

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Meeting Materials February 22, 2017**

### **Open Session**

### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 162 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 22<sup>nd</sup> 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 21, 2017**  
**Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

**Regular Meeting**  
**8:30 a.m. Wednesday, February 22, 2017**  
**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

### Agenda

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

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

#### II. OPENING

##### A. Special Recognition – Seven (7) students of the OnꞤyoteꞤaꞤká TsiꞤ NiyukwalihóꞤꞤá Culture-Language Initiative

Sponsor: Lisa Summers, Tribal Secretary

Requestors: Elizabeth Somers, Division Director/Governmental Services; Anita Barber, Area Manager/Cultural Heritage

pp. 5-8

#### III. ADOPT THE AGENDA

pp. 1-4

#### IV. OATHS OF OFFICE

##### A. Oneida Land Claims Commission – Loretta Metoxen

pp. 9-10

##### B. Southeastern Oneida Tribal Services Advisory Board – Lloyd Ninham and Kathryn LaRoque

pp. 11-12

#### V. MINUTES

##### A. Approve February 8, 2017, regular meeting minutes

Sponsor: Lisa Summers, Tribal Secretary

pp. 13-27

#### VI. RESOLUTIONS

##### A. Adopt resolution entitled FY 2017 Coordinated Tribal Assistance Solicitation Grant

Sponsor: Lisa Summers, Tribal Secretary

pp. 28-35

##### B. Adopt resolution entitled Support for the 2017 Summer Tribal Youth Program

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

pp. 36-41

- C. Adopt resolution entitled Memorandum of Understanding between the Oneida Nation and the BIA Midwest Regional Office, Division of Fee to Trust** *pp. 42-44*  
Sponsor: Nathan King, Director/Intergovernmental Affairs & Communications
- D. Adopt resolution entitled Adoption of Per Capita Law Amendments** *pp. 45-92*  
Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
- E. Adopt resolution entitled Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy** *pp. 93-123*  
Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

## **VII. STANDING COMMITTEES**

- A. Legislative Operating Committee**  
Chair: Brandon Stevens, Councilman
1. **Accept February 1, 2017, Legislative Operating Committee meeting minutes** *pp. 124-127*
- B. Finance Committee**  
Chair: Trish King, Tribal Treasurer
1. **Approve February 13, 2017, Finance Committee meeting minutes** *pp. 128-133*

## **VIII. NEW BUSINESS**

- A. Approve amended 2016 Indian Housing Plan** *pp. 134-146*  
Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority
- B. Formulate a cross-functional team to create public service announcements regarding Oneida/Haudenosaunee history, language, and culture** *pp. 147-148*  
Sponsor: Trish King, Tribal Treasurer
- C. Approve correspondence to Oneida Indian Nation regarding an Oneida language preservation program** *pp. 149-151*  
Sponsor: Lisa Summers, Tribal Secretary

## **IX. 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. Approve date and time for reconvened 2017 Annual GTC meeting; and corresponding mail-out notice** *pp. 152-158*  
Sponsor: Lisa Summers, Tribal Secretary

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

**A. REPORTS**

1. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel pp. 159-162
  - a. **Approve Ater Wynne LLP. – 1<sup>st</sup> Amendment to contract # 2015-0692** pp. 163-167
  - b. **Approve Yoder & Langford PC Law Office – contract # 2017-0135** pp. 168-174
2. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director pp. 175-185
  - a. **Approve U.S. Department of Interior – Bia Midwest Region MOU – contract # 2017-0124** pp. 186-198
3. **Accept Chief Financial Officer report** – Larry Barton, Chief Financial Officer pp. 199-203
  - a. **Approve – 2<sup>nd</sup> Amendment to Amended and Restated Credit Agreement – Bank of America National Association – contract # 2012-0027** pp. 204-225

**B. AUDIT COMMITTEE**

Chair: Tehassi Hill, Councilman

1. **Accept January 12, 2017, Audit Committee meeting minutes** pp. 226-228

**C. STANDING ITEMS**

1. **Land Claims Strategy** (*No Requested Action*)
2. **Oneida Golf Enterprise – Ladies Professional Golf Association Update** pp. 229-244  
(*This item is scheduled to begin at 1:30 p.m.*)  
Sponsor: Trish King, Tribal Treasurer

**D. NEW BUSINESS**

1. **Review complaint # 2017-DR06-02** (*This item is scheduled to begin at 8:30 a.m.*) pp. 245-251  
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
2. **Accept update regarding complaint # 2016-DR06-06 and complaint # 2016-DR06-09** pp. 252-254  
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
3. **Accept status update regarding Comprehensive Housing Division** (*This item is scheduled to begin at 9:00 a.m.*) pp. 255-279  
Sponsor: Lisa Summers, Tribal Secretary
4. **Review analysis regarding Ombudsman position** pp. 280-283  
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
5. **Accept update regarding Continuity Planning Sub-committee meeting** pp. 284-285  
Sponsor: Trish King, Tribal Treasurer

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

Sponsor: Lisa Summers, Tribal Secretary

**a. Approved recommendation to assign Nathan King, Director/IGAC as the lead coordinator for the Oneida Village**

Requestor: Lisa Summers, Tribal Secretary

*pp. 286-293*

**XI. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 1:15 p.m., Friday, February 17, 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: 02 / 13 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Announcement/Recognition

Accept as Information only

Action - please describe:

We are honored to distinguish the following individuals for their integrity , involvement and dedication for completing the two (2) year Pilot Tsi Niyukwalihot^ and their first year (1) of the two(2)year Tsi Niyukwalihot^ immersion Academy.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Recognition Documents

3. [Empty text box]

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4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Elizabeth J. Somers Director GSD  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Anita F. Barber Cultural Heritage Department Area Manager  
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 On^yote?a'ka Tsi? Niyukwalihot^ intense culture-language initiative is designed to help prepare the Oneida community to reach their vision:

"A Nation of strong families built on Tsi? Niyukwalihot^ and a strong economy."

Most members may not know what that means. In 2010 the Oneida Business Committee approved a definition for Tsi? Niyukwalihot^: "In the Oneida language, the word includes the ways of Oneida people from the Creation story to the present day. This includes our culture, our history-before and after the move to Wisconsin, our economy, our language, land, music/dance, arts, clothing, clans, government, child rearing, healing, agriculture, parenting, ceremonies, economy, employees, food, stories, our environmental ethic. It covers everything about our Nation."

Our initiative will help rebuild a cultural identity lost through colonialism and promote the use of the Oneida language to remain sovereign. Along with building knowledge, skills and abilities in an Oneida identity our curriculum assists in developing cultural wellness for our participants. Holistic learning opportunities are developed to strengthen self-esteem and self-concept leading to a productive, resilient, self-sustaining lifestyle. Cultural activities will integrate the Oneida language to help develop a full understanding and awareness of our connection to the physical environment, family, community, to other Oneida communities and our place in the world.

We would like to honor you for your extra hard work, excellence and dedication in learning the On^yote?a'ka Language and Culture today February 22,2017. In recognition of your ongoing contributions and continued work as a leader in strengthening our families and community with your gained knowledge of On^yote?aka Language and Culture. We value what you have done and continue to do for our Oneida Nation.

These two (2) students have completed the two (2) year Pilot program :

1. Layu?kwalo'loks Keith Metoxen
2. Lahelotshyus Robert Steffes

These five Students have completed 1 year of the program:

1. Kanuhses Stanley Webster
2. Tekalutes Joey Christjohn
3. Yakohnawalatu Georgianna Keahna
4. Lakalakone Jason Carr
5. Tehaliwathehtha? Kerry Kennedy

\*\*Anita F. Barber will be available to hand out certificates.

- 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

## Tsi? Niyukwalihot^

February 2017

February 10, 2017 marked the end of the first official year of Tsi? Niyukwalihó·tΛ. Tsi? Niyukwalihó·tΛ is a two (2) year intense culture and language initiative. The goals are to learn and gain knowledge that promotes a positive cultural identity and increases language development.

Randy “Tehahukotha” Cornelius accepted the responsibility as lead teacher for Tsi? Niyukwalihó·tΛ. He has over 40 years of practicing and learning Lotinoshoni culture and Oneida language, with over 25 years of teaching or sharing his knowledge. Randy uses the “Accelerated Second Language Acquisition” (ASLA) teaching method to encourage participants to use visual cues when learning a language. His extensive knowledge, compassion and sense of humor are excellent skills and abilities to help second language learners grasp the more difficult Oneida language concepts. Ceremonial education and hands-on cultural activities are incorporated to complete a holistic learning experience. Other community members and Cultural Heritage employees are recruited to help the participants gain knowledge and build life skills addressed in the Tsi? Niyukwalihó·tΛ outline.

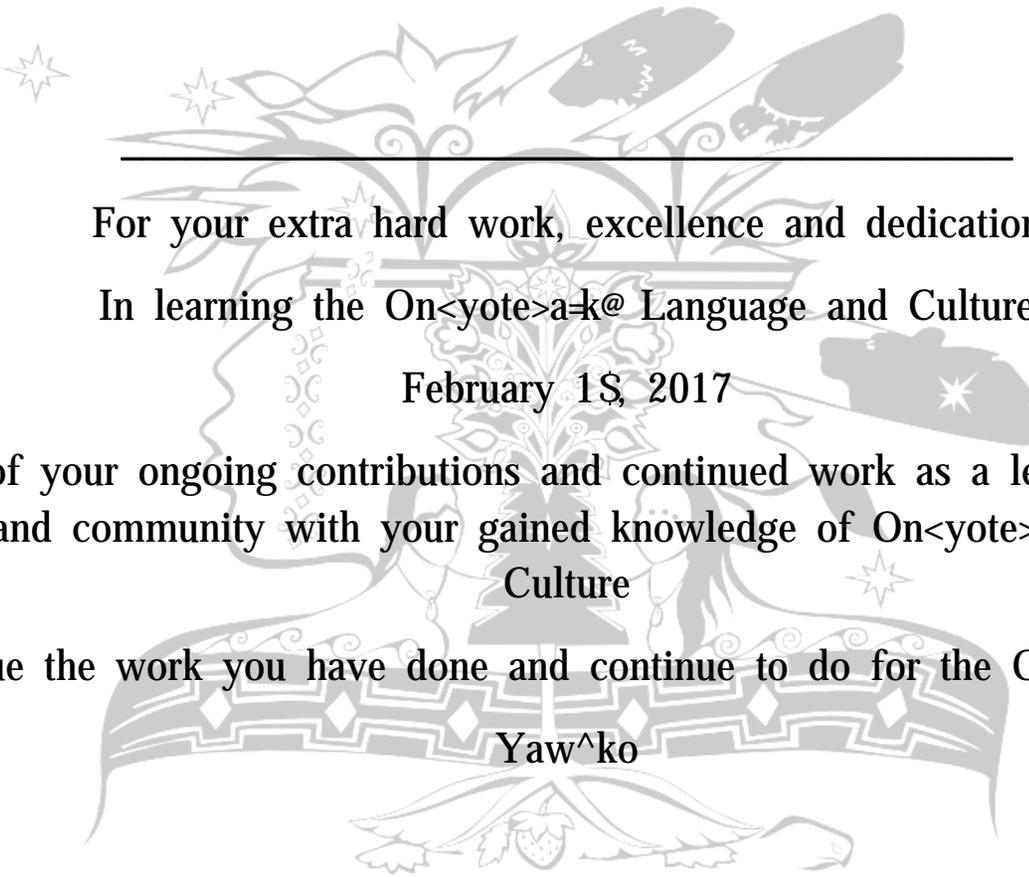
This initiative started as a pilot program in 2014 with 22 individuals and ended with 2. These 2 individuals assisted in developing, assessing, improving, and encouraging the content for the 2 years. They remain participants in the official program and continue to assist Randy in teaching content.

During our celebration on Feb 10, 2017 we asked participants 2 questions: 1) What is their most memorable experience? And 2.) Why is Tsi? Niyukwalihó·tΛ needed in our community?

Answers:

1. What is their most memorable experience?
  - a. Learning the language
  - b. Honored to be asked to be an Aunty /Uncle for passage rites
  - c. Learning to plant a garden working with Mother Earth
  - d. Happy to meet new people
  - e. Learning our Culture etc., sewing making baskets, rattles, drums Kastowe, traditional clothing, maple syrup, medicines, tobacco, tanning deer/buffalo hides
  - f. We had great Teachers, they explain things and have a great sense of humor
  - g. Creating a language family, unity of group
  - h. Understanding Ceremonies
  - i. Learning my OnΛyote?a·ka Identity
  
2. Why is Tsi? Niyukwalihó·tΛ needed in our community?
  - a. Building teamwork and collaboration
  - b. Importance of Clan system
  - c. We are being taught what was not taught in our homes i.e. Boarding Schools
  - d. Tsi? Niyukwalihot^ made us better people we are stronger spiritually, emotionally, regaining our identity and respect for self.

**On<yote>a=k@ Tsi> Niyukwalih%t< Two (2) Year Language/Culture Immersion  
CERTIFICATION OF ONE (1) YEAR COMPLETION**



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For your extra hard work, excellence and dedication  
In learning the On<yote>a=k@ Language and Culture  
February 1<sup>st</sup>, 2017

In recognition of your ongoing contributions and continued work as a leader in strengthening  
our families and community with your gained knowledge of On<yote>a=k@ Language and  
Culture

We value the work you have done and continue to do for the Oneida Nation.

Yaw^ko

Tsi? Niyukwalihó·tΛ

Ka>ts\$tsyase Anita F. Barber

Tehahuk%tha> Randy Cornelius

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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:

Administer Oath of Office to Loretta Metoxen to the Oneida Land Claims Commission.

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The posting was in the October 6, 2016 issue of the Kalihwisaks for (1) of vacancy on the Oneida Land Claims Commission to a 4 year term with the deadline of November 4, 2016. There was (1) applicant for the (1) vacancy on the Oneida Land Claims Commission. The appointment was made on the February 8, 2017 BC Agenda.

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

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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:

Administer Oath of Office to Lloyd Ninham and Kathryn LaRoque to the SEOTS Board.

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The posting was in the December 15, 2016 issue of the Kalihwisaks for (2) of vacancies on the SEOTS Board to fill the terms until 11/12/17 and 2/28/19 with the deadline of January 13, 2017. There were (3) applicants for the (2) vacancies on the SEOTS Board. The appointment was made on the February 8, 2017 BC Agenda.

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

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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 February 8, 2017 regular meeting minutes

**3. Supporting Materials**

Report  Resolution  Contract

Other:

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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, February 7, 2017****Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, February 8, 2017****BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Minutes – DRAFT****EXECUTIVE SESSION**

**Present:** Chairwoman Tina Danforth, 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:** ;

**Arrived at:** ;

**Others present:** Jo Anne House, Michele Doxtator, Larry Barton, Liz Somers, Racquel Hill, Dale Wheelock, Gina Buenrostro, Pearl Webster, Bridget Mendolla-Cornelius;

**REGULAR MEETING**

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

**Not Present:** ;

**Arrived at:** Councilwoman Fawn Billie at 8:33 a.m.;

**Others present:** Jo Anne House, Heather Heuer, Brad Graham, Bill Graham, Mike Debraska, Don Denny, Michele Doxtator, Gina Buenrostro, Candace Skenandore, Jen Falck, Clorissa Santiago, Tammy Skenandore, Krystal John, Nancy Barton, Bonnie Pigman, Larry Barton, Scott Denny, Patrick Pelky, Dale Wheelock, Marianne Close, Josh Cottrell, Matt Denny, Joanie Buckley, David Cluckey, Jeff Metoxen, Marsha Danforth, Bill Vervoort, Mandy Schneider, Rena Metoxen, Victrietta Hensley;

**I. CALL TO ORDER AND ROLL CALL** by Chairwoman Tina Danforth at 8:30 a.m.

For the record: Secretary Lisa Summers and Treasurer Trish King are excused at 9:00 a.m. for an appointment and will return afterwards. Chairwoman Tina Danforth is excused at 10:50 a.m. to attend the Governor's 2017 Budget Address and meetings with other tribal leaders in Madison, WI.

*Councilwoman Fawn Billie arrives at 8:33 a.m.*

**II. OPENING** by Councilman Tehassi Hill**A. Special Recognition of Retirement and Years of Service – Don Denny**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

*Special recognition by Michele Doxtator of Don Denny on his retirement from Oneida Retail.*

**DRAFT****III. ADOPT THE AGENDA (00:08:44)**

Motion by Melinda J. Danforth to adopt the agenda with the following changes: [Add-on Item XII.D.07. Review Ombudsman Position Follow-up; and Add-on Item XII.D.08. Review complaint # 2017-DR06-01], seconded by Fawn Billie. Motion carried with one abstention:

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

**IV. MINUTES****A. Approve January 25, 2017, regular meeting minutes (00:11:17)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the January 25, 2017, regular meeting minutes, seconded by Jennifer Webster. Motion carried with one abstention:

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

**B. Approve January 26, 2017, FY '17 1<sup>st</sup> quarter reports meeting minutes (00:11:55)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the January 26, 2017, FY '17 1<sup>st</sup> quarter reports meeting minutes, seconded by Tehassi Hill. Motion carried with one abstention:

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

**V. RESOLUTIONS****A. Adopt resolution entitled Adoption of Real Property Law Amendments (00:12:34)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Lisa Summers to adopt resolution # 02-08-17-A Adoption of Real Property Law Amendments, seconded by Tehassi Hill. Motion carried unanimously:

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

**B. Adopt resolution entitled Conflict of Interest Law Amendments (00:16:45)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 02-08-17-B Conflict of Interest Law Amendments, seconded by Melinda J. Danforth. Motion carried unanimously:

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

*Secretary Lisa Summers departs at 9:05 a.m.*

**DRAFT****C. Adopt resolution entitled Adoption of the Budget Management and Control Law (00:28:04)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 02-08-17-C Adoption of the Budget Management and Control Law, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Lisa Summers

*Treasurer Trish King departs at 9:16 a.m.*

*Councilman David Jordan departs at 9:29 a.m.*

*Councilman David Jordan returns at 9:32 a.m.*

**D. Adopt resolution entitled Eviction and Termination Rules Extension (00:45:10)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Tehassi Hill to adopt resolution # 02-08-17-D Eviction and Termination Rules Extension, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**E. Adopt resolution entitled Landlord-Tenant Rules Extension (1:02:31)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 02-08-17-E Landlord-Tenant Rules Extension, seconded by David Jordan. Motion carried with one abstention:

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

Abstained: Melinda J. Danforth

Not Present: Trish King, Lisa Summers

Motion by Melinda J. Danforth to table this item. Motion fails due to lack of support.

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

Chair: Brandon Stevens, Councilman

**1. Accept January 18, 2017, Legislative Operating Committee meeting minutes (1:38:46)**

Motion by David Jordan to accept the January 18, 2017, Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Fawn Billie, David Jordan, Brandon Stevens,  
Jennifer Webster

Abstained: Tehassi Hill

Not Present: Trish King, Lisa Summers

**DRAFT****B. Finance Committee**

Chair: Trish King, Tribal Treasurer

**1. Approve January 30, 2017, Finance Committee meeting minutes (1:39:14)**

Motion by David Jordan to approve the January 30, 2017, Finance Committee meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**VII. APPOINTMENTS****A. Approve recommendation to appoint Sandra Reveles to the Oneida Personnel Commission (1:55:12)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to appoint Sandra Reveles to the Oneida Personnel Commission, seconded by Fawn Billie. Motion withdrawn.

Motion by Fawn Billie to repost the vacancy on the Oneida Personnel Commission, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**B. Approve recommendation to appoint Kory Wesaw to the Oneida Police Commission (2:04:20)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to approve the recommendation to appoint Kory Wesaw to the Oneida Police Commission, seconded by David Jordan. Motion fails due to lack of support:

Ayes: David Jordan, Jennifer Webster

Opposed: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Brandon Stevens

Not Present: Trish King, Lisa Summers

Motion by Melinda J. Danforth to request Chairwoman Tina Danforth to reconsider the other applicants in the pool in accordance with Comprehensive Policy Governing Boards, Committees, and Commissions, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**C. Approve recommendation to appoint Lloyd Ninham and Kathryn LaRoque to the Southeastern Oneida Tribal Services Advisory Board (2:09:53)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to approve the recommendation to appoint Lloyd Ninham and Kathryn LaRoque to the Southeastern Oneida Tribal Services Advisory Board, seconded by Melinda J. Danforth. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**DRAFT****D. Approve recommendation to appoint Loretta Metoxen to the Oneida Land Claims Commission (2:10:28)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to approve the recommendation to appoint Loretta Metoxen to the Oneida Land Claims Commission, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Trish King, Lisa Summers

**VIII. NEW BUSINESS**

*Vice-Chairwoman Melinda J. Danforth departs at 10:41 a.m.*

*Treasurer Trish King returns at 10:49 a.m.*

*Secretary Lisa Summers departs at 10:53 a.m.*

*Secretary Lisa Summers returns at 10:55 a.m.*

**A. Approve 2017 Amended Oneida Trust Enrollment Committee Oneida Business Committee Memorandum of Agreement (OTEC/OBC - MOA) – contract # 2017-0085 (2:10:50)**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to recess at 10:56 a.m. until Vice-Chairwoman Melinda J. Danforth returns, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

*Chairwoman Tina Danforth departs at 10:56 a.m.*

*Vice-Chairwoman Melinda J. Danforth returns at 10:58 a.m. and assumes responsibility of the Chair.*

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 10:58 a.m.*

*Chairwoman Tina Danforth not present.*

Motion by Brandon Stevens to approve the 2017 Amended Oneida Trust Enrollment Oneida Business Committee Memorandum of Agreement (OTEC/OBC - MOA) – contract # 2017-0085, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth

**B. Approve draft letter of support to be sent to the Acting Attorney General from the OBC for the Twahwahts\$ay< project (2:27:13)**

Sponsor: Fawn Billie, Councilwoman

Motion by Lisa Summers to approve the draft letter of support to be sent to the Acting Attorney General from the OBC for the Twahwahts\$ay< project, noting that the person it is addressed to may change due to political appointee, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth

**DRAFT****C. Post one (1) vacancy on the Southeastern Oneida Tribal Services Advisory Board with term expiration of November 12, 2017 (2:28:33)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to post the one (1) vacancy on the Southeastern Oneida Tribal Services Advisory Board with a term expiration of November 12, 2017, seconded by David Jordan. Motion carried unanimously:

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

**D. Accept memorandum from Oneida Election Board regarding representation during quarterly report meetings (2:28:52)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to accept the memorandum - subject line "Election Board representation for quarterly reports", seconded by David Jordan. Motion carried unanimously:

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

**IX. TRAVEL****A. TRAVEL REQUESTS****1. Approve travel request – Chairwoman Tina Danforth, Treasurer Trish King, and Councilman David Jordan – 35<sup>th</sup> Annual Native American Finance Officers Association conference – San Francisco, CA – April 23-26, 2017 (2:30:00)**

Motion by Fawn Billie to approve the travel request – Chairwoman Tina Danforth, Treasurer Trish King, and Councilman David Jordan – 35<sup>th</sup> Annual Native American Finance Officers Association conference – San Francisco, CA – April 23-26, 2017, seconded by Jennifer Webster. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster  
Abstained: David Jordan  
Not Present: Tina Danforth  
For the record: Councilman Brandon Stevens stated I would like the committee to consider that we're looking in the direction of attending the hill congressional meetings more frequently throughout as a result of the new administration in educating them in that some of these other meetings may fall to the, I guess if we feel the need that these conferences still have that priority which I think some do that we also consider all of our travel when we're doing that. Not just this travel alone, but like NIGA, NICA, and all those. That we're making sure our calendars are updated as well.

**DRAFT**

**2. Approve travel request – Up to two (2) Business Committee members – 31<sup>st</sup> Annual Wisconsin Indian Education Association conference – Minocqua, WI – May 11-14, 2017 (2:32:45)**

Motion by Brandon Stevens to approve the travel request – Up to two (2) Business Committee members – 31<sup>st</sup> Annual Wisconsin Indian Education Association conference – Minocqua, WI – May 11-14, 2017, noting one (1) of the travelers will be Councilwoman Fawn Billie, seconded by David Jordan. Motion carried unanimously:

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

**B. 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 (2:33:49)**

Requestor: Mike Hill, Chair/Oneida Nation Veterans Affairs Committee  
Liaison: Jennifer Webster, Councilwoman

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

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

**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 (XX)**

Requestor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to enter the E-Poll results into the record for the 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, seconded by Brandon Stevens. Motion carried with one abstention:

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

Motion by David Jordan to recess at 11:25 a.m. until 1:30 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 1:28 p.m.*

*Chairwoman Tina Danforth and Secretary Lisa Summers not present.*

**DRAFT****X. OPERATIONAL REPORTS****A. Accept Environmental Health & Safety FY '17 1<sup>st</sup> quarter report (2:53:48)**

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

Motion by Fawn Billie to accept the Environmental Health & Safety FY '17 1<sup>st</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

**B. Accept Division of Land Management FY '17 1<sup>st</sup> quarter report (3:13:10)**

Sponsor: Patrick Pelky, Division Director/Land Management

Motion by Jennifer Webster to accept the Division of Land Management FY '17 1<sup>st</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

**C. Accept Oneida Housing Authority FY '17 1<sup>st</sup> quarter report (3:31:28)**

Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority

Motion by Brandon Stevens to accept the Oneida Housing Authority FY '17 1<sup>st</sup> quarter report, with the redacted version of the eviction summary, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

**D. Accept Human Resources Department FY '17 1<sup>st</sup> quarter report (3:55:54)**

Sponsor: Geraldine Danforth, Area Manager/Human Resources Department

Motion by David Jordan to accept the Human Resources Department FY '17 1<sup>st</sup> quarter report, seconded by Trish King. Motion carried unanimously: **(4:17:00)**

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

Not Present: Tina Danforth, Lisa Summers

Motion by David Jordan to redact the previously accepted Human Resources Department FY '17 1<sup>st</sup> quarter report, on page 238, the sentences regarding the Personnel Commission, seconded by Jennifer Webster. Motion carried unanimously: **(5:08:31)**

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

Not Present: Tina Danforth, Lisa Summers

*Councilman David Jordan departs at 3:04 p.m.*

*Councilman David Jordan returns at 3:05 p.m.*

*Councilwoman Fawn Billie departs at 3:31 p.m.*

*Councilwoman Fawn Billie returns at 3:36 p.m.*

*Councilman David Jordan departs at 3:36 p.m.*

*Councilman David Jordan returns at 3:41 p.m.*

**DRAFT****E. Accept Internal Services Division FY '17 1<sup>st</sup> quarter report (4:17:52)**

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Brandon Stevens to accept the Internal Services Division FY '17 1<sup>st</sup> quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

**F. Accept Retail Enterprise FY '17 1<sup>st</sup> quarter report (5:09:32)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Jennifer Webster to accept the Retail Enterprise FY '17 1<sup>st</sup> quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

**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 (2:34:45)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to accept the job descriptions as information, noting that the Business Committee will review and provide any recommendations back by February 14, 2017, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth

**B. Schedule special GTC FY 2018 Budget meeting on Sunday, September 17, 2017, at 1:00 p.m. (2:38:08)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to schedule the special GTC FY 2018 Budget meeting on Sunday, September 17, 2017, at 1:00 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth

**DRAFT****XII. EXECUTIVE SESSION****A. REPORTS****1. Accept Retail Enterprise FY '17 1<sup>st</sup> quarter report – Michele Doxtator, Retail Profits Area Manager (2:39:00)**

Motion by Lisa Summers to accept the Retail Enterprise FY '17 1<sup>st</sup> quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Lisa Summers to approve the procedural exception to hire the requested number of employees that were identified during executive session on February 7, 2017, seconded by David Jordan. Motion carried unanimously:

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

**2. Accept Chief Counsel report – Jo Anne House, Chief Counsel (2:40:20)**

Motion by Fawn Billie to accept the Chief Counsel report, seconded by Lisa Summers. Motion carried with one abstention:

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

Motion by Lisa Summers to direct Liaisons Councilwoman Jennifer Webster and Secretary Lisa Summers to work with the Law Office on a contract item that was brought forward; and to bring back a report to the Business Committee within sixty (60) days, seconded by Trish King. Motion carried with one abstention:

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

Motion by Jennifer Webster to request an audit regarding the authority and expenditures of the board, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers,  
Jennifer Webster  
Abstained: David Jordan  
Not Present: Tina Danforth  
For the record: Councilman David Jordan stated my abstention was because I was not present at the time. I was on a conference call during this presentation.

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

**DRAFT****C. UNFINISHED BUSINESS****1. Accept final report and close-out complaint # 2016-DR11-01 (2:41:57)**

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.*

Motion by David Jordan to accept the final report and close-out complaint # 2016-DR11-01, noting that the individual that received the complaint originally is required to follow-up with a close-out letter, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth

**2. Accept final report and close-out complaint # 2016-DR14-01 (2:43:04)**

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.*

Motion by Lisa Summers to accept the final report and close-out complaint # 2016-DR14-01, noting that the individual that received the complaint originally is required to follow-up with a close-out letter, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth

**3. Determine next steps regarding Culture & Language reorganization (2:43:30)**

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.*

Motion by Lisa Summers to accept the verbal update and information; and to ask the Governmental Services Division Director to continue working with the area, and the Business Committee sub-team assigned to this topic, on an action plan to be brought back in sixty (60) days, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth

**DRAFT**

Motion by Lisa Summers to request that any reorganization of the Governmental Services Division be placed on hold until the Governmental Services Director brings back a plan for Business Committee review, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster  
 Not Present: Tina Danforth  
 For the record: Vice-Chairwoman Melinda J. Danforth stated I was recused from this discussion. I did not participate.

**4. Accept executive session information regarding Oneida Personnel Commission FY '17 1<sup>st</sup> quarter report (2:45:08)**

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 1<sup>st</sup> quarter report to the next quarterly reports Business Committee meeting on April 27, 2017, seconded by Lisa Summers. Motion carried unanimously.*

Motion by Fawn Billie to accept the verbal update from the Oneida Personnel Commission, seconded by Tehassi Hill. Motion carried with one abstention:

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

Motion by Brandon Stevens to request the Tribal Secretary and Councilman David Jordan to send a letter regarding Oneida Personnel Commission processing separate reports, one (1) for executive session and one (1) for open session, seconded by David Jordan. Motion carried with one abstention:

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

Motion by Fawn Billie to request Councilman David Jordan to work with the Tribal Secretary to provide notice to the Oneida Personnel Commission that the Parks and Recreation complaint has been closed-out, seconded by David Jordan. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster  
 Abstained: Lisa Summers  
 Not Present: Tina Danforth  
 For the record: Secretary Lisa Summers stated I am abstaining from the decisions because I wasn't present during the conversation.

**DRAFT****D. NEW BUSINESS****1. Accept verbal update regarding Environmental Protection Agency programming and funding (2:47:29)**

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

Motion by Lisa Summers to accept the update as information; and to ask the Environmental Health & Safety Division Director and Intergovernmental Affairs & Communications to collaborate on the identified legislative efforts, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth

**2. Approve interim reassignment for Development Division (2:48:14)**

Sponsor: Troy Parr, Assistant Division Director/Development

Motion by Brandon Stevens to request the Tribal Secretary to keep working with the Development Division Director and Human Resources Department on this item until completed; and to include the Organizational Development Specialist for long-term structure, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth

**3. Approve procedural exception to acquisition limit of \$150,000 for single purchase (2:48:58)**

Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority

Motion by Lisa Summers to accept the request in concept only; and to direct the Oneida Housing Authority Executive Director to continue working on obtaining the necessary follow-up, with a request to be brought to the Business Committee agenda for further consideration when the information is ready, seconded by Fawn Billie. Motion carried with one abstention:

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

Abstained: Tehassi Hill

Not Present: Tina Danforth

**4. Approve limited waiver of sovereign immunity – Dun & Bradstreet Inc. – contract # 2017-0003 (2:50:31)**

Chair: Mark A. Powless Sr., Oneida Gaming Commission

Liaison: Brandon Stevens, Councilman

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Dun & Bradstreet Inc. – contract # 2017-0003, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth

**5. Adopt resolution entitled Regarding Pardon of Richard Dickenson (2:51:00)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to adopt resolution # 02-08-17-F Regarding Pardon of Richard Dickenson, seconded by Brandon Stevens. Motion carried with one abstention:

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

**DRAFT**

Abstained: Lisa Summers  
Not Present: Tina Danforth

**6. Adopt resolution entitled Regarding Pardon of Seagram Stevens (2:52:22)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to adopt resolution # 02-08-17-G Regarding Pardon of Seagram Stevens, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth

**7. Review Ombudsman Position Follow-up (2:51:43)**

Sponsors: Tina Danforth, Tribal Chairwoman; Melinda J. Danforth, Tribal Vice-Chairwoman;  
Trish King, Tribal Treasurer; Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the four (4) follow-up recommendations that were provided to the Business Committee, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth

**8. Review complaint # 2017-DR06-01 (2:52:13)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to accept the complaint # 2017-DR06-01 as having merit; and to assign Councilman David Jordan, Councilwoman Jennifer Webster, and Secretary Lisa Summers to this item, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth

**XIII. ADJOURN**

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

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

Not Present: Tina Danforth, Lisa Summers

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

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Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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 of a resolution that authorizes and supports the submission of the FY 2017 Coordinated Tribal Assistance Solicitation Grant application to the U.S. Department of Justice.

**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 U.S. Department of Justice requires an approved, signed resolution by the Business Committee as part of the grant application guidelines.

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

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution # \_ - - - -**  
**FY 2017 Coordinated Tribal Assistance Solicitation Grant**

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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 Nation has determined that the overall goal of the Oneida Nation is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Nation recognizes the need to address issues of crime, delinquency, truancy, violence and other "at risk" related behaviors which are in direct contract to the traditions, culture and spiritual way of life; and

**WHEREAS,** the Oneida Nation understands there is a need to develop a comprehensive approach that encompasses public safety, victimization, gang issues, and prevention and intervention program enhancement/expansion; and

**WHEREAS,** the Oneida Nation believes that our community will be strengthened by providing critically needed services and programming which will have a positive impact on our families, elders, and youth; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation authorizes and supports the submission of a FY 2017 Coordinated Tribal Assistance Solicitation Grant application to the U.S. Department of Justice for Purpose Area #1-Public Safety and Community Policing in the amount of \$280,000.



U.S. Department of Justice OMB No. 1121-0329

Approval expires 12/31/2018

The [U.S. Department of Justice](#) (DOJ) is pleased to announce that it is seeking applications for funding to improve public safety and victim services in tribal communities. This solicitation provides federally recognized tribes and tribal consortia an opportunity to develop a comprehensive and coordinated approach to public safety and victimization issues and to apply for funding. DOJ's existing Tribal Government-specific programs are included in and available through this single Coordinated Tribal Assistance Solicitation.

# U.S. Department of Justice Coordinated Tribal Assistance Solicitation

*Fiscal Year 2017 competitive grant announcement*

## Eligibility

**It is very important that applicants review this information carefully. Applications submitted by ineligible entities will be removed from further consideration during an initial review process.**

Only federally recognized Indian tribes, as determined by the Secretary of the Interior, may apply. This includes Alaska Native villages and tribal consortia consisting of two or more federally recognized Indian tribes. Tribal designees are eligible participants only for certain activities related to the DOJ's Office on Violence Against Women (OVW) and Office for Victims of Crime (OVC) programs. (See pages i through iii for a list of additional eligibility criteria and exceptions by purpose area.)

**DOJ may elect to make awards for applications submitted under this solicitation for FY 2018 depending on the merit of the applications and the availability of appropriations. Individual purpose areas may consider FY 2017 applications for FY 2018 and not solicit for new applicants in the FY 2018 CTAS.**

## Eligibility exceptions

Purpose area #1 (Office of Community Oriented Policing Services [COPS Office] Public Safety and Community Policing)

Under this purpose area only, applicants must have an established law enforcement agency that is operational as of February 28, 2017 (which is the closing date of this application), or receive services through a new or existing contract for law enforcement services with the Bureau of Indian Affairs (BIA) or a state or local agency.

**Purpose Area #5 (OVW Violence Against Women Tribal Governments Program)**

A federally recognized tribe or an organization that is acting as the authorized designee of a federally recognized Indian tribe may apply. If the applicant is a **tribal designee** under purpose area #5 OVW Violence Against Women Tribal Governments program, the applicant will need a tribal resolution or other satisfactory evidence of legal authority from the tribe as part of the application, which should (1) authorize the applicant to submit an application on behalf of the federally recognized Indian tribe and (2) state the tribe's support for the project and its commitment to participate in the project if it is selected for funding. **This resolution or other satisfactory evidence of legal authority must be current, must be sufficient to demonstrate authority for the application, must contain authorized signature(s), and must be submitted by the application due date.**

In addition, applicants that received OVW Tribal Governments Program funding in FY 2015 or FY 2016 are *not eligible* to apply for continuation funding with regard to the FY 2015 or FY 2016 awards or for new funding. Applicants with OVW Tribal Governments Program awards from FY 2014 or earlier generally are eligible to apply for purpose area #5 funding in FY 2017; however, eligibility may be limited as follows based on the amount of funding remaining in the applicant's FY 2014 or earlier award:

- If the applicant has 70% or more of funds remaining in the award as of February 28, 2017, it is not eligible for FY 2017 funding in this program.
- If the applicant has 50–69% of funds remaining in the award as of February 28, 2017, it is eligible, but the amount of funding may be reduced from the requested amount.
- If the applicant has 49% or less of funds remaining in the award as of February 28, 2017, it is eligible for a new award up to the full amount.

Applicants with open awards from multiple years (including FY 2015 and 2016) may apply for continuation of awards only from 2014 or earlier.

This eligibility requirement also extends to organizations or associations that are granted the authority to apply on behalf of the tribe(s). In addition, if a tribe has an award from 2015 or 2016, it generally may not apply through a designee in 2017.

**Purpose Area #6 (OVC Children's Justice Act Partnerships for Indian Communities program)**

A federally recognized tribe or an organization that is acting as the authorized designee of a federally recognized Indian tribe may apply. If the applicant is a tribal designee under purpose area #6 OVC Children's Justice Act Partnerships for Indian Communities (CJA) program, the applicant will need a tribal resolution or other satisfactory evidence of legal authority from the tribe as part of the application, which should (1) authorize the applicant to submit an application on behalf of the federally recognized Indian tribe and (2) state the tribe's support for the project and its commitment to participate in the project if it is selected for funding. **This resolution or other satisfactory evidence of legal authority must be current, must be sufficient to demonstrate authority for the application, must contain authorized signature(s), and must be submitted by the application due date.** In addition, under this purpose area, CTAS FY 2016 CJA Program awardees are *not eligible* to apply for CTAS FY 2017 purpose area #6 CJA program.

### Purpose Area #7 (OVC Comprehensive Tribal Victim Assistance program)

A federally recognized tribe or an organization that is acting as the authorized designee of a federally recognized Indian tribe may apply. If the applicant is a **tribal designee** under purpose area #7 OVC Comprehensive Tribal Victim Assistance (CTVA) program, the applicant will need a tribal resolution or other satisfactory evidence of legal authority from the tribe as part of the application, which should (1) authorize the applicant to submit an application on behalf of the federally recognized Indian tribe and (2) state the tribe's support for the project and its commitment to participate in the project if it is selected for funding. **This resolution or other satisfactory evidence of legal authority must be current, must be sufficient to demonstrate authority for the application, must contain authorized signature(s), and must be submitted by the application due date. In addition, under this purpose area, CTAS FY 2016 CTVA Program awardees are *not eligible* to apply for CTAS FY 2017 Purpose Area #7, CTVA program.**

### Purpose Area #8 (Office of Juvenile Justice and Delinquency Programs [OJJDP] – Juvenile Healing to Wellness Courts)

Federally recognized tribes that have received OJJDP funding through the FY 2014 Tribal Healing to Wellness Court Responses to Underage Drinking Initiative solicitation or the FY 2015 or FY 2016 CTAS OJJDP purpose area #8 are *not eligible* to apply for funds in this purpose area.

### Purpose Area #9 (OJJDP – Tribal Youth Program)

Any active Purpose Area #9 (OJJDP TYP) awardees that have a period of performance end date **on or after June 30, 2018** at the time of application are not eligible to apply for funds under the FY 2017 CTAS purpose area #9.

## Deadline

All applications must be submitted through DOJ's online Grants Management System (GMS) at <https://grants.ojp.usdoj.gov/gmsexternal/>. There are two steps: (1) registering in GMS and (2) applying and submitting an application in GMS.

## Registration

Applicants must register with GMS prior to submitting an application. An applicant will not be able to submit an application without registering in GMS before the application deadline of **9:00 p.m. Eastern Time (ET) on February 28, 2017**. ***Applicants should begin the registration process immediately to meet the GMS registration deadline, especially if this is the first time using the system. It is strongly recommended that applicants register early but no later than Tuesday, February 7, 2017, in order to resolve difficulties well in advance of the application deadline. See section H "How to Apply" on page 60 of this solicitation for further details.***

**Note:** This solicitation will be available in GMS from November 29, 2016 through February 28, 2017.

## Application submission

The deadline for submitting applications in response to this grant announcement is **9:00 p.m. ET on Tuesday, February 28, 2017**. Applications submitted after **9:00 p.m. ET on February 28, 2017**, will *not* be considered for funding.

**It is strongly recommended that applicants submit their application well in advance of the application deadline to ensure all application steps are completed and all materials are submitted before the deadline.**

Refer to “How to Apply” on page 60 for more information on how to register with GMS.

**Note:** If Internet access is not available to submit an application electronically to GMS, contact the Response Center at 800-421-6770 no later than Thursday, January 26, 2017, to request instructions on how to submit an application by alternative means.

**IMPORTANT WARNING! Each tribe or tribal consortium will be allowed only one application submission.** An application can be revised in GMS until the application deadline, **9:00 p.m. ET, Tuesday, February 28, 2017**. Please note that only the final version of an application submitted in GMS will be considered.

**If a tribe or tribal consortium submits more than one application, only the final application will be considered in the review process.**

A tribe may apply as part of a consortium and also submit its own independent application provided that the independent application is for funding for activities that are distinct from those activities for which the tribal consortium has applied.

## Contact Information

### Technical assistance for submitting an application

For technical assistance with submitting an application, contact the GMS Support Hotline at 888-549-9901, option 3, or via e-mail at [GMSHelpDesk@usdoj.gov](mailto:GMSHelpDesk@usdoj.gov). The GMS Support Hotline hours of operation are Monday–Friday from 6:00 a.m. to 12:00 midnight ET, except U.S. Federal Government holidays (see <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/#url=2016>).

### Solicitation requirements programmatic and general assistance

For programmatic and general assistance with the solicitation requirements, contact the Response Center at 800-421-6770 or via e-mail at [tribalgrants@usdoj.gov](mailto:tribalgrants@usdoj.gov). The Response Center’s hours of operation are Monday–Friday from 9:00 a.m. to 5:00 p.m. ET, except U.S. Federal Government holidays (see <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/#url=2016>).

Information regarding upcoming webinars and trainings is available at [www.justice.gov/tribal/training-and-technical-assistance](http://www.justice.gov/tribal/training-and-technical-assistance).

## Solicitation documents

Visit the Tribal Justice and Safety website for all supporting documents pertaining to the Coordinated Tribal Assistance Solicitation ([www.justice.gov/tribal/](http://www.justice.gov/tribal/)).

## Release date

November 29, 2016

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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 of a resolution that authorizes and supports the submission of the 2017 Summer Tribal Youth Program grant application to the Wisconsin Department of Natural Resources.

**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: Dan Brooks, Forestry & Trails Manager/EHS  
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 Wisconsin Department of Natural Resources requires an approved, signed resolution by the Business Committee as part of their grant application guidelines.

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

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

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**BC Resolution # \_ - - - -**  
**Support for the 2017 Summer Tribal Youth Program Grant**

**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 Nation has determined that the overall goal of the Oneida Nation is to protect, maintain and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Nation is qualified to carry out the responsibilities of the Summer Tribal Youth Program; and

**WHEREAS,** the Oneida Nation is interested in developing a Summer Tribal Youth Program; and

**WHEREAS,** the Oneida Environmental, Health and Safety Division is eligible to receive funding from the Summer Tribal Youth Program grant; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Nation requests grant funding available in the amount of \$21,262 from the Wisconsin Department of Natural Resources under the "Summer Tribal Youth Grant Program" and hereby authorizes the Forestry & Trails Manager to act on behalf of the Oneida Nation to submit an application to the State of Wisconsin for financial aid and summer youth program purposes; sign documents; take necessary action to undertake, direct and complete the approved project, and submit reimbursement claims along with necessary supporting documentation for reimbursement.

**BE IT FUTHER RESOLVED,** the Oneida Nation will meet the requirements of the Summer Tribal Youth Program including all reports and the financial obligations of our 50% commitment to the program costs.

Matching funds are available to Wisconsin tribes for development of a summer program that provides tribal youth (ages 13 – 19) with an opportunity to work on projects related to natural resource conservation.

Funding is available to Wisconsin tribes to establish a summer program for youth to work on projects related to the conservation of natural resources. All federally recognized American Indian tribes or bands domiciled in Wisconsin are eligible to apply.

### **Program Requirements**

- Youth must be between the ages of 13 – 19
- Youth must be tribal or band members
- Project must be related to conservation of natural resources
- Safety training must be conducted if needed
- Grant may not exceed 50% of the total cost
- Goals and objectives must be defined
- There must be mentorship/educational components in the project
- After completion of the summer program, interview/survey youth about the project and their interest in working in the natural resources field. Include this information in the final summary report
- By December 31, provide a summary report that outlines the project, the goals and objectives achieved and the overall success of the project. Include photos of the youth in action and names and ages of the youth involved in the project
- By March 31, all reimbursement requests must be submitted

### **Program Recommendations**

- Include both male and female youth
- Youth should give a presentation on their experience to the tribal council and/or elders or youth

### **Additional information**

- Leaders for the program do not have to be between the ages of 13 – 19
- To be eligible for grant funding, youth must be between the ages of 13 – 19 and tribal/band members. You may include other youth in the program, however, you cannot receive grant funding for their participation.

- While there are a few requirements listed above, this is open to any project you believe will suit your tribe, location, resources and youth.

## **Funding**

- All tribes that apply and meet grant requirements will receive a grant. All applicants will receive their requested amount up to \$22,727.00. If there are additional funds available, they will be distributed on an equal basis to those applicants whose request exceeded \$22,727.00.
- Each tribe is encouraged to submit one proposal. The proposal may include more than one project. The proposal should show estimated overall costs, even if the total exceeds \$22,727.00. After annual allocation, unused funds will be distributed equally to tribes that requested more than their \$22,727.00 allotment.
- If there are additional funds available after all initial grants have been funded, tribes will be notified that they may submit another proposal. The funding will be allocated equally among all tribes applying for this remaining funding.

We encourage you to discuss your project with one of the DNR contacts who will be able to guide you as you develop your project. The type of project will dictate what items are eligible.

Examples of eligible items

- Salaries, wages and benefits for employees actively involved in the program
- Youth stipend/salary
- Indirect costs
- Purchased services – examples: printing, mailing, room rental
- Office space dedicated to this program
- Program recruitment and materials (limited to 3% of the grant request)
- Hourly equipment rental charges
- Vehicle/equipment rental costs
- Training
- Construction materials (limited to 5% of the grant request)
- In-kind contributions: non-cash contributions of materials, equipment, services or labor provided that are reasonable and necessary for carrying out the project and meet the same test of eligibility as any other cost item. The value of in-kind contributions is what the sponsor would pay for similar services, materials, equipment or labor based on existing contracts, schedules or on the open market.

- The maximum value of donated labor shall be \$12.00 per hour.
- The value of donated equipment shall conform to the WI Department of Transportation county highway rates for equipment. If equipment is owned by the tribe only hours the equipment is actually in use will be eligible.
- The value of donated materials and services shall conform to market rates and be established by invoice.

*Please note: Federal funds/grants may be used as a match for this program*

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   2   /  23  /  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 Business Committee Resolution regarding the Memorandum of Understanding between the Oneida Nation and the BIA Midwest Regional Office, Division of Fee to Trust

**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 current Fee to Trust Consortium Memorandum of Understanding is expiring. The BIA has provided a new MOU and requires a Resolution to approve the MOU.

The MOU will be provided in executive session.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # \_-\_-\_-

## Memorandum of Understanding between the Oneida Nation and the BIA Midwest Regional Office, Division of Fee to Trust

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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,** it is the mission of the Oneida Nation to protect and improve the resources, the standards of living, and the environment in which the Oneida people live while maintaining, enforcing, and exercising the sovereign rights of the Oneida Nation; and

**WHEREAS,** the Oneida Nation has determined that regaining control over the land within the original Oneida Reservation in Wisconsin is one of its highest priorities; and

**WHEREAS,** the Oneida Nation participated in prior Memorandums of Understanding with the BIA Midwest Regional Office, Division of Fee to Trust and found that the agreements resulted in a more responsive trust application process and has determined that continued participation is in the best interests of the Oneida Nation; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee approves the Memorandum of Understanding between the Oneida Nation and the BIA Midwest Regional Office, Division of Fee to Trust by the Chair of the Oneida Business Committee.

**NOW THEREFORE BE IT FURTHER RESOLVED,** the Oneida Business Committee authorizes the commitment of the necessary Tribal Priority Allocation (TPA) funds to carry out the activities of the Division of Fee to Trust on behalf of the Oneida Nation.

**NOW THEREFORE BE IT FINALLY RESOLVED,** the Oneida Business Committee authorizes the Oneida Nation Chairwoman to become the signatory of the Memorandum of Understanding between the Oneida Nation and the Bureau of Indian Affairs-Midwest Regional Office.





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 22, 2017  
 RE: Per Capita Law Amendments

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

1. Resolution: Per Capita Law Amendments
2. Statement of Effect: Per Capita Law Amendments
3. Per Capita Law Amendments Legislative Analysis
4. Per Capita Law (Clean)
5. Per Capita Law Amendments Fiscal Impact Statement
6. Notice to Oneida Entities of New Attachment Process

#### *Overview*

This is a proposal to amend the existing Per Capita Law which would:

- Reduce the frequency of per capita distributions to elders while maintaining the elders' payments by placing elders on the same distribution schedules as adults.
- Allow for per capita distributions to be paid to a Tribal member who has filled out the required distribution forms but died prior to the distribution date.
- Create a majority age beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are inherited when the beneficiary passes.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the hearing authority of the Trust Enrollment Committee to the Judiciary.
- Revise the attachment process to allow entities to collect debt owed to the Nation without requiring a court order.

In accordance with the Legislative Procedures Act, public meetings on the proposed amendments to the Per Capita Law were held on May 19, 2016, June 16, 2016 and December 15, 2016.

There were two minor modifications made since the February 8, 2017 draft (*See* sections 123.4-7(f) and 123.5-2(b)(2)(B)). These modifications have no legislative or fiscal impact.

In addition, the LOC is committing to send the attached notice to all Oneida entities notifying them of the new attachment process contained in this law.

#### **Requested Action**

Approve the Resolution: Adoption of Per Capita Law Amendments

**BC Resolution \_\_\_\_\_**  
*Adoption of Per Capita Law Amendments*

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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 Nation Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Business Committee adopted the Per Capita law pursuant to resolution BC-07-12-00-B and amended the law by resolutions: BC-11-06-02-A, BC-06-16-04-C, BC-04-22-09-A, BC-05-09-12-B and BC-08-14-13; and

**WHEREAS,** these amendments place all elders on the same distribution schedule as adults so that first time elders with birthdays after the distribution date will receive their payment early at the same time as everyone else; and

**WHEREAS,** these amendments modify the policy related to a Tribal member that dies prior to a distribution date to permit payment so long as the Tribal member timely filled out the distribution form, provided that such payments may not be re-issued to the estate or any other claimant; and

**WHEREAS,** these amendments add new provisions which allow for a beneficiary designation for any Tribal member with a per capita trust account; and

**WHEREAS,** these amendments clarify the distribution process and requirements for deceased Tribal members' trust accounts; and

**WHEREAS,** these amendments establish bank fees for closed accounts and returned distributions to be deducted from the per capita payment; and

**WHEREAS,** these amendments transfer the Trust Enrollment Committee's original hearing body authority to the Oneida Judiciary; and

**WHEREAS,** the these amendments revise the attachment process to allow the Nation's entities to collect debt owed to the Nation without requiring a court order; and

**WHEREAS,** public meetings regarding these amendments were held on May 19, 2016, June 16, 2016 and December 15, 2016, in accordance with the Legislative Procedures Act; and

**NOW THEREFORE BE IT RESOLVED,** that the Trust Enrollment Department and the Trust Enrollment Committee shall develop the rules required to support these Per Capita law amendments to be effective no later than June 25, 2017.

**NOW THEREFORE BE IT FURTHER RESOLVED,** that these Per Capita law amendments are hereby adopted.



## Statement of Effect

### *Adoption of Per Capita Law Amendments*

#### *Summary*

This Resolution adopts amendments to the Per Capita law which would:

- Reduce the frequency of per capita distributions to elders while maintaining the elders' payments by placing elders on the same distribution schedules as adults.
- Allow for per capita distributions to be paid to a Tribal member who has filled out the required distribution forms but died prior to the distribution date.
- Create a majority age beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are inherited when the beneficiary passes.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the hearing authority of the Trust Enrollment Committee to the Judiciary.
- Revise the attachment process to allow entities to collect debt owed to the Nation without requiring a court order.

*By: Krystal L. John, Staff Attorney*

#### *Analysis*

This resolution adopts amendments to the Per Capita law which was adopted by resolution BC-07-12-00-B and thereafter amended by resolutions BC-11-06-02-A, BC-06-16-04-C, BC-14-04-22-09-A, BC-05-09-12-B and BC-08-14-13.

In addition to the summary of the most notable revisions to the Per Capita law provided above, the amendments to the Per Capita law also delegate administrative rulemaking authority to the Trust Enrollment Department (Department) and the Trust Enrollment Committee (Committee) to further define the processes needed to implement this law.

The Department is permitted, but not required, to create rules which would modify the adult distribution form and instructions.

The Committee is required to create rules:

- related to distribution timelines for requests for prior payments;
- to provide the definition of and notice to potentially interested parties in the event a

Tribal member with a trust account dies without a beneficiary designation form on file;

- to establish valuation dates and frequency of reports and identify data critical to the completion of the reports, provided that the Trust Enrollment Committee may delegate such reporting responsibilities to duly selected vendors; and
- to determine when a guardian qualifies for distribution from an established trust account.

Public meetings were held on May 19, 2016, June 16, 2016 and December 15, 2016 in accordance with the Legislative Procedures Act.

In accordance with the Legislative Procedures Act, the effective date of these amendments is March 8, 2017, which is ten (10) business days from the date the resolution is adopted. The effective date is not required to be extended in order to allow the Committee time to develop the rules because the rules will be ready for the 2017 per capita distribution cycle as the resolution requires the rules to be effective by no later than June 25, 2017.

#### ***Conclusion***

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



Analysis to Draft # 17 for OBC Consideration  
2017 01 25

## Per Capita Amendments

<i>Analysis by the Legislative Reference Office</i>					
<b>Title</b>	Per Capita (law) Amendments				
<b>Sponsor</b>	David P. Jordan	<b>Drafter</b>	Krystal L. John	<b>Analyst</b>	Maureen Perkins
<b>Requester &amp; Reason for Request</b>	Trust Department. To 1) clarify minor and majority age beneficiary references as they relate to deferrals and hardships; 2) make changes in Elder distributions; 3) incorporate fees for stop payments and closed bank accounts and 4) review how resolutions BC-01-28-04-A and BC-11-06-02 are affected by the proposed changes and original intent, as they apply to the law.				
<b>Purpose</b>	The purpose of this law is to specify the procedures to be followed in the event that per capita payments are distributed by the Nation and to clearly state the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payments [See 123.1-1].				
<b>Authorized/ Affected Entities</b>	Oneida Business Committee, Trust Enrollment Committee, Trust Enrollment Department, Judiciary, Oneida Accounting Department, Oneida Nation Child Support Agency, other Oneida Entities that may be owed a debt/fine by a Tribal member.				
<b>Related Legislation</b>	Per Capita Trust Agreement, Tribal Revenue Allocation Plan, Child Support Law and Accompanying Rules, Memorandum of Agreement, Judiciary				
<b>Enforcement &amp; Due Process</b>	Any Tribal member or guardian of a Tribal member can file a complaint regarding actions taken according to this law and/or rules [See 123.7] or an attachment [See 123.4-9(d)(5)] to the Judiciary. Attachments may be ordered by the Judiciary for child support arrears or a federal tax levy [See 123.4-9(a)(1) and 123.4-9(a)(3)]. Oneida entities are not required to receive an attachment order from the Judiciary prior to initiating a per capita payment attachment unless an attachment hearing is requested [see 123.4-9(d) and 123.4-9(d)(5)]. Debt owed to an Oneida Entity includes any money owed and any fines that have been issued by the Oneida Entity [See 123.4-9(a)(2)(A)]. The Judiciary may order attachments against per capita payments of Tribal members who have not returned a notarized membership payment form or who refuse a per capita payment [See 123-4.9(f)]. All fees associated with reissuing a distribution must be applied to the distribution [see 123.5-2(e)(2)(B)] unless it is an error on the Nation's behalf [See 123.5-2(e)(2)(B)(i)].				
<b>Public Meeting Status</b>	Public meetings were held May 19, June 16, and December 1, 2016. The LOC has reviewed the public comments received during the public comment period; any changes made based on the public comments received have been incorporated into this draft.				

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### Overview

1 The proposed Per Capita law amendments were requested by the Trust Enrollment  
2 Department (formerly known individually as the Trust Department and the Enrollment  
3 Department) to reduce the frequency of per capita distributions to elders while still maintaining  
4 the elders payments by placing elders on the same distribution schedule as adults, allow for per  
5 capita distributions to be paid to a Tribal member who has filled out the required distribution

6 forms but died prior to the distribution date, create the majority age beneficiary category distinct  
7 from minor beneficiary, include provisions that allow all persons with per capita trust accounts to  
8 name beneficiaries, clarify how per capita distributions held in trust accounts are inherited when  
9 the beneficiary passes, establish bank fees for closed accounts and returned distributions, and  
10 transfers the hearing authority of the Trust Enrollment Committee to the Judiciary. Additional  
11 amendments include: repeals BC resolution 11-06-02-A, merges Trust and Enrollment  
12 Departments into one Trust Enrollment Department, recognizes the Trust Enrollment Committee  
13 (the current law recognizes the Trust Committee), eliminates deadlines related to attachments,  
14 eliminates the requirement for Oneida entities to receive an attachment order from the Judiciary  
15 unless an attachment hearing is requested and eliminates the role of the Trust Enrollment  
16 Committee to hold administrative hearings.

17  
18 **Analysis was requested regarding the following resolutions:**

- 19     **BC Resolution 11-06-02-A**
  - 20         ○ This resolution amended the Per Capita Ordinance to create a separate per capita  
21             payment schedule for elders who turn 62 and 65 in a distribution year. The  
22             amendments added age 65 to the definition of elder in the Per Capita Ordinance.  
23             The resolution also established that elders who turn 62 or 65 by December 31<sup>st</sup>  
24             were to receive the respective elders’ per capita payment for that September 30<sup>th</sup>  
25             distribution year. Those who turn 62 or 65 after September 30<sup>th</sup> were to receive  
26             their respective first time elder per capita payment in the month following their  
27             birth date. This establishes that there are additional elders payments sent after  
28             September 30<sup>th</sup> of a distribution year for those who are turning 62 and 65 after  
29             September 30 of that distribution year.
    - 30                 ▪ The proposed amendments still honor December 31<sup>st</sup> as the cut off for  
31                 elders who reach the age determined by the GTC resolution in the  
32                 distribution year that takes place on September 30<sup>th</sup>. These distributions;  
33                 however, will occur on September 30<sup>th</sup> along with all adult distributions.  
34                 Elders who reach age categories established by the GTC resolution  
35                 between October 1<sup>st</sup> and December 31<sup>st</sup> will receive their elders’ payments  
36                 early on September 30<sup>th</sup> of that distribution year.
    - 37                 ▪ BC Resolution 11-06-02-A conflicts with the proposed amendments in  
38                 that there is not a separate schedule for elders’ payments in the proposed  
39                 law as established by this resolution. Elders are classified as adults in the  
40                 definition and therefore follow the adult distribution timeline.
      - 41                     • Adult is defined as a Tribal member who is at least eighteen (18)  
42                     years of age on or before September 1<sup>st</sup> of a given year [*See 123.3-*  
43                     *1(a)*].

	<b>BC Resolution 11-06-02-A</b>	<b>Current Law</b>	<b>Proposed Amendments</b>
definition	Elder: shall mean those tribal members who are age 62 years or	<b>9.3-1(e)</b> “Elder” shall mean those Tribal members who are age 62 years or over, or 65 years or over, as of	<b>123.3-1</b> “Adult” means a Tribal member who is at least eighteen (18) years of age on or before September 1 <sup>st</sup> of a given year.

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	over, or 65 years or over, as of December 31 of a given year.	December 31st of a given year.	<b>123.4-6(a)</b> For the purposes of this section, elder means a Tribal Member who meets the age requirements as of December 31st of a given year to be eligible for an elder distribution as determined by the effective General Tribal Council Resolution.
	<b>BC Resolution 11-06-02-A</b>	<b>Current Law</b>	<b>Proposed Amendments</b>
Payments / Distributions	(c) Payments Sent. Per capita payments shall be mailed on September 30 <sup>th</sup> . 1) After September 30, and through December 31, first time elder per capita payments shall be sent in the month following birth date.	9.5-3(d) (d) Annual Payments. Annual per capita payments shall be distributed on or before September 30th. First time elder per capita payments for those Tribal members who turn sixty-two (62) or sixty-five (65) after September 30th, and through December 31st, shall be distributed at the end of the month of the elder's birth date.  (e) (1) Prior Payments: Elders. Prior payments requested by eligible elders on or before the twentieth (20th) day of the month shall be distributed by the last business day of that month. Prior payments requested by elders after the twentieth (20th) day of the month shall be distributed by the last business day of the next month.	123.5-2 (c) Annual Distribution Date. The Nation shall distribute all annual per capita payments on or before September 30 <sup>th</sup> , excluding those to beneficiary trust accounts, which are governed by the Per Capita Trust Agreement.

- 45
- 46 ○ **Impact.** BC Resolution 11-06-02-A conflicts with the proposed amendments.
- 47     ▪ This law repeals BC Resolution 11-06-02-A considering that elders will
- 48     still receive their elders' payments in the distribution year according to the
- 49     proposed Per Capita Law amendments.
- 50     ▪ **Special BC Resolution 1-28-04-A**

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- 51           ○ This resolution was passed at the Special BC meeting held in lieu of the GTC  
52 Annual Meeting due to a lack of quorum. This resolution designates the interest  
53 from the unclaimed unallocated per capita pooled account to be applied to the  
54 Oneida Language Revitalization Program.  
55           ○ Please note that the pooled account itself has not been designated for use by the  
56 GTC through this resolution; only the interest from the account was allocated, the  
57 principal of the account shall not be depleted.  
58           ○ **Impact.** This resolution has no legislative impact on the proposed amendments.  
59

### Proposed Amendments

61 This section will highlight each of the major proposed amendments to the law and will indicate  
62 whether there is overlap or conflict with the Per Capita Trust Agreement.

- 63       ▪ **Repeals BC Resolution 11-06-02-A**  
64           ○ **Impact.** The separate process for elders' per capita distributions has been  
65 eliminated; all adult distributions will follow the same distribution schedule.
- 66       ▪ **Trust Enrollment Committee.** Added responsibilities include: provide input to the  
67 Finance Department regarding per capita matters included in the Nation's revenue  
68 allocation plan [*see 123.4-5(c)*].  
69           ○ **Impact.** No legislative impact or conflict.
- 70       ▪ **Trust Enrollment Department.** Added responsibilities include:  
71           ○ Ensure the availability and liquidity of funds for transfer of the trust funds under  
72 the authorization of the Trust Enrollment Committee [*see 123.4-6(f)*].  
73           ○ Calculate attachment amounts for collection of Oneida entity debts and implement  
74 Oneida entity attachments [*see 123.4-6(l)*].  
75           ○ **Impact.** No legislative impact or conflict.
- 76       ▪ **Tribal Treasurer** [*see 123.4-8*]. Duties removed:  
77           ○ Make a payment to those Tribal members responding to the membership payment  
78 form deadline who are not minors or incompetent adults [*see 9.7-5(a) of current*  
79 *law*].  
80           ○ Cover unverified member payments for those members who are unresponsive to  
81 the membership payment form deadline [*see 9.7-5(b) of current law*].  
82           ▪ **Impact.** No legislative impact or conflict.
- 83       ▪ **Deadlines.** Deadlines regarding attachments were removed throughout the law to  
84 eliminate the need to amend the law due to updated deadlines in the future [*see 9.4-*  
85 *6(d)(4) and 9.4-6(d)(4)(B) and 9.4-6(d)(4)(C) and 9.4-6(d)(5) and 9.4-6(d)(6)(A) and 9.4-*  
86 *6(d)(6)(B) and 9.4-6(e)(1) and 9.4-6(e)(2) and 9.4-6(e)(3)(A) and 9.4-6(e)(3)(B) of*  
87 *current law*].  
88           ○ **Impact.** No legislative impact or conflict.
- 89       ▪ **Distinction of Majority Age and Minor Beneficiaries.** Two terms have been added to  
90 create clarity in the law: majority age beneficiaries and minor beneficiaries.  
91           ○ **Proposed Amendments to the Law.** The proposed amendments to the law  
92 define the new terms as follows:  
93           ▪ Majority age beneficiaries: a Tribal member who has reached eighteen  
94 (18) years of age by September 1 and is eligible to claim a trust account  
95 for the first time in the distribution year [*see 123.3-1(k)*].  
96           ▪ Minor beneficiaries are defined as Tribal members who are less than

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- 97                   eighteen (18) years of age *[see 123.3-1(l)]*.
- 98           ○ **Per Capita Trust Agreement.** The Per Capita Trust Agreement refers only to
- 99           “beneficiaries” defined as:
- 100                   ▪ The beneficiaries of the trust shall be all duly enrolled members of the
- 101                   Oneida Tribe of Indians of Wisconsin who are eligible to receive a per
- 102                   capita distribution in any year in which any such distribution is made, and
- 103                   who have not yet attained the age of eighteen years by September 1<sup>st</sup> of the
- 104                   year in which such distribution is made *[see Article I. Beneficiaries of the*
- 105                   *Per Capita Trust Agreement]*.
- 106           ○ **Impact.** No legislative impact or conflict.
- 107           ▪ **Oneida Entity Debt Attachment.** Oneida entities are not required to receive an
- 108           attachment order from the Judiciary prior to initiating a per capita payment attachment
- 109           unless an attachment hearing is requested *[see 123.4-9(d)]*. The entity owed the debt
- 110           must provide two written notices via first class mail to the debtor’s last known address
- 111           prior to issuing final notice of indebtedness with intent to attach. The notice to attach
- 112           must also appear in the Nation’s newspaper. Once this has been satisfied, the Trust
- 113           Enrollment Department will calculate the attachment amount. The Trust Enrollment
- 114           Department may attach per capita payments, as ordered by the Judiciary, of Tribal
- 115           members who do not return a notarized membership payment form or who refuse a
- 116           distribution *[see 123.4-9(f)]*. Any remaining amount after all attachments have been
- 117           satisfied will be distributed to the Tribal member if the Tribal member follows the
- 118           process for requesting a prior per capita payment *[see 123.5-2(e)]* or otherwise deposited
- 119           into the pooled account *[see 123.4-9(f)]*.
- 120           ▪ **Administrative Hearings.** The role of the Trust Enrollment Committee to hold
- 121           administrative hearings regarding challenges to payment or non-payment of per capita
- 122           payments has been removed from this law *[see 9.4-4(c) of current law]*. Disputes are
- 123           settled by the Judiciary in the proposed amendments.
- 124                   ○ **Proposed Amendments to the Law.** The proposed amendments to the law state,
- 125                   “*The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding*
- 126                   *actions taken pursuant to this law and/or rules.*” *[see 123.7-1]*.
- 127                   ○ **Per Capita Trust Agreement.** The Per Capita Trust Agreement states, “If any
- 128                   dispute arises out of the distribution of a beneficiary’s interest under the trust, all
- 129                   such matters shall be resolved according to the procedures set forth in the Oneida
- 130                   Administrative Procedures Act, except as otherwise provided in the Oneida Tribe
- 131                   of Indians of Wisconsin Revenue Allocation Plan *[see Article XV of the Per*
- 132                   *Capita Trust Agreement]*.
- 133                   ○ **Impact.** Article XV of the Per Capita Trust Agreement would need to be updated
- 134                   to refer disputes to the Judiciary.
- 135           ▪ **Bank Fees.** The current law is silent with respect to bank fees.
- 136                   ○ **Proposed Amendments to the Law.** All fees associated with reissuing a
- 137                   distribution (due to stop payment or incorrect direct deposit information) must be
- 138                   applied to the distribution *[see 123.5-2(d)(1)]* unless it is an error on the Nation’s
- 139                   behalf *[see 123.5-2(d)(2)]*.
- 140                   ○ **Impact.** No legislative impact or conflict.
- 141           ▪ **Elders Payments.** The separate process for elder’s distributions was removed from this
- 142           law. Elder’s distributions now follow the same process and adhere to the same deadlines

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143 as the adult distributions [see 123.5], except for those elders who reach the age category  
144 established by the GTC resolution between October 1 and December 31 of the  
145 distribution year, who will receive their elders' payments early on September 30 (implied  
146 intent). This change conflicts with BC Resolution 11-06-02-A which sets the distribution  
147 timeline for elders reaching 62 and 65 by December 31<sup>st</sup> of the distribution year.

148 ○ **Impact.** BC Resolution 11-06-02-A is repealed in this law as noted in the  
149 analysis of the resolution above.

150 ■ **Deceased Tribal Members.** Tribal Members who complete the distribution form and  
151 die prior to the distribution date will receive a per capita payment. The payment will  
152 only be made in the Tribal Member's name and will not be reissued in the name of any  
153 claimant or the decedent's estate [see 123.5-3(a)].

154 ○ **Impact.** No legislative impact or conflict.

155 ■ **Beneficiary Designation Forms.** All minor/majority age beneficiaries and legally  
156 incompetent adults will receive beneficiary designation forms from the Trust Enrollment  
157 Department to name a beneficiary to inherit any remaining trust account balance in the  
158 event of death of the minor/majority age beneficiary or legally incompetent adult. The  
159 Trust Enrollment Department will send these forms out each year for newly enrolled  
160 members and Tribal members declared legally incompetent [see 123.6-3].

161 ○ **Impact.** No legislative impact or conflict.

162 ■ **Per Capita Actions.** A process to file a complaint to the Judiciary was added to this law  
163 [See 123.7].

164 ○ **Impact.** The complaint process would need to be updated in the Per Capita Trust  
165 Agreement as it currently refers to the Administrative Procedures Act and the  
166 Revenue Allocation Plan to settle disputes [See Article XV of the Per Capita Trust  
167 Agreement].

168 ■ **Complaint with Regard to Oneida Entity Debt and Federal Tax Levy Attachments**

169 ○ Tribal members subject to attachment to collect a debt owed to the Judiciary who  
170 wish to file a complaint regarding the attachment may file a request for a show  
171 cause hearing with the Judiciary within 30 days of the final notice of indebtedness  
172 with intent to attach. The Judiciary shall honor all requests for show cause  
173 hearings [see 123.4-9(d)(5)]. .

174 ■ **Impact.** Provides an opportunity for Tribal members to file a complaint  
175 regarding an attachment to collect debt issued by the Judiciary.

176

177

#### Administrative Rulemaking Authority

178 ■ The Trust Enrollment Department has rulemaking authority under this law to develop and  
179 implement the following rules:

180 ○ Modify the Adult Distribution Form and Instructions [see 123.5-2(b)(1)].

181

182 ■ The Trust Enrollment Committee has rulemaking authority under this law to develop and  
183 implement the following rules:

183 ○ Distribution timelines [see 123.5-2(b)(1)(A)].

184 ○ Defining potentially interested parties in the event there is no signed beneficiary  
185 designation form on record [see 123.5-3(a)].



**Title 1. Government and Finances – Chapter 123**

**PER CAPITA**

**Shakotiwi Stawih Olihwake**

*Issues concerning where they give the money*

123.1. Purpose and Policy	123.5. Distributions
123.2. Adoption, Amendment, Repeal	123.6. Minor/Majority Age Beneficiaries and Legally Incompetent Adults
123.3. Definitions	123.7. Per Capita Actions
123.4. General	

---

1  
2 **123.1. Purpose and Policy**  
3 123.1-1. *Purpose.* The purpose of this law is:  
4 (a) To specify the procedure to be followed in the event that per capita payments are  
5 distributed by the Nation; and  
6 (b) To clearly state the responsibilities of the various Oneida entities in the distribution or  
7 maintenance of any such per capita payments.  
8 123.1-2. *Policy.* It is the policy of the Nation to have a consistent methodology for distribution  
9 of per capita payments, including payments derived from gaming revenues and regulated by  
10 IGRA.  
11  
12 **123.2. Adoption, Amendment, Repeal**  
13 123.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-7-12-00-B  
14 and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B  
15 and BC-08-14-13-D and \_\_\_\_\_.  
16 123.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
17 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
18 123.2-3. Should a provision of this law or the application thereof to any person or  
19 circumstances be held as invalid, such invalidity shall not affect other provisions of this law  
20 which are considered to have legal force without the invalid portions.  
21 123.2-4. In the event of a conflict between a provision of this law and a provision of another  
22 law, the provisions of this law shall control. Provided that this law repeals Oneida Business  
23 Committee resolution 11-06-02-A.  
24 123.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
25  
26 **123.3. Definitions**  
27 123.3-1. This section shall govern the definitions of words and phrases as used herein. All  
28 words not defined herein shall be used in their ordinary and everyday sense.  
29 (a) “Adult” means a Tribal member who is at least eighteen (18) years of age on or  
30 before September 1<sup>st</sup> of a given year.  
31 (b) “Arrears” means the amount of money a Tribal member has not paid pursuant to the  
32 most recent child support court order against him or her.  
33 (c) “Court of competent jurisdiction” means the Judiciary, a state or federal court or  
34 another court recognized by the Judiciary as having the jurisdiction to hear and determine  
35 a particular legal proceeding.  
36 (d) “Day” means calendar days, unless otherwise specifically stated.  
37 (e) “Debtor” means a Tribal member owing a debt to an Oneida entity.  
38 (f) “Direct Deposit” means the electronic distribution of funds.  
39 (g) “Distribution” means the transfer of funds to Tribal members.  
40 (h) “IGRA” means the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et.seq.

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- 41 (i) “Judiciary” means the Nation’s judicial system, which includes the Family Court,  
42 Trial Court and/or Appellate Court.
- 43 (j) “Legally Incompetent Adult” means a Tribal member who is at least eighteen (18)  
44 years of age and has been declared incompetent by a court of competent jurisdiction  
45 pursuant to applicable law.
- 46 (k) “Majority Age Beneficiary” means a Tribal member who has reached eighteen (18)  
47 years of age by September 1<sup>st</sup> and is eligible to claim a trust account for the first time in  
48 the distribution year.
- 49 (l) “Minor Beneficiary” means a Tribal member who is less than eighteen (18) years age.
- 50 (m) “Nation” means the Oneida Nation.
- 51 (n) “Oneida Entity” means a department, board, committee, commission or chartered  
52 corporation of the Nation or the Judiciary.
- 53 (o) “Outstanding Check” means a check that has been written by the Nation, but has not  
54 yet cleared the bank on which it was drawn.
- 55 (p) “Per Capita Payment” means the amount authorized by the General Tribal Council to  
56 be distributed to Tribal members.
- 57 (q) “Pooled Account” means the account set up by the General Tribal Council or Oneida  
58 Business Committee, through resolution, for the purpose of managing undistributed funds  
59 pursuant to the Nation’s laws.
- 60 (r) “Proof of Education” means the documents identified in Article III of the Per Capita  
61 Trust Agreement as acceptable to demonstrate that the tribal member has received a high  
62 school diploma or its equivalent.
- 63 (s) “Rule” means a set of requirements enacted by the Trust Enrollment Committee  
64 and/or the Trust Enrollment Department in accordance with the Administrative  
65 Rulemaking law based on authority delegated in this law in order to implement, interpret  
66 and/or enforce this law.
- 67 (t) “Tribal Member” means an individual who is an enrolled member of the Nation.
- 68 (u) “Trust Account” means an account(s) established by the Trust Enrollment Committee  
69 for the purpose of maintaining per capita funds for persons pursuant to the Nation’s  
70 revenue allocation plan, which includes, but is not limited to, minor beneficiaries and  
71 legally incompetent adults.
- 72 (v) “Trust Enrollment Committee” means that body designated by the General Tribal  
73 Council to manage the trust funds for the Nation on behalf of Tribal members, and which  
74 is also responsible for the Nation’s enrollment records.
- 75 (w) “Trust Fund Accountant” means the third party professionals hired by the Trust  
76 Enrollment Committee to oversee trust accounts established pursuant to this law.

77  
78 **123.4. General**

79 123.4-1. This section sets forth the responsibilities delegated under this law.

80 123.4-2. *Supersedes.* This law supersedes any contradictory language contained in any other  
81 per capita payment plan.

82 123.4-3. *Budgetary Limitations.* This law may not be construed as mandating a per capita  
83 payment; per capita payments may only be issued at the direction of the General Tribal Council  
84 through adoption of a resolution.

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- 85 123.4-4. *Oneida Business Committee.* The Oneida Business Committee shall:  
86 (a) Identify and allocate funds available for per capita payments;  
87 (b) Forward approved revenue allocation plans to the Bureau of Indian Affairs;  
88 (c) Transfer funds to the appropriate Oneida entity(ies) pursuant to the Nation’s laws  
89 within a reasonable time frame;  
90 (d) Be responsible for any activities not specifically identified but reasonably related to  
91 the responsibilities in this in this sub-section; and  
92 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
93 Trust Enrollment Committee.
- 94 123.4-5. *Trust Enrollment Committee.* The Trust Enrollment Committee shall:  
95 (a) Manage trust accounts related to per capita payments with fiduciary responsibility;  
96 (b) Maintain the Nation’s membership rolls so that the Trust Enrollment Department can  
97 accurately identify which Tribal members are eligible for distribution;  
98 (c) Provide input to the Finance Department regarding per capita matters included in the  
99 Nation’s revenue allocation plan;  
100 (d) Be responsible for any activities not specifically identified but reasonably related to  
101 the responsibilities in this sub-section; and  
102 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
103 Oneida Business Committee.
- 104 123.4-6. *Trust Enrollment Department.* When a per capita payment is approved, the Trust  
105 Enrollment Department shall:  
106 (a) Develop and finalize a list of the eligible distribution recipients broken down into the  
107 following categories: minor beneficiaries, majority age beneficiaries, legally incompetent  
108 adults, adults and elders. For the purposes of this section, elder means a Tribal member  
109 who meets the age requirements as of December 31<sup>st</sup> of a given year to be eligible for an  
110 elder distribution as determined by the effective General Tribal Council Resolution.  
111 (b) Provide the finalized list of Tribal members eligible to receive the distribution to the  
112 Oneida Accounting Department and trust fund accountant.  
113 (c) Send membership distribution and trust account forms and receipts related to  
114 approved per capita payments.  
115 (d) Manage and maintain the Enrollment Database including, but not limited to,  
116 membership and distribution information.  
117 (e) Process the distribution data and forward the data to the Oneida Accounting  
118 Department and trust fund accountant.  
119 (f) Ensure the availability and liquidity of funds for transfer of the trust funds under the  
120 authorization of the Trust Enrollment Committee.  
121 (g) Provide fund transfer instructions to the relevant initiating institution: the custodial  
122 bank or the Oneida Accounting Department.  
123 (h) Work with the Trust Enrollment Committee to establish any necessary trust accounts.  
124 (i) Monitor all trust accounts for the purposes of necessary reporting, claims and  
125 distribution verification.  
126 (j) Record issued, voided, redeemed, and outstanding check distributions in the  
127 Enrollment Database.

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- 128 (k) Complete trust account reconciliations.  
129 (l) Calculate attachment amounts for collection of Oneida entity debts and implement  
130 Oneida entity attachments.
- 131 123.4-7. *Oneida Accounting Department.* When a per capita payment is approved, the Oneida  
132 Accounting Department shall:
- 133 (a) Initiate and complete the funds transfer upon receipt of funds transfer instructions  
134 from the authorizing Oneida entity and shall ensure that the physical movement of funds  
135 happens no later than one (1) business day prior to the distribution date.  
136 (b) Record issued, voided and outstanding check distributions on the general ledger.  
137 (c) Complete bank account reconciliations.  
138 (d) Process per capita distribution to the payables ledger.  
139 (e) Perform all activities related to fiscal and calendar year end processes, including  
140 providing tax documents and tax reporting as required by applicable law.  
141 (f) Submit notice of any fees associated for reissuance of a distribution to the Trust  
142 Enrollment Department, in accordance with sections 123.5-2(d)(1) and 123.5-2(d)(2).
- 143 123.4-8. *Tribal Treasurer.* The office of the Oneida Treasurer shall identify funds and shall  
144 timely transfer the necessary amount of relevant funds to the Trust Enrollment Committee, the  
145 trust fund accountant and the Oneida Accounting Department.
- 146 123.4-9. *Attachments.* Per capita payments are benefits offered by the Nation to Tribal  
147 members. All per capita payments, except distributions to or from a trust account for a  
148 beneficiary, may be subject to attachment prior to distribution in accordance with this section.  
149 Entities seeking to attach a per capita payment shall follow the timelines identified in this law.
- 150 (a) Per capita payments may only be attached for the following purposes, and in the  
151 following order:
- 152 (1) Child support arrears ordered by a court of competent jurisdiction. After child  
153 support arrears are fully satisfied, the Trust Enrollment Department shall apply  
154 any remaining per capita payments for the payment of debt owed to an Oneida  
155 entity.
- 156 (A) If a Tribal member owes arrears in more than one (1) child support  
157 order, the Oneida Nation Child Support Agency shall equally divide the  
158 per capita payment based on the number of court orders under which  
159 arrears are owed.
- 160 (2) Debt owed to an Oneida entity that is past due. After child support arrears and  
161 debt owed to an Oneida entity have been fully satisfied, the Trust Enrollment  
162 Department shall apply any remaining per capita payment for the payment of a  
163 federal tax levy.
- 164 (A) “Debt owed to an Oneida entity” includes any money owed to an  
165 Oneida entity and any fines that have been issued by an Oneida entity.  
166 (B) If a Tribal member owes debt to more than one (1) Oneida entity, the  
167 Trust Enrollment Department shall equally divide the per capita payment  
168 based on the number of Oneida entities that are owed debt.
- 169 (3) A federal tax levy.
- 170 (b) If the amount of the per capita payment exceeds the amount of the attachment, the

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171 Trust Enrollment Department shall distribute the remaining balance to the Tribal  
172 member, provided the Tribal member has met the distribution requirements contained in  
173 this law. If there is a remaining unclaimed balance, the Tribal member may request it to  
174 be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall deposit  
175 any remaining refused balance in accordance with 123.5-5.

176 (c) *Child Support Attachments.* Claimants or their designated representative shall submit  
177 all requests for attachments for child support arrears to the Oneida Nation Child Support  
178 Agency.

179 (1) After receiving an initial attachment request for child support arrears, the  
180 Oneida Nation Child Support Agency shall send a one-time notice and a voluntary  
181 federal income tax withholding request form to those Tribal members whose per  
182 capita payment will be attached for child support arrears.

183 (2) The Oneida Nation Child Support Agency shall prepare a certified accounting  
184 of all attachment requests and forward the accounting to the Judiciary.

185 (3) The Trust Enrollment Department may not process an attachment of a Tribal  
186 member's per capita payment to collect child support arrears without first having  
187 received an order of determination issued by the Judiciary.

188 (4) After the child support arrears have been satisfied, if an attachment request is  
189 submitted for the same Tribal member's per capita payment based on new child  
190 support arrears, the Oneida Nation Child Support Agency shall issue another one-  
191 time notice and federal income tax withholding form in accordance with 123.4-  
192 9(c)(1).

193 (d) *Oneida Entity Debt Attachments.* Oneida entities are not required to receive an  
194 attachment order from the Judiciary prior to initiating a per capita payment attachment  
195 unless an attachment hearing is requested under section 123.4-9(d)(5).

196 (1) *Notice of Indebtedness.* Prior to initiating an attachment, the Oneida entity  
197 owed the debt shall provide written notice of indebtedness to the debtor by first  
198 (1<sup>st</sup>) class mail at the debtor's last known address.

199 (A) *Frequency of Notice.* Oneida entities shall send debtors notice of  
200 indebtedness for each month a debt is owed with each notice being sent a  
201 minimum of thirty (30) calendar days apart. Oneida entities shall send  
202 two (2) consecutive monthly notices prior to the debt becoming eligible  
203 for attachment.

204 (B) *Notice Content.* Oneida entities shall include the following in their  
205 notices of indebtedness:

206 (i) How many notices of indebtedness have been provided prior to  
207 the subject notice and the dates of all prior notices;

208 (ii) The amount of the debtor's indebtedness;

209 (iii) Information for making payment on the debt; and

210 (iv) An explanation that if the debt is not paid in full within thirty  
211 (30) calendar days from the date of the second consecutive  
212 monthly notice, the entity may initiate an automatic attachment of  
213 the Tribal member's per capita payment.

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214 (2) *Initiating an Attachment.* After thirty (30) calendar days have lapsed since the  
215 Oneida entity sent the second consecutive monthly notice of indebtedness, the  
216 Oneida entity may initiate an attachment by providing the debtor with a final  
217 notice of indebtedness with intent to attach. The Oneida entity shall send the final  
218 notice to the debtor by certified mail. Additionally, the Oneida entity shall post  
219 notice of intent to attach in the Nation's newspaper, where such notice includes  
220 only the debtor's name, the Oneida entity owed a debt and the Oneida entity's  
221 contact information for payment. The Oneida entity shall submit its request to  
222 post to the newspaper at the same time as the final notice with intent to attach is  
223 mailed in order to ensure that notice is posted in the newspaper a minimum of ten  
224 (10) business days before the close of the debtor's thirty (30) calendar day time  
225 period to resolve the debt or request an attachment hearing.

226 (A) The Oneida entity shall include the following in the final notice of  
227 indebtedness with intent to attach:

228 (i) The dates of all prior notices of indebtedness provided to the  
229 debtor;

230 (ii) The amount of the debtor's indebtedness;

231 (iii) Information for making payment on the debt;

232 (iv) An explanation that this is the final notice and the Oneida  
233 entity has by this final notice initiated an attachment against the  
234 debtor;

235 (v) An explanation that if the debt is not paid in full within thirty  
236 (30) calendar days from the date of the final notice of indebtedness  
237 with intent to attach that the Trust Enrollment Department will  
238 automatically attach the debtor's available per capita payment in  
239 order to satisfy the debt;

240 (vi) An explanation that the debtor may request an attachment  
241 hearing with the Judiciary to contest the validity of the debt by  
242 submitting a petition to the Judiciary within thirty (30) calendar  
243 days from the date of the of the final notice of indebtedness with  
244 intent to attach and that the debtor is responsible for any filing fees  
245 required by the Judiciary; and

246 (vii) A membership distribution form which the debtor shall  
247 submit to the Trust Enrollment Department no later than  
248 September 1<sup>st</sup> in order for voluntary federal income taxes to be  
249 withheld.

250 (B) *Attachment Deadlines.* In order for the Trust Enrollment Department  
251 to process an attachment for a current per capita payment distribution,  
252 Oneida Entities shall:

253 (i) Send the Trust Enrollment Department a one-time final  
254 accounting of all debts subject to attachment no later than July 31<sup>st</sup>,  
255 provided that, in order for a debt to be included in the final  
256 accounting, the Oneida entity's shall have sent the debtor a final

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257 notice of indebtedness with intent to attach in which the debtor's  
258 thirty (30) day period to resolve the debt or request an attachment  
259 hearing with the Judiciary expires on or before July 31<sup>st</sup>; and  
260 (ii) Receive, review and respond to the withholding report, in  
261 accordance with the deadline provided by the Trust Enrollment  
262 Department.

263 (3) *Calculating the Attachment Amount.* The Trust Enrollment Department shall  
264 determine the amount of per capita payment attachment based on the order  
265 provided in section 123.4-9(a).

266 (4) *Payment of Debt Prior to Attachment.* A debtor may make payments towards  
267 a debt subject to attachment at any time.

268 (A) Oneida entities shall keep record of all debtors payments and shall  
269 only include unpaid debts in their final accounting submitted to the Trust  
270 Enrollment Department.

271 (B) Once the Oneida entity has submitted the final accounting to the Trust  
272 Enrollment Department, the attachment amount may not be modified. If a  
273 debtor makes a payment towards a debt subject to attachment after the  
274 final accounting has been submitted to the Trust Enrollment Department,  
275 the Oneida entity shall reimburse the debtor for payments received in  
276 excess of the amount of the debt noticed to the debtor within thirty (30)  
277 calendar days from its receipt of the per capita payment attachment.

278 (5) *Requesting an Attachment Hearing.* A debtor may request an attachment  
279 hearing with the Judiciary to contest the validity of the debt by submitting a  
280 petition to the Judiciary within thirty (30) calendar days from the date of the final  
281 notice of indebtedness with intent to attach, provided that the debtor shall include  
282 a copy of the final notice of indebtedness with intent to attach with the petition.

283 (A) The debtor shall pay any filing fees required by the Judiciary before  
284 the Judiciary may consider the petition complete.

285 (B) When a request for an attachment hearing is timely made, the Oneida  
286 entity is still not required to obtain a judgment, but shall receive an  
287 attachment order before the Trust Enrollment Department may attach a per  
288 capita payment to collect debt owed to the Oneida entity.

289 (6) *Multiple Attachments.* If a single per capita payment is not sufficient to  
290 satisfy the debt owed to an Oneida entity, the Oneida entity shall follow the  
291 process contained in section 123.4-9(d)(1)-(5) for each per capita payment it seeks  
292 to attach.

293 (e) *Federal Tax Levy Attachments.* Claimants or their designated representatives shall  
294 submit all requests for attachments for a federal tax levy to the Judiciary. The Trust  
295 Enrollment Department may not process an attachment of a Tribal member's per capita  
296 payment to collect a federal tax levy without first having received an order of  
297 determination from the Judiciary.

298 (f) The Judiciary may order and the Trust Enrollment Department may process  
299 attachments against per capita payments of Tribal members who do not return a notarized

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300 membership payment form as required under 123.5-2(b)(1) or who refuse a payment  
301 under 123.5-2(f). If the amount of the per capita payment exceeds the amount of the  
302 attachment resulting in a remaining unclaimed balance, the Tribal member may request it  
303 to be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall  
304 deposit any remaining refused balance in accordance with 123.5-5.

305 123.4-10. *Federal Income Tax Withholding.*

306 (a) *Voluntary.* The Trust Enrollment Department shall withhold federal income taxes  
307 from a distribution only when the following applies:

308 (1) Tribal members whose per capita payment is not subject to attachment in  
309 accordance with section 123.4-9 may voluntarily request to have federal income  
310 tax withheld, provided that Tribal members shall make such requests in  
311 accordance with the applicable distribution deadlines.

312 (2) If the Trust Enrollment Department receives a timely voluntary request to  
313 have federal income tax withheld from a Tribal member whose per capita  
314 payment is subject to attachment in accordance with section 123.4-9, the Trust  
315 Enrollment Department shall apply the federal income tax withholding to the  
316 applicable distribution before any attachments are applied.

317 (b) *Mandatory.* A Tribal member who meets all of the requirements of this law, but  
318 refuses to provide the Trust Enrollment Department with his or her social security  
319 number or individual tax identification number is subject to mandatory federal income  
320 tax withholding from his or her per capita payment, as required by federal law.

321 (c) *IRS Publication 15a.* The Nation shall comply with the most recent edition of IRS  
322 Publication 15a.

323

### 324 **123.5. Distributions**

325 123.5-1. *General.* This section sets forth the required processes for distribution of per capita  
326 payments.

327 123.5-2. *Deadlines.* The following deadlines apply in regards to the annual per capita  
328 payment. Where the dates fall on a Saturday, Sunday, or holiday the deadline is construed to be  
329 the close of business on the following business day. For any additional per capita payments, the  
330 Trust Enrollment Committee may establish dates and deadlines associated with those payments,  
331 as needed.

332 (a) *Eligibility.* Eligibility falls into the following categories:

333 (1) *Filing Deadlines.* An individual who is not a Tribal member shall file a new  
334 enrollment application no later than the close of business on January 31<sup>st</sup> in order  
335 to be considered eligible for the following per capita payment.

336 (A) *Enrollment Deadlines.* An individual is considered enrolled for the  
337 purposes of a per capita payment if the individual has been approved for  
338 enrollment by a vote of the Oneida Business Committee by March 31<sup>st</sup>.

339 (B) A newly enrolled Tribal member is eligible only for per capita  
340 payments authorized to be distributed following the effective date of his or  
341 her enrollment; he or she is not eligible to receive any per capita payments  
342 that were distributed prior to the effective date of his or her enrollment.

343 (2) *Dual Enrollment.* A Tribal member who is dually enrolled with another

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344 Indian tribe is not eligible for a per capita payment unless his or her  
345 relinquishment from the other tribe has been processed and written verification  
346 that the member is no longer enrolled with that tribe has been received by the  
347 Trust Enrollment Department by September 1<sup>st</sup>.

348 (b) *Distribution Documents.*

349 (1) *Adult Distribution Form and Instructions.* Unless and until the Trust  
350 Enrollment Department modifies the Adult Distribution Form and Instructions by  
351 creating rules, the Trust Enrollment Department shall comply with the following.

352 (A) Prior to July 1<sup>st</sup> of the year the Trust Enrollment Department shall mail  
353 membership distribution forms and instructions to all adult Tribal  
354 members. Adults shall complete, notarize and return a notarized  
355 membership distribution form to the Trust Enrollment Department by  
356 close of business on or before September 1<sup>st</sup> in order to be eligible for a  
357 per capita distribution.

358 (B) The Trust Enrollment Department shall make available late  
359 membership distribution forms and shall accept such forms in compliance  
360 with section 123.5-2(e).

361 (2) *Majority Age Beneficiary Distribution Form and Instructions.*

362 (A) Prior to April 1<sup>st</sup> of the year the Trust Enrollment Department shall  
363 mail trust account forms and instructions to eligible majority age  
364 beneficiaries for trust account distributions in accordance with Article III  
365 of the Per Capita Trust Agreement.

366 (B) The Trust Enrollment Department shall make available late trust  
367 account forms and shall accept such forms in accordance with Article III  
368 of the Per Capita Trust Agreement and IGRA.

369 (c) *Annual Distribution Date.* The Nation shall distribute all annual per capita payments  
370 on or before September 30<sup>th</sup>, excluding those to beneficiary trust accounts, which are  
371 governed by the Per Capita Trust Agreement.

372 (d) *Direct Deposit.* Adults and majority age beneficiaries may submit a direct deposit  
373 form at any time, provided that in order for it to be applied to an upcoming distribution,  
374 the Tribal member shall submit the direct deposit form by the applicable per capita or  
375 trust account distribution form deadline.

376 (1) Upon receipt of notice from the Oneida Accounting Department of any fees  
377 incurred by the Nation associated with reissuance of a distribution, the Trust  
378 Enrollment Department shall deduct any such fees from the reissued distribution.  
379 (Fees may include, but are not limited to, stop payment and direct deposit bank  
380 rejection fees).

381 (2) The Nation shall waive fees if a check is reissued due to an error on its behalf.  
382 A reissue made due to an error on the Nation's behalf may not count against the  
383 Tribal member as identified in 123.5-2(e)(2)(A).

384 (e) *Request for a Prior Per Capita Payment.*

385 (1) *Unclaimed Payment.* Tribal members shall submit a request for a prior adult  
386 per capita payment, for which the Tribal member was eligible, but was not

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387 claimed or fully attached, by September 1<sup>st</sup> of the next year. For example, if a  
388 payment's original distribution date is in 2000, then the deadline is September 1,  
389 2001. If a request is not received by the deadline date, the payment expires and  
390 the Trust Enrollment Department shall deposit such funds in a pooled account in  
391 accordance with 123.5-5.

392 (A) The Trust Enrollment Department shall process prior per capita  
393 payments requested by eligible adults according to the Trust Enrollment  
394 Committee's rules regarding distribution timelines.

395 (B) The Trust Enrollment Department shall process prior per capita  
396 payments requested by a majority age beneficiary in accordance with  
397 Article III of the Per Capita Trust Agreement.

398 (2) *Distribution of Outstanding Checks including rejected Direct Deposit funds.*  
399 Tribal members shall submit a request for an adult or majority age beneficiary's  
400 prior distribution, for which a Tribal member already claimed, but did not redeem,  
401 by September 1<sup>st</sup> of the next year. For example, if a distribution's original issue  
402 date is in 2000, then the deadline is September 1, 2001.

403 (A) An adult, minor beneficiary or majority age beneficiary's distribution  
404 may only be reissued once. After the distribution/rejected direct deposit  
405 funds are reissued, the Tribal member has ninety (90) days to redeem it or  
406 the distribution will expire and may not be reissued. The Trust Enrollment  
407 Department shall process expired funds in accordance with 123.5-5.

408 (B) Upon receipt of notice from the Oneida Accounting Department of any  
409 fees incurred by the Nation associated with reissuance of a distribution,  
410 the Trust Enrollment Department shall deduct any such fees from the  
411 reissued distribution. (Fees may include, but are not limited to, stop  
412 payment and direct deposit bank rejection fees).

413 (i) The Nation shall waive fees if a check is reissued due to an  
414 error on its behalf. A reissue made due to an error on the Nation's  
415 behalf may not count against the Tribal member as identified in  
416 123.5-2(e)(2)(A).

417 (f) *Refusal of Distributions.* An adult or majority age beneficiary may refuse any  
418 distribution due to him or her, including a trust account distribution, by completing a  
419 refusal form available with the Trust Enrollment Department. However, if the Judiciary  
420 has approved an attachment of an adult distribution, only the remaining portion of the  
421 distribution, if any, may be refused. Majority age beneficiary and legally incompetent  
422 adult distributions are not attachable.

423 (1) Upon submitting the refusal form to the Trust Enrollment Department, the  
424 adult or majority age beneficiary irrevocably waives his or her right to the specific  
425 distribution as indicated on the form.

426 (2) Tribal members seeking to refuse a distribution shall submit refusal forms in  
427 accordance with sections 123.5-2(b)(1)(A) and 123.5-2(b)(2)(A).

428 (3) The Trust Enrollment Department shall process refused distributions in  
429 accordance with 123.5-5.

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430 123.5-3. *Deceased Tribal Members.*

431 (a) *Deceased Tribal Member Distribution Forms.* Tribal members are eligible to receive  
432 a distribution so long as the Tribal member has complied with the distribution documents  
433 and/or distribution rule(s) requirements. This includes distributions identified to be  
434 deposited to a trust account. The estate of a deceased Tribal member may not submit a  
435 membership distribution form on behalf of the deceased to claim a distribution. The  
436 Tribal member is only eligible for the distribution if the Tribal member either personally  
437 or through an appointed representative submits the distribution form while the Tribal  
438 member is still living. Should a Tribal member become deceased after submitting the  
439 required distribution form, but before the distribution date, the Trust Enrollment  
440 Department shall continue to issue the distribution in the name of the deceased Tribal  
441 member. The Trust Enrollment Department shall not reissue any distributions in the  
442 name of any claimant or the decedent's estate.

443 (b) *Deceased Minor/Majority Age Beneficiary or Legally Incompetent Adult.*

444 (1) *When there is a Beneficiary Designation Form on Record.* A minor/majority  
445 age beneficiary's or a legally incompetent adult's trust account balance upon  
446 death is inheritable upon the date of the beneficiary's death in accordance with the  
447 most recent beneficiary designation form on record as applicable. Within thirty  
448 (30) calendar days of learning of a minor/majority age beneficiary's or legally  
449 incompetent adult's death, the Trust Enrollment Department shall provide notice  
450 of any remaining trust account balance to the designated beneficiary using the last  
451 address on file. Should a designated beneficiary claim the remaining trust  
452 account balance, the Trust Enrollment Department shall issue the distribution in  
453 the name of the first available designated beneficiary(s). If a designated  
454 beneficiary does not request distribution of the remaining balance of a trust  
455 account within one (1) year after the Trust Enrollment Department's date of  
456 notice, the Trust Enrollment Department shall liquidate and deposit the trust fund  
457 account as follows:

458 (A) For the remaining balance in minor/majority age beneficiary's trust  
459 account, to the Oneida Youth Leadership Institute.

460 (B) For the remaining balance in a legally incompetent adult's trust  
461 account, to the General Fund.

462 (2) *When there is No Beneficiary Designation Form on Record.* The Trust  
463 Enrollment Committee shall establish rules defining potentially interested parties  
464 in the event there is no signed beneficiary designation form on record. The Trust  
465 Enrollment Committee shall also include in such rules notice provisions that put  
466 those potentially interested parties on notice that the Nation has a probate process  
467 and the potential consequences of a failure to comply with the probate process.  
468 Where a distribution is issued in accordance with the issuance of a domiciliary  
469 letter naming a personal representative of the estate, the Trust Enrollment  
470 Department shall issue the distribution in the name of the estate of the  
471 minor/majority age beneficiary or the legally incompetent adult.

472 123.5-4. *Relinquishment of Tribal Membership.* Tribal members are ineligible for any current,

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473 future and/or prior per capita payment distributions as of the date his or her Tribal membership is  
474 relinquished.

475 (a) *Relinquished Adult*. The Trust Enrollment Department shall process funds set aside  
476 for a relinquished adult's distribution in accordance with 123.5-5.

477 (b) *Majority Age/Minor Beneficiary Relinquishment*. Upon a majority age/minor  
478 beneficiary's relinquishment the following provisions apply:

479 (1) The Trust Enrollment Department shall deposit any funds in a trust account  
480 for a majority age/minor beneficiary in a joint savings account in the name of the  
481 Trust Enrollment Committee and the relinquished majority age/minor beneficiary.

482 (2) A relinquished majority age/minor beneficiary is eligible to claim the joint  
483 savings account if he or she is eighteen (18) years of age by September 1<sup>st</sup> of the  
484 distribution year and submits the majority age distribution form by July 1<sup>st</sup> of the  
485 same year. In addition, a relinquished majority/minor age beneficiary shall claim  
486 any remaining funds held in the joint savings account prior to the first distribution  
487 following his or her twenty-first (21<sup>st</sup>) birthday.

488 (3) A relinquished majority age/minor beneficiary may refuse his or her joint  
489 savings account funds at the age of eighteen (18). The proof of education  
490 requirement is not required to refuse joint savings account funds, however the  
491 relinquished majority age/minor beneficiary shall satisfy the requirements of  
492 section 123.5-2(f).

493 (4) The Trust Enrollment Department shall follow the Trust Enrollment  
494 Committee's standard operating procedure for allocating any fees necessary for  
495 the establishment and maintenance of a relinquished majority age/minor  
496 beneficiary's joint savings account to the said account.

497 (5) The Trust Enrollment Department shall deposit any unclaimed joint savings  
498 account funds in a Pooled Account in accordance with section 123.5-5.

499 (c) *Legally Incompetent Adult Relinquishment*. Upon a legally incompetent adult's  
500 relinquishment the Trust Enrollment Department shall disburse any funds in a trust  
501 account for the legally incompetent adult to the guardian of the legally incompetent adult.

502 (1) If the trust account funds for a legally incompetent adult are not claimed  
503 within one (1) year after the date of relinquishment, the Trust Enrollment  
504 Department shall liquidate and deposit the trust fund account in accordance with  
505 123.5-5.

506 123.5-5. *Pooled Account*. Pooled account funds are identified by the Trust Enrollment  
507 Department, to be used for a purpose designated by General Tribal Council. Pooled account  
508 funds result from the following.

509 (a) *Expiration of Unclaimed Per Capita Payments*. Tribal Members' rights to unclaimed  
510 Per Capita Payments expire upon the occurrence of any one (1) of the following:

511 (1) A Tribal member submits a refusal form under 123.5-2(f);

512 (2) A Tribal member fails to request a prior distribution or trust account funds  
513 within the time provided under this law and/or the Per Capita Trust Agreement;

514 (3) An adult receives a distribution in accordance with 123.5-3(a) and the  
515 distribution is not redeemed within one (1) year of the date of distribution;

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- 516 (4) The estate of a deceased majority age/minor beneficiary fails to request  
517 distribution of the trust account within the time provided under 123.5-3(b); or  
518 (5) The guardian of a deceased legally incompetent adult fails to request  
519 distribution of the trust account within the time provided under 123.5-3(c).

520

521 **123.6. Minor/Majority Age Beneficiaries and Legally Incompetent Adults**

522 123.6-1. *Minor Beneficiaries.* This section sets forth a consistent method to protect and  
523 preserve the interests of minor beneficiaries in any distribution to which a minor beneficiary may  
524 be eligible. All distributions to minor beneficiaries are governed by this law, IGRA, the Tribal  
525 Revenue Allocation Plan and the Per Capita Trust Agreement.

526 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
527 standard operating procedures for setting up, monitoring and distributing the trust  
528 accounts. The Trust Enrollment Committee may choose to maintain pooled or individual  
529 accounts, separate accounts for each distribution or series of distributions, or any other  
530 combination which is in the best interests of the beneficiaries and which is consistent  
531 with the terms of the Per Capita Trust Agreement and the Trust Enrollment Committee's  
532 investment policy.

533 (1) The Trust Enrollment Committee is responsible for the protection and  
534 preservation of per capita payment funds for beneficiaries. As part of that  
535 responsibility, the Trust Enrollment Committee shall complete and issue any  
536 necessary reports to the beneficiaries. The Trust Enrollment Committee shall  
537 develop rules, which establish valuation dates and frequency of reports and  
538 identify data critical to the completion of the reports. The Trust Enrollment  
539 Committee may delegate such reporting responsibilities to duly selected vendors.

540 (b) *Costs of Account.* The Trust Enrollment Department shall apply administrative costs  
541 related to a trust account to the said account. Administrative costs are those costs related  
542 to third party fees and expenses resulting from managing the accounts. Administrative  
543 costs do not include any costs related to the expenses of the Trust Enrollment Committee  
544 or Trust Enrollment Department.

545 (c) *No Guarantee.* It is the Trust Enrollment Committee's responsibility to invest  
546 beneficiaries' distributions in accordance with the Per Capita Trust Agreement. Because  
547 the market affects the value of trust accounts, beneficiaries are not guaranteed any  
548 specific amount of distribution made prior to becoming a majority age beneficiary.

549 (d) *Disbursement to Majority Age Beneficiaries.* Disbursement of trust account funds to  
550 majority age beneficiaries is governed by the Per Capita Trust Agreement, provided that  
551 to be eligible for a distribution, the majority age beneficiary is required to:

552 (1) Meet the age and education requirements where:

553 (A) If the majority age beneficiary has proof of education by September 1<sup>st</sup>  
554 of the distribution year as required by the Per Capita Trust Agreement, he  
555 or she is eligible for distribution at eighteen (18) years of age.

556 (B) If the majority age beneficiary does not have proof of education by  
557 September 1<sup>st</sup> of the Distribution year as required by the Per Capita Trust  
558 Agreement, he or she remains eligible to claim their trust account funds

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- 559 upon reaching twenty-one (21) years of age.  
560 (C) *Exceptions*. The following Tribal members are exempt from the  
561 requirement to provide proof of education in order to be eligible for a  
562 minor trust account distribution prior to reaching twenty-one (21) years of  
563 age:  
564 (i) Majority age beneficiaries declared to be a legally incompetent  
565 adult under 123.6-2. In such circumstances, the Trust Enrollment  
566 Department shall liquidate and deposit any funds from the minor's  
567 trust account into a legally incompetent adult trust account.  
568 (ii) Majority age beneficiaries who have documentation of learning  
569 or other disability from a professional qualified to make such a  
570 diagnosis and who are able to present a certificate of attendance  
571 showing he or she has attended twelve (12) years of school. In  
572 such circumstances, that certificate of attendance is deemed the  
573 equivalent to proof of education.  
574 (D) *Fraudulent Proof of a Diploma*. In the event the Trust Enrollment  
575 Department deems that a majority age beneficiary has submitted  
576 fraudulent proof of education, the Trust Enrollment Department shall:  
577 (i) If distribution has not been made to the Tribal member,  
578 withhold distribution of the trust account funds until the  
579 requirements of this law have been met;  
580 (ii) Impose a fine against the Tribal member of one-third (1/3) of  
581 the Tribal member's entire trust account funds;  
582 (iii) Notify the Tribal member of the following:  
583 (a) His or her proof of education has been deemed  
584 fraudulent;  
585 (b) If not already distributed to the Tribal member, the trust  
586 account funds may not be distributed until he or she  
587 submits valid proof of education or reaches twenty-one (21)  
588 years of age;  
589 (c) A fine of one-third (1/3) of the Tribal member's entire  
590 trust account funds has been imposed; and  
591 (d) How to appeal the Trust Enrollment Department's  
592 determination of the fraudulent proof of education,  
593 including any applicable time limits.  
594 (iv) If necessary to satisfy the fine, take action to have the Tribal  
595 member's future per capita payments attached in accordance with  
596 this law.  
597 (v) Deposit any funds collected to pay a fine imposed pursuant to  
598 this section in a pooled account in accordance with 123.5-5.  
599 (2) Complete and submit a majority age beneficiary distribution form and/or  
600 deferral payment agreement by July 1<sup>st</sup> of the distribution year. A majority age  
601 beneficiary may postpone distribution of all or some of his or her trust account

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602 funds by entering into a deferral payment agreement pursuant to the Per Capita  
603 Trust Agreement.

604 123.6-2. *Legally Incompetent Adults.* This section sets forth a consistent method to protect and  
605 preserve the interests of legally incompetent adults in any distribution for which they may be  
606 eligible. If a distribution includes legally incompetent adults as eligible recipients, the Trust  
607 Enrollment Department shall deposit such distributions into a trust account in accordance with  
608 the Tribal Revenue Allocation Plan and IGRA.

609 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
610 standard operating procedures for setting up, monitoring, and distributing trust accounts.  
611 When an adult is declared legally incompetent, the Trust Enrollment Department shall  
612 place any distribution that is claimed on his or her behalf in a trust account for health,  
613 welfare and/or education expenses. The Trust Enrollment Committee shall develop rules  
614 for determining when a guardian qualifies for distribution from an established trust  
615 account.

616 (b) *Reversal of Incompetency.* If a court of competent jurisdiction determines that an  
617 adult is no longer legally incompetent, the adult shall provide the Trust Enrollment  
618 Department with a certified copy of the order. Provided that the adult is eligible for the  
619 distribution and has followed the processes required under this law, upon receipt of an  
620 order reversing incompetency, the Trust Enrollment Department shall distribute any  
621 funds held in the trust account for the legally incompetent adult to the adult now deemed  
622 competent.

623 123.6-3. *Beneficiary Designation Forms.* The Trust Enrollment Department shall provide all  
624 minor/majority age beneficiaries and legally incompetent adults with beneficiary designation  
625 forms which name a beneficiary to inherit any remaining trust account balance in the event of the  
626 minor/majority age beneficiary's or legally incompetent adult's death. Once every year, the  
627 Trust Enrollment Department shall mail such forms out to newly enrolled Tribal members, all  
628 persons that became a majority age beneficiary in that year and Tribal members declared a  
629 legally incompetent adult in that year or had a new guardian appointed in that year. The  
630 beneficiary designation form is required to include the following:

- 631 (a) An explanation of the effect of and benefits to designating a beneficiary(s);  
632 (b) An explanation of the potential consequences to not naming a beneficiary(s); and  
633 (c) A signature field for the applicable of the parent/guardian or majority age beneficiary  
634 with an explanation of when each party is expected to sign.  
635

### 636 **123.7. Per Capita Actions**

637 123.7-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions  
638 taken pursuant to this law and/or rules.

639 123.7-2. No administrative hearing body, including a board, committee or commission, is  
640 authorized to hear a complaint regarding actions taken pursuant to this law and/or rules.

641 123.7-3. In regards to taking actions authorized under this law, complaints filed with the  
642 Oneida Judiciary shall name the Trust Enrollment Department.

643 *End.*

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Adopted - BC-7-12-00-B

Emergency Amendments – BC-01-03-01-B

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Emergency Amendments - BC-2-28-01-E  
Amendments - BC-11-06-02-A (Elder Per Capita)  
Emergency Amendments - BC-6-25-03-G (Child support priority for attachment)  
Amendments - BC-6-16-04-C (Child support priority for attachment)  
Emergency Amendments - BC-9-12-07-A (one-time per capita payment)  
Amendments – BC-04-22-09-A (High School Diploma; legally incompetent adults)  
Emergency Amendments – BC-06-08-11-D (Fraudulent diploma; dual enrollments)  
Emergency Amendments extended – BC-11-09-11-E (Fraudulent diploma; dual enrollments)  
Amendments Adopted – BC-05-09-12-B (Fraudulent diploma, dual enrollments)  
Emergency Amendments – BC-09-12-12-A (Change in distribution date) Expired 3-12-13  
Amendments Adopted – BC-08-14-13-D

**Title 1. Government and Finances – Chapter 123**  
**PER CAPITA**  
**ShakotiW\$ Stawih# OlihW@ke**  
*Issues concerning where they give the money*

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**123.1. Purpose and Policy**

123.1-1. *Purpose.* The purpose of this law is:

- (a) To specify the procedure to be followed in the event that per capita payments are distributed by the Nation; and
- (b) To clearly state the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payments.

123.1-2. *Policy.* It is the policy of the Nation to have a consistent methodology for distribution of per capita payments, including payments derived from gaming revenues and regulated by IGRA.

**123.2. Adoption, Amendment, Repeal**

123.2-1. This Law is adopted by the Oneida Business Committee by resolution BC-7-12-00-B and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B and BC-08-14-13-D and \_\_\_\_\_.

123.2-2. 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.

123.2-3. 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.

123.2-4. 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 this law repeals Oneida Business Committee resolution 11-06-02-A.

123.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**123.3. Definitions**

123.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Adult” means a Tribal member who is at least eighteen (18) years of age on or before September 1<sup>st</sup> of a given year.
- (b) “Arrears” means the amount of money a Tribal member has not paid pursuant to the most recent child support court order against him or her.
- (c) “Court of competent jurisdiction” means the Judiciary, a state or federal court or another court recognized by the Judiciary as having the jurisdiction to hear and determine a particular legal proceeding.
- (d) “Day” means calendar days, unless otherwise specifically stated.
- (e) “Debtor” means a Tribal member owing a debt to an Oneida entity.
- (f) “Direct Deposit” means the electronic distribution of funds.
- (g) “Distribution” means the transfer of funds to Tribal members.
- (h) “IGRA” means the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et.seq.

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- 41 (i) “Judiciary” means the Nation’s judicial system, which includes the Family Court,  
42 Trial Court and/or Appellate Court.
- 43 (j) “Legally Incompetent Adult” means a Tribal member who is at least eighteen (18)  
44 years of age and has been declared incompetent by a court of competent jurisdiction  
45 pursuant to applicable law.
- 46 (k) “Majority Age Beneficiary” means a Tribal member who has reached eighteen (18)  
47 years of age by September 1<sup>st</sup> and is eligible to claim a trust account for the first time in  
48 the distribution year.
- 49 (l) “Minor Beneficiary” means a Tribal member who is less than eighteen (18) years age.
- 50 (m) “Nation” means the Oneida Nation.
- 51 (n) “Oneida Entity” means a department, board, committee, commission or chartered  
52 corporation of the Nation or the Judiciary.
- 53 (o) “Outstanding Check” means a check that has been written by the Nation, but has not  
54 yet cleared the bank on which it was drawn.
- 55 (p) “Per Capita Payment” means the amount authorized by the General Tribal Council to  
56 be distributed to Tribal members.
- 57 (q) “Pooled Account” means the account set up by the General Tribal Council or Oneida  
58 Business Committee, through resolution, for the purpose of managing undistributed funds  
59 pursuant to the Nation’s laws.
- 60 (r) “Proof of Education” means the documents identified in Article III of the Per Capita  
61 Trust Agreement as acceptable to demonstrate that the tribal member has received a high  
62 school diploma or its equivalent.
- 63 (s) “Rule” means a set of requirements enacted by the Trust Enrollment Committee  
64 and/or the Trust Enrollment Department in accordance with the Administrative  
65 Rulemaking law based on authority delegated in this law in order to implement, interpret  
66 and/or enforce this law.
- 67 (t) “Tribal Member” means an individual who is an enrolled member of the Nation.
- 68 (u) “Trust Account” means an account(s) established by the Trust Enrollment Committee  
69 for the purpose of maintaining per capita funds for persons pursuant to the Nation’s  
70 revenue allocation plan, which includes, but is not limited to, minor beneficiaries and  
71 legally incompetent adults.
- 72 (v) “Trust Enrollment Committee” means that body designated by the General Tribal  
73 Council to manage the trust funds for the Nation on behalf of Tribal members, and which  
74 is also responsible for the Nation’s enrollment records.
- 75 (w) “Trust Fund Accountant” means the third party professionals hired by the Trust  
76 Enrollment Committee to oversee trust accounts established pursuant to this law.  
77

#### 78 **123.4. General**

- 79 123.4-1. This section sets forth the responsibilities delegated under this law.
- 80 123.4-2. *Supersedes.* This law supersedes any contradictory language contained in any other  
81 per capita payment plan.
- 82 123.4-3. *Budgetary Limitations.* This law may not be construed as mandating a per capita  
83 payment; per capita payments may only be issued at the direction of the General Tribal Council  
84 through adoption of a resolution.

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- 85 123.4-4. *Oneida Business Committee.* The Oneida Business Committee shall:  
86 (a) Identify and allocate funds available for per capita payments;  
87 (b) Forward approved revenue allocation plans to the Bureau of Indian Affairs;  
88 (c) Transfer funds to the appropriate Oneida entity(ies) pursuant to the Nation’s laws  
89 within a reasonable time frame;  
90 (d) Be responsible for any activities not specifically identified but reasonably related to  
91 the responsibilities in this in this sub-section; and  
92 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
93 Trust Enrollment Committee.
- 94 123.4-5. *Trust Enrollment Committee.* The Trust Enrollment Committee shall:  
95 (a) Manage trust accounts related to per capita payments with fiduciary responsibility;  
96 (b) Maintain the Nation’s membership rolls so that the Trust Enrollment Department can  
97 accurately identify which Tribal members are eligible for distribution;  
98 (c) Provide input to the Finance Department regarding per capita matters included in the  
99 Nation’s revenue allocation plan;  
100 (d) Be responsible for any activities not specifically identified but reasonably related to  
101 the responsibilities in this sub-section; and  
102 (e) Enter into a Per Capita Trust Agreement and Memorandum of Agreement with the  
103 Oneida Business Committee.
- 104 123.4-6. *Trust Enrollment Department.* When a per capita payment is approved, the Trust  
105 Enrollment Department shall:  
106 (a) Develop and finalize a list of the eligible distribution recipients broken down into the  
107 following categories: minor beneficiaries, majority age beneficiaries, legally incompetent  
108 adults, adults and elders. For the purposes of this section, elder means a Tribal member  
109 who meets the age requirements as of December 31<sup>st</sup> of a given year to be eligible for an  
110 elder distribution as determined by the effective General Tribal Council Resolution.  
111 (b) Provide the finalized list of Tribal members eligible to receive the distribution to the  
112 Oneida Accounting Department and trust fund accountant.  
113 (c) Send membership distribution and trust account forms and receipts related to  
114 approved per capita payments.  
115 (d) Manage and maintain the Enrollment Database including, but not limited to,  
116 membership and distribution information.  
117 (e) Process the distribution data and forward the data to the Oneida Accounting  
118 Department and trust fund accountant.  
119 (f) Ensure the availability and liquidity of funds for transfer of the trust funds under the  
120 authorization of the Trust Enrollment Committee.  
121 (g) Provide fund transfer instructions to the relevant initiating institution: the custodial  
122 bank or the Oneida Accounting Department.  
123 (h) Work with the Trust Enrollment Committee to establish any necessary trust accounts.  
124 (i) Monitor all trust accounts for the purposes of necessary reporting, claims and  
125 distribution verification.  
126 (j) Record issued, voided, redeemed, and outstanding check distributions in the  
127 Enrollment Database.

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- 128 (k) Complete trust account reconciliations.  
129 (l) Calculate attachment amounts for collection of Oneida entity debts and implement  
130 Oneida entity attachments.
- 131 123.4-7. *Oneida Accounting Department.* When a per capita payment is approved, the Oneida  
132 Accounting Department shall:
- 133 (a) Initiate and complete the funds transfer upon receipt of funds transfer instructions  
134 from the authorizing Oneida entity and shall ensure that the physical movement of funds  
135 happens no later than one (1) business day prior to the distribution date.  
136 (b) Record issued, voided and outstanding check distributions on the general ledger.  
137 (c) Complete bank account reconciliations.  
138 (d) Process per capita distribution to the payables ledger.  
139 (e) Perform all activities related to fiscal and calendar year end processes, including  
140 providing tax documents and tax reporting as required by applicable law.  
141 (f) Submit notice of any fees associated for reissuance of a distribution to the Trust  
142 Enrollment Department, in accordance with sections 123.5-2(d)(1) and 123.5-2(d)(2).
- 143 123.4-8. *Tribal Treasurer.* The office of the Oneida Treasurer shall identify funds and shall  
144 timely transfer the necessary amount of relevant funds to the Trust Enrollment Committee, the  
145 trust fund accountant and the Oneida Accounting Department.
- 146 123.4-9. *Attachments.* Per capita payments are benefits offered by the Nation to Tribal  
147 members. All per capita payments, except distributions to or from a trust account for a  
148 beneficiary, may be subject to attachment prior to distribution in accordance with this section.  
149 Entities seeking to attach a per capita payment shall follow the timelines identified in this law.
- 150 (a) Per capita payments may only be attached for the following purposes, and in the  
151 following order:
- 152 (1) Child support arrears ordered by a court of competent jurisdiction. After child  
153 support arrears are fully satisfied, the Trust Enrollment Department shall apply  
154 any remaining per capita payments for the payment of debt owed to an Oneida  
155 entity.
- 156 (A) If a Tribal member owes arrears in more than one (1) child support  
157 order, the Oneida Nation Child Support Agency shall equally divide the  
158 per capita payment based on the number of court orders under which  
159 arrears are owed.
- 160 (2) Debt owed to an Oneida entity that is past due. After child support arrears and  
161 debt owed to an Oneida entity have been fully satisfied, the Trust Enrollment  
162 Department shall apply any remaining per capita payment for the payment of a  
163 federal tax levy.
- 164 (A) “Debt owed to an Oneida entity” includes any money owed to an  
165 Oneida entity and any fines that have been issued by an Oneida entity.  
166 (B) If a Tribal member owes debt to more than one (1) Oneida entity, the  
167 Trust Enrollment Department shall equally divide the per capita payment  
168 based on the number of Oneida entities that are owed debt.
- 169 (3) A federal tax levy.
- 170 (b) If the amount of the per capita payment exceeds the amount of the attachment, the

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171 Trust Enrollment Department shall distribute the remaining balance to the Tribal  
172 member, provided the Tribal member has met the distribution requirements contained in  
173 this law. If there is a remaining unclaimed balance, the Tribal member may request it to  
174 be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall deposit  
175 any remaining refused balance in accordance with 123.5-5.

176 (c) *Child Support Attachments.* Claimants or their designated representative shall submit  
177 all requests for attachments for child support arrears to the Oneida Nation Child Support  
178 Agency.

179 (1) After receiving an initial attachment request for child support arrears, the  
180 Oneida Nation Child Support Agency shall send a one-time notice and a voluntary  
181 federal income tax withholding request form to those Tribal members whose per  
182 capita payment will be attached for child support arrears.

183 (2) The Oneida Nation Child Support Agency shall prepare a certified accounting  
184 of all attachment requests and forward the accounting to the Judiciary.

185 (3) The Trust Enrollment Department may not process an attachment of a Tribal  
186 member's per capita payment to collect child support arrears without first having  
187 received an order of determination issued by the Judiciary.

188 (4) After the child support arrears have been satisfied, if an attachment request is  
189 submitted for the same Tribal member's per capita payment based on new child  
190 support arrears, the Oneida Nation Child Support Agency shall issue another one-  
191 time notice and federal income tax withholding form in accordance with 123.4-  
192 9(c)(1).

193 (d) *Oneida Entity Debt Attachments.* Oneida entities are not required to receive an  
194 attachment order from the Judiciary prior to initiating a per capita payment attachment  
195 unless an attachment hearing is requested under section 123.4-9(d)(5).

196 (1) *Notice of Indebtedness.* Prior to initiating an attachment, the Oneida entity  
197 owed the debt shall provide written notice of indebtedness to the debtor by first  
198 (1<sup>st</sup>) class mail at the debtor's last known address.

199 (A) *Frequency of Notice.* Oneida entities shall send debtors notice of  
200 indebtedness for each month a debt is owed with each notice being sent a  
201 minimum of thirty (30) calendar days apart. Oneida entities shall send  
202 two (2) consecutive monthly notices prior to the debt becoming eligible  
203 for attachment.

204 (B) *Notice Content.* Oneida entities shall include the following in their  
205 notices of indebtedness:

206 (i) How many notices of indebtedness have been provided prior to  
207 the subject notice and the dates of all prior notices;

208 (ii) The amount of the debtor's indebtedness;

209 (iii) Information for making payment on the debt; and

210 (iv) An explanation that if the debt is not paid in full within thirty  
211 (30) calendar days from the date of the second consecutive  
212 monthly notice, the entity may initiate an automatic attachment of  
213 the Tribal member's per capita payment.

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214 (2) *Initiating an Attachment.* After thirty (30) calendar days have lapsed since the  
215 Oneida entity sent the second consecutive monthly notice of indebtedness, the  
216 Oneida entity may initiate an attachment by providing the debtor with a final  
217 notice of indebtedness with intent to attach. The Oneida entity shall send the final  
218 notice to the debtor by certified mail. Additionally, the Oneida entity shall post  
219 notice of intent to attach in the Nation’s newspaper, where such notice includes  
220 only the debtor’s name, the Oneida entity owed a debt and the Oneida entity’s  
221 contact information for payment. The Oneida entity shall submit its request to  
222 post to the newspaper at the same time as the final notice with intent to attach is  
223 mailed in order to ensure that notice is posted in the newspaper a minimum of ten  
224 (10) business days before the close of the debtor’s thirty (30) calendar day time  
225 period to resolve the debt or request an attachment hearing.

226 (A) The Oneida entity shall include the following in the final notice of  
227 indebtedness with intent to attach:

228 (i) The dates of all prior notices of indebtedness provided to the  
229 debtor;

230 (ii) The amount of the debtor’s indebtedness;

231 (iii) Information for making payment on the debt;

232 (iv) An explanation that this is the final notice and the Oneida  
233 entity has by this final notice initiated an attachment against the  
234 debtor;

235 (v) An explanation that if the debt is not paid in full within thirty  
236 (30) calendar days from the date of the final notice of indebtedness  
237 with intent to attach that the Trust Enrollment Department will  
238 automatically attach the debtor’s available per capita payment in  
239 order to satisfy the debt;

240 (vi) An explanation that the debtor may request an attachment  
241 hearing with the Judiciary to contest the validity of the debt by  
242 submitting a petition to the Judiciary within thirty (30) calendar  
243 days from the date of the of the final notice of indebtedness with  
244 intent to attach and that the debtor is responsible for any filing fees  
245 required by the Judiciary; and

246 (vii) A membership distribution form which the debtor shall  
247 submit to the Trust Enrollment Department no later than  
248 September 1<sup>st</sup> in order for voluntary federal income taxes to be  
249 withheld.

250 (B) *Attachment Deadlines.* In order for the Trust Enrollment Department  
251 to process an attachment for a current per capita payment distribution,  
252 Oneida Entities shall:

253 (i) Send the Trust Enrollment Department a one-time final  
254 accounting of all debts subject to attachment no later than July 31<sup>st</sup>,  
255 provided that, in order for a debt to be included in the final  
256 accounting, the Oneida entity’s shall have sent the debtor a final

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257 notice of indebtedness with intent to attach in which the debtor's  
258 thirty (30) day period to resolve the debt or request an attachment  
259 hearing with the Judiciary expires on or before July 31<sup>st</sup>; and  
260 (ii) Receive, review and respond to the withholding report, in  
261 accordance with the deadline provided by the Trust Enrollment  
262 Department.

263 (3) *Calculating the Attachment Amount.* The Trust Enrollment Department shall  
264 determine the amount of per capita payment attachment based on the order  
265 provided in section 123.4-9(a).

266 (4) *Payment of Debt Prior to Attachment.* A debtor may make payments towards  
267 a debt subject to attachment at any time.

268 (A) Oneida entities shall keep record of all debtors payments and shall  
269 only include unpaid debts in their final accounting submitted to the Trust  
270 Enrollment Department.

271 (B) Once the Oneida entity has submitted the final accounting to the Trust  
272 Enrollment Department, the attachment amount may not be modified. If a  
273 debtor makes a payment towards a debt subject to attachment after the  
274 final accounting has been submitted to the Trust Enrollment Department,  
275 the Oneida entity shall reimburse the debtor for payments received in  
276 excess of the amount of the debt noticed to the debtor within thirty (30)  
277 calendar days from its receipt of the per capita payment attachment.

278 (5) *Requesting an Attachment Hearing.* A debtor may request an attachment  
279 hearing with the Judiciary to contest the validity of the debt by submitting a  
280 petition to the Judiciary within thirty (30) calendar days from the date of the final  
281 notice of indebtedness with intent to attach, provided that the debtor shall include  
282 a copy of the final notice of indebtedness with intent to attach with the petition.

283 (A) The debtor shall pay any filing fees required by the Judiciary before  
284 the Judiciary may consider the petition complete.

285 (B) When a request for an attachment hearing is timely made, the Oneida  
286 entity is still not required to obtain a judgment, but shall receive an  
287 attachment order before the Trust Enrollment Department may attach a per  
288 capita payment to collect debt owed to the Oneida entity.

289 (6) *Multiple Attachments.* If a single per capita payment is not sufficient to  
290 satisfy the debt owed to an Oneida entity, the Oneida entity shall follow the  
291 process contained in section 123.4-9(d)(1)-(5) for each per capita payment it seeks  
292 to attach.

293 (e) *Federal Tax Levy Attachments.* Claimants or their designated representatives shall  
294 submit all requests for attachments for a federal tax levy to the Judiciary. The Trust  
295 Enrollment Department may not process an attachment of a Tribal member's per capita  
296 payment to collect a federal tax levy without first having received an order of  
297 determination from the Judiciary.

298 (f) The Judiciary may order and the Trust Enrollment Department may process  
299 attachments against per capita payments of Tribal members who do not return a notarized

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300 membership payment form as required under 123.5-2(b)(1) or who refuse a payment  
301 under 123.5-2(f). If the amount of the per capita payment exceeds the amount of the  
302 attachment resulting in a remaining unclaimed balance, the Tribal member may request it  
303 to be distributed as provided in 123.5-2(e). The Trust Enrollment Department shall  
304 deposit any remaining refused balance in accordance with 123.5-5.

305 123.4-10. *Federal Income Tax Withholding.*

306 (a) *Voluntary.* The Trust Enrollment Department shall withhold federal income taxes  
307 from a distribution only when the following applies:

308 (1) Tribal members whose per capita payment is not subject to attachment in  
309 accordance with section 123.4-9 may voluntarily request to have federal income  
310 tax withheld, provided that Tribal members shall make such requests in  
311 accordance with the applicable distribution deadlines.

312 (2) If the Trust Enrollment Department receives a timely voluntary request to  
313 have federal income tax withheld from a Tribal member whose per capita  
314 payment is subject to attachment in accordance with section 123.4-9, the Trust  
315 Enrollment Department shall apply the federal income tax withholding to the  
316 applicable distribution before any attachments are applied.

317 (b) *Mandatory.* A Tribal member who meets all of the requirements of this law, but  
318 refuses to provide the Trust Enrollment Department with his or her social security  
319 number or individual tax identification number is subject to mandatory federal income  
320 tax withholding from his or her per capita payment, as required by federal law.

321 (c) *IRS Publication 15a.* The Nation shall comply with the most recent edition of IRS  
322 Publication 15a.

323

### 324 **123.5. Distributions**

325 123.5-1. *General.* This section sets forth the required processes for distribution of per capita  
326 payments.

327 123.5-2. *Deadlines.* The following deadlines apply in regards to the annual per capita  
328 payment. Where the dates fall on a Saturday, Sunday, or holiday the deadline is construed to be  
329 the close of business on the following business day. For any additional per capita payments, the  
330 Trust Enrollment Committee may establish dates and deadlines associated with those payments,  
331 as needed.

332 (a) *Eligibility.* Eligibility falls into the following categories:

333 (1) *Filing Deadlines.* An individual who is not a Tribal member shall file a new  
334 enrollment application no later than the close of business on January 31<sup>st</sup> in order  
335 to be considered eligible for the following per capita payment.

336 (A) *Enrollment Deadlines.* An individual is considered enrolled for the  
337 purposes of a per capita payment if the individual has been approved for  
338 enrollment by a vote of the Oneida Business Committee by March 31<sup>st</sup>.

339 (B) A newly enrolled Tribal member is eligible only for per capita  
340 payments authorized to be distributed following the effective date of his or  
341 her enrollment; he or she is not eligible to receive any per capita payments  
342 that were distributed prior to the effective date of his or her enrollment.

343 (2) *Dual Enrollment.* A Tribal member who is dually enrolled with another

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344 Indian tribe is not eligible for a per capita payment unless his or her  
345 relinquishment from the other tribe has been processed and written verification  
346 that the member is no longer enrolled with that tribe has been received by the  
347 Trust Enrollment Department by September 1<sup>st</sup>.

348 (b) *Distribution Documents.*

349 (1) *Adult Distribution Form and Instructions.* Unless and until the Trust  
350 Enrollment Department modifies the Adult Distribution Form and Instructions by  
351 creating rules, the Trust Enrollment Department shall comply with the following.

352 (A) Prior to July 1<sup>st</sup> of the year the Trust Enrollment Department shall mail  
353 membership distribution forms and instructions to all adult Tribal  
354 members. Adults shall complete, notarize and return a notarized  
355 membership distribution form to the Trust Enrollment Department by  
356 close of business on or before September 1<sup>st</sup> in order to be eligible for a  
357 per capita distribution.

358 (B) The Trust Enrollment Department shall make available late  
359 membership distribution forms and shall accept such forms in compliance  
360 with section 123.5-2(e).

361 (2) *Majority Age Beneficiary Distribution Form and Instructions.*

362 (A) Prior to April 1<sup>st</sup> of the year the Trust Enrollment Department shall  
363 mail trust account forms and instructions to eligible majority age  
364 beneficiaries for trust account distributions in accordance with Article III  
365 of the Per Capita Trust Agreement.

366 (B) The Trust Enrollment Department shall make available late trust  
367 account forms and shall accept such forms in accordance with Article III  
368 of the Per Capita Trust Agreement and IGRA.

369 (c) *Annual Distribution Date.* The Nation shall distribute all annual per capita payments  
370 on or before September 30<sup>th</sup>, excluding those to beneficiary trust accounts, which are  
371 governed by the Per Capita Trust Agreement.

372 (d) *Direct Deposit.* Adults and majority age beneficiaries may submit a direct deposit  
373 form at any time, provided that in order for it to be applied to an upcoming distribution,  
374 the Tribal member shall submit the direct deposit form by the applicable per capita or  
375 trust account distribution form deadline.

376 (1) Upon receipt of notice from the Oneida Accounting Department of any fees  
377 incurred by the Nation associated with reissuance of a distribution, the Trust  
378 Enrollment Department shall deduct any such fees from the reissued distribution.  
379 (Fees may include, but are not limited to, stop payment and direct deposit bank  
380 rejection fees).

381 (2) The Nation shall waive fees if a check is reissued due to an error on its behalf.  
382 A reissue made due to an error on the Nation's behalf may not count against the  
383 Tribal member as identified in 123.5-2(e)(2)(A).

384 (e) *Request for a Prior Per Capita Payment.*

385 (1) *Unclaimed Payment.* Tribal members shall submit a request for a prior adult  
386 per capita payment, for which the Tribal member was eligible, but was not

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387 claimed or fully attached, by September 1<sup>st</sup> of the next year. For example, if a  
388 payment's original distribution date is in 2000, then the deadline is September 1,  
389 2001. If a request is not received by the deadline date, the payment expires and  
390 the Trust Enrollment Department shall deposit such funds in a pooled account in  
391 accordance with 123.5-5.

392 (A) The Trust Enrollment Department shall process prior per capita  
393 payments requested by eligible adults according to the Trust Enrollment  
394 Committee's rules regarding distribution timelines.

395 (B) The Trust Enrollment Department shall process prior per capita  
396 payments requested by a majority age beneficiary in accordance with  
397 Article III of the Per Capita Trust Agreement.

398 (2) *Distribution of Outstanding Checks including rejected Direct Deposit funds.*  
399 Tribal members shall submit a request for an adult or majority age beneficiary's  
400 prior distribution, for which a Tribal member already claimed, but did not redeem,  
401 by September 1<sup>st</sup> of the next year. For example, if a distribution's original issue  
402 date is in 2000, then the deadline is September 1, 2001.

403 (A) An adult, minor beneficiary or majority age beneficiary's distribution  
404 may only be reissued once. After the distribution/rejected direct deposit  
405 funds are reissued, the Tribal member has ninety (90) days to redeem it or  
406 the distribution will expire and may not be reissued. The Trust Enrollment  
407 Department shall process expired funds in accordance with 123.5-5.

408 (B) Upon receipt of notice from the Oneida Accounting Department of any  
409 fees incurred by the Nation associated with reissuance of a distribution,  
410 the Trust Enrollment Department shall deduct any such fees from the  
411 reissued distribution. (Fees may include, but are not limited to, stop  
412 payment and direct deposit bank rejection fees).

413 (i) The Nation shall waive fees if a check is reissued due to an  
414 error on its behalf. A reissue made due to an error on the Nation's  
415 behalf may not count against the Tribal member as identified in  
416 123.5-2(e)(2)(A).

417 (f) *Refusal of Distributions.* An adult or majority age beneficiary may refuse any  
418 distribution due to him or her, including a trust account distribution, by completing a  
419 refusal form available with the Trust Enrollment Department. However, if the Judiciary  
420 has approved an attachment of an adult distribution, only the remaining portion of the  
421 distribution, if any, may be refused. Majority age beneficiary and legally incompetent  
422 adult distributions are not attachable.

423 (1) Upon submitting the refusal form to the Trust Enrollment Department, the  
424 adult or majority age beneficiary irrevocably waives his or her right to the specific  
425 distribution as indicated on the form.

426 (2) Tribal members seeking to refuse a distribution shall submit refusal forms in  
427 accordance with sections 123.5-2(b)(1)(A) and 123.5-2(b)(2)(A).

428 (3) The Trust Enrollment Department shall process refused distributions in  
429 accordance with 123.5-5.

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430 123.5-3. *Deceased Tribal Members.*

431 (a) *Deceased Tribal Member Distribution Forms.* Tribal members are eligible to receive  
432 a distribution so long as the Tribal member has complied with the distribution documents  
433 and/or distribution rule(s) requirements. This includes distributions identified to be  
434 deposited to a trust account. The estate of a deceased Tribal member may not submit a  
435 membership distribution form on behalf of the deceased to claim a distribution. The  
436 Tribal member is only eligible for the distribution if the Tribal member either personally  
437 or through an appointed representative submits the distribution form while the Tribal  
438 member is still living. Should a Tribal member become deceased after submitting the  
439 required distribution form, but before the distribution date, the Trust Enrollment  
440 Department shall continue to issue the distribution in the name of the deceased Tribal  
441 member. The Trust Enrollment Department shall not reissue any distributions in the  
442 name of any claimant or the decedent's estate.

443 (b) *Deceased Minor/Majority Age Beneficiary or Legally Incompetent Adult.*

444 (1) *When there is a Beneficiary Designation Form on Record.* A minor/majority  
445 age beneficiary's or a legally incompetent adult's trust account balance upon  
446 death is inheritable upon the date of the beneficiary's death in accordance with the  
447 most recent beneficiary designation form on record as applicable. Within thirty  
448 (30) calendar days of learning of a minor/majority age beneficiary's or legally  
449 incompetent adult's death, the Trust Enrollment Department shall provide notice  
450 of any remaining trust account balance to the designated beneficiary using the last  
451 address on file. Should a designated beneficiary claim the remaining trust  
452 account balance, the Trust Enrollment Department shall issue the distribution in  
453 the name of the first available designated beneficiary(s). If a designated  
454 beneficiary does not request distribution of the remaining balance of a trust  
455 account within one (1) year after the Trust Enrollment Department's date of  
456 notice, the Trust Enrollment Department shall liquidate and deposit the trust fund  
457 account as follows:

458 (A) For the remaining balance in minor/majority age beneficiary's trust  
459 account, to the Oneida Youth Leadership Institute.

460 (B) For the remaining balance in a legally incompetent adult's trust  
461 account, to the General Fund.

462 (2) *When there is No Beneficiary Designation Form on Record.* The Trust  
463 Enrollment Committee shall establish rules defining potentially interested parties  
464 in the event there is no signed beneficiary designation form on record. The Trust  
465 Enrollment Committee shall also include in such rules notice provisions that put  
466 those potentially interested parties on notice that the Nation has a probate process  
467 and the potential consequences of a failure to comply with the probate process.  
468 Where a distribution is issued in accordance with the issuance of a domiciliary  
469 letter naming a personal representative of the estate, the Trust Enrollment  
470 Department shall issue the distribution in the name of the estate of the  
471 minor/majority age beneficiary or the legally incompetent adult.

472 123.5-4. *Relinquishment of Tribal Membership.* Tribal members are ineligible for any current,

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473 future and/or prior per capita payment distributions as of the date his or her Tribal membership is  
474 relinquished.

475 (a) *Relinquished Adult*. The Trust Enrollment Department shall process funds set aside  
476 for a relinquished adult's distribution in accordance with 123.5-5.

477 (b) *Majority Age/Minor Beneficiary Relinquishment*. Upon a majority age/minor  
478 beneficiary's relinquishment the following provisions apply:

479 (1) The Trust Enrollment Department shall deposit any funds in a trust account  
480 for a majority age/minor beneficiary in a joint savings account in the name of the  
481 Trust Enrollment Committee and the relinquished majority age/minor beneficiary.

482 (2) A relinquished majority age/minor beneficiary is eligible to claim the joint  
483 savings account if he or she is eighteen (18) years of age by September 1<sup>st</sup> of the  
484 distribution year and submits the majority age distribution form by July 1<sup>st</sup> of the  
485 same year. In addition, a relinquished majority/minor age beneficiary shall claim  
486 any remaining funds held in the joint savings account prior to the first distribution  
487 following his or her twenty-first (21<sup>st</sup>) birthday.

488 (3) A relinquished majority age/minor beneficiary may refuse his or her joint  
489 savings account funds at the age of eighteen (18). The proof of education  
490 requirement is not required to refuse joint savings account funds, however the  
491 relinquished majority age/minor beneficiary shall satisfy the requirements of  
492 section 123.5-2(f).

493 (4) The Trust Enrollment Department shall follow the Trust Enrollment  
494 Committee's standard operating procedure for allocating any fees necessary for  
495 the establishment and maintenance of a relinquished majority age/minor  
496 beneficiary's joint savings account to the said account.

497 (5) The Trust Enrollment Department shall deposit any unclaimed joint savings  
498 account funds in a Pooled Account in accordance with section 123.5-5.

499 (c) *Legally Incompetent Adult Relinquishment*. Upon a legally incompetent adult's  
500 relinquishment the Trust Enrollment Department shall disburse any funds in a trust  
501 account for the legally incompetent adult to the guardian of the legally incompetent adult.

502 (1) If the trust account funds for a legally incompetent adult are not claimed  
503 within one (1) year after the date of relinquishment, the Trust Enrollment  
504 Department shall liquidate and deposit the trust fund account in accordance with  
505 123.5-5.

506 123.5-5. *Pooled Account*. Pooled account funds are identified by the Trust Enrollment  
507 Department, to be used for a purpose designated by General Tribal Council. Pooled account  
508 funds result from the following.

509 (a) *Expiration of Unclaimed Per Capita Payments*. Tribal Members' rights to unclaimed  
510 Per Capita Payments expire upon the occurrence of any one (1) of the following:

511 (1) A Tribal member submits a refusal form under 123.5-2(f);

512 (2) A Tribal member fails to request a prior distribution or trust account funds  
513 within the time provided under this law and/or the Per Capita Trust Agreement;

514 (3) An adult receives a distribution in accordance with 123.5-3(a) and the  
515 distribution is not redeemed within one (1) year of the date of distribution;

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- 516 (4) The estate of a deceased majority age/minor beneficiary fails to request  
517 distribution of the trust account within the time provided under 123.5-3(b); or  
518 (5) The guardian of a deceased legally incompetent adult fails to request  
519 distribution of the trust account within the time provided under 123.5-3(c).  
520

521 **123.6. Minor/Majority Age Beneficiaries and Legally Incompetent Adults**

522 123.6-1. *Minor Beneficiaries.* This section sets forth a consistent method to protect and  
523 preserve the interests of minor beneficiaries in any distribution to which a minor beneficiary may  
524 be eligible. All distributions to minor beneficiaries are governed by this law, IGRA, the Tribal  
525 Revenue Allocation Plan and the Per Capita Trust Agreement.

526 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
527 standard operating procedures for setting up, monitoring and distributing the trust  
528 accounts. The Trust Enrollment Committee may choose to maintain pooled or individual  
529 accounts, separate accounts for each distribution or series of distributions, or any other  
530 combination which is in the best interests of the beneficiaries and which is consistent  
531 with the terms of the Per Capita Trust Agreement and the Trust Enrollment Committee's  
532 investment policy.

533 (1) The Trust Enrollment Committee is responsible for the protection and  
534 preservation of per capita payment funds for beneficiaries. As part of that  
535 responsibility, the Trust Enrollment Committee shall complete and issue any  
536 necessary reports to the beneficiaries. The Trust Enrollment Committee shall  
537 develop rules, which establish valuation dates and frequency of reports and  
538 identify data critical to the completion of the reports. The Trust Enrollment  
539 Committee may delegate such reporting responsibilities to duly selected vendors.

540 (b) *Costs of Account.* The Trust Enrollment Department shall apply administrative costs  
541 related to a trust account to the said account. Administrative costs are those costs related  
542 to third party fees and expenses resulting from managing the accounts. Administrative  
543 costs do not include any costs related to the expenses of the Trust Enrollment Committee  
544 or Trust Enrollment Department.

545 (c) *No Guarantee.* It is the Trust Enrollment Committee's responsibility to invest  
546 beneficiaries' distributions in accordance with the Per Capita Trust Agreement. Because  
547 the market affects the value of trust accounts, beneficiaries are not guaranteed any  
548 specific amount of distribution made prior to becoming a majority age beneficiary.

549 (d) *Disbursement to Majority Age Beneficiaries.* Disbursement of trust account funds to  
550 majority age beneficiaries is governed by the Per Capita Trust Agreement, provided that  
551 to be eligible for a distribution, the majority age beneficiary is required to:

552 (1) Meet the age and education requirements where:

553 (A) If the majority age beneficiary has proof of education by September 1<sup>st</sup>  
554 of the distribution year as required by the Per Capita Trust Agreement, he  
555 or she is eligible for distribution at eighteen (18) years of age.

556 (B) If the majority age beneficiary does not have proof of education by  
557 September 1<sup>st</sup> of the Distribution year as required by the Per Capita Trust  
558 Agreement, he or she remains eligible to claim their trust account funds

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- 559 upon reaching twenty-one (21) years of age.  
560 (C) *Exceptions.* The following Tribal members are exempt from the  
561 requirement to provide proof of education in order to be eligible for a  
562 minor trust account distribution prior to reaching twenty-one (21) years of  
563 age:  
564 (i) Majority age beneficiaries declared to be a legally incompetent  
565 adult under 123.6-2. In such circumstances, the Trust Enrollment  
566 Department shall liquidate and deposit any funds from the minor's  
567 trust account into a legally incompetent adult trust account.  
568 (ii) Majority age beneficiaries who have documentation of learning  
569 or other disability from a professional qualified to make such a  
570 diagnosis and who are able to present a certificate of attendance  
571 showing he or she has attended twelve (12) years of school. In  
572 such circumstances, that certificate of attendance is deemed the  
573 equivalent to proof of education.  
574 (D) *Fraudulent Proof of a Diploma.* In the event the Trust Enrollment  
575 Department deems that a majority age beneficiary has submitted  
576 fraudulent proof of education, the Trust Enrollment Department shall:  
577 (i) If distribution has not been made to the Tribal member,  
578 withhold distribution of the trust account funds until the  
579 requirements of this law have been met;  
580 (ii) Impose a fine against the Tribal member of one-third (1/3) of  
581 the Tribal member's entire trust account funds;  
582 (iii) Notify the Tribal member of the following:  
583 (a) His or her proof of education has been deemed  
584 fraudulent;  
585 (b) If not already distributed to the Tribal member, the trust  
586 account funds may not be distributed until he or she  
587 submits valid proof of education or reaches twenty-one (21)  
588 years of age;  
589 (c) A fine of one-third (1/3) of the Tribal member's entire  
590 trust account funds has been imposed; and  
591 (d) How to appeal the Trust Enrollment Department's  
592 determination of the fraudulent proof of education,  
593 including any applicable time limits.  
594 (iv) If necessary to satisfy the fine, take action to have the Tribal  
595 member's future per capita payments attached in accordance with  
596 this law.  
597 (v) Deposit any funds collected to pay a fine imposed pursuant to  
598 this section in a pooled account in accordance with 123.5-5.  
599 (2) Complete and submit a majority age beneficiary distribution form and/or  
600 deferral payment agreement by July 1<sup>st</sup> of the distribution year. A majority age  
601 beneficiary may postpone distribution of all or some of his or her trust account

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602 funds by entering into a deferral payment agreement pursuant to the Per Capita  
603 Trust Agreement.

604 123.6-2. *Legally Incompetent Adults.* This section sets forth a consistent method to protect and  
605 preserve the interests of legally incompetent adults in any distribution for which they may be  
606 eligible. If a distribution includes legally incompetent adults as eligible recipients, the Trust  
607 Enrollment Department shall deposit such distributions into a trust account in accordance with  
608 the Tribal Revenue Allocation Plan and IGRA.

609 (a) *The Trust Enrollment Committee.* The Trust Enrollment Committee shall establish  
610 standard operating procedures for setting up, monitoring, and distributing trust accounts.  
611 When an adult is declared legally incompetent, the Trust Enrollment Department shall  
612 place any distribution that is claimed on his or her behalf in a trust account for health,  
613 welfare and/or education expenses. The Trust Enrollment Committee shall develop rules  
614 for determining when a guardian qualifies for distribution from an established trust  
615 account.

616 (b) *Reversal of Incompetency.* If a court of competent jurisdiction determines that an  
617 adult is no longer legally incompetent, the adult shall provide the Trust Enrollment  
618 Department with a certified copy of the order. Provided that the adult is eligible for the  
619 distribution and has followed the processes required under this law, upon receipt of an  
620 order reversing incompetency, the Trust Enrollment Department shall distribute any  
621 funds held in the trust account for the legally incompetent adult to the adult now deemed  
622 competent.

623 123.6-3. *Beneficiary Designation Forms.* The Trust Enrollment Department shall provide all  
624 minor/majority age beneficiaries and legally incompetent adults with beneficiary designation  
625 forms which name a beneficiary to inherit any remaining trust account balance in the event of the  
626 minor/majority age beneficiary's or legally incompetent adult's death. Once every year, the  
627 Trust Enrollment Department shall mail such forms out to newly enrolled Tribal members, all  
628 persons that became a majority age beneficiary in that year and Tribal members declared a  
629 legally incompetent adult in that year or had a new guardian appointed in that year. The  
630 beneficiary designation form is required to include the following:

- 631 (a) An explanation of the effect of and benefits to designating a beneficiary(s);  
632 (b) An explanation of the potential consequences to not naming a beneficiary(s); and  
633 (c) A signature field for the applicable of the parent/guardian or majority age beneficiary  
634 with an explanation of when each party is expected to sign.  
635

### 636 **123.7. Per Capita Actions**

637 123.7-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions  
638 taken pursuant to this law and/or rules.

639 123.7-2. No administrative hearing body, including a board, committee or commission, is  
640 authorized to hear a complaint regarding actions taken pursuant to this law and/or rules.

641 123.7-3. In regards to taking actions authorized under this law, complaints filed with the  
642 Oneida Judiciary shall name the Trust Enrollment Department.

643 End.

Adopted - BC-7-12-00-B

Emergency Amendments – BC-01-03-01-B

Emergency Amendments - BC-2-28-01-E

Amendments - BC-11-06-02-A (Elder Per Capita)

Emergency Amendments - BC-6-25-03-G (Child support)

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priority for attachment)	diploma; dual enrollments)
Amendments - BC-6-16-04-C (Child support priority for attachment)	Emergency Amendments extended – BC-11-09-11-E (Fraudulent diploma; dual enrollments)
Emergency Amendments - BC-9-12-07-A (one-time per capita payment)	Amendments Adopted – BC-05-09-12-B (Fraudulent diploma, dual enrollments)
Amendments – BC-04-22-09-A (High School Diploma; legally incompetent adults)	Emergency Amendments – BC-09-12-12-A (Change in distribution date) Expired 3-12-13
Emergency Amendments – BC-06-08-11-D (Fraudulent	Amendments Adopted – BC-08-14-13-D

# MEMORANDUM

DATE: January 11, 2017  
FROM: Rae Skenandore, Project Manager  
TO: Larry Barton, Chief Financial Officer  
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer  
RE: **Fiscal Impact of the Per Capita Amendments**

## I. Background

This Law is adopted by the Oneida Business Committee by resolution BC-7-12-00-B and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B and BC-08-14-13-D. A public meeting was held on December 22, 2016. The fiscal analysis was completed on Draft 17.

According to the Legislative Reference Office, the new Law contains the following:

- Reduce the frequency of per capita distributions to elders while still maintaining the elders' payments by placing elders on the same distribution schedule as adults.
- Allow per capita distributions to all Tribal members who have completed the required distribution forms, even if the Tribal member becomes deceased before the per capita distribution.
- Create the majority age (18) beneficiary category distinct from minor beneficiary.
- Include provisions that allow all persons with per capita trust accounts to name beneficiaries.
- Clarify how per capita distributions held in trust accounts are "inheritable" when the beneficiary is deceased.
- Establish bank fees for closed accounts and returned distributions.
- Transfer the Trust and Enrollment Committee hearing authority to the Oneida Judiciary.
- Revise the attachment process to allow entitles to collect debt owed to the Nation without requiring a judgment from a court.

## **II. Executive Summary of Findings**

A “Fiscal Impact Statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the law after implementation. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

According to the Director for the Trust and Enrollment Committee, there are no projected increases in expenses due to the implementation of these amendments. In fact, it is anticipated that there may be some incalculable administrative savings due to the decrease disbursements. Amendments will take effect during the Fiscal Year 2017 payouts.

## **III. Financial Impact**

No impact.

## **IV. Recommendation**

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



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



## Memorandum

TO: Oneida Entities  
 FROM: Brandon Stevens, LOC Chairperson  
 DATE: February 22, 2017  
 RE: Per Capita Law Oneida Entity Debt Attachments

Today the Oneida Business Committee adopted amendments to the Per Capita law which include a change to the process for collecting outstanding debt owed to the Nation. The new process no longer requires an order from a court of competent jurisdiction. Oneida entities can now collect debt by processing an attachment by noticing the Oneida member directly. These amendments become effective on March 8, 2017. The requirements for attaching a Tribal Member's per capita payment for satisfaction of a debt owed to the Nation are provided in section 123.4-6 of the Per Capita law, which is excerpted below for your reference:

123.4-6 (d) *Oneida Entity Debt Attachments.* Oneida entities are not required to receive an attachment order from the Judiciary prior to initiating a per capita payment attachment unless an attachment hearing is requested under section 123.4-9(d)(5).

(1) *Notice of Indebtedness.* Prior to initiating an attachment, the Oneida entity owed the debt shall provide written notice of indebtedness to the debtor by first (1<sup>st</sup>) class mail at the debtor's last known address.

(A) *Frequency of Notice.* Oneida entities shall send debtors notice of indebtedness for each month a debt is owed with each notice being sent a minimum of thirty (30) calendar days apart. Oneida entities shall send two (2) consecutive monthly notices prior to the debt becoming eligible for attachment.

(B) *Notice Content.* Oneida entities shall include the following in their notices of indebtedness:

- (i) How many notices of indebtedness have been provided prior to the subject notice and the dates of all prior notices;
- (ii) The amount of the debtor's indebtedness;
- (iii) Information for making payment on the debt; and
- (iv) An explanation that if the debt is not paid in full within thirty (30) calendar days from the date of the second consecutive monthly notice, the entity may initiate an automatic attachment of the Tribal member's per capita payment.

(2) *Initiating an Attachment.* After thirty (30) calendar days have lapsed since the Oneida entity sent the second consecutive monthly notice of indebtedness, the Oneida entity may initiate an attachment by providing the debtor with a final notice of indebtedness with intent to attach. The Oneida entity shall send the final notice to the debtor by certified mail. Additionally, the Oneida entity shall post notice of intent to attach in the Nation's newspaper, where such notice includes only the debtor's name, the Oneida entity owed a debt and the Oneida entity's contact information for payment. The Oneida entity shall submit its request to

post to the newspaper at the same time as the final notice with intent to attach is mailed in order to ensure that notice is posted in the newspaper a minimum of ten (10) business days before the close of the debtor's thirty (30) calendar day time period to resolve the debt or request an attachment hearing.

(A) The Oneida entity shall include the following in the final notice of indebtedness with intent to attach:

- (i) The dates of all prior notices of indebtedness provided to the debtor;
- (ii) The amount of the debtor's indebtedness;
- (iii) Information for making payment on the debt;
- (iv) An explanation that this is the final notice and the Oneida entity has by this final notice initiated an attachment against the debtor;
- (v) An explanation that if the debt is not paid in full within thirty (30) calendar days from the date of the final notice of indebtedness with intent to attach that the Trust Enrollment Department will automatically attach the debtor's available per capita payment in order to satisfy the debt;
- (vi) An explanation that the debtor may request an attachment hearing with the Judiciary to contest the validity of the debt by submitting a petition to the Judiciary within thirty (30) calendar days from the date of the of the final notice of indebtedness with intent to attach and that the debtor is responsible for any filing fees required by the Judiciary; and
- (vii) A membership distribution form which the debtor shall submit to the Trust Enrollment Department no later than September 1<sup>st</sup> in order for voluntary federal income taxes to be withheld.

(B) *Attachment Deadlines.* In order for the Trust Enrollment Department to process an attachment for a current per capita payment distribution, Oneida Entities shall:

- (i) Send the Trust Enrollment Department a one-time final accounting of all debts subject to attachment no later than July 31<sup>st</sup>, provided that, in order for a debt to be included in the final accounting, the Oneida entity's shall have sent the debtor a final notice of indebtedness with intent to attach in which the debtor's thirty (30) day period to resolve the debt or request an attachment hearing with the Judiciary expires on or before July 31<sup>st</sup>; and
- (ii) Receive, review and respond to the withholding report, in accordance with the deadline provided by the Trust Enrollment Department.

For any assistance with the implementation of this new process, please contact your Oneida Law Office representative.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   2   /  22  /  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:

Repeal Resolution BC-12-23-09-A.

**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: Krystal John, Staff Attorney, Oneida Law Office  
Your Name, Title / Dept. or Tribal Member

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

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

Jo Anne House, PhD | Chief Counsel  
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey  
Kelly M. McAndrews  
Michelle L. Gordon  
Krystal L. John  
Robert J. Collins, II

Law Office



## MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** Krystal L. John, Staff Attorney

**DATE:** February 22, 2017

**SUBJECT:** Income-based Rental Rule and the Repeal of Resolution BC-12-23-09-A, *Oneida Housing Authority Admissions and Occupancy Policy*

---

At the Oneida Business Committee (OBC) work meeting held on February 14, 2017 direction was given to the Oneida Housing Authority (OHA) regarding policy directions for the income-based rental program rules. The three (3) policy issues discussed at that meeting include the following:

1. Currently OHA does not require one of the heads of household to be a Tribal member; having a Tribal member listed in the household composition is enough. OHA would like to amend its eligibility requirements to include a requirement that there be a Tribal member head of household to sign the rental agreement with a one (1) year period given to existing affected tenants to remain in the units;
2. Currently tenants are only required to meet the income requirements at the time of application and selection and are not transferred out of the program if at the time of their annual renewal their income exceeds the maximum income requirement. OHA's would like to amend the current to add a requirement that transitions over-income tenants out of the program to refocus the OHA inventory on low-income needs; and
3. Currently OHA is prohibited from consider any debts owed to entities other than OHA and may not consider eviction from landlords other than OHA. OHA is requesting the OBC to repeal resolution BC-12-23-09-A to allow OHA to consider all housing related debts, including debts owed to prior landlords and utilities and to consider prior evictions from all of the Nation's rental programs.

In regards to the first and second policy considerations, it was decided at the work meeting that OHA will remove these policy changes from the current draft in order to implement the rule within the given timeline. Further, is was agreed that when the income-based rental rule is brought forward to the Legislative Operating Committee (LOC) and the OBC that it will be communicated that OHA and the OBC are still considering such policy revisions but would like to afford additional time for tenant and waitlist outreach and feedback.

In regards to the third policy consideration related to repealing resolution BC-12-23-09-A, it was decided that OBC was not comfortable with a full repeal of the resolution but would rather prefer

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the policy be amended. The discussion indicated that the OBC was in agreement with allowing OHA to consider debts owed to the Nation as a landlord and evictions from the Nation's rental programs, but did not agree to OHA considering evictions and debts from private landlords. The discussion further indicated that the OBC was in support of considering debts owed to utility providers, but did not agree that applicants should have to be completely current with all utility bills in order to be eligible. Rather, OHA may only deny eligibility if the applicant owes any utility provider \$200 or more as a past due debt.

Upon further consideration of an amendment to resolution BC-12-23-09-A, it is my opinion that amending the resolution would amount to amending the Landlord-Tenant law by resolution only, which amounts to a violation of the Legislative Procedures Act. The proposed solution that will get to the same end result without a violation of the Legislative Procedures Act is to fully repeal resolution BC-12-23-09-A and direct the LOC to amend the Landlord-Tenant law to include the minimum restrictions on the eligibility rules that would have otherwise been implemented through the amended resolution.

Included with this memo are the following:

1. The resolution and statement of effect required to repeal resolution BC-12-23-09-A and direct the LOC to amend the Landlord-Tenant law;
2. Resolution BC-12-23-09-A; and
3. A clean current draft Landlord-Tenant Rule #2 governing the income-based rental program.
4. A redline draft of Landlord-Tenant Rule #2 governing the income-based rental program which compares the current draft to the draft that went to public meeting.

Should the OBC adopt the resolution entitled *Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy*, the next step is for OHA to submit the rule to the LOC for certification.

### **Requested Action**

Adopt the resolution entitled *Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy*, which directs the LOC to amend the Landlord-Tenant law.

**BC Resolution \_\_\_\_\_**

*Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy*

**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,** prior to adoption of the Landlord-Tenant law and the Eviction and Termination law, Oneida Housing Authority (OHA) rentals and evictions were solely governed by OHA's Admission and Occupancy Policy; and

**WHEREAS,** resolution BC-12-23-09-A entitled *Oneida Housing Authority Admissions and Occupancy Policy* was adopted December 23, 2009 and placed a minimum requirement on OHA's Admission and Occupancy Policy wherein social eligibility criteria was minimized; and

**WHEREAS,** resolution BC-12-23-09-A prohibited OHA from using a failure to pay previous debt owed to a party other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program; and

**WHEREAS,** resolution BC-12-23-09-A prohibited OHA from using a previous debt related eviction (i.e. failure to pay rent) from a housing entity other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program; and

**WHEREAS,** when assessing the eligibility criteria for the OHA's income based rental program, OHA determined that resolution BC-12-23-09-A set both the landlord and the tenant up for failure by prohibiting consideration of unpaid utilities and debts owed to other housing programs within the Nation such as the Division of Land Management and Elder Services' rentals; and

**WHEREAS,** OHA has drafted the Landlord-Tenant law's Rule #2, Income Based Rental Program Eligibility, Selection and Other Requirements, which conflicts with resolution BC-12-23-09-A in articles 2.4-4 and 2.4-5 which read as follows; and

2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have a balance greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior debt owed to the Comprehensive Housing Division.

Resolution \_\_\_\_\_  
Page 2

35                   2.4-5.       *Prior Comprehensive Housing Division Eviction.* Applicants that have had a  
36                   rental agreement with the Comprehensive Housing Division subject to an eviction and  
37                   termination within two (2) years from the date of the application are not eligible to participate  
38                   in the income-based rental program; and

39   **WHEREAS,** article 2.4-4 of the Landlord-Tenant law Rule #2 conflicts with the resolution BC-  
40                   12-23-09-A to the extent that it allows OHA to find an applicant ineligible based  
41                   on debts owed to utility providers and the Nation in its landlord capacity; and

42   **WHEREAS,** article 2.4-5 of the Landlord-Tenant law Rule #2 conflicts with the resolution BC-  
43                   12-23-09-A to the extent that it allows OHA to find an applicant ineligible based  
44                   on an eviction from the Comprehensive Housing Division, which as defined by  
45                   the Oneida Business Committee, consists of OHA, the Division of Land  
46                   Management or Elder Services' rentals whereas the resolution only allows  
47                   consideration of OHA evictions; and

48   **NOW THEREFORE BE IT RESOLVED,** that resolution BC-12-23-09-A entitled *Oneida*  
49                   *Housing Authority Admissions and Occupancy Policy* is hereby repealed.

50   **NOW THEREFORE BE IT FURTHER RESOLVED,** that the Legislative Operating  
51                   Committee is hereby directed to amend the Landlord-Tenant law to include the following  
52                   restrictions on the rules governing the income-based rental program:

- 53                   1. The rules may not contain eligibility requirements that consider debt owed or evictions  
54                   from entities other than the Comprehensive Housing Division; and  
55                   2. The rules may contain eligibility requirements that consider debt owed to utility  
56                   providers, but may not deny eligibility for any debt owed to a utility provider with a  
57                   balance of less than two hundred dollars (\$200).

58

59



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



## Statement of Effect

*Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy*

### *Summary*

This Resolution repeals resolution BC-12-23-09-A, entitled *Oneida Housing Authority Admissions and Occupancy Policy* as it conflicts with the Landlord-Tenant law Rule #2, *Income Based Rental Program Eligibility, Selection and Other Requirements*. Resolution BC-12-23-09-A prohibited the Oneida Housing Authority (OHA) from using a failure to pay previous debt owed to a party other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program. Similarly, resolution BC-12-23-09-A prohibited OHA from using a previous debt related eviction (i.e. failure to pay rent) from a housing entity other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program.

*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 Landlord-Tenant (Law) pursuant to BC Resolution 10-12-16-C. The resolution identified an effective date of 120 calendar days or February 9, 2017. OHA's assessment of its eligibility criteria when developing the rules required by the Landlord-Tenant law to govern the income-based rental program led OHA to a request of the Oneida Business Committee to repeal BC-12-23-09-A, entitled *Oneida Housing Authority Admissions and Occupancy Policy*. By repealing resolution BC-12-23-09-A, OHA proposes to consider all housing debts owed to and evictions from the Comprehensive Housing Division, which includes OHA, Elder Services rentals and Division of Land Management rentals.

The Landlord-Tenant law is silent as to debt/eviction considerations as related to eligibility in section 710.4-2, but section 710.4-2(f) does allow rental programs to set additional eligibility requirements by rule. The portions of the Landlord-Tenant law Rule #2 that conflict with resolution BC-12-23-09-A are articles 2.4-4 and 2.4-5, excerpted below:

2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have a balance greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior debt owed to the Comprehensive Housing Division.

2.4-5. *Prior Comprehensive Housing Division Eviction.* Applicants that have had a rental agreement with the Comprehensive Housing Division subject to an eviction and termination within two (2) years from the date of the application are not eligible to participate in the income-based rental program.

This resolution repeals the resolution. In order to ensure that future amendments to the income-based rental rule do not consider evictions/debts from landlords other than the Nation and to ensure that eligibility is not denied for debts owed to the utility providers with balances of less than two hundred dollars (\$200), the resolution includes a

directive to the Legislative Operating Committee to amend the Landlord-Tenant law. The amendments to the Landlord-Tenant law are to include the following restrictions on the rules governing the income-based rental program:

1. The rules may not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; and
2. The rules may contain eligibility requirements that consider debt owed to utility providers, but may not deny eligibility for any debt owed to a utility provider with a balance of less than two hundred dollars (\$200).

***Conclusion***

Adoption of this Resolution would not conflict with any of the Nation's laws, provided that adoption of this Resolution will require a 2/3 vote of the Oneida Business Committee.



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 23<sup>rd</sup> 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."



8

# Title 6. Property and Land – Chapter 611

## LANDLORD-TENANT

### Rule # 2 – Income Based Rental Program Eligibility, Selection and Other Requirements

- 2.1. Purpose and Delegation
- 2.2. Adoption, Amendment and Repeal
- 2.3. Definitions
- 2.4. Eligibility Requirements
- 2.5. Application Process and Wait List
- 2.6. Tenant Selection
- 2.7. Rental Unit Catalog, Setting Rents and Security Deposits
- 2.8. Annual Inspection and Rental Agreement Renewal
- 2.9. Rental Agreement Cancellation

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#### 2.1. Purpose and Delegation

2.1-1. *Purpose.* The purpose of this rule is to provide additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division’s income-based rental programs. The mission of the income-based housing program is to develop, maintain, and operate affordable housing in safe, sanitary and healthy environments within the reservation.

2.1-2. *Authority.* The Landlord-Tenant law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law. However that delegation excluded 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.

#### 2.2. Adoption, Amendment and Repeal

2.2-1. This rule was adopted by the Comprehensive Housing Division in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the approval of the Comprehensive Housing Division pursuant to the procedures set out in the Administrative Rulemaking law.

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

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure or other regulation, the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

#### 2.3. Definitions

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

- 44 (a) “Comprehensive Housing Division” means the entity responsible for housing matters  
45 specifically related to rental agreements as defined by Oneida Business Committee  
46 Resolution.<sup>1</sup>
- 47 (b) “Household” means all persons residing within the income-based rental unit.
- 48 (c) “HUD” means the United States Department of Housing and Urban Development.
- 49 (b) “Landlord” means the Nation in its capacity to rent real property subject to a rental  
50 agreement.
- 51 (c) “Nation” means the Oneida Nation.
- 52 (d) “Premises” means the property covered by a rental agreement, including not only the  
53 real property and fixtures, but also any personal property furnished by the landlord  
54 pursuant to a rental agreement.
- 55 (e) “Rental Agreement” means a written contract between a landlord and a tenant,  
56 whereby the tenant is granted the right to use or occupy the premises for a residential  
57 purpose for one (1) year or less.
- 58 (f) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
59 rental agreement.
- 60 (g) “Tribal member” means an enrolled member of the Nation.
- 61 (h) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
62 rent will be paid and other responsibilities of the rental agreement performed.
- 63

## 64 **2.4. Eligibility Requirements**

65 2.4-1. *Tribal Member Status.* At least one (1) of the heads of household required to sign the  
66 rental agreement is required to be a Tribal member. Households that do not meet this  
67 requirement which are current tenants shall be grandfathered into continual eligibility for one (1)  
68 full rental agreement term following adoption of these rules based on the Tribal member  
69 requirement so long as one (1) household member is a Tribal member. Comprehensive Housing  
70 Division staff shall verify enrollment status by either requiring a copy of the Tribal Identification  
71 Card or requesting verification from the Trust Enrollment Department.

72 2.4-2. *Maximum Income.* Pursuant to the Native American Housing Assistance and Self  
73 Determination Act (NAHASDA), in order to be eligible for an income-based rental agreement,  
74 the household must qualify as low income at the time of initial occupancy. In order to qualify as  
75 low-income, applicants’ household income may not exceed eighty percent (80%) of the regional  
76 gross annual income based on the data from Outagamie County.<sup>2</sup> For the purposes of this  
77 section, gross annual income is all income from any and all sources of income from all adult  
78 members of the household anticipated to be received in an upcoming twelve (12) month period  
79 unless specifically excluded from income in this section. Applicants shall provide  
80 Comprehensive Housing Division staff written verification of income.

- 81 (a) For purposes of calculating income to determine eligibility, the Comprehensive  
82 Housing Division staff shall include per capita payments to the extent that receipt of per  
83 capita payment may be verified for the prior year based on the tax return.

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

<sup>2</sup> Pursuant to resolution BC-01-25-12-A, Outagamie County is designated as the data source for collecting regional gross income for determining low-income housing eligibility because the income in that area is generally higher than Brown County’s and results in more persons being eligible based on the income requirements.

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84 (b) For the purpose of calculating income to determine eligibility, the Comprehensive  
85 Housing Division staff shall include in annual income net income from household assets  
86 where net household assets are defined in accordance with 24 CFR 5.603.<sup>3</sup>

87 (b) For purposes of calculating income to determine eligibility, the Comprehensive  
88 Housing Division staff may not include the following:

89 (1) Income from employment of any household minors;

90 (2) Payments received for the care of foster children and/or handicapped/mentally  
91 incompetent adults;

92 (3) Lump-sum additions to household assets including, but not limited to,  
93 inheritances, insurance payments, capital gains, and settlements for personal  
94 and/or property losses, excluding payments in lieu of earnings, such as  
95 unemployment, disability compensation, worker's compensation, and severance  
96 pay, which are included in income;

97 (4) Amounts received by the household that is specifically for, or in  
98 reimbursement of, the cost of medical expenses for any member of the household;

99 (5) Income of a live-in medical aide;

100 (6) Any amounts received as student financial assistance;

101 (7) Income of any adult household members that are students, other than the head  
102 of household, in excess of \$480 annually; the first \$480 of annual income  
103 received by an adult student household member shall be included as income;

104 (8) Payments made to any member of the household serving in the armed forces  
105 for exposure to hostile fire;

106 (9) Amounts received under training programs funded by HUD;

107 (10) Amounts received by persons with disabilities, which amounts are  
108 disregarded for a limited time for purposes of Supplemental Security Income  
109 eligibility and benefits because such amounts are set aside for use under a Plan for  
110 Achieving Self-Support;

111 (11) Temporary, nonrecurring and/or sporadic income (including gifts);

112 (12) Adoption assistance payments that exceed \$480 annually; the first \$480 of  
113 annual adoption assistance payments shall be included as income;

114 (13) Deferred periodic amounts from supplemental security income and social  
115 security benefits that are received in a lump sum amount or in prospective  
116 monthly amounts.

117 (14) Amounts paid by a state agency to a member of the household with a  
118 developmental disability to offset the cost of services and/or equipment needed to  
119 keep the developmentally disabled member living in the household; and

120 (15) Amounts specifically excluded from income by any applicable federal statute  
121 and/or regulation, specifically those identified in the Federal Register.<sup>4</sup>

122 2.4-3. *Minimum Income.* Applicants shall meet a minimum household income of \$7,800 per  
123 year.

124 2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have a balance greater  
125 than two hundred dollars (\$200) owed to any utility provider and may not have any prior debt  
126 owed to the Comprehensive Housing Division.

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<sup>3</sup> See HUD Occupancy Handbook, Exhibit 5-2: Assets.

<sup>4</sup> The most recent notice of federally required exclusions was published on December 14, 2012 and can be found in the Federal Register at 77 FR 74495.

127 2.4-5. *Prior Comprehensive Housing Division Eviction.* Applicants that have had a rental  
128 agreement with the Comprehensive Housing Division subject to an eviction and termination  
129 within two (2) years from the date of the application are not eligible to participate in the income-  
130 based rental program.

131 2.4-6. *Criminal Convictions.* Applicants with any of the following types of convictions are not  
132 eligible for participation in the income-based rental program, provided that the Pardon and  
133 Forgiveness law may provide an exception to the conditions contained in this section:

- 134 (a) A drug conviction within three (3) years from the date of application;  
135 (b) A felony conviction within five (5) years from the date of application; and/or  
136 (c) A criminal conviction based upon an act of violence within two (2) years from the  
137 date of the application.  
138

## 139 **2.5. Application Process and Wait List**

140 2.5-1. *Applying.* Persons wishing to participate in the income-based housing program shall  
141 complete the Comprehensive Housing Division rental agreement application and any other  
142 accompanying forms required based on the income-based program eligibility requirements. The  
143 Comprehensive Housing Division staff may not consider any applications for selection and/or  
144 placement on the wait list until the application and all accompanying forms are complete. Upon  
145 receipt of a completed application, including all supplementary forms, Comprehensive Housing  
146 Division staff shall date and time stamp the application. If, regardless of a complete application  
147 submittal, additional information is required to determine eligibility, the Comprehensive Housing  
148 Division staff shall request such information and maintain the application submittal date  
149 provided that the applicant responds to the information requests in a reasonably timely fashion.

150 (a) *Household Composition Form.* The Comprehensive Housing Division staff shall  
151 require applicants to the income-based housing program to complete a Household  
152 Composition Form which provides the full name, age and date of birth of each person  
153 contemplated to reside in the income-based rental unit. In order to verify such  
154 information, the Comprehensive Housing Division staff shall require that applicants  
155 submit the following with the Household Composition Form:

- 156 (1) Copies of social security cards for each person contemplated to reside in the  
157 income-based rental unit, provided that for newly born babies that have not yet  
158 been issued a social security card a birth certificate is sufficient;  
159 (2) A copy of a picture identification card for each adult contemplated to reside in  
160 the income-based rental unit;  
161 (3) If any adults in the home are enrolled in post-secondary education,  
162 verification of enrollment in the form of a financial aid award letter or other  
163 documentation directly from the school; and  
164 (4) If an adult in the household is the custodial parent/guardian of a minor, a copy  
165 of the court documents which awarded such placement.

166 (b) *Background Checks.* In order to ensure compliance with the eligibility requirements  
167 of the Landlord-Tenant law and these rules, Comprehensive Housing Division staff shall  
168 perform a background check on each adult in the household. Household adults are also  
169 subject to annual background checks upon annual rental agreement renewal pursuant to  
170 2.8-5 and as may be determined to be necessary to maintain the safety of the community  
171 by the Comprehensive Housing Division staff.

172 2.5-2. *Notification of Eligibility, Placement on the Wait List.* When Comprehensive Housing

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173 Division staff completes its review of an application and determines the applicant(s) eligible for  
174 the income-based rental program, the staff shall:

175 (a) Place the applicant(s) into one (1) of the following categories of renters based on the  
176 household size and needs as provided below:

177 (1) Single Adult/Adult Couple – A maximum of two (2) adults in the household,  
178 no children.

179 (2) Small Household – A maximum four (4) household members in the  
180 household.

181 (3) Large Household – A household of five (5) or more household members.

182 (4) Elder – A household with a maximum of two (2) adults and no children  
183 wherein at least one (1) adult is sixty-two (62) years old or older at the time of  
184 application.

185 (5) Minimum Handicap Accessibility Required – For each of the category types  
186 provided in subsections (1)-(4) above, there shall be an additional category for  
187 each requiring minimum handicap accessibility. This category shall be reserved  
188 for households with at least one (1) household member requiring permanent and  
189 minimal handicap accessibility (i.e. permanent use of a walker); this category  
190 includes all handicap needs that do not amount to full wheelchair accessibility.

191 (6) Maximum Handicap Accessibility Required – For each of the category types  
192 provided in subsections (1)-(4) above, there shall be an additional category for  
193 each in which as least one (1) household member requires full wheelchair  
194 handicap accessibility.

195 (b) Determine whether there is a wait list for the type of rental unit required based on the  
196 applicant's category of renter.

197 (1) If there is a wait list established, place the applicant on the wait list based on  
198 the date and time stamp of the application. At such time, Comprehensive  
199 Housing Division staff shall provide the applicant with notice of their placement  
200 on the wait list and the requirement to update their application should anything  
201 change prior to their designated use of rental unit becoming available. An  
202 applicant may request to be removed from the wait list at any time.

203 (2) If there is not a wait list established and there are available rental units  
204 available for the applicant's renter category, move to the tenant selection process  
205 provided in sections 2.6-3 and 2.6-4.

206 2.5-3. *Notification of Ineligibility.* If review of a complete submitted application and/or annual  
207 renewal reveals that an applicant is ineligible to participate in the income-based rental program  
208 based on the Landlord-Tenant law and/or rules, the Comprehensive Housing Division staff shall  
209 notify the applicant of the cause of the ineligibility and how the applicant may become eligible in  
210 the future. At such time, Comprehensive Housing Division staff shall also inform the applicant  
211 of other housing opportunities offered by the Nation for which the applicant may be eligible, if  
212 applicable.

213 2.5-4. *Required Application Updates.* Applicants on the wait list are required to update the  
214 application, at a minimum, annually, but also whenever information submitted on the application  
215 has changed. Applicants that fail to complete the application update within the allotted  
216 timeframe will be removed from the wait list and required to re-apply for future consideration  
217 absent proof of extenuating circumstances, for which Comprehensive Housing Division staff  
218 may provide a grace period of a maximum of ten (10) calendar days. For any updated

219 application that reveals an applicant has become ineligible, Comprehensive Housing Division  
220 staff shall remove the applicant from the wait list and provide the applicant notice of the cause  
221 for ineligibility.

222

## 223 **2.6. Tenant Selection**

224 2.6-1. *Household Size and Available Units.* When a rental premise becomes available, the  
225 Comprehensive Housing Division staff shall preliminarily select a tenant based on the first  
226 applicant on the wait list for the said unit type based on the corresponding renter and unit  
227 categorization. In the event that a handicap accessible unit becomes available and there are no  
228 applicants on the wait list for the said type of handicap accessible unit, an applicant from the  
229 same renter category that does not require handicap accessibility may be selected for the said  
230 unit.

231 2.6-2. *Notice of Tenant Selection.* When an applicant is selected for a rental unit in accordance  
232 with this section, the Comprehensive Housing Division staff shall provide the applicant with  
233 notice of tenant selection. The notice, at a minimum, shall include the address of the rental  
234 premise, the required security deposit and monthly rent, and a requirement that the applicant  
235 respond within fifteen (15) calendar days to accept/reject the rental premise noting that the  
236 security deposit is due at the time of acceptance. Applicants that pay a security deposit and fail  
237 to complete the selection process to actually take occupancy forfeit the security deposit to the  
238 Comprehensive Housing Division as consideration for holding the unit. Comprehensive Housing  
239 Division shall return the security deposit to the applicant only in circumstances where the  
240 applicant is prevented from entering the rental agreement based on a loss of eligibility due to  
241 circumstances outside of the applicant's control (i.e. death of a Tribal member that made the  
242 household eligible for the income-based rental program).

243 (a) *Failure to Respond or Rejecting a Rental Premise.* If a rental premise is rejected for  
244 any reason or the applicant fails to respond to the notice, Comprehensive Housing  
245 Division staff shall remove the applicant from the wait list; in such circumstances the  
246 applicant may re-apply for the income-based rental program following a ninety (90)  
247 calendar day period of ineligibility.

248 (b) *Accepting a Rental Premise.* In order for an applicant's acceptance of a rental  
249 premise to be complete, the applicant shall submit along with the acceptance a payment  
250 for the full security deposit. Prior to accepting a security deposit payment,  
251 Comprehensive Housing Department staff shall verify that the applicant remains eligible  
252 for the income-based rental program and the rental unit type based on the household's  
253 categorization.

254 (1) *Standard Timeframe for Completing the Rental Agreement and Taking*  
255 *Occupancy.* Except as provided in subsection (2) below, applicants that have  
256 accepted a rental premise from the income-based rental program have five (5)  
257 calendar days from the date of acceptance and payment of the security deposit to:

258 (A) Reconfirm that they remain eligible for the income-based rental  
259 program and remain in the same category of renters;

260 (B) Pay the first month's rent; and

261 (C) Execute the rental agreement and all required supplemental forms,  
262 provided that the agreement may not be executed until (A) and (B) are  
263 complete.

264 (2) *Extended Timeframe for Completing the Rental Agreement for Applicants*

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265 *Providing Termination Notice to Another Landlord or Housing Program.* The  
266 Comprehensive Housing Division offers an extended timeframe for applicants  
267 required to provide thirty (30) or more calendar or business days' notice of  
268 termination of a rental agreement to a current landlord or housing program. In  
269 such circumstances, in order to qualify for the extended timeframe, the applicant  
270 shall provide proof of the notice requirement in his/her current rental agreement  
271 by submitting the signed rental agreement to the Comprehensive Housing  
272 Division. Upon submittal of such proof, the applicant shall have thirty (30)  
273 calendar days from the date of acceptance and payment of the security deposit to:  
274 (A) Reconfirm that they remain eligible for the income-based rental  
275 program and remain in the same category of renters;  
276 (B) Pay the first month's rent; and  
277 (C) Execute the rental agreement and all required supplemental forms,  
278 provided that the agreement may not be executed until (A) and (B) are  
279 complete.  
280 (3) *Taking Occupancy.* The Comprehensive Housing Division shall provide the  
281 tenant with keys to the rental premises upon execution of the rental agreement.  
282 As such time, the Comprehensive Housing Division staff shall provide the tenant  
283 with a check-in sheet and notice the tenant that he/she has seven (7) calendar days  
284 from the date the tenant takes occupancy to complete the check-in sheet and  
285 submit it to the Comprehensive Housing Division.  
286

## 287 **2.7. Rental Unit Catalog, Setting Rents and Security Deposits**

288 2.7-1. *Rental Unit Catalog.* The Comprehensive Housing Division shall maintain a catalog of  
289 all rental units included in the income-based rental program. Said catalog shall categorize each  
290 rental unit based on designated use for the type of renter in accordance with the types of renters  
291 established in section 2.5-2(a).

292 2.7-2. *Setting Rents.* The Comprehensive Housing Division shall determine the required  
293 monthly rent for each household based on the household's income in accordance with the  
294 following:

295 (a) Rent may not exceed thirty percent (30%) of the household's adjusted gross income  
296 based on the income calculation requirements provided in section 2.4-3. Adjusted gross  
297 income means the annual household income remaining after the Comprehensive Housing  
298 Division staff applies the following deductions:

299 (1) *Dependent Deduction.* A deduction of \$480.00 from annual income for each  
300 household minor dependent or adult dependent where the adult dependent is  
301 either a full-time student or a person with disabilities.

302 (2) *Elder and/or Disabled Deduction.* A total deduction of \$400.00 from annual  
303 income for a household in which:

304 (A) A household member is sixty-two (62) years of age or older; and/or

305 (B) A household member is a person with a disability.

306 (3) *Medical and Attendant Expenses.* For a household qualifying under 2.7-  
307 2(a)(2), a deduction for medical expenses<sup>5</sup> that are in excess of three percent (3%)  
308 of annual income and all expenses for live-in periodic attendant care assistance or  
309 apparatus to the extent necessary to enable a member of the family to be

<sup>5</sup> Medical expenses are those identified in Title VII, Section IV of NAHASDA.

- 310 employed.
- 311 (4) *Child Care Expenses*. A deduction for reasonable child care expenses from
- 312 annual income if the child care:
- 313 (A) Enables an adult household member to seek employment activity, be
- 314 gainfully employed, or further his/her education; and
- 315 (B) Expenses are not reimbursed.
- 316 (5) *Child Support for a Household Minor*. A deduction for the full amount of
- 317 child support paid by a household member for a household minor (i.e. when the
- 318 parent paying child support lives in the same household as the child for which the
- 319 parent is paying child support).
- 320 (6) *Earned Income of Minors*. A deduction in the amount of any earned income
- 321 of any minor household member.
- 322 (7) *Travel Expenses for Employment or Education-Related Travel*. A maximum
- 323 deduction of \$25.00 per week for travel expenses for employment or education
- 324 related travel.
- 325 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined
- 326 by the data for Outagamie County.
- 327 (c) Households with any member that qualifies as a party listed below shall receive
- 328 preferential rent wherein the Comprehensive Housing Division may not charge rent that
- 329 exceeds twenty percent (20%) of the household's adjusted gross income based on the
- 330 income calculation requirements provided in section 2.4-3.
- 331 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or
- 332 older.
- 333 (2) Handicapped Tribal Member – A Tribal member that has a physical disability
- 334 as documented by a medical provider/or proof of disability payments.
- 335 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been
- 336 determined to be a legally incompetent adult based on the findings of a court of
- 337 competent jurisdiction.
- 338 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of
- 339 eighteen (18) years old that has a mental disability as documented by a medical
- 340 provider.
- 341 2.7-3. *Standard Security Deposit*. Comprehensive Housing Division staff shall set the standard
- 342 security deposit required for each rental premise in the income-based rental program at \$350.00.
- 343 2.7-4. *Increased Security Deposit for Pets*. Tenants in the Comprehensive Housing Division's
- 344 general rental program may have pets in accordance with the Domestic Animal Ordinance,
- 345 provided that an increased security deposit is required.
- 346 (a) The standard security deposit does not apply to tenants with pets. Comprehensive
- 347 Housing Division staff shall set the increased security deposit required for households
- 348 with pets at a rate of \$350.00 plus an additional \$200.00 per pet.
- 349 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been
- 350 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the
- 351 difference between the increased security deposit for pets and the standard security
- 352 deposit. Tenants that fail to report a pet in the household may be assessed charges for an
- 353 increased security deposit for pets if such pets are reported to the Comprehensive
- 354 Housing Division and/or discovered at the time of an inspection.
- 355

356 **2.8. Annual Inspection and Rental Agreement Renewal**

357 2.8-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule  
358 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of  
359 the tenants' rental agreement.

360 2.8-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual  
361 inspection shall use the checklist that is approved by the Comprehensive Housing Division  
362 director. Upon completion of the inspection, Comprehensive Housing Division staff shall  
363 request that the tenant(s) sign the completed checklist.

364 2.8-3. *Damages.* Tenants are required to pay costs to repair any damages to the rental premises  
365 discovered during the annual inspection that do not amount to normal wear and tear. Payment for  
366 such costs must be received by the Comprehensive Housing Division prior to signing a rental  
367 agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a  
368 payment agreement in for the damages, in which case the repayment agreement shall be signed  
369 prior to the rental agreement renewal.

370 2.8-4. *Immediate Notice of Change in Household Composition and/or Income.* Tenants shall  
371 immediately notify the Comprehensive Housing Division of any change in the tenant's  
372 household composition and/or income, regardless of the date scheduled for the annual renewal.

373 (a) *Change in Household Composition.* If a change in the household composition  
374 changes the tenant's category of renter based on section 2.5-2(a), the Comprehensive  
375 Housing Division staff shall work to transfer the household to a rental unit of  
376 corresponding category as soon as possible. If no such units are currently available,  
377 Comprehensive Housing Division staff shall move the tenant to the top of the waiting list.  
378 In order to be transferred or placed on a wait list, the tenant shall demonstrate that they  
379 remain eligible for the income-based rental program and are current with rent and utility  
380 payments. Tenants are only eligible for rental unit transfers within their current category  
381 of renter if, in the Comprehensive Housing Division's discretion, the transfer is needed to  
382 better accommodate the household composition.

383 (b) *Change in Household Income.* A change in household income may cause a change in  
384 the amount of monthly rent required, accordingly, any change in household income that  
385 is not reported within thirty (30) calendar days of the change shall result in a retroactive  
386 adjustment of the rent if the change results in an increase of rent payments. Retroactive  
387 rent shall be applied for each month there was a change in income that was not reported,  
388 excluding the initial thirty (30) calendar days provided to the tenant to report the change.  
389 The tenant is responsible for payment of all current and retroactive adjustments of rent  
390 and may be eligible for a repayment agreement, provided that in all circumstances and  
391 retroactive rental arrears shall be paid in full within one (1) year.

392 (c) *Rental Agreement Amendment.* Should a change in household size and/or income  
393 cause a change in the terms of the tenant's rental agreement, an amendment to the rental  
394 agreement is required to be executed.

395 2.8-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month  
396 term. Tenants wishing to remain in the property are required to complete the annual rental  
397 agreement renewal by verifying that the household continues to meet all eligibility requirements  
398 contained in the Landlord-Tenant law and rules. Once continued eligibility is verified, tenants  
399 that remain eligible are required to sign a rental agreement renewal.

400 (a) The Comprehensive Housing Division may, in its discretion, decline renewal of a  
401 rental agreement if it determines that the renewal is not in the best interest of the Nation.

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402 (b) In the event a tenant fails to enter a rental agreement renewal and has not vacated the  
403 rental premises within thirty (30) calendar days of the expiration of the rental agreement,  
404 the Comprehensive Housing Division shall initiate the eviction process pursuant to the  
405 Eviction and Termination law.

406 2.8-6. *Ineligibility Due to Renewal or an Update of Household Information.* Comprehensive  
407 Housing Division staff shall provide tenants that become ineligible to participate in the income-  
408 based rental program based on a renewal or update of household information with notice  
409 specifying the cause of the ineligibility and, if possible, how the household may reinstate  
410 eligibility.

411 (a) *Ineligibility Due to Renewal.* In circumstances where the tenant learns of ineligibility  
412 as part of the annual renewal, Comprehensive Housing Division staff shall include in the  
413 notice of ineligibility that renewal of the rental agreement is not available at such time  
414 and that the tenant is entitled to a minimum of a thirty (30) day notice to cure, by  
415 reinstating eligibility, or vacate.

416 (1) In circumstances where ineligibility is due to the tenants' increased income,  
417 the Comprehensive Housing Division recognizes such change to be an  
418 achievement of the tenant and not a fault based ineligibility. Accordingly, under  
419 these limited circumstances, the Comprehensive Housing Division staff shall  
420 continue to offer the tenant thirty (30) calendar days to cure by reinstating  
421 eligibility, but shall provide the tenant with an additional sixty (60) days to vacate  
422 which amounts to ninety (90) calendar days from the date of the notice of  
423 ineligibility.

424 (2) The extended vacate period requires the tenant to enter a limited term rental  
425 agreement for the ninety (90) calendar days.

426 (b) *Ineligibility Due to an Update of Household Information.* In circumstances where the  
427 tenant learns of ineligibility as part of an update of household information,  
428 Comprehensive Housing Division staff shall include in the notice of ineligibility the  
429 warning of potential termination in accordance with the rental agreement. In the event  
430 the tenant is unable to or fails to reinstate their eligibility in accordance with the timeline  
431 provided in the notice, the Comprehensive Housing Division shall permit the tenant to  
432 remain in the unit for the longer of the duration of the rental agreement or ninety (90)  
433 calendar days from the date of the notice of ineligibility.

434 (1) If the tenants' circumstances result in the tenant completing the term of the  
435 rental agreement, eligibility shall be reconsidered at the time of the annual  
436 renewal. If the tenant remains ineligible at the time of renewal, article 2.8-6(a)  
437 applies, excluding 2.8-6(a)(1).

438 (2) If the tenants' circumstances result in the tenant receiving a thirty (30)  
439 calendar day notice to cure or ninety (90) calendar day notice to vacate, the tenant  
440 shall enter a limited term rental agreement to cover any time which exceeds the  
441 current rental agreement.

442 (c) *Limited Term Rental Agreements.* Limited term rental agreements are available in  
443 accordance with article 2.8-6(a)(1) and 2.8-6(b)(2) of these rules and section 710.9-4 of  
444 the Landlord-Tenant law. At a minimum, limited term rental agreement shall include:

445 (1) The date of the original notice of ineligibility;

446 (2) An explanation that the tenant has thirty (30) calendar days to reinstate  
447 eligibility;

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448 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the  
449 limited term rental agreement takes the place of the thirty (30) calendar day notice  
450 to cure or vacate required by the Eviction and Termination law; and

451 (4) An explanation that if eligibility is not timely reinstated, the rental unit will  
452 be reclaimed with locks being changed on the ninety-first (91<sup>st</sup>) day from the date  
453 of the original notice of ineligibility.  
454

455 **2.9. Rental Agreement Cancellation**

456 2.9-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the general  
457 rental program are requested to provide the Comprehensive Housing Division with a minimum  
458 of two (2) weeks of notice.

459 2.9-2. *Prorated Rent.* In the event of cancellation of a rental agreement or abandonment of the  
460 rental premises, the Comprehensive Housing Division staff shall prorate the required last  
461 month's rent payment based upon the greater of the following:

462 (a) The number of calendar days the unit was occupied in the last month; or

463 (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing  
464 Division learns of abandonment.  
465

466 *End.*

467  
468 \_\_\_\_\_  
469 Original effective date:



# Title ~~76~~. Property and Land – Chapter ~~710611~~

## LANDLORD-TENANT

### Rule # 2 – Income Based Rental Program Eligibility, Selection and Other Requirements

- 2.1. Purpose and Delegation
- 2.2. Adoption, Amendment and Repeal
- 2.3. Definitions
- 2.4. Eligibility Requirements
- 2.5. Application Process and Wait List
- 2.6. Tenant Selection
- 2.7. Rental Unit Catalog, Setting Rents and Security Deposits
- 2.8. Annual Inspection and Rental Agreement Renewal
- 2.9. Rental Agreement Cancellation

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#### 2.1. Purpose and Delegation

2.1-1. *Purpose.* The purpose of this rule is to provide additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division’s income-based rental programs. The mission of the income-based housing program is to develop, maintain, and operate affordable housing in safe, sanitary and healthy environments within the reservation.

2.1-2. *Authority.* The Landlord-Tenant law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law. However that delegation excluded 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.

#### 2.2. Adoption, Amendment and Repeal

2.2-1. This rule was adopted by the Comprehensive Housing Division in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the approval of the Comprehensive Housing Division pursuant to the procedures set out in the Administrative Rulemaking law.

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

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure or other regulation, the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

#### 2.3. Definitions

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

- 45 (a) “Comprehensive Housing Division” means the entity responsible for housing matters  
 46 specifically related to rental agreements as defined by Oneida Business Committee  
 47 Resolution.<sup>1</sup>  
 48 (b) “Household” means all persons residing within the income-based rental unit.  
 49 (c) “HUD” means the United States Department of Housing and Urban Development.  
 50 (b) “Landlord” means the Nation in its capacity to rent real property subject to a rental  
 51 agreement.  
 52 (c) “Nation” means the Oneida Nation.  
 53 (d) “Premises” means the property covered by a rental agreement, including not only the  
 54 real property and fixtures, but also any personal property furnished by the landlord  
 55 pursuant to a rental agreement.  
 56 (e) “Rental Agreement” means a written contract between a landlord and a tenant,  
 57 whereby the tenant is granted the right to use or occupy the premises for a residential  
 58 purpose for one (1) year or less.  
 59 (f) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
 60 rental agreement.  
 61 (g) “Tribal member” means an enrolled member of the Nation.  
 62 (h) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
 63 rent will be paid and other responsibilities of the rental agreement performed.  
 64

## 65 2.4. Eligibility Requirements

66 2.4-1. *Tribal Member Status.* At least one (1) of the ~~heads-of-household required to~~  
 67 ~~sign members listed in the rental agreement household composition~~ is required to be a Tribal  
 68 member. ~~Households that do not meet this requirement which are current tenants shall be~~  
 69 ~~grandfathered into continual eligibility for one (1) full rental agreement term following adoption~~  
 70 ~~of these rules based on the Tribal member requirement so long as one (1) household member is a~~  
 71 ~~Tribal member.~~ Comprehensive Housing Division staff shall verify enrollment status by either  
 72 requiring a copy of the Tribal Identification Card or requesting verification from the Trust  
 73 Enrollment Department.

74 2.4-2. *Maximum Income.* Pursuant to the Native American Housing Assistance and Self  
 75 Determination Act (NAHASDA), in order to be eligible for an income-based rental agreement,  
 76 the household must qualify as low income at the time of initial occupancy. In order to qualify as  
 77 low-income, applicants’ household income may not exceed eighty percent (80%) of the regional  
 78 gross annual income based on the data from Outagamie County.<sup>2</sup> For the purposes of this  
 79 section, gross annual income is all income from any and all sources of income from all adult  
 80 members of the household anticipated to be received in an upcoming twelve (12) month period  
 81 unless specifically excluded from income in this section. Applicants shall provide  
 82 Comprehensive Housing Division staff written verification of income.

- 83 (a) For purposes of calculating income to determine eligibility, the Comprehensive

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

<sup>2</sup> Pursuant to resolution BC-01-25-12-A, Outagamie County is designated as the data source for collecting regional gross income for determining low-income housing eligibility because the income in that area is generally higher than Brown County’s and results in more persons being eligible based on the income requirements.

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84 Housing Division staff shall include per capita payments to the extent that receipt of per  
85 capita payment may be verified for the prior year based on the tax return.

86 (b) For the purpose of calculating income to determine eligibility, the Comprehensive  
87 Housing Division staff shall include in annual income net income from household assets  
88 where net household assets are defined in accordance with 24 CFR 5.603.<sup>3</sup>

89 (b) For purposes of calculating income to determine eligibility, the Comprehensive  
90 Housing Division staff may not include the following:

91 (1) Income from employment of any household minors;

92 (2) Payments received for the care of foster children and/or handicapped/mentally  
93 incompetent adults;

94 (3) Lump-sum additions to household assets including, but not limited to,  
95 inheritances, insurance payments, capital gains, and settlements for personal  
96 and/or property losses, excluding payments in lieu of earnings, such as  
97 unemployment, disability compensation, worker's compensation, and severance  
98 pay, which are included in income;

99 (4) Amounts received by the household that is specifically for, or in  
100 reimbursement of, the cost of medical expenses for any member of the household;

101 (5) Income of a live-in medical aide;

102 (6) Any amounts received as student financial assistance;

103 (7) Income of any adult household members that are students, other than the head  
104 of household, in excess of \$480 annually; the first \$480 of annual income  
105 received by an adult student household member shall be included as income;

106 (8) Payments made to any member of the household serving in the armed forces  
107 for exposure to hostile fire;

108 (9) Amounts received under training programs funded by HUD;

109 (10) Amounts received by persons with disabilities, which amounts are  
110 disregarded for a limited time for purposes of Supplemental Security Income  
111 eligibility and benefits because such amounts are set aside for use under a Plan for  
112 Achieving Self-Support;

113 (11) Temporary, nonrecurring and/or sporadic income (including gifts);

114 (12) Adoption assistance payments that exceed \$480 annually; the first \$480 of  
115 annual adoption assistance payments shall be included as income;

116 (13) Deferred periodic amounts from supplemental security income and social  
117 security benefits that are received in a lump sum amount or in prospective  
118 monthly amounts.

119 (14) Amounts paid by a state agency to a member of the household with a  
120 developmental disability to offset the cost of services and/or equipment needed to  
121 keep the developmentally disabled member living in the household; and

122 (15) Amounts specifically excluded from income by any applicable federal statute  
123 and/or regulation, specifically those identified in the Federal Register.<sup>4</sup>

124 2.4-3. *Minimum Income.* Applicants shall meet a minimum household income of \$7,800 per  
125 year.

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<sup>3</sup> See HUD Occupancy Handbook, Exhibit 5-2: Assets.

<sup>4</sup> The most recent notice of federally required exclusions was published on December 14, 2012 and can be found in the Federal Register at 77 FR 74495.

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126 | 2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have ~~any outstanding~~  
127 | balance greater than two hundred dollars (\$200) owed to ~~any~~ utility provider, ~~for~~ and may not  
128 | have any ~~previous housing (which includes prior landlords other than Nation and/or federal~~  
129 | ~~housing assistance programs) and/or debt owed to~~ the Comprehensive Housing Division.

130 | 2.4-5. *Prior Comprehensive Housing Division Eviction.* Applicants that have had a rental  
131 | agreement with the Comprehensive Housing Division subject to an eviction and termination  
132 | within two (2) years from the date of the application are not eligible to participate in the income-  
133 | based rental program.

134 | 2.4-6. *Criminal Convictions.* Applicants with any of the following types of convictions are not  
135 | eligible for participation in the income-based rental program, provided that the Pardon and  
136 | Forgiveness law may provide an exception to the conditions contained in this section:

- 137 | (a) A drug conviction within three (3) years from the date of application;  
138 | (b) A felony conviction within five (5) years from the date of application; and/or  
139 | (c) A criminal conviction based upon an act of violence within two (2) years from the  
140 | date of the application.

141

## 142 | **2.5. Application Process and Wait List**

143 | 2.5-1. *Applying.* Persons wishing to participate in the income-based housing program shall  
144 | complete the Comprehensive Housing Division rental agreement application and any other  
145 | accompanying forms required based on the income-based program eligibility requirements. The  
146 | Comprehensive Housing Division staff may not consider any applications for selection and/or  
147 | placement on the wait list until the application and all accompanying forms are complete. Upon  
148 | receipt of a completed application, including all supplementary forms, Comprehensive Housing  
149 | Division staff shall date and time stamp the application. If, regardless of a complete application  
150 | submittal, additional information is required to determine eligibility, the Comprehensive Housing  
151 | Division staff shall request such information and maintain the application submittal date  
152 | provided that the applicant responds to the information requests in a reasonably timely fashion.

153 | (a) *Household Composition Form.* The Comprehensive Housing Division staff shall  
154 | require applicants to the income-based housing program to complete a Household  
155 | Composition Form which provides the full name, age and date of birth of each person  
156 | contemplated to reside in the income-based rental unit. In order to verify such  
157 | information, the Comprehensive Housing Division staff shall require that applicants  
158 | submit the following with the Household Composition Form:

159 | (1) Copies of social security cards for each person contemplated to reside in the  
160 | income-based rental unit, provided that for newly born babies that have not yet  
161 | been issued a social security card a birth certificate is sufficient;

162 | (2) A copy of a picture identification card for each adult contemplated to reside in  
163 | the income-based rental unit;

164 | (3) If any adults in the home are enrolled in post-secondary education,  
165 | verification of enrollment in the form of a financial aid award letter or other  
166 | documentation directly from the school; and

167 | (4) If an adult in the household is the custodial parent/guardian of a minor, a copy  
168 | of the court documents which awarded such placement.

169 | (b) *Background Checks.* In order to ensure compliance with the eligibility requirements  
170 | of the Landlord-Tenant law and these rules, Comprehensive Housing Division staff shall  
171 | perform a background check on each adult in the household. Household adults are also

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172 subject to annual background checks upon annual rental agreement renewal pursuant to  
173 2.8-5 and as may be determined to be necessary to maintain the safety of the community  
174 by the Comprehensive Housing Division staff.

175 2.5-2. *Notification of Eligibility, Placement on the Wait List.* When Comprehensive Housing  
176 Division staff completes its review of an application and determines the applicant(s) eligible for  
177 the income-based rental program, the staff shall:

178 (a) Place the applicant(s) into one (1) of the following categories of renters based on the  
179 household size and needs as provided below:

180 (1) Single Adult/Adult Couple – A maximum of two (2) adults in the household,  
181 no children.

182 (2) Small Household – A maximum four (4) household members in the  
183 household.

184 (3) Large Household – A household of five (5) or more household members.

185 (4) Elder – A household with a maximum of two (2) adults and no children  
186 wherein at least one (1) adult is sixty-two (62) years old or older at the time of  
187 application.

188 (5) Minimum Handicap Accessibility Required – For each of the category types  
189 provided in subsections (1)-(4) above, there shall be an additional category for  
190 each requiring minimum handicap accessibility. This category shall be reserved  
191 for households with at least one (1) household member requiring permanent and  
192 minimal handicap accessibility (i.e. permanent use of a walker); this category  
193 includes all handicap needs that do not amount to full wheelchair accessibility.

194 (6) Maximum Handicap Accessibility Required – For each of the category types  
195 provided in subsections (1)-(4) above, there shall be an additional category for  
196 each in which as least one (1) household member requires full wheelchair  
197 handicap accessibility.

198 (b) Determine whether there is a wait list for the type of rental unit required based on the  
199 applicant's category of renter.

200 (1) If there is a wait list established, place the applicant on the wait list based on  
201 the date and time stamp of the application. At such time, Comprehensive  
202 Housing Division staff shall provide the applicant with notice of their placement  
203 on the wait list and the requirement to update their application should anything  
204 change prior to their designated use of rental unit becoming available. An  
205 applicant may request to be removed from the wait list at any time.

206 (2) If there is not a wait list established and there are available rental units  
207 available for the applicant's renter category, move to the tenant selection process  
208 provided in sections 2.6-3 and 2.6-4.

209 2.5-3. *Notification of Ineligibility.* If review of a complete submitted application and/or annual  
210 renewal reveals that an applicant is ineligible to participate in the income-based rental program  
211 based on the Landlord-Tenant law and/or rules, the Comprehensive Housing Division staff shall  
212 notify the applicant of the cause of the ineligibility and how the applicant may become eligible in  
213 the future. At such time, Comprehensive Housing Division staff shall also inform the applicant  
214 of other housing opportunities offered by the Nation for which the applicant may be eligible, if  
215 applicable.

216 2.5-4. *Required Application Updates.* Applicants on the wait list are required to update the  
217 application, at a minimum, annually, but also whenever information submitted on the application

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218 has changed. Applicants that fail to complete the application update within the allotted  
219 timeframe will be removed from the wait list and required to re-apply for future consideration  
220 absent proof of extenuating circumstances, for which Comprehensive Housing Division staff  
221 may provide a grace period of a maximum of ten (10) calendar days. For any updated  
222 application that reveals an applicant has become ineligible, Comprehensive Housing Division  
223 staff shall remove the applicant from the wait list and provide the applicant notice of the cause  
224 for ineligibility.

225

## 226 **2.6. Tenant Selection**

227 2.6-1. *Household Size and Available Units.* When a rental premise becomes available, the  
228 Comprehensive Housing Division staff shall preliminarily select a tenant based on the first  
229 applicant on the wait list for the said unit type based on the corresponding renter and unit  
230 categorization. In the event that a handicap accessible unit becomes available and there are no  
231 applicants on the wait list for the said type of handicap accessible unit, an applicant from the  
232 same renter category that does not require handicap accessibility may be selected for the said  
233 unit.

234 2.6-2. *Notice of Tenant Selection.* When an applicant is selected for a rental unit in accordance  
235 with this section, the Comprehensive Housing Division staff shall provide the applicant with  
236 notice of tenant selection. The notice, at a minimum, shall include the address of the rental  
237 premise, the required security deposit and monthly rent, and a requirement that the applicant  
238 respond within fifteen (15) calendar days to accept/reject the rental premise noting that the  
239 security deposit is due at the time of acceptance. Applicants that pay a security deposit and fail  
240 to complete the selection process to actually take occupancy forfeit the security deposit to the  
241 Comprehensive Housing Division as consideration for holding the unit. Comprehensive Housing  
242 Division shall return the security deposit to the applicant only in circumstances where the  
243 applicant is prevented from entering the rental agreement based on a loss of eligibility due to  
244 circumstances outside of the applicant's control (i.e. death of a Tribal member that made the  
245 household eligible for the income-based rental program).

246 (a) *Failure to Respond or Rejecting a Rental Premise.* If a rental premise is rejected for  
247 any reason or the applicant fails to respond to the notice, Comprehensive Housing  
248 Division staff shall remove the applicant from the wait list; in such circumstances the  
249 applicant may re-apply for the income-based rental program following a ninety (90)  
250 calendar day period of ineligibility.

251 (b) *Accepting a Rental Premise.* In order for an applicant's acceptance of a rental  
252 premise to be complete, the applicant shall submit along with the acceptance a payment  
253 for the full security deposit. Prior to accepting a security deposit payment,  
254 Comprehensive Housing Department staff shall verify that the applicant remains eligible  
255 for the income-based rental program and the rental unit type based on the household's  
256 categorization.

257 (1) *Standard Timeframe for Completing the Rental Agreement and Taking*  
258 *Occupancy.* Except as provided in subsection (2) below, applicants that have  
259 accepted a rental premise from the income-based rental program have five (5)  
260 calendar days from the date of acceptance and payment of the security deposit to:

261 (A) Reconfirm that they remain eligible for the income-based rental  
262 program and remain in the same category of renters;

263 (B) Pay the first month's rent; and

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264 (C) Execute the rental agreement and all required supplemental forms,  
265 provided that the agreement may not be executed until (A) and (B) are  
266 complete.

267 (2) *Extended Timeframe for Completing the Rental Agreement for Applicants*  
268 *Providing Termination Notice to Another Landlord or Housing Program.* The  
269 Comprehensive Housing Division offers an extended timeframe for applicants  
270 required to provide thirty (30) or more calendar or business days' notice of  
271 termination of a rental agreement to a current landlord or housing program. In  
272 such circumstances, in order to qualify for the extended timeframe, the applicant  
273 shall provide proof of the notice requirement in his/her current rental agreement  
274 by submitting the signed rental agreement to the Comprehensive Housing  
275 Division. Upon submittal of such proof, the applicant shall have thirty (30)  
276 calendar days from the date of acceptance and payment of the security deposit to:

277 (A) Reconfirm that they remain eligible for the income-based rental  
278 program and remain in the same category of renters;

279 (B) Pay the first month's rent; and

280 (C) Execute the rental agreement and all required supplemental forms,  
281 provided that the agreement may not be executed until (A) and (B) are  
282 complete.

283 (3) *Taking Occupancy.* The Comprehensive Housing Division shall provide the  
284 tenant with keys to the rental premises upon execution of the rental agreement.  
285 As such time, the Comprehensive Housing Division staff shall provide the tenant  
286 with a check-in sheet and notice the tenant that he/she has seven (7) calendar days  
287 from the date the tenant takes occupancy to complete the check-in sheet and  
288 submit it to the Comprehensive Housing Division.  
289

## 290 **2.7. Rental Unit Catalog, Setting Rents and Security Deposits**

291 2.7-1. *Rental Unit Catalog.* The Comprehensive Housing Division shall maintain a catalog of  
292 all rental units included in the income-based rental program. Said catalog shall categorize each  
293 rental unit based on designated use for the type of renter in accordance with the types of renters  
294 established in section 2.5-2(a).

295 2.7-2. *Setting Rents.* The Comprehensive Housing Division shall determine the required  
296 monthly rent for each household based on the household's income in accordance with the  
297 following:

298 (a) Rent may not exceed thirty percent (30%) of the household's adjusted gross income  
299 based on the income calculation requirements provided in section 2.4-3. Adjusted gross  
300 income means the annual household income remaining after the Comprehensive Housing  
301 Division staff applies the following deductions:

302 (1) *Dependent Deduction.* A deduction of \$480.00 from annual income for each  
303 household minor dependent or adult dependent where the adult dependent is  
304 either a full-time student or a person with disabilities.

305 (2) *Elder and/or Disabled Deduction.* A total deduction of \$400.00 from annual  
306 income for a household in which:

307 (A) A household member is sixty-two (62) years of age or older; and/or

308 (B) A household member is a person with a disability.

309 (3) *Medical and Attendant Expenses.* For a household qualifying under 2.7-

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- 310 2(a)(2), a deduction for medical expenses<sup>5</sup> that are in excess of three percent (3%)  
311 of annual income and all expenses for live-in periodic attendant care assistance or  
312 apparatus to the extent necessary to enable a member of the family to be  
313 employed.
- 314 (4) *Child Care Expenses*. A deduction for reasonable child care expenses from  
315 annual income if the child care:  
316 (A) Enables an adult household member to seek employment activity, be  
317 gainfully employed, or further his/her education; and  
318 (B) Expenses are not reimbursed.
- 319 (5) *Child Support for a Household Minor*. A deduction for the full amount of  
320 child support paid by a household member for a household minor (i.e. when the  
321 parent paying child support lives in the same household as the child for which the  
322 parent is paying child support).
- 323 (6) *Earned Income of Minors*. A deduction in the amount of any earned income  
324 of any minor household member.
- 325 (7) *Travel Expenses for Employment or Education-Related Travel*. A maximum  
326 deduction of \$25.00 per week for travel expenses for employment or education  
327 related travel.
- 328 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined  
329 by the data for Outagamie County.
- 330 (c) Households with any member that qualifies as a party listed below shall receive  
331 preferential rent wherein the Comprehensive Housing Division may not charge rent that  
332 exceeds twenty percent (20%) of the household's adjusted gross income based on the  
333 income calculation requirements provided in section 2.4-3.
- 334 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or  
335 older.
- 336 (2) Handicapped Tribal Member – A Tribal member that has a physical disability  
337 as documented by a medical provider/or proof of disability payments.
- 338 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been  
339 determined to be a legally incompetent adult based on the findings of a court of  
340 competent jurisdiction.
- 341 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of  
342 eighteen (18) years old that has a mental disability as documented by a medical  
343 provider.
- 344 2.7-3. *Standard Security Deposit*. Comprehensive Housing Division staff shall set the standard  
345 security deposit required for each rental premise in the income-based rental program at \$350.00.
- 346 2.7-4. *Increased Security Deposit for Pets*. Tenants in the Comprehensive Housing Division's  
347 general rental program may have pets in accordance with the Domestic Animal Ordinance,  
348 provided that an increased security deposit is required.
- 349 (a) The standard security deposit does not apply to tenants with pets. Comprehensive  
350 Housing Division staff shall set the increased security deposit required for households  
351 with pets at a rate of \$350.00 plus an additional \$200.00 per pet.
- 352 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been  
353 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the

---

<sup>5</sup> Medical expenses are those identified in Title VII, Section IV of NAHASDA.

354 difference between the increased security deposit for pets and the standard security  
355 deposit. Tenants that fail to report a pet in the household may be assessed charges for an  
356 increased security deposit for pets if such pets are reported to the Comprehensive  
357 Housing Division and/or discovered at the time of an inspection.

358

## 359 **2.8. Annual Inspection and Rental Agreement Renewal**

360 2.8-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule  
361 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of  
362 the tenants' rental agreement.

363 2.8-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual  
364 inspection shall use the checklist that is approved by the Comprehensive Housing Division  
365 director. Upon completion of the inspection, Comprehensive Housing Division staff shall  
366 request that the tenant(s) sign the completed checklist.

367 2.8-3. *Damages.* Tenants are required to pay costs to repair any damages to the rental premises  
368 discovered during the annual inspection that do not amount to normal wear and tear. Payment for  
369 such costs must be received by the Comprehensive Housing Division prior to signing a rental  
370 agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a  
371 payment agreement in for the damages, in which case the repayment agreement shall be signed  
372 prior to the rental agreement renewal.

373 2.8-4. *Immediate Notice of Change in Household Composition and/or Income.* Tenants shall  
374 immediately notify the Comprehensive Housing Division of any change in the tenant's  
375 household composition and/or income, regardless of the date scheduled for the annual renewal.

376 (a) *Change in Household Composition.* If a change in the household composition  
377 changes the tenant's category of renter based on section 2.5-2(a), the Comprehensive  
378 Housing Division staff shall work to transfer the household to a rental unit of  
379 corresponding category as soon as possible. If no such units are currently available,  
380 Comprehensive Housing Division staff shall move the tenant to the top of the waiting list.  
381 In order to be transferred or placed on a wait list, the tenant shall demonstrate that they  
382 remain eligible for the income-based rental program and are current with rent and utility  
383 payments. Tenants are only eligible for rental unit transfers within their current category  
384 of renter if, in the Comprehensive Housing Division's discretion, the transfer is needed to  
385 better accommodate the household composition.

386 (b) *Change in Household Income.* A change in household income may cause a change in  
387 the amount of monthly rent required, accordingly, any change in household income that  
388 is not reported within thirty (30) calendar days of the change shall result in a retroactive  
389 adjustment of the rent if the change results in an increase of rent payments. Retroactive  
390 rent shall be applied for each month there was a change in income that was not reported,  
391 excluding the initial thirty (30) calendar days provided to the tenant to report the change.  
392 The tenant is responsible for payment of all current and retroactive adjustments of rent  
393 and may be eligible for a repayment agreement, provided that in all circumstances and  
394 retroactive rental arrears shall be paid in full within one (1) year.

395 (c) *Rental Agreement Amendment.* Should a change in household size and/or income  
396 cause a change in the terms of the tenant's rental agreement, an amendment to the rental  
397 agreement is required to be executed.

398 2.8-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month  
399 term. Tenants wishing to remain in the property are required to complete the annual rental

400 agreement renewal by verifying that the household continues to meet all eligibility requirements  
401 contained in the Landlord-Tenant law and rules: excluding the income requirements provided in  
402 articles 2.4-2 and 2.4-3. Once continued eligibility is verified, tenants that remain eligible are  
403 required to sign a rental agreement renewal.

404 (a) The Comprehensive Housing Division may, in its discretion, decline renewal of a  
405 rental agreement if it determines that the renewal is not in the best interest of the Nation.

406 (b) In the event a tenant fails to enter a rental agreement renewal and has not vacated the  
407 rental premises within thirty (30) calendar days of the expiration of the rental agreement,  
408 the Comprehensive Housing Division shall initiate the eviction process pursuant to the  
409 Eviction and Termination law.

410 2.8-6. *Ineligibility Due to Renewal or an Update of Household Information.* Comprehensive  
411 Housing Division staff shall provide tenants that become ineligible to participate in the income-  
412 based rental program based on a renewal or update of household information with notice  
413 specifying the cause of the ineligibility and, if possible, how the household may reinstate  
414 eligibility.

415 (a) *Ineligibility Due to Renewal.* In circumstances where the tenant learns of ineligibility  
416 as part of the annual renewal, Comprehensive Housing Division staff shall include in the  
417 notice of ineligibility that renewal of the rental agreement is not available at such time  
418 and that the tenant is entitled to a minimum of a thirty (30) day notice to cure, by  
419 reinstating eligibility, or vacate.

420 ~~(1) In circumstances where ineligibility is due to the tenants' increased income,~~  
421 ~~the Comprehensive Housing Division recognizes such change to be an~~  
422 ~~achievement of the tenant and not a fault based ineligibility. Accordingly, under~~  
423 ~~these limited circumstances, the Comprehensive Housing Division staff shall~~  
424 ~~continue to offer the tenant thirty (30) calendar days to cure by reinstating~~  
425 ~~eligibility, but shall provide the tenant with an additional sixty (60) days to vacate~~  
426 ~~which amounts to ninety (90) calendar days from the date of the notice of~~  
427 ~~ineligibility.~~

428 ~~(2) The extended vacate period requires the tenant to enter a limited term rental~~  
429 ~~agreement for the ninety (90) calendar days.~~

430 (b) *Ineligibility Due to an Update of Household Information.* In circumstances where the  
431 tenant learns of ineligibility as part of an update of household information,  
432 Comprehensive Housing Division staff shall include in the notice of ineligibility the  
433 warning of potential termination in accordance with the rental agreement. In the event  
434 the tenant is unable to or fails to reinstate their eligibility in accordance with the timeline  
435 provided in the notice, the Comprehensive Housing Division shall permit the tenant to  
436 remain in the unit for the longer of the duration of the rental agreement or ninety (90)  
437 calendar days from the date of the notice of ineligibility.

438 (1) If the tenants' circumstances result in the tenant completing the term of the  
439 rental agreement, eligibility shall be reconsidered at the time of the annual  
440 renewal. If the tenant remains ineligible at the time of renewal, article 2.8-6(a)  
441 applies, ~~excluding 2.8-6(a)(1).~~

442 (2) If the tenants' circumstances result in the tenant receiving a thirty (30)  
443 calendar day notice to cure or ninety (90) calendar day notice to vacate, the tenant  
444 shall enter a limited term rental agreement to cover any time which exceeds the  
445 current rental agreement.

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446 (c) *Limited Term Rental Agreements.* Limited term rental agreements are available in  
447 | accordance with article 2.8-6(a)(1) and ~~2.8-6(b)(2)~~ of these rules and section ~~710611.9-4~~  
448 of the Landlord-Tenant law. At a minimum, limited term rental agreement shall include:

- 449 (1) The date of the original notice of ineligibility;  
450 (2) An explanation that the tenant has thirty (30) calendar days to reinstate  
451 eligibility;  
452 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the  
453 limited term rental agreement takes the place of the thirty (30) calendar day notice  
454 to cure or vacate required by the Eviction and Termination law; and  
455 (4) An explanation that if eligibility is not timely reinstated, the rental unit will  
456 | be reclaimed ~~with locks being changed on the ninety first (91<sup>st</sup>) day from the date~~  
457 | ~~of the original notice of ineligibility including the date the locks will be changed.~~  
458

459 **2.9. Rental Agreement Cancellation**

460 2.9-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the general  
461 rental program are requested to provide the Comprehensive Housing Division with a minimum  
462 of two (2) weeks of notice.

463 2.9-2. *Prorated Rent.* In the event of cancellation of a rental agreement or abandonment of the  
464 rental premises, the Comprehensive Housing Division staff shall prorate the required last  
465 month's rent payment based upon the greater of the following:

- 466 (a) The number of calendar days the unit was occupied in the last month; or  
467 (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing  
468 Division learns of abandonment.

469  
470 *End.*

471  
472 \_\_\_\_\_  
473 Original effective date:

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   2   /  22  /  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 February 1, 2017 LOC meeting 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](http://Oneida-nsn.gov)



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 February 1, 2017 9:00 a.m.

**Present:** Brandon Stevens, David P. Jordan, Fawn Billie, Jennifer Webster, Tehassi Hill  
**Others Present:** Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner, Krystal John, Jennifer Falck, Rae Skenandore, Nancy Barton, Mike Debraska, Danelle Wilson, Mary Cornelissen, Brad Graham, Leyne Orosco, Robert Collins II

**I. Call to Order and Approval of the Agenda**

Brandon Stevens called the February 1, 2017 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Tehassi Hill to approve the agenda; seconded by Fawn Billie. Motion carried unanimously.

**II. Minutes to be approved**

**1. January 18, 2017 LOC Meeting Minutes**

Motion by David P. Jordan to approve the January 18, 2017 LOC meeting minutes; seconded by Jennifer Webster. Motion carried with Tehassi Hill abstaining.

**III. Current Business**

**1. Real Property Law Amendments (00:57-01:30)**

Motion by David P. Jordan to accept the Real Property Law Amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

**2. Conflict of Interest Amendments (01:30-06:40)**

Motion by Fawn Billie to approve the Conflict of Interest Amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Tehassi Hill. Motion carried unanimously.

Motion by David P. Jordan to approve the Conflict of Interest emergency amendments extension resolution and forward to the Oneida Business Committee for consideration, noting that if the Oneida Business Committee does not approve the Conflict of Interest Amendments the emergency amendments will need to be extended for another six months; seconded by Jennifer Webster. Motion carried unanimously.

**3. Drug and Alcohol Free Workplace Policy Amendments (06:40-08:03)**

Motion by Fawn Billie to approve the meeting packet including the fiscal impact statement when complete and forward the Drug and Alcohol Free Workplace Policy Amendments to a public meeting to be held on March 2, 2017; seconded by David P. Jordan. Motion carried unanimously.

Legislative Operating Committee Meeting Minutes of January 18, 2017

4. **Budget Management and Control** (08:03-13:43)  
Motion by Tehassi Hill to accept the Budget Management and Control Law adoption packet, including the fiscal impact statement, and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.
5. **Probate Law** (13:43-14:17)  
Motion by Tehassi Hill to remove the Probate Law from the Legislative Operating Committee's active files list; seconded by David P. Jordan. Motion carried unanimously.
6. **Independent Contractor Policy Amendments** (14:17-24:16)  
Motion by Fawn Billie to accept the draft Independent Contractor Policy amendments and forward for a legislative and fiscal analysis to be completed by February 23, 2017; seconded by Tehassi Hill. Motion carried unanimously.
7. **Landlord-Tenant Amendments** (24:16-28:46)  
Motion by Jennifer Webster to direct the Finance Department to complete a fiscal impact statement by February 15, 2017 and to approve the public meeting packet, including the fiscal impact statement when completed, and forward the Landlord-Tenant law amendments to a public meeting to be held on March 2, 2017; seconded by Tehassi Hill. Motion carried unanimously.

#### IV. New Submissions

1. **Petition: Benton-Change Pre-employment Drug Testing** (28:46-29:55)  
Motion by Fawn Billie to add the Petition: Benton-Change Pre-employment Drug Testing to the active files list with Fawn Billie as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

#### V. Additions

1. **Landlord-Tenant Rules Extension Request** (29:55-35:15)  
Motion by Tehassi Hill to forward the Landlord-Tenant Rules Extension Resolution to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.
2. **Eviction and Termination Rules Extension Request** (35:15-37:25)  
Motion by Tehassi Hill to forward the Eviction and Termination Rules Extension Resolution to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.
3. **Landlord-Tenant Rule No. 2 Certification** (37:25-01:21:14)  
Motion by David P. Jordan to defer the Landlord-Tenant Rule No. 2 Certification to the Legislative Operating Committee Chairperson's Office to write a memorandum to the Oneida Housing Authority identifying how the Landlord-Tenant Rule No. 2 does not comply with the Administrative Rulemaking law; seconded by Jennifer Webster. Motion carried with Tehassi Hill opposing.

Motion by Tehassi Hill to incorporate the Landlord-Tenant Rule No. 2 extension into the Landlord-Tenant Rules Extension Resolution; seconded by Fawn Billie. Motion carried unanimously.

**VI. Administrative Updates**

**1. Employment Law Postcard (01:21:14-01:22:45)**

Motion by Tehassi Hill to accept the information regarding the Employment Law Postcard; seconded by David P. Jordan. Motion carried unanimously.

**VII. Executive Session**

**VIII. Adjourn**

Motion by David P. Jordan to adjourn the February 1, 2017 Legislative Operating Committee meeting at 10:23 a.m.; seconded by Fawn Billie. Motion carried unanimously.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

BC approval of Finance Committee Meeting Minutes of February 13, 2017

3. Supporting Materials

Report  Resolution  Contract

Other:

1. FC E-Poll approving 2/13/17 Minutes 3. [Empty text box]

2. FC Mtg Minutes of 2/13/17 4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor: Denise Vigue, Executive Assistant /Finance Administration  
Your Name, Title / Dept. or Tribal Member

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

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

## Oneida 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](mailto: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:** February 13, 2017  
**RE:** **E-Poll Results of: FC Meeting Minutes of Feb. 13, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the Feb. 13, 2017 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

### **E-POLL RESULTS:**

**There was a Majority 5 YES votes from David Jordan, Wesley Martin, Jr., Larry Barton, Patrick Stensloff and Chad Fuss to approve the Feb. 13, 2017 Finance Committee Meeting Minutes.**

The minutes will be placed on the next BC agenda of Feb. 22, 2017 for approval and the next Finance Committee agenda of Feb. 27, 2017 to ratify this E-Poll action.

Yawλko

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\* 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

February 13, 2017 – 10:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING MINUTES

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### FC Regular Meeting:

Patricia King, Treasurer/FC Chair

David Jordan, BC Council Member

Patrick Stensloff, Purchasing Director

Larry Barton, CFO/FC Vice-Chair

Chad Fuss, Gaming AGM/FC Alternate

Wesley Martin, Jr., Community Elder Member

**Excused:** Jennifer Webster, BC Council Member

**Others Present:** Sandra Schuyler, Catherine Hurth, James Sommerfeldt, Scott Webster, Ronald Melchert 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:** FEBRUARY 13, 2017:

Motion by David Jordan to approve the Finance Committee agenda for Feb. 13, 2017 with one Add On under Donations #1. Seconded by Larry Barton. Motion carried unanimously.

**III. Approval of Minutes:** JANUARY 30, 2017 (approved via FC E-Poll on 1/31/17):

Motion by David Jordan to ratify the FC E-Poll action of Jan. 31, 2017 approving the Finance Committee meeting minutes of Jan 30, 2017. Seconded by Wesley Martin, Jr. Motion carried unanimously.

### IV. Tabled Business:

1. Green Bay Packer Merchandise

Chad Fuss, Asst. GGM & Larry Barton, CFO

Motion to remove from the table for discussion by Larry Barton. Seconded by David Jordan. Motion carried unanimously.

An e-mail was sent to the Finance Committee requesting a two week deferral of this item to give Joint Marketing a chance to prepare requested information. There was a discussion of a concern brought to the CFO of a refused request; no criteria available to review, cannot comment; there were questions surrounding SOP's, process, communication, and accountability the same as the last meeting, the FC asking the GTC action be included for the next meeting and discussion with Joint Marketing. The Chair asks that the subject of gratuitous initiatives/activities be brought up at a work meeting in the context of the Finance Committee role/purpose.

Motion by Wesley Martin, Jr. to defer this item for two weeks. Seconded by Chad Fuss. Motion carried unanimously.

### V. Capital Expenditures:

1. Data Financial (2) NRT Machines

Andrew Doxtater, Gaming Accounting

Andrew Doxtater was present to discuss this sole source request; it is for replacing two older Kiosks (9 & 11 years old); cycle out with newer models, old ones will be traded in; discussion of the sovereign immunity clause in agreement and legal review.

Motion by David Jordan to approve the Capital Expenditure with Data Financial for two NRT Machines in the amount of \$87,160.00 contingent upon the FC receiving the legal review. Seconded by Wesley Martin, Jr. Motion carried unanimously.

2. Northeast Asphalt – repaving/repair  
Timothy Skenandore, Gaming Facilities

Timothy Skenandore was present to describe the work: repaving road at New Casino and IMAC parking lots; this is a safety issue, a budgeted item & sole source as company is largest in the area; other companies won't bid as they say they cannot compete. Committee asked Tim to ensure proper communication goes out when construction occurs so patrons can take alternative routes.

Motion by Wesley Martin, Jr. to approve the Gaming Capital Expenditure with Northeast Asphalt for repaving/repair parking lots in the amount of \$237,070.00. Seconded by Larry Barton. Motion carried unanimously.

#### Chad Fuss excused at 10:47 a.m.

#### VI. New Business:

1. Sage Point – Investment Update  
Scott Webster, Investment Manager

Scott Webster was present and provided handouts of the fourth quarter summary for the financial investments the Nation has with Sage Point Financial; he reviewed the Large Cap diversification and discussed the market and portfolio updates. Conservative investing per the policy resulting in a small growth within market benchmarks; of note was the positive longitudinal return nearly doubled.

Motion by David Jordan to accept the Fourth Quarter Update Report from Sage Point Financial. Seconded by Wesley Martin, Jr. Motion carried unanimously.

2. Roche Diagnostics  
Sandra Schuyler, OCHC

Sandra Schuyler explained request is for blood testing supplies for diabetic patients; these are pharmacy items; some of costs of various items can be recuperated from patients who have insurance; new contract period is Jan-Dec 2017.

Motion by David Jordan to approve the Roche Diagnostics Purchase Order for \$75,000. Seconded by Wesley Martin, Jr. Motion carried unanimously.

3. Paragon Development System, Inc.-Renewal  
James Sommerfeldt, MIS

James Sommerfeldt was present to discuss this item: renewal of existing contract legal and purchasing reviews completed (contract #2017-0108), not sure why item is tagged as sole source as there were three bids completed at the time of initial contract: Patrick explained that buyers in Purchasing only have what is submitted from unit, original contract, bids, not included here so item was tagged as sole source, need to provide all documentation; James will follow-up with MIS on documentation for Purchasing; the updated deadline date is March 1, 2017 so this is a time sensitive request.

Motion by Patrick Stensloff to approve the Paragon Development Systems, Inc. renewal in the amount of \$146,340. Seconded by David Jordan. Motion carried unanimously.

4. OTIE – Task Order #4-Design Work  
Paul Witek, Engineering Dept.

Kevin House present as James Petitjean and Paul Witek both out at other meetings; this is a sole source item as OTIE has in the past been developing the design work for road projects; this is 100% TTP funded; Finance Committee questioned if any other bids were solitied; Kevin with follow up with Paul to provide response.

Motion by Wesley Martin, Jr. to approve the OTIE Task Order #4 in the amount of \$95,000. Seconded by David Jordan. Motion carried unanimously.

**VII. Executive Session:** No requests**VIII. Donation Requests:**

1. Add On: Honey Bee Production  
Requestor: Ronald Melchert

Ronald Melchert was present to discuss this Donation request to help with the Honey Bee Production initiative he started a year ago; this works well with the land reclamation to ensure the natural environment; can enhance the apple orchard with pollination from the bees; several species are already endangered this will help in their survival; he will work with Tsyuhkwa with organic gardens and honey sales; Committee members approved of the initiative and hoped Ron could somehow tie this into youth activities as well; suggestion was to contact Master Bee Keeper at the Family Fitness Center.

Motion by Wesley Martin, Jr. to approve from the Finance Committee Donation Line \$858.40 for the Honey Bee Production initiative. Seconded by David Jordan. Motion carried unanimously.

**IX. Follow Up:** No Items**X. FYI and /or Thank You:**

1. Brown County Contract Payments  
James Petitjean for TTP

Motion by David Jordan to accept the Brown County Contract Payment information as FYI. Seconded by Larry Barton. Motion carried unanimously.

2. Patriot Gaming & Electronics  
David Emerson, Gaming Slots

Motion by David Jordan to accept the Patriot Gaming & Electronics Purchase Order information as FYI. Seconded by Wesley Martin, Jr. Motion carried unanimously.

- XI. Adjourn:** Motion by David Jordan to adjourn. Seconded by Wesley Martin, Jr. Motion carried unanimously. The regular Finance Committee meeting ended at 11:15 A.M. The next regularly scheduled Finance Committee meeting and FC Work Meeting will be on Feb. 27, 2017.

Minutes taken & transcribed by:  
Denise Vigue, Executive Assistant to the CFO  
& Finance Committee Contact/Recording Secretary

*Finance Committee- E-Poll Minutes Approval Date:* February 13, 2017

*Oneida Business Committee- FC Minutes Approval Date:* \_\_\_\_\_

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   2   /  22  /  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:

For the OBC to approve the amended 2016 Indian Housing Plan. The amendment corrects the 2016 Indian Housing Plan to properly align with the 2016 Annual Performance Report. The Chairwoman's signature is needed on page 8 of the amendment document.

**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:

When the 2016 Indian Housing Plan(IHP) was created, OHA identified Current Assisted Stock Rehabilitation as one program. OHA later learned rehab for rentals and rehab for home ownership units need to be two separate programs within the Indian Housing Plan.

When OHA submitted the 2016 Annual Performance Report(APR) later in the year, adjustments were made to report rehab for rentals and home ownership as two programs.

The original IHP does not match the APR, therefore an amendment is needed to properly align both documents.

A signed amendment for the 2016 IHP will resolve the concern noted within a letter from the Eastern Woodlands Office of Native American Programs dated January 24, 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](mailto:BC_Agenda_Requests@oneidanation.org)

Housing Department

**MEMORANDUM**

To: Oneida Business Committee  
From: Dale Wheelock, Executive Director Oneida Housing Authority *D.W.*  
Date: February 17, 2017  
Subject: **Amendment to the FY 2016 Indian Housing Plan of new activity to reflect consistency with the FY 2016 Annual Performance Plan**

An amendment to the FY 2016 Indian Housing Plan (IHP) needs approval by the OBC and the Amendment signed by the Chairwoman or OBC Officer and filed with the Chicago HUD office by February 24, 2017 to meet a compliance requirement.

The amendment is necessary when the grant recipient is adding a new program activity in the IHP. When the FY 2016 IHP was created and accepted by HUD, OHA identified Current Assisted Stock Rehabilitation as one program activity. Later HUD informed OHA to break down the activity into two program activities; CAS Rehabilitation Rental and CAS Rehabilitation Home ownership to be reflected in the IHP budget. When OHA submitted the FY 2016 Annual Performance Report (APR) in December, 2016 an adjustment was made to report habitation for rentals and rehabilitation for home ownership as two separate program activities.

The original FY 2016 IHP does not match with the FY 2016 APR, therefore an amendment is needed to properly align both documents to projected activities in the IHP plan and the completed activities in the APR. A signed amendment for the FY 2016 IHP will resolve the concern noted in the HUD letter dated January 24, 2017 and OHA will be in compliance with this HUD requirement.

**SECTION 16: IHP AMENDMENTS**

24 CFR §1000.512

**Use this section for IHP amendments only.**

This section is only filled out if the recipient is making an official amendment to an IHP that was previously determined to be in compliance by HUD, and the recipient is required to send the amended IHP to HUD for review. The recipient may amend its IHP at any time during the Program Year.

There are only two instances when an IHP amendment must be submitted to HUD for review and determination of compliance:

- (1) When the recipient is adding a new activity that was not described in the current One-Year Plan that was determined to be in compliance by HUD; or
- (2) When the recipient is reducing the amount of funds budgeted to protect and maintain the viability of housing assisted under the 1937 Act.

The recipient is not required to submit an amended IHP to HUD:

If the revision simply alters the IHBG budget, including moving funds among planned tasks, or if it deletes a planned activity, *unless* the re-programmed funds from the budget amendment or task deletion will be used for a new task not currently in an IHP determined by HUD to be in compliance, *or unless* the change is to reduce the budget supporting 1937 Act units.

**NOTES:**

If Line 2 in Section 8 (IHP Tribal Certification) is checked in the current IHP, a new certification must be signed and dated by the authorized tribal official and submitted with the IHP Amendment.

Section 1 (Cover Page) is recommended but not required with an IHP Amendment submission.

Eligible Activity	Output Measure	Output Completion
(1) Modernization of 1937 Act Housing [202(1)]	Units	All work completed and unit passed final inspection
(2) Operation of 1937 Act Housing [202(1)]	Units	Number of units in inventory at Program Year End (PYE)
(3) Acquisition of Rental Housing [202(2)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [202(2)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [202(2)]	Units	All work completed and unit passed final inspection

(6) Acquisition of Land for Rental Housing Development [202(2)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [202(2)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [202(2)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development [202(2)]	Units	All work completed and unit passed final inspection
(10) Acquisition of Land for Homebuyer Unit Development [202(2)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [202(2)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [202(2)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [202(2)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [202(2)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [202(2)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [202(2)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [202(3)]	Households	Count each household once per year
(18) Other Housing Service [202(3)]	Households	Count each household once per year
(19) Housing Management Services [202(4)]	Households	Count each household once per year
(20) Operation and Maintenance of NAHASDA-Assisted Units [202(4)]	Units	Number of units in inventory at PYE
(21) Crime Prevention and Safety [202(5)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(22) Model Activities [202(6)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(23) Self-Determination Program [231-235]		
Acquisition	Units	When recipient takes title to the unit
Construction	Units	All work completed and unit passed final inspection
Rehabilitation	Units	All work completed and unit passed final inspection
Infrastructure	Dollars	Dollars spent (report in Uses of Funding Table only)
(24) Infrastructure to Support Housing [202(2)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(25) Reserve Accounts [202(9)]	N/A	N/A

**APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 404(b))**

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month program year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133 audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month program year.

<b>1. Program Name and Unique Identifier:</b>	<b>CAS Rehabilitation Home Ownership 2016-301</b>	
<b>2. Program Description</b> <i>(This should be the description of the planned program.):</i>		
This program is designed to provide project management, rehabilitation due to mold, replacement of obsolete materials, and rehabilitation due to inadequate ventilation in bathrooms, and energy efficiencies. This program focuses on weatherization rehabilitation by addressing inadequate insulation, window, doors, siding and roofs.		
<b>3. Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i>	16	
<b>4. Intended Outcome Number</b> <i>(Select one outcome from the Outcome list.):</i>	3	
<b>Describe Other Intended Outcome</b> (Only if you selected "Other" above):		
<b>5. Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i>		 
<b>Describe Other Actual Outcome</b> (Only if you selected "Other" in above):		
<b>6. Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):</i>		
Low-Moderate Income Families		
<b>7. Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i>		
Rehabilitation crew and subcontracted professionals will perform the work activities. In no case is the rehabilitation cost per unit is to exceed the 2012 cost estimate. Under no circumstance can the assistance per unit exceed \$45,000.		
<b>8. APR:</b> <i>Describe the accomplishments for the APR in the 12-month program year.</i>		

<b>9. Planned and Actual Outputs for 12-Month Program Year</b>		
Planned Number of <b>Units</b> to be Completed in Year Under this Program	Planned Number of <b>Households</b> To Be Served in Year Under this Program	Planned Number of <b>Acres</b> To Be Purchased in Year Under this Program
. 1		
APR: Actual Number of <b>Units</b> Completed in Program Year	APR: Actual Number of <b>Households</b> Served in Program Year	APR: Actual Number of <b>Acres</b> Purchased in Program Year
<b>10. APR: If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))</b>		

**(11) Amended Sources of Funding** (NAHASDA § 102(b)(2)(C)(i) and 404(b)) (Complete the **non-shaded** portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month program year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month program year.**)

SOURCE	IHP					APR					
	(A) Estimated amount on hand at beginning of program year	(B) Estimated amount to be received during 12-month program year	(C) Estimated total sources of funds (A+B)	(D) Estimated funds to be expended during 12-month program year	(E) Estimated unexpended funds remaining at end of program year (C-D)	(F) Actual amount on hand at beginning of program year	(G) Actual amount received during 12-month program year	(H) Actual total sources of funding (F+G)	(I) Actual funds expended during 12-month program year	(J) Actual unexpended funds remaining at end of 12-month program year (H - I)	(K) Actual unexpended funds obligated but not expended at end of 12-month program year
1. IHBG Funds	\$12,192,294	\$3,789,132	\$15,981,426	\$6,908,943	\$9,072,483			\$0		\$0	
2. IHBG Program Income	\$0	\$861,722	\$861,722	\$861,722	\$0			\$0		\$0	
3. Title VI			\$0		\$0			\$0		\$0	
4. Title VI Program Income			\$0		\$0			\$0		\$0	
5. 1937 Act Operating Reserves			\$0		\$0			\$0		\$0	
6. Carry Over 1937 Act Funds			\$0		\$0			\$0		\$0	
<b>LEVERAGED FUNDS</b>											
7. ICDBG Funds	\$576,813		\$576,813	\$576,813	\$0			\$0		\$0	
8. Other Federal Funds			\$0		\$0			\$0		\$0	
9. LIHTC			\$0		\$0			\$0		\$0	
10. Non-Federal Funds			\$0		\$0			\$0		\$0	
<b>TOTAL</b>	\$12,769,107	\$4,650,854	\$17,419,961	\$8,347,478	\$9,072,483	\$0	\$0	\$0	\$0	\$0	\$0

TOTAL Columns C & H, 2 through 10	\$1,438,535	\$0
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**Notes:**

- a. For the IHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- b. Total of Column D should match the total of Column N from the Uses of Funding table below.
- c. Total of Column I should match the Total of Column Q from the Uses of Funding table below.

**(12) Amended Uses of Funding** (NAHASDA § 102(b)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month program year.**)

PROGRAM NAME	IHP			APR		
	(L)	(M)	(N)	(O)	(P)	(Q)
	Prior and current year IHBG (only) funds to be expended in 12-month program year	Total all other funds to be expended in 12-month program year	Total funds to be expended in 12-month program year (L+M)	Total IHBG (only) funds expended in 12-month program year	Total all other funds expended in 12-month program year	Total funds expended in 12-month program year (O+P)
CAS Rehabilitation Home Ownership 2016-301			\$2,500			\$0
Program Administration - 2016-001	\$0	\$0	\$0	\$0	\$0	\$0
Resident Services - 2016-002	\$190,383	\$50,000	\$240,383	\$0	\$0	\$0
CAS - 2016-003	\$239,444	\$50,000	\$289,444	\$0	\$0	\$0

Development - 2016-100	\$4,028,052	\$1,198,535	\$5,226,587	\$0	\$0	\$0
Crime Prevention - 2015-200	\$149,493	\$100,000	\$249,493	\$0	\$0	\$0
Operating CAS - 2016-00X	\$1,124,497	\$0	\$1,124,497	\$0	\$0	\$0
CAS Rehabilitation - 2016-300	\$880,580	\$0	\$880,580	\$0	\$0	\$0
Planning and Administration	\$296,494	\$40,000	\$336,494			\$0
Loan repayment - describe in 3 & 4 below			\$0			\$0
<b>TOTAL</b>	\$6,908,943	\$1,438,535	\$8,347,478	\$0	\$0	\$0

**Notes:**

- a. Total of Column L cannot exceed the IHBG funds from Column C, Row 1 from the Estimated Sources of Funding table in Line 2 above.
- b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Estimated Sources of Funding table in Line 2 above.
- c. Total of Column O cannot exceed total IHBG funds received in Column H, Row 1 from the Estimated Sources of Funding table in Line 2 above.
- d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Estimated Sources of Funding table in Line 2 above.
- e. Total of Column Q should equal total of Column I of the Estimated Sources of Funding table in Line 2 above.

**(13) Estimated Sources or Uses of Funding (NAHASDA § 102(b)(2)(C)).** *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses of Funding table on the previous page. This planned loan repayment can be associated with Title VI or with private or tribal funding that is used for an eligible activity described in an IHP that has been determined to be in compliance by HUD. The text must describe which specific loan is planned to be*

repaid and the NAHASDA-eligible activity and program associated with this loan):

The Oneida Housing Department is planning on submitting an application to the USDA Rural Rental Housing Program (Section 515) in 2016 by leveraging \$200,000 IHBG for the \$1 million loan. There will be an additional cost from the IHBG of \$150,000 for apartment design, business plan and Leadership in Energy Efficient Design

**(14) APR (NAHASDA § 404(b))** (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses of Funding table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

<b>(15) Recipient:</b>	Oneida Nation of Wisconsin	
<b>(16) Authorized Official's Name</b>	Cristina Danforth, Chairwoman	
<b>(17) Authorized Official's Signature:</b>	I certify that all other sections of the IHP approved on	
	are accurate and reflect the activities planned.	
<b>(18) Date (MM/DD/YYYY):</b>		



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd  
Chicago, IL 60604-3507

EASTERN WOODLANDS OFFICE OF  
NATIVE AMERICAN PROGRAMS

January 24, 2017

Honorable Cristina Danforth, Chairperson  
Oneida Tribe of Indians of Wisconsin  
PO Box 356 N7210 Seminary  
Oneida, WI 54155

**SUBJECT: Receipt of September 30, 2016 Annual Performance Report**  
**Grant Number: 55IT5549100**

Dear Chairperson Danforth:

On December 29, 2016, the Eastern/Woodlands Office of Native American Programs (E/WONAP) received the Oneida Tribe of Indians of Wisconsin's Annual Performance Report (APR) for the program year ended September 30, 2016. A limited review indicates that additional information is needed before E/WONAP can complete its review.

### **Section 3: Program Descriptions**

The APR included a new IHBG program activity that the Grants Management Division has not previously determined to be compliant. Please submit an Indian Housing Plan (IHP) Amendment (Section 16 of HUD-52737) within 30 days of the date of this letter to the Grants Management Division. If the IHP amendment is not received within 30 days from the date of this letter, E/WONAP will issue a Letter of Warning which may result in questioned costs. If the amendment is determined compliant, Oneida Tribe of Indians of Wisconsin will have 30 days to resubmit the APR for review. If the APR is not submitted within the time allowed, E/WONAP will issue a Letter of Warning which may result in questioned costs.

Line 1.8 of Section 3 (Program Descriptions) describes accomplishments; however, the Uses of Funding Table in Section 5 (Budgets) does not include funds budgeted or expended for these accomplishments, nor does the IHP of record identify this as an approved program. It is recommended that Oneida Tribe of Indians of Wisconsin contact its Grants Management Specialist to determine if an amendment to Oneida Tribe of Indians of Wisconsin's IHP is necessary.

Upon receipt of the resubmitted APR, E/WONAP will complete its review of the APR and provide recommendations regarding the report and/or the Oneida Tribe of Indians of Wisconsin's performance under the IHBG program.

Oneida Tribe of Indians of Wisconsin  
2016 APR IHP Amendment Notification Letter  
Page 2 of 2

E/WONAP appreciates Oneida Tribe of Indians of Wisconsin's participation in the IHBG program. For questions or if E/WONAP can be of assistance, please contact Mario Lindsey, Grants Evaluation Specialist at 1-312-913-8161 or by email at [mario.lindsey@hud.gov](mailto:mario.lindsey@hud.gov).

Sincerely,



William O. Dawson III, MPA  
Director, Grants Evaluation Division  
Eastern Woodlands Office of  
Native American Programs

cc: Dale Wheelock, Executive Director  
Elton Jones, E/WONAP Grants Management Division Director

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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:

To formulate a team to create Public Service Announcements regarding Oneida/Hotinishoni history, language, and culture where the P.S.A.'s may be utilized in different media outlets of the Oneida Nation.

**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:

Brian A. Doxtator, Executive Assistant to Tribal Treasurer

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:

Through the monthly Treasurer's meetings, the O.B.C. Direct Reports and Chairpersons of Boards, Committees, and Commissions provided a recommendation to the Treasurer that history, language, and culture messages be created for the different media outlets of the Oneida Nation.

Therefore, I respectfully request support of the following motion:

Requested Action:

To formulate a Cross-functional team comprised of: Oneida Retail Enterprises, Governmental Services Division, Internal Services Division, and Intergovernmental Affairs and Communication Department to formulate a plan for creating Oneida focused Public Service Announcements within 60 days; and that the team provide a draft concept plan to the Advancing On^yote'aka Principles sub-team (Councilman Brandon Yellowbird Stevens, Councilwoman Jennifer Webster, and Councilman Tehassi Hill); and that an implementation plan be provided to the Oneida Business Committee at the June 2017, O.B.C. Work 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 Business Committee Agenda Request

1. Meeting Date Requested: 02 / 22 / 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 correspondence to the Oneida Indian Nation regarding an Oneida language preservation program

**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: Lisa Liggins, Executive Assistant II  
Your Name, Title / Dept. or Tribal Member

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

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

**\*\*BACKGROUND\*\***

Please review the letter dated September 22, 2016, from the Oneida Indian Nation and the response dated October 14, 2016, from the Chair.

At the November 23, 2016, Business Committee meeting, the following action took place:

"Motion by David Jordan to accept this item as information; and to add this item to the January 2017 work meeting of the Business Committee, seconded by Brandon Stevens. Motion carried with one abstention."

**\*\*CURRENT STATUS\*\***

The January 2017 work meeting was cancelled due to inclement weather and rescheduled for February 14, 2017.

At the February 14, 2017, Business Committee work meeting, the Business Committee, by consensus, determined that the Oneida Nation can agree to begin discussions with the Oneida Indian Nation on a language preservation program. Intergovernmental Affairs and Communication was asked to draft correspondence to this effect. The draft correspondence is attached for review and approval.

It is important to note that the Business Committee has not determined a primary contact; if one is determined, it should be included in the letter.

**\*\*REQUESTED ACTION\*\***

Approve correspondence to the Oneida Indian Nation regarding an Oneida language preservation program

- 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](http://oneida-nsn.gov)



February 22, 2017

Mr. Ray Halbritter  
Oneida Indian Nation  
Oneida Nation Homelands  
5218 Patrick Road  
Verona, New York 13478

Dear Mr. Halbritter

After deliberations with the Oneida Business Committee, we are prepared to begin discussions on a language preservation program that will benefit the Oneida people. Preserving the Oneida language is a matter of importance that rises above all other issues and we committed to find common ground on this critical issue.

As a matter of moving this forward, I propose we establish some guiding principles on how we will work together to address this important initiative between our communities. These principals will give us the foundation we need to build a successful linguistic program. I look forward to hearing from you.

<<Insert information on the primary contact>>

Sincerely,

Cristina Danforth  
Oneida Nation Chairwoman

**IX. GENERAL TRIBAL COUNCIL**

**A. Approve date and time for reconvened 2017 Annual GTC meeting; and corresponding mail-out notice**

Sponsor: Lisa Summers, Tribal Secretary

*This agenda item contains information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials. Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>*

*For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to [TribalSecretary@oneidanation.org](mailto:TribalSecretary@oneidanation.org). Thank you.*

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution 02-22-17

### Adoption of Amendments to the Oneida Seven Generations Corporate Charter

- 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 General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin; 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 Seven Generations Corporation (“OSGC”) was issued a tribal charter, which has been amended from time to time, by the Oneida Business Committee by adoption of resolution # BC-12-04-1996-B; and
- WHEREAS,** on March 1, 2011, the City of Green Bay (the “City”) approved a conditional use permit (“CUP”) sought by a subsidiary of OSGC, Green Bay Renewable Energy, LLC (“GBRE”), to operate a waste-to-energy facility on property located in the City; and
- WHEREAS,** on October 16, 2012, the City wrongfully revoked the CUP; and
- WHEREAS,** on November 14, 2012, OSGC and GBRE commenced litigation against the City to protest the wrongful revocation of the CUP (the “State Court Lawsuit”); and
- WHEREAS,** on November 19, 2012, OSGC and GBRE sent a Notice of Claim to the City, advising the City that its wrongful revocation of the CUP had caused damages to OSGC and GBRE; and
- WHEREAS,** on March 25, 2014, the Wisconsin Court of Appeals issued an opinion in the State Court Lawsuit finding that the City’s revocation of the CUP was wrongful and arbitrary; and
- WHEREAS,** the City refused to re-issue the CUP in light of the Wisconsin Court of Appeals decision, and instead chose to appeal to the Wisconsin Supreme Court; and
- WHEREAS,** on May 29, 2015, the Wisconsin Supreme Court affirmed the decision of the Wisconsin Court of Appeals in the State Court Lawsuit; and
- WHEREAS,** by the time the Wisconsin Supreme Court affirmed the Court of Appeals decision in the State Court Lawsuit, the waste-to-energy project was no longer economically viable; and
- WHEREAS,** OSGC and GBRE thereafter attempted to negotiate a settlement with the City for the damages caused to OSGC and GBRE by the wrongful revocation of the CUP; and

# HANDOUT FOR ITEM - X.A.01. \*MOVED TO OPEN SESSION\*

BC Resolution 02-22-17

Adoption of Amendments to the Oneida Seven Generations Corporate Charter

Page 2 of 3

- WHEREAS,** on December 15, 2013, the Oneida General Tribal Council directed the Oneida Business Committee to dissolve OSGC (the “2013 GTC Motion”); and
- WHEREAS,** the Oneida Business Committee began the process of dissolution of OSGC by adoption of amendments to its corporate charter, through resolution # BC-12-24-13-A (the “2013 Resolution”), which amended the OSGC bylaws to limit OSGC’s purposes to “activities related solely to the purposes of commercial leasing;” and
- WHEREAS,** the 2013 Resolution limiting the purposes of OSGC also (1) expressly referenced, without amending, Article XV of the charter, which provides for the distribution of assets to the Oneida Nation after satisfying the claims of third parties and (2) declared that the dissolution might take “up to or exceed 10-12 months in order to minimize negative financial consequences and wind up the activities of the corporation in a business-like manner;” and
- WHEREAS,** it was, and remains, the understanding and interpretation of the Oneida Business Committee that OSGC’s legal claims constituted assets of the corporation that must be pursued, collected and distributed as part of the process of dissolving the corporation and winding up its affairs in a business-like manner, as required by Article XV; and
- WHEREAS,** the Oneida Business Committee on May 27, 2015 adopted amendments to OSGC’s corporate charter, through resolution # BC 05-27-15-B (the “2015 Resolution”), which amended the OSGC bylaws to “clearly limit the corporation to commercial leasing and restrict its power an authorities to maintaining the value of existing assets;” and
- WHEREAS,** the 2015 Resolution did not amend Article XV of the charter, which provides for the distribution of assets to the Oneida Nation after satisfying the claims of third parties; and
- WHEREAS,** it was, and remains, the understanding and interpretation of the Business Committee that the OSGC’s legal claims constitute assets of the corporation that must be pursued, collected and distributed as part of the process of dissolving the corporation and winding up its affairs in a business-like manner, as required by Article XV; and
- WHEREAS,** through its adoption of amendments to the OSGC corporate charter, the Oneida Business Committee did not intend to interfere with pending legal disputes involving OSGC, or otherwise to impair the rights and abilities of OSGC or any of its subsidiaries to recover any legal remedy to which they are lawfully entitled; and
- WHEREAS,** OSGC and GBRE were unsuccessful in their efforts to negotiate a settlement with the City for the damages caused to OSGC and GBRE by the wrongful revocation of the CUP; and
- WHEREAS,** on December 23, 2016, having exhausted the remedies available under Wisconsin law through the State Court Lawsuit, and as a continuation of their efforts to seek redress for the City’s wrongful revocation of the CUP, OSGC and GBRE filed a federal lawsuit against the City, alleging that the City’s actions amounted to constitutional due process violations, and that OSGC and GBRE are entitled to damages as a result (the “Federal Court Lawsuit”); and
- WHEREAS,** OSGC and GBRE filed the Federal Court Lawsuit with the knowledge and approval of the Oneida Business Committee, and as a continuation of legal efforts commenced in 2012 to recover damages from the City for its wrongful revocation of the CUP; and

# HANDOUT FOR ITEM - X.A.01. \*MOVED TO OPEN SESSION\*

**WHEREAS,** the Oneida Business Committee wishes OSGC and GBRE to continue to pursue all remedies available to them under the law in connection with the Federal Court Lawsuit; and

**WHEREAS,** under the Oneida Code of laws, § 804.3 (x); the acts, statutes, rules, regulations, policies and ordinances of the Oneida General Tribal Council and Oneida Business Committee constitute Tribal law; and

**WHEREAS,** the 2013 GTC Motion, as well as the 2013 Resolution and the 2015 Resolution of the Oneida Business Committee, exercising its legislative authority under the Oneida Tribal Constitution, Art. VI, constitute tribal law; and

**WHEREAS,** it is well-settled federal law that the authority to interpret tribal law rests with the Tribe and not with any state of federal court; and

**WHEREAS,** the Oneida Business Committee, and no other body other than the Oneida General Tribal Council, has the authority to construe and interpret the enactments of the Oneida General Tribal Council and the Oneida Business Committee; and

**WHEREAS,** the City, lacking any authority to do so, has attempted to invoke tribal law to prevent the corporation from pursuing its claims against the City; and

**WHEREAS,** a court cannot substitute its own interpretation of tribal law for a tribe's interpretation of its own law without infringing on the Tribe's sovereignty and right of self-government;

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee declares and ordains, under tribal law, that neither the 2013 GTC Motion, nor the 2013 Resolution of the Oneida Business Committee, nor the 2015 Resolution of the Oneida Business Committee, nor any other act of the Oneida General Tribal Council or the Oneida Business Committee, was intended to prevent, or does prevent, the Oneida Seven Generations Corporation or any of its subsidiaries from taking steps, in the course of eventual dissolution, to minimize negative financial consequences and wind up the activities of the corporation in a business-like manner.

**IT IS FURTHER RESOLVED,** that the Oneida Business Committee declares and ordains, under tribal law, that neither the 2013 GTC Motion, nor the 2013 Resolution of the Oneida Business Committee, nor the 2015 Resolution of the Oneida Business Committee, nor any other act of the Oneida General Tribal Council or the Oneida Business Committee, was intended to prevent, or does prevent, Oneida Seven Generations Corporation or any of its subsidiaries, in accordance with the mandate under Art. XV of the corporate charter, from pursuing all possible claims for remedies available to them under the law, including without limitation any claims against the City of Green Bay or any other responsible party relating to the revocation of a conditional use permit by the City on or about March 1, 2011, as presently alleged in a Complaint filed in proceedings captioned *Oneida Seven Generations Corporation et al. v. City of Green Bay*, currently pending in the United States District Court for the Western District of Wisconsin with case number 1:16-cv-01700, as well as any appellate proceedings in connection with such proceedings, or further proceedings necessary to enforce any judgment or remedy obtained in such proceedings.

