff attended the 1) National Association of Workforce Development Professionals-Youth Symposium, 2) NEW Manufacturing Alliance Video Premiere of Get Real Math Event, 3) Bay Area Workforce Development-Youth Steering Committee quarterly meeting, 4) WI Job Center Job Fairs, 5) WI Bay Area Career Expo at the KI Convention Center, and collaborated on a presentation of services available to providers. We also collaborate with Wise Women and other departments within the Nation. Ten people were recruited for the Work Certified program, however, eight were chosen and six completed the program.

WFD has partnered with NWTC to provide forklift training and provide assistance for assorted classes. WFD has sponsored three Forklifting classes that (36) people signed up for. NWTC has canceled some of the classes we scheduled. Two sessions were held; 10 students completed and received Forklift Certification. When Tribal members take these classes, it may help them get back in good standing with Higher Education.

WGD is collaborating with NWTC on classes and training which may help the Nation fill employment gaps. WFD partnered with Workforce Development Green Bay on monthly job fairs. Approximately 150 people participated in each job fair-and there were 13 to 16 employers represented.

Some of the things advertised on the Facebook page are up-coming events, job postings, as well as what employers want in an employee.

EMPLOYEE INSURANCES

During the first quarter of FY'17, the health care open enrollment period was conducted. There were a total of 159 open enrollment change forms received and processed. This included:

- 19 – Employees dropping Medical
- 26 – Employees adding Medical
- 26 – Employees dropping dependents/spouses from Medical
- 32 – Employees adding dependents/spouses to Medical
- 56 – Employees making changes to Vision and/or Dental

During October, mandatory meetings were conducted for Health Plan participants. There were 11 sessions conducted over 3 days which saw 1,864 participants.

The first quarter of FY'17 included the annual Flex Spending enrollment period. There were 305 employees who elected a Flex Spending Account for 2017.

The Employee Insurance Department provides benefit administration and employee assistance for: medical, dental, vision, disability, retirement plans, voluntary benefits, flex spending, orientation, and workers compensation.

Insurance Requests Processed – First Quarter FY17		
Type of Requests	# of Requests Processed	
	First Quarter	FY17
Leaves/Return to Work	150	150
Applications, Insurance Changes, Beneficiary, etc.	158	158
Disability	40	40
RAS Completions	169	169
Wellness Incentives	210	210
Note: This is not a complete listing of requests and does not take into account phone calls, walk-ins, emails, and other miscellaneous requests.		

MONTHLY INSURANCE COUNT – December 2016

Breakdown	Employee Count	COBRA count	Breakdown	Employee Count	COBRA count
401K	1,700		Medical – Single	837	2
LIF52	2,539		Medical - Limited Family	478	
Short Term Disability	2,107		Medical – Family	610	
Long Term Disability	2,083				
Delta Dental – Single	656	8	Vision - Single	784	2
Delta Dental- Limited Family	468	1	Vision - Limited Family	548	1
Delta Dental - Family	633		Vision - Family	724	
Dental Associates – Single	138				
Dental Associates – Limited Family	69				
Dental Associates - Family	95				

As of 1/23/17, the insurance breakdown is:

- 2,744 – Total number of employees
- 2,570 – Employees eligible for insurance
 - 174 – Employees not eligible due to their employment status (Half-Time, Part-Time, Temporary Employees).
 - Of the 2,570 eligible employees, 1,460 are Oneida Members.
- 1,926 – Employees with insurance. This is approximately 75% of total employees eligible for insurance.
 - 1,022 – Oneida Members with Insurance. This is approximately 53% of total employees with insurance.
 - 644 – Employees eligible for insurance, which are not enrolled in insurance. This is approximately 25% of total employees eligible for insurance.
 - 438 – Oneida members who are eligible for insurance, which are not enrolled in insurance. This is approximately 68% of the total employees eligible for insurance, which are not enrolled in insurance.
 - Note: There are employees eligible for insurance, have not elected insurance, but are on another employee's insurance (i.e. spouse and/or dependents).

Below is an outline of benefits eligibility based upon employment status:

Full Time Regular Status (30 or More Hours a Week)

- Medical Insurance
- Vision and Dental Insurance
- Short and Long Term Disability
- Life Insurance
- 401k Retirement Plan
- Worker's Compensation
- Voluntary Benefits
- Flexible Spending

Half Time Regular Status (20 -29.99 Hours a Week)

- Voluntary Benefits
- Worker's Compensation
- 401K Retirement Plan
- Flexible Spending

Part Time Regular Status (19.99 or Less Hours a Week) and Temporary Status

- Worker's Compensation
- 401k Retirement Plan

The Employee Insurance Department consists of: Christina Blue Bird, Kimberly Schultz, Kristin Jorgenson and Josh Cottrell

HUMAN RESOURCES INFORMATION SYSTEMS (HRIS)/RECORDS

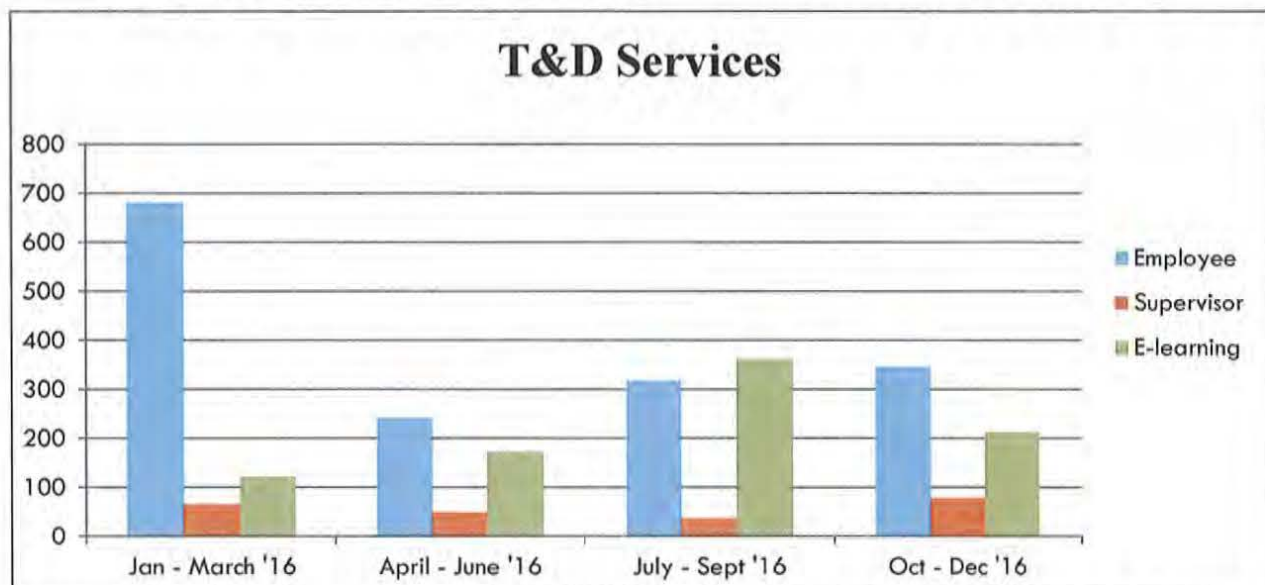
The team consists of Melinda K. Danforth-HRIS Manager, Terry Skenandore-HRIS Specialist and Vicki Cornelius-Records Technician.

We ensure the HRIS Systems and applications, such as Supervisor Inquiry, Self-Service, Internal Reference Directory and Workforce Detail support the needs of the Human Resources Department. Enter all personnel data into the HR/Payroll System (Infinium), provide personnel data reports (Cognos) to management, complete verification of employment and unemployment requests and oversee the Human Resources personnel files (OnBase).

Participated with the Incentive planning and Post Graduate meetings; preparing for possible wage scale change(s); completed e-learning data cleanup and complete one audit.

Functions	Oct	Nov	Dec	Total
HR/Payroll Entry Transactions	596	467	584	1647
Employee Self-Service Entries	51	45	38	134
Employment Verifications	181	193	212	586
Unemployment Requests	8	19	39	58

HRD TRAINING AND DEVELOPMENT DEPARTMENT



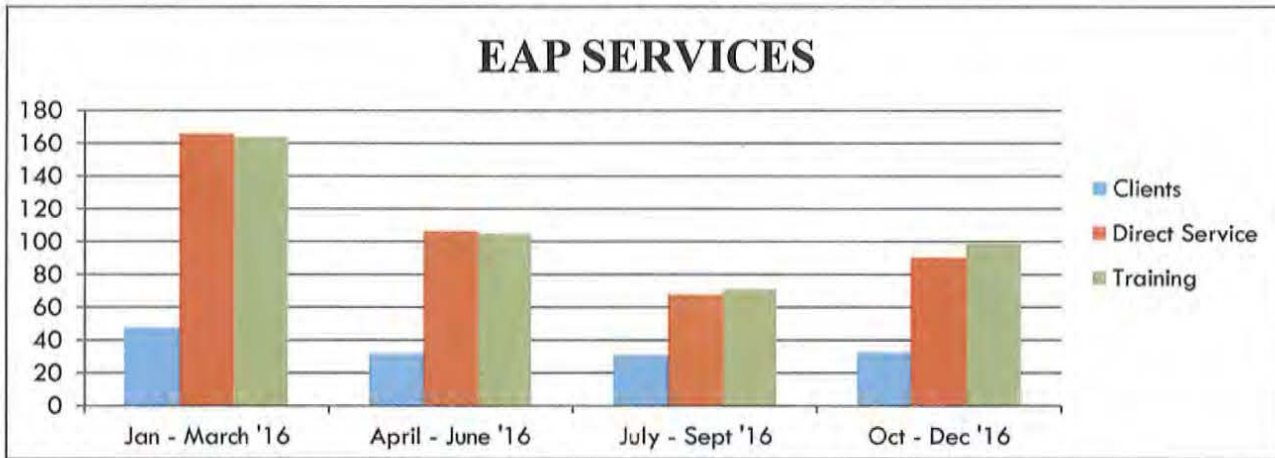
Supervisor training notes: Supervisor training is slightly up due to new GSD Director requiring all supervisors in the Division take HRD Supervisory courses. This number will continue to grow in the first quarter of 2017 due to supervisors who are registered for training in upcoming quarter. This also increased e-learning for the quarter.

E-learning note: 1,208 courses were taken by employees via e-learning in this quarter (4,871 in 2016). HRD, Gaming Safety, and the Health Division are the highest utilizers of this learning format.

Employee training note: Training above does not include **102 employees** who attended the Active Shooter make-up training in November (Anessa Boulanger - Internal Security was the Trainer).

General notes: Special Training Assessments requested three in Governmental Services Division. One new training was created this quarter: Customer Service for Health Division.

EMPLOYEE ASSISTANCE PROGRAM

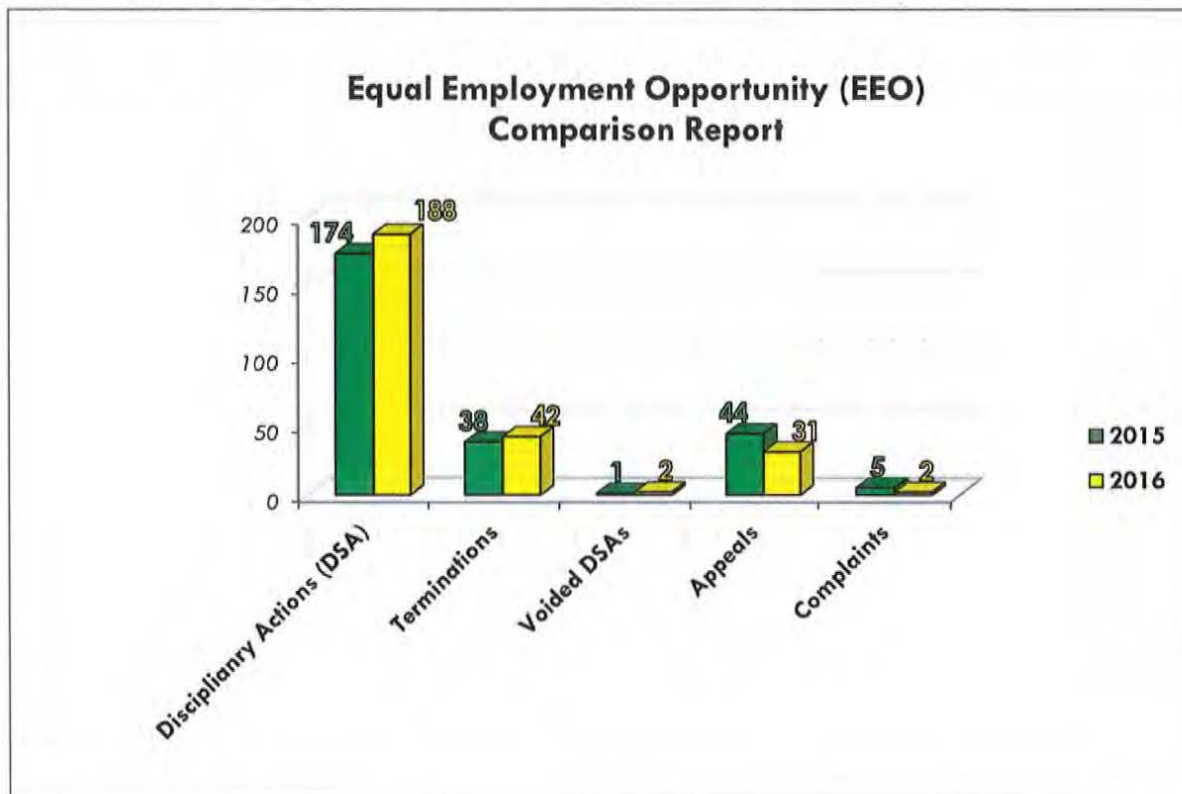


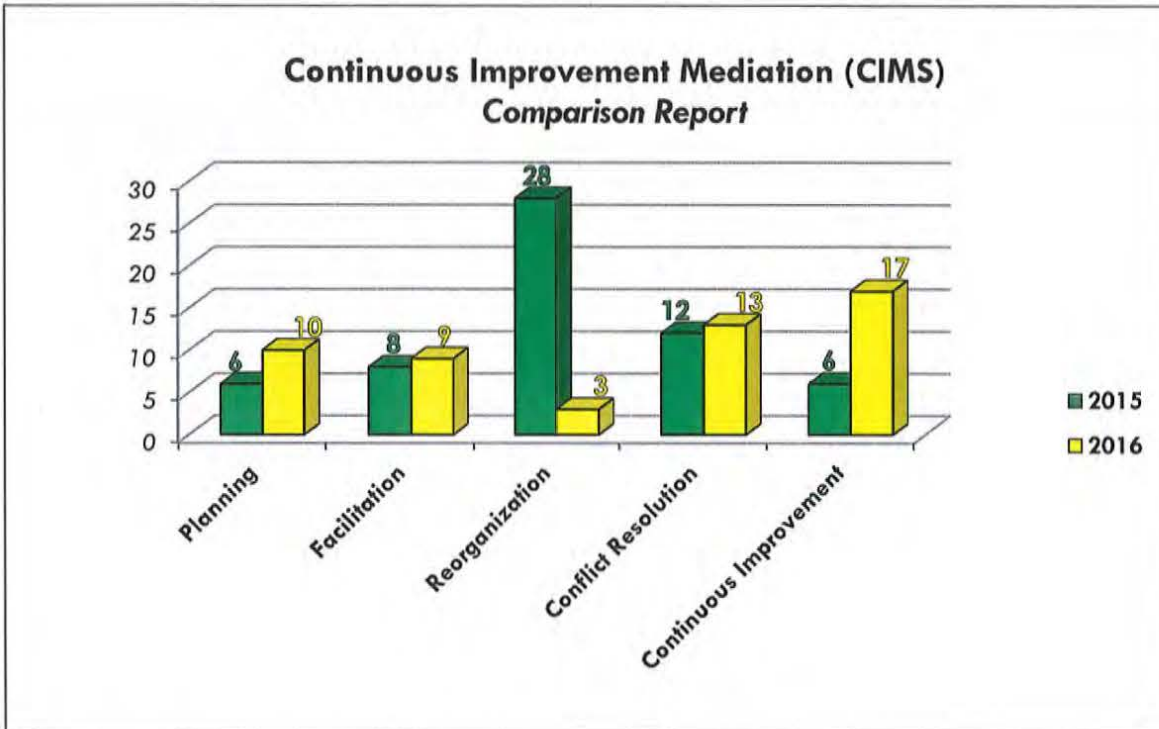
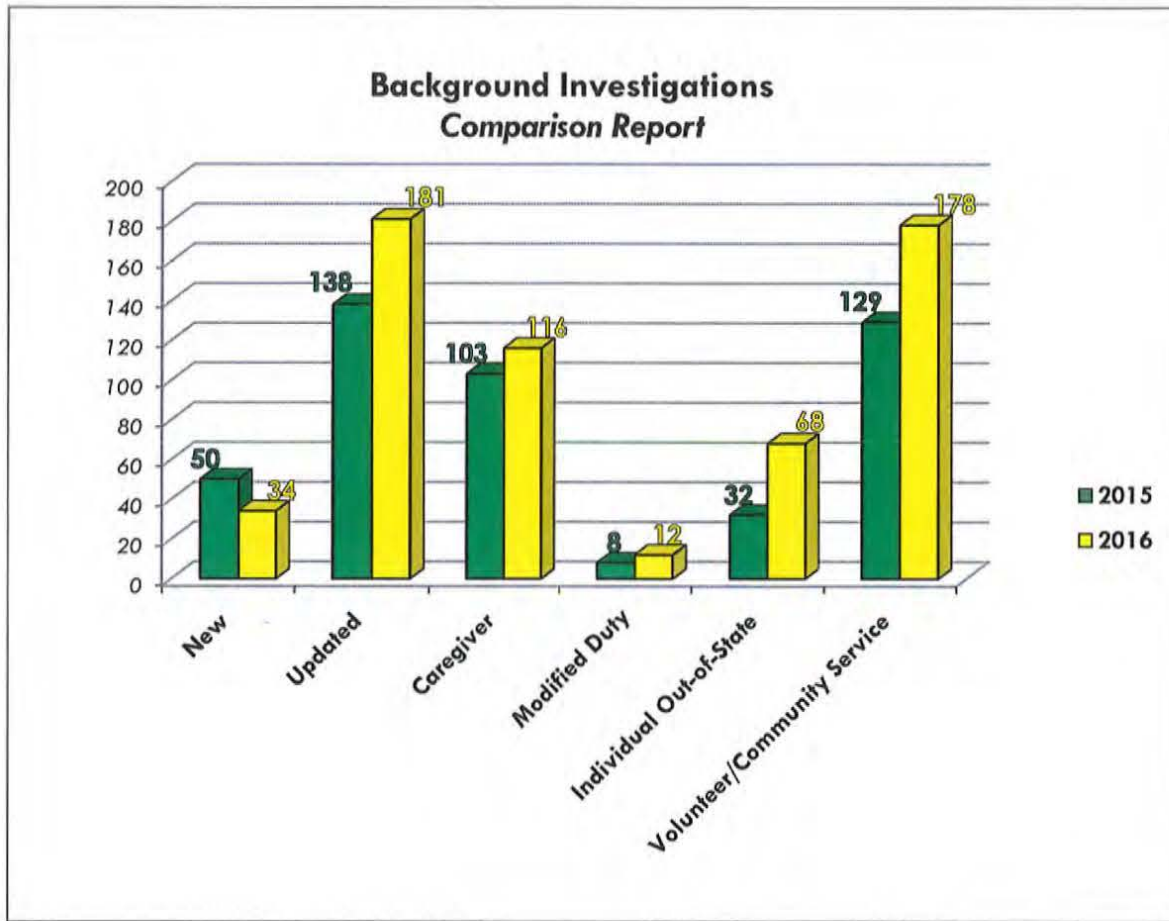
EAP Training includes: Book Clubs, Brown Bag lunch topics, Stress Management.

* DAFWP Return to Work Agreements First violation – 4, Second violations – 0.

Robert Fresen, EAP Counselor Retired as of December 30, 2016.

EQUAL EMPLOYMENT OPPORTUNITY/BACKGROUNDS/CIMS DEPARTMENTS





Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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: _____
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:

Attached is the 1st quarter report (October to December 2016) for the Internal Services Division that includes the areas of Employee Advocacy, Emergency Food Pantry, Grants, Kalihwisaks, Management Information Systems (MIS), Print Shop-Mail Center, Tourism, Tsunhehkwa-Cannery, and the newly added Oneida Veterans Services area.

- 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



INTERNAL SERVICES DIVISION

1st Quarter Report FY17

October, November, December



The first quarter offers a chance for evaluation, and assessment, as we look at present projects that are in the pipeline and work on plans and implementation for this coming year.

Tourism is laying out their season for this coming summer and fall events; and developing new collateral materials for their bus tours. They are following up on the contacts made at various meetings and with various major tour operators, and they continue to increase root traffic on the reservation.

Grants continues to churn out the opportunities for external funding. The landscape continues to become more competitive and requires several partners in the mix, and a focus to develop projects that have multilateral benefits. They are working with the Youth Leadership to continue to establish a strong framework, and they will be looking toward a grant to help jump start some activities.

Print and Mail continues to churn out the mailings for GTC and has been doing nice work with variable data to support the customer touches from gaming. They are dedicated to meet deadlines, and are a team to ensure that the large GTC mailers (7,000 pieces plus) are printed, stuffed and mailed on time. We did have a glitch in an 800 mailer with the mailing file, and since then we have made the appropriate corrections in our system

Agriculture continues to be a strong anchor for our tribe. We are looking at various models that align with our Agricultural Strategy such as the planning work of Tsyunhehkwa for managed grazing practices, the cannery work that integrates our white corn products within the school and programs, as well as into the retail stream with the Oneida Market. There are various training sessions that have been developed for products to market, funded through the USDA; and the aquaponics project which has met many roadblocks, continues to move forward. The Emergency Food Pantry, which opened January 11, is another outlet for food supply. We hope that the bins throughout the community will help in this outreach for those who in need.

As we look at the operations and build models for systems, we continue to address the activities that potentially add value to building a community and supporting the organization. We are mindful of the labor costs, and therefore will need to determine best activities with the present manpower.

GRANTS QUARTERLY REPORT – 1st Quarter

Goal #1	Enhance Oneid Brand as a Strong Nation
Advancing On^yote?aka Principles	<i>Planning for new bus tours; completing the longhouse structure at the Cultural Heritage site; developing ANA grant funding for YouthLeadership initiative</i>
Goal #2	Promote Agriculture and a mindset for healthy foods for the community
Advancing On^yote?aka Principles	<i>Continue on aquaponics project; 1st training session slated for mid-March; cattle grazing initiative at Tsyunhehkwa; begin planning on Value Added grant for apple chip; continue the trainings from the LFPP grant; continue support for entrepreneurs in agriculture</i>
Goal #3	Strengthen operational performance through technology
Implementing Good Governance Processes	<i>Develop mobile apps for Oneida Language; Leverage the deployment of Passport (POS) solutions for Retail; continue with Surveillance Project.</i>

- **Strategy 1: Enhance tribal services with external funding(both new and continuation)**
 - ❖ Keeping with our current goals with a total of \$3.1 million in external funding going thru this office.
 - Examples are:
 - CTAS 5/Oneida Domestic Violence Program - \$450,000 with no match.
 - Tribal Child Support Enforcement - \$1.3 with 20% match.
 - Great Lakes Tribal Aquatic Invasive Species grant - \$102,888 with no match.
 - ❖ We had a total of \$801,299 in denied grants so far this year.

- **Strategy 2: Become a resource for a 1-stop shop for funding/grant data and services.**
 - ❖ Provided training for various program requests to enhance their ability to obtain external funding.
 - ❖ Maintaining tribe-to-tribe, grantor-to-grantee, and other relationships to increase our opportunities.
 - ❖ Maintaining a database that includes all funded, denied, and pending grants.
 - ❖ Maintaining a database of all information that relates to grant data including statistical data.
 - ❖ Developed a database of all grant opportunities sent out and responses from programs to assure programs are taking advantage of such services.

- **Strategy 3: Enhance tribal and community efforts in fundraising thru the development of a 7871 fund unit.**
 - ❖ Worked with a consultant on marketing and website, waiting for final approval from Web Team to fill with content and initiate.
 - ❖ Letters for Board members have been sent out and ad has been submitted to Kalihwisaks, will be in the next 4 issues. Received interest in those personal requests sent out both locally and nationally.
 - ❖ The OYLI will be applying for the I-Lead grant from ANA, due in June.



Board Members Needed

The **Oneida YOUth LEADership Insitute** is looking for men and women with a passion in helping our youth by becoming a Board Member.

Those interested must have knowledge and/or experience in any or all of these five (5) principles:

Traditional Heritage & Culture; Healthy Minds & Bodies; Citizenship Engagement; Academic Excellence; Entrepreneurial Spirit

Please send a copy of your resume and a letter of intent or for more information contact:

Cheryl Stevens, Executive Manager PO Box 365 • Oneida, WI 54155 **920-496-7331**

Employee Advocacy Department

October- December 2017

1st Quarterly Report

The Employee Advocacy Department (EAD) continues its efforts to create a positive organizational culture through increased communication. We aim to work toward a healthy respectful environment; rather than a litigious culture.

EAD strives to mediate/settle cases; effectively saving the Tribe time/costs associated with formal litigation before the Oneida Personnel Commission and/or the Judiciary.

October- December - 2016 brought twenty two (22) new employment issues (in addition to those carried over from the previous quarter.)

* 8 cases involved disciplinary notices that were represented at area manager level and either resolved or the employee chose not to pursue.

* 10 employment- related complaints (7 resolved and 3 pending resolutions.)

OPC Activity:

* 1 employee sought procedural guidance *only* and chose to represent, *pro se*, at OPC level.

* 1 employee was represented at area manager level, after which EAD withdrew further representation to OPC because the case was without any reasonable basis in law or equity and could not be supported by a good faith effort.

* 1 employee requested OPC representation and failed to sign representation agreement, provide documentation and maintain contact.

* 1 case was scheduled for OPC hearing and settled before hearing date.

Our goal is to prevent cases from progressing to the OPC and beyond and to decrease the number of disciplinary notices issued and work-related complaints filed. We view negotiation/settlement meetings as opportunities to communicate with supervisor and employee regarding proper application of policy and procedure and employee

expectations. If receptive, we refer the parties to programs/departments to help them develop the skills necessary to prevent recurrences.

EAD fielded 43 calls w/general employee related inquiries.

We also received eleven (11) inquiries regarding issues unrelated to employment (contracts, Power of Attorney, traffic law, wills, garnishment, etc.) We provided referrals and/or forms and website links for additional information.

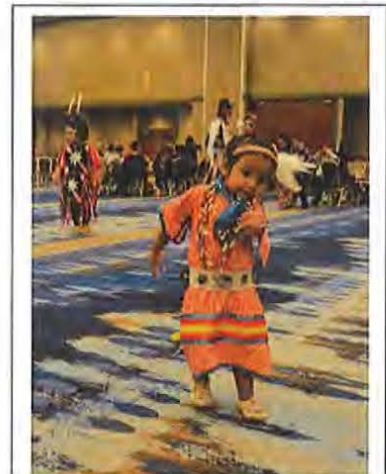
Kalihwisaks 1st Quarter Report

October – December 2016

Achievements

- Printed six issues – October 6, October 20, November 3, November 17, December 1 and December 15. (Advancing Oneyote? a.ka Principles)
- Announced the winners of the photo contest in the November 17 issue. Worked with other Oneida departments for prizes. There were a total of 43 entries. The photo contest theme was “A good mind, a good heart, as strong fire” in celebration of Oneida’s new rebranding effort (Advancing Oneyote? a.ka Principles).
- Covered events such as the a Get Out the Vote rally, Harvest Fest and Husking Bee, Three Sisters Powwow, and General Tribal Council meetings (Advancing Oneyote? a.ka Principles).
- Printed Oneida Business Committee meeting minutes, board postings, public hearing notices, and legal notices. (Implementing Good Governance Process)
- Worked with other departments such as SEOTS, OCIFS, Adventures, Culture, ONAP, OCEC, and OFF to create monthly pages to share their news and events. (Advancing Oneyote? a.ka Principles)
- Worked with Communications to produce weekly “This Week in Oneida” video. (Advancing Oneyote? a.ka Principles)

Goals for FY2017



- New photo contest limited to pictures taken on the Oneida Reservation
- Expand our media platforms to include phone apps, online payments, more online content



OCIFS (Oneida Community Integrated Food Systems) Achievements:

- **Strategy #1 Educate the Oneida community about food, agricultural opportunities, nutrition and health risks**

-Arranged Experiential Learning sessions, and coordinated the presences of the Oneida Farmers' Market, delivered canopies, set up all the canopies & managed the 19 Oneida Farmers Market vendors at Harvest Fest at Tsyunhehkwa on Saturday, October 8th.



One of the Experiential Learning sessions

-Reviewed 6 food films that are aimed at youth and wrote up a synopsis for each one along with the length and year they came out to try and get the teachers in the Oneida schools to utilize them for education.

-Assisted in the trainings on Monday & Tuesday taking place at the Tsyunhéhkwa Farm for the Education Days with area youth from numerous schools in North East Wisconsin.

* **Promote education through Agri-Tourism efforts** - Assisted giving the visiting Yakama Nation a tour of the Oneida Reservation.



Workshop announcement

* **Share through educational forums** – Received a First Nations Development Institute FDIPR Nutrition Education \$20,000 grant that will allow us to offer 4 Nutrition Educational workshops and 2 Gardening workshops for Oneida families in need from February to May, 2017.

-Met w/ Melinda Pollen, UW-Extension, Chaz Wheelock at the Oneida Elementary School and to try and engage the youth to become involved in the Oneida Falling Leaves 4-H club, had 35 youth show interest.

Strategy #2 Integrate Oneida and locally produced foods into the Oneida community and institutions - Facilitated the End of Year Oneida Farmers Market vendor meeting where we discussed the advancements we made in 2016 while getting input as to how to move forward in 2017 to make the Market more successful (58 vendors attended).

- Began planning for the 4 LFPP local entrepreneurs workshops that will be offered on Saturdays in January, February and March of 2017.

- Attended the CHIP group meeting where the two Green Bay Farmers Markets, LIVE54218 and Oneida Farmers' Market in collaborating on various grant projec



58 vendors in attendance

Tsyunhehkwa Quarterly Achievements: FY 2017

1st QTR Oct – Nov– Dec 2016

Jeff Metoxen, Director

Tsyunhehkwa Mission:

Playing a pivotal role in the reintroduction of high quality, organically grown foods that will ensure a healthier and more fulfilling life for the On[^]yote a ka, Oneida People of the Standing Stone.



Fiscal Year 2017 Strategies & Goals:

Strategy #1 Increase Local Food Production

- Creating a Positive Organizational Structure

Strategy #2 Improve Food Security

- Advancing On[^]yote a ka Principles

Strategy #3 Increase Interaction with Community

- Committing to Build a Responsible Nation

Oct 2016 Highlights:

Our Program continues to provide Tours and Presentations as part of our overall outreach in Education and Networking. We toured the Pasture Class from NWTC at their request. Covering our Process with Grass Fed Galloway cattle. Sharing our challenges and issues and steps we are taking to address them. We had the Class from UW Madison Native American Center for Health Professionals join us for the Harvestfest. Alice in Dairyland joined us as well for the First time at the Harvest & Husking Bee. We had the Oneida Royalty with her and they covered a number of areas with students and our hands on education Process. Our Annual Harvest & Husking Bee was held October 08-13, with over 10 different schools joining us and more than 800 students & chaperones participating during our Education days.

Nov 2016 Highlights:

We set up the process to have our Cattle checked by our Veterinary Services, annual event in the Fall to complete a Herd Health Check. No major issues, almost all animals fitted with 2 ear tags for identification purposes. Able to ID new moms and pregnant due dates, including Heifers that will not calf and make good animals for Market Sales. We are pursuing Perimeter Fencing around site and working with a number of tribal entities and offices. Majority of these cost are being run through a Plan with the USDA Natural Resource Conservation Services (NRCS) Program. Part of the submission is a New Project we are pursuing with the Over-Winter Feeding of our Cattle, reduction in herd numbers and pursuit of Sustainable practices for our site resources. We had such a low yield in our White Corn we are pursuing another resource to meet the Community needs for the coming year. We have targeted the 10 acres to be planted and have applied some cover cropping and pursuit of the Over-Winter Pasturing of the Cattle to help with soil issues and production.

Dec 2016 Highlights:

Part of a panel presentation at the annual Investing in Healthy Communities conference in WI Rapids at their request. Established our new Over-Winter Pasture feeding process with our cattle. Provides the Group 3 Large, Round bales for feed which can last 3-5 days. They are providing fertilizer to field where the White Corn is targeted, we no longer need to clean out Barn yard to spread the manure, since the cattle will be out all winter in the field. Pursued our Pole Buildings for our Ag site through Oneida Capital Improvement Process (CIP). Approved as concept only by Oneida Business Committee, first step to continue process and planning. Targeting 2 buildings, one for proper storage of equipment, supplies & materials and the other for Community events like our Harvest & Husking Bee instead of tent rentals and annual costs.

The cannery continues to be an integral part of t Agriculture and healthy food systems. They have worked processing for the school, the various programs, and the Oneida Market. In addition, they have provided various trainings for community members.





MIS Quarterly Report – October - December 2016

Strategy #1 Deliver Business Technology Solutions

- The 800MHz project has been completed. The project involved the replacement of the Nation's 20+ year old two way radio infrastructure and transitioning to an all-digital environment. The project had a direct, positive impact on numerous business units within the Nation including Law Enforcement, DPW, Gaming, Transit and many others. The project was completed on-time and within budget.
- A multi-department project continues to move forward. The purpose is to select and replace the Nation's primary Surveillance solution. Members from Gaming Surveillance, OPD, OGC, Retail, Purchasing and MIS have vetted more than 25 vendors and systems. Currently the team is currently poised to select a system integrator and system. The objective is the selection of a solution that will replace the current Gaming and Retail solutions while establishing a standard for all future Oneida surveillance needs.
- Extending the use and capabilities of the Archibus system has made significant progress this quarter. Currently, Archibus is being introduced to Land Management to aid their staff in managing properties under their control. In addition, planning for the introduction of the Archibus Mobile App is underway. This new and exciting capability will allow current users greater flexibility of access to critical data within the system.



**MOTOROLA
SOLUTIONS**

Service Specialist

SECURITY NOTICE



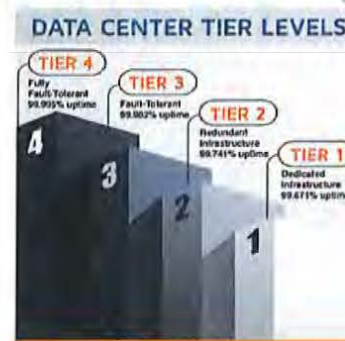
Strategy #2 Promote Information Sharing & Collaboration

- Conducted a two day information exchange with senior technology experts within the St Norbert College. Oneida hosted the meetings which were intended to discuss current challenges in the technical support of a highly diverse environment. It was not only informative but helped confirm many of the strategies both organizations are pursuing.



Strategy #3 Optimize Use of Resources

- Activities associated with the Nation's upgrades to its Data Centers have continued with the a focus on the Skenadoah site. Construction and environmental upgrades are nearing completion with the majority of work performed by members of the Oneida DPW Electrical team. As of this writing, the team is planning for the final cut-over which will require a shutdown of the SC Data Center. The objective is to enhance the physical, environmental and electrical environment for the Nation's data centers. The outcome is to support high availability strategies and business continuity strategies.



MIS Goals for FY'17

Strategy #1 Deliver Business Technology Solutions

Develop mobile app's that support the goals and objectives associated with Oneida Language Preservation and On^yote?a.ka principles.

Strategy #2 Promote Information Sharing & Collaboration

Leverage the recent deployment of Passport (POS) solution within the Retail environment. This activity is in alignment with the Nation's 4 Strategic Directions, specifically a commitment to building a responsible Nation.

Strategy #3 Optimize Use of Resources

The Surveillance project will be completed. The outcome will support the standardization of the Nation's surveillance environment while enhancing the Nation's overall security posture.

Oneida Veterans Dept.

Mission: Provide Quality Services and Assistance in the Delivery of Entitlements and Benefits due our Oneida Nation Veterans and their Families.

4th Quarter Report	Clientele visits – 830	3rd Quarter – 837	Change -7
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1st Quarter Highlights

• Calls Received	1083
• New Clients	10
• Other Tribes	32
• VA Disability Claims	37
• Veterans Building Utilization By Community	45 Days

One of Veterans Department Major Initiatives is Improving Customer Service and our Clientele numbers maintain approx. 260 visits per month and approx. 366 calls per month.

Major Initiative that we, the Oneida Veteran Dept. are working on is an end for Homeless Veterans in Oneida. We are currently working with the Dept. of Veteran Affairs HUD/VASH program thru our OHA and a Veteran Affairs Case Manager, out of the Veteran Affairs in Milwaukee. 7 veterans, who have been referred, hopefully soon, will have a roof over their heads that they can call their own. Oneida was awarded 20 Vouchers in 01/2016.

Major Initiative in the Implementation of the AJRRC VA Contract Nursing Home program is complete. We have Oneida Nation Veterans utilizing this Major Benefit. Disabled Veterans rated 70% or higher get to keep all assets and Federal Government will pay for veterans stay at AJRRC, either in Rehab or extended stay.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 2 / 8 / 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:

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:

Per the Oneida Tribal Secretary's office schedule Oneida Retail Enterprise's 1st Quarter Report is due on January 30, 2017 for the February 9, 2017 Oneida Business Committee meeting.

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

Oneida Tribe of Indians of Wisconsin

Oneida Retail Report

1st Quarter FY17

October 1, 2016 – December 31, 2016

Michele Doxtator



A good mind. A good heart. A strong fire.



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Oneida Retail Enterprise

The following is a brief update on projects and happenings within Retail and is not meant to cover the day to day detail, but an overview of Oneida Retail Enterprise activities.

Our Vision Statement comes from the Tribe’s vision;

A Nation of strong families built on Tsi ʔNiyukwaliho TÁ and a strong economy

Our Mission Statement is;

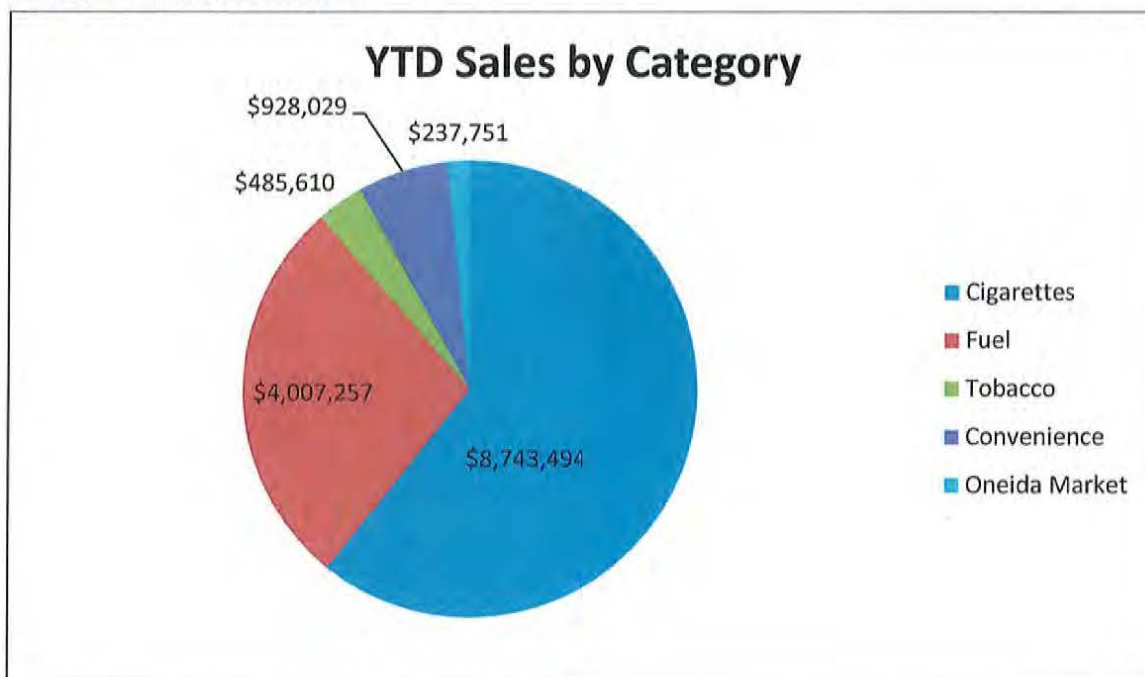
“To generate profit for the prosperity of the Oneida Tribe”

FY 17 Year to Date Financial Information – December Profit and Loss Statements
(BUDPLCOM_ 12.31.16 & ENTINCSTMT 12.31.16)

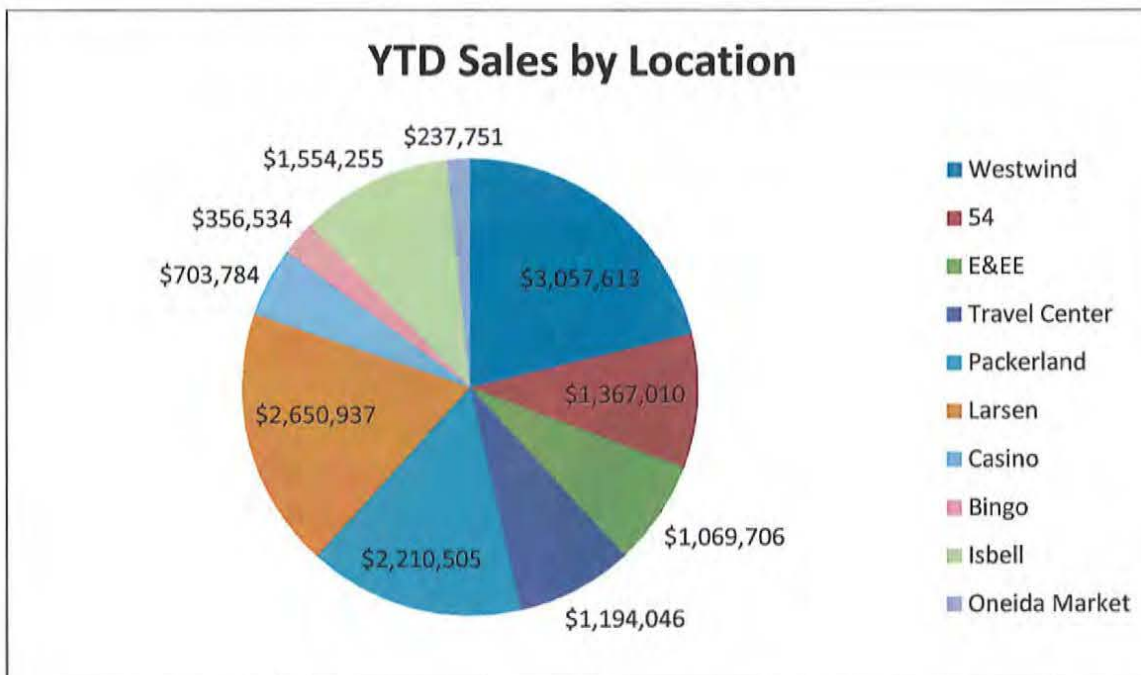
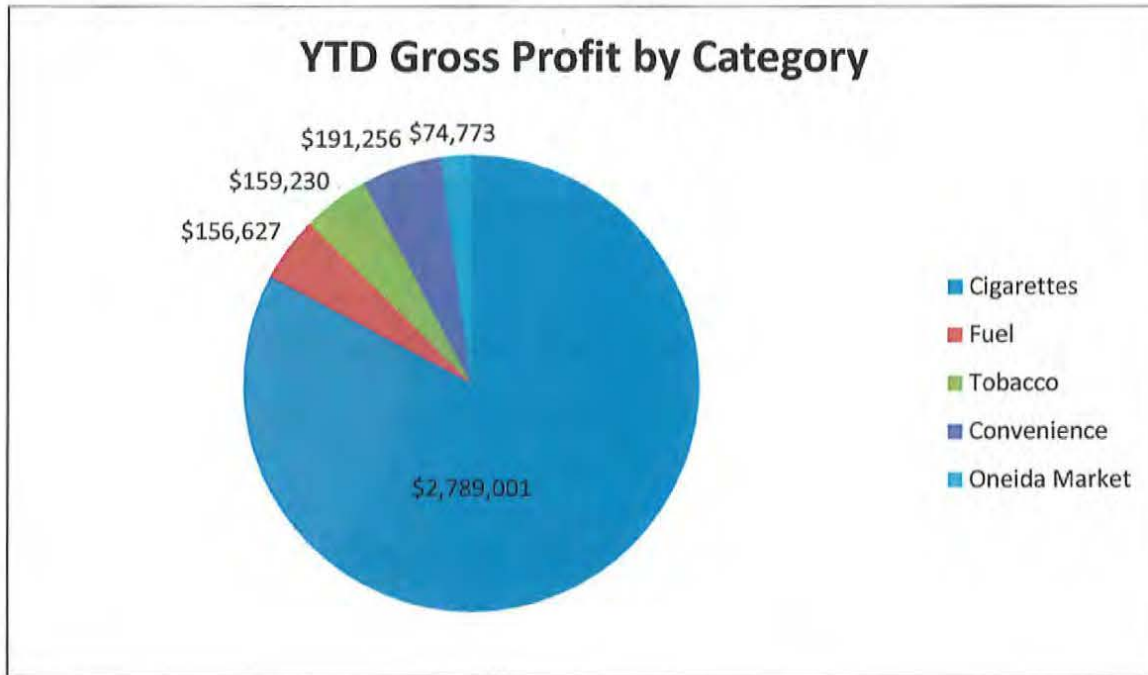
	FY17 YTD Actual	FY17 YTD Budget	FY16 YTD Actual
Sales	\$14,433,037	\$17,127,869	\$14,900,822
Cost of Sales	\$11,037,758	\$12,993,971	\$10,971,578
Gross Profit	\$3,395,279	\$4,133,898	\$3,929,244
Expenses	\$1,709,093	\$2,019,286	\$1,659,778
Net Profit	\$1,686,698	\$2,114,612	\$2,269,466

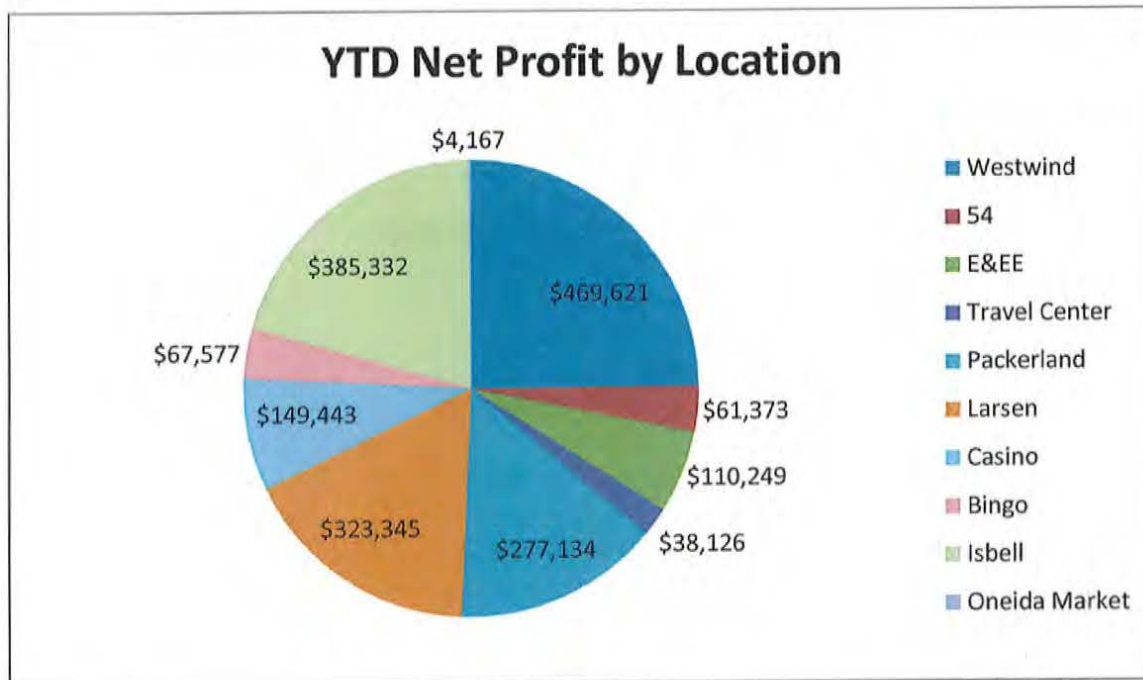
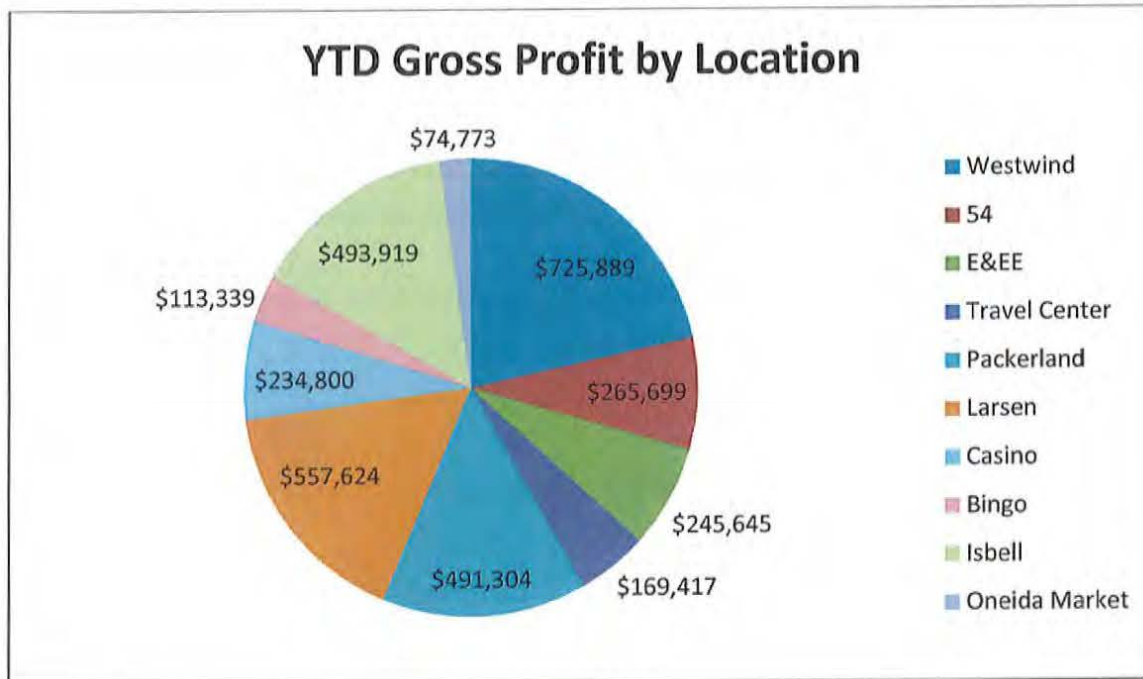
Oneida Retail is worse than budget by \$427,914 and worse than previous year by \$582,768.

Retail- Consolidated



Cigarettes continue to dominate sales and gross profit in the One Stops and the Smokeshops. Mobil branded fuel is sold at six (6) of the One Stop and is the next highest category in sales and gross profit.



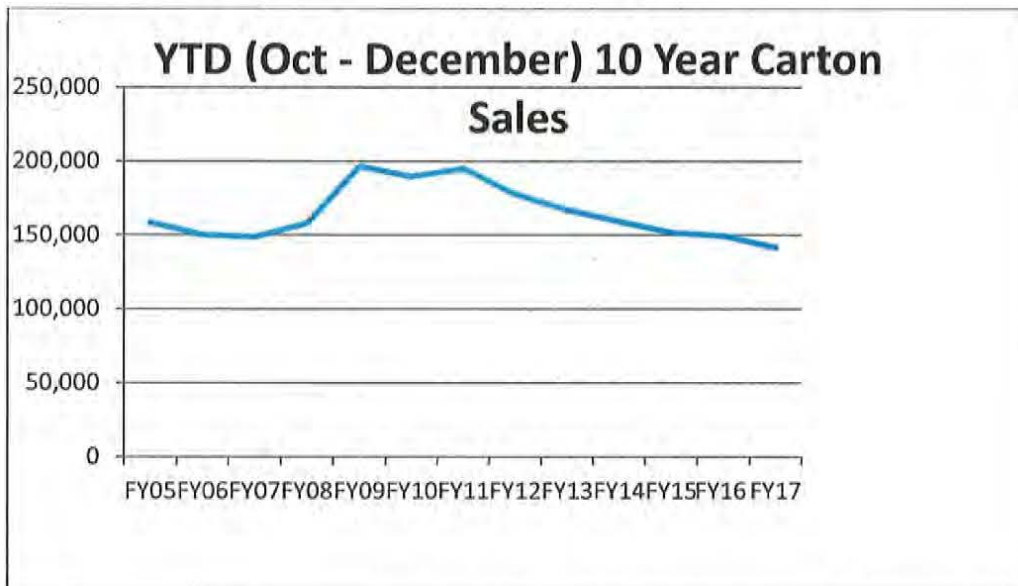
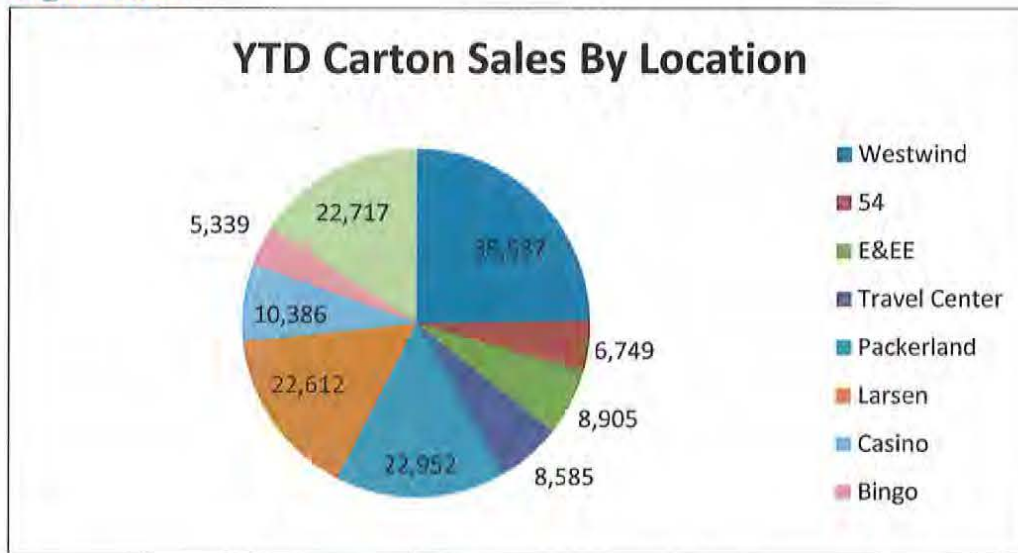


Highlights

- Westwind has been the number 1 in sales, gross profit and net profit for over 20 years.
- Westwind sells the most Cigarettes of all the stores followed by Packerland and Isbell.
- Larsen has moved into the number 2 spot in sales and gross profit and 3rd in net profit.

- Larsen sells the most fuel of all locations followed by Westwind and 54.
- Isbell maintains 4th place for sales, gross profit and net profit, mainly due to high sales of cigarettes and a favorable lease rate from Gaming.
- The Oneida Market had a positive net profit YTD of \$4,167
- The Oneida Market was the emergency food distribution center from mid November until January 27, 2017.
- The Isbell Smokeshop will be closed for the replacement of the flooring on the sales floor. Please see Isbell Smokeshop memo dated January 26, 2017.

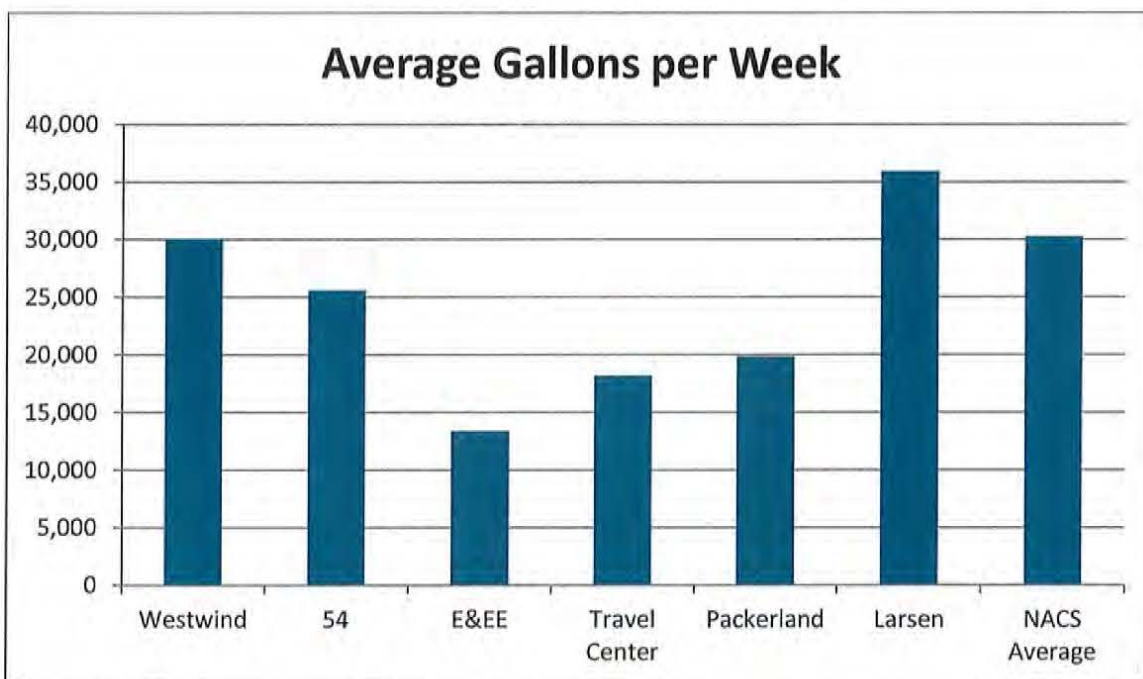
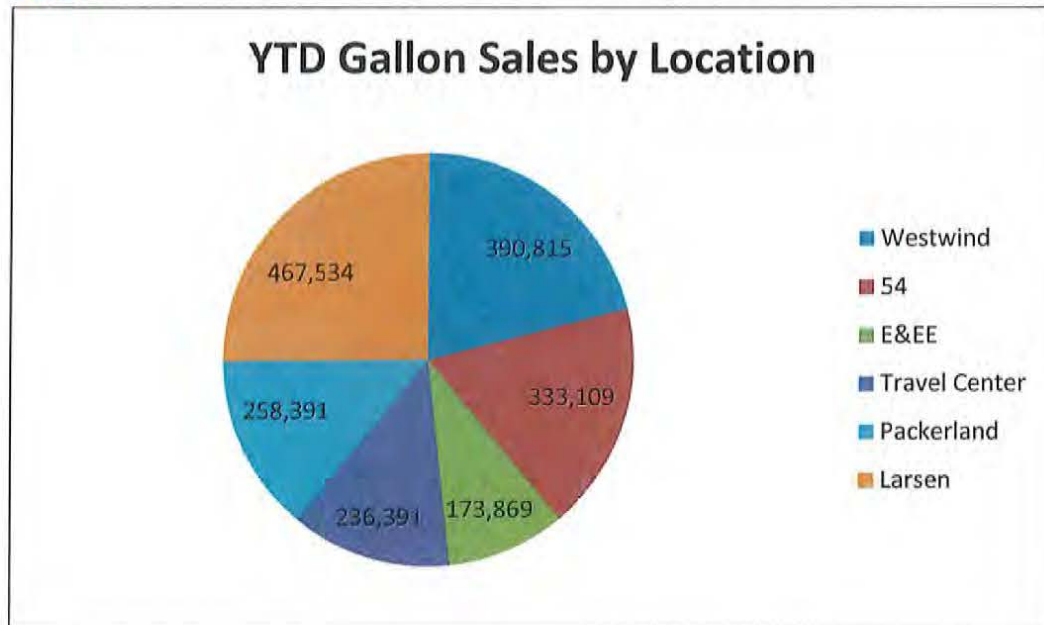
Cigarettes



The average Convenience store sells 106 cartons per week (S. Abraham & Sons) in the state of Wisconsin. One average the Oneida Stops and Smokeshops sell 1,229 cartons per week. This is due to the large price differential as a result of the cigarette excise tax agreement with the state of Wisconsin. The price differential averages \$13.00 per carton.

In general the Cigarette manufacturers increase the price of cigarettes two (2) times a year, in December and June. This past May the Cigarette price increase was .75 per carton, Oneida Retail increased the retail price by 1.00 per carton, increasing the gross profit per carton by an additional .30 per carton. Should all trends remain the increase will result in an additional \$155,000 in gross profit for FY16.

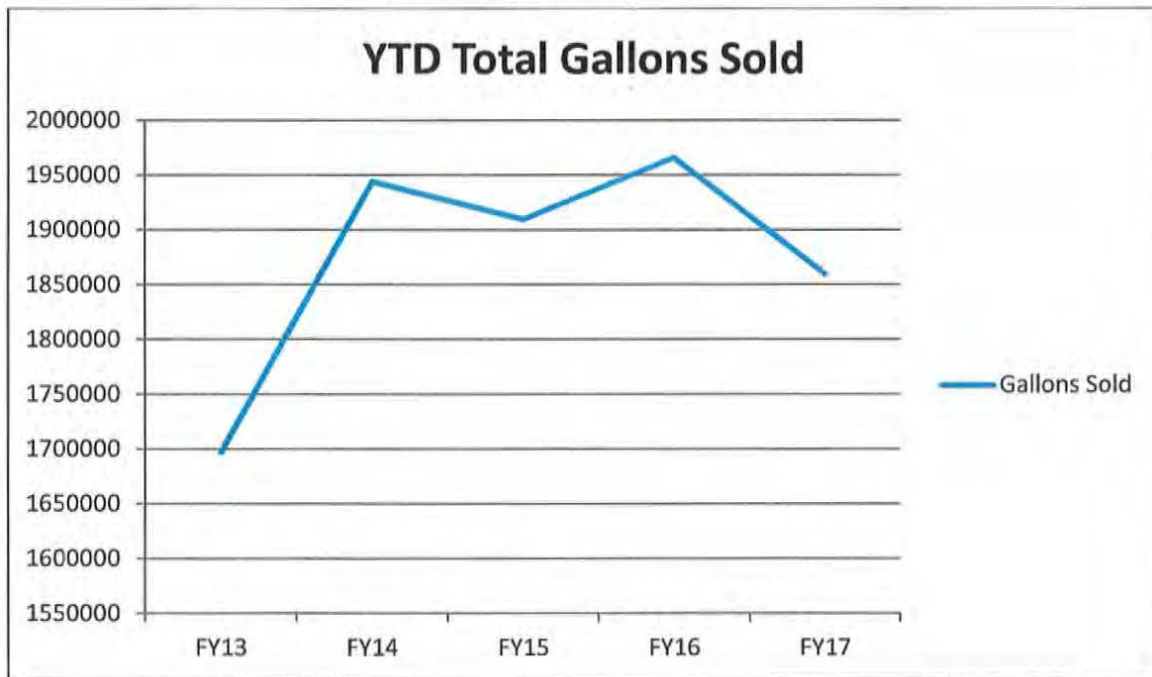
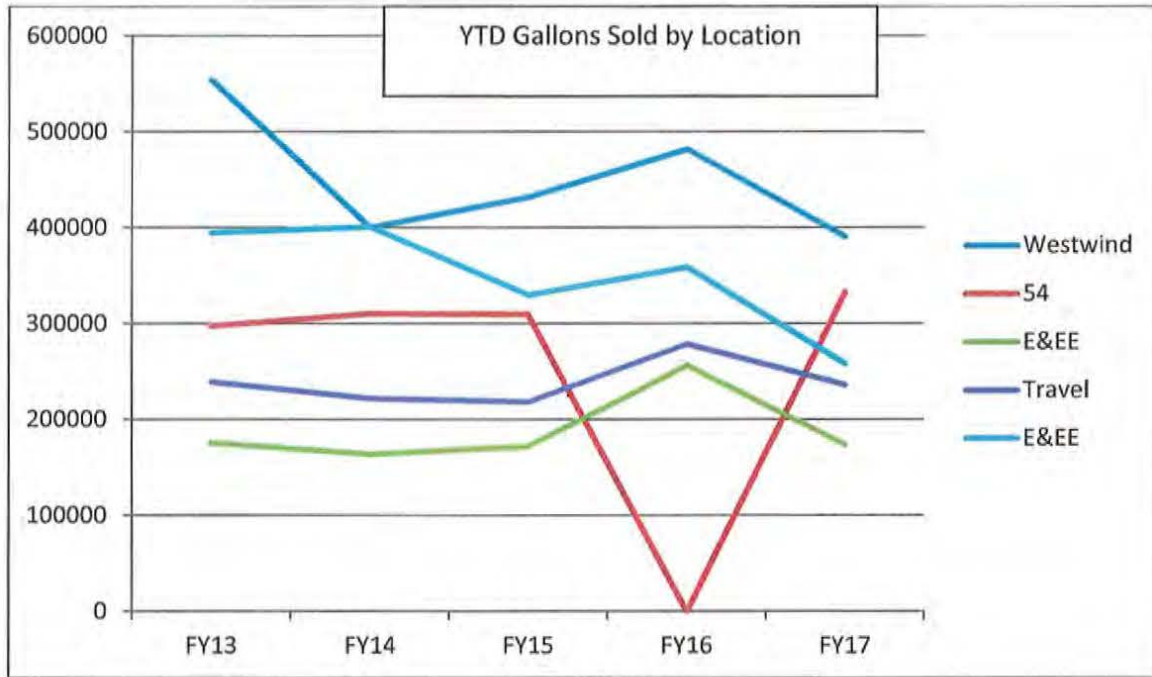
Fuel



The average Convenience store sells 33,145 (NACS SOI 2014 Report pg. 9) gallons of fuel per week. The Oneida One Stops on average sold 28,896 gallons per week for the first quarter of FY17. The average profit per gallon is \$.07. Two stores posted negative gross profit (E&EE and Packerland) due to the fluctuating costs of fuel and the coordination of fuel deliveries. In general there are 3 factors in determining the retail price of fuel: Cost of fuel, Competition pricing and fuel in the ground. When the

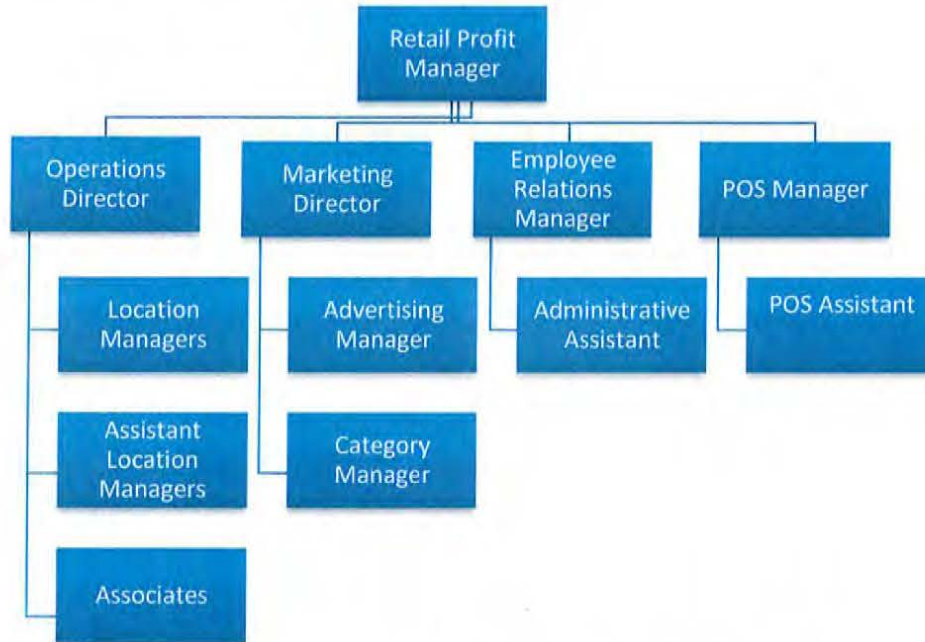
cost of fuel is raising ORE is one of the last to increase prices, the opposite is also true. When the cost is declining ORE is one of the first to decrease the price of fuel.

Gallons sold in the first quarter of FY17 are down 105,897 gallons compared to the previous year.



Oneida Retail Employees

Oneida Retail Enterprise Organizational Chart, with the Retail Profit Area Manager reporting to the Oneida Business Committee



On December 31, 2016, there were 119 Retail Employees with an average of 7 years of service. Retail employees are Oneida Tribal Members as outlined in the Tobacco Ordinance.

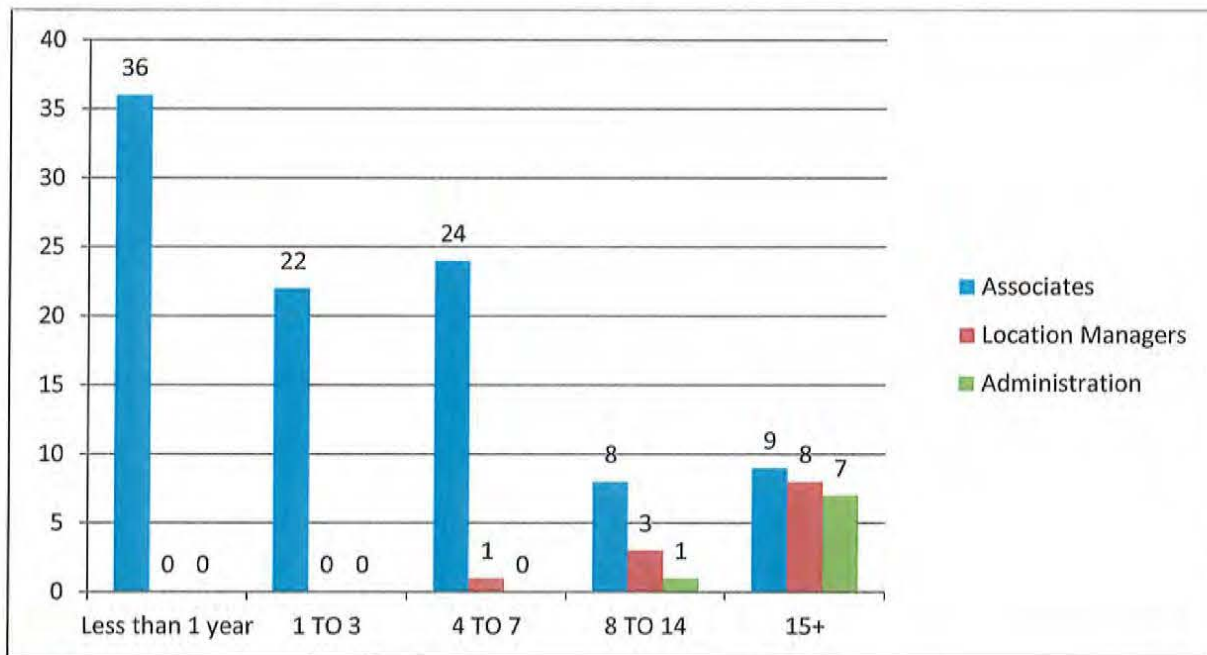


Figure 1 Retail Associates Years of Service

ORE employees we have the following accruals at the end of September 2016:

Vacation Hours	4,840.68
<u>Personal Hours</u>	<u>3,135.5</u>
Total	7,976.18

Nine (9) Retail Employees have accrued over 200 hours of vacation/personal time as of December 31, 2016. Three (3) of the employees that have accrued over 200 of vacation/personal hours are in Retail Administration Six (6) of the employees are Location Managers.

YTD payroll was \$941,581 compared to the YTD budget of \$1,396,698 resulting in a savings of \$198,117. \$25,000 of the savings is due to the .40 increase has not been provided to ORE employees, the remaining positive variance is due to trending and staff shortages. When compared to prior year's payroll of \$860,461 payroll is more than FY16 YTD by \$81,112. YTD overtime was \$6,504 compared to prior year overtime of \$2,545, and is included in the overall payroll information above.

23 Disciplinary Actions were provided to Oneida Retail Employees from October 1 to December 31, 2016

16 Written Warnings

Attendance	9
Work Performance	4
Personal Actions	3

Two (2) Suspensions

Attendance	2
------------	---

Seven (7) Terminations

Attendance	2
Work Performance	2
Work Performance – Theft	3

Internal Security Incident Reports – 1st Quarter

In the first quarter of FY17 the Internal Security Department issued 229 incident reports (IRs) on the procedure infractions ranging from cell phone use to suspicious activity. The IRs are sent to

my office and I forward them to the Operations Director and the Location Manager to follow up with the Associates. The Managers have issued verbal written warn with expectations to improve, followed by progressive disciplinary actions if the behavior continued.

	Cell Phone Use	Eating/behind the counter	No Badge	Uniform	Unattended counter	Suspicious Activity	Total
Westwind	8	2	6	3	1	1	21
54	19	3	3	10			35
E&EE	7	6	4	7		3	27
Travel Center	11		7	3	2	8	31
Packerland	19	1	6	1		6	33
Larsen	11	1	35	19	2	3	71
Casino	3		2				5
Bingo			1				1
Isbell	1			4			5
Oneida Market							0
Total	79	13	64	47	5	21	229

Job Description Changes

The Associate job descriptions were amended to be able to hire 16 and 17 year olds for the Oneida One Stops and Oneida Market. The 16 and 17 year olds will be considered youth workers and exempt from the High School Diploma or GED/HSED requirement with one year of being hired. Please see Tobacco Ordinance/Youth Workers memo dated January 27, 2017.

Tobacco Ordinance

Oneida Retail has requested that the Tobacco Ordinance be amended to open the Associate position to anyone, while following the Indian Preference Law in hiring. Currently the market is very competitive in the hiring of entry level employees in our area. Prior to hiring any non-Tribal Members into the Associate positions we will provide Diversity Training to all of our employees.

Interim Marketing Director

Don Denny retired on December 30, 2016 for Oneida Retail Enterprise. Don has held various positions within Retail for the past 34 years, from Associate, Location Manager, Operations Manager, and Category Manager to the Interim Marketing Director for the past 18 months.

Assistant Retail Profit Area Manager

The Marketing Director position will be replaced with an Assistant Retail Profit Area Manager position. The Assistant Retail Profit Area Manager will be responsible to assist with the development of operational plans, policies, continuous improvement initiatives: communications and public relations activities.

Please see the attached Job Description.

Training

In October I attended a 3 day training session offered by Our Community Listens. Our Community Listens is funded by Phillips LISENS, Inc., a 501 © 3 private operating foundation, established by Robert and Cynthia Chapman. The training focused on:

- Exploring how the Communication Cycle forms the foundation of all interpersonal skills
- Appreciate the impact our non-verbal behavior has on our verbal communication
- Learning how the skill of Listening can be the most important thing a person can do for another
- Recognize a more effective way to confront another when needing a behavior change to occur.

More information can be found at <http://ourcommunitylistens.org/home>

Marketing

Marketing Team

ORE is refocusing the direction of the Marketing Area. The Marketing Director position will not be filled. The two Category Managers Angela Parks, Dan Habeck, the POS Manager, Laura Lane and the (currently vacant) POS Assistant position will be working in a team environment to focus on the four (4) Ps of Marketing; Product, promotion, place and price. The Marketing Team has also taken on two projects that will impact ORE's ability to generate a profit. The Marketing Team is creating a Marketing Plan and Inventory Improvement Processes.

The Marketing Plan will include a plan of action to increase cigarettes gross profit, while planning for a decline in cigarette sales. The Marketing Team's *draft* Marketing Plan is due April 21st.

The Inventory Improvement Process is long overdue. When ORE purchased the Pass Port System and the SSCS back office ORE did not have the resources to fully implement the system. The Marketing Team is developing a work plan to develop and test new processes for tracking the inventory at store level. Kerri Vandehei, Accounting Manager is assisting with the development of the process. The goal is to test the inventory process by the end of the second quarter's inventory on March 31st at the Oneida One Stop Larsen.

Diamond for Dollars

Diamonds for dollars is a fund raising event in the Oneida Retail stores to support area groups in our community to raise funds by way of selling Diamonds in the stores four (4) times a year. Applications are sought through the Kali and intranet.

- | | |
|------------------------|---------|
| • Indigenous Games | \$2,885 |
| • Wise Youth | \$1,919 |
| • Longhouse | \$1,624 |
| • Lacrosse U/13 & U/15 | \$1,198 |

- | | |
|-------------------------|---------|
| • Woodland Indian Art | \$1,525 |
| • <u>myTEAM Triumph</u> | \$450 |
| | \$9,611 |

The next Diamond for Dollars fund raiser will be for the Indigenous Games and begins on February 27 until March 19, 2017.

Open Roads

The Open Roads rewards program has two components; the first is to be able to provide gas tax exemption to Tribal Members and to provide additional discounts on fuel. The second component is a loyalty program for the general public to earn cents off on a gallon of fuel by purchasing promoted products. In the 3rd quarter US Oil and Oneida Retail will be promoting Open Roads together. Several Radio remotes are scheduled along with stops by the Open Roads Teams to encourage customers to enroll in the program.

Big Deal Texting Campaign

The Big Deal texting campaign was introduced during the opening of Oneida One Stop 54 as a way to communicate fuel discount opportunities to our customers through the Open Rewards and directly from vendors. To join the texting campaign text “onestop” to 55678 and you will receive text messages informing you of the “Big Deal”. The Big Deal will also be posted to Social Media sites along with in store signage. The future plan is to create “clubs” within the texting campaign to target offers directly to customers who have expressed an interest in a particular produce line.

Intra-Tribal Charge Fuel and Commercial Charge Accounts

ORE has explored two options to automate the Intra-Tribal Charges of fuel at the Oneida One Stops. The Exxon/Mobil Fleet program has been selected because there is no cost to Oneida Retail and there is minimal cost to the Nation. The other option would track fuel sales in a similar fashion; however the cost to run the program was approximately \$15,000 per year. There are currently 56 different departments purchasing fuel at the Oneida One Stops. In FY16 the Intra-Tribal departments purchased \$331,585 of fuel from the Oneida One Stops. The Exxon/Mobil Fleet Program will provide up to .06 cents in discounts (based on monthly purchases) and Oneida Retail will offer an additional .03 discount.

There are currently 14 commercial charges at the Oneida One Stops for fuel. We are encouraging the commercial accounts to open a Mobil Fleet card to manage their fuel purchases.

Exxon/Mobil offers discounts on the fuel (based on volume) and ORE will also discount the fuel by .03 a gallon for the first six (6) month. ORE’s intention is to close all commercial accounts by March 31, 2016.

FY16 Capital Expenditures

The fuel dispensers at Oneida One Stop Packerland and Oneida Casino Travel Center were replaced in early August. The replacement is due to the EMV compliance. Oneida One Stop

Westwind, Larsen and E&EE will components of the dispensers replaced to become EMV compliant.

Thank you for reading the report, should you have any questions please feel free to call me at 920.496.7301 or by email at mdoxtat3@oneidanation.org

Oneida Nation – Oneida Retail Enterprise

Interoffice

MEMORANDUM

To: Oneida Business Committee
From: Michele Doxtator, Retail Area Profit Manager
Date: January 26, 2017
Subject: Isbell Smokeshop



The Isbell Smokeshop will be closed at 10:00 PM on February 5 and re-opening on Saturday February 11, 2017 to replace the sales floor. There is a potential to open the store Friday afternoon on February 10th but we will not know for sure until Wednesday afternoon if the floor will be ready by Friday afternoon.

At some point in the past several months the reach in cooler's drip pan failed and the water overflowed on to the floor. The water seeped between the floor and the concrete and compromised the glue. When the humidity is high the glue seeps through the floor.

Tim Skenandore, Gaming Facilities has selected a vendor and will oversee the installation of the new floor. Risk Management has been assisting in case we would need to make a claim with our Insurance Carrier.

The Retail employees at the Isbell Smokeshop have elected to use personal or vacation time to cover the hours the store is closed. Angela Parks is working with Communications to let our customers and employee base know that the Isbell Smokeshop will be closed. Angela will also be working on signage to direct our customers to our other locations.

Should you have any concerns or questions I can be reached at 496.7301.

Cc Tim Skenandore
Retail Administration
Location Managers
Risk Management
Accounting

Oneida Nation – Oneida Retail Enterprise

Interoffice

MEMORANDUM

To: Oneida Business Committee
From: Michele Doxtator, Retail Area Profit Manager *Michele*
Date: January 27, 2017
Subject: Tobacco Ordinance/Youth Workers

Oneida Retail and the Human Resource Department (HRD) is in the process of updating the Associate Job Description (JD) to comply with the recent amendments to the Tobacco Ordinance.

An additional adjustment is being made to the JDs to assure that the youth workers (16 & 17 year olds) are enrolled Oneida Members. Currently there is one JD for the Associate positions; HRD is creating a separate JD for the 16-17 year olds that would require that they be an enrolled Oneida Tribal Member. When a 17 year old employee turns 18 and is no longer in high school they will be transitioned into the next vacant Associate position.

Oneida Retail is also working with HRD to provide diversity training to Oneida Retail Employees to prevent conflict in the stores with the change requiring all employees to be Oneida Tribal Members.

Should you have any questions I can be reached at 920.496.7301 or mdoxtat3@oneidanation.org

CC Geraldine Danforth, HRD Director
Retail Administration

APPLY IN PERSON AT:

Human Resources Department
909 Packerland Drive
Green Bay, WI 54303



ONEIDA

A good mind. A good heart. A strong fire.

OR MAIL TO:

Human Resources Department
P.O. Box 365
Oneida, WI 54155-0365

Phone: (920) 496-7900

Fax: (920) 496-7490

Job Line: 1-800-236-7050

POSITION TITLE: Assistant Retail Profit Manager
POSITION NUMBER: 02721
DEPARTMENT: Retail Administration
LOCATION: 909 Packerland Dr, Green Bay WI
DIVISION: Enterprise
RESPONSIBLE TO: Retail Profit Area Manager
SALARY: E05 \$43,772/Annually (NEGOTIABLE DEPENDING ON EDUCATION & EXPERIENCE)
 Employees will receive 5% below the negotiated pay rate during their probationary status.)
CLASSIFICATION: Exempt
POSTING DATE:
CLOSING DATE:
Transfer Deadline:
Proposed Start Date: As Soon As Possible

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The Oneida Nation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability status in employment or the provision of services. However, individuals of Indian ancestry and Veterans will be given preference by law in initial employment or re-employment.

POSITION SUMMARY

Assist with providing direction and leadership for Retail Enterprise to ensure optimum performance within the Retail Enterprise Division. Incumbent assists with the development and implementation of business and operational plans, policy; continuous improvement initiatives; communications, and public relations activities. This position assists with maximizing the generation of profit in the Retail Enterprise group. Continuation of this position is contingent upon funding allocations.

DUTIES AND RESPONSIBILITIES:

1. Assist with development, implementation and communication of plans, goals and objectives, policies and procedures in accordance with the strategic plan.
2. Assist with preparation and administration of annual budget and operational plans. Assist Oneida Retail Administration staff in the development of operational plans and budgets.
3. Conduct business studies on past, future and comparative performance and develop forecast models. Consolidate, analyze, and evaluate financial data.
4. Track financial status by analyzing results in comparison with forecasts.
5. Identify trends, conduct market research to define the market's geographic consumer and product segments; identify potential customer's needs and desires; research new brand and image development and public relation activities and make recommendations based on sound analysis.
6. Provide recommendations and alternatives to reduce costs and improve financial performance.
7. Identify short-term and long-range issues. Provide recommendations, options with objectives/goals and plans to address.
8. Provide excellent customer service for both internal and external customers. Address customer and employee need courteously and timely.
9. Establish, maintain and facilitate effective relationships, communication processes and activities with emphasis on teamwork and a positive work culture.
10. Perform special assignments and/or projects as assigned.
11. Maintain professional and technical knowledge by conducting research, attending seminars, educational workshops, classes and conferences; reviewing professional publications; establishing networks; participating in professional associations, meeting with representatives of contracting agencies and related organizations.
12. Assume responsibility of Oneida Retail Enterprise in the absence of the Retail Profit Area Manager.
13. Adhere to all Tribal Personnel Policies and Procedures, Tribal Standard Operating Procedures, and Area and Program Strategic Plans and Policies.

JOB DESCRIPTION**Assistant Retail Profit Manager**

Page 2

DUTIES AND RESPONSIBILITIES: (Cont.)

14. Maintain strict department security, confidentiality, and quality to meet professional standards of the department.

PHYSICAL REQUIREMENTS/WORK ENVIRONMENT:

1. Frequently walk; sit; occasionally stand, lift and/or move up to twenty five (25) pounds.
2. Work is generally performed in an office setting with a moderate noise level and in retail stores with exposure to second hand smoke.
3. Employee will be on call and required to work evening, weekends and holidays as needed.
4. A Tuberculosis (TB) Screening and/or TB Skin Test is required within thirty (30) days of employment and annually.

STANDARD QUALIFICATIONS:

1. Knowledge of applicable federal, state, county and local laws, regulations and requirements.
2. Knowledge and ability to efficiently and effectively develop, and manage program budgets and budget preparation.
3. Knowledge of marketing analysis techniques.
4. Knowledge, skills and ability to prepare, review and analyze reports including statistical compilation and analyses.
5. Knowledge of the retail industry.
6. Knowledge and ability to set objective, goals, strategies and schedules.
7. Knowledge and skills in operating various word-processing, spreadsheets and database software in a Windows environment.
8. Knowledge in human resources management policies and procedures.
9. Skill in increasing sales and profitability.
10. Ability to process information effectively, to learn new material, to identify and define problems and recommend an appropriate decision path.
11. Ability to exercise initiative and independent judgment.
12. Ability to communicate efficiently and effectively both verbally and in writing. Skill in developing and delivering presentations.
13. Ability to demonstrate a high level of sensitivity to community issues and concerns. Knowledge of the Oneida community, the history and culture with the ability to integrate into work.
14. Ability to establish and maintain effective working relationships with a variety of individuals and groups in a complex and multi-cultural backgrounds.
15. Must be willing and able to obtain additional education and training.
16. Must adhere to strict confidentiality in all matters. **(Must sign a confidentiality statement prior to employment.)**
17. Must pass a pre-employment drug screening. Must adhere to the Nation's Drug and Alcohol Free Workplace Policy during the course of employment.
18. Must pass a background security check with the Oneida Nation in order to meet the Employment Eligibility Requirements, Tribal/State Compact and/or Oneida Nation Gaming Ordinance as they pertain to the position. A temporary license or Gaming License issued by the Oneida Gaming Commission is required as a condition of employment and continuing employment within the Oneida Nation's Gaming Division.
19. A valid driver's license, reliable transportation, and insurance. Must obtain a Wisconsin driver's license within thirty (30) days of employment if applicant has an out-of-state driver's license. Must be authorized as eligible to operate a personal vehicle under the Oneida Nation's Vehicle Drivers Policy prior to actual start date. Must maintain driver's eligibility as a condition of employment.

PREFERRED QUALIFICATIONS:

Applicants please clearly state on the application/resume if you meet these qualifications.

1. Master's degree in business management or marketing,
2. Project Management experience.
3. Financial Analyst experience.

MINIMUM QUALIFICATIONS:

Applicants please clearly state how you meet these qualifications on the application/resume.

1. **Must be an enrolled member of the Oneida Nation.**
2. Bachelor's Degree in Business Management, Administration or Marketing or closely related field plus three (3) years of work experience in retail, marketing or economic development with two (2) years of management experience that includes experience with multiple business units, fiscal management, budget experience, and short/long term planning. An equivalent combination of education and experience may be considered.

ITEMS TO BE SUBMITTED:

1. Must provide a copy of diploma, license, degree or certification upon employment.

Employee Promotional Incentive Pilot

11.1.16

The Employee Promotional Incentive as it relates to carton sales initiative is meant to encourage sales at the point of transaction and reward staff for carton increases by store location based on a set criteria that meets both Carton Sales by month and Carton Sales by promotion.

This Incentive plan is designed to not only motivate and improve the engagement between customer and employee at the point of transaction but also encourage the communication across all personnel and retain and improve the customer base.

An initial trial period will be conducted for this *Employee Promotional Incentive Pilot* for the months of November and December. After closure of each months promotions and carton sales are determined, the rewards will be offered to each employee/store location based on achievement level.

Evaluation period conducted in January 2017.

Goal Criteria

The goal established is by store location, each store will have their own goal to achieve which will be based on that locations sales and performance. The criteria for each goal must be achieved for the Reward to be provided and will then be awarded to each store member's staff if a level has been achieved. Please note: Associate goals and Manager goals do not have the same criteria.

A reward will be offered to each employee that is assigned to a particular store location. If an employee moved during the month of the *Employee Promotional Incentive Pilot* they will be rewarded based on location they were assigned to for the longest period of time of the particular month of the *Incentive Pilot*. Employee must be employed by Oneida Retail at the time of Reward distribution.

Three levels of reward are established, each location/store staff (separated by Manager and Associate) may only receive one level of reward per *Incentive Pilot* month.

1. Gold
 - a. Carton Sales by month (**Manager only award requirement**)
 - i. -.1% - 0% Decrease from previous year
 - b. Promotion Sales
 - i. 3%, 5%, or 10% (benchmark based on store location average sales for same time past 2 weeks)

3. Silver
 - a. Carton Sales by month (**Manager only award requirement**)
 - i. 0% change from previous year
 - b. Promotion Sales
 - i. 4%, 6%, or 11% (benchmark based on store location average sales for same time past 2 weeks)

- 5. Platinum
 - a. Carton Sales by month (**Manager only award requirement**)
 - i. 0% change from previous year
 - b. Promotion Sales
 - i. 5%, 7%, or 12% (benchmark based on store location average sales for same time past 2 weeks)

Each store will receive a mid-month check point as it relates to goals and current standings.

Example:

WESTIND November Sales ASSOCIATE		
GOLD	973	Carton totals for the promotion time period must reach this amount for this level of achievement.
SILVER	983	Carton totals for the promotion time period must reach this amount for this level of achievement.
PLATINUM	992	Carton totals for the promotion time period must reach this amount for this level of achievement.

WESTIND November Sales MANAGER		
Carton Sales	11,689	Carton sales must be the same or no less than .1% less
&		
GOLD	973	Carton totals for the promotion time period must reach this amount for this level of achievement.
SILVER	983	Carton totals for the promotion time period must reach this amount for this level of achievement.
PLATINUM	992	Carton totals for the promotion time period must reach this amount for this level of achievement.

Manager award has two criteria established. First they must maintain specific carton sales for the month. Second, during the established promotion periods they must have an average of the determined amount of cartons sold.

Carton goals for promotional time period are based on an average of previous weeks (same time frame) cartons sales with the expected % of increase for this particular store.

Incentive Recommendation

Reward provided will be an Oneida Retail Gift Card valued at set criteria for Full Time (FT), Part Time (PT) and Manager. Award levels are Gold, Silver and Platinum.

GOLD	\$25 Per FT employee, \$15 PT employee, \$35 Manager
SILVER	\$40 Per FT employee, \$30 PT employee, \$55 Manager
PLATINUM	\$75 Per FT Employee, \$65 PT employee, \$100 Manager

REWARD Cost Expense by LOCATION

	WW	54	EE	OCTC	LARSEN	Packerland
GOLD	320	275	185	160	270	200
SILVER	570	510	325	285	490	385

PLATINUM	1210	1165	670	605	1080	925
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	Casino	Isbell	Bingo	Total
GOLD	85	165	70	1730
SILVER	160	305	130	3160
PLATINUM	365	690	290	7000

Report Use

1. Oneida Accounting will provide the cigarette carton report that will determine Carton sales by month.
2. SSCS will provide the cigarette carton sales by promotion reporting that will determine carton sales during and previous to promotional sales.

Employee Reward

Rewards will be earned based on developed criteria and personnel will be asked to sign for acceptance or refusal of reward Gift Card.

Communication Time Frame

Admin Staff	October 20, 2016
Location Managers	October 24, 2016
Store Associates	October 29, 2016

XI. GENERAL TRIBAL COUNCIL

A. Accept update on creation of GTC Legal Resource Center; and approve job descriptions for advising attorney and advocates positions

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

B. Schedule special GTC FY 2018 Budget meeting on Sunday, September 17, 2017, at 1:00 p.m.

Sponsor: Lisa Summers, Tribal Secretary

These agenda items contain information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials. Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>

For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to TribalSecretary@oneidanation.org. Thank you.



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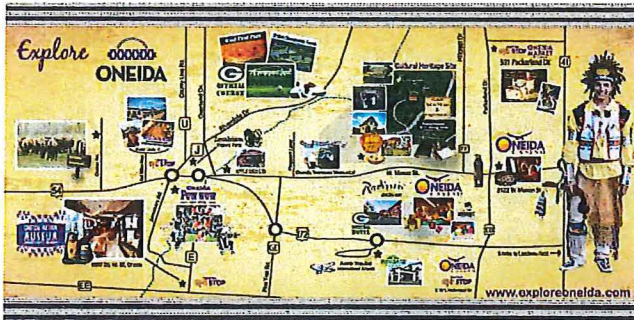
FEB 1

INTERNAL SERVICES
ENTERPRISE DIVISION

Tourism Quarterly Report – Oct - Dec 2016

Visitor Center

- New Visitor Center sign is up in front of the building.
- The Green Bay Convention & Visitor Bureau has delivered a brochure rack to our building and will keep the information filled and up to date as part of our partnership.
- We also have our brochure rack in the lobby with Oneida Nation information.
- Explore Oneida map has been updated and is displayed in the customer entrance of the building



Promoting the Oneida Nation

- The Oneida Nation was part of the Cancer Awareness half-time event at the Packers/Giants game October 9th on Lambeau Field. Jingle Dress dancers performed the Healing Dance as part of the event.
- The Veterans of Foreign Wars Oneida Post 7784 posted the colors for the National Anthem along with the Oneida Royalty.
- Oneida Royalty had a busy holiday itinerary with appearances in local holiday parades, helping with Coats for Kids and assisting at numerous Salvation Army fund-raising sites



- Assisting with community events:
- Radisson Anniversary, Budget Showcase, Tsyunhehkwa Harvest Fest and Oneida Sportsman Club.

Tours

- DPW has transferred a 16 passenger van over to the department for daily operations.
- Attending travel shows to increase bus tours on the reservation.
- Reservation Tours

2016	2883 people
2015	2899 people
2014	1259 people
2013	920 people

Media

- Managing/renewing department contracts, agreements and billings.
- Closing out 2016 commitments.
- New rack cards with updated tribal logo have been ordered.

Explore ONEIDA

Places to Visit

ONEIDA MUSEUM
 11892 County EE
 De Pere, WI 54115
 920-869-2768
 Call for hours

Thursday's starting in June
ONEIDA FARMER'S MARKET
 Water Circle Plaza
 Oneida, WI 54155
 12-6pm

June 30 - July 2, 2017
ONEIDA POW WOW
 N7210 Seminary Rd.
 Oneida, WI 54155

THORNBERRY CREEK
 LPGA Classic
 4470 N. Pine Tree Rd.
 Oneida, WI 54155

WINE & CHEESE
THEY LEAD THE PACK
 THORNBERRY CREEK AT ONEIDA
 July 3-9, 2017

September 16, 2017
BIG APPLE FEST
 3703 Hillcrest Dr.
 Green Bay, WI 54313
 10am-4pm

ONEIDA MARKET
THE THORNBERRY CREEK AT ONEIDA
 WINE & CHEESE
 ONEIDA STOP
 exploreoneida.com

2017 Dates to Remember

- Governors Conference on Tourism – March 12 – 14 – Potawatomi, Milwaukee
- Fishing Ceremony – March TBD
- NATOW – Stockbridge - June 5 – 7
- Oneida Farmers Market opens – June 22
- Oneida 4th July Pow-Wow & Woodland Indian Arts Show - June 30 – July 2nd
- Thornberry Creek LPGA Classic – July 6 – 9
- AIANTA – Oneida Radisson – September 11 – 14
- Big Apple Fest – September 16
- Food Sovereignty Summit – October 2 – 5 – Radisson Conference Center

Oneida Veterans Dept.

Mission: Provide Quality Services and Assistance in the Delivery of Entitlements and Benefits due our Oneida Nation Veterans and their Families.

4th Quarter Report	Clientele visits – 830	3rd Quarter – 837	Change -7
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4th Quarter Highlights

• Calls Received	1083
• New Clients	10
• Other Tribes	32
• VA Disability Claims	37
• Veterans Building Utilization By Community	45 Days

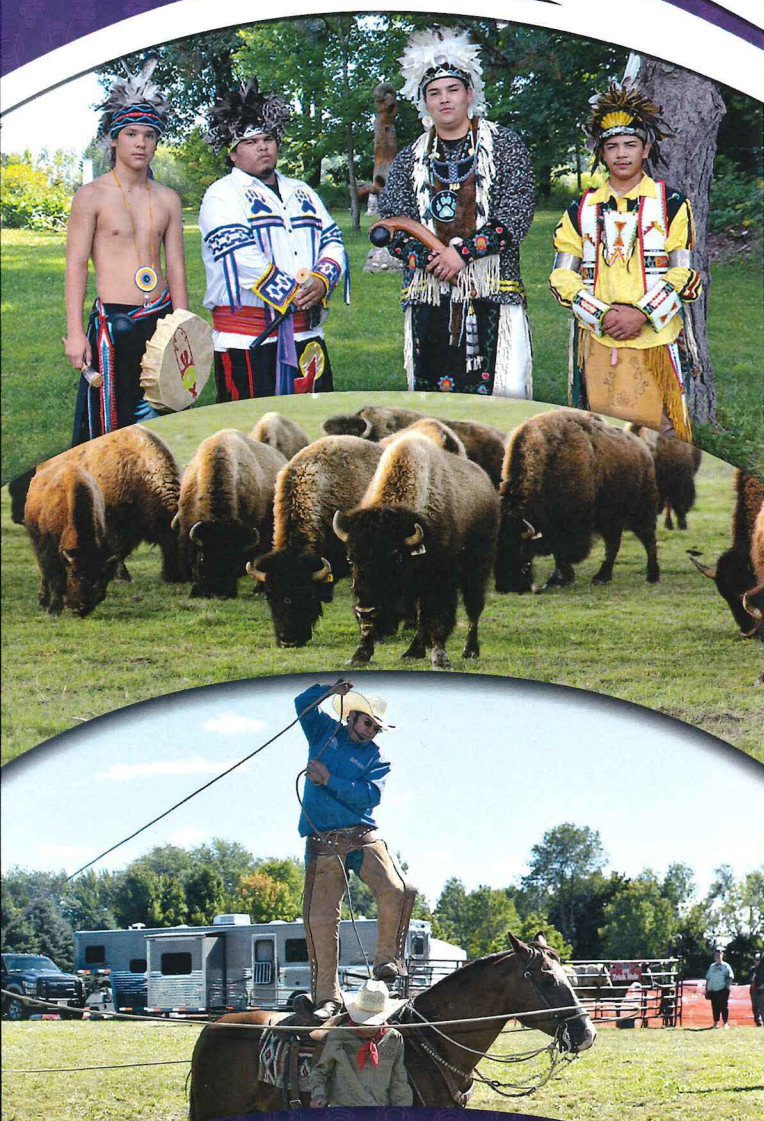
One of Veterans Department Major Initiatives is Improving Customer Service and our Clientele numbers maintain approx. 260 visits per month and approx. 366 calls per month.

Major Initiative that we, the Oneida Veteran Dept. are working on is an end for Homeless Veterans in Oneida. We are currently working with the Dept. of Veteran Affairs HUD/VASH program thru our OHA and a Veteran Affairs Case Manager, out of the Veteran Affairs in Milwaukee. 7 veterans, who have been referred, hopefully soon, will have a roof over their heads that they can call their own. Oneida was awarded 20 Vouchers in 01/2016.

Major Initiative in the Implementation of the AJRRC VA Contract Nursing Home program is complete. We have Oneida Nation Veterans utilizing this Major Benefit. Disabled Veterans rated 70% or higher get to keep all assets and Federal Government will pay for veterans stay at AJRRC, either in Rehab or extended stay.



Explore



ONEIDA MARKET

THORNBERY CREEK AT ONEIDA



exploreoneida.com

HANDOUT FOR ITEM - X.E.



Cultural Events



Gift Shop



Nature Trail



Oneida Museum

Ph: (920) 869-2768

W892 Cty Hwy EE

De Pere, WI 54115



facebook.com/oneidamuseum

Places to Visit



ONEIDA MUSEUM

W892 County EE
De Pere, WI 54115
920-869-2768
Call for hours

Thursday's starting in June

ONEIDA FARMER'S MARKET

Water Circle Place
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12-6pm



June 30 - July 2, 2017

ONEIDA POW WOW

N7210 Seminary Rd.
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THORNBERRY CREEK LPGA Classic

4470 N. Pine Tree Rd.
Oneida, WI 54155



September 16, 2017

BIG APPLE FEST

3703 Hillcrest Dr.
Green Bay, WI 54313
10am-4pm



HANDOUT FOR ITEM - X.E.

Events

Check the museum website and facebook page for upcoming events!

www.oneida-nsn.gov/museum
facebook.com/oneidamuseum

Hours of Operation

Closed Mondays

Winter Hours (Sept - May)

9am - 5pm Tues - Fri

Summer Hours (June - Aug)

9am - 5pm Tues - Fri

9am - 4pm Saturday



Business Committee Meeting
8:30 a.m. Wednesday, February 8, 2017
Thank you for printing clearly

William J. ...

Bruce Buencostro

Mandy Schneider

Bonnie P. Guinan

Michele D'Arbore

Scott Denny

Brad G. ...

Matt Denny

Jeff Z. ...

Rena Metzger

Marsha Danforth

