

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Meeting Materials April 12, 2017

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 306 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 12th day of April, 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, April 11, 2017
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 a.m. Wednesday, April 12, 2017
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

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

I. CALL TO ORDER AND ROLL CALL

II. OPENING

III. ADOPT THE AGENDA

pp. 1-6

IV. OATHS OF OFFICE

A. Environmental Resources Board – Marlene Garvey

pp. 7-8

B. Oneida Nation Veterans Affairs Committee – Arthur Cornelius

pp. 9-10

V. MINUTES

A. Approve March 22, 2017, regular meeting minutes

pp. 11-24

Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

A. Adopt resolution entitled Implementing Per Capita Plan Adopted by General Tribal Council on June 13, 2016

pp. 25-28

Sponsor: Trish King, Tribal Treasurer

B. Adopt resolution entitled Extending the Effective Date of the Community Support Fund Law

pp. 29-32

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

C. Adopt resolution entitled Conflict of Interest Emergency Amendments

p. 33

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

- D. Adopt resolution entitled Drug and Alcohol Free Workplace Law Amendments** *pp. 34-64*
Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
- E. Adopt resolution entitled Endowments Law Amendments** *pp. 65-84*
Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

VII. STANDING COMMITTEES

A. Legislative Operating Committee

Chair: Brandon Stevens, Councilman

1. **Accept March 15, 2017, Legislative Operating Committee meeting minutes** *pp. 85-87*
2. **Request Oneida Personnel Commission to submit input regarding Employment Law** *pp. 88-89*
3. **Review Landlord-Tenant Rule # 2: Income Based Rental Program; Landlord-Tenant Rule # 3: Elder Rental Program; and Eviction & Termination Rule # 1: Disposal of Abandoned Personal Property** *pp. 90-182*

B. Finance Committee

Chair: Trish King, Tribal Treasurer

1. **Approve April 3, 2017, Finance Committee meeting minutes** *pp. 183-189*

VIII. APPOINTMENTS

- A. Approve recommendation to appoint Beverly Anderson, Dale Powless, and Carmelita Escamea to Oneida Child Protection Board** *pp. 190-191*
Sponsor: Tina Danforth, Tribal Chairwoman

IX. STANDING ITEMS

- A. Accept quarterly report regarding work plan for Cemetery Improvements Project # 14-002** *pp. 192-196*
Sponsor: James Petitjean, Interim Assistant Division Director/Development-Development
- B. Approve Constitutional Amendments Implementation Team close-out report; and four (4) additional requested actions** *pp. 197-211*
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

X. UNFINISHED BUSINESS

- A. Reconsider, review, and hear testimony from Kory Wesaw regarding application to Oneida Police Commission** *pp. 212-213*
Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM FEBRUARY 8, 2017: (1) 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. (2) Motion by Melinda J. Danforth to request Chairwoman Tina Danforth to reconsider the other applicants in the pool in accordance with the Comprehensive Policy Governing Boards, Committees, and Commissions, seconded by Brandon Stevens. Motion carried unanimously.

XI. NEW BUSINESS

- A. Approve activation of \$250,000 from FY 2017 CIP budget for CIP # 14-012 Oneida Farms Barn & Manure Pit** *pp. 214-217*
Sponsor: James Petitjean, Interim Assistant Division Director/Development-Development
- B. Approve activation of \$393,000 from FY 2017 CIP budget for CIP # 15-003 Norbert Hill Center Remodeling-Phase VIII** *pp. 218-221*
Sponsor: James Petitjean, Interim Assistant Division Director/Development-Development
- C. Approve update regarding Noncompliance: Organizational Conflicts of Interest Finding in Final Monitoring Report Letter from U.S. Dept. of Housing & Urban Development** *pp. 222-229*
(This item corresponds with item VI.C. of the agenda)
Sponsor: Tina Danforth, Tribal Chairwoman
- D. Reconsider request to approve reorganization of five (5) Elder Services positions to Comprehensive Health Division** *pp. 230-242*
Sponsor: George Skenandore, Division Director/Governmental Services
- E. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
- 1. Failed request for reorganization of five (5) Elder Services positions to Comprehensive Health Division** *pp. 243-252*
Sponsor: George Skenandore, Division Director/Governmental Services

XII. TRAVEL**A. TRAVEL REPORTS**

- 1. Accept travel report – Councilwoman Fawn Billie – Tribal Action Plan Development Workshop – Columbia, SC – January 25-27, 2017** *pp. 253-255*
- 2. Accept travel report – Secretary Lisa Summers – National Congress of American Indians (NCAI) Executive Council Winter Session – Washington D.C. – February 14-16, 2017** *pp. 256-258*
- 3. Accept travel report – Secretary Lisa Summers – PL280 Subcommittee, Tribal Caucus, and Intertribal Criminal Justice Council meeting – Hayward, WI – March 22-24, 2017** *pp. 259-260*

B. TRAVEL REQUESTS

- 1. Approve travel request – Secretary Lisa Summers – State-Tribal Consultation with WI Department of Corrections – Hayward, WI – May 8-9, 2017** *pp. 261-262*

XIII. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only materials, visit the BC Support Office, 2nd floor, Norbert Hill Center and present Tribal I.D. card or go to <https://goo.gl/uLp2jE>)*

A. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana

EXCERPT FROM MARCH 22, 2017: (1) Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

1. **Accept legal analysis** pp. 263-280
Sponsor: Jo Anne House, Chief Counsel
 2. **Defer financial analysis to April 26, 2017, regular Business Committee meeting** pp. 281-282
Sponsor: Larry Barton, Chief Financial Officer
- B. Approve May 16, 2017, reconvened special GTC meeting mail-out notice** pp. 283-288
Sponsor: Lisa Summers, Tribal Secretary
- C. Enter E-Poll results into the record In accordance with BC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
1. **Approved request to schedule special GTC meeting on Tuesday, May 16, 2017, at 6:00 p.m. as directed at the March 19, 2017, special GTC meeting** pp. 289-297
Requestor: Lisa Summers, Tribal Secretary
 2. **Approved request to reschedule April 7, 2017, reconvened Annual GTC meeting to Sunday, April 23, 2017, at 1:00 p.m., due to identified safety concerns** pp. 298-306
Requestor: Lisa Summers, Tribal Secretary

XIV. EXECUTIVE SESSION (*Please Note: Scheduled times are approximate and subject to change*)**A. REPORTS**

1. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel p. 307
 - a. **Approve limited waiver of sovereign immunity – LexisNexis-Time Matters Annual Maintenance Agreement – contract # 2017-0280** pp. 308-316
 - b. **Approve attorney engagement letters** pp. 317-349
2. **Accept Chief Financial Officer report** – Larry Barton, Chief Financial Officer pp. 350-364
3. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director pp. 365-375

B. STANDING ITEMS

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

C. AUDIT COMMITTEE

Chair: Tehassi Hill, Councilman

1. **Accept February 9, 2017, Audit Committee meeting minutes** pp. 376-379
2. **Accept Oneida Police Department Performance Assurance audit and lift confidentiality requirement to allow Tribal Members to view the audit** pp. 380-388

D. TABLED BUSINESS

1. **Adopt resolution entitled Resolution to Adopt the Second Amendment to the Public Safety Officer Pension Plan** pp. 389-400
Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM MARCH 22, 2017: Motion by David Jordan to table this item until the end of the agenda, seconded by Tehassi Hill. Motion carried unanimously.

E. UNFINISHED BUSINESS

1. **Approve limited waiver of sovereign immunity – Independent Care Health Plan-iCare Provider Service Agreement – contract # 2016-0357** pp. 401-443
Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

EXCERPT FROM MARCH 22, 2017: Motion by Lisa Summers to defer this item to the April 12, 2017, regular Business Committee meeting to request clarification on approval, seconded by David Jordan. Motion carried unanimously.

F. NEW BUSINESS

1. **Approve limited waiver of sovereign immunity – Wells Fargo Merchant Services-Merchant Processing Application – contract # 2017-0244** pp. 444-523
Sponsor: Larry Barton, Chief Financial Officer

2. **Adopt resolution entitled Adoption of Second Amendment and the Amended and Restated Credit Note of the Oneida Nation** pp. 524-533
Sponsor: Larry Barton, Chief Financial Officer
3. **Review complaint # 2017-DR16-01** pp. 534-537
Sponsor: Lisa Summers, Tribal Secretary
4. **Review request regarding wage adjustment procedures *(This item is scheduled to begin at 11:00 a.m.)*** pp. 538-539
Sponsor: Lisa Summers, Tribal Secretary
5. **Review request regarding wage adjustment plan for FY 2018 budget planning** pp. 540-541
Sponsor: Trish King, Tribal Treasurer
6. **Accept information regarding Electrical Department *(This item is scheduled to begin at 1:30 p.m.)*** pp. 542-594
Sponsor: Tina Danforth, Tribal Chairwoman
7. **Discuss and set performance expectations for Direct Report – DR06 *(This item is scheduled to begin at 2:30 p.m.)*** pp. 595-599
Sponsor: Lisa Summers, Tribal Secretary
8. **Enter E-Poll results into the record In accordance with BC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
 - a. **Approved request of two (2) actions regarding Limited Term Employee Agreement** pp. 600-617
Requestor: Lisa Summers, Tribal Secretary
 - b. **Adoption of resolution 04-03-17-A Adoption of the Second Amendment to the Public Safety Officer Pension Plan** pp. 618-625
Requestors: Larry Barton, Chief Financial Officer; Jo Anne House, Chief Counsel

XV. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 2:45 p.m., Friday, April 7, 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: 04 / 12 / 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 Marlene Garvey to the Environmental Resource Board

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the February 2, 2017 issue of the Kalihwisaks for (1) of vacancy on the Environmental Resource Board for a (3) year term with the deadline of March 3, 2017. There was (1) applicant for the (1) vacancy on the Environmental Resource Board. The appointment was made on the March 22, 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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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 Arthur Cornelius to the Oneida Nation Veterans Affairs Committee

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/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 January 19, 2017 issue of the Kalihwisaks for (1) of vacancy on the Oneida Nation Veterans Affairs Committee for a (3) year term with the deadline of February 17, 2017. There were (2) applicants for the (1) vacancy on the Oneida Nation Veterans Affairs Committee. The appointment was made on the March 22, 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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 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 March 22, 2017, regular meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="March 22, 2017, regular meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session****8:30 a.m. Tuesday, March 21, 2017****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, March 22, 2017****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes - DRAFT****EXECUTIVE SESSION****Present:** Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, Council members: Tehassi Hill, David Jordan (excused at 3:00 p.m.), Brandon Stevens;**Not Present:** Chairwoman Tina Danforth, Councilwoman Fawn Billie, Councilwoman Jennifer Webster;**Arrived at:** ;**Others present:** Louise Cornelius, Chad Fuss, Mike Debraska, Jo Anne House, Larry Barton, Tracy Williams, Debbie Danforth, Moon Hill, Kwaklit (Margaret) Ellis, Sherri Mousseau, Fred Muscavich, Artley Skenandore, Shawna Torres, Kelly McAnally, Josh Doxtator, Janice Hirth, Michele Danforth-Anderson, Troy Parr, Nathan King, Joanie Buckley, Leslie Ness;**REGULAR MEETING****Present:** Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, Council members: Tehassi Hill, David Jordan, Brandon Stevens;**Not Present:** Chairwoman Tina Danforth, Councilwoman Fawn Billie, Councilwoman Jennifer Webster;**Arrived at:** Treasurer Trish King at 8:33 a.m.;**Others present:** Brad Graham, Bill Graham, Jo Anne House, Heather Heuer, Loretta Metoxen, Mike Debraska, John Boulanger, Kathy Metoxen, Elizabeth Somers, Rich Vanboxtel, Richard Elm, Desirae Hill, Chris Johnson, Don Miller, Joanie Buckley, Nancy Barton, Jen Falck, Dale Wheelock, Larry Barton, Cathy Metoxen, Debbie Danforth, Pat Pelky, Susan Wilson, Sharon Mousseau, Leanne Doxtator;**I. CALL TO ORDER AND ROLL CALL** by Vice-Chairwoman Melinda J. Danforth at 8:31 a.m.

For the record: Chairwoman Tina Danforth, Councilwoman Fawn Billie, and Councilwoman Jennifer Webster are away on approved travel to attend the Midwest Alliance of Sovereign Tribes (MAST) meeting in Washington D.C.

*Treasurer Trish King arrives at 8:33 a.m.***II. OPENING** by Councilman Tehassi Hill*Condolences expressed to the families of Gloria Cornelius and Vernon Ninham.*

DRAFT**III. ADOPT THE AGENDA (00:04:15)**

Motion by Lisa Summers to adopt the agenda with the following change: [Move Executive Session – New Business item XIV.D.04 Approve requested action regarding Funding Opportunity Number FY-6100-N-23 into Open Session as New Business item XI.C., seconded by David Jordan]. Motion carried unanimously:

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

IV. OATHS OF OFFICE (00:04:56) administered by Secretary Lisa Summers

- A. Oneida Police Department** – Daniel Jourdan
- B. Oneida Airport Hotel Corporation** – Elizabeth Somers
- C. Land Claims Commission** – Loretta Metoxen
- D. Oneida Nation Arts Board** – Desirae Hill

V. MINUTES (00:16:30)**A. Approve March 8, 2017, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve March 8, 2017, regular meeting minutes with the following change: [Add the arrival time for Councilman Brandon Stevens after the opening prayer], seconded by Tehassi Hill. Motion carried with one abstention:

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

VI. RESOLUTIONS**A. Adopt resolution entitled EDA FY 2017 Economic Development Assistance Program**

Sponsor: Joanie Buckley, Division Director/Internal Services (00:18:26)

Motion by Lisa Summers to adopt resolution # 03-22-17-A EDA FY 2017 Economic Development Assistance Program, seconded by David Jordan. Motion carried unanimously:

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

B. Adopt resolution entitled Identifying Official Oneida Media Outlets (00:23:33)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to adopt resolution # 03-22-17-B Identifying Official Oneida Media Outlets, seconded by Brandon Stevens. Motion carried unanimously:

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

DRAFT**C. Adopt resolution entitled Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy (00:26:11)**

Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority

Motion by Tehassi Hill to adopt resolution # 03-22-17-C Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy, seconded by Lisa Summers. Motion carried unanimously:

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

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

Chair: Brandon Stevens, Councilman

1. Accept March 1, 2017, Legislative Operating Committee meeting minutes (00:54:18)

Motion by Brandon Stevens to accept the March 1, 2017, Legislative Operating Committee meeting minutes, seconded by Tehassi Hill. Motion carried unanimously:

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

B. Finance Committee

Chair: Trish King, Tribal Treasurer

1. Approve March 13, 2017, Finance Committee meeting minutes (00:55:02)

Motion by Trish King to approve the March 13, 2017, Finance Committee meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

C. Quality of Life Committee

Chair: Fawn Billie, Councilwoman

Councilman Tehassi Hill departs at 9:31 a.m.

Councilman Tehassi Hill returns at 9:34 a.m.

Councilman Tehassi Hill departs at 9:34 a.m.

Councilman Tehassi Hill returns at 9:35 a.m.

1. Accept January 12, 2017, Quality of Life meeting minutes (00:55:33)

Motion by Trish King to accept the January 12, 2017, Quality of Life meeting minutes, seconded by David Jordan. Motion carried unanimously:

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

DRAFT**VIII. APPOINTMENTS****A. Approve recommendation to appoint Arthur Cornelius to the Oneida Nation Veterans Affairs Committee (1:23:30)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to approve the recommendation to appoint Arthur Cornelius to the Oneida Nation Veterans Affairs Committee, seconded by David Jordan. Motion carried unanimously:

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

B. Approve recommendation to appoint Marlene Garvey to the Environmental Resources Board (1:23:54)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to approve the recommendation to appoint Marlene Garvey to the Environmental Resources Board, seconded by Brandon Stevens. Motion carried unanimously:

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

IX. STANDING ITEMS**A. Defer Constitutional Amendments Implementation Team close-out report to April 12, 2017, regular Business Committee meeting (1:24:12)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM JANUARY 25, 2017: Motion by Lisa Summers to accept the Constitutional Amendments Team report; and to request the team to provide close-out report at the March 22, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

Motion by David Jordan to defer the Constitutional Amendments Implementation Team close-out report to April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously:

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

X. UNFINISHED BUSINESS**A. Forward topic of Economic Development and Diversification Set Aside to Community Development Planning Committee agenda; and accept memo as information (1:24:54)**

Sponsor: Trish King, Tribal Treasurer

EXCERPT FROM JANUARY 11, 2017: Motion by Fawn Billie to direct the Treasurer to develop the SOPs for the Economic Development and Diversification Set Aside for the March 22, 2017, regular Business Committee, seconded by Jennifer Webster. Motion carried unanimously.

Motion by Lisa Summers to forward this item to the Community Development Planning Committee agenda; and accept the memo as information, seconded by David Jordan. Motion carried unanimously:

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

DRAFT**XI. NEW BUSINESS****A. Approve concept paper regarding CIP # 13-011 – Oneida Nation High School (2:06:35)**

Sponsor: Troy Parr, Assistant Division Director/Development-Development

Motion by Lisa Summers to approve the concept paper request to proceed regarding CIP # 13-011 – Oneida Nation High School, with the understanding that the request from the Business Committee is going to be that once this part of the phase is completed that General Tribal Council be able to weigh in on a firm yes or no on the project, seconded by Brandon Stevens. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 10:54 a.m.

Motion by Lisa Summers to defer the topic of CIP communication and roll-up back to the Community Development Planning Committee for additional work, seconded by Trish King. Motion carried unanimously:

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

Treasurer Trish King departs at 10:11 a.m.

B. Review community concern # 2017-CC-04 regarding Norbert Hill Center pond (1:26:12)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to accept the update as information, seconded by Tehassi Hill. Motion carried unanimously:

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

C. Approve requested action regarding Funding Opportunity Number FY-6100-N-23

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman (1:40:10)

Motion by Lisa Summers to direct the Assistant Division Directors of Development, James Petitjean and Troy Parr, and the Executive Director of Housing, Dale Wheelock to work together to identify a project for the Funding Opportunity Number FY-6100-N-23, which is the Indian Community Block Grant Fund, seconded by Tehassi Hill. Motion carried unanimously:

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

XII. TRAVEL**A. E-POLLS****1. Enter E-Polls into the record in accordance with BC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

a. Approved travel request – Secretary Lisa Summers – PL280 Subcommittee, Tribal Caucus, and Intertribal Criminal Justice Council meeting – Hayward, WI – March 22-24, 2017 (1:41:43)

Requestor: Lisa Summers, Tribal Secretary

DRAFT

Motion by Brandon Stevens to enter the E-Poll results into the record for the approved travel request – Secretary Lisa Summers – PL280 Subcommittee, Tribal Caucus, and Intertribal Criminal Justice Council meeting – Hayward, WI – March 22-24, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

b. Approved travel request – Councilwoman Fawn Billie – Association of Community Tribal Schools, Inc. meeting – Washington D.C. – April 2-5, 2017 (1:42:44)

Requestor: Fawn Billie, Councilwoman

Motion by David Jordan to enter the E-Poll results into the record for the approved travel request – Councilwoman Fawn Billie – Association of Community Tribal Schools, Inc. meeting – Washington D.C. – April 2-5, 2017, seconded by Brandon Stevens. Motion carried unanimously:

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

XIII. GENERAL TRIBAL COUNCIL (To obtain a copy of Members Only materials, visit the BC Support Office, 2nd floor, Norbert Hill Center and present Tribal I.D. card or go to <https://goo.gl/uLp2jE>)

A. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously. EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

Treasurer Trish King returns at 10:15 a.m.

1. Accept legislative analysis (1:43:34)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously:

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

2. Accept legal analysis (1:44:16)

Sponsor: Jo Anne House, Chief Counsel

Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**3. Accept financial analysis (Not Submitted) (1:45:05)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously:

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

B. Review request regarding status of Health Care Board petition (1:45:27)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to accept the request as information, seconded by Brandon Stevens. Motion carried unanimously:

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

XIV. EXECUTIVE SESSION

Councilman Tehassi Hill returns at 10:58 a.m.

Councilman David Jordan departs at 11:01 a.m.

Motion by Lisa Summers to go into executive session at 11:01 a.m., seconded by Tehassi Hill. Motion carried unanimously: **(2:30:07)**

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

Councilman David Jordan returns at 11:05 a.m.

Meeting recessed at 12:00 p.m. until 1:45 p.m.

Motion by Lisa Summers to come out of executive session at 3:49 p.m., seconded by Brandon Stevens. Motion carried unanimously:

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

A. REPORTS**1. Accept Gaming General Manager report – Louise Cornelius, Gaming General Manager (1:53:00)**

Motion by Lisa Summers to accept the Gaming General Manager report, seconded by David Jordan. Motion carried unanimously:

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

Motion by Lisa Summers to direct the Gaming team and the Community Development Planning Committee to have a follow-up work meeting on economic development and long-term site planning, seconded by David Jordan. Motion carried unanimously:

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

DRAFT**2. Accept Intergovernmental Affairs & Communications report – Nathan King, Director (1:53:50)**

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

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

Motion by Lisa Summers to approve the concept for the Oneida Village at the Ladies Professional Golf Association; for the team to begin work; that Intergovernmental Affairs & Communications bring back a final budget which includes the identified target number; and approval for the funds to come from the Oneida Total Integrated Enterprises funds, seconded by Tehassi Hill. Motion carried unanimously:

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

a. Approve Greater Green Bay Convention & Visitors Bureau Agreement – contract # 2017-0182 (1:54:17)

Motion by Lisa Summers to approve the Greater Green Bay Convention & Visitors Bureau Agreement – contract # 2017-0182, seconded by David Jordan. Motion carried unanimously:

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

3. Accept Chief Counsel report – Jo Anne House, Chief Counsel (1:55:34) & (2:30:43)

Motion by Lisa Summers to defer this item until the end of the agenda, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Lisa Summers to approve the enrollment request, seconded by Brandon Stevens. Motion carried unanimously:

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

Motion by Lisa Summers to refer item back to the Trust Enrollment Committee to finalize the record and take corrective action regarding the request identified in the memo dated February 28, 2017, and February 21, 2017, Trust Enrollment Committee meeting minutes, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Lisa Summers for the Trust Enrollment Committee to come back with at least three (3) options for funding, seconded by Tehassi Hill. Motion carried one abstention:

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

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

DRAFT**2. Oneida Golf Enterprise – Ladies Professional Golf Association (1:56:12)**

Sponsor: Trish King, Tribal Treasurer

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

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

C. UNFINISHED BUSINESS**1. Approve three (3) actions regarding additional duties compensation of Division of Land Management Director (1:56:39)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM SEPTEMBER 28, 2016: Motion by Tehassi Hill to approve a procedural exception to the Standard Operating Procedure to extend additional duties pay for an additional six (6) months, seconded by David Jordan. Motion carried with one abstention.

EXCEPT FROM JUNE 22, 2016: (1) Motion by Motion by Jennifer Webster to approve the continuation of additional duties compensation for Division Director of Land Management until September 30, 2016, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Motion by Jennifer Webster to defer the discussion of this position to the Business Committee work meeting for July 19, 2016, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: Motion by Lisa Summers to approve the continuation of additional duties compensation for Division Director of Land Management until June 31, 2016, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM DECEMBER 9, 2015: (1) Motion by Lisa Summers to extend the recommended additional duties compensation up to three (3) months, seconded by David Jordan. Motion carried unanimously.

Motion by Lisa Summers to approve the memorandum for additional duties dated September 28, 2016, effective until March 28, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

Motion by Lisa Summers to approve the memorandum for additional duties as a procedural exception for March 28, 2017 to June 30, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

Motion by Lisa Summers for Councilmembers Tehassi Hill, David Jordan, and Jennifer Webster to work with the Human Resources Department to merge the Environmental Health & Safety Division and Division of Land Management Director positions per the re-organization plan; and to finalize the appropriate Human Resources paperwork, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

DRAFT**2. Approve recommendations regarding complaint # 2017-DR06-04 (2:36:00)**

Sponsors: Lisa Summers, Tribal Secretary; Jennifer Webster, Councilwoman; David Jordan, Councilman

EXCERPT FROM MARCH 8, 2017: Motion by Tehassi Hill to accept complaint # 2017-DR06-04 as having merit; and to assign Councilwoman Jennifer Webster, Councilman David Jordan, and Secretary Lisa Summers, seconded by Jennifer Webster. Motion carried unanimously.

Motion by Lisa Summers to rescind the March 8, 2017, motion for the complaint recommendations # 2016-DR06-09, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Lisa Summers to approve the recommendations # 1 through 6 as corrected and as identified in the memo dated March 22, 2017, from the sub-team; and for the non-recused Officers to carry out the recommendations by the close of the business day on March 23, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

D. NEW BUSINESS**1. Review request regarding Oneida Language House (1:58:30)**

Sponsor: Fawn Billie, Councilwoman

Motion by Lisa Summers to approve the concept to move forward; to assign the team members of Councilmembers Tehassi Hill, Jennifer Webster, and Brandon Stevens to complete the follow-up; and that the final proposal be brought back for final approval at the May 10, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously:

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

2. Review update regarding Tsyunhehkwa (1:59:08)

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Tehassi Hill to accept the Tsyunhehkwa report; and to request the Internal Services Division Director to bring back final recommendations for the April 26, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously:

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

3. Comprehensive Health Division contract items:**a. Approve Anthem Blue Cross & Blue Shield-Dentist – contract # 2016-0891 (2:00:16)**

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

Motion by Lisa Summers to approve the limited waiver of sovereign immunity – Anthem Blue Cross & Blue Shield-Dentist – contract # 2016-0891, seconded by David Jordan. Motion carried unanimously:

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

DRAFT**b. Approve limited waiver of sovereign immunity – Guardian Life Insurance Company of America-DentalGuard – contract # 2016-1193 (2:00:55)**

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

Motion by Lisa Summers to approve the limited waiver of sovereign immunity – Guardian Life Insurance Company of America-DentalGuard – contract # 2016-1193, seconded by Tehassi Hill. Motion carried unanimously:

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

c. Approve limited waiver of sovereign immunity – Humana Inc.-Physician Participation Agreement – contract # 2016-0185 (2:01:16)

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

Motion by David Jordan to approve the limited waiver of sovereign immunity – Humana Inc.-Physician Participation Agreement – contract # 2016-0185, seconded by Tehassi Hill. Motion carried unanimously:

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

d. Approve limited waiver of sovereign immunity – Independent Care Health Plan-iCare Provider Service Agreement – contract # 2016-0357 (2:02:09)

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

Motion by Lisa Summers to approve the limited waiver of sovereign immunity – Independent Care Health Plan-iCare Provider Service Agreement – contract # 2016-0357, seconded by Tehassi Hill. Motion withdrawn.

Motion by Lisa Summers to defer this item to the April 12, 2017, regular Business Committee meeting to request clarification on approval, seconded by David Jordan. Motion carried unanimously:

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

e. Approve limited waiver of sovereign immunity – Network Health Plan-HMO POS Professional Services Agreement – contract # 2015-1276 (2:03:35)

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

Motion by Tehassi Hill to approve the limited waiver of sovereign immunity – Network Health Plan-HMO POS Professional Services Agreement – contract # 2015-1276, seconded by David Jordan. Motion carried unanimously:

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

~~4. Approve requested action regarding Funding Opportunity Number FY 6100-N-23~~~~Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman~~

Item moved to Open Session as New Business item XI.C.at the adoption of the agenda.

DRAFT**5. Adopt resolution entitled Resolution to Adopt the Second Amendment to the Business Committee 401(k) Savings Plan (2:04:14) & (2:32:56)**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to table item XIV.D.05 until the end of the agenda, seconded by Tehassi Hill.

Motion carried unanimously:

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

Motion by Tehassi Hill to adopt resolution # 03-22-17-E with the following change: [Delete the third resolve], seconded by Trish King. Motion carried unanimously:

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

6. Adopt resolution entitled Resolution to Adopt the Second Amendment to the Public Safety Officer Pension Plan (2:04:14)

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to table item XIV.D.06. until the end of the agenda, seconded by Tehassi Hill.

Motion carried unanimously:

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

7. Adopt resolution entitled Regarding Pardon of Efen Rivera (2:04:42)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Brandon Stevens to adopt resolution # 03-22-17-D Regarding Pardon of Efen Rivera, seconded by David Jordan. Motion carried unanimously:

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

8. Review complaint # 2017-DR06-05 (2:05:07) & (2:38:09)

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to table items XIV.D.08, XIV.D.09, and XIV.D.11. until the end of the agenda, seconded by Brandon Stevens. Motion carried unanimously:

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

Motion by Lisa Summers to deem complaint # 2017-DR06-05 as having merit; and to assign Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman David Jordan, seconded by Tehassi Hill. Motion carried unanimously:

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

9. Review complaint # 2017-DR06-06 (2:05:07) & (2:38:42)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to deem complaint # 2017-DR06-06 as having merit; and to assign Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman David Jordan, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**10. Review complaint # 2017-DR06-07**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to acknowledge receipt of complaint # 2017-DR06-08 (per audio) and the Business Committee has identified as having no merit, noting the complainant's employment status; and to direct the Tribal Secretary to send the appropriate correspondence to the complainant regarding the Business Committee's decision, seconded by Tehassi Hill. Motion carried unanimously: (2:05:43)

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

11. Review complaint # 2017-DR08-01 (2:05:07) & (2:37:32)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to deem complaint # 2017-DR08-01 as having merit; and to assign Chairwoman Tina Danforth, Councilwoman Jennifer Webster, and Councilwoman Fawn Billie, seconded by Tehassi Hill. Motion carried with one abstention:

Ayes: Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

Abstained: Trish King

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

For the record: Vice-Chairwoman Melinda J. Danforth stated Trish is excused from this matter.

XV. ADJOURN

Motion by Trish King to adjourn at 3:58 p.m., seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie, Jennifer Webster

Minutes prepared by Heather Heuer, Information Management Specialist

Minutes approved as presented on _____.

Lisa Summers, Secretary

ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution titled Implementing Per Capita Plan adopted by General Tribal Council on June 13, 2016

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: 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:

BACKGROUND:

On June 13, 2016, at the General Tribal Council meeting, the governing body (G.T.C.), took action directing the Oneida Business Committee (O.B.C.), to disburse a \$1,300 per capita payment beginning Fiscal Year 2017 through Fiscal Year 2021. In accordance with Chapter 123 within the Shakotiwí? Stawihé' Olihwa'ke (Per Capita) law; Section 123.4-3 states, "...per capita payments may only be issued at the direction of the General Tribal Council through adoption of a resolution."

Excerpts:

Motion by Yvonne Metivier to direct the O.B.C. to pay \$2,000 Per Capita beginning Fiscal Year 2017 through 2021. Seconded by Scharlene Kasee. Motion carried by hand count: 1068 support; 200 opposed; 35 abstained

Amendment to the main motion by Nancy Skenandore to revise the Per Capita payment amount to \$1,300 instead of \$2,000. Seconded by Don Charnon. Motion carried by hand count: 791 support; 702 opposed; 32 abstained

Amendment to the main motion by David P. Jordan to go with the O.B.C.'s plan to pay off the debt. Seconded by Chris Cornelius. Motion carried by hand count: 697 support; 612 opposed; 87 abstained

REQUESTED ACTION:

Adopt resolution titled Implementing Per Capita Plan.

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

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

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BC Resolution # _ _ - - - -
Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
 - WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
 - WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
 - WHEREAS,** the General Tribal Council met on June 13, 2016, to discuss and take action regarding proposed per capita plans by Petitioner Metivier and the Oneida Business Committee; and
 - WHEREAS,** the General Tribal Council, after presentations and discussion, adopted a per capita payment plan by way of motions that "...\$1,300 instead of \$2,000..." is to be paid "...beginning Fiscal Year 2017 through 2021"; and
 - WHEREAS,** section 123.4-3 of the Per Capita law identifies that "per capita payments shall be issued only at the direction of the General Tribal Council through adoption of a resolution"; and
- NOW THEREFORE BE IT RESOLVED,** in accordance with the duly adopted Per Capita law, the Oneida Business Committee implements the action of the General Tribal Council and directs the per capita payment of \$1,300 to every member be included in the budgets for Fiscal Years 2017, 2018, 2019, 2020, and 2021.



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



Statement of Effect

Implementing Per Capita Plan Adopted by General Tribal Council on June 13, 2016

Summary

This resolution implements the per capita plan adopted by General Tribal Council, which calls for an annual per capita payment of \$1,300 to be made, beginning Fiscal Year 2017 and continuing through Fiscal Year 2021.

Submitted by: Tani Thurner, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

On June 13, 2016, the General Tribal Council (GTC) passed a motion (and an amendment to that motion) which directed the Oneida Business Committee (OBC) to pay a \$1,300 Per Capita in Fiscal Years 2017 through 2021.

This resolution takes the following action:

“[I]n accordance with the duly adopted Per Capita law, the Oneida Business Committee implements the action of the General Tribal Council and directs the per capita payment of \$1,300 to every member be included in the budgets for Fiscal Years 2017, 2018, 2019, 2020, and 2021.” *[see NOW THEREFORE BE IT RESOLVED]*

The language of the resolution states that this action is taken in accordance with the Per Capita law. Section 123.4-3 of the Per Capita law states that:

[...] per capita payments may only be issued at the direction of the General Tribal Council through adoption of a resolution.

Passage of this OBC resolution is intended to satisfy section 123.4-3 of the Per Capita law, which states that per capita payments may only be issued at the direction of the General Tribal Council through adoption of a resolution. *[Per Capita law, section 123.4-3]*

By adopting this resolution, the OBC is interpreting 123.4-3 of the Per Capita law as permitting per capita payments after GTC directs the OBC to adopt a resolution to implement a per capita payment that GTC authorized by motion.

Conclusion

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Consider the *Resolution Extending the Effective Date of the Community Support Fund Law* for adoption.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: April 12, 2017
RE: Extending the Effective Date of the Community Support Fund Law

Please find the following attached backup documentation for your consideration:

1. Resolution: Extending the Effective Date of the Community Support Fund Law
2. Statement of Effect: Extending the Effective Date of the Community Support Fund Law

Overview

The Community Support Fund law (“the Law”) was adopted by the Oneida Business Committee pursuant to resolution BC-05-15-96-A, and amended by resolution BC-01-08-97-G, BC-12-01-13-D, and most recently with BC-01-11-17-B. The most recent amendments to the Law will become effective on May 11, 2017.

The Law states that the Social Services Area of Governmental Services Division is responsible for operation of the Community Support Fund (“the Fund”) but that the Social Services Area may designate the operation of the Fund to a department within its control. The Law also delegates rulemaking authority to the operators of the Fund to create rules to manage the Fund including the list of categories the Fund covers and funding caps.

The Fund operator has not yet created and prepared rules regarding the management of the Fund. The Community Support rules will not be completed in time for the Law to become effective. The Fund operator needs additional time to develop and make effective the rules regarding management of the Fund in accordance with the process set forth in the Administrative Rulemaking law. Due to the fact that the Law is so dependent on the development and use of Community Support Fund Rules, the Law cannot become effective until the rules are created and prepared.

The attached Resolution will extend the effective date of the law, as stated in resolution BC-01-11-17-B, an additional one hundred and twenty (120) calendar days from May 11, 2017, to September 8, 2017. The attached Resolution also provides the Fund operator until September 8, 2017, when the law becomes effective to create and make effective rules in accordance with the Law.

Requested Action

Approve the Resolution: Extending the Effective Date of the Community Support Fund Law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _-_-_-

Extending the Effective Date of the Community Support Fund Law

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

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

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

WHEREAS, the Oneida Business Committee originally adopted the Community Support Fund law ("the Law") pursuant to resolution BC-05-15-96-A, and made amendments pursuant to resolution BC-01-08-97-G, BC-12-01-13-D, and most recently with BC-01-11-17-B; and

WHEREAS, the most recent amendments will become effective on May 11, 2017; and

WHEREAS, the Law states that the Social Services Area of Governmental Services Division is responsible for operation of the Community Support Fund ("the Fund") but may designate the operation of the Fund to a department within its control; and

WHEREAS, the Law delegates rulemaking authority to the operators of the Fund to create rules to manage the Fund including the list of categories the Fund covers and funding caps; and

WHEREAS, the Fund operator needs additional time to develop and make effective the rules regarding management of the Fund in accordance with the process set forth in the Administrative Rulemaking law; and

WHEREAS, the Law is so dependent on the development and use of Community Support Fund rules that the Law cannot become effective until the rules are created and prepared; and

NOW THEREFORE BE IT RESOLVED, the effective date of the Community Support Fund law as stated in resolution BC-01-11-17-B is extended an additional 120 calendar days from May 11, 2017, to September 8, 2017.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Fund operator shall have until September 8, 2017, when the law becomes effective to create and make effective rules in accordance with the Law.



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



Statement of Effect

Extending the Effective Date of the Community Support Fund Law

Summary

This Resolution extends the effective date of the Community Support Fund law.

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

Analysis by the Legislative Reference Office

This Resolution extends the effective date of the Community Support Fund law, as stated in resolution BC-01-11-17-B, an additional one hundred and twenty (120) days from May 11, 2017, to September 8, 2017.

This Resolution also requires that the Fund operator shall have until the law becomes effective on September 8, 2017, to create and make effective rules in accordance with the Community Support Fund law.

Conclusion

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

The following items were deleted at the adoption of the agenda and/or during the course of the meeting:

VI. RESOLUTIONS

C. Adopt resolution entitled Conflict of Interest Emergency Amendments

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

X. UNFINISHED BUSINESS

A. Reconsider, review, and hear testimony from Kory Wesaw regarding application to Oneida Police Commission

Sponsor: Tina Danforth, Tribal Chairwoman

XIV. EXECUTIVE SESSION

D. TABLED BUSINESS

1. Adopt resolution entitled Resolution to Adopt the Second Amendment to the Public Safety Officer Pension Plan

Sponsor: Larry Barton, Chief Financial Officer

E. UNFINISHED BUSINESS

1. Approve limited waiver of sovereign immunity – Independent Care Health Plan-iCare Provider Service Agreement – contract # 2016-0357

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

F. NEW BUSINESS

6. Accept information regarding Electrical Department

Sponsor: Tina Danforth, Tribal Chairwoman

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution entitled Drug and Alcohol Free Workplace Law Amendments

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: Jen Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson *BS*
 DATE: April 12, 2017
 RE: Drug and Alcohol Free Workplace Law Amendments

Please find the following attached backup documentation for your consideration of the Drug and Alcohol Free Workplace Law Amendments:

1. Resolution: Drug and Alcohol Free Workplace Law Amendments
2. Statement of Effect: Drug and Alcohol Free Workplace Law Amendments
3. Drug and Alcohol Free Workplace Law Amendments Legislative Analysis
4. Drug and Alcohol Free Workplace (Redline)
5. Drug and Alcohol Free Workplace (Clean)
6. Drug and Alcohol Free Workplace Law Amendments Fiscal Impact Statement

Overview

The attached Resolution will adopt permanent amendments to the current Drug and Alcohol Free Workplace Policy (“the Policy”) that are necessary in order to keep the Policy compliant with requirements of a new final rule (29 CFR 1904) concerning the Occupational Health and Safety Act. Amendments to the Policy were adopted by the Oneida Business Committee (OBC) on an emergency basis through Resolution BC-10-26-16-D. The emergency amendments expire on April 26, 2017.

The permanent amendments:

- Permanently adopt the emergency amendments which brought the Policy into compliance with OSHA by removing the requirement that an employee submit to mandatory drug and alcohol testing immediately following a work-related accident;
- Refer to the Policy as the Drug and Alcohol Free Workplace law (the “Law”) moving forward;
- Clarify that the Law applies to all employees when operating a vehicle owned by the Nation or a vehicle rented by the Nation in addition to during working hours and when on-call. *[see section 202.4-1]*;
- Add the responsibility of providing the appropriate information to EHN in the event a medical condition prevents the employee from properly completing drug and alcohol testing so alternative drug and alcohol testing measures can be taken by EHN. *[see section 202.5-2(g)]*;
- Clarify that a supervisor’s decision made in regard to reasonable suspicion drug and alcohol testing of an employee is final and non-appealable. *[see section 202.7-3]*;

- Clarify how diluted drug test results will be handled. *[see section 202.8-6]*; and
- Update the language to ensure compliance with drafting style and formatting requirements.

In accordance with the Legislative Procedures Act, a public meeting was held regarding the Drug and Alcohol Free Workplace amendments on March 2, 2017, with a comment period closing on March 9, 2017. Those comments were accepted and considered by the Legislative Operating Committee at the April 5, 2017, Legislative Operating Committee meeting.

Requested Action

Approve the Resolution: Drug and Alcohol Free Workplace Law Amendments

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Drug and Alcohol Free Workplace Law Amendments

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Drug and Alcohol Free Workplace Policy (the "Policy") was adopted by the Oneida Business Committee by resolution BC-10-25-95-A and amended by BC-12-11-13-F; and
- WHEREAS,** the federal Occupational Safety and Health Administration (OSHA) adopted amendments to 29 CFR 1904, a final rule which became effective on November 1, 2016, and which prohibited employers from retaliating against workers who report work-related injuries and illnesses; and
- WHEREAS,** the prohibition of retaliation against workers who report work-related injuries and illnesses includes limiting post-incident drug and alcohol testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Policy pursuant to Resolution BC-10-26-16-D in accordance with the emergency adoption process set forth in the Legislative Procedures Act (LPA); and
- WHEREAS,** the emergency amendments brought the Policy into compliance with OSHA requirements by removing the requirement that all employees must immediately undergo mandatory drug and alcohol testing following a workplace accident; and
- WHEREAS,** the emergency amendments to the Policy expire April 26, 2017; and
- WHEREAS,** the adoption of the emergency amendments to the Policy on a permanent basis are necessary to remain compliant with OSHA requirements; and
- WHEREAS,** although the permanent amendments contain the removal of mandatory drug and alcohol testing requirements following a workplace accident, employees are still required to immediately report all workplace accidents to their supervisor and can undergo drug and alcohol testing at any time if there is reasonable suspicion that the employee is under the influence of alcohol or drugs; and
- WHEREAS,** additional permanent amendments include changing the Policy to a law to align with the Legislative Operating Committee's directive that all legislation is to be classified as laws moving forward; and

WHEREAS, amendments clarify that the Law applies to all employees when operating a vehicle owned by the Nation or a vehicle rented by the Nation in addition to during working hours and when on-call; and

WHEREAS, amendments add the responsibility of providing the appropriate information to EHN in the event a medical condition prevents the employee from properly completing drug and alcohol testing so alternative drug and alcohol testing measures can be taken by EHN; and

WHEREAS, amendments clarify that a supervisor's decision made in regard to reasonable suspicion drug and alcohol testing of an employee is final and non-appealable; and

WHEREAS, amendments clarify how diluted drug test results will be handled; and

WHEREAS, in accordance with the LPA, a public meeting was held regarding the Drug and Alcohol Free Workplace law amendments on March 2, 2017, with a comment period closing on March 9, 2017. Those comments were accepted and considered by the Legislative Operating Committee at the April 5, 2017, Legislative Operating Committee meeting.

NOW THEREFORE BE IT RESOLVED, that the amendments to the Drug and Alcohol Free Workplace law are hereby adopted and are effective immediately.



Statement of Effect

Drug and Alcohol Free Workplace Law Amendments

Summary

This Resolution adopts permanent amendments to the Drug and Alcohol Free Workplace law (the “Law”).

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

Analysis by the Legislative Reference Office

This resolution adopts permanent amendments to the Drug and Alcohol Free Workplace Policy (the “Policy”).

The federal Occupational Safety and Health Administration (OSHA) adopted amendments to 29 CFR 1904, a final rule which became effective on November 1, 2016, and which prohibited employers from retaliating against workers who report work-related injuries and illnesses. The prohibition of retaliation against workers who report work-related injuries and illnesses includes limiting post-incident drug and alcohol testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use. The Policy requires all employees to immediately undergo drug and alcohol testing following a workplace accident. These requirements in the Policy conflict with the requirements under federal law.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is "necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population" and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [see LPA section 16.9-5]. Through Resolution BC-10-26-16-D, the OBC enacted emergency amendments to the Policy to obtain compliance with OSHA’s regulations.

The emergency amendments brought the Policy into compliance by removing the requirement that an employee submit to mandatory drug and alcohol testing immediately following a work-related accident.

In order for the Policy to remain compliant with OSHA’s rule, the emergency amendments must be permanently adopted. The Policy’s emergency amendments expire April 26, 2017.

Since the emergency amendments were adopted on October 26, 2016, additional amendments to the Policy have been proposed. The proposed amendments now refer the Policy as a law. This aligns with the Legislative Operating Committee’s directive that all legislation is to be classified as laws moving forward.

Additional proposed amendments to the Law:

- Clarify that the Law applies to all employees when operating a vehicle owned by the Nation or a vehicle rented by the Nation in addition to during working hours and when on-call. *[see section 202.4-1]*;
- Add the responsibility of providing the appropriate information to EHN in the event a medical condition prevents the employee from properly completing drug and alcohol testing so alternative drug and alcohol testing measures can be taken by EHN. *[see section 202.5-2(g)]*;
- Clarify that a supervisor's decision made in regard to reasonable suspicion drug and alcohol testing of an employee is final and non-appealable. *[see section 202.7-3]*;
- Clarify how diluted drug test results will be handled. *[see section 202.8-6]*; and
- Update the language to ensure compliance with drafting style and formatting requirements.

In accordance with the Legislative Procedures Act, a public meeting was held regarding the Drug and Alcohol Free Workplace amendments on March 2, 2017, with a comment period closing on March 9, 2017. Those comments were accepted and considered by the Legislative Operating Committee at the April 5, 2017, Legislative Operating Committee meeting.

Conclusion

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



Drug and Alcohol Free Workplace Amendments Legislative Analysis

<i>Analysis by the Legislative Reference Office</i>					
Title	Drug and Alcohol-Free Workplace (law)				
Sponsors	Fawn Billie and Jennifer Webster	Drafter	Clorissa N. Santiago	Analyst	Maureen Perkins
Requester & Reason for Request	The Oneida Law Office has requested these changes due to a recently adopted change to federal law. Additional minor changes were made. The current amendments permanently adopt the emergency amendments in effect since October 26, 2016.				
Purpose	This law governs drug/alcohol testing of employees of the Nation.				
Authorized/ Affected Entities	HRD, Employee Health Nursing, Oneida Nation Employee Assistance Program, Medical Review Officer (MRO), all employees of the Nation and applicants for employment with the Nation				
Related Legislation	Personnel Policies and Procedures; Workers Compensation Law				
Enforcement & Due Process	The law identifies how reasonable suspicion can be established, such that an employee can be sent for drug and/or alcohol testing [see 202.7]. Employee's cannot appeal or challenge this determination [see 202.7-3].				
Public Meeting Status	A public meeting was held March 2, 2017. The LOC has considered all comments and accepted changes are reflected in the current draft.				

Overview

1 The Drug and Alcohol Free Workplace Policy was adopted as a tool to establish a
 2 workplace free of the influence of drugs and alcohol. Applicants for employment must pass a
 3 drug screen to be eligible for employment. Current employees can be sent for drug and alcohol
 4 testing based upon reasonable suspicion of their immediate supervisor. The overall goal of the
 5 law is to assist employees who are experiencing issues with drugs and/or alcohol with getting
 6 help to promote rehabilitation and improve the health and safety of employees and customers.
 7 The OBC adopted emergency amendments to the Drug and Alcohol Free Workplace Policy
 8 (law) to comply with a change to federal law (29 CFR 1904) pursuant to resolution BC-10-26-
 9 16-D. Although the federal rule went into effect August 10, 2016, it was not enforced until
 10 November 1, 2016. These proposed amendments are being considered for permanent adoption.
 11 The federal rule is intended to prevent employers from discouraging employees from reporting
 12 workplace injuries and illnesses. The change to federal law more clearly prohibits employers
 13 from using drug testing, or the threat of it, as a form of retaliation against employees who report
 14 injuries or illnesses. The comments for the Final Rule, published on the Federal Register, states:

15
 16 “[t]he final rule does prohibit employers from using drug testing (or the threat of drug
 17 testing) as a form of adverse action against employees who report injuries or illnesses. To
 18 strike the appropriate balance here, drug testing policies should limit post-incident testing
 19 to situations in which employee drug use is likely to have contributed to the incident, and
 20 for which the drug test can accurately identify impairment caused by drug use.”

21
22 The emergency amendments adopted October 26, 2017 removed the requirement for
23 employees to undergo alcohol and drug testing every time they are involved in a work-related
24 accident *[see 202.3-1(m) and 202.8-3 of current policy previous to emergency amendments]*. The
25 amendments also removed the provision that treated a failure to do so as refusal to test *[see*
26 *202.9-1(i) of current policy previous to emergency amendments]*. References were deleted
27 related to work-related accidents when identifying what refusal to test entails *[see 202.9-1(i) of*
28 *current policy previous to emergency amendments]*.

29 These changes mean that employees of the Nation will no longer be subject to mandatory
30 drug and alcohol testing for every work-related accident. The law will not identify any situations
31 where an employee is subject to mandatory post-accident testing. However, employees may still
32 be subject to drug and alcohol testing if their supervisor has reasonable suspicion that the
33 employee may be under the influence. Standards/processes for how supervisors can establish
34 reasonable suspicion are still contained in the amended law *[see 202.7]*.

35

36

Additional Amendments

- 37 • The amended law now states that employees a supervisor's decision made in regard to
38 reasonable suspicion of drug and alcohol testing is final and not appealable *[see 202.7-3]*.

39

40

Other

- 41 • The Oneida Tribe of Indians of Wisconsin was updated to Nation throughout the law in
42 accordance with the approved constitutional amendments.
- 43 • The law was changed from a policy to a law in accordance with the current LOC's
44 directive that all policies become laws.
- 45 • Minor language and formatting changes have been made to improve the clarity of the law
46 without affecting the content.
- 47 • Refer to the fiscal impact statement for any financial impacts.
- 48 • The emergency amendments are currently effective and will remain in effect for up to six
49 months (expire 4/26/2017), with the possibility of a one-time extension of up to an
50 additional six months *[see Legislative Procedures Act, 16.9-5(b)]*. The proposed
51 amendments are being considered for permanent adoption.

52

Title 2. Employment – Chapter 202
DRUG AND ALCOHOL FREE WORKPLACE ~~POLICY~~

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202.1. Purpose and Policy	18	202.4. Application
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202.4. Application	21	202.7. Reasonable Suspicion
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202.1. Purpose and Policy	29	202.15. Communication
202.2. Adoption, Amendment, Repeal	30	
202.3. Definitions		

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202.1. Purpose and Policy

202.1-1. *Purpose.* The TribeNation is committed to protecting the safety, health and well-being of all employees, and other individuals in the workplace. The TribeNation recognizes that alcohol abuse and drug use pose a significant health and safety threat to our customers and other employees. The TribeNation also recognizes that alcohol and drug abuse and addiction are treatable illnesses. The TribeNation realizes that early intervention and support may improve the success of rehabilitation.

202.1-2. *Policy.* It is the policy of the TribeNation to establish a drug and alcohol-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. The TribeNation encourages employees to voluntarily seek help for their personal drug and alcohol-related problems.

202.2. Adoption, Amendment, Repeal

202.2-1. _____ This policylaw was adopted by the Oneida Business Committee by resolution BC-10-25-95-A and amended by BC-10-20-99-A, BC-12-05-07-B, BC-12-11-13-F and BC-~~10-26-16-D~~.

202.2-2. _____ This policylaw may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

202.2-3. _____ Should a provision of this policylaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policylaw which are considered to have legal force without the invalid portions.

202.2-4. _____ In the event of a conflict between a provision of this policylaw and a provision of another Policylaw, the provisions of this Policylaw shall control.

202.2-5. _____ This policylaw is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.~~Nation.~~

202.3. Definitions

202.3-1. _____ This section shall govern the definitions of words or phrases as used herein within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Appropriate authority" ~~shall mean~~ means the Human Resource~~Resources~~ Department hiring representative, immediate supervisor, EHN, MRO, and/or EAPONEAP who requests

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64 the drug and/or alcohol testing for reasons of pre-employment, reasonable suspicion, and/or
65 follow-up testing.

66 (b) “Business day” means Monday through Friday from 8:00am-4:30pm, excluding
67 holidays recognized by the Nation.

68 (bc) “Confirmed positive test result” shall mean means a lab-confirmed drug test that is
69 verified by the MRO that exceeds the cut-off levels established by this Policylaw (levels
70 established by the USUnited States Department of Health and Human Services), confirmed
71 saliva testing, confirmed evidential breath alcohol test results of 0.02 or greater; and/or
72 refusal to test.

73 (ed) “EHN” means the Oneida Employee” shall mean Health Nursing Department.

74 (e) “Employee” means any individual who is employed by the TribeNation and is subject
75 to the direction and control of the TribeNation with respect to the material details of the
76 work performed, or who has the status of an employee under the usual common law rules
77 applicable to determining the employer-employee relationship. “Employee” includes, but
78 is not limited to; an individual employed by any program or enterprise of the TribeNation,
79 but does not include elected or appointed officials, or individuals employed by a Tribally
80 Chartered Corporation. For purposes of this Policylaw, individuals employed under an
81 employment contract as a limited term employee are employees of the TribeNation, not
82 consultants.

83 (df) “External applicant” shall mean means a person who is applying for a position and not
84 currently employed by the TribeNation.

85 (eg) “HRD” shall mean means the Human Resources Department and/or representatives
86 performing Human Resources functions applicable to this Policylaw.

87 (fh) “Internal applicant” shall mean means a person who is applying for a position who is
88 currently employed by the TribeNation, this shall include includes those employed under a
89 temporary status.

90 (gi) “MRO” shall mean means Medical Review Officer who is a licensed physician who is
91 responsible for receiving and reviewing laboratory test results generated by an employer’s
92 drug testing program and evaluating medical explanations for certain drug test results.

93 (hj) “Nation” means the Oneida Nation.

94 (k) “NHTSA” means the National Highway Traffic Safety Administration.

95 (l) “ONEAP” shall mean means the Oneida Nation Employee Assistance Program which is
96 a professional counseling program staffed by clinical social workers licensed by the State
97 of Wisconsin which offers services to Tribalthe Nation’s employees and family members.

98 (im) “Prohibited drug(s)” shall mean means marijuana, cocaine, opiates, amphetamines,
99 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other
100 substance included in Schedules I through V, as defined by Section 812 of Title 21 of the
101 United States Code. This shall also include includes prescription medication or over-the-
102 counter medicine used in an unauthorized or unlawful manner.

103 (jn) “Return-to-Work Agreement” shall mean means an agreement, developed by an
104 ONEAP counselor and signed by the employee and the ONEAP counselor, and the
105 referring supervisor, which sets out the actions the employee needs to complete in order to
106 return to work and remain employed.

107 (o) “SAMHSA” means the United States Department of Health and Human Services,
108 Substance Abuse and Mental Health Services Administration.

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109 | (kp) “Supervisor” ~~shall mean~~means the immediate supervisor, or person who has taken on
110 | the role of supervisor due to an absence that is responsible for performance review,
111 | corrective action, and day-to-day assignments of duties.

112 | ~~(l) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.~~

113 | (mq) “Work-related accident” ~~shall mean~~means an unexpected event involving an
114 | employee that occurs in the employee’s working environment or during an activity related
115 | to work, that:

116 | (1) results in an injury to the employee ~~and requires~~or another person that may
117 | require medical intervention by a police officer or emergency medical technician, or
118 | treatment at a medical facility,

119 | (2) results in death of the employee or another person, or

120 | (3) involves any property damage.

121 |

122 | **202.4. Application**

123 | 202.4-1. — This ~~Policy~~law applies to all applicants for employment, whether external or
124 | internal, and all employees during working hours ~~and when on-call,~~ when on-call, and when
125 | operating a vehicle owned by the Nation or a vehicle rented by the Nation.

126 | 202.4-2. — ~~Employees are~~ An employee is prohibited from the use of prohibited drugs and
127 | alcohol during working hours, when on-call, and when operating a vehicle owned by the Nation or
128 | a vehicle rented by the Nation.

129 | 202.4-3. An employee is prohibited from the use of intoxicants ~~and prohibited drugs~~ while on
130 | official business travel while the conference or meeting is in session.

131 | 202.4-~~3.~~ 4. An employee is not exempted from this ~~Policy~~law if they travel to another state,
132 | territory or country where the use of certain drugs is legal.

133 |

134 | **202.5. Shared Responsibility**

135 | 202.5-1. — A safe and productive drug and alcohol free workplace is achieved through
136 | cooperation and shared responsibility between the employer and ~~employees~~an employee.

137 | 202.5-2. — *Employee.* It is the employee’s responsibility to:

138 | (a) Be free from the effects of prohibited drugs, and/or alcohol during working hours,
139 | and/or when scheduled to be on-call.

140 | (b) Refrain from the unlawful manufacture, distribution, dispensation or possession of any
141 | prohibited drugs while working.

142 | (c) Comply with drug and alcohol testing if directed to do so upon the request of an
143 | appropriate authority.

144 | (d) Confidentially report suspicious behavior of an employee immediately to the
145 | supervisor of the employee in question.

146 | (e) Cooperate with the requests made by EHN and the MRO ~~and.~~ The employee shall
147 | return the call of the MRO within twenty-four (24) hours of the call being made to the
148 | employee. EmployeesAn employee who ~~fail~~fails to cooperate and ~~do~~does not contact the
149 | MRO within twenty-four (24) hours of receiving contact shall not receive back pay for any
150 | time between the date the MRO placed the call until the time the employee does return the
151 | call of the MRO.

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- 152 (f) Sign a consent form to be tested for alcohol and drugs when requested by ~~a supervisor,~~
153 ~~EHN, a certified drug and alcohol technician, or police personnel in accordance with this~~
154 ~~Policy.~~ an appropriate authority.
- 155 (g) Provide the appropriate information to EHN in the event a medical condition prevents
156 the employee from properly completing drug and alcohol testing so alternative drug and
157 alcohol testing measures can be taken by EHN.
- 158 202.5-3. ~~Supervisor.~~ Supervisor. It is the supervisor's responsibility to:
- 159 (a) Be familiar with this Policy and any related policies and procedures.
- 160 (b) Investigate reported suspicious behaviors while maintaining the confidentiality of the
161 person who reported the suspicious behavior.
- 162 (c) Promptly intervene with ~~employees~~ an employee who ~~are~~ is believed to be under the
163 influence of prohibited drugs and/or alcohol.
- 164 (d) Monitor the employee under the influence of prescription and/or over-the-counter
165 medications that could compromise the safety of the employee, fellow employees, or the
166 public.
- 167 (e) Send the employee through the contracted transportation service for reasonable
168 suspicion drug and alcohol ~~forensic~~ testing.
- 169 (f) Take appropriate action as outlined by this Policy.
- 170 (g) Sign the Return ~~to~~ -to-Work Agreement along with the employee and ONEAP counselor
171 that was developed by ONEAP.
- 172 (h) Send a copy of the consent to submit to drug and alcohol testing form signed by the
173 employee to EHN.
- 174 202.5-4. Supervisor and Employee. ~~Supervisors and employees~~ A supervisor or an employee that
175 ~~fail~~ fails to adhere to ~~their~~ the responsibilities of the supervisor or employee under this Policy
176 may be subject to disciplinary action or other consequences as explained in section 202.13.
- 177 202.5-5. ~~Off-duty Use of Prohibited Drugs or Alcohol.~~ Off-duty Use of Prohibited Drugs or Alcohol. Off-duty use of prohibited drugs or
178 alcohol may result in continued impairment during on-duty hours, which shall then constitute a
179 violation of this Policy. It is the employee's responsibility to understand the consequences of
180 off-duty use, and take steps to avoid the possibility of on-duty impairment. ~~In the case where~~ An
181 employee who is called in for ~~an~~ an emergency or unplanned work ~~(this does not include, excluding~~
182 ~~those on-call),~~ and he or she has been using prohibited drugs or drinking alcoholic beverages prior
183 to such a call, ~~such employee should~~ shall inform the employee's supervisor they cannot report, and
184 shall continue to decline to report until the effects of the prohibited drugs or alcohol have left ~~his~~
185 ~~or her~~ the employee's system. Such refusal to report shall not be viewed as improper, and
186 disciplinary action shall not arise ~~specifically~~ from such refusal.
- 187 202.5-6. ~~Use of Controlled Substances That May Affect Safety or Performance.~~ Use of Controlled Substances That May Affect Safety or Performance.
188 Employees An employee who ~~are~~ is taking or ~~are~~ is under the influence of any controlled substances
189 during working hours ~~(such as, including~~ prescription medication or over the counter medication),
190 which may affect the employee's job performance or safety of the employee, fellow employees,
191 public, or assets of the Tribe Nation have the following obligations:
- 192 (a) The employee shall notify the employee's immediate supervisor about the use of the
193 substance and possible work-related effects prior to commencing work.
- 194 (b) Upon request, the employee may be required to obtain a written statement of any work
195 restrictions or impact on performance or safety relating to the legal substances from ~~his~~
196 ~~or her~~ the employee's physician or pharmacist.

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- 197 (c) An employee shall not sell or share his or her prescribed medications with any other
 198 person, and shall not take medications that are prescribed to another person.
- 199 (d) It may be necessary for the employee's supervisor, area manager or ~~Employee Health~~
 200 ~~Nursing (EHN)~~ to consult with the employee's personal physician, pharmacist or an
 201 MRO, with the employee's approval or written authorization, to determine if the
 202 medication might impact the employee's ability to perform ~~his or her~~the employee's
 203 job, or pose a hazard to other employees or to the general public.
- 204 (e) The employee's duties may be temporarily modified for up to one hundred eighty (180)
 205 days. Any modification of duties shall result in the appropriate modification of pay as
 206 established by the Human Resources Department.

208 **202.6. Prohibited Behavior**

- 209 202.6-1. An applicant or employee of the TribeNation is in violation of this Policylaw if he or she:
- 210 (a) Uses, possesses, and/or sells prohibited drugs, or is under the influence of prohibited
 211 drugs or alcohol while on duty. Notwithstanding section 202.11, any employee who is caught
 212 using, possessing or selling prohibited drugs shall be immediately terminated from employment
 213 with the TribeNation.
- 214 (b) Fails to inform his or her supervisor of being under the influence of prescription
 215 medication and/or over-the-counter medication(s) which may affect the employee's job
 216 performance or safety of the employee, fellow employees, public, or assets of the
 217 TribeNation.
- 218 (c) Uses unauthorized prescription drugs or intentionally misuses and/or abuses
 219 prescription medications.
- 220 (d) Refuses to test.
- 221 (e) Has a confirmed positive test result after completing a drug and/or alcohol ~~forensic~~-test
 222 through EHN or ~~its designee~~a medical facility, or has a confirmatory test come back as
 223 positive.

225 **202.7. Reasonable Suspicion**

- 226 202.7-1. Establishing reasonable suspicion begins when the supervisor becomes aware either by
 227 personal observation and/or secondary reported observation that an employee may be under the
 228 influence of drugs and/or alcohol: this may include seeing or receiving a report that the employee
 229 has taken or possess prohibited drugs or prescription medication that is not specifically prescribed
 230 to that employee. In order to make a reasonable suspicion determination, the supervisor shall
 231 evaluate the following:
- 232 (a) Specific, contemporaneous and articulable observations concerning appearance,
 233 behavior, speech, or body odors of the employee consistent with possible drug use or
 234 alcohol misuse.
- 235 (b) The observations may include indications of the chronic and withdrawal effects of
 236 prohibited drugs or alcohol.
- 237 202.7-2. —The supervisor shall document his or her observations and discuss the matter with
 238 the employee. ~~During this discussion, the supervisor may ask the employee for proof of a~~
 239 ~~prescription.~~ The employee shall comply with this request. If after a discussion with the
 240 employee, the supervisor continues to suspect the employee may currently still be under the

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241 influence or reasonable suspicion is otherwise established, the supervisor shall refer the employee
242 for reasonable suspicion drug and alcohol-~~forensic~~ testing.

243
244 202.7-3. A supervisor's decision made in regard to the reasonable suspicion drug and alcohol
245 testing of an employee is final. An employee shall not appeal or challenge a supervisor's
246 determination for reasonable suspicion drug and alcohol testing.

247 **202.8. Drug and Alcohol Testing**

248 **202.8-1.**— Drug and alcohol tests are forensic in nature, meaning they are performed to
249 formalize conditions of employment as described in this ~~Policy~~law. To ensure the accuracy and
250 fairness of this ~~Policy~~law, all ~~forensic drug and alcohol~~ testing shall be conducted according to ~~the~~
251 Department of Health and Human Services, Substance Abuse and Mental Health Services
252 Administration (SAMSHA)~~SAMHSA~~ guidelines for Federal Workplace Drug ~~testing~~Testing
253 Programs.

254 **202.8-2.** — The ~~Employee Health Nursing Department~~EHN or its designee shall use Federal
255 Drug Administration approved urine tests and ~~National Highway Transportation Safety~~
256 Administration (NHTSA) certified evidential breath testing devices or NHTSA certified saliva-
257 screening devices, operated by technicians whose training terminology, procedures, methods,
258 equipment, forms, and quality assurance comply with best practices.

259 (a) Confirmation drug testing done on urine specimens shall be conducted by a laboratory
260 which is certified by the U.S. Department of Health and Human Services using its
261 confirmation methods and established cut-off levels. Laboratory-confirmed results shall
262 undergo the verification process by a MRO.

263 (b) Confirmation breath alcohol testing shall be performed using an NHTSA certified
264 evidential breath testing device.

265 (c) Confirmation drug testing done by saliva testing shall be performed using an NHTSA
266 certified saliva test.

267 **202.8-3.**— If an employee is involved in a work-related accident, he or she shall immediately
268 inform his or her supervisor of the accident.

269 **202.8-4.** Each employee, as a condition of employment, ~~is required to~~shall participate in pre-
270 employment, reasonable suspicion, and follow-up testing upon the request of an appropriate
271 authority.

272 **202.8-5.**— A negative test result is required for employment eligibility. In cases where a test
273 result is diluted or the test was cancelled, retesting urine for drugs is required. If the re-test results
274 in a negative dilute, the applicant shall be given a negative test result. If the re-test results in a
275 positive dilute, then the applicant shall be given a positive test result. Other retesting may also be
276 required at the direction of the MRO. A negative test result is required for employment eligibility.

277 **202.9 Refusal to Test**

278 **202.9-1.**— 202.8-6. Dilution of Test Results. In cases where a drug test result is diluted, a
279 positive dilute of the test result requires that the applicant or employee shall be given a confirmed
280 positive test result, while a negative dilute of the test result requires retesting. EHN shall notify the
281 applicant or employee of the required retesting.

282 (a) If the re-test results in a negative-dilute, the applicant or employee shall be given a
283 negative test result.

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(b) If the re-test results in a positive-dilute, then the applicant or employee shall be given a positive test result.

202.9. Refusal to Test

202.9-1. Refusal to test is prohibited behavior as defined in section 202.6. Refusal to test carries the same consequences as a ~~non-negative and/or~~ confirmed positive test result. Examples of refusal to test include, but are not limited to:

- (a) Substituting, adulterating (falsifying), or diluting the specimen.
- (b) Refusal to sign the required forms.
- (c) Refusal to cooperate in the testing process in such a way that prevents completion of accurate testing and as directed by the collector.
- (d) Failing to remain at the testing site until the testing process is complete.
- (e) Providing an insufficient sample of urine or breath.
- (f) Failing to test or to re-test.
- (g) Failing to appear within two (2) hours after an order or request is made for testing or re-testing.
- (h) Behaving in a confrontational or discourteous manner that disrupts the collection process.

202.10. Reasonable Suspicion Testing Waiting Period

202.10-1. ~~This section applies only to current employees who meet the reasonable suspicion standard.~~ ~~—An~~ It does not apply to applicants of the Nation.

202.10-2 During drug and alcohol testing for reasonable suspicion, an employee shall be immediately removed from duty without pay ~~during the waiting period between~~ at the time of initiation of the reasonable suspicion drug and alcohol testing and specimen collection ~~and~~ until the ~~employer's notification~~ employer is notified by EHN of negative results on both the drug and alcohol tests, ~~alcohol and drugs,~~ or MRO-verified negative test results.

202.10-2. ~~3.~~ When negative confirmation of test results are made available to the employer, the supervisor shall notify the employee by telephone and by certified mail using the contact information provided by the employee. The notice to the employee shall identify a reinstatement date. ~~Back~~ if the test was confirmed negative, or applicable consequences if the test was confirmed positive. If the employee is reinstated, back pay shall be provided in accordance with the Back Pay ~~Policy~~ law. However, if the employee fails to return to work on the assigned reinstatement date as instructed in the notice from the supervisor, the supervisor shall discipline the employee in accordance with the ~~Personnel Policies and Procedures~~ Nation's laws, rules and policies governing employment, unless an extension is granted in writing by the supervisor along with the reason for the extension. An employee who is ultimately terminated for failure to return to work on his or her assigned reinstatement date shall not be eligible for employment for one (1) year after the date of termination.

~~202.10-3. This section applies only to current employees who meet the reasonable suspicion standard. It does not apply to applicants.~~

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328 **202.11. Consequences for Prohibited Behavior**

329 202.11-1. — Either an internal applicant or an external applicant may decline the position at any
330 time before being directed to ~~the Employee Health Nursing Department EHN~~ or other designated
331 testing site for ~~his or her~~the applicant's drug and alcohol testing.

332 202.11-2. *External Applicant.* If an external applicant fails to show at the testing site within the
333 time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as listed at
334 section 202.6-1(e) that has been documented, the employment offer shall be withdrawn. An
335 external applicant shall not be eligible for hiring consideration for one hundred eighty (180) days
336 from the date of the urine drug screening test.

337 202.11-3. — *Internal Applicant.* If an internal applicant fails to show at the testing site within
338 the time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as
339 listed at section 202.6-1, the employment offer shall be withdrawn. The applicant shall be
340 removed from duty and subject to respective consequences of this Policylaw. The applicant shall
341 not be eligible for hiring consideration in a different position for one hundred eighty (180) days
342 from the date of the urine drug screening test.

343 202.11-4. *Employee.* If an employee has engaged in prohibited behavior as listed in section
344 202.6-1, and/or fails to cooperate by not responding to contact from the MRO within ten (10)
345 business days (which shall be deemed thereafter as a definite positive test), he or shethe employee
346 shall be removed from duty and subject to the respective consequences of this Policylaw.

347 202.11-5. *Consequences.*

348 (a) *First Violation.*

349 (1) Any employee who engages in prohibited behavior as defined in section 202.6
350 for the first time shall be removed from duty without pay and shall receive a
351 mandatory referral to ONEAP for an assessment. The ONEAP shall also determine
352 if the employee shall be subject to return-to-duty/follow-up testing. If follow-up
353 testing is required, the testing shall be at the employee's expense.

354 (2) The employee shall be required to sign aa -Return-to-Work Agreement and
355 submit ~~it~~the agreement to his or her supervisor within ten (10) calendar days or the
356 employee shall be terminated and ineligible for re-hire for one (1) year.

357 (A) When the supervisor signs the Return-to-Work Agreement the
358 employee shall be placed back on the work schedule by the next regularly
359 scheduled workday.

360 (3) Failure to comply with the signed Return-to-Work Agreement shall result in the
361 employee being terminated and ineligible for re-hire for one (1) year.

362 (b) *Second Violation.*

363 (1) Any employee who engages in prohibited behavior as defined in section 202.6
364 a second time within his or her lifetime of employment with the TribeNation shall be
365 removed from duty without pay and shall receive a mandatory referral to ONEAP
366 for an assessment.

367 (2) The employee shall be required to sign aa -Return-to-Work Agreement and
368 submit it to ~~their~~the employee's supervisor for signature within ten (10) calendar
369 days or the employee shall be terminated and ineligible for re-hire for one (1) year.
370 After a second violation the employee shall not be placed back on the work
371 schedule until:

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372 (A) The employee receives approval from the ONEAP that they have
373 demonstrated sufficient progress in a treatment program that would indicate
374 the employee is drug and alcohol free within thirty (30) days of the
375 employee being removed from duty; and

376 (B) The employee completes a return-to-duty drug screening and alcohol
377 test at a SAMHSA-certified facility at their own expense, which shall be
378 negative within thirty (30) days of the employee being removed from duty;

379 (C) The ONEAP notifies the supervisor of the employee's eligibility to
380 return to work.

381 (3) As a condition of continuing employment, the employee shall participate in
382 follow-up testing with continued negative results as directed by the ONEAP and
383 listed in the Return-to-Work Agreement. All follow-up testing shall be at the
384 employee's expense.

385 (4) Failure to comply with the Return-to-Work agreement or follow up testing shall
386 result in the employee being terminated and ineligible for re-hire for one (1) year.

387 (c) *Third Violation.*

388 (1) Any employee who engages in prohibited behavior as defined in section 202.6;
389 a third time in his or her lifetime of employment with the TribeNation shall be
390 terminated. The employee shall not be eligible for employment unless he or she
391 receives a forgiveness pursuant to the Pardon and Forgiveness Lawlaw. An
392 employee that receives a forgiveness shall not be eligible for re-hire for one (1) year
393 after the date of termination.

394 **202.12. Re-hire**

395 202.12-1. ~~Former employees~~ A former employee that ~~were~~was terminated due to violations of this
396 Policylaw shall provide, along with ~~their~~the former employee's application for employment, the
397 following:

- 398 (a) Proof of completion of a certified Alcohol and Other Drug Abuse program; and
399 (b) A negative drug screening and alcohol test at a SAMHSA-certified facility completed
400 within the last thirty (30) days. This drug screening and alcohol test shall be done at
401 ~~their~~the former employee's own expense.
402

403 **202.13. Other Potential Consequences**

404 202.13-1. — The violation of this Policylaw may result in consequences to the employee
405 beyond any discipline or corrective action that may be taken. Other potential consequences
406 include the following:

407 (a) *Disqualification of Unemployment Benefits.* ~~Employees~~An employee who ~~are~~is
408 terminated as a result of a violation of this Policylaw may be ineligible for unemployment
409 benefits.

410 (b) *Reduction of Workers Compensation Benefits.* ~~Employees~~An employee who
411 ~~suffer~~incurs an injury in a work-related accident that occurred while engaged in a violation
412 of this Policylaw may have any workers compensation benefits reduced.

413 (c) *Criminal Penalties.* ~~Employees~~An employee whose conduct violates state or federal
414 criminal laws may be referred to appropriate law enforcement for criminal prosecution.
415

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416 (d) *Liability for Accidents.* ~~Employees~~An employee whose conduct in violation of this
417 Policy~~law~~ causes an accident may be held personally responsible for losses associated with
418 the accident, and the employee may be required to pay for those losses.
419

420 **202.14. Confidentiality**

421 202.14-1. Information related to the application of this Policy~~law~~ is confidential. Access to this
422 information is limited to those who have a legitimate “need to know” in compliance with relevant
423 laws and personnel policies and procedures.

424 202.14-2. All drug and alcohol testing information shall be maintained at EHN in confidential
425 records; which are separate from the employee’s clinical and personnel files. The employee may
426 request a copy of ~~his or her~~the employee’s records. The records may be requested by a third party
427 in accordance with the Oneida ~~Personnel Policies~~Nation’s laws, rules and ~~Procedures~~policies
428 governing employment.
429

430 **202.15. Communication**

431 202.15-1. HRD shall communicate this Policy~~law~~ to all employees to ensure all employees are
432 aware of their role in supporting this Policy~~law~~:

433 (a) All employees shall be given information on how to access this Policy~~law~~.

434 (b) This Policy~~law~~ shall be reviewed in new employee orientation and other means, as
435 deemed appropriate by HRD.

436 (c) All employees shall sign an acknowledgment form stating they have received a copy of
437 this Policy~~law~~, have read and understand it, and agree to follow this Policy~~law~~.
438

439 *End.*
440

441 See GTC-~~01~~-31-94-B

442 Adopted by the OBC on ~~808~~-17-94

443 Emergency Amendments BC-04-20-95-C

444 Adopted BC-10-25-95-A (repealed previous versions)

445 Amended BC-10-20-99-A

446 Amended BC-12-05-07-B

447 Amended BC-12-11-13-F

448 Emergency Amended BC-10-26-16-D

449 Amended BC-
450

Title 2. Employment – Chapter 202
DRUG AND ALCOHOL FREE WORKPLACE

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202.1. Purpose and Policy

202.1-1. *Purpose.* The Nation is committed to protecting the safety, health and well-being of all employees, and other individuals in the workplace. The Nation recognizes that alcohol abuse and drug use pose a significant health and safety threat to our customers and other employees. The Nation also recognizes that alcohol and drug abuse and addiction are treatable illnesses. The Nation realizes that early intervention and support may improve the success of rehabilitation.

202.1-2. *Policy.* It is the policy of the Nation to establish a drug and alcohol-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. The Nation encourages employees to voluntarily seek help for their personal drug and alcohol-related problems.

202.2. Adoption, Amendment, Repeal

202.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-25-95-A and amended by BC-10-20-99-A, BC-12-05-07-B, BC-12-11-13-F and BC_____.

202.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

202.2-3. 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.

202.2-4. 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.

202.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

202.3. Definitions

202.3-1. This section shall govern the definitions of words or phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Appropriate authority” means the Human Resources Department hiring representative, immediate supervisor, EHN, MRO, and/or ONEAP who requests the drug and/or alcohol testing for reasons of pre-employment, reasonable suspicion, and/or follow-up testing.

(b) “Business day” means Monday through Friday from 8:00am-4:30pm, excluding holidays recognized by the Nation.

(c) “Confirmed positive test result” means a lab-confirmed drug test that is verified by the MRO that exceeds the cut-off levels established by this law (levels established by the United States Department of Health and Human Services), confirmed saliva testing, confirmed evidential breath alcohol test results of 0.02 or greater; and/or refusal to test.

(d) “EHN” means the Oneida Employee Health Nursing Department.

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

67 (f) "External applicant" means a person who is applying for a position and not currently
68 employed by the Nation.

69 (g) "HRD" means the Human Resources Department and/or representatives performing
70 Human Resources functions applicable to this law.

71 (h) "Internal applicant" means a person who is applying for a position who is currently
72 employed by the Nation, this includes those employed under a temporary status.

73 (i) "MRO" means Medical Review Officer who is a licensed physician who is responsible
74 for receiving and reviewing laboratory test results generated by an employer's drug testing
75 program and evaluating medical explanations for certain drug test results.

76 (j) "Nation" means the Oneida Nation.

77 (k) "NHTSA" means the National Highway Traffic Safety Administration.

78 (l) "ONEAP" means the Oneida Nation Employee Assistance Program which is a
79 professional counseling program staffed by clinical social workers licensed by the State of
80 Wisconsin which offers services to the Nation's employees and family members.

81 (m) "Prohibited drug(s)" means marijuana, cocaine, opiates, amphetamines, phencyclidine
82 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance
83 included in Schedules I through V, as defined by Section 812 of Title 21 of the United
84 States Code. This also includes prescription medication or over-the-counter medicine used
85 in an unauthorized or unlawful manner.

86 (n) "Return-to-Work Agreement" means an agreement, developed by an ONEAP counselor
87 and signed by the employee and the ONEAP counselor, and the referring supervisor, which
88 sets out the actions the employee needs to complete in order to return to work and remain
89 employed.

90 (o) "SAMHSA" means the United States Department of Health and Human Services,
91 Substance Abuse and Mental Health Services Administration.

92 (p) "Supervisor" means the immediate supervisor, or person who has taken on the role of
93 supervisor due to an absence that is responsible for performance review, corrective action,
94 and day-to-day assignments of duties.

95 (q) "Work-related accident" means an unexpected event involving an employee that occurs
96 in the employee's working environment or during an activity related to work, that:

97 (1) results in an injury to the employee or another person that may require medical
98 intervention by a police officer or emergency medical technician, or treatment at a
99 medical facility,

100 (2) results in death of the employee or another person, or

101 (3) involves any property damage.
102

202.4. Application

202.4-1. This law applies to all applicants for employment, whether external or internal, and all employees during working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation.

202.4-2. An employee is prohibited from the use of prohibited drugs and alcohol during working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation.

202.4-3. An employee is prohibited from the use of intoxicants while on official business travel while the conference or meeting is in session.

202.4-4. An employee is not exempted from this law if they travel to another state, territory or country where the use of certain drugs is legal.

114

202.5. Shared Responsibility

202.5-1. A safe and productive drug and alcohol free workplace is achieved through cooperation and shared responsibility between the employer and an employee.

202.5-2. *Employee.* It is the employee's responsibility to:

(a) Be free from the effects of prohibited drugs, and/or alcohol during working hours, and/or when scheduled to be on-call.

(b) Refrain from the unlawful manufacture, distribution, dispensation or possession of any prohibited drugs while working.

(c) Comply with drug and alcohol testing if directed to do so upon the request of an appropriate authority.

(d) Confidentially report suspicious behavior of an employee immediately to the supervisor of the employee in question.

(e) Cooperate with the requests made by EHN and the MRO. The employee shall return the call of the MRO within twenty-four (24) hours of the call being made to the employee.

An employee who fails to cooperate and does not contact the MRO within twenty-four (24) hours of receiving contact shall not receive back pay for any time between the date the MRO placed the call until the time the employee does return the call of the MRO.

(f) Sign a consent form to be tested for alcohol and drugs when requested by an appropriate authority.

(g) Provide the appropriate information to EHN in the event a medical condition prevents the employee from properly completing drug and alcohol testing so alternative drug and alcohol testing measures can be taken by EHN.

202.5-3. *Supervisor.* It is the supervisor's responsibility to:

(a) Be familiar with this law and any related policies and procedures.

(b) Investigate reported suspicious behaviors while maintaining the confidentiality of the person who reported the suspicious behavior.

(c) Promptly intervene with an employee who is believed to be under the influence of prohibited drugs and/or alcohol.

(d) Monitor the employee under the influence of prescription and/or over-the-counter medications that could compromise the safety of the employee, fellow employees, or the public.

(e) Send the employee through the contracted transportation service for reasonable suspicion drug and alcohol testing.

147

- 148 (f) Take appropriate action as outlined by this law.
149 (g) Sign the Return-to-Work Agreement along with the employee and ONEAP counselor
150 that was developed by ONEAP.
151 (h) Send a copy of the consent to submit to drug and alcohol testing form signed by the
152 employee to EHN.

153 202.5-4. *Supervisor and Employee.* A supervisor or an employee that fails to adhere to the
154 responsibilities of the supervisor or employee under this law may be subject to disciplinary action
155 or other consequences as explained in section 202.13.

156 202.5-5. *Off-duty Use of Prohibited Drugs or Alcohol.* Off-duty use of prohibited drugs or
157 alcohol may result in continued impairment during on-duty hours, which shall then constitute a
158 violation of this law. It is the employee's responsibility to understand the consequences of off-
159 duty use, and take steps to avoid the possibility of on-duty impairment. An employee who is called
160 in for emergency or unplanned work, excluding those on-call, and has been using prohibited drugs
161 or drinking alcoholic beverages prior to such a call, shall inform the employee's supervisor they
162 cannot report, and shall continue to decline to report until the effects of the prohibited drugs or
163 alcohol have left the employee's system. Such refusal to report shall not be viewed as improper,
164 and disciplinary action shall not arise from such refusal.

165 202.5-6. *Use of Controlled Substances That May Affect Safety or Performance.* An employee
166 who is taking or is under the influence of any controlled substances during working hours,
167 including prescription medication or over the counter medication, which may affect the
168 employee's job performance or safety of the employee, fellow employees, public, or assets of the
169 Nation have the following obligations:

- 170 (a) The employee shall notify the employee's immediate supervisor about the use of the
171 substance and possible work-related effects prior to commencing work.
172 (b) Upon request, the employee may be required to obtain a written statement of any work
173 restrictions or impact on performance or safety relating to the legal substances from the
174 employee's physician or pharmacist.
175 (c) An employee shall not sell or share his or her prescribed medications with any other
176 person, and shall not take medications that are prescribed to another person.
177 (d) It may be necessary for the employee's supervisor, area manager or EHN to consult
178 with the employee's personal physician, pharmacist or an MRO, with the employee's
179 approval or written authorization, to determine if the medication might impact the
180 employee's ability to perform the employee's job, or pose a hazard to other employees
181 or to the general public.
182 (e) The employee's duties may be temporarily modified for up to one hundred eighty (180)
183 days. Any modification of duties shall result in the appropriate modification of pay as
184 established by the Human Resources Department.
185

186 **202.6. Prohibited Behavior**

187 202.6-1. An applicant or employee of the Nation is in violation of this law if he or she:

- 188 (a) Uses, possesses, and/or sells prohibited drugs, or is under the influence of prohibited
189 drugs or alcohol while on duty. Notwithstanding section 202.11, any employee who is caught
190 using, possessing or selling prohibited drugs shall be immediately terminated from employment
191 with the Nation.

- 192 (b) Fails to inform his or her supervisor of being under the influence of prescription
193 medication and/or over-the-counter medication(s) which may affect the employee's job
194 performance or safety of the employee, fellow employees, public, or assets of the Nation.
195 (c) Uses unauthorized prescription drugs or intentionally misuses and/or abuses
196 prescription medications.
197 (d) Refuses to test.
198 (e) Has a confirmed positive test result after completing a drug and/or alcohol test through
199 EHN or a medical facility, or has a confirmatory test come back as positive.
200

201 **202.7. Reasonable Suspicion**

202 202.7-1. Establishing reasonable suspicion begins when the supervisor becomes aware either by
203 personal observation and/or secondary reported observation that an employee may be under the
204 influence of drugs and/or alcohol: this may include seeing or receiving a report that the employee
205 has taken or possess prohibited drugs or prescription medication that is not specifically prescribed
206 to that employee. In order to make a reasonable suspicion determination, the supervisor shall
207 evaluate the following:

- 208 (a) Specific observations concerning appearance, behavior, speech, or body odors of the
209 employee consistent with possible drug use or alcohol misuse.
210 (b) The observations may include indications of the chronic and withdrawal effects of
211 prohibited drugs or alcohol.

212 202.7-2. The supervisor shall document his or her observations and discuss the matter with the
213 employee. During this discussion, the supervisor may ask the employee for proof of a prescription.
214 The employee shall comply with this request. If after a discussion with the employee, the
215 supervisor continues to suspect the employee may currently still be under the influence or
216 reasonable suspicion is otherwise established, the supervisor shall refer the employee for
217 reasonable suspicion drug and alcohol testing.

218 202.7-3. A supervisor's decision made in regard to the reasonable suspicion drug and alcohol
219 testing of an employee is final. An employee shall not appeal or challenge a supervisor's
220 determination for reasonable suspicion drug and alcohol testing.
221

222 **202.8. Drug and Alcohol Testing**

223 202.8-1. Drug and alcohol tests are forensic in nature, meaning they are performed to formalize
224 conditions of employment as described in this law. To ensure the accuracy and fairness of this
225 law, all drug and alcohol testing shall be conducted according to SAMHSA guidelines for Federal
226 Workplace Drug Testing Programs.

227 202.8-2. EHN or its designee shall use Federal Drug Administration approved urine tests and
228 NHTSA certified evidential breath testing devices or NHTSA certified saliva-screening devices,
229 operated by technicians whose training terminology, procedures, methods, equipment, forms, and
230 quality assurance comply with best practices.

231 (a) Confirmation drug testing done on urine specimens shall be conducted by a laboratory
232 which is certified by the U.S. Department of Health and Human Services using its
233 confirmation methods and established cut-off levels. Laboratory-confirmed results shall
234 undergo the verification process by a MRO.

235 (b) Confirmation breath alcohol testing shall be performed using an NHTSA certified
236 evidential breath testing device.

237 (c) Confirmation drug testing done by saliva testing shall be performed using an NHTSA
238 certified saliva test.

239 202.8-3. If an employee is involved in a work-related accident, he or she shall immediately inform
240 his or her supervisor of the accident.

241 202.8-4. Each employee, as a condition of employment, shall participate in pre-employment,
242 reasonable suspicion, and follow-up testing upon the request of an appropriate authority.

243 202.8-5. A negative test result is required for employment eligibility.

244 202.8-6. *Dilution of Test Results*. In cases where a drug test result is diluted, a positive dilute of
245 the test result requires that the applicant or employee shall be given a confirmed positive test
246 result, while a negative dilute of the test result requires retesting. EHN shall notify the applicant or
247 employee of the required retesting.

248 (a) If the re-test results in a negative-dilute, the applicant or employee shall be given a
249 negative test result.

250 (b) If the re-test results in a positive-dilute, then the applicant or employee shall be given a
251 positive test result.

252

253 **202.9. Refusal to Test**

254 202.9-1. Refusal to test is prohibited behavior as defined in section 202.6. Refusal to test carries
255 the same consequences as a confirmed positive test result. Examples of refusal to test include, but
256 are not limited to:

257 (a) Substituting, adulterating (falsifying), or diluting the specimen.

258 (b) Refusal to sign the required forms.

259 (c) Refusal to cooperate in the testing process in such a way that prevents completion of
260 accurate testing and as directed by the collector.

261 (d) Failing to remain at the testing site until the testing process is complete.

262 (e) Providing an insufficient sample of urine or breath.

263 (f) Failing to test or to re-test.

264 (g) Failing to appear within two (2) hours after an order or request is made for testing or
265 re-testing.

266 (h) Behaving in a confrontational or discourteous manner that disrupts the collection
267 process.

268

269 **202.10. Reasonable Suspicion Testing Waiting Period**

270 202.10-1. This section applies only to current employees who meet the reasonable suspicion
271 standard. It does not apply to applicants of the Nation.

272 202.10-2 During drug and alcohol testing for reasonable suspicion, an employee shall be
273 immediately removed from duty without pay at the time of initiation of the reasonable suspicion
274 drug and alcohol testing and specimen collection until the employer is notified by EHN of negative
275 results on both the drug and alcohol tests, or MRO-verified negative test results.

276 202.10-3. When confirmation of test results are made available to the employer, the supervisor
277 shall notify the employee by telephone and by certified mail using the contact information
278 provided by the employee. The notice to the employee shall identify a reinstatement date if the
279 test was confirmed negative, or applicable consequences if the test was confirmed positive. If the
280 employee is reinstated, back pay shall be provided in accordance with the Back Pay law.
281 However, if the employee fails to return to work on the assigned reinstatement date as instructed in

282 the notice from the supervisor, the supervisor shall discipline the employee in accordance with the
283 Nation's laws, rules and policies governing employment, unless an extension is granted in writing
284 by the supervisor along with the reason for the extension. An employee who is ultimately
285 terminated for failure to return to work on his or her assigned reinstatement date shall not be
286 eligible for employment for one (1) year after the date of termination.

287
288 **202.11. Consequences for Prohibited Behavior**
289 202.11-1. Either an internal applicant or an external applicant may decline the position at any time
290 before being directed to EHN or other designated testing site for the applicant's drug and alcohol
291 testing.

292 202.11-2. *External Applicant.* If an external applicant fails to show at the testing site within the
293 time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as listed at
294 section 202.6 that has been documented, the employment offer shall be withdrawn. An external
295 applicant shall not be eligible for hiring consideration for one hundred eighty (180) days from the
296 date of the urine drug screening test.

297 202.11-3. *Internal Applicant.* If an internal applicant fails to show at the testing site within the
298 time allotted, or on the date of the scheduled test, or has engaged in prohibited behavior as listed at
299 section 202.6, the employment offer shall be withdrawn. The applicant shall be removed from
300 duty and subject to respective consequences of this law. The applicant shall not be eligible for
301 hiring consideration in a different position for one hundred eighty (180) days from the date of the
302 urine drug screening test.

303 202.11-4. *Employee.* If an employee has engaged in prohibited behavior as listed in section
304 202.6-1, and/or fails to cooperate by not responding to contact from the MRO within ten (10)
305 business days (which shall be deemed thereafter as a definite positive test), the employee shall be
306 removed from duty and subject to the respective consequences of this law.

307 202.11-5. *Consequences.*

308 (a) *First Violation.*

309 (1) Any employee who engages in prohibited behavior as defined in section 202.6
310 for the first time shall be removed from duty without pay and shall receive a
311 mandatory referral to ONEAP for an assessment. The ONEAP shall also determine
312 if the employee shall be subject to return-to-duty/follow-up testing. If follow-up
313 testing is required, the testing shall be at the employee's expense.

314 (2) The employee shall sign a Return-to-Work Agreement and submit the
315 agreement to his or her supervisor within ten (10) days or the employee shall be
316 terminated and ineligible for re-hire for one (1) year.

317 (A) When the supervisor signs the Return-to-Work Agreement the
318 employee shall be placed back on the work schedule by the next regularly
319 scheduled workday.

320 (3) Failure to comply with the signed Return-to-Work Agreement shall result in the
321 employee being terminated and ineligible for re-hire for one (1) year.

322 (b) *Second Violation.*

323 (1) Any employee who engages in prohibited behavior as defined in section 202.6 a
324 second time within his or her lifetime of employment with the Nation shall be
325 removed from duty without pay and shall receive a mandatory referral to ONEAP
326 for an assessment.

327 (2) The employee shall sign a Return-to-Work Agreement and submit it to the
328 employee's supervisor for signature within ten (10) days or the employee shall be
329 terminated and ineligible for re-hire for one (1) year. After a second violation the
330 employee shall not be placed back on the work schedule until:

331 (A) The employee receives approval from the ONEAP that they have
332 demonstrated sufficient progress in a treatment program that would indicate
333 the employee is drug and alcohol free within thirty (30) days of the
334 employee being removed from duty; and

335 (B) The employee completes a return-to-duty drug screening and alcohol
336 test at a SAMHSA-certified facility at their own expense, which shall be
337 negative within thirty (30) days of the employee being removed from duty;

338 (C) The ONEAP notifies the supervisor of the employee's eligibility to
339 return to work.

340 (3) As a condition of continuing employment, the employee shall participate in
341 follow-up testing with continued negative results as directed by the ONEAP and
342 listed in the Return-to-Work Agreement. All follow-up testing shall be at the
343 employee's expense.

344 (4) Failure to comply with the Return-to-Work agreement or follow up testing shall
345 result in the employee being terminated and ineligible for re-hire for one (1) year.

346 (c) *Third Violation.*

347 (1) Any employee who engages in prohibited behavior as defined in section 202.6 a
348 third time in his or her lifetime of employment with the Nation shall be terminated.
349 The employee shall not be eligible for employment unless he or she receives a
350 forgiveness pursuant to the Pardon and Forgiveness law. An employee that receives
351 forgiveness shall not be eligible for re-hire for one (1) year after the date of
352 termination.

353
354 **202.12. Re-hire**
355 202.12-1. A former employee that was terminated due to violations of this law shall provide,
356 along with the former employee's application for employment, the following:

357 (a) Proof of completion of a certified Alcohol and Other Drug Abuse program; and

358 (b) A negative drug screening and alcohol test at a SAMHSA-certified facility completed
359 within the last thirty (30) days. This drug screening and alcohol test shall be done at the
360 former employee's own expense.

361
362 **202.13. Other Potential Consequences**
363 202.13-1. The violation of this law may result in consequences to the employee beyond any
364 discipline or corrective action that may be taken. Other potential consequences include the
365 following:

366 (a) *Disqualification of Unemployment Benefits.* An employee who is terminated as a result
367 of a violation of this law may be ineligible for unemployment benefits.

368 (b) *Reduction of Workers Compensation Benefits.* An employee who incurs an injury in a
369 work-related accident that occurred while engaged in a violation of this law may have any
370 workers compensation benefits reduced.

- 371 (c) *Criminal Penalties.* An employee whose conduct violates state or federal criminal laws
372 may be referred to appropriate law enforcement for criminal prosecution.
373 (d) *Liability for Accidents.* An employee whose conduct in violation of this law causes an
374 accident may be held personally responsible for losses associated with the accident, and the
375 employee may be required to pay for those losses.
376

377 **202.14. Confidentiality**

378 202.14-1. Information related to the application of this law is confidential. Access to this
379 information is limited to those who have a legitimate “need to know” in compliance with relevant
380 laws and personnel policies and procedures.

381 202.14-2. All drug and alcohol testing information shall be maintained at EHN in confidential
382 records which are separate from the employee’s clinical and personnel files. The employee may
383 request a copy of the employee’s records. The records may be requested by a third party in
384 accordance with the Oneida Nation’s laws, rules and policies governing employment.
385

386 **202.15. Communication**

387 202.15-1. HRD shall communicate this law to all employees to ensure all employees are aware of
388 their role in supporting this law:

- 389 (a) All employees shall be given information on how to access this law.
390 (b) This law shall be reviewed in new employee orientation and other means, as deemed
391 appropriate by HRD.
392 (c) All employees shall sign an acknowledgment form stating they have received a copy of
393 this law, have read and understand it, and agree to follow this law.
394

395 *End.*
396

397 See GTC-01-31-94-B
398 Adopted by the OBC on 08-17-94
399 Emergency Amendments BC-04-20-95-C
400 Adopted BC-10-25-95-A (repealed previous versions)
401 Amended BC-10-20-99-A
402 Amended BC-12-05-07-B
403 Amended BC-12-11-13-F
404 Emergency Amended BC-10-26-16-D
405 Amended BC-
406

FINANCE ADMINISTRATION
Fiscal Impact Statement



MEMORANDUM

DATE: February 27, 2017
 FROM: Rae Skenandore, Project Manager
 TO: Larry Barton, Chief Financial Officer
 Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
 RE: **Fiscal Impact of Amendments - Drug and Alcohol Free Workplace (DAFWP)**

I. Estimated Fiscal Impact Summary

Law: Drug and Alcohol Free Workplace (DAFWP)		Draft 1
Implementing Agency	Employee Health Nursing (EHN) Human Resources Department (HRD)	
Estimated time to comply	Upon Approval	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Start up	\$0	
Personnel	\$0	
Office	\$0	
Documentation Costs	\$20,797	\$207,970
Total Estimated Fiscal Impact	\$20,797 Savings	\$207,970 Savings
Revenue and cost considerations	None	
Uncertainties and Unknowns	None	

II. Background

A. Legislative History

This Law was originally adopted as a policy by the Oneida Business Committee by resolution BC-10-25-95-A and amended by BC-10-20-99-A, BC-12-05-07-B and BC-12-11-13-F.

B. Summary of Content

1. Permanently adopt emergency amendments which removed the requirement of post-accident drug and alcohol testing for all instances of work-related injuries and accidents so that DAFWP complied with the requirements of the Occupational Safety and Health Act (OSHA);
2. Expand the application of the DAFWP so the Law applies to all applicants and employees during times the applicant or employee is operating a motor vehicle owned by the Nation or a vehicle rented by the Nation;
3. Clarify that an employee is prohibited from the use of prohibited drugs at all times;
4. Add an additional responsibility to the employee to provide appropriate information to Employee Health Nursing in the event a medical condition prevents the employee from properly completing drug and alcohol testing;
5. Clarify that supervisor's determination to use reasonable suspicion drug and alcohol testing is non-appealable;

C. Methodology and Assumptions

1. 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.
2. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

II. Agency Response

According to the Area Manager of the Human Resources Department, there will be no financial impact of the amendments. The Manager of Employee Health Nursing (EHN) estimated the following cost savings. In Fiscal Year 2014, prior to the mandatory post-accident testing, EHN paid \$9,384 for supplies, lab testing and taxi costs for drug testing. In Fiscal Year 2016 all associated testing costs which included post-accident and property damage testing was \$30,181. A difference of \$20,797 annually or an estimated savings of \$207,970 over 10 years. The amendments can be implemented immediately upon approval.

III. Financial Impact

\$20,797 annual anticipated savings.

IV. Recommendation

Finance 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 the information with which to render a decision.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution entitled Endowments Law Amendments

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: Jen Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson *BS*
 DATE: April 12, 2017
 RE: Endowments Law Amendments

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

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

Overview

The attached Resolution will adopt amendments to the current Endowments law. The amendments:

- Allow a resolution which creates an endowment the ability to delegate rulemaking authority to others pursuant to the Administrative Rulemaking law. The delegation of rulemaking authority through resolutions allows endowments the ability to delegate rulemaking authority to programs in order for the programs to access funding derived from endowment investments. *[see Endowments section 131.11-1]*;
- Modify how an endowment fund account can be dissolved, now requiring a two-thirds (2/3) vote of each of the following: Oneida Trust Committee, Oneida Finance Committee and the Oneida Business Committee. Additionally a two-thirds (2/3) vote of the Oneida General Tribal Council is required if the endowment fund account proposed to be dissolved contains five hundred thousand dollars (\$500,000) or more. *[see Endowments section 131.10-1]*; and
- Update the language to ensure compliance with drafting style and formatting requirements.

In accordance with the Legislative Procedures Act, a public meeting was held regarding the amendments to the Endowments law on February 16, 2017, with a comment period closing on February 23, 2017. Those comments were accepted and considered by the Legislative Operating Committee at the March 15, 2017, Legislative Operating Committee meeting.

Requested Action

Approve the Resolution: Endowments Law Amendments

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Endowments Law Amendments

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Endowments law (the "Law") was adopted by the Oneida Business Committee by resolution BC-02-23-05-G; and
- WHEREAS,** the amendments to the Law identify that authorization in a resolution creating an endowment is the equivalent of authority delegated by law as identified in the Administrative Rulemaking law so that a resolution which creates an endowment has the ability to delegate rulemaking authority to create and enact a set rules in accordance with the Administrative Rulemaking law, as authorized by the Law, in order to implement, interpret and/or enforce the Law; and
- WHEREAS,** the delegation of rulemaking authority through resolutions allows an endowment to delegate rulemaking authority to programs in order for programs to create and enact rules in order to access funding derived from endowment investments; and
- WHEREAS,** currently, the Law allows an endowment fund account to be dissolved only by recommendation of the Oneida Finance Committee and the Oneida Trust Enrollment Committee and ratification by the Oneida Business Committee; and
- WHEREAS,** the amendments modify how an endowment fund account can be dissolved now requiring a two-thirds (2/3) vote of each of the following: Oneida Trust Enrollment Committee, Oneida Finance Committee and the Oneida Business Committee. Additionally a two-thirds (2/3) vote of the Oneida General Tribal Council is required if the endowment fund account proposed to be dissolved contains five hundred thousand dollars (\$500,000) or more; and
- WHEREAS,** additional amendments update the language to ensure compliance with drafting style and formatting requirements; and
- WHEREAS,** a public meeting on the amendments was held on February 16, 2017, in accordance with the Legislative Procedures Act, and comments received were reviewed and accepted by the Legislative Operating Committee on March 15, 2017.

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



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



Statement of Effect

Endowments Law Amendments

Summary

This Resolution adopts amendments to the Endowments law which identify that authorization in a resolution creating an endowment is the equivalent of authority delegated by law as identified in the Administrative Rulemaking law for the purposes of developing rules, and modifies how an endowment fund account can be dissolved.

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

Analysis by the Legislative Reference Office

This Resolution adopts amendments to the Endowments law (“the Law”), which was originally adopted by the Oneida Business Committee on February 23, 2005.

Amendments to the Law modify how an endowment fund account can be dissolved. Currently, the Law allows an endowment fund account to be dissolved only by recommendation of the Oneida Finance Committee and the Oneida Trust Enrollment Committee, with ratification by the Oneida Business Committee. The amendments now require a two-thirds (2/3) vote of each of the following: the Oneida Trust Enrollment Committee, Oneida Finance Committee and the Oneida Business Committee. Additionally, a two-thirds (2/3) vote of the Oneida General Tribal Council is required if the endowment fund account proposed to be dissolved contains five hundred thousand dollars (\$500,000) or more.

The amendments allow rulemaking authority to be granted through a resolution creating an endowment. The Administrative Rulemaking law allows for only authorized agencies granted rulemaking authority by a law to create rules. Those authorized agencies which were granted rulemaking authority by a law can then create rules interpreting the provisions of the law enforced or administered by it. The Endowments law was adopted before the Administrative Rulemaking law, and as a result there is a gap between the two laws which would not allow rules to be developed in accordance with a resolution.

The amendments allow a resolution to delegate rulemaking authority to create and enact a set of rules establishing requirements in accordance with the Administrative Rulemaking law, as authorized by the Law, in order to implement, interpret and/or enforce the Law. The delegation of rulemaking authority through resolutions allows endowments the ability to delegate rulemaking authority to programs in order for the programs to access funding derived from endowment investments.

Additional amendments update language to ensure compliance with drafting style and formatting requirements.

A public meeting on the proposed amendments was held on February 16, 2017, in accordance with the Legislative Procedures Act. On March 15, 2017, the LOC reviewed all comments received during the public comment period; and any changes made based on those comments have been incorporated into this draft.

Conclusion

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



Endowments Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: JoAnne House	SPONSOR: David P. Jordan	DRAFTER: Clorissa N. Santiago	ANALYST: Maureen Perkins
Intent of the Amendments	To grant Administrative Rulemaking authority by resolution to programs based upon criteria established by the endowments created under the Endowments law.		
Purpose	The purpose of this law is to provide the process for the establishment and maintenance of all endowment accounts established by the Oneida Nation [see 131.1-1].		
Affected Entities	Finance Committee, Oneida Nation Treasurer, Oneida Business Committee, Oneida departments, Trust Enrollment Committee, Chief Financial Officer, Trust Enrollment Department,		
Affected Legislation	Administrative Rulemaking		
Enforcement/Due Process	There are no enforcement or due process provisions included in the law.		
Public Meeting	A public meeting was held February 16, 2017.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The current Endowments law does not include rulemaking authority. The current amendments fill
- 3 this gap by granting rulemaking authority to Oneida entities according to a Oneida Business
- 4 Committee resolution adopting the creation of the specific endowment [see 131.11].
- 5 **B.** This process opens endowments created according to the Endowments law to Oneida entities to create
- 6 programming based upon criteria crated by resolution.
- 7

SECTION 3. CONSULTATION

- 8
- 9 **A.** The Oneida Law Office, the Treasurer's Office and the Finance Committee were consulted in the
- 10 proposed amendments of this law.
- 11 **B.** The amendments have incorporated the Administrative Rulemaking law to grant rulemaking authority
- 12 by resolution.
- 13

SECTION 4. PROCESS

- 14
- 15 **A.** The amendments are following the legislative process as legislative and fiscal analyses have been
- 16 requested. A public meeting was held February 16, 2017.
- 17 **B.** The Endowment Fund Amendments were added to the Active Files list as a high priority on December
- 18 21, 2016.
- 19

SECTION 5. CONTENTS OF THE PROPOSED AMENDMENTS

- 20
- 21 **A.** Administrative Rulemaking authority was established through this law to be granted to Oneida entities
- 22 by resolution [see 131.11]. This allows future endowments to be created under the Endowments law

- 23 and allows Oneida entities to create rules regarding how their programming under the established
24 endowments will work.
- 25 **B.** The proposed amendments are written to the current standard of the Oneida Business Committee with
26 the law containing the overarching goal of the endowment fund account process and the rules, as
27 granted by administrative rulemaking and authorized by resolution, containing the detail of how
28 entities will expend endowment funds. The rules created by Oneida entities utilizing the endowment
29 funds will contain more detailed directives which will undergo public comment period and Oneida
30 Business Committee input.
- 31 **C.** Section 131.10 was amended to mirror language in section 131.9. Specifically a two-thirds (2/3) vote
32 of each of the Oneida Trust Enrollment Committee, the Oneida Finance Committee and the Oneida
33 Business Committee are required to dissolve an established endowment *[see 131.10-1(a)]*.
34 Additionally, a two-thirds (2/3) vote of the Oneida General Tribal Council is required if the proposed
35 dissolved account contains five hundred thousand dollars (\$500,000) or more *[see 131.10-1(a)(1)]*.
36 These requirements are already present in the law under the Reduction of Principal section *[see 131.9-*
37 *1(a) and 131.9-1(a)(1)]*.
- 38 **D.** Oneida Tribe of Indians of Wisconsin has been changed to Oneida Nation to reflect approved
39 constitutional amendments. The Trust Department has been changed to the Trust Enrollment
40 Department to reflect the current title of the department. The Trust Committee was changed to the
41 Trust Enrollment Committee to reflect the current title of the Committee. Section 131.2 was updated
42 to reflect the requirements set out in the Legislative Procedures Act.

43

44 **SECTION 6. INTENT**

- 45 **A.** The intent of the changes is to provide rulemaking authority to Oneida entities to expend endowment
46 funds created by resolution as established by the Finance Committee with approval by the Oneida
47 Business Committee *[see 131.5-1]*.
- 48 **B.** The legislation applies to the Trust Enrollment Committee, the Oneida Business Committee and the
49 Oneida Finance Committee in the creation and function of endowment accounts. Amendments grant
50 rulemaking authority to Oneida entities in expending funds from established endowment funds.

51

52 **SECTION 7. EFFECT ON EXISTING LEGISLATION**

- 53 **A.** There are no impacts or conflicts with existing legislation.

54

55 **SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR** 56 **OBLIGATIONS**

- 57 **A.** The proposed legislation provides a method for Oneida entities to access endowment funds established
58 under the Endowments law.
- 59 **B.** This law does not contain due process procedures.
- 60 **C.** No terms of office will be affected.
- 61 **D.** The proposed amendments will not affect any existing legal agreements.

62

63 **SECTION 9. ENFORCEMENT**

- 64 **A.** There aren't any enforcement mechanisms in the current or amended law.

65

66 **SECTION 10. ACCOUNTABILITY**

- 67 **A.** The Oneida Business Committee is responsible for the oversight of the law and requesting accounts to
68 be audited *[see 131.4]*. The Oneida Finance Committee is responsible for establishing endowment
69 fund accounts with final approval of the Oneida Business Committee. This process requires
70 proposals to be published in official media outlets of the Nation and presentation at a community
71 meeting *[see 131.5]*. Endowments fund accounts established by private donors shall be established
72 within 120 days from notice from the Finance Committee of the donation *[see 131.5-1(b)]*. The Trust
73 Enrollment Committee shall have exclusive authority of the investment and collection of principle,
74 interest and investments of all monies deposited in and income derived from all Oneida Nation
75 endowment fund accounts *[see 131.6-1]*.
- 76 **B.** The Trust Enrollment Committee is also responsible to provide OBC and GTC with written annual
77 financial reports *[see 131.6-3]*. The Trust Enrollment Committee shall submit a semi-annual report to
78 the Oneida Business Committee *[see 131.6-7]*. The Director of the Oneida Tribal Trust Enrollment
79 Department shall submit to the Oneida Trust Enrollment Committee and the Office of the Oneida
80 Nation Treasurer, quarterly financial reports and performance measurements on all Oneida Nation
81 endowment fund accounts. The quarterly financial reports shall include an itemized accounting of all
82 expenditures *[see 131.7-2]*.
- 83 **C.** All reports to the OBC and the GTC are publically available to Oneida members.

84

85

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Title 1. Government and Finances - Chapter 131

ENDOWMENTS

On[^]yote-a:ka Luwatithwistay[^]hahse Kay[^]tla-sla
Oneida Money Saved for our People the Laws

<p>131.1. Purpose and Policy</p> <p>131.2. Adoption, Amendment, Repeal</p> <p>131.3. Definitions</p> <p>131.4. Powers and Duties <u>and Responsibilities</u> of the Oneida Business Committee</p> <p>131.5. Powers and Duties <u>and Responsibilities</u> of the Oneida Finance Committee</p> <p>131.6. Powers and Duties <u>and Responsibilities</u> of the Oneida Trust <u>Enrollment</u> Committee</p>	<p>131.7. Powers and Duties <u>and Responsibilities</u> of the Director of the Oneida Trust <u>Enrollment</u> Department</p> <p>131.8. Transfer of Funds</p> <p>131.9. Reduction of Principal</p> <p>131.10. Dissolution of Endowment <u>Fund</u> Accounts</p> <p>131.11. <u>Rulemaking Authority</u></p>
--	--

131.1. Purpose and Policy—

131.1-1. The purpose of this law is to provide the process for the establishment and maintenance of all endowment fund accounts established by the Oneida Tribe of Indians of Wisconsin Nation.

131.1-2. It is the policy of the Tribe Nation that endowments ~~will~~shall be maintained, protected and grown in value for the benefit of the Oneida people, both those in the present, and future generations.

131.2. Adoption, Amendment, ~~Applicability and Repeal~~—

131.2-1. ~~This law is adopted under the authority of the Constitution of by~~ the Oneida Tribe of Indians of Wisconsin by Oneida Business Committee Resolution # 2by resolution BC-02-23-05-G, and amended by BC.

131.2-2. This law may be amended, or repealed, by the Oneida Business Committee and/or by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

131.2-3. Should a provision of this law or the application ~~of this law~~thereof to any person or circumstances be held as invalid, such invalidity shall not ~~effect~~affect other provisions of this law which are considered to have legal force without the invalid portions.

131.2-4. ~~Any~~In the event of a conflict between a provision of this law and a provision of another law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law shall control.

131.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin Nation.

131.3. Definitions—

131.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Business day” means Monday through Friday from 8:00am-4:30pm, excluding holidays recognized by the Nation.

(b) “Contribution@” means a ~~cash or check~~ monetary donation to the Oneida Tribe Nation for the purpose of contributing to an existing endowment fund account, or for the

Draft 2 for OBC Consideration
2017 04 12

34 establishment of an endowment fund account. In addition, a ~~contribution~~bequest,
35 donation or gift may be accepted if it has potential monetary value, which may include,
36 but not be limited to, stocks, bonds, real estate, property, and other assets including, but
37 not limited to, assets which are current, commercial, equitable, earning, tangible and
38 intangible.

39 ~~(b) A~~ (c) “Endowment fund account” means an account established from a gift, bequest or
40 grant of monetary value, granted to the ~~Oneida Tribe~~Nation, or by the ~~Oneida~~
41 ~~Tribe~~Nation for the establishment of, or contribution to, an endowment fund account for
42 a specified purpose which may be invested or deposited to grow and provide income to
43 finance operations and programs of the ~~Tribe~~Nation or as specified in the creation of an
44 account with an identified trustee.

45 ~~(e) A~~ (d) “Income” means money or its equivalent derived from financial investments. The
46 ~~term~~ includes interest, dividends ~~or~~and capital appreciation.

47 ~~(d) A Tribe or Tribal~~ (e) “Nation” means the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

48 (f) “Rulemaking authority” means the authority to create and enact a set rules
49 establishing requirements in accordance with the Administrative Rulemaking law based
50 on authority delegated by resolution, as authorized by this law, in order to implement,
51 interpret and/or enforce this law.

53 **131.4. Duties and Responsibilities of the Oneida Business Committee–**

54 131.4-1. The Oneida Business Committee shall exercise oversight over endowment fund
55 accounts ~~which~~. Oversight authority includes, but is not limited to, the following:

- 56 (a) Approve Authority to approve or disapprove the establishment of endowment fund
57 accounts as recommended by the Finance Committee; and
58 (b) Authority to cause any or all endowment fund accounts to be audited by an
59 independent auditor. Said audit shall become part of the public record and made
60 available to the public. An executive summary of the audit shall be included on the
61 agenda of the next regularly scheduled meeting of the Oneida General Tribal Council.

63 **131.5. Duties and Responsibilities of the Oneida Finance Committee–**

64 **131.5-1.** The Oneida Finance Committee is charged with establishing all endowment fund
65 accounts, with final approval from the Oneida Business Committee.

66 (a) Before the Oneida Finance Committee establishes any endowment fund account the
67 Oneida Finance Committee shall publish a notice in official media outlets of the ~~Oneida~~
68 ~~Tribal newspaper (KALHWISAKS)~~Nation a minimum of ~~twenty (20) calendar~~ ten (10)
69 business days prior to a ~~community~~public meeting on the proposed endowment. The
70 notice shall include:

- 71 (1) A statement of the terms, substance, or a description of the subjects and issues
72 involved; and
73 (2) The time, place, whom, and manner in which views may be presented. Said
74 notice shall be published and posted for no less than ten (10) calendar days prior
75 to the community meeting.

76 (b) The establishment of endowment fund accounts from private donors shall take no
77 more than one hundred and twenty (120) calendar days from the date of– notification

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78 from the Finance Committee of the donation received for the purpose of establishing an
79 endowment fund account. These endowment fund accounts shall be exempt from the
80 community meeting requirements as stated above.
81

82 **131.6. Duties and Responsibilities of the Oneida Trust Enrollment Committee.—**

83 131.6-1. The Oneida Trust Enrollment Committee shall have exclusive control of the investment
84 and collection of principal, interest and investments of all monies deposited in, and income
85 derived from, all Oneida ~~Tribe~~Nation endowment fund accounts.

86 131.6-2. The Oneida Trust Enrollment Committee is authorized to accept ~~donations, gifts,~~
87 ~~bequests~~contributions or other ~~instrument~~instruments from private donors for the purpose of
88 establishing endowment fund accounts and shall notify the Oneida Finance Committee
89 immediately upon receipt.

90 (a) Pending the establishment of an endowment fund account, the Oneida Trust
91 Enrollment Committee shall deposit the ~~gift~~contribution into an interest bearing account.

92 131.6-3. The Oneida Trust Enrollment Committee shall provide written annual financial reports
93 to the Oneida Business Committee and to the Oneida General Tribal Council. Such ~~financial~~
94 ~~report~~reports shall include, but are not limited to:

95 (a) An itemized accounting of all monies placed into endowment fund accounts;
96

97 (b) An itemized accounting of all withdrawals to include the date and destination of any
98 ~~withdraw~~withdrawal from all endowment fund accounts; and

99 (c) An itemized accounting of all monies spent on consultants, the reason for such
100 consultation or ~~advise~~advice, and the total amount spent for the consultation or
101 ~~advise~~advice. Said accounting shall include the names of any non-~~Tribal~~Nation
employee financial consultants and investment advisors utilized.

131.6-4. The Oneida Trust Enrollment Committee ~~will~~shall have the sole approval and sign off
authority in relation to the Oneida Trust Enrollment Department-s administrative activities
regarding endowment fund accounts assigned to it by law.

131.6-5. With the Oneida Trust Enrollment Committee-s approval, the Oneida Trust Enrollment
Committee Chairperson shall sign all deeds, contracts and other documents relating to
endowment fund accounts.

131.6-6. The Oneida Trust Enrollment Committee shall submit a semi-annual report to the
Oneida Business Committee on the condition, management and goals of endowment fund
accounts.

131.6-7. Consistent with its ~~Bylaws~~bylaws and the provisions of this law, the Oneida Trust
Enrollment Committee shall adopt and implement internal procedures on investing endowment
fund accounts.

**131.7. Duties and Responsibilities of the Director of the Oneida Trust Enrollment
Department-**

131.7-1. The Director of the Oneida Trust Enrollment Department shall adhere to the policies,
~~principals~~principles and procedures of the Oneida Trust Enrollment Committee.

131.7-2. The Director of the Oneida ~~Tribal~~-Trust Enrollment Department shall submit to the
Oneida Trust Enrollment Committee and the Office of the ~~Tribal~~Oneida Nation Treasurer,
quarterly financial reports and performance measurements on all Oneida ~~Tribe~~Nation

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endowment fund accounts. The quarterly financial reports shall include an itemized accounting of all expenditures.

131.8. Transfer of Funds–

131.8-1. Pursuant to the ~~Tribal~~Nation's budgetary process, the Director of the Oneida Trust ~~Enrollment~~ Department shall notify the ~~Tribal~~Oneida Nation Treasurer regarding how much investment and interest income may be available for ~~Tribal contribution~~the Nation to supply to programs identified to receive funding from endowment fund accounts.

131.8-2. Unless otherwise specified in the establishment of any endowment fund account, the amount available for ~~Tribal~~ programs of the Nation shall not exceed seventy five percent (75%~~%~~) of income earned from financial investments made from an endowment fund account owned by the ~~Tribe~~Nation. Income, minus administrative costs, not transferred shall be added to the principal of each endowment fund account.

(a) Unless otherwise expressed by the grantor, transfer of funds shall not be allowed if the principal of the account is less than ten thousand dollars (\$10,000) or the transfer of funds is less than five hundred dollars (\$500).

(b) Allocated funds from endowment fund accounts owned by the ~~Oneida Tribe~~Nation shall be transferred to line item accounts of designated programs within one (1)~~-calendar~~ week of the adoption of the fiscal year budget.

131.9. Reduction of Principal–

131.9-1. The principal of all ~~Oneida Tribe~~Nation endowment fund accounts shall not be reduced except in accordance with this section.

(a) Any reduction of an endowment fund account shall require a two-thirds (2/3) ~~majority~~ vote of each of the following: the Oneida Trust Enrollment Committee, Oneida Finance Committee and the Oneida Business Committee.

(1) The reduction of an endowment fund account which contains \$five hundred thousand dollars (\$500,000) or more shall require a two-thirds (2/3)~~majority~~ vote of the Oneida General Tribal Council.

131.10. Dissolution of Endowment Fund Accounts -

131.10-1. ~~Endowment~~An endowment fund ~~accounts~~account shall not be ~~closed~~only upon dissolved except in accordance with this section.

(a) The dissolution of an endowment fund account shall require a two-thirds (2/3) vote of each of the following: the Oneida Trust Enrollment Committee, Oneida Finance Committee and the Oneida ~~Trust Committee and ratification by the Oneida~~ Business Committee.

(1) The dissolution of an endowment fund account which contains five hundred thousand dollars (\$500,000) or more shall require a two-thirds (2/3) vote of the Oneida General Tribal Council.

(b) When an endowment fund account is ~~closed~~dissolved, no private person shall be entitled to any distribution or division of its assets. Any assets remaining to the endowment at dissolution or liquidation shall be distributed as follows:

(1) All liabilities of the endowment shall be paid or adequate provision shall be

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8 made for payment;

9 (2) Assets held by the endowment upon a condition which occurs by reason of
10 the dissolution shall be returned or otherwise conveyed in accordance with such
11 requirements; and

12 (3) All remaining assets shall be distributed to the Oneida ~~Tribe~~Nation General
13 Fund to be used to carry on activities consistent with the purposes for which the
14 endowment was organized.

15
16 **131.11. Rulemaking Authority**

17 131.11-1. A resolution creating an endowment may delegate rulemaking authority to others
18 under the Administrative Rulemaking law. A resolution which delegates such rulemaking
19 authority shall be construed as authority granted under this law.

20
21 *End.*

22
23
24 Adopted BC # 2-23-05-G Adopted
25 Amended BC

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Title 1. Government and Finances - Chapter 131

ENDOWMENTS

On[^]yote=^a:ka Luwatithwistay[^]hahse Kay[^]tla=^sla
Oneida Money Saved for our People the Laws

131.1.	Purpose and Policy	131.7.	Duties and Responsibilities of the Director of the Oneida Trust Enrollment Department
131.2.	Adoption, Amendment, Repeal	131.8.	Transfer of Funds
131.3.	Definitions	131.9.	Reduction of Principal
131.4.	Duties and Responsibilities of the Oneida Business Committee	131.10.	Dissolution of Endowment Fund Accounts
131.5.	Duties and Responsibilities of the Oneida Finance Committee	131.11.	Rulemaking Authority
131.6.	Duties and Responsibilities of the Oneida Trust Enrollment Committee		

131.1. Purpose and Policy

131.1-1. The purpose of this law is to provide the process for the establishment and maintenance of all endowment fund accounts established by the Oneida Nation.

131.1-2. It is the policy of the Nation that endowments shall be maintained, protected and grown in value for the benefit of the Oneida people, both those in the present, and future generations.

131.2. Adoption, Amendment, Repeal

131.2-1. This law is adopted by the Oneida Business Committee by resolution BC-02-23-05-G and amended by BC_____.

131.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

131.2-3. 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.

131.2-4. 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.

131.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

131.3. Definitions

131.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Business day" means Monday through Friday from 8:00am-4:30pm, excluding holidays recognized by the Nation.

(b) "Contribution" means a monetary donation to the Oneida Nation for the purpose of contributing to an existing endowment fund account, or for the establishment of an endowment fund account. In addition, a bequest, donation or gift may be accepted if it has potential monetary value, which may include, but not be limited to, stocks, bonds, real estate, property, and other assets including, but not limited to, assets which are current, commercial, equitable, earning, tangible and intangible.

(c) "Endowment fund account" means an account established from a gift, bequest or

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34 grant of monetary value, granted to the Nation, or by the Nation for the establishment of,
35 or contribution to, an endowment fund account for a specified purpose which may be
36 invested or deposited to grow and provide income to finance operations and programs of
37 the Nation or as specified in the creation of an account with an identified trustee.

38 (d) "Income" means money or its equivalent derived from financial investments. The
39 term includes interest, dividends and capital appreciation.

40 (e) "Nation" means the Oneida Nation.

41 (f) "Rulemaking authority" means the authority to create and enact a set rules
42 establishing requirements in accordance with the Administrative Rulemaking law based
43 on authority delegated by resolution, as authorized by this law, in order to implement,
44 interpret and/or enforce this law.

45 46 **131.4. Duties and Responsibilities of the Oneida Business Committee**

47 131.4-1. The Oneida Business Committee shall exercise oversight over endowment fund
48 accounts. Oversight authority includes, but is not limited to, the following:

49 (a) Authority to approve or disapprove the establishment of endowment fund accounts as
50 recommended by the Finance Committee; and

51 (b) Authority to cause any or all endowment fund accounts to be audited by an
52 independent auditor. Said audit shall become part of the public record and made
53 available to the public. An executive summary of the audit shall be included on the
54 agenda of the next regularly scheduled meeting of the Oneida General Tribal Council.

55 56 **131.5. Duties and Responsibilities of the Oneida Finance Committee**

57 131.5-1. The Oneida Finance Committee is charged with establishing all endowment fund
58 accounts, with final approval from the Oneida Business Committee.

59 (a) Before the Oneida Finance Committee establishes any endowment fund account the
60 Oneida Finance Committee shall publish a notice in official media outlets of the Nation a
61 minimum of ten (10) business days prior to a public meeting on the proposed
62 endowment. The notice shall include:

63 (1) A statement of the terms, substance, or a description of the subjects and issues
64 involved; and

65 (2) The time, place, whom, and manner in which views may be presented.

66 (b) The establishment of endowment fund accounts from private donors shall take no
67 more than one hundred and twenty (120) calendar days from the date of notification from
68 the Finance Committee of the donation received for the purpose of establishing an
69 endowment fund account. These endowment fund accounts shall be exempt from the
70 community meeting requirements as stated above.

71 72 **131.6. Duties and Responsibilities of the Oneida Trust Enrollment Committee**

73 131.6-1. The Oneida Trust Enrollment Committee shall have exclusive control of the investment
74 and collection of principal, interest and investments of all monies deposited in, and income
75 derived from, all Oneida Nation endowment fund accounts.

76 131.6-2. The Oneida Trust Enrollment Committee is authorized to accept contributions or other
77 instruments from private donors for the purpose of establishing endowment fund accounts and

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78 shall notify the Oneida Finance Committee immediately upon receipt.

79 (a) Pending the establishment of an endowment fund account, the Oneida Trust
80 Enrollment Committee shall deposit the contribution into an interest bearing account.

81 131.6-3. The Oneida Trust Enrollment Committee shall provide written annual financial reports
82 to the Oneida Business Committee and to the Oneida General Tribal Council. Such financial
83 reports shall include, but are not limited to:

84 (a) An itemized accounting of all monies placed into endowment fund accounts;

85 (b) An itemized accounting of all withdrawals to include the date and destination of any
86 withdrawal from all endowment fund accounts; and

87 (c) An itemized accounting of all monies spent on consultants, the reason for such
88 consultation or advice, and the total amount spent for the consultation or advice. Said
89 accounting shall include the names of any non-Nation employee financial consultants and
90 investment advisors utilized.

91 131.6-4. The Oneida Trust Enrollment Committee shall have the sole approval and sign off
92 authority in relation to the Oneida Trust Enrollment Department's administrative activities
93 regarding endowment fund accounts assigned to it by law.

94 131.6-5. With the Oneida Trust Enrollment Committee's approval, the Oneida Trust Enrollment
95 Committee Chairperson shall sign all deeds, contracts and other documents relating to
96 endowment fund accounts.

97 131.6-6. The Oneida Trust Enrollment Committee shall submit a semi-annual report to the
98 Oneida Business Committee on the condition, management and goals of endowment fund
99 accounts.

100 131.6-7. Consistent with its bylaws and the provisions of this law, the Oneida Trust Enrollment
101 Committee shall adopt and implement internal procedures on investing endowment fund
102 accounts.

103

104 **131.7. Duties and Responsibilities of the Director of the Oneida Trust Enrollment** 105 **Department**

106 131.7-1. The Director of the Oneida Trust Enrollment Department shall adhere to the policies,
107 principles and procedures of the Oneida Trust Enrollment Committee.

108 131.7-2. The Director of the Oneida Trust Enrollment Department shall submit to the Oneida
109 Trust Enrollment Committee and the Office of the Oneida Nation Treasurer, quarterly financial
110 reports and performance measurements on all Oneida Nation endowment fund accounts. The
111 quarterly financial reports shall include an itemized accounting of all expenditures.

112

113 **131.8. Transfer of Funds**

114 131.8-1. Pursuant to the Nation's budgetary process, the Director of the Oneida Trust
115 Enrollment Department shall notify the Oneida Nation Treasurer regarding how much
116 investment and interest income may be available for the Nation to supply to programs identified
117 to receive funding from endowment fund accounts.

118 131.8-2. Unless otherwise specified in the establishment of any endowment fund account, the
119 amount available for programs of the Nation shall not exceed seventy five percent (75%) of
120 income earned from financial investments made from an endowment fund account owned by the
121 Nation. Income, minus administrative costs, not transferred shall be added to the principal of

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122 each endowment fund account.

123 (a) Unless otherwise expressed by the grantor, transfer of funds shall not be allowed if the
124 principal of the account is less than ten thousand dollars (\$10,000) or the transfer of funds
125 is less than five hundred dollars (\$500).

126 (b) Allocated funds from endowment fund accounts owned by the Nation shall be
127 transferred to line item accounts of designated programs within one (1) week of the
128 adoption of the fiscal year budget.

129

130 **131.9. Reduction of Principal**

131 131.9-1. The principal of all Nation endowment fund accounts shall not be reduced except in
132 accordance with this section.

133 (a) Any reduction of an endowment fund account shall require a two-thirds (2/3) vote of
134 each of the following: the Oneida Trust Enrollment Committee, Oneida Finance
135 Committee and the Oneida Business Committee.

136 (1) The reduction of an endowment fund account which contains five hundred
137 thousand dollars (\$500,000) or more shall require a two-thirds (2/3) vote of the
138 Oneida General Tribal Council.

139

140 **131.10. Dissolution of Endowment Fund Accounts**

141 131.10-1. An endowment fund account shall not be dissolved except in accordance with this
142 section.

143 (a) The dissolution of an endowment fund account shall require a two-thirds (2/3) vote of
144 each of the following: the Oneida Trust Enrollment Committee, Oneida Finance
145 Committee and the Oneida Business Committee.

146 (1) The dissolution of an endowment fund account which contains five hundred
147 thousand dollars (\$500,000) or more shall require a two-thirds (2/3) vote of the
148 Oneida General Tribal Council.

149 (b) When an endowment fund account is dissolved, no private person shall be entitled to
150 any distribution or division of its assets. Any assets remaining to the endowment at
151 dissolution or liquidation shall be distributed as follows:

152 (1) All liabilities of the endowment shall be paid or adequate provision shall be
153 made for payment;

154 (2) Assets held by the endowment upon a condition which occurs by reason of
155 the dissolution shall be returned or otherwise conveyed in accordance with such
156 requirements; and

157 (3) All remaining assets shall be distributed to the Oneida Nation General Fund
158 to be used to carry on activities consistent with the purposes for which the
159 endowment was organized.

160

161 **131.11. Rulemaking Authority**

162 131.11-1. A resolution creating an endowment may delegate rulemaking authority to others
163 under the Administrative Rulemaking law. A resolution which delegates such rulemaking
164 authority shall be construed as authority granted under this law.

165

166 *End.*

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167
169
170

Adopted BC # 2-23-05-G
Amended BC

MEMORANDUM

DATE: January 31, 2017
FROM: Rae Skenandore, Project Manager
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Fiscal Impact of the Amendments to the Endowment Law**

I. Background

This Law was adopted by the Oneida Business Committee by resolution BC-02-23-05-G. A public meeting will be held on Thursday, February 16, 2017. This analysis was completed on Draft One (1) of the amendments. The Endowments amendments include the following:

- Endowments cannot be dissolved except with a two-thirds (2/3) vote of each of the following:
 - Oneida Trust/Enrollment Committee;
 - Oneida Finance Committee;
 - Oneida Business Committee;
 - If the endowment contains five hundred thousand dollars (\$500,000) or more, it shall require a two-thirds (2/3) vote of the Oneida General Tribal Council.
- Administrative rulemaking authority may be granted by the resolution creating the endowment and shall be understood as authority granted under Law.

II. Executive Summary of Findings

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

The amendments duplicate the requirements needed to reduce the principle to include in the dissolution of an endowment account. Rulemaking authority may now be delegated by resolution and is not included in the law. These are process changes, therefore, it is assumed that existing internal resources will be utilized to implement the Law and there will be no additional expenditures. The amendments may be implemented immediately upon approval.

III. Financial Impact

No impact.

IV. Recommendation

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="March 15, 2017 LOC Minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

March 15, 2017 9:00 a.m.

Present: Brandon Stevens, Fawn Billie, Tehassi Hill, David P. Jordan, Jennifer Webster

Others Present: Tani Thurner, Jennifer Falck, Clorissa Santiago, Maureen Perkins, Rae Skenandore, Krystal John

I. Call to Order and Approval of the Agenda

Tehassi Hill called the March 15, 2017 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Fawn Billie to approve the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be approved

1. March 1, 2017 LOC Meeting Minutes

Motion by Jennifer Webster to approve the March 1, 2017 LOC meeting minutes; seconded by David P. Jordan. Motion carried, with David P. Jordan abstaining.

III. Current Business (5:00–5:38)

1. Tribal Environmental Response Law Amendments

Motion by Fawn Billie to accept the 60-day update; seconded by David P. Jordan. Motion carried unanimously.

Note: Brandon Stevens arrived at 9:04 a.m.

2. Endowments Law Amendments (5:41–10:11)

Motion by Jennifer Webster to accept the public meeting comments and responses, and the updated draft with the new changes, and direct the Legislative Reference Office to prepare the adoption packet; seconded by David P. Jordan. Motion carried unanimously.

3. Tribal Criminal, Traffic and Public Peace Laws (10:12–10:46)

Motion by Fawn Billie to approve a 60-day extension to complete research for these items; seconded by Tehassi Hill. Motion carried unanimously.

4. S. Benton re: Petition to Change Pre-employment Drug Testing for Marijuana (10:59–11:36)

Motion by Jennifer Webster to approve the statement of effect and to forward to the Oneida Business Committee; seconded by Tehassi Hill. Motion carried unanimously.

IV. New Submissions

1. Administrative Rulemaking Amendments (11:37-14:55)

Motion by Jennifer Webster to place the Administrative Rulemaking Amendments on the Active Files List as a high priority and assign Brandon Stevens as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

2. Conflict of Interest Emergency Amendments (14:57-21:17)

Motion by Jennifer Webster to add the Conflict of Interest Emergency Amendments to the Active Files List as a high priority and assign Brandon Stevens as the sponsor seconded by Fawn Billie. Motion carried unanimously.

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by David P. Jordan to adjourn the March 15, 2017 Legislative Operating Committee meeting at 9:19 a.m.; seconded by Tehassi Hill. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Consider requesting the Oneida Personnel Commission to submit input regarding the draft Employment Law to the Business Committee by May 17, 2017.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Memo from LOC"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: Legislative Operating Committee
DATE: April 12, 2017
RE: March 19, 2017 GTC: Employment Law Action- Next Steps

BACKGROUND

At the March 19, 2017 General Tribal Council (GTC) Meeting, during discussion regarding the Employment Law, Madelyn Genskow made a motion to;

*Table this item [Employment Law] until the next Business Committee has been elected; the next Business Committee has the chance to review it, and that the Oneida Personnel Commission has an opportunity to provide input. **Seconded by Nancy Cook. Motion carried by show of hands.***

The Legislative Operating Committee (LOC) would like the incoming Oneida Business Committee (OBC) to be able to review the Employment Law relatively soon after the OBC is sworn in.

In an effort to work efficiently and be able to prepare the incoming Business Committee to discuss and review the Employment Law, the Legislative Operating Committee would like to receive any input from the Oneida Personnel Commission this spring.

REQUEST

The Legislative Operating Committee (LOC) would like to request that the Business Committee direct the Oneida Personnel Commission to submit input regarding the Employment Law to the Business Committee by May 17, 2017.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 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:

Review the following Rules per the Administrative Rulemaking Law:

Landlord-Tenant Rule #2: Income Based Rental Program
Landlord-Tenant Rule #3: Elder Rental Program
Eviction & Termination Rule #1: Disposal of Abandoned Personal Property

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

On April 5, 2017, the Legislative Operating Committee certified the these rules. According to the Administrative Rulemaking Law, the Oneida Business Committee will review the rules and if there are concerns, work with the Authorized Agency to address them.

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



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



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
 DATE: April 5, 2017
 RE: Certification of Landlord-Tenant Law Rule No.2 – Income Based Rental Program Eligibility, Selection and Other Requirements

The Legislative Reference Office has reviewed the certification packet provided by the Oneida Housing Authority (OHA) for the Landlord-Tenant law Rule No. 2 – Income Based Rental Program Eligibility, Selection and Other Requirements (the “Rule”).

If certified by the Legislative Operating Committee, the Rule would become effective on April 13, 2017.

Administrative Record

The certification packet provided by the OHA contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum containing the Rule’s procedural timeline;
- Updated draft of the Rule;
- Memorandum from Dale Wheelock, Executive Director of the Oneida Housing Authority approving the draft Rule;
- Summary Report;
- Public Meeting Notice;
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Public Meeting Sign In Sheet;
- Public Meeting Transcript; and
- Draft of the Rule considered at the public meeting.

Procedural Requirements

The certification packet illustrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule was published in the Kalihwisaks on December 15, 2016; and
- A public meeting for the Rule was held on January 3, 2017; and

- The public comment period was held open until January 10, 2017; and
- There were no oral or written comments received during the public meeting or the public meeting comment period; and
- The Executive Director of the Oneida Housing Authority approved the Rule on March 24, 2017.

Rulemaking Authority

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

Conclusion

Promulgation of the Landlord-Tenant Rule No. 2 – Income Based Rental Program Eligibility, Selection and Other Requirements Rule complies with all requirements of the Administrative Rulemaking law.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: April 5, 2017
- 2) Contact Person(s): Krystal John Dept: Law Office
 Phone Number: x4375 Email: kjohn4@oneidanation.org
- 3) Agenda Title: Certification of Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
OHA is seeking LOC certification of Rule No. 2 as OHA complies with Landlord Tenant Law
and develops program operational rules.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Rule No. 2
- 2) Summary Report
- 3) Public Meeting Notice
- 4) Public Meeting Sign-in and Transcript

- 5) Please List any laws, ordinances or resolution that might be affected:
Landlord-Tenant law
- 6) Please List all other departments or person(s) you have brought your concern to:
N/A
- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

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Law Office



M E M O R A N D U M

TO: Legislative Operating Committee

FROM: Krystal L. John, Staff Attorney

DATE: April 5, 2017

SUBJECT: Request for Certification of Procedural Compliance
Landlord Tenant Rule No. 2 – Income Based Rental Program Eligibility, Selection and Other Requirements

The Oneida Housing Authority is exercising its rulemaking authority to further define sections of Title 6 Property and Land – Chapter 611; Landlord Tenant.

This rule is newly drafted and is not a revision of a prior rule.

In accordance with the Administrative Rulemaking law, a public meeting was held for this rule on January 3, 2017 for which the comment period expired on January 10, 2017. There were no community members in attendance and no written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

Rulemaking Timeline	
Required Action	Date Completed
Received Oneida Housing Authority Executive Director approval of DRAFT rule and direction to proceed with holding a public meeting	December 8, 2016
Public Meeting notice for the rule is posted in the Kalihwisaks (see page 33) and on the Oneida Register	December 15, 2016
Public Meeting held	January 3, 2017
Public Comment Period closed; there were no comments received	January 10, 2017

The following attachments are included for your review:

1. Rule No. 2 – Income Based Rental Program Eligibility, Selection, and Other Requirements
2. OHA Director Approval
3. Summary Report
4. Public Meeting Notice
5. Copy of Public Meeting Published in the Kalihwisaks – Page 33 of the December 15, 2016 issue
6. Sign in sheet from the January 3, 2017 Public Meeting
7. Public meeting transcription from the January 3, 2017 Public Meeting

Following certification, this rule shall become effective on April 13, 2017.



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.¹
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 household members listed in the household
66 composition is required to be a Tribal member. Comprehensive Housing Division staff shall
67 verify enrollment status by either requiring a copy of the Tribal Identification Card or requesting
68 verification from the Trust Enrollment Department.

69 2.4-2. *Maximum Income.* Pursuant to the Native American Housing Assistance and Self
70 Determination Act (NAHASDA), in order to be eligible for an income-based rental agreement,
71 the household must qualify as low income at the time of initial occupancy. In order to qualify as
72 low-income, applicants’ household income may not exceed eighty percent (80%) of the regional
73 gross annual income based on the data from Outagamie County.² For the purposes of this
74 section, gross annual income is all income from any and all sources of income from all adult
75 members of the household anticipated to be received in an upcoming twelve (12) month period
76 unless specifically excluded from income in this section. Applicants shall provide
77 Comprehensive Housing Division staff written verification of income.

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

81 (b) For the purpose of calculating income to determine eligibility, the Comprehensive
82 Housing Division staff shall include in annual income net income from household assets

¹ 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.

² 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.

83 where net household assets are defined in accordance with 24 CFR 5.603.³

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 (15) Amounts specifically excluded from income by any applicable federal statute
118 and/or regulation, specifically those identified in the Federal Register.⁴

119 2.4-3. *Minimum Income.* Applicants shall meet a minimum household income of \$7,800 per
120 year.

121 2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have a past due balance
122 greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior
123 debt owed to the Comprehensive Housing Division.

124 2.4-5. *Prior Comprehensive Housing Division Eviction.* Applicants that have had a rental
125 agreement with the Comprehensive Housing Division subject to an eviction and termination

³ See HUD Occupancy Handbook, Exhibit 5-2: Assets.

⁴ 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.

126 within two (2) years from the date of the application are not eligible to participate in the income-
127 based rental program.

128 2.4-6. *Criminal Convictions.* Applicants with any of the following types of convictions are not
129 eligible for participation in the income-based rental program, provided that the Pardon and
130 Forgiveness law may provide an exception to the conditions contained in this section:

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

135 2.4-7. *Pardon and Forgiveness.* A grant of a pardon or forgiveness pursuant to the Nation's
136 Pardon and Forgiveness law may result in an otherwise ineligible tenant becoming eligible.

137

138 **2.5. Application Process and Wait List**

139 2.5-1. *Applying.* Persons wishing to participate in the income-based housing program shall
140 complete the Comprehensive Housing Division rental agreement application and any other
141 accompanying forms required based on the income-based program eligibility requirements. The
142 Comprehensive Housing Division staff may not consider any applications for selection and/or
143 placement on the wait list until the application and all accompanying forms are complete. Upon
144 receipt of a completed application, including all supplementary forms, Comprehensive Housing
145 Division staff shall date and time stamp the application. If, regardless of a complete application
146 submittal, additional information is required to determine eligibility, the Comprehensive Housing
147 Division staff shall request such information and maintain the application submittal date
148 provided that the applicant responds to the information requests in a reasonably timely fashion.

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

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

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

171 2.5-2. *Notification of Eligibility, Placement on the Wait List.* When Comprehensive Housing

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

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

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

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

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

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

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

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

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

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

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

205 2.5-3. *Notification of Ineligibility.* If review of a complete submitted application and/or annual
206 renewal reveals that an applicant is ineligible to participate in the income-based rental program
207 based on the Landlord-Tenant law and/or rules, the Comprehensive Housing Division staff shall
208 notify the applicant of the cause of the ineligibility and how the applicant may become eligible in
209 the future. At such time, Comprehensive Housing Division staff shall also inform the applicant
210 of other housing opportunities offered by the Nation for which the applicant may be eligible, if
211 applicable.

212 2.5-4. *Required Application Updates.* Applicants on the wait list are required to update the
213 application, at a minimum, annually, but also whenever information submitted on the application
214 has changed. Applicants that fail to complete the application update within the allotted
215 timeframe will be removed from the wait list and required to re-apply for future consideration
216 absent proof of extenuating circumstances, for which Comprehensive Housing Division staff
217 may provide a grace period of a maximum of ten (10) calendar days. For any updated

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

221

222 **2.6. Tenant Selection**

223 2.6-1. *Household Size and Available Units.* When a rental premise becomes available, the
224 Comprehensive Housing Division staff shall preliminarily select a tenant based on the first
225 applicant on the wait list for the said unit type based on the corresponding renter and unit
226 categorization. In the event that a handicap accessible unit becomes available and there are no
227 applicants on the wait list for the said type of handicap accessible unit, an applicant from the
228 same renter category that does not require handicap accessibility may be selected for the said
229 unit.

230 2.6-2. *Notice of Tenant Selection.* When an applicant is selected for a rental unit in accordance
231 with this section, the Comprehensive Housing Division staff shall provide the applicant with
232 notice of tenant selection. The notice, at a minimum, shall include the address of the rental
233 premise, the required security deposit and monthly rent, and a requirement that the applicant
234 respond within fifteen (15) calendar days to accept/reject the rental premise noting that the
235 security deposit is due at the time of acceptance. Applicants that pay a security deposit and fail
236 to complete the selection process to actually take occupancy forfeit the security deposit to the
237 Comprehensive Housing Division as consideration for holding the unit. Comprehensive Housing
238 Division shall return the security deposit to the applicant only in circumstances where the
239 applicant is prevented from entering the rental agreement based on a loss of eligibility due to
240 circumstances outside of the applicant's control (i.e. death of a Tribal member that made the
241 household eligible for the income-based rental program).

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

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

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

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

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

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

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

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264 *Providing Termination Notice to Another Landlord or Housing Program.* The
265 Comprehensive Housing Division offers an extended timeframe for applicants
266 required to provide thirty (30) or more calendar or business days' notice of
267 termination of a rental agreement to a current landlord or housing program. In
268 such circumstances, in order to qualify for the extended timeframe, the applicant
269 shall provide proof of the notice requirement in his/her current rental agreement
270 by submitting the signed rental agreement to the Comprehensive Housing
271 Division. Upon submittal of such proof, the applicant shall have thirty (30)
272 calendar days from the date of acceptance and payment of the security deposit to:

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

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

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

279 (3) *Taking Occupancy.* The Comprehensive Housing Division shall provide the
280 tenant with keys to the rental premises upon execution of the rental agreement.
281 As such time, the Comprehensive Housing Division staff shall provide the tenant
282 with a check-in sheet and notice the tenant that he/she has seven (7) calendar days
283 from the date the tenant takes occupancy to complete the check-in sheet and
284 submit it to the Comprehensive Housing Division.

285

286 **2.7. Rental Unit Catalog, Setting Rents and Security Deposits**

287 2.7-1. *Rental Unit Catalog.* The Comprehensive Housing Division shall maintain a catalog of
288 all rental units included in the income-based rental program. Said catalog shall categorize each
289 rental unit based on designated use for the type of renter in accordance with the types of renters
290 established in section 2.5-2(a).

291 2.7-2. *Setting Rents.* The Comprehensive Housing Division shall determine the required
292 monthly rent for each household based on the household's income in accordance with the
293 following:

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

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

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

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

304 (B) A household member is a person with a disability.

305 (3) *Medical and Attendant Expenses.* For a household qualifying under 2.7-
306 2(a)(2), a deduction for medical expenses⁵ that are in excess of three percent (3%)
307 of annual income and all expenses for live-in periodic attendant care assistance or
308 apparatus to the extent necessary to enable a member of the family to be

⁵ Medical expenses are those identified in Title VII, Section IV of NAHASDA.

- 309 employed.
- 310 (4) *Child Care Expenses*. A deduction for reasonable child care expenses from
311 annual income if the child care:
- 312 (A) Enables an adult household member to seek employment activity, be
313 gainfully employed, or further his/her education; and
314 (B) Expenses are not reimbursed.
- 315 (5) *Child Support for a Household Minor*. A deduction for the full amount of
316 child support paid by a household member for a household minor (i.e. when the
317 parent paying child support lives in the same household as the child for which the
318 parent is paying child support).
- 319 (6) *Earned Income of Minors*. A deduction in the amount of any earned income
320 of any minor household member.
- 321 (7) *Travel Expenses for Employment or Education-Related Travel*. A maximum
322 deduction of \$25.00 per week for travel expenses for employment or education
323 related travel.
- 324 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined
325 by the data for Outagamie County.
- 326 (c) Households with any member that qualifies as a party listed below shall receive
327 preferential rent wherein the Comprehensive Housing Division may not charge rent that
328 exceeds twenty percent (20%) of the household's adjusted gross income based on the
329 income calculation requirements provided in section 2.4-3.
- 330 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or
331 older.
- 332 (2) Handicapped Tribal Member – A Tribal member that has a physical disability
333 as documented by a medical provider/or proof of disability payments.
- 334 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been
335 determined to be a legally incompetent adult based on the findings of a court of
336 competent jurisdiction.
- 337 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of
338 eighteen (18) years old that has a mental disability as documented by a medical
339 provider.
- 340 2.7-3. *Standard Security Deposit*. Comprehensive Housing Division staff shall set the standard
341 security deposit required for each rental premise in the income-based rental program at \$350.00.
- 342 2.7-4. *Increased Security Deposit for Pets*. Tenants in the Comprehensive Housing Division's
343 general rental program may have pets in accordance with the Domestic Animal Ordinance,
344 provided that an increased security deposit is required.
- 345 (a) The standard security deposit does not apply to tenants with pets. Comprehensive
346 Housing Division staff shall set the increased security deposit required for households
347 with pets at a rate of \$350.00 plus an additional \$200.00 per pet.
- 348 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been
349 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the
350 difference between the increased security deposit for pets and the standard security
351 deposit. Tenants that fail to report a pet in the household may be assessed charges for an
352 increased security deposit for pets if such pets are reported to the Comprehensive
353 Housing Division and/or discovered at the time of an inspection.
- 354

355 **2.8. Annual Inspection and Rental Agreement Renewal**

356 2.8-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule
357 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of
358 the tenants' rental agreement.

359 2.8-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual
360 inspection shall use the checklist that is approved by the Comprehensive Housing Division
361 director. Upon completion of the inspection, Comprehensive Housing Division staff shall
362 request that the tenant(s) sign the completed checklist.

363 2.8-3. *Damages.* Tenants are required to pay costs to repair any damages to the rental premises
364 discovered during the annual inspection that do not amount to normal wear and tear. Payment for
365 such costs must be received by the Comprehensive Housing Division prior to signing a rental
366 agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a
367 payment agreement in for the damages, in which case the repayment agreement shall be signed
368 prior to the rental agreement renewal.

369 2.8-4. *Immediate Notice of Change in Household Composition and/or Income.* Tenants shall
370 immediately notify the Comprehensive Housing Division of any change in the tenant's
371 household composition and/or income, regardless of the date scheduled for the annual renewal.

372 (a) *Change in Household Composition.* If a change in the household composition
373 changes the tenant's category of renter based on section 2.5-2(a), the Comprehensive
374 Housing Division staff shall work to transfer the household to a rental unit of
375 corresponding category as soon as possible. If no such units are currently available,
376 Comprehensive Housing Division staff shall move the tenant to the top of the waiting list.
377 In order to be transferred or placed on a wait list, the tenant shall demonstrate that they
378 remain eligible for the income-based rental program and are current with rent and utility
379 payments. Tenants are only eligible for rental unit transfers within their current category
380 of renter if, in the Comprehensive Housing Division's discretion, the transfer is needed to
381 better accommodate the household composition.

382 (b) *Change in Household Income.* A change in household income may cause a change in
383 the amount of monthly rent required, accordingly, any change in household income that
384 is not reported within thirty (30) calendar days of the change shall result in a retroactive
385 adjustment of the rent if the change results in an increase of rent payments. Retroactive
386 rent shall be applied for each month there was a change in income that was not reported,
387 excluding the initial thirty (30) calendar days provided to the tenant to report the change.
388 The tenant is responsible for payment of all current and retroactive adjustments of rent
389 and may be eligible for a repayment agreement, provided that in all circumstances and
390 retroactive rental arrears shall be paid in full within one (1) year.

391 (c) *Rental Agreement Amendment.* Should a change in household size and/or income
392 cause a change in the terms of the tenant's rental agreement, an amendment to the rental
393 agreement is required to be executed.

394 2.8-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month
395 term. Tenants wishing to remain in the property are required to complete the annual rental
396 agreement renewal by verifying that the household continues to meet all eligibility requirements
397 contained in the Landlord-Tenant law and rules excluding the maximum income requirement
398 provided in article 2.4-2. Once continued eligibility is verified, tenants that remain eligible are
399 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.
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 (b) *Ineligibility Due to an Update of Household Information.* In circumstances where the
417 tenant learns of ineligibility as part of an update of household information,
418 Comprehensive Housing Division staff shall include in the notice of ineligibility the
419 warning of potential termination in accordance with the rental agreement. In the event
420 the tenant is unable to or fails to reinstate their eligibility in accordance with the timeline
421 provided in the notice, the Comprehensive Housing Division shall permit the tenant to
422 remain in the unit for the longer of the duration of the rental agreement or ninety (90)
423 calendar days from the date of the notice of ineligibility.

424 (1) If the tenants' circumstances result in the tenant completing the term of the
425 rental agreement, eligibility shall be reconsidered at the time of the annual
426 renewal. If the tenant remains ineligible at the time of renewal, article 2.8-6(a)
427 applies.

428 (2) If the tenants' circumstances result in the tenant receiving a thirty (30)
429 calendar day notice to cure or ninety (90) calendar day notice to vacate, the tenant
430 shall enter a limited term rental agreement to cover any time which exceeds the
431 current rental agreement.

432 (c) *Limited Term Rental Agreements.* Limited term rental agreements are available in
433 accordance with article 2.8-6(a) and (b) of these rules and section 611.9-4 of the
434 Landlord-Tenant law. At a minimum, limited term rental agreement shall include:

435 (1) The date of the original notice of ineligibility;

436 (2) An explanation that the tenant has thirty (30) calendar days to reinstate
437 eligibility;

438 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the
439 limited term rental agreement takes the place of the thirty (30) calendar day notice
440 to cure or vacate required by the Eviction and Termination law; and

441 (4) An explanation that if eligibility is not timely reinstated, the rental unit will
442 be reclaimed including the date the locks will be changed.

443

444 **2.9. Rental Agreement Cancellation**

445 2.9-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the general
446 rental program are requested to provide the Comprehensive Housing Division with a minimum

447 of two (2) weeks of notice.

448 2.9-2. *Prorated Rent.* In the event of cancellation of a rental agreement or abandonment of the
449 rental premises, the Comprehensive Housing Division staff shall prorate the required last
450 month's rent payment based upon the greater of the following:

451 (a) The number of calendar days the unit was occupied in the last month; or

452 (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing
453 Division learns of abandonment.

454

455 *End.*

456

457 _____
Original effective date:

458

Oneida Housing Department

**Memorandum**

To: Legislative Operating Committee
From: Dale Wheelock, Executive Director Housing
Date: March 24, 2017
Subject: Rule 2 –Income Based Rental Program
Eligibility, Selection, and Other Requirements.

As Executive Director of the Housing Department, I am approving the proposed Rule #2-Income Based Rental Program, Eligibility, Selection, and Other Requirements. This approval is in context as it relates to Title 6 Property and Land – Chapter 611 Landlord – Tenant Law (Administrative Rulemaking 106.10-1. (a)(4)).

Signature Approval

Dale P. Wheelock Date 03/24/17

Dale Wheelock

Executive Director Oneida Housing Authority



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



Statement of Effect

Landlord-Tenant Rule No.2 – Income Based Rental Program Eligibility, Selection and Other Requirements

Summary

This rule provides additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division’s income-based rental program.

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

Analysis by the Legislative Reference Office

The Landlord-Tenant law (“the Law”) confers administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission as authorized by the Administrative Rulemaking law. [see *Landlord-Tenant law section 611.4*]. The Law states that the Comprehensive Housing Division shall provide residential rental programs to low-income members of the Nation and their families. [see *Landlord-Tenant law section 611.4-1*]. The Oneida Land Commission and the Comprehensive Housing Division are required to jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program. [see *Landlord-Tenant law section 611.4-1*]. Additionally, the Land Commission and the Comprehensive Housing Division are required to jointly develop rules governing the selection of applicants for the issuance of rental agreements. [see *Landlord-Tenant law section 611.4-3*]. Oneida Business Committee Resolution BC-10-12-16-D provides that for purposes of this law, the Comprehensive Housing Division means the Oneida Housing Authority for income-based rental agreements. The Law also provides where such rental requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority. Accordingly, the Comprehensive Housing Division has sole rulemaking authority for these rules.

Landlord-Tenant Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements (“the Rule”) provides 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.

Conclusion

There are no legal bars to adopting Landlord-Tenant Rule No.4 – Income Based Rental Program Eligibility, Selection and Other Requirements.

Summary Report for: Income Based Rental Program Eligibility, Selection, and Other Requirements

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Income Based Rental Program Eligibility, Selection, and Other Requirements

Name of law being interpreted: Title 7. Property and Land – Chapter 710 Landlord-Tenant

Rule Number: 2

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule: Rule No. 2 identifies the following:

- Eligibility Requirements for the Income Based Renting
- Tenant Selection
- Rental Unit Catalog, Setting Rents, and Security Deposits
- Annual Inspection and Rental Agreement Renewal
- Rental Agreement Cancellation

Statement of Effect: Obtained after requesting from the Legislative Reference Office.

Financial Analysis: See Attached.

Financial Analysis for: Income Based Rental Program Eligibility, Selection, and Other Requirements

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		\$0.00
Personnel		\$0.00
Office		\$0.00
Documentation Costs		\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation		N/A
Other, please explain	<p>Rule No. 2, Section 2.6-2 Notice of Tenant Selection – Line 226.</p> <p>Applicants paying security deposit and fail to complete selection process forfeit security deposit.</p> <p>The anticipation is some increased revenue may occur with forfeited security deposits.</p> <p>In general, currently limited applicants turn down a unit once a security deposit is paid.</p>	Unknown
Total	Annual Net Revenue	

NOTICE OF
PUBLIC MEETING

TO BE HELD
January 3, 2016 at 1:15 PM
IN THE
OBC Conference Room
2nd Floor Norbert Hill Center
N7210 Seminary Road, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Oneida Housing Authority (OHA) is hosting this Public Meeting to gather feedback from the community regarding the following rules.

TOPIC:

- Income Based Rental Program Eligibility, Selection and Other Requirements Rule

The Income Based Rental Program Eligibility, Selection and Other Requirements Rule Identifies:

- Eligibility Requirements for the Income Based Renting
- Tenant Selection
- Rental Unit Catalog, Setting Rents, and Security Deposits
- Annual Inspection and Rental Agreement Renewal
- Rental Agreement Cancellation

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD
OPEN UNTIL Tuesday, January 10, 2016

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to OHA by U.S. mail, interoffice mail, e-mail or fax.

Oneida Housing Authority
2913 Commissioner Street, Oneida, WI 54155
jhill7@oneidanation.org
Phone: 920-869-2227
Fax: 920-869-2836

Oneida Arts Board

One (1) of vacancy

Qualifications:

- a) A majority of the members shall be enrolled members of the Oneida Tribe.
- b) Any vacancies which cause non-Tribal members to make up the majority of the Board shall be filled within three (3) months. If such vacancies are not filled within three (3) months, a sufficient number of non-Tribal board members shall be re-designated as alternates until Tribal members again make up a majority of the Board.
- c) When non-Tribal board members are to be re-designated as alternates, all such non-Tribal members shall first be invited to volunteer to serve as an alternate. If there are not sufficient volunteers, then the members that have served the shortest time on the Board shall be selected first.

Deadline: 4:30pm, Friday, January 13, 2017

Oneida Personnel Commission

One (1) vacancy

Qualifications:

- a) Must be enrolled members of the Oneida Nation.
- b) The entire combined commission may not consist of more than two (2) members from any one division of the Oneida Tribe, or less than seven (7) community members who are not employed by the Tribe.
- c) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Tribe, including but not limited to the oath of office, the OPPP, the Ethic Code, the Judicial Code and the Oneida Rules of Civil Procedure.
- d) A member may not be and employee of the Human Resources Department, any advocacy group (department), or any other recognized hearing body within the Oneida Tribe, e.g. Personnel Relations Officers and Paralegals.
- e) Commissioners shall be available for meetings, trainings, interviews, pre-screenings, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the OBC, if deemed appropriate by the OPC.
- f) Both formal and informal communications with any entity by any commissioner on behalf of the OPC will be as directed by the Commission, or as routinely required by Officers. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP which shall provide procedural guidance on determining when, how and by whom OPC communications are made.

Deadline: 4:30pm Friday, January 13, 2017

SEOTS

SEOTS

Two (2) vacancies (1 to finish a term until 11/12/17 and 1 to finish a term until 2/28/19)

Qualifications:

- a) Applicants who wish to be considered for membership shall be enrolled Oneida Tribal members who are eighteen (18) years of age or older.
- b) Board members shall reside within one of the six (6) Southeastern Wisconsin counties of Milwaukee, Racine, Kenosha, Waukesha, Ozaukee and Washington.
- c) Appointments to the Board shall be made in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- d) Board members shall agree to firm commitments for attending the Board's meetings and General Tribal Council meetings, as well as, training, functions and other events as established by the Board, SEOTS office or the Tribe.

Deadline: 4:30pm, Friday, January 13, 2017

To submit an application by email sent to: TribalSecretary@oneidanation.org

To submit an application by mail send to: Tribal Secretary's Office, PO Box 365 Oneida WI 54155. To submit an application in person go to N7210 Seminary Road.

NOTICE OF

PUBLIC MEETING

TO BE HELD

January 3, 2016 at 1:15 PM

IN THE

OBC Conference Room

2nd Floor Norbert Hill Center

N7210 Seminary Road, Oneida, WI 54155

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- Income Based Rental Program Eligibility, Selection and Other Requirements Rule

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- Tenant Selection
- Rental Unit Catalog, Setting Rents, and Security Deposits
- Annual Inspection and Rental Agreement Renewal
- Rental Agreement Cancellation

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OPEN UNTIL Tuesday, January 10, 2016**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to OHA by U.S. mail, interoffice mail, e-mail or fax.

Oneida Housing Authority
2913 Commissioner Street, Oneida, WI 54155
jhill7@oneidanation.org
Phone: 920-869-2227
Fax: 920-869-2836

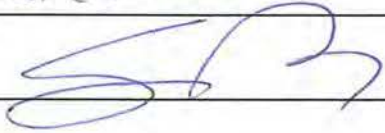


Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING
Business Committee Conference Room-2nd Floor Norbert Hill Center
January 3, 2017 1:15p.m.

OHA Public Meeting - Rule No. 2 Income Based Program Eligibility, Selection, and Other Requirements
PUBLIC MEETING SIGN IN SHEET

	Name: (Print clearly)	Email Address / Phone #	Department/Roll #	Oral Testimony (Y) or (N)
1.	Dale Wheelock	869-6198	Housing	
2.		869-6193	OHA	
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				



ONEIDA HOUSING AUTHORITY
P. O. BOX 68
ONEIDA, WISCONSIN 54155
(920) 869-2227
(920) 869-2836 FAX



**Oneida Housing Authority
Public Meeting**

Rule No.2 – Income Based Rental Program Eligibility, Selection and Other Requirements
Business Committee Conference Room-2nd Floor Norbert Hill Center
January 3, 2017 1:15 p.m.

Present: Dale Wheelock, Oneida Housing Authority; Scott Denny, Oneida Housing Authority

Scott Denny : Good Afternoon, the time is 1:25 pm, and today's date is Tuesday, January 3, 2016*. I will now call the public meeting for the Rule No. 2 Income Based Rental Program Eligibility, Selection and Other Requirements to order. The Housing Authority is hosting this public meeting to gather feedback from the community regarding these legislative proposals, well actually my bad, to get feedback regarding the rule and impacts on the community. All persons who wish to present oral testimony need to register on the sign-in sheet in the back of the room. Written comments may be submitted to the Tribal Secretary's Office or the Legislative Reference Office in person, by US mail, interoffice mail, email, or fax as provided on the Public Meeting Notice. These comments must be received by Tuesday, January 10, 2017. In attendance from Housing Authority is Scott Denny and Dale Wheelock. We will begin today's public meeting for Rule No. 2 the Income Based Rental Program Eligibility, Selection, and Other Requirements at this time.

*Speaker made a mistake by stating the incorrect year. The year is 2017

Scott Denny: With there being no speakers registered the public meeting for Rule No 2 the Income Based Rental Program Eligibility, Selection and Other Requirements is now closed at 12, I'm sorry, 1:40 pm. Written comments may be submitted until close of business day on Tuesday, January 10, 2017.

-End of Meeting-

Draft for Public Meeting
1/3/2017



8

Title 7. Property and Land – Chapter 710

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.

Draft for Public Meeting
1/3/2017

- 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.¹
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.² 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.

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

² 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.

Draft for Public Meeting
1/3/2017

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 5.603.³

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.⁴

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 any outstanding
125 balance owed to a utility provider, for any previous housing (which includes prior landlords
126 other than Nation and/or federal housing assistance programs) and/or the Comprehensive

³ See HUD Occupancy Handbook, Exhibit 5-2: Assets.

⁴ 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.

Draft for Public Meeting
1/3/2017

127 Housing Division.

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

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

135 (a) A drug conviction within three (3) years from the date of application;

136 (b) A felony conviction within five (5) years from the date of application; and/or

137 (c) A criminal conviction based upon an act of violence within two (2) years from the
138 date of the application.

139

140 **2.5. Application Process and Wait List**

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

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

157 (1) Copies of social security cards for each person contemplated to reside in the
158 income-based rental unit, provided that for newly born babies that have not yet
159 been issued a social security card a birth certificate is sufficient;

160 (2) A copy of a picture identification card for each adult contemplated to reside in
161 the income-based rental unit;

162 (3) If any adults in the home are enrolled in post-secondary education,
163 verification of enrollment in the form of a financial aid award letter or other
164 documentation directly from the school; and

165 (4) If an adult in the household is the custodial parent/guardian of a minor, a copy
166 of the court documents which awarded such placement.

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

Draft for Public Meeting
1/3/2017

173 2.5-2. *Notification of Eligibility, Placement on the Wait List.* When Comprehensive Housing
174 Division staff completes its review of an application and determines the applicant(s) eligible for
175 the income-based rental program, the staff shall:

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

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

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

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

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

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

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

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

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

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

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

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

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219 may provide a grace period of a maximum of ten (10) calendar days. For any updated
220 application that reveals an applicant has become ineligible, Comprehensive Housing Division
221 staff shall remove the applicant from the wait list and provide the applicant notice of the cause
222 for ineligibility.
223

224 **2.6. Tenant Selection**

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

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

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

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

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

- 259 (A) Reconfirm that they remain eligible for the income-based rental
260 program and remain in the same category of renters;
261 (B) Pay the first month's rent; and
262 (C) Execute the rental agreement and all required supplemental forms,
263 provided that the agreement may not be executed until (A) and (B) are
264 complete.

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265 (2) *Extended Timeframe for Completing the Rental Agreement for Applicants*
266 *Providing Termination Notice to Another Landlord or Housing Program.* The
267 Comprehensive Housing Division offers an extended timeframe for applicants
268 required to provide thirty (30) or more calendar or business days' notice of
269 termination of a rental agreement to a current landlord or housing program. In
270 such circumstances, in order to qualify for the extended timeframe, the applicant
271 shall provide proof of the notice requirement in his/her current rental agreement
272 by submitting the signed rental agreement to the Comprehensive Housing
273 Division. Upon submittal of such proof, the applicant shall have thirty (30)
274 calendar days from the date of acceptance and payment of the security deposit to:

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

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

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

281 (3) *Taking Occupancy.* The Comprehensive Housing Division shall provide the
282 tenant with keys to the rental premises upon execution of the rental agreement.
283 As such time, the Comprehensive Housing Division staff shall provide the tenant
284 with a check-in sheet and notice the tenant that he/she has seven (7) calendar days
285 from the date the tenant takes occupancy to complete the check-in sheet and
286 submit it to the Comprehensive Housing Division.

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

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

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

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

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

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

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

306 (B) A household member is a person with a disability.

307 (3) *Medical and Attendant Expenses.* For a household qualifying under 2.7-
308 2(a)(2), a deduction for medical expenses⁵ that are in excess of three percent (3%)
309 of annual income and all expenses for live-in periodic attendant care assistance or

⁵ Medical expenses are those identified in Title VII, Section IV of NAHASDA.

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310 apparatus to the extent necessary to enable a member of the family to be
311 employed.

312 (4) *Child Care Expenses.* A deduction for reasonable child care expenses from
313 annual income if the child care:

314 (A) Enables an adult household member to seek employment activity, be
315 gainfully employed, or further his/her education; and

316 (B) Expenses are not reimbursed.

317 (5) *Child Support for a Household Minor.* A deduction for the full amount of
318 child support paid by a household member for a household minor (i.e. when the
319 parent paying child support lives in the same household as the child for which the
320 parent is paying child support).

321 (6) *Earned Income of Minors.* A deduction in the amount of any earned income
322 of any minor household member.

323 (7) *Travel Expenses for Employment or Education-Related Travel.* A maximum
324 deduction of \$25.00 per week for travel expenses for employment or education
325 related travel.

326 (b) Monthly rent may not exceed the fair market rents of the rental premise as determined
327 by the data for Outagamie County.

328 (c) Households with any member that qualifies as a party listed below shall receive
329 preferential rent wherein the Comprehensive Housing Division may not charge rent that
330 exceeds twenty percent (20%) of the household's adjusted gross income based on the
331 income calculation requirements provided in section 2.4-3.

332 (1) Elder Tribal Member – A Tribal member that is sixty-two (62) years old or
333 older.

334 (2) Handicapped Tribal Member – A Tribal member that has a physical disability
335 as documented by a medical provider/or proof of disability payments.

336 (3) Legally Incompetent Adult Tribal Member – A Tribal member that has been
337 determined to be a legally incompetent adult based on the findings of a court of
338 competent jurisdiction.

339 (4) Mentally Disabled Minor Tribal Member – A Tribal member under the age of
340 eighteen (18) years old that has a mental disability as documented by a medical
341 provider.

342 2.7-3. *Standard Security Deposit.* Comprehensive Housing Division staff shall set the standard
343 security deposit required for each rental premise in the income-based rental program at \$350.00.

344 2.7-4. *Increased Security Deposit for Pets.* Tenants in the Comprehensive Housing Division's
345 general rental program may have pets in accordance with the Domestic Animal Ordinance,
346 provided that an increased security deposit is required.

347 (a) The standard security deposit does not apply to tenants with pets. Comprehensive
348 Housing Division staff shall set the increased security deposit required for households
349 with pets at a rate of \$350.00 plus an additional \$200.00 per pet.

350 (b) In the event that a tenant wishes to acquire a pet after the rental agreement has been
351 signed, the tenant shall notify the Comprehensive Housing Division and shall pay the
352 difference between the increased security deposit for pets and the standard security
353 deposit. Tenants that fail to report a pet in the household may be assessed charges for an
354 increased security deposit for pets if such pets are reported to the Comprehensive
355 Housing Division and/or discovered at the time of an inspection.

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356

357 **2.8. Annual Inspection and Rental Agreement Renewal**

358 2.8-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule
359 tenants' annual inspections for a date that is within ninety (90) calendar days of the expiration of
360 the tenants' rental agreement.

361 2.8-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual
362 inspection shall use the checklist that is approved by the Comprehensive Housing Division
363 director. Upon completion of the inspection, Comprehensive Housing Division staff shall
364 request that the tenant(s) sign the completed checklist.

365 2.8-3. *Damages.* Tenants are required to pay costs to repair any damages to the rental premises
366 discovered during the annual inspection that do not amount to normal wear and tear. Payment for
367 such costs must be received by the Comprehensive Housing Division prior to signing a rental
368 agreement renewal, provided that the Comprehensive Housing Division may offer the tenant a
369 payment agreement in for the damages, in which case the repayment agreement shall be signed
370 prior to the rental agreement renewal.

371 2.8-4. *Immediate Notice of Change in Household Composition and/or Income.* Tenants shall
372 immediately notify the Comprehensive Housing Division of any change in the tenant's
373 household composition and/or income, regardless of the date scheduled for the annual renewal.

374 (a) *Change in Household Composition.* If a change in the household composition
375 changes the tenant's category of renter based on section 2.5-2(a), the Comprehensive
376 Housing Division staff shall work to transfer the household to a rental unit of
377 corresponding category as soon as possible. If no such units are currently available,
378 Comprehensive Housing Division staff shall move the tenant to the top of the waiting list.
379 In order to be transferred or placed on a wait list, the tenant shall demonstrate that they
380 remain eligible for the income-based rental program and are current with rent and utility
381 payments. Tenants are only eligible for rental unit transfers within their current category
382 of renter if, in the Comprehensive Housing Division's discretion, the transfer is needed to
383 better accommodate the household composition.

384 (b) *Change in Household Income.* A change in household income may cause a change in
385 the amount of monthly rent required, accordingly, any change in household income that
386 is not reported within thirty (30) calendar days of the change shall result in a retroactive
387 adjustment of the rent if the change results in an increase of rent payments. Retroactive
388 rent shall be applied for each month there was a change in income that was not reported,
389 excluding the initial thirty (30) calendar days provided to the tenant to report the change.
390 The tenant is responsible for payment of all current and retroactive adjustments of rent
391 and may be eligible for a repayment agreement, provided that in all circumstances and
392 retroactive rental arrears shall be paid in full within one (1) year.

393 (c) *Rental Agreement Amendment.* Should a change in household size and/or income
394 cause a change in the terms of the tenant's rental agreement, an amendment to the rental
395 agreement is required to be executed.

396 2.8-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month
397 term. Tenants wishing to remain in the property are required to complete the annual rental
398 agreement renewal by verifying that the household continues to meet all eligibility requirements
399 contained in the Landlord-Tenant law and rules. Once continued eligibility is verified, tenants
400 that remain eligible are required to sign a rental agreement renewal.

401 (a) The Comprehensive Housing Division may, in its discretion, decline renewal of a

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402 rental agreement if it determines that the renewal is not in the best interest of the Nation.
403 (b) In the event a tenant fails to enter a rental agreement renewal and has not vacated the
404 rental premises within thirty (30) calendar days of the expiration of the rental agreement,
405 the Comprehensive Housing Division shall initiate the eviction process pursuant to the
406 Eviction and Termination law.

407 2.8-6. *Ineligibility Due to Renewal or an Update of Household Information.* Comprehensive
408 Housing Division staff shall provide tenants that become ineligible to participate in the income-
409 based rental program based on a renewal or update of household information with notice
410 specifying the cause of the ineligibility and, if possible, how the household may reinstate
411 eligibility.

412 (a) *Ineligibility Due to Renewal.* In circumstances where the tenant learns of ineligibility
413 as part of the annual renewal, Comprehensive Housing Division staff shall include in the
414 notice of ineligibility that renewal of the rental agreement is not available at such time
415 and that the tenant is entitled to a minimum of a thirty (30) day notice to cure, by
416 reinstating eligibility, or vacate.

417 (1) In circumstances where ineligibility is due to the tenants' increased income,
418 the Comprehensive Housing Division recognizes such change to be an
419 achievement of the tenant and not a fault based ineligibility. Accordingly, under
420 these limited circumstances, the Comprehensive Housing Division staff shall
421 continue to offer the tenant thirty (30) calendar days to cure by reinstating
422 eligibility, but shall provide the tenant with an additional sixty (60) days to vacate
423 which amounts to ninety (90) calendar days from the date of the notice of
424 ineligibility.

425 (2) The extended vacate period requires the tenant to enter a limited term rental
426 agreement for the ninety (90) calendar days.

427 (b) *Ineligibility Due to an Update of Household Information.* In circumstances where the
428 tenant learns of ineligibility as part of an update of household information,
429 Comprehensive Housing Division staff shall include in the notice of ineligibility the
430 warning of potential termination in accordance with the rental agreement. In the event
431 the tenant is unable to or fails to reinstate their eligibility in accordance with the timeline
432 provided in the notice, the Comprehensive Housing Division shall permit the tenant to
433 remain in the unit for the longer of the duration of the rental agreement or ninety (90)
434 calendar days from the date of the notice of ineligibility.

435 (1) If the tenants' circumstances result in the tenant completing the term of the
436 rental agreement, eligibility shall be reconsidered at the time of the annual
437 renewal. If the tenant remains ineligible at the time of renewal, article 2.8-6(a)
438 applies, excluding 2.8-6(a)(1).

439 (2) If the tenants' circumstances result in the tenant receiving a thirty (30)
440 calendar day notice to cure or ninety (90) calendar day notice to vacate, the tenant
441 shall enter a limited term rental agreement to cover any time which exceeds the
442 current rental agreement.

443 (c) *Limited Term Rental Agreements.* Limited term rental agreements are available in
444 accordance with article 2.8-6(a)(1) and 2.8-6(b)(2) of these rules and section 710.9-4 of
445 the Landlord-Tenant law. At a minimum, limited term rental agreement shall include:

446 (1) The date of the original notice of ineligibility;

447 (2) An explanation that the tenant has thirty (30) calendar days to reinstate

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- 448 eligibility;
- 449 (3) As applicable, an explanation that if eligibility is not timely reinstated, that the
- 450 limited term rental agreement takes the place of the thirty (30) calendar day notice
- 451 to cure or vacate required by the Eviction and Termination law; and
- 452 (4) An explanation that if eligibility is not timely reinstated, the rental unit will
- 453 be reclaimed with locks being changed on the ninety-first (91st) day from the date
- 454 of the original notice of ineligibility.
- 455

456 **2.9. Rental Agreement Cancellation**

457 2.9-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the general

458 rental program are requested to provide the Comprehensive Housing Division with a minimum

459 of two (2) weeks of notice.

460 2.9-2. *Prorated Rent.* In the event of cancellation of a rental agreement or abandonment of the

461 rental premises, the Comprehensive Housing Division staff shall prorate the required last

462 month's rent payment based upon the greater of the following:

- 463 (a) The number of calendar days the unit was occupied in the last month; or
- 464 (b) Two (2) weeks from the date of cancellation or the date the Comprehensive Housing
- 465 Division learns of abandonment.
- 466

467 *End.*

468

469 Original effective date:

470



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



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
 DATE: April 5, 2017
 RE: Certification of Landlord-Tenant Law Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements Rule

The Legislative Reference Office has reviewed the certification packet provided by the Elder Services Department for Landlord-Tenant law Rule No. 3 – Elder Rental Program Eligibility, Selection, and Other Requirements (“the Rule”).

If certified by the Legislative Operating Committee, the Rule would become effective on April 5, 2017.

Administrative Record

The certification packet provided by the Elder Services Department contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum provided by Tsyoshaat C. Delgado, Elder Services Program Manager, containing the Rule’s procedural timeline;
- Updated Draft of the Rule;
- Summary Report;
- Memorandum containing the public comments that were received and the Agency’s response to each comment;
- Public Meeting sign-in sheets;
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Draft of the Rule considered at the public meeting; and
- Minutes from the Land Commission’s meeting during which the proposed rule was considered as an agenda item.

Procedural Requirements

The certification packet demonstrates that the promulgation of the Rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule was published in the Kalihwisaks and on the Oneida Register on February 2, 2017; and

- A public meeting for the Rule was held on February 16, 2017; and
- The public comment period was held open until February 23, 2017; and
- Public Comments were considered on March 2, 2017 and March 10, 2017; and
- The Land Commission considered and approved the Rule on March 13, 2017.

Rulemaking Authority

The Rule does not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

Conclusion

Promulgation of the Landlord-Tenant Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements Rule complies with all requirements of the Administrative Rulemaking law.



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



AGENDA REQUEST FORM

- 1) Request Date: March 16, 2017
- 2) Contact Person(s): Rob Collins
Dept: Law Office
Phone Number: 920-869-4327 Email: rcollins@oneidanation.org
- 3) Agenda Title: LOC Certification of Elder Rental Program Rule
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
The Landlord-Tenant law directs the Comprehensive Housing Division and Land Commission to jointly adopt rules governing the Elder Rental Program. Pursuant to section 106.7-1 of the Administrative Rulemaking law, the Elder Services Department is submitting the rule to be certified by the LOC.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Proposed Rule
- 2) _____
- 3) Complete Record of Rule
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Landlord-Tenant law
- 6) Please list all other departments or person(s) you have brought your concern to:
This rule has been discussed with the Comprehensive Housing Division and Land Commission.
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
BC Resolution # 02-08-17-E extended the deadline for the rule until April 10, 2017.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376



Oneida Nation
 Elder Services Department
 PO Box 365 • Oneida, WI 54155-0365
 oneida-nsn.gov



TO: Legislative Operating Committee (LOC)
 FROM: Tsyoshaht C. Delgado, Elder Services Program Manager *TCD*
 DATE: March 13, 2017
 RE: Elder Rental Program Eligibility, Selection and Other Requirements Rule

This memorandum is being provided by the Elder Services Department to outline the dates that the procedural timelines outlined in the Administrative Rulemaking law were complied with. Those dates are as follows:

- Notice published in Kaliwisaks and on the Oneida Register: February 2, 2017.
- Public meeting: February 16, 2017.
- Close of public comment period: February 23, 2017.
- Agency considered public comments: March 2, 2017 and March 10, 2017.
- Land Commission considered and approved rule: March 13, 2017.

The supporting documents included with this memorandum include:

- Updated draft of the rule.
- Summary Report.
- Statement of Effect.
- Financial Analysis.
- Memorandum containing the public comments that were received and the Agency's response to each comment.
- Public meeting sign-in sheets.
- Public meeting notice.
- Draft of the rule considered at the public meeting.
- Minutes from the Land Commission's meeting during which the proposed rule was considered as an agenda item.

I am requesting that the effective date of the rule be the date the Legislative Operating Committee certifies the rule pursuant to section 106.7-2(a) of the Administrative Rulemaking law.



Title 6. Property and Land – Chapter 611

LANDLORD-TENANT

Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements

- 3.1. Purpose and Delegation
- 3.2. Adoption, Amendment and Repeal
- 3.3. Definitions
- 3.4. Eligibility Requirements
- 3.5. Applications and Tenant Selection
- 3.6. Security Deposits and Pets
- 3.7. Annual Inspection and Rental Agreement Renewal
- 3.8. Rental Agreement Cancellation

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3.1. Purpose and Delegation

3.1-1. *Purpose.* The purpose of this rule is to provide additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division's Elder Rental Program.

3.1-2. *Authority.* The Landlord-Tenant law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

3.2. Adoption, Amendment and Repeal

3.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

3.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

3.2-3. 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.

3.2-4. 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.

3.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

3.3. Definitions

3.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

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

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

(c) "Nation" means the Oneida Nation.

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

43 (d) "Premises" means the property covered by a rental agreement, including not only the
44 real property and fixtures, but also any personal property furnished by the landlord
45 pursuant to a rental agreement.

46 (e) "Rental Agreement" means a written contract between a landlord and a tenant,
47 whereby the tenant is granted the right to use or occupy the premises for a residential
48 purpose for one (1) year or less.

49 (f) "Tenant" means the person granted the right to use or occupy a premise pursuant to a
50 rental agreement.

51 (g) "Tribal Member" means an individual who is an enrolled member of the Nation.

52 (h) "Security Deposit" means a payment made to the landlord by the tenant to ensure that
53 rent will be paid and other responsibilities of the rental agreement performed.

54 55 **3.4. Eligibility Requirements**

56 3.4-1. *Tribal Member Status.* At least one (1) of the tenants named as a party to the rental
57 agreement is required to be a Tribal member fifty-five (55) years of age or older.

58 3.4-2. *Other Occupants.* All tenants of the rental unit shall satisfy the eligibility requirements
59 outlined in sections 710.4-2(b) and (c) of the Landlord-Tenant law and shall not have been
60 convicted of a criminal offense against an elder unless pardoned or forgiven pursuant to
61 applicable law.

62 3.4-3. *Income Requirements.* In order to be eligible for the Elder Rental Program, applicants
63 must demonstrate that they can meet the financial requirements of the rental agreement,
64 including through the use of financial assistance.

65 (a) When assessing the income requirements for the elder rental agreements, the
66 Comprehensive Housing Division staff:

67 (1) May not include child support payments;

68 (2) May not include education grants/scholarships;

69 (3) May not include medical bills; and

70 (4) Shall include per capita payments to the extent that receipt of per capita
71 payment may be verified for each of the five (5) years prior to rental agreement
72 application.

73 (A) For per capita payments paid by the Nation, the Comprehensive
74 Housing Division staff shall verify with the Trust Enrollment Department
75 that the applicant received the full eligible amount of the per capita
76 payments for each of the five (5) years prior to rental agreement
77 application.

78 (B) For per capita payments paid by other tribes the Comprehensive
79 Housing Division staff shall verify that the applicant received per capita
80 payments for each of the five (5) years prior to rental agreement
81 application using the applicant's tax return.

82 (C) When per capita payments qualify to be considered as part of the
83 income assessment and it appears that prior per capita payments are
84 inconsistent or have been attached, Comprehensive Housing Division staff
85 shall use an average of the payments the applicant received for the five (5)
86 years prior to rental agreement application.

87 3.4-4. *Utility Bills.* Applicants for a rental agreement may not have any outstanding balance
88 owed to a utility provider.

89 3.4-5. *Past Due Accounts.* Applicants for a rental agreement are ineligible if a review of the
90 applicant's credit report reveals more than five (5) accounts that are past due and/or in
91 collections that are based on debts incurred within the past five (5) years, provided that medical
92 bills may not be included in this consideration.
93

94 **3.5. Applications and Tenant Selection**

95 3.5-1. *Application Period.* Tribal members wishing to rent a property in the Comprehensive
96 Housing Division's Elder Rental Program may submit a rental application at the Comprehensive
97 Housing Division², in person or via e-mail,³ using the rental application form available on the
98 Nation's website and at the Comprehensive Housing Division, which includes any requirements
99 for supplemental information required to verify eligibility. Rental applications submitted using
100 any form other than the Nation will be considered ineligible by the Comprehensive Housing
101 Division.

102 (a) The Comprehensive Housing Division staff shall date and time stamp all rental
103 applications upon receipt.

104 (b) In the event that multiple parties arrive at the same time to submit a rental application
105 (i.e. if parties are waiting to submit prior to business hours), Comprehensive Housing
106 Division staff shall determine the order of receipt through a lottery system in which each
107 party receives a number by chance. Comprehensive Housing Division staff shall number
108 the offers having the same date and time stamps by from lowest drawn number to highest
109 drawn number.

110 3.5-2. *Tenant Selection.* Upon receipt of submitted rental applications, Comprehensive Housing
111 Division staff shall determine which applicants are eligible and place tenants in available units
112 on a first-come first-serve basis and shall maintain a waitlist of eligible applicants when there are
113 no rental premises currently available. When a rental premises becomes available,
114 Comprehensive Housing Division staff shall select a tenant from the waitlist based on the
115 eligible rental application that was received earliest based on the date and time stamp.
116

117 **3.6. Security Deposits and Pets**

118 3.6-1. *Standard Security Deposit.* Prior to providing a selected tenant with keys to the property,
119 Comprehensive Housing Division staff shall ensure that the standard security deposit equal to
120 one (1) month's rent payment has been paid by the tenant.

121 3.6-2. *Pets.* Tenants in the Comprehensive Housing Division's elder rental program may not
122 have pets in the rental premises under any circumstances.
123

124 **3.7. Annual Inspection and Rental Agreement Renewal**

125 3.7-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule
126 tenants' annual inspections for a date that is within thirty (30) calendar days of the expiration of
127 the tenants' rental agreement.

128 3.7-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual
129 inspection shall use the checklist that is approved by the Comprehensive Housing Division
130 Director. Upon completion of the inspection, Comprehensive Housing Division staff shall
131 request that the tenant(s) sign the completed checklist.

² Until such time as the services offered by the Comprehensive Division are consolidated into one central location, rental applications for rental premises in the elder program shall be submitted at the Elder Services Building.

³ The e-mail address for submitting applications for an elder based rental unit is cskenan2@oneidation.org.

132 3.7-3. *Inspection Findings.* In the event that an inspection reveals conditions that may affect the
133 health and safety of the tenant and/or the community or the integrity and condition of the rental
134 premises, the Comprehensive Housing Division shall implement a follow up schedule to ensure
135 the issue is adequately remedied. If the issue is not adequately remedied based on the schedule
136 determined by the Comprehensive Housing Division, termination and eviction may be necessary.

137 3.7-4. *Damages.* Tenants may be required to pay costs to repair any damages to the rental
138 premises discovered during the annual inspection. Payment for such costs must be received by
139 the Comprehensive Housing Division prior to signing a rental agreement renewal.

140 3.7-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month
141 term. Tenants wishing to remain in the property are required to sign a renewal rental agreement
142 annually. The Comprehensive Housing Division may, in its discretion, decline renewal of a
143 rental agreement if it determines that the renewal is not in the best interest of the Nation. In the
144 event a tenant fails to enter a rental agreement renewal and has not vacated the rental premises
145 within thirty (30) calendar days of the expiration of the rental agreement, the Comprehensive
146 Housing Division shall initiate the eviction process pursuant to the Eviction and Termination
147 law.

148

149 **3.8. Rental Agreement Cancellation**

150 3.8-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the Elder
151 Rental Program are requested to provide the Comprehensive Housing Division with a minimum
152 of two (2) weeks of notice.

153 3.8-2. *Prorated Rent.* In the event of cancellation of a rental agreement, the Comprehensive
154 Housing Division staff shall prorate the last month's rent payment requirement based upon the
155 greater of the following:

- 156 (a) The number of calendar days the unit was occupied in the last month; or
157 (b) Two (2) weeks, which is the minimum allowable notice.

158

159 *End.*

160

161 _____
Original effective date:

Summary Report for Elder Rental Program Eligibility, Selection and Other Requirements

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Elder Rental Program Eligibility, Selection and Other Requirements

Name of law being interpreted: Landlord-Tenant

Rule Number: 3

Other Laws or Rules that may be affected: None

Brief Summary of the proposed rule: Rules required for tenants renting from Elder Services apartments, including eligibility, application, and other requirements.

On March 2, 2017 and March 10, 2017, the public comments were reviewed and considered. Based on the public comments and the meeting following the receipt of the public comments, the following revisions were made:

- "Tribal Member" was defined as an individual who is an enrolled member of the Oneida Nation.
- The debt to income ratio was removed and replaced with a requirement that the applicant demonstrate that they can meet the financial requirements of the elder rental agreement, including through the use of financial assistance.
- All tenants of the rental unit shall satisfy the eligibility requirements outlined in sections 710.4-2(b) and (c) of the Landlord-Tenant law and shall not have been convicted of a criminal offense against an elder unless pardoned or forgiven pursuant to applicable law.
- A formatting error in section 3.4-3 was corrected.

Statement of Effect: See Attached.

Financial Analysis: See Attached.

Note: In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.



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



Statement of Effect

Landlord-Tenant Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements

Summary

This rule provides additional eligibility requirements, selection procedures, and general requirements that govern the Comprehensive Housing Division's elder rental programs.

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

Analysis by the Legislative Reference Office

The Landlord-Tenant law (Section 710.4) delegates administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission as authorized by the Administrative Rulemaking Law. The Landlord-Tenant law (Section 710.4-1) states that the Comprehensive Housing Division shall provide residential rental programs that provide housing to tenants that are elder tribal members. The Landlord-Tenant law further states that the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program. Oneida Business Committee Resolution BC-10-12-16-D provides that for purposes of this law, the Comprehensive Housing Division means Elder Services for rental agreements through the Elder Services program.

The Landlord-Tenant law (Section 710.4-2) requires that in order to be eligible for a rental agreement, the applicants shall meet any eligibility requirements set by the rental program's rules. The Landlord-Tenant law (Section 710.4-3) then goes on to state that the Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.

Landlord-Tenant Law Rule No. 3 provides additional eligibility requirements, selection procedures, and general requirements that govern the Comprehensive Housing Division's elder rental programs.

Conclusion

There are no legal bars to adopting Landlord-Tenant Law Rule No. 3 – Elder Rental Program Eligibility, Selection, and Other Requirements.

Financial Analysis for Elder Rental Program Eligibility, Selection and Other Requirements

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	N/A	\$0
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	N/A	\$0
Other, please explain	N/A	\$0
Total	Annual Net Revenue	\$0

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Robert J. Collins, II

Law Office



TO: Legislative Operating Committee (LOC) ^{RSC}
FROM: Robert J. Collins II, Oneida Law Office
DATE: March 13, 2017
RE: Elder Rental Program Eligibility, Selection and Other Requirements: Public Meeting Comment Review

On February 16, 2017, a public meeting was held regarding the proposed Elder Rental Program Eligibility, Selection and Other Requirements rule. This memorandum is submitted as a review of the oral and written comments that were presented at the public meeting and submitted within the public comment period.

Many of the comments received were in regard to issues that did not directly relate to the proposed rule. While these comments are not directly addressed in this memorandum, the Elder Services Department will attempt to follow up with those individuals to provide additional information.

Comment 1.

Mike Denny – Oral Comment: In regards to standard security deposit, is this for future references and future elders, or is this to be set back to current people who are now in housing for a security deposit.

Response: Section 3.6-1 of the rule states that “[p]rior to providing a selected tenant with keys to the property, Comprehensive Housing Division staff shall ensure that the standard security deposit equal to one (1) month’s rent payment has been paid by the tenant.” If the rule is adopted, this section will govern security deposits for rental agreements that are entered after the effective date of the rule. Prior security deposits are governed pursuant to section 611.5-2(a)(2) of the Landlord-Tenant law.

There are no recommended changes to the rule based on this comment.

Comment 2.

Alan King – Oral Comment: They said that you have to have 30% income. Is that of the gross income or the net income?

Response: Section 3.4-2 of the initial draft of the rule stated that “[i]n order to be eligible for a rental agreement, applicants shall have a maximum debt to income ratio of thirty-three percent (33%).” Based on a number of comments received and a review of the Elder Rental Program’s current practices, the income requirements were modified to indicate that “[i]n order to be eligible for the Elder Rental Program, applicants must demonstrate that they can meet the financial requirements of the rental agreement, including through the use of financial assistance.”

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Comment 3.

Kathleen Polar – Oral Comment: Question is how come we don't have a payee for the elders here. I know it might not be in there but it is part of us. Besides letting Brown County take all our money. And I'd like to know how come we don't have guardians here for the elders so because everything is here and we have buses to take them grocery shopping. How come we don't have guardians also to help them along.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes to the draft based on this comment.

Comment 4.

Mike Denny – Oral Comment: There is no mention to the use of handicap individuals who might need service animals. It says, under no circumstances are animals allowed.

Response: Section 3.6-2 of the rule states that “[t]enants in the Comprehensive housing Division’s elder rental program may not have pets in the rental premises under any circumstances.” The law does not consider service animals to be pets.

There are no recommended changes to the draft based on this comment.

Comment 5.

Pat Beilke – Oral Comment: I don't agree with this 33% because when we lived here, we had a meeting and they said our rent would never be changed. And now they are trying to include our per cap in that. I don't agree with this.

Response: Section 3.4-2 of the initial draft of the rule states that “[i]n order to be eligible for a rental agreement, applicants shall have a maximum debt to income ration of thirty-three percent (33%).” Per capita income is included in the calculation of income. Based on a number of comments received and a review of the Elder Rental Program’s practices, the income requirements were modified to indicate that “[i]n order to be eligible for the Elder Rental Program, applicants must demonstrate that they can meet the financial requirements of the rental agreement, including through the use of financial assistance.” The income assessment will not result in an increase in rent due.

Comment 6.

Mike Hill – Oral Comment: What about all these trails that are blacktop. It's great, everybody uses them, everybody loves them, but nobody maintains them. Nobody is plowing in the winter time, in the summer time there is stones and branches. I mean in the regular walk and trips you know sprains their ankle. They got over by the cottages the trail that goes right up to the back door that's, not plowed out. And even to the Health Center to here, that's not plowed out here.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

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Comment 7.

Marjorie Stevens – Oral Comment: I live in the longhouse apartments and I'm concerned about the lighting in the back that doesn't work. If there ever gonna...I am being told that it is getting fixed but I don't know if it's fixed yet. I haven't heard anything. But I think it is very important that we have an instant camera in the back of the, in the entrance where we walk in. I think those cameras should be working for safety reasons.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

Comment 8.

Kathleen Polar – Oral Comment: We are talking about the water in these apartments. We have just hard water. We can't even get our sinks and the bathroom by the faucets clean. There is always full of white stuff on it and we can't cook with it and we can't even make coffee because we gotta boil our water. I boil my water. And even in the refrigerator. And otherwise we have to go out and buy filters for our own use. But what I understood they were suppose to put filters here for us. Because that chlorine is too strong for us.

Pat Beilke – Oral Comment: And I had problems with water . I went through two coffee pots already and it keeps plugging up my coffee pot and then I can't get them unplugged so I have to go buy a new one. It's all because of that stuff in the water. So I just buy bottled water and I been just using a pitcher of soap in my water. So it's not dirt or salt or whatever it is.

Linda Williams – Oral Comment: I've been drinking bottled water for so long because the water isn't good to drink. And also it isn't, I notice a smell.

Response: The above comments do not pertain to the proposed rule and there are no recommended changes based on these comments.

Comment 9.

Dixon Skenandore – Oral Comment: I've been paying \$45, \$50 every month for my electric bill. And all of a sudden I got a bill last for \$96 and I'm just wondering how come.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

Comment 10.

Al King – Oral Comment: I was wondering what they were separating housing or that the housing organization. Did they say that they were going to put under one organization? Why is the land commission still responsible with Housing?

Response: Pursuant to BC Resolution #10-12-16-D, the Business Committee defined the Comprehensive Housing Division as 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. The Land Commission is

Page 4

tasked with supervising the actions of the Division of Land Management Director and developing and implementing policies and procedures for the Division of Land Management.

There are no recommended changes to the draft rule on this comment.

Comment 11.

Mike Denny – Oral Comment: There is something about moving inspections. You could move into a unit, something could be faulty and at annual inspection you could be charged even though it wasn't your fault. There is nothing in here about moving inspections.

Richard Baird – Oral Comment: In relation to that housing inspections that, seems like housing or someone should have a check list, or something that they looked prior to the tenant taking occupancy to make sure that everything is in working order.

Mike Hill – Oral Comment: When I moved in to my complex there, Lisa um, what's her name? Vega, she inspected. I went with her to inspect my apartment there, out there, where I lived there. And as we walked along there was a bunch of water along the mop board where the washer and dryer is. And I asked about that because nobody lived there. Unless it was on the other side. So anyway, they said they'd check into it and couple weeks later they finally end up taking the wall apart. And here they found that PCV pipe coming down. They cut in half but they never attached the other part that went to the drain. So whenever they use it next door there, it was coming into my side. So, I mean that's, how you find something like that. That was one of the problems.

Response: Section 611.6-3(d) of the Landlord-Tenant law states that “[t]he landlord shall provide all new tenants with a check-in sheet when the tenant commences his or her occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences his or her occupancy to complete the check-in sheet and return it to the landlord.” Additional duties of the landlord are outlined in section 611.6-3(a).

There are no recommended changes to the rule based on these comments.

Comment 12.

Barb Mendolla – Oral Comment: I just wanna know, how would there be, what do you have to do to be, in one of those elder housing things, you know to rent it, an apartment. Do you, you can't have anything or, ya gotta, like a house or anything. What do you do to get on it. But you can't answer questions. Oh, well that don't help me. I wanna know what you can have and what you can't have and if you own your own house, would you, you have to get rid of that first before you, before your ahhh able to rent a, you know whatever you call it. I had another question to but I can't remember it. I shoulda wrote it down. Another thing, does that include trailer houses. My trailer, how does that affect you, how you have to pay and stuff. You don't know that either. Be glad you don't have to rent. We'd like to have some answers trying do everything else.

Response: Section 3.4 and 3.5 of the rule address eligibility requirements and the application process. There are additional eligibility requirements outlined in section 611.4-2 of the Landlord-Tenant law.

Page 5

There are no recommended changes to the rule based on this comment.

Comment 13.

Kathleen Polar – Oral Comment: We are gonna hold a meeting this Saturday at 1 o'clock in apartment, in ahhh, in the common room, common room B at 1 o'clock, so if anybody wants to have people writing down and their names so we can send it in also. So you're welcome to come. Because a lot of them might be too afraid to speak into this thing.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

Comment 14.

Richard Baird – Oral Comment: Just one more comment. This public law about housing is great but it, it's all about what the tenant, what the, how the tenant qualifies and what the tenant is going to be responsible for. But there's nothing in here about what the Tribe is gonna guarantee when the tenant moves in. Cuz there's a lot of problems with elderly housing in the back here, with things that aren't built right, inspections that aren't completed probably. I've heard things about bad walls, bad floors that are being redone because the contractors aren't under any kind of inspection process. I know that my niece over at Ho-Chunk, she says everybody who's involved in business development can read a blueprint and everybody has the authority to go on a project and if they don't like what the contractor's doing, they stop the work and they get it corrected. All through the process. They don't let the contractor build the house and then come back and say, "Oh it looks fine". They let them know. They don't do that. Everything is checked all the way, all along the way. That's how the, that's how the white people do it. So, but we don't have those rules. We don't have them.

Response: Section 611.6-3(a) of the Landlord-Tenant law addresses the duties of the landlord. The proposed rule is being created to address elder rental program eligibility, selection, and other requirements.

There are no recommended changes to the rule based on this comment.

Comment 15.

Linda Williams – Oral Comment: I have a problem with my toilets. The water keeps on running and running and running. And I don't know if it's, it's not easy to take the top off and just play with it. It's, it looks foreign to me. But it, the water just runs and runs and runs and I don't know what to do about it.

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

Comment 16.

Mike Hill – Oral Comment: On these trails, I don't understand, behind Anna John there, why they plowed just half of it. They didn't do the whole track. There's no way you can use the track because when they do the roads they plow all the snow in front of it so you can't get at it. So . . . ok.

Page 6

Response: The above comment does not pertain to the proposed rule and there are no recommended changes based on this comment.

Comment 17.

Nancy Torres – Written Comment: Questions in regard to the Elder Rental Program:

1. 3.2.5 What Rule are they talking about? It just says; This Rule supersedes, etc;

Response: “This rule” is a reference to the proposed rule titled, “Elder Rental Program Eligibility, Selection and Other Requirements.” There are no recommended changes to the rule based on this comment.

2. 3.4.1 Under Requirements; It says one of the tenants has to be a Tribal member. Is this any tribe or just Oneida?

Response: At least one (1) of the tenants named as a party to the rental agreement is required to be a member of the Oneida Nation who is fifty-five (55) years of age or older. The rule was revised to clarify this.

3. 3.4.2-B. It says Per Capita payments will be considered as income in regards to rental payments. Whose idea is this? I totally disagree with this as I am retired and don’t get that much in Social Security and this yearly Per Capita comes in handy. Since we do get it once a year and not monthly. This should not be included as our income.

Response: Section 3.4-3 of the revised rule states that “[i]n order to be eligible for the Elder Rental Program, applicants must demonstrate that they can meet the financial requirements of the rental agreement, including through the use of financial assistance. The rule was revised based on a number of comments received and a review of the Elder Rental Program’s current practices. As per capita payments are considered income, they are taken into consideration when assessing income. If the applicant’s per capita payments appear inconsistent or have been attached during the five (5) year period before application, then an average of the per capita payments received is used to assess income. There are no additional recommended changes to the rule based on this comment.

4. 3.4.4 Under Past Due Accounts; It says if a tenant has outstanding debts. They are ineligible for review. Does that mean that tenant will get evicted?

Response: An applicant for a rental agreement is ineligible if a review of their credit report reveals more than five (5) accounts that are past due and/or in collections that are based on debts incurred within the past five (5) years. Medical bills are not included in this consideration. If a current tenant has outstanding debts, they will not be evicted unless one of the grounds contained within the Eviction and Termination law exist. However, these debts could affect the ability to renew a rental agreement. There are no recommended changes to the rule based on this comment.

5. 3.7.1 Under Annual Inspection; Is this 30 days prior to tenant expiration date or 30 days after?

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Response: The annual inspection shall be scheduled at least thirty (30) calendar days prior to the expiration of the tenant's rental agreement. There are no recommended changes to the rule based on this comment.

6. 3.7.3 Under Inspection Findings; Is there a time limit as to when these apt. issues will be tended to? Also, I don't think its fair that a tenant gets evicted if theres something that needs fixing. For instance, I have a cracked cabinet door thats been there since I moved in. Its been promised to get fixed and 3 plus years later. It still hasn't been fixed.

Response: If an inspection reveals conditions that may affect the health and safety of the tenant and/or the community or the integrity and condition of the rental premises, the Comprehensive Housing Division shall implement a follow up schedule to ensure the issue is adequately remedied. As adequately remedying conditions can take different amounts of time based on the condition, there is no time limit established in the rule. A tenant would not be evicted simply because something needs to be fixed. One of the grounds contained within the Eviction and Termination law would have to exist to proceed with an eviction. There are no recommended changes to the rule based on this comment.

7. 3.8.1 Under Rental Agreement Cancellation; Does this mean that a lease can be broken as long as the tenant gives a two week notice?

Response: A tenant in the elder rental program may cancel their rental agreement by giving at least two (2) weeks of notice. There are no recommended changes to the rule based on this comment.

Comment 18.

Group Submission – Written Comment: The following is a list of concerns that were expressed by tenants of the Elder Rental Program at a public meeting that was held on February 16, 2017 at the meal site. Thanks to those who initiated this public meeting to gather our input in the direction of rule No. 3 – Elder Rental Program under Title 6. Property and Land – Chapter 611 Landlord-Tenant.

We are grateful to have a program that meets the needs of retired Oneida citizens and would like to offer our comments to make the program better.

1. Add language to the new rule that Elder Services Management must deposit rental payments no later than the 15th of every month. When deposits aren't done in a timely manner it causes confusion for elder's budget management.

Response: Elder Services already sets a regular payment schedule with the parties based on their move-in date and the date that they receive their monthly financial benefits. The rent withdrawal is done every month on a regular schedule to avoid causing confusion for the tenant. While there are no recommended changes to the rule based on this comment, the Elder Services Program Manager will further investigate the rental payment deposit issue.

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2. Under 3.4 Eligibility Requirements 3.4-2 (3) a, b, and c the language is not clear. It needs to be clarified further. Many elders at the meeting expressed concern about their per capita payment being “taken away” because of this requirement.

Response: Section 3.4-3 of the revised rule now states that “[i]n order to be eligible for the Elder Rental Program, applicants must demonstrate that they can meet the financial requirements of the rental agreement, including through the use of financial assistance.” Per capita income is included in the income assessment. This section of the rule will not take away any per capita income received by the tenant. There are no recommended changes to the rule based on this comment.

In addition to the above comments about the Rule No. 3 we want to share the following concerns that directly affect the health, safety and welfare of elder tenants.

1. Install functioning security cameras in key areas throughout the property. We must know that they are always functioning and that they are also being monitored daily.
2. Install water purifiers in kitchen and bathroom sinks. The water that is dispensed from those faucets have a strong odor that can't be healthy to ingest or use.
3. We have concerns about our electricity bills significantly increasing in the winter months. We realize bills go up in the winter, but we would like someone to investigate why this might be happening.
4. We need a process to contact the Manager when we have concerns or issues at any time day or night. (within reason)
5. Storm doors and windows should be installed in a timely manner prior to the colder weather. This year many of us had to make a request for these things to be installed, it should be done on a regular schedule. They were finally installed around December 2016.
6. Flooring – The kitchen and bathroom floors are noticeably cold in some units. Also, some of us would like to request hardwood floors that would have less allergens.
7. We would like management to organize a regular meet and greet for tenants to get to know each other more and to share our concerns with management. This would help to create a sense of community for us tenants, as well as help management be proactive in managing tenant's issues and concerns.

Thank you for taking our comments regarding the Rule No. 3. In terms of our additional concerns #1-7, we are requesting a written and verbal response within 2 weeks of receiving this memo.

We are grateful for the opportunity to improve our quality of life, as well as those elders who come after us.

We the undersigned do so with a good mind, good heart and a strong fire. [7 signatures follow]

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Response: The above comments (#1-7) do not pertain to the proposed rule and there are no recommended changes to the draft based on these comments. The Elder Services Department is going to attempt to follow up with these individuals to provide additional information.

Comment 19.

Carol Elm – Written Comment: On behalf of ONCOA, I am submitting questions and concerns about the Elder Rental Program.

- 3.4-2. Debt to Income Ratio. What is the rationale for including the maximum debt to income ratio of 33%? It seems like this would exclude elders who really need housing. Do the current renters come under this requirement too?
- 3.4-2(b)(3) - refer to the second (3)(A)(B)(C). Why is the per capita considered as part of the income for rental payments? Please clarify this. In the past per capita was not considered as part of your income to calculate a rental agreement. And, there were no income guidelines. The income guidelines were set at a uniform rate for all tenants. This elder housing was not developed to be revenue producing property. The per capita should not be considered when determining eligibility for the Elder Services Elder Housing. The small amount of money received is often used for paying bills or maybe helping to buy grandchildren school clothes.

Response: Section 611.4-2(d) of the Landlord-Tenant law states that in order to be eligible for a rental agreement, applicants shall meet the income requirements for entering the rental agreement as determined by the rental program's governing rules. Section 3.4-3 of the revised rule now states that "[i]n order to be eligible for the Elder Rental Program, applicants must demonstrate that they can meet the financial requirements of the rental agreement, including through the use of financial assistance." The rule was revised based on this and other comments received and a review of the Elder Rental Program's current practices. This rule will apply to those applying for new rental agreement and will not affect those individuals who are currently in a valid agreement.

For purposes of completing an income assessment for elder rental applicants, the Comprehensive Housing Division staff shall include per capita payments to the extent that receipt of per capita payment may be verified for each of the five (5) years prior to rental agreement application. If the applicant's per capita payments appear inconsistent or have been attached during the five (5) year period before application, then an average of the per capita payments received is used to assess income. Per capita payments are classified as unearned income and are subject to federal tax. Therefore, it is appropriate to consider that income when doing an assessment of the applicant. This rule will not take away any per capita income received by the applicant.

The rule was revised to correct a formatting error that was pointed out in the public comment.

Public Meeting Sign In Sheet

Income Based Elder Rental Program Eligibility, Selection and Other Requirements

Feb 16, 2017, Anna John Resident Community Care Center Cafeteria (Meal Site)

	Name	Phone/Email
1	Marlene Summers	
2	Claudia Spencer	
3	Koette Mencheski	
4	Harold Hamon	
5	Mary VV	
6	Rob Collins	
7	Wileen Smith	
8	Alan R. Kin B	
9	Nancy Torres	
10	Barbara Mendolla	
11	Romya Carlson	
12	Valentina Froh	
13	Valerie Strzyski	
14	Paul Cloness	
15	Robert Blakey	
16	W. J. King	
17	Frederick Johnson	
18	Hille Dill	
19	Jodie Miller	
20	Robert Steffes	
21	Don Charnon	
22	Sandra Charnon	
23		
24		
25		
26		
27		

Public Meeting Sign In Sheet
 Income Based Elder Rental Program Eligibility, Selection and Other Requirements
 Feb 16, 2017, Anna John Resident Community Care Center Cafeteria (Meal Site)

	Name	Phone/Email
1	Ronald W Jordan	
2	Carolyn Skene	
3	Beroldine J. Malolos	
4	Clifford Klitzke	
5	Marjorie Stevens	
6	DONNA LAU	
7	Lyonsight G. Delgado	
8	Mickal C. Denny	
9	Rita Summers	
10	Gene Strzelicki	
11	Linda Douglas	
12	Kathleen Polux	
13	Sue Graham	
14	Pat Beulke	
15	Dorinda Williams	
16	Angela Summers	
17	Loretta U. Metcalf	
18	Brittany Bodoh	
19	Cecel Kennells	
20	Juanita Guerra	
21	Hugh Danforth	
22	FW Baird	
23	Mary H Cornelius	
24	Robert E. Brock	
25	Deloris Hawth	
26		
27		

www.kalihwisaks.com

Local

February 2, 2017 • A'hsá Niwása A'hsá 43

OLIPP

(Oneida Life Insurance Plan Plus)

is a \$15,000 term life insurance policy available to ALL enrolled tribal members and intended to pay your funeral/final expenses. It is strongly recommended that all enrolled members over the age of 18, who have not completed their "Oneida Beneficiary Designation form" to complete and submit their form to the Oneida Enrollment Department.

For more information, call:

(920) 869-6212



Foster Care Donation Drive

Receive FREE admission on
February 6, 2016 when
you bring a hygiene or
monetary donation to an
Oneida Thunderhawks
Varsity

basketball game!

Girls Varsity-5:00pm

Boys Varsity to follow

Suggested Items:

Socks & Underwear (all sizes) | Shampoo & Conditioner | Body Wash/Loofa

Tooth Brush & Toothpaste | Deodorant | Journals | Coloring Book

Small Toy | Baby Bath Products | Overnight Tote Bags

...and any other hygiene or comfort items you are gracious enough to donate!

All donations benefit Oneida children in Foster Care.

NOTICE OF

PUBLIC MEETING

TO BE HELD

February 16, 2017 at 12:00 P.M.

IN THE

**Anna John Resident Community Care Center Cafeteria
(Meal Site)**

2901 S. Overland Drive, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, Elder Services is hosting this Public Meeting to gather feedback from the community regarding the following rule.

TOPIC: Elder Rental Program Eligibility, Selection and Other Requirements

This is a proposal to adopt a new rule to govern elder rentals which would establish:

- ♦ Eligibility requirements;
- ♦ Requirements for applying for a rental unit and selecting tenants;
- ♦ Security deposit and pet standards;
- ♦ Annual inspection and rental agreement renewal requirements; and
- ♦ Rental agreement cancellation provisions.

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD OPEN UNTIL February 23, 2017

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to Elder Services by U.S. mail, interoffice mail or e-mail.

Oneida Elder Services
2907 S. Overland Road, Oneida, WI 54155
cskenan2@oneidanation.org
(920) 869-2448

Draft 2 – For Public Meeting
2017 02 16



8

Title 6. Property and Land – Chapter 611

LANDLORD-TENANT

Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements

- 3.1. Purpose and Delegation
- 3.2. Adoption, Amendment and Repeal
- 3.3. Definitions
- 3.4. Eligibility Requirements
- 3.5. Applications and Tenant Selection
- 3.6. Security Deposits and Pets
- 3.7. Annual Inspection and Rental Agreement Renewal
- 3.8. Rental Agreement Cancellation

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3.1. Purpose and Delegation

3.1-1. *Purpose.* The purpose of this rule is to provide additional eligibility requirements, selection procedures and general requirements that govern the Comprehensive Housing Division’s elder rental programs.

3.1-2. *Authority.* The Landlord-Tenant law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

3.2. Adoption, Amendment and Repeal

3.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

3.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

3.2-3. 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.

3.2-4. 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.

3.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Landlord-Tenant law.

3.3. Definitions

3.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Comprehensive Housing Division” means the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution.¹

(b) “Landlord” means the Nation in its capacity to rent real property subject to a rental agreement.

(c) “Nation” means the Oneida Nation.

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

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44 (d) “Premises” means the property covered by a rental agreement, including not only the
45 real property and fixtures, but also any personal property furnished by the landlord
46 pursuant to a rental agreement.

47 (e) “Rental Agreement” means a written contract between a landlord and a tenant,
48 whereby the tenant is granted the right to use or occupy the premises for a residential
49 purpose for one (1) year or less.

50 (f) “Tenant” means the person granted the right to use or occupy a premise pursuant to a
51 rental agreement.

52 (g) “Security Deposit” means a payment made to the landlord by the tenant to ensure that
53 rent will be paid and other responsibilities of the rental agreement performed.

54 3.4. Eligibility Requirements

55 3.4-1. *Tribal Member Status.* At least one (1) of the tenants named as a party to the rental
56 agreement is required to be a Tribal member fifty-five (55) years of age or older.

57 3.4-2. *Debt to Income Ratio.* In order to be eligible for a rental agreement, applicants shall have
58 a maximum debt to income ratio of thirty-three percent (33%).

59 (a) Comprehensive Housing Division staff shall calculate the debt to income ratio by
60 dividing the applicant’s monthly debt by the applicant’s monthly income.

61 (b) For purposes of calculating income for the debt to income ratio, the Comprehensive
62 Housing Division staff:

63 (1) May not include child support payments;

64 (2) May not include education grants/scholarships;

65 (3) May not include medical bills; and

66 (3) Shall include per capita payments to the extent that receipt of per capita
67 payment may be verified for each of the five (5) years prior to rental agreement
68 application.

69 (A) For per capita payments paid by the Nation, the Comprehensive
70 Housing Division staff shall verify with the Trust Enrollment Department
71 that the applicant received the full eligible amount of the per capita
72 payments for each of the five (5) years prior to rental agreement
73 application.

74 (B) For per capita payments paid by other tribes the Comprehensive
75 Housing Division staff shall verify that the applicant received per capita
76 payments for each of the five (5) years prior to rental agreement
77 application using the applicant’s tax return.

78 (C) When per capita payments qualify to be considered as part of the
79 income calculation, Comprehensive Housing Division staff shall use an
80 average to the payments the applicant received for the five (5) years prior
81 to rental agreement application.

82 3.4-3. *Utility Bills.* Applicants for a rental agreement may not have any outstanding balance
83 owed to a utility provider.

84 3.4-4. *Past Due Accounts.* Applicants for a rental agreement are ineligible if a review of the
85 applicant’s credit report reveals more than five (5) accounts that are past due and/or in
86 collections that are based on debts incurred within the past five (5) years, provided that medical
87 bills may not be included in this consideration.
88

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89 **3.5. Applications and Tenant Selection**

90 3.5-1. *Application Period.* Tribal members wishing to rent a property in the Comprehensive
91 Housing Division's elder rental program may submit a rental application at the Comprehensive
92 Housing Division², in person or via e-mail,³ using the rental application form available on the
93 Nation's website and at the Comprehensive Housing Division, which includes any requirements
94 for supplemental information required to verify eligibility. Rental applications submitted using
95 any form other than the Nation will be considered ineligible by the Comprehensive Housing
96 Division.

97 (a) The Comprehensive Housing Division staff shall date and time stamp all rental
98 applications upon receipt.

99 (b) In the event that multiple parties arrive at the same time to submit a rental application
100 (i.e. if parties are waiting to submit prior to business hours), Comprehensive Housing
101 Division staff shall determine the order of receipt through a lottery system in which each
102 party receives a number by chance. Comprehensive Housing Division staff shall number
103 the offers having the same date and time stamps by from lowest drawn number to highest
104 drawn number.

105 3.5-2. *Tenant Selection.* Upon receipt of submitted rental applications, Comprehensive Housing
106 Division staff shall determine which applicants are eligible and place tenants in available units
107 on a first-come first-serve basis and shall maintain a waitlist of eligible applicants when there are
108 no rental premises currently available. When a rental premises becomes available,
109 Comprehensive Housing Division staff shall select a tenant from the waitlist based on the
110 eligible rental application that was received earliest based on the date and time stamp.

111

112 **3.6. Security Deposits and Pets**

113 3.6-1. *Standard Security Deposit.* Prior to providing a selected tenant with keys to the property,
114 Comprehensive Housing Division staff shall ensure that the standard security deposit equal to
115 one (1) month's rent payment has been paid by the tenant.

116 3.6-2. *Pets.* Tenants in the Comprehensive Housing Division's elder rental program may not
117 have pets in the rental premises under any circumstances.

118

119 **3.7. Annual Inspection and Rental Agreement Renewal**

120 3.7-1. *Scheduling Annual Inspections.* Comprehensive Housing Division staff shall schedule
121 tenants' annual inspections for a date that is within thirty (30) calendar days of the expiration of
122 the tenants' rental agreement.

123 3.7-2. *Inspection Checklist.* Comprehensive Housing Division staff completing the annual
124 inspection shall use the checklist that is approved by the Comprehensive Housing Division
125 director. Upon completion of the inspection, Comprehensive Housing Division staff shall
126 request that the tenant(s) sign the completed checklist.

127 3.7-3. *Inspection Findings.* In the event that an inspection reveals conditions that may affect the
128 health and safety of the tenant and/or the community or the integrity and condition of the rental
129 premises, the Comprehensive Housing Division shall implement a follow up schedule to ensure
130 the issue is adequately remedied. If the issue is not adequately remedied based on the schedule
131 determined by the Comprehensive Housing Division, termination and eviction may be necessary.

² Until such time as the services offered by the Comprehensive Division are consolidated into one central location, rental applications for rental premises in the elder program shall be submitted at the Elder Services Building.

³ The e-mail address for submitting applications for an elder based rental unit is cscanan2@oneidanation.org.

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2017 02 16

132 3.7-4. *Damages.* Tenants may be required to pay costs to repair any damages to the rental
133 premises discovered during the annual inspection. Payment for such costs must be received by
134 the Comprehensive Housing Division prior to signing a rental agreement renewal.

135 3.7-5. *Rental Agreement Renewal.* Each rental agreement is limited to a twelve (12) month
136 term. Tenants wishing to remain in the property are required to sign a renewal rental agreement
137 annually. The Comprehensive Housing Division may, in its discretion, decline renewal of a
138 rental agreement if it determines that the renewal is not in the best interest of the Nation. In the
139 event a tenant fails to enter a rental agreement renewal and has not vacated the rental premises
140 within thirty (30) calendar days of the expiration of the rental agreement, the Comprehensive
141 Housing Division shall initiate the eviction process pursuant to the Eviction and Termination
142 law.

143

144 **3.8. Rental Agreement Cancellation**

145 3.8-1. *Two Week Notice Required.* Tenant wishing to cancel a rental agreement in the elder
146 rental program are requested to provide the Comprehensive Housing Division with a minimum
147 of two (2) weeks of notice.

148 3.8-2. *Prorated Rent.* In the event of cancellation of a rental agreement, the Comprehensive
149 Housing Division staff shall prorate the last month’s rent payment requirement based upon the
150 greater of the following:

- 151 (a) The number of calendar days the unit was occupied in the last month; or
- 152 (b) Two (2) weeks, which is the minimum allowable notice.

153

154 *End.*

155

156 _____
Original effective date:
157 Amendment effective date:
158

159

155 DRAFT

- A. Eviction and Termination, Rule No. 1 Disposal of Abandoned Personal Property Status update and Public Hearing Information

Comment to line 65: send written request to LOC to add in "repairs" to this line. Motion by Racquel Hill to approve with the comment in line 65 add word "repairs" into line 65. Seconded by Donald McLester. Motion carried.

- B. Request to approve Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements

Motion by Rebecca Webster to approve to send Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements to the LOC for approval. Seconded by Jay T. Rasmussen. Motion carried.

This is the directive that the Land Commission has given on March 13, 2017.



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



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
 DATE: April 5, 2017
 RE: Certification of Eviction and Termination Law Rule No. 1 – Disposal of Abandoned Personal Property

The Legislative Reference Office has reviewed the certification packet provided by the Comprehensive Housing Division and Land Commission for the Eviction and Termination law Rule No. 1 – Disposal of Abandoned Personal Property (the “Rule”).

The Eviction and Termination law defines the Comprehensive Housing Division, pursuant to resolution BC-10-12-16-B, as the Division of Land Management, the Oneida Housing Authority, and Elder Services.

If certified by the Legislative Operating Committee, the Rule would become effective on April 13, 2017.

Administrative Record

The certification packet contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum containing the Rule’s procedural timeline;
- Updated draft of the Rule;
- Minutes from the March 13, 2017, Land Commission meeting approving the proposed rule;
- Memorandum approving the proposed rule from the following:
 - Dale Wheelock, Executive Director of the Oneida Housing Authority;
 - Tsyoshaht C. Delgado, Elder Services Program Manager; and
 - Patrick Pelky, Interim Director of the Division of Land Management.
- Summary Report;
- Public Meeting Notice;
- Draft of the Rule considered at the public meeting.
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Public Meeting Sign In Sheet;
- Public Meeting Transcript; and
- Memorandum containing the public comments that were received and the Comprehensive Housing Division’s response to each comment.

Procedural Requirements

The certification packet demonstrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule was published in the Kalihwisaks on March 2, 2017;
- A public meeting for the Rule was held on March 16, 2017;
- The public comment period was held open until March 23, 2017;
- There were no written comments received during the public comment period; and
- The proposed rule was approved by the Land Commission on March 13, 2017, and the Comprehensive Housing Division on the following dates:
 - Oneida Housing Authority on March 24, 2017;
 - Elder Services on March 30, 2017; and
 - Division of Land Management on March 30, 2017.

Rulemaking Authority

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

Conclusion

Promulgation of the Eviction and Termination law Rule No. 1 – Disposal of Abandoned Personal Property complies with all requirements of the Administrative Rulemaking law.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: April 5, 2017
- 2) Contact Person(s): Krystal John Dept: Law Office
Phone Number: x4375 Email: kjohn4@oneidanation.org
- 3) Agenda Title: Certification of Rule No. 1 - Disposal of Abandoned Personal Property
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Requesting LOC certification of Rule No. 1 as the Comprehensive Housing Division,
as defined in the Eviction and Termination law, develops rules regarding abandoned
personal property.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Rule No. 1
 - 2) Summary Report
 - 3) Public Meeting Notice
 - 4) Public Meeting Sign-in and Transcript
- 5) Please List any laws, ordinances or resolution that might be affected:
Eviction and Termination law
 - 6) Please List all other departments or person(s) you have brought your concern to:
N/A
 - 7) Do you consider this request urgent? Yes No
If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

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



M E M O R A N D U M

TO: Legislative Operating Committee

FROM: Krystal L. John, Staff Attorney

DATE: March 30, 2017

SUBJECT: Request for Certification of Procedural Compliance
Eviction and Termination Rule No. 1 – Disposal of Abandoned Personal Property

The Comprehensive Housing Division, as defined in the Eviction and Termination law, is exercising its rulemaking authority to further define sections of Title 6 Property and Land – Chapter 610; Eviction and Termination.

This rule is newly drafted and is not a revision of a prior rule.

In accordance with the Administrative Rulemaking law, a public meeting was held for this rule on March 16, 2017 for which the comment period expired on March 23, 2017. No written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

Rulemaking Timeline	
Required Action	Date Completed
Public Meeting notice for the rule is posted in the Kalihwisaks (see page 33) and on the Oneida Register	March 2, 2017
Public Meeting held	March 16, 2017
Public Comment Period closed; there were no comments received	March 23, 2017

The following attachments are included for your review:

1. Rule No. 1 – Disposal of Abandoned Personal Property
2. Comprehensive Housing Division and Oneida Land Commission Approval
3. Summary Report
4. Public Meeting Notice
5. Copy of Public Meeting Published in the Kalihwisaks – Page 33 of the December 15, 2016 issue
6. Sign in sheet from the January 3, 2017 Public Meeting
7. Public meeting transcription from the January 3, 2017 Public Meeting
8. Public Meeting Comment Review Memorandum

Following certification, this rule shall become effective on April 13, 2017.



Title 6. Property and Land – Chapter 610

EVICION and TERMINATION

Rule No. 1 – Disposal of Abandoned Personal Property

- 1.1. Purpose and Delegation
- 1.2. Adoption, Amendment and Repeal
- 1.3. Definitions
- 1.4. Storage and Disposal of Personal Property

9

1.1. Purpose and Delegation

1.1-1. *Purpose.* The purpose of this rule is to provide additional information related to the storage and disposal of personal property pursuant to a lease or rental agreement.

1.1-2. *Authority.* The Eviction and Termination law delegated joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to further govern the disposition of personal property in relation to residential contracts and to the Land Commission and the Division of Land Management to further govern the disposition of personal property in relation to agricultural and business contracts.

18

1.2. Adoption, Amendment and Repeal

1.2-1. This rule was jointly adopted by the Comprehensive Housing Division, the Division of Land Management and the Land Commission in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division, the Division of Land Management and the Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation, the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Eviction and Termination law.

33

1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Comprehensive Housing Division” means the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution.¹

(b) “Contract” means either a lease document pursuant to the Leasing law or a rental agreement pursuant to the Landlord-Tenant law.

(c) “Eviction” means to expel an occupant from the premises.

(d) “Nation” means the Oneida Nation.

43

¹ See BC Resolution 10-12-16-B providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general residential contracts, the Oneida Housing Authority for income-based residential contracts and Elder Services for residential contracts through the Elder Services program.

44 (e) “Occupant” means the person granted the right to use or occupy a premises pursuant to a
 45 lease or rental agreement entered into in accordance with the Leasing law or Landlord-Tenant
 46 law respectively.

47 (f) “Owner” means the Nation in its capacity as lessor as defined in the Leasing law or a
 48 landlord as defined in the Landlord-Tenant law.

49 (g) “Premises” means the property covered by a contract, including not only the real property
 50 and fixtures, but also any personal property furnished by the owner pursuant to a contract.
 51

52 **1.4. Storage and Disposal of Personal Property**

53 1.4-1. *Designated Period for Removal of Personal Property.* The initial period designated for
 54 removal of personal property following a contract termination is five (5) business days, as
 55 provided in section 610.6-1 of the Eviction and Termination law. The initial designated period
 56 may be extended in the owner’s discretion to a maximum period of fifteen (15) business days
 57 from the date of contract termination. The only circumstance under which the timeframe for
 58 removal of personal property may be extended beyond the maximum period is in the event of the
 59 death of a tenant based on a written agreement executed in the owner’s discretion. During the
 60 designated period for the removal of personal property:

61 (a) The owner shall store all personal property within the reclaimed premises and grant
 62 access to the former occupant for purposes of removal of personal property.

63 (b) The only access the owner may grant to the premises is as follows:

64 (1) To the former occupant for purposes of removal of personal property;

65 (2) To the owner’s maintenance staff for emergency maintenance checks and
 66 repairs as may be deemed necessary in the owner’s discretion; and/or

67 (3) To the owner’s administrative staff for purposes of assessment of the
 68 condition of the premise.

69 (c) Former occupants may access the reclaimed premises by contacting the owner to
 70 schedule an access appointment. Access appointments are limited to business days from
 71 8:00 a.m. to 2:30 p.m., provided that the owner may provide access appointments outside
 72 of these limited time periods in its discretion.

73 1.4-2. *Expiration of the Designated Period for Removal of Personal Property.* Upon the
 74 expiration of the designated period for removal of personal property, all personal property
 75 remaining in the premises subject to the terminated contract becomes abandoned property. The
 76 owner shall dispose of all abandoned property as trash, provided that in the owner’s discretion,
 77 the owner may donate items for which the owner determines the donation to be safe, sanitary and
 78 appropriate.

79 (a) Any program wishing to donate abandoned personal property shall create a standard
 80 operating procedure designating the donation location and any other required details.

81 (b) Should the owner, in the process of clearing abandoned property, discover items
 82 which may be culturally significant items, the owner shall contact the Cultural Heritage
 83 Department for review of the items. Upon review, the Cultural Heritage Department
 84 may take possession of any items it deems culturally significant.
 85

86 *End.*

87
 88 _____
 88 Original effective date:

89 Amendment effective date:
 90

- A. Eviction and Termination, Rule No. 1 Disposal of Abandoned Personal Property Status update and Public Hearing Information

Comment to line 65: send written request to LOC to add in “repairs” to this line. Motion by Racquel Hill to approve with the comment in line 65 add word “repairs” into line 65. Seconded by Donald McLester. Motion carried.

- B. Request to approve Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements

Motion by Rebecca Webster to approve to send Rule No. 3 – Elder Rental Program Eligibility, Selection and Other Requirements to the LOC for approval. Seconded by Jay T. Rasmussen. Motion carried.

This is the directive that the Land Commission has given on March 13, 2017.

**Memorandum**

To: Legislative Operating Committee
From: Dale Wheelock, Executive Director Housing
Date: March 24, 2017
Subject: Rule 1 – Disposition of Abandoned Personal Property

As Executive Director of the Housing Department, I am approving the proposed Rule #1 – Disposal of Abandoned Personal Property. This approval is in context as it relates to Title 6 Property and Land – Chapter 611 Eviction and Termination Law (Administrative Rulemaking 106.10-1. (a)(4)).

Signature Approval

Dale P. Wheelock Date 03/24/17

Dale Wheelock

Executive Director Oneida Housing Authority



Oneida Nation
Elder Services
PO Box 365 • Oneida, WI 54155-0365
oneida-nsn.gov



TO: Legislative Operating Committee (LOC)
FROM: Tsyoshaht C. Delgado, Elder Services Program Manager *TCD*
DATE: March 30, 2017
RE: Disposal of Abandoned Personal Property Rule

This memorandum is being provided by the Elder Services Department to confirm that the Department approves the current draft of the Disposal of Abandoned Personal Property Rule.

Division of Land Management
470 Airport Drive • P.O. Box 365 • Oneida, WI 54155
oneida-nsn.gov



Memorandum

TO: Legislative Operating Committee

FROM: Patrick Pelky, Interim Director of the Division of Land Management *Patrick Pelky*

DATE: March 30, 2017

SUBJECT: Eviction and Termination – Rule #1

As Interim Director of the Division of Land Management, I approve the proposed Rule #1 – Disposal of Abandoned Personal Property, which has been developed through rulemaking authority delegated in the Eviction and Termination law.



Summary Report for: Disposal of Abandoned Personal Property

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Disposal of Personal Property

Name of law being interpreted: Title 6. Property and Land – Chapter 610 Eviction and Termination

Rule Number: 1

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule: Rule No. 1 identifies the following:

- Designated Period for Removal of Personal Property
- Expiration of Designated Period
- How Abandoned Personal Property Will Be Handled

Statement of Effect: See Attached.

Financial Analyses: See Attached.



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



Statement of Effect

Eviction and Termination Rule No.1 – Disposal of Abandoned Personal Property

Summary

This rule provides additional information related to the storage and disposal of personal property pursuant to a lease or rental agreement.

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

Analysis by the Legislative Reference Office

The Eviction and Termination law (Section 610.4) delegates administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission as authorized by the Administrative Rulemaking Law. The Eviction and Termination law (Section 610.4-1 and 610.4-2) states that the Land Commission and the Comprehensive Housing Division may jointly create rules to further govern the processes contained in this law related to residential contracts, and the Land Commission and the Division of Land Management may jointly create rules to further govern the processes contained in this law related to agricultural and business contracts.

The Eviction and Termination law (Section 610.6-1(b)(2)) states that the Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to residential contracts and the Land Commission and the Division of Land Management shall jointly create rules further governing the disposition of personal property in relation to agricultural and business contracts.

Eviction and Termination law Rule No. 1 provides information related to the storage and disposal of personal property pursuant to a lease or rental agreement.

Conclusion

There are no legal bars to adopting Eviction and Termination law Rule No. 1 – Disposal of Abandoned Personal Property.

Financial Analysis for Disposal of Abandoned Personal Property (Elder Services)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	N/A	\$0
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	N/A	\$0
Other, please explain	N/A	\$0
Total	Annual Net Revenue	\$0

Division of Land Management
 PO Box 365
 Oneida, WI 54155
 920-869-1690



Financial Analysis for Disposal of Abandoned Personal Property (Oneida Housing Authority)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	<p>It is anticipated there will be little or no financial impact outside of existing costs of removing personal property.</p> <p>After the designated period for removal of personal property has expired, OHA will remove remaining property and dispose of it, just as OHA currently handles abandoned personal property.</p>	Unknown
Other, please explain	N/A	\$0.00
Total	Annual Net Revenue	\$0.00

Division of Land Management
 PO Box 365
 Oneida, WI 54155
 920-869-1690



Financial Analysis for Disposal of Abandoned Personal Property (Division of Land Management)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	N/A	N/A
Other, please explain	N/A	\$0.00
Total		\$0.00

**Financial Analysis for Disposal of Abandoned Personal Property
Cultural Heritage Department**

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	NA	\$0
Personnel	NA (currently 8 people on staff)	\$0
Office	NA	\$0
Documentation Costs	NA	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	NA	\$0
Other, please explain	Cost depends on number of properties that need to be examined. Approximate Expenditure based on 2-3 individuals per property for 1-3 hours per property.	\$590.00
Total Cost (Annual)		\$590.00

NOTICE OF
PUBLIC MEETING

TO BE HELD

March 16, 2017 at 1:15 PM

IN THE

OBC Conference Room

2nd Floor Norbert Hill Center

N7210 Seminary Road, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Oneida Housing Authority (OHA), Division of Land Management (DOLM) and Elder Services is hosting this joint Public Meeting to gather feedback from the community regarding the following rule.

TOPIC:

- Rule No. 1—Disposal of Abandoned Personal Property

The Disposal of Abandoned Personal Property Rule Identifies:

- Designated Period for Removal of Personal Property
- Expiration of Designated Period
- How Abandoned Personal Property Will Be Handled

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

**PUBLIC COMMENT PERIOD
OPEN UNTIL Tuesday, March 23, 2017**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to OHA by U.S. mail, interoffice mail, e-mail or fax.

**Oneida Housing Authority
2913 Commissioner Street, Oneida, WI 54155**

jhill7@oneidanation.org

Phone: 920-869-2227

Fax: 920-869-2836



Title 6. Property and Land – Chapter 610

EVICION and TERMINATION

Rule No. 1 – Disposal of Abandoned Personal Property

- 1.1. Purpose and Delegation
- 1.2. Adoption, Amendment and Repeal
- 1.3. Definitions
- 1.4. Storage and Disposal of Personal Property

9

10 **1.1. Purpose and Delegation**

11 1.1-1. *Purpose.* The purpose of this rule is to provide additional information related to the
12 storage and disposal of personal property pursuant to a lease or rental agreement.

13 1.1-2. *Authority.* The Eviction and Termination law delegated joint rulemaking authority to the
14 Land Commission and the Comprehensive Housing Division to further govern the disposition of
15 personal property in relation to residential contracts and to the Land Commission and the Division of
16 Land Management to further govern the disposition of personal property in relation to agricultural
17 and business contracts.

18

19 **1.2. Adoption, Amendment and Repeal**

20 1.2-1. This rule was jointly adopted by the Comprehensive Housing Division, the Division of
21 Land Management and the Land Commission in accordance with the procedures of the
22 Administrative Rulemaking law.

23 1.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive
24 Housing Division, the Division of Land Management and the Land Commission pursuant to the
25 procedures set out in the Administrative Rulemaking law.

26 1.2-3. Should a provision of this rule or the application thereof to any person or circumstances
27 be held as invalid, such invalidity shall not affect other provisions of this rule which are
28 considered to have legal force without the invalid portions.

29 1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,
30 internal policy, procedure, or other regulation; the provisions of this rule control.

31 1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements
32 relating to the Eviction and Termination law.

33

34 **1.3. Definitions**

35 1.3-1. This section governs the definitions of words and phrases used within this rule. All
36 words not defined herein are to be used in their ordinary and everyday sense.

37 (a) “Comprehensive Housing Division” means the entity responsible for housing matters
38 specifically related to rental agreements as defined by Oneida Business Committee
39 Resolution.¹

40 (b) “Contract” means either a lease document pursuant to the Leasing law or a rental
41 agreement pursuant to the Landlord-Tenant law.

42 (c) “Eviction” means to expel an occupant from the premises.

43 (d) “Nation” means the Oneida Nation.

¹ See BC Resolution 10-12-16-B providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general residential contracts, the Oneida Housing Authority for income-based residential contracts and Elder Services for residential contracts through the Elder Services program.

44 (e) “Occupant” means the person granted the right to use or occupy a premises pursuant to a
45 lease or rental agreement entered into in accordance with the Leasing law or Landlord-Tenant
46 law respectively.

47 (f) “Owner” means the Nation in its capacity as a lessor as defined in the Leasing law or as a
48 landlord as defined in the Landlord-Tenant law.

49 (g) “Premises” means the property covered by a contract, including not only the real property
50 and fixtures, but also any personal property furnished by the owner pursuant to a contract.
51

52 **1.4. Storage and Disposal of Personal Property**

53 1.4-1. *Designated Period for Removal of Personal Property.* The initial period designated for
54 removal of personal property following a contract termination is five (5) business days, as
55 provided in section 610.6-1 of the Eviction and Termination law. The initial designated period
56 may be extended in the owner’s discretion to a maximum period of fifteen (15) business days
57 from the date of contract termination. The only circumstance under which the timeframe for
58 removal of personal property may be extended beyond the maximum period is in the event of the
59 death of a tenant based on a written agreement executed in the owner’s discretion. During the
60 designated period for the removal of personal property:

61 (a) The owner shall store all personal property within the reclaimed premises and grant
62 access to the former occupant for purposes of removal of personal property.

63 (b) The only access the owner may grant to the premises is as follows:

64 (1) To the former occupant for purposes of removal of personal property;

65 (2) To the owner’s maintenance staff for emergency maintenance checks as may
66 be deemed necessary in the owner’s discretion; and/or

67 (3) To the owner’s administrative staff for purposes of assessment of the
68 condition of the premise.

69 (c) Former occupants may access the reclaimed premises by contacting the owner to
70 schedule an access appointment. Access appointments are limited to business days from
71 8:00 a.m. to 2:30 p.m., provided that the owner may provide access appointments outside
72 of these limited time periods in its discretion.

73 1.4-2. *Expiration of the Designated Period for Removal of Personal Property.* Upon the
74 expiration of the designated period for removal of personal property, all personal property
75 remaining in the premises subject to the terminated contract becomes abandoned property. The
76 owner shall dispose of all abandoned property as trash, provided that in the owner’s discretion,
77 the owner may donate items for which the owner determines the donation to be safe, sanitary and
78 appropriate.

79 (a) Any program wishing to donate abandoned personal property shall create a standard
80 operating proceeding designating the donation location and any other required details.

81 (b) Should the owner, in the process of clearing abandoned property, discover items
82 which may be culturally significant items, the owner shall contact the Cultural Heritage
83 Department for review of the items. Upon review, the Cultural Heritage Department
84 may take possession of any items it deems culturally significant.
85

86 *End.*
87

88 Original effective date:

89 Amendment effective date:
90

Summary Report for: Disposal of Abandoned Personal Property

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Disposal of Personal Property

Name of law being interpreted: Title 6. Property and Land – Chapter 610 Eviction and Termination

Rule Number: 1

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule: Rule No. 1 identifies the following:

- Designated Period for Removal of Personal Property
- Expiration of Designated Period
- How Abandoned Personal Property Will Be Handled

Statement of Effect: See Attached.

Financial Analyses: See Attached.



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



Statement of Effect

Eviction and Termination Rule No.1 – Disposal of Abandoned Personal Property

Summary

This rule provides additional information related to the storage and disposal of personal property pursuant to a lease or rental agreement.

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

Analysis by the Legislative Reference Office

The Eviction and Termination law (Section 610.4) delegates administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission as authorized by the Administrative Rulemaking Law. The Eviction and Termination law (Section 610.4-1 and 610.4-2) states that the Land Commission and the Comprehensive Housing Division may jointly create rules to further govern the processes contained in this law related to residential contracts, and the Land Commission and the Division of Land Management may jointly create rules to further govern the processes contained in this law related to agricultural and business contracts.

The Eviction and Termination law (Section 610.6-1(b)(2)) states that the Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to residential contracts and the Land Commission and the Division of Land Management shall jointly create rules further governing the disposition of personal property in relation to agricultural and business contracts.

Eviction and Termination law Rule No. 1 provides information related to the storage and disposal of personal property pursuant to a lease or rental agreement.

Conclusion

There are no legal bars to adopting Eviction and Termination law Rule No. 1 – Disposal of Abandoned Personal Property.

Division of Land Management
 PO Box 365
 Oneida, WI 54155
 920-869-1690



Financial Analysis for Disposal of Abandoned Personal Property (Oneida Housing Authority)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	<p>It is anticipated there will be little or no financial impact outside of existing costs of removing personal property.</p> <p>After the designated period for removal of personal property has expired, OHA will remove remaining property and dispose of it, just as OHA currently handles abandoned personal property.</p>	Unknown
Other, please explain	N/A	\$0.00
Total	Annual Net Revenue	\$0.00

Division of Land Management
 PO Box 365
 Oneida, WI 54155
 920-869-1690



Financial Analysis for Disposal of Abandoned Personal Property (Division of Land Management)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$0.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	N/A	N/A
Other, please explain	N/A	\$0.00
Total		\$0.00

Financial Analysis for Disposal of Abandoned Personal Property (Elder Services)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	N/A	\$0
Office	N/A	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	N/A	\$0
Other, please explain	N/A	\$0
Total	Annual Net Revenue	\$0

Financial Analysis for Disposal of Abandoned Personal Property (Cultural Heritage)

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs	N/A	\$0
Personnel	Cultural Advisor (1) Cultural/Language Archivist (1) Tribal Historic Preservation (1) History Department (3) Museum (1) Administrative Assistant (1)	\$0
Office	In-Kind	\$0
Documentation Costs	N/A	\$0
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Depends on property 2-3 individuals Approximately 1-3 hours per property	\$588.96
Other, please explain	N/A	\$0
Total	Annual Net Revenue	\$588.96

www.kalihwisaks.com

Local

March 2, 2017 • Tewáshón Wisk 25

From page 24/*Employment Law*

the draft Employment Law is that the Employment Law does not provide temporary or probationary employees access to the grievance process. The grievance process may only be accessed by regular status employees.

Q: Will the Employment Law lessen or eliminate an employee's ability to appeal corrective actions?

A: No. The current grievance process has 3 levels of appeal: Area Manager → OPC → Judiciary Appellate Court. Aside from the duplicating services provided by the Judiciary, the process is tedious because the OPC can only hear 1 corrective action at a time. This means if you do not appeal a corrective action immediately, you forever lose your right to appeal that action. The process causes controversy and conflict in the work place.

The Employment Law maintains all 3 levels of appeal: Reviewing Supervisor → Judiciary Trial Court → Judiciary Appellate Court. In recogni-

tion that appealing written warnings that have no consequence on an employee's status and fall off their record after 12 months consumes a lot of money and resources and causes conflict, the draft Employment Law does change how written warnings are handled. Written warnings will not be appealable to the Judiciary on their own. However, if the employee is suspended or terminated and appeals that decision to the reviewing supervisor, the written warning may become part of the entire appeal of the suspension or termination heard by the Judiciary, which in not possible with the OPC.

Q: Will the Employment Law change employees accrual rates for personal and vacation time?

A: No, the Employment Law maintains accruals at current rates. Personal and vacation time will be combined and referred to as paid time off (PTO).

Q: Does the Employment Law include or eliminate any oversight of HRD?

A: Currently, all oversight of HRD is done by the

Oneida Business Committee and the General Tribal Council. The Employment Law increases oversight of HRD by requiring them to report to the proposed Chief Executive Director of Administration (CEDA). The CEDA is the proposed new general manager like position. If GTC does not approve the proposed CEDA position at the March 19, 2017 GTC meeting, the oversight of HRD under the Employment Law would stay the same as it is today, with HRD being a direct report to the Oneida Business Committee.

Additional information related to the Employment Law, including endorsements of support from Oneida Business Committee (OBC) members, can be found on the Featured Legislation page of the Oneida Register at: <https://oneida-nsn.gov/government/register/employmentlaw/>. Hard copies of the Employment Law GTC packet may be viewed through the Secretary's Office or at the Oneida Community Library on Elm Street.

NOTICE OF
PUBLIC MEETING

TO BE HELD
March 16, 2017 at 1:15 PM
IN THE
OBC Conference Room
2nd Floor Norbert Hill Center
N7210 Seminary Road, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Oneida Housing Authority (OHA), Division of Land Management (DOLM) and Elder Services is hosting this joint Public Meeting to gather feedback from the community regarding the following rule.

TOPIC:

- Rule No. 1—Disposal of Abandoned Personal Property

The Disposal of Abandoned Personal Property Rule Identifies:

- Designated Period for Removal of Personal Property
- Expiration of Designated Period
- How Abandoned Personal Property Will Be Handled

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD
OPEN UNTIL Tuesday, March 23, 2017

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to OHA by U.S. mail, interoffice mail, e-mail or fax.

Oneida Housing Authority
2913 Commissioner Street, Oneida, WI 54155
jhill7@oncidanation.org
Phone: 920-869-2227
Fax: 920-869-2836

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Thursday evenings from 10:00p.m.-Midnight

Public Meeting Sign In Sheet

Disposal of Abandoned Personal Property

March 16, 2017

	Name	Phone or Email
1	RAE SKENANDORE	869-4337
2	DIANE WILSON	869-1690
3		
4		
5		
6		
7		
8		
9		

Comprehensive Housing Division (as defined in the Eviction and Termination law)
Public Meeting Transcript
Eviction and Termination law - Rule No. 1 - Disposal of Abandoned Personal Property
Business Committee Conference Room – 2nd Floor Norbert Hill Center
March 16, 2017 at 1:15 P.M.

Robert Collins: Hi, My Name is Rob Collins with Oneida Law Office. Were here today on a public meeting on Rule # 1, Disposal of Abandoned Personal Property. This is a rule that's being enacted pursuant to the eviction and termination law. The purpose of the rule is to provide additional information related to the storage and disposal of personal property pursuant to a lease or rental agreement. The purpose of this public meeting is to except public comments. The agencies will then consider those comments and will respond to them individually, so with that being said, if anyone would like to make a comment, they can now come up to the microphone and do so.

Rae Skenadore: This is Rae Skenadore, I work in Finance. The comments are on the fiscal analysis for the disposal of abandoned personal property for Cultural Heritage. Accompany document to the rule, it appears it may have been calculated incorrectly, under the 5th row, estimated time necessary for an individual or agency to comply with the rule after implementation. This should be an estimate of time as in 30 days, 60 days, 90 days, and Cultural Heritage put in, it appears wages depending on the property 2-3 individuals, approximately 1-3 hours per property. There are no assumptions accompanying this, so you do not know the amount of the wages, how often they calculated, but the final number they came up with was \$588.96. Again this is supposed to be an estimate of time, so it appeared the template should actually be moved around where this falls below the calculation for the revenue. Also in the template, it says in all net revenue. These are not revenues, they appear to be expenses. Normally when Finance does a fiscal analysis, if its existing personnel or part of their job already, you consider it a "Sunk" cost and it doesn't have to be recognized on a form such as this. I think that's all. Also these would carry over to have some budget impact which the areas need to keep in mind as they develop their budgets for the next year. So, that's all my comments.

Diane Wilson: Ok, this is Diane Wilson, Oneida Land Management. I just have a comment on line 80. It states, shall create a standard operating proceeding and I believe it should be procedure instead.

- End of Meeting -

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



TO: Comprehensive Housing Division (as defined in Eviction and Termination law)
FROM: Robert J. Collins II, Oneida Law Office
DATE: March 21, 2017
RE: Disposal of Abandoned Personal Property: Public Meeting Comment Review

On March 16, 2017, a public meeting was held regarding the proposed Disposal of Abandoned Personal Property rule. This memorandum is submitted as a review of the oral and written comments that were presented at the public meeting and submitted within the public comment period.

Comment 1.

Rae Skenadore – Oral Comment: I work in Finance. The comments are on the fiscal analysis for the disposal of abandoned personal property for Cultural Heritage. Accompanying document to the rule; it appears it may have been calculated incorrectly. Under the fifth row; estimated time necessary for an individual or agency to comply with the rule after implementation. This should be an estimate of time as in 30 days, 60 days, 90 days, and Cultural Heritage put in, it appears wages depending on the property; two to three individuals, approximately one to three hours per property. There are no assumptions accompanying this, so you do not know the amount of the wages, how often they calculated, but the final number they came up with was \$588.96. Again this is supposed to be an estimate of time, so it appeared the template should actually be moved around where this falls below the calculation for the revenue. Also in the template, it says net revenue. These are not revenues, they appear to be expenses. Normally when Finance does a fiscal analysis, if it's existing personnel or part of their job already, you consider it a "sunk" cost and it doesn't have to be recognized on a form such as this. I think that's all. Also these would carry over to have some budget impact which the areas need to keep in mind as they develop their budgets for the next year. So, that's all my comments.

Response: The above comment does not pertain to the proposed rule; however, the fiscal analysis document will be modified to address the concerns.

Comment 2.

Diane Wilson – Oral Comment: I just have a comment on line 80. It states, shall create a standard operating proceeding and I believe it should be procedure instead.

Response: Section 1.4-2(a) of the rule was revised to state, "Any program wishing to donate abandoned personal property shall create a standard operating procedure designating the donation location and any other required details" as a result of this comment.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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 April 3, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1. FC E-Poll approving 4/3/17 Minutes

3. [Empty text box]

2. FC Mtg Minutes of 4/3/17

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

ONEIDA NATION

P.O. Box 365



Oneida, WI 54115

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: April 4, 2017
RE: **E-Poll Results of: FC Meeting Minutes of April 3, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the April 3, 2017 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 4 YES votes from Jennifer Webster, David Jordan, Patrick Stensloff and Wesley Martin, Jr. to approve the April 3, 2017 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of April 12, 2017 for approval and the next Finance Committee agenda of April 17, 2017 to ratify this E-Poll action.

Yaw^ko

* 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
Apr. 3, 2017 – 10:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC Regular Meeting:

Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member
Wesley Martin, Jr., Community Elder Member

Jennifer Webster, BC Council Member
Patrick Stensloff, Purchasing Director

Excused: Patricia King, Treasurer/FC Chair and Chad Fuss, Gaming AGM/FC Alternate

Others Present: Dr. Ravi Vir, Amelia Cooper, David Emerson, Connie Danforth, Tabitha Hill, Michael Finney and Denise Vigue, taking minutes

I. **Call to Order:** The FC regular meeting was called to order by the FC Vice-Chair at 10:00 A.M.

II. **Approval of Agenda:** APRIL 3, 2017:

Motion by Jennifer Webster to approve the Finance Committee agenda for April 3, 2017 with one Add On under the Community Fund. Seconded by Wesley Martin, Jr. Motion carried unanimously.

III. **Approval of Minutes:** MARCH 13, 2017 (approved via FC E-Poll on 3/14/17):

Motion by Patrick Stensloff to ratify the FC E-Poll action of Mar. 14, 2017 approving the Finance Committee meeting minutes of Mar. 13, 2017. Seconded by Wesley Martin, Jr. Motion carried unanimously.

IV. **Tabled Business:** No tabled business

V. **Capital Expenditures:** No items

VI. **Community Fund:**

1. Especially for Youth Camp fees
Kim Nishimoto for daughter, Keilani

Motion by Jennifer Webster to approve from the Community Fund the Especially for Youth camp registration fees for the daughter of the requestor in the amount of \$200.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

2. Air Force Gymnastics class fees
Tabitha Hill for daughter, Ruthee

Motion by Jennifer Webster to approve from the Community Fund the Air Force Gymnastics class registration fees for the daughter of the requestor in the amount of \$200.00. Seconded by David Jordan. Motion carried unanimously.

3. Woodland Indian Arts, Inc. – Awards Ceremony/Reception
Loretta Webster, WIA Founder

Motion by David Jordan to approve from the Community Fund twenty-five (25) Cases of Coca-Cola Product to be used at the awards ceremony/reception at the Woodland Indian Art Show. Seconded by Jennifer Webster. Motion carried unanimously.

4. Especially for Youth Camp fees
Amelia Cooper for daughter, Lillian

Motion by David Jordan to approve from the Community Fund the Especially for Youth camp registration fees for the daughter of the requestor in the amount of \$200.00. Seconded by Jennifer Webster. Motion carried unanimously.

5. Medical Leaders Conference fees
Theresa Tlachac for daughter, Madison

Motion by Jennifer Webster to approve from the Community Fund the Medical Leaders Conference registration fees for the daughter of the requestor in the amount of \$200.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

6. Oneida Youth & Elder Fishing Day Event
Sylvia Cornelius, Environmental Dept.

Motion by Wesley Martin, Jr. to approve from the Community Fund fourteen (14) cases of Coca-Cola Product for use at the Oneida Youth & Elder Fishing Day Event. Seconded by David Jordan. Motion carried unanimously.

7. SWAG Softball registration fees
Debra Cloud for daughter, Mariah

Motion by Jennifer Webster to approve from the Community Fund the SWAG Softball registration fees for the daughter of the requestor in the amount of \$45.00. Seconded by David Jordan. Motion carried unanimously.

8. SWAG Softball registration fees
Sacheen Lawrence for daughter, RaeAnna

Motion by David Jordan to approve from the Community Fund the SWAG Softball registration fees for the daughter of the requestor in the amount of \$45.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

9. SWAG Softball registration fees
Sacheen Lawrence for daughter, Mercedes

Motion by David Jordan to approve from the Community Fund the SWAG Softball registration fees for the daughter of the requestor in the amount of \$45.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

10. Purple Aces-AAU Basketball fees
Sacheen Lawrence for daughter, M'Kenzey

Recipient already received \$125 earlier this year, explained to parent max they could receive is \$75, she was okay with that if approved.

Motion by David Jordan to approve from the Community Fund the Purple Aces AAU Basketball registration fees for the daughter of the requestor in the amount of \$75.00. Seconded by Jennifer Webster. Motion carried unanimously.

11. Oneida Lacrosse registration fees
Sacheen Lawrence for son, Raymond

Motion by David Jordan to approve from the Community Fund the Oneida Lacrosse registration fees for the son of the requestor in the amount of \$115.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

12. Wrestling Tournament & Camp fees
Rebecca Skenandore for son, Madden

Motion by Jennifer Webster to approve from the Community Fund the wrestling tournament and camp registration fees for the son of the requestor in the amount of \$200.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

13. College Horizons Summer Camp
Evangeline Danforth for daughter, Tekaluhiyaks

Motion by David Jordan to approve from the Community Fund the College Horizons Summer Camp registration fees for the daughter of the requestor in the amount of \$200.00. Seconded by Patrick Stensloff. Motion carried unanimously.

14. **ADD ON:** Pop Warner Football Registration
Rosa Laster for son, Mason

Motion by Wesley Martin, Jr. to approve from the Community Fund the Pop Warner Football registration fees for the son of the requestor in the amount of \$112.50 provided proof of Oneida tribal enrollment for son is submitted. Seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session: (Item moved to first on the agenda)

1. Independent Contract #2017-0204
Debbie Danforth, CompHealth Director

Motion by David Jordan to go into Executive Session. Seconded by Wesley Martin, Jr. Motion carried unanimously. Time: 10:03 A.M.

Motion by Wesley Martin, Jr. to come out of Executive Session. Seconded by David Jordan. Motion carried unanimously. Time: 10:08 A.M.

Motion by Wesley Martin, Jr. to approve the Independent Contract #2017-0204 in the amount stipulated in the contract. Seconded by Jennifer Webster. Motion carried unanimously.

VIII. New Business:

1. Cash Supply Advance – Oneida Powwow
Tonya Webster, Powwow Committee

Requestor not present; sent e-mail-conflict had to remain at office, there was discussion as to the costs as well as question regarding bringing in outside judges/drums/MC's etc. when there are Oneida people qualified to take on these roles; will ask requestor to send in memo as an FYI follow up.

Motion by Wesley Martin, Jr. to approve the Cash Supply Advance from the Powwow Committee to be used at the Oneida 4th of July Powwow in the amount of \$110,350.00. Seconded by David Jordan. Motion carried unanimously.

2. Tilth Agronomy Group, Inc.
Inez Douglas, Environmental Dept.

Michael Finney was present to discuss this request for soil health and nutrient management; this is a four year project; majority of expenses from grant funds; both internal and external services involved; Land Management also has some set-aside funds for use; part of a comprehensive plan; they did an RFP with 6-7 firms and received only two responses; FC noted that if grant money approved need to obtain an authorization letter from the granting agency of utilizing a sole source vendor per our tribal purchasing procedures. There was discussion of Silver Creek project.

Motion by Wesley Martin, Jr. to approve the Tilth Agronomy Group, Inc. contract in the amount of \$150,000.00. Seconded by Jennifer Webster. Motion carried unanimously.

3. OTIE – Task Order #3
James Petitjean, DevDiv Asst.Dir. for TTP

James Petitjean was present to explain request: for four miles of road design, bid, and construction fees; he noted letter from BIA approving use of in-house programs/enterprises to do sole source work; the letter is three years old, he will obtain an updated letter; the cost rates are reviewed every two years; expects to bid out in the future.

Motion by David Jordan to approve Task Order #3 payment to OTIE in the amount of \$141,000.00 noting BIA approval letter allowing use of tribal enterprises as a sole source. Seconded by Wesley Martin, Jr. Motion carried unanimously.

4. FY17 PO-PRN Health Services
David Larson, ConsolHealth-AJRCCC

Connie Danforth from the AJRCCC Finance Office was present to explain current request; not asking for additional funds, just a transfer of funds from existing PO into the PRN Health Services PO; this vendor, at this time supplies high quality PRN's; moving away from STAT vendor; per state law need a certain amount employed per resident ratio. There was discussion of the high turnover and look at industry standards of offering sign-on bonuses; Connie is working with HRD.

Motion by Wesley Martin, Jr. to approve the Purchase Order for PRN Health Services in the amount of \$310,000.00 noting this is a transfer of funds already in the budget and of the legal review of compliance items to be corrected. Seconded by Jennifer Webster. Motion carried unanimously.

5. Aristocrat Conversions
David Emerson, Gaming Slots Dept.

David Emerson was present and explained the conversions are upgrades to existing games that are typically done throughout the year for most profitable games on the floor, this extends the life of the machines for these games; this is not a capital expense and costs taken from operating budget; there will other conversions, some under the approval request limit, others like this over and because of the cost needs to come before this committee.

Motion by David Jordan to approve the Aristocrat Conversions in the amount of \$74,250.00. Seconded by Patrick Stensloff. Motion carried unanimously.

IX. Follow Up: No items

X. FYI and /or Thank You:

1. FYI: IGT (2) Participation Games - % of Win
David Emerson, Gaming Slots Dept.
2. FYI: IGT (3) Participation Games - % of Win
David Emerson, Gaming Slots Dept.

Motion by Jennifer Webster to accept as FYI items #1 & #2 regarding the five IGT Participation Games agreements. Seconded by Patrick Stensloff. Motion carried unanimously.

XI. Adjourn: Motion by David Jordan to adjourn. Seconded by Jennifer Webster. Motion carried unanimously. The Finance Committee meeting ended at 11:05 A.M.

Minutes taken & transcribed by:
Denise Vigue, Executive Assistant to the CFO
& Finance Committee Contact /Recording Secretary

Finance Committee- E-Poll Minutes Approval Date: April 4, 2017

Oneida Business Committee's FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by Lora Skenandore, Assistant to Chairwoman Danforth
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: ONEIDA BUSINESS COMMITTEE

FROM: CHAIRWOMAN TINA DANFORTH *CSA*

DATE: MARCH 31, 2017

RE: ONEIDA CHILD PROTECTIVE BOARD

There are 5 applicants for 3 vacancies on the Oneida Child Protection Board. The applicants are: Beverly Anderson, Dale Powless, Carmelita Escamea, Lois Strong, and Jamison King. The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Beverly Anderson, Dale Powless, and Carmelita Escamea to be appointed to serve on the Oneida Child Protective Board.

Thank You.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 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:

Acceptance of Quarterly Report for Cemetery Improvements project #14-002.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Cemetery Improvements - Quarterly Report"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: James Petitjean, Interim Asst. Division Director/Development
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Paul J. Witek, Senior Tribal Architect/ Engineering Dept.
Name, Title / Dept.

Additional Requestor: Fawn Cottrell, Contract Processor/ Engineering Dept.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

STANDING ITEM:

Purpose:

Follow-up to item VIII. A from September 28, 2016 OBC Meeting for a quarterly update on project.

Background:

On September 28, 2016 the Business Committee approved implementing the cemetery improvements project and made a motion to have "this item to be a standing item on the Business Committee agenda on a quarterly basis for updates, with the first report to be submitted for the January 11, 2017, Business Committee meeting".

Action Requesting:

1. Acceptance of Quarterly Report for Cemetery Improvements project #14-002.

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

To: Oneida Business Committee

From: Paul J. Witek, AIA, LEED-AP – Senior Tribal Architect

CC: Troy Parr – Assistant Development Division Director
James Petitjean – Interim Assistant Development Division Director
Cemetery Working Group

Date: 4/4/2017

Re: Cemetery Improvements #14-002 – Quarterly Report

Background

On September 28, 2016 the Business Committee approved implementing the cemetery improvements project and made a motion to have *“this item to be a standing item on the Business Committee agenda on a quarterly basis for updates, with the first report to be submitted for the January 11, 2017, Business Committee meeting”*.

Status

The status of the project is as follows:

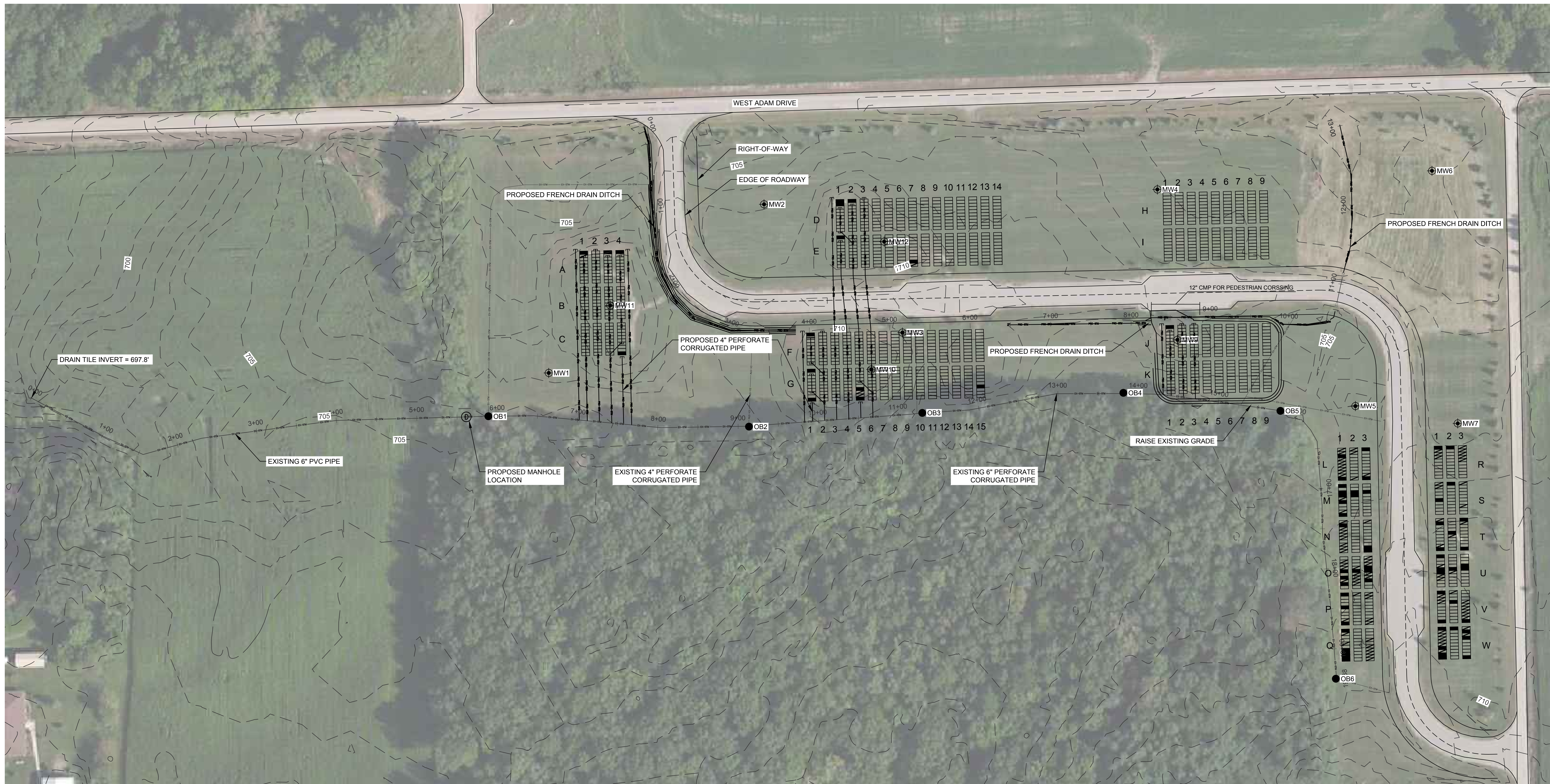
Task No.:	Task Title:	Status:
1.	Design - Expand Existing Subsurface Drainage System	Complete.
2.	Construction Documents out for Bidding	Bidding documents have been released, bids are due April 25, 2017.
3.	Construction Contract award and Construction	Scheduled Construction start Tuesday after Memorial Day (May 30, weather dependent).
4.	Notification to Families of Construction start	Will be sent by Cemetery Manager once construction start date confirmed with contract.
5.	Substantial Completion	Scheduled for early July (weather dependent).

Action Requesting:

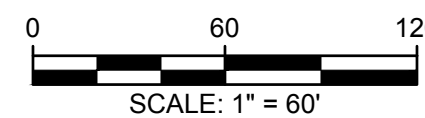
1. Accept report for information.

Attachments:

- Construction Documents – Sheet C-002



PROPOSED SITE PLAN
ONEIDA SACRED BURIAL GROUNDS



NO.	DATE	ISSUE/REVISION	APP
1	3/29/2017	ISSUE FOR BID	PJK
0	1/12/2017	PRELIMINARY DESIGN CONCEPT	PJK



Designed: INR
Checked: -
Drawn: INR
Approved By: PJK

Oneida Nation
Engineering Department
Oneida, Wisconsin

GEI Project 1611222

ONEIDA CEMETERY IMPROVEMENTS
ONEIDA PROJECT No: 14-002

PROPOSED SITE PLAN

For Bid
DWG. NO.
C-002
SHEET NO.
3

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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 close out report for the Constitutional Amendments Implementation Team and requested actions.

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:

At the January 25, 2017 Business Committee, the Oneida Business Committee requested the Constitutional Amendments Implementation team to provide a close out report at the March 22, 2017 meeting. On March 22, 2017 the Business Committee deferred the report to April 12, 2017.

Please find attached the close out report from the Constitutional Implementation Team.

Requested Action:

1. Formally disband the Constitutional Amendments Implementation team as their work is complete.
2. Direct the Chairwoman to provide copies of the signed letters to the Oneida of the Thames and Oneida Indian Nation to the Tribal Secretary's office for record keeping purposes.
3. Direct the Legislative Operating Committee to ensure the Election Law amendments are completed to come in to compliance with the Constitution.
4. Direct the Tribal Secretary's office to present the petition forms and necessary standard operating procedures to the BC work meeting in May 2017 for finalization.

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



MEMORANDUM

TO: Oneida Business Committee
FROM: Constitutional Amendments Implementation Team
DATE: April 12, 2017
SUBJECT: Close Out Report for Constitutional Amendments Implementation

At the January 25, 2017 Business Committee meeting, the Oneida Business Committee formally requested a close out report from the Constitutional Amendments Implementation team. Please accept the attached close out report.

Below are the outstanding items that still need to be addressed by the appropriate offices.

Notification Letters to Oneida Indian Nation & Oneida of the Thames

At the April 27, 2016 Business Committee meeting, the Business Committee approved the Chairwoman to sign notification letters (attached) to the Oneida Indian Nation and the Oneida of the Thames. Vice Chairwoman Danforth has sent the letters to the Chairwoman twice and continues to await a signed copy of the letters.

Election Law Amendments

The General Tribal Council will be considering permanent amendments to the Election Law at the rescheduled GTC Annual meeting on April 23, 2017. These amendments are being proposed to align the Election Law with the newly amended constitution.

Petition Forms/Standard Operating Procedures

The Tribal Secretary's office is nearly complete with the development of a petition form that will be used for future constitutional amendments as well as the necessary standard operating procedures that are needed to comply with the newly adopted constitutional amendments.

Requested Actions:

1. Formally disband the Constitutional Amendments Implementation team as their work is complete.

2. Direct the Chairwoman to provide copies of the signed letters to the Oneida of the Thames and Oneida Indian Nation to the Tribal Secretary's office for record keeping purposes.
3. Direct the Legislative Operating Committee to ensure the Election Law amendments are completed to come in to compliance with the Constitution.
4. Direct the Tribal Secretary's office to present the petition forms and necessary standard operating procedures to the BC work meeting in May 2017 for finalization.

Yaw^ko

[insert date]

Honorable Ray Halbritter, Nation Representative
ONEIDA INDIAN NATION
2037 DREAM CATCHER PLAZA
ONEIDA, NY 13421-2729

She:ku Nation Representative Ray Halbritter:

We are very pleased to inform you of our recent changes in our Nation's Constitution. In February 2011, our Nation's representatives met with you and your Nation's representatives on various issues that included the constitutional amendments and indicated we would keep you informed on the status of the amendment regarding the change of the official name of the Oneida Tribe to the Oneida Nation. It is my pleasure to honor that request with this letter.

In August 2010, the Oneida Nation's General Tribal Council approved five proposed constitutional amendments to move forward to a Secretarial Election. Since that time, we have worked with the Bureau of Indian Affairs to hold a Secretarial Election and the election occurred on May 2, 2015. Subsequently, our Nation's tribal members approved all of the amendments. As our constitutional amendments are now certified and effective, we are pleased to notify you that the official name of the Oneida Tribe of Indians of Wisconsin is now the "Oneida Nation."

If you should have any questions, please feel free to contact me at (920) 869-2214.

Yaw^ko',

Cristina Danforth, Chairwoman
Oneida Nation

[insert date]

ONEIDA NATION OF THE THAMES
CHIEF & COUNCIL
2210 ELM AVE
SOUTHWOLD, ONTARIO
CANADA N0L2G0

She:ku Chief Sheri Doxtator and Councilmembers:

We are very pleased to be able to inform you of our recent changes in our Nation's Constitution. In June of 2013, a delegation of our elected council visited the Southwold community and met with your elected council. At that time, our delegation informed the elected council that several constitutional amendments were pending in our community. The elected council requested that we inform them if the changes were approved, and it is my pleasure to honor that request with this letter.

Our Constitution was last amended in the 1960s and continues to stand the tests of time. Since 2010, our community has worked toward holding a Secretarial Election to approve amendments to our Constitution. We were successful in holding a Secretarial Election in 2015, and our constitutional changes are now effective. Those changes have much significance to our community as we have finally regained control over our organic governmental documents by removing the federal government oversight requirements contained within the Constitution.

A second important aspect of the amendments is an official name change from Oneida Tribe of Indians of Wisconsin to the "Oneida Nation." Our community adopted this new name change to more formally recognize our sovereign status and acknowledge our treaties.

As always, we continue to recognize our relations in Southwold and our responsibilities to each other and look forward to our continuing relations. If there should be any questions, please contact me at (920) 869-2214

Yaw^ko',

Cristina Danforth, Chairwoman
On behalf of the Oneida Business Committee

**Implementation of the Oneida Constitutional Amendments
Close Out Report**



**Close Out Report for the Oneida Business Committee
By the Constitutional Amendments Implementation Team**

April 12, 2017

Background

On August 21, 2010 the General Tribal Council (GTC) considered the following 6 constitutional amendments to send to a Secretarial Election.

1. Lower voting age and age to participate in GTC from 21 years old to 18 years old
2. Change the Tribe's official name from Oneida Tribe of Indians of Wisconsin to Oneida Nation
3. Lift requirement to present yourself at the polls, thereby allowing for the development of absentee balloting for Oneida Business Committee elections which are held every three years
4. Remove the Secretary of Interior from an oversight and approval role with the Tribe
5. Formally establish a judicial branch within the Constitution
6. Remove the mandatory "first Monday" meeting requirement to allow the semi-annual meetings to be held on different days

The GTC voted to send all the constitutional amendments to a Secretarial Election, except #3 "Lift requirement to present yourself at the polls, thereby allowing for the development of absentee ballot for Oneida Business Committee elections."

The Business Committee worked with the Department of Interior, Bureau of Indian Affairs to process Oneida's request for a Secretarial Election and on May 2, 2015, the BIA held a Secretarial Election where the Oneida Nation's members voted and approved all five (5) constitutional amendments. The 5 amendments are as follows;

- a. Lower the voting age and age to participate in GTC from 21 years old to 18 years old
- b. Change the Tribe's official name from Oneida Tribe of Indians of Wisconsin to Oneida Nation
- c. Remove the Secretary of Interior from an oversight and approval role with the Tribe
- d. Formally establish a judicial branch within the Constitution
- e. Remove the mandatory "first Monday" meeting requirement to allow the semi-annual meetings to be held on different days

The BIA notified the Oneida Nation on June 24, 2015 that each of the amendments had been certified. In July 2015, an appeal was filed to the Interior Board of Indian Appeals (IBIA) by a tribal member that halted the certification and implementation of the amendments. On February 17, 2016, the Oneida Nation received the IBIA's decision dated February 11, 2016 that rejected the appeal and upheld the decision of the BIA to certify Oneida's Secretarial Election. The Law Office has advised that there are additional appeal processes available to the tribal member in federal court. However, the amendments are deemed effective and certified which requires implementation of the amendments.

On February 24, 2016 the Business Committee formally acknowledged receipt of the IBIA’s decision and directed the Constitutional Amendments Implementation Team begin reporting at the 2nd Regular Business Committee meeting of the month on the implementation of the constitutional amendments. This report serves as the final close out report to the Business Committee.

Constitutional Implementation Team Members

Melinda J. Danforth, Vice Chairwoman

Jessica Wallenfang, Legislative Assistant to the Vice Chairwoman

Lisa Summers, Tribal Secretary

Lisa Liggins, Legislative Assistant to the Tribal Secretary

Chad Wilson, Project Manager for ERB

Michelle Mays/Jo Ann House, Law Office

Bobbi Webster, Public Relations

Amendment #1: Lowering of the Voting Age

<u>ISSUE</u>	<u>WHO</u>
<p>GTC Meeting Stipend Payment Policy may need to be amended to include 18 year olds. Possible emergency amendments until it can be adopted permanently</p>	<ul style="list-style-type: none"> • Complete <p>A review of the policy by the Law office concluded that the language in the policy did not need to change.</p>
<p>Confirm the FY16 budget contains the potential increase in stipend payments for GTC meetings</p> <p>**18 year olds were allowed to participate at the February 20, 2016 GTC meeting**</p> <p>Attendance will be monitored and FY17 budget will reflect the change</p>	<ul style="list-style-type: none"> • Complete <p>Treasurer confirmed that the FY 16 GTC Stipend budget has 11 meetings budgeted and should cover the cost for FY16</p> <p>FY17 Budget will reflect this change</p>

<p>Election Law will need to amended</p> <p>**Target: July 2016 Special Elections**</p>	<ul style="list-style-type: none"> Awaiting GTC Approval <p>Amendments are scheduled for approval at the 4/23/17 rescheduled GTC Annual Meeting</p> <p>Note: BC adopted Emergency Amendments to the Election Law at the April 27, 2016 BC meeting</p>
<p>Space for GTC meetings</p>	<ul style="list-style-type: none"> Ongoing <p>Secretary will continue to monitor attendance</p>
<p>Information sessions for 18-20 year olds to prepare them to participate in the GTC meetings.</p>	<ul style="list-style-type: none"> Ongoing <p>RC & Danelle – work with summer student interns to develop e-learning tools and enhance curriculum with the school</p>

Amendment #2: Name Change to Oneida Nation

<u>ISSUE</u>	<u>WHO</u>
<p>Branding Initiative will be a vehicle to assist in the logo development, letterhead usage, signage, etc. along with the necessary budget</p>	<ul style="list-style-type: none"> Complete
<p>Signage</p> <ul style="list-style-type: none"> - Inventory of signage being compiled by Development Division (Jeff Witte) - Troy Parr providing a report on current signage being installed - Jeff Witte reported additional need in signage for Wastewater Treatment facility, Skenandoah, Social Services, and community neighborhoods 	<ul style="list-style-type: none"> Complete <p>Request in the FY17 CapEx budget</p>
<p>Tribal Seal</p> <ul style="list-style-type: none"> - Draft Seal & Flag Law in the LOC 	<ul style="list-style-type: none"> Complete

Business Committee resolution to allow for the name change to take place in all of our laws	
Directive from the BC to Direct Reports to make name changes as it comes up. Also, continue using existing paper and letterhead until change is implemented via the branding initiative	<ul style="list-style-type: none"> • Complete Tribal Secretary sent memo out 4/13
Comprehensive Policy Governing Boards, Committees and Commissions – Oath of Office is specific in the policy and references “Oneida Tribe”	<ul style="list-style-type: none"> • Complete BC approved change at 4/13 BC meeting
Notification to Chief Counsel that we will need to prepare for any changes that are required with the State, pending lawsuits, and with our corporations (i.e. OTIE, 7 Generations Corp, etc.)	<ul style="list-style-type: none"> • Complete Tribal Secretary’s office has formally notified all tribally chartered corporations.
Send letters to other Oneida communities of the official name change	Approved at the 4/27/16 BC meeting, awaiting the Chairwoman to forward a copy of the signed letters
Follow up with federal agencies regarding the name change	<ul style="list-style-type: none"> • Complete Federal agencies notified through the Federal Register.
Banking Information – signature cards, account information, etc.	<ul style="list-style-type: none"> • Ongoing Finance will make changes where timely and with the least amount of financial impact to the Tribe.

Amendment #3: Removal of the DOI

<u>ISSUE</u>	<u>WHO</u>
Develop SOP’s for future amendments to the constitution - Draft will be provided for the team’s review at the June meeting	<ul style="list-style-type: none"> • 90% complete Final reviews taking place week of January 16, 2017
Develop SOP’s and flowchart consistent with Policy for changing	<ul style="list-style-type: none"> • 90% complete

future amendments to constitution	
Constitutional referendum as described in the new constitutional amendments process.	<ul style="list-style-type: none"> • Pending GTC approval <p>On GTC 2017 Annual meeting for consideration (meeting rescheduled to 4/23/17)</p>
Create petition form for constitutional amendments	<ul style="list-style-type: none"> • 90% Complete <p>Final review taking place week of January 16, 2017</p>

Amendment #4: Judiciary

<u>ISSUE</u>	<u>WHO</u>
GTC Resolution delegating judicial authority to the Judiciary adopted in 2013.	<ul style="list-style-type: none"> • Complete <p>GTC adopted resolution on March 19, 2017</p>

Amendment #5: Removal of the 1st Monday Meeting Requirement

- ❖ Alternate GTC Meeting Dates will be considered after the July 2016 Semi-Annual GTC meeting.

<u>ISSUE</u>	<u>WHO</u>
Review the GTC meeting rules draft to insure there is no language that would need to change before it goes to the GTC for consideration	<ul style="list-style-type: none"> • Complete <p>Michelle indicates no language is conflicting in the GTC meeting rules</p>

Other Issues Identified:

1. **Overall Communications Plan – Bobbi assigned **Complete****

- Special Edition of the Kali to address the implementation plans for all amendments that pass.
 - Marketing to the 18-20 year olds that they are able to attend the GTC meetings
 - All paperwork to printing to send the letter approved by the BC on April 27, 2016 was completed on May 4, 2016.
 - Social media continues to be utilized to communicate
2. **Celebration –IGAC Assigned **Complete****
- Business Committee directed a celebration to occur for the July 2016 GTC meeting. The Office of Intergovernmental Affairs and Communications has been assigned this task.
3. Amended Constitution was posted on Oneida Nation’s website by the Legislative Reference Office ****Complete****

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

GTC Resolution # 03-19-17-A


Designation of the Oneida Judiciary as the Judiciary Authorized Pursuant to Article V- Judiciary of the Oneida Nation Constitution

- 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,** a Secretarial election was held on May 2, 2015 wherein a majority of the voters voted to amend the Oneida Tribal Constitution; and
- WHEREAS,** on June 24, 2015 the Bureau of Indian Affairs (BIA) noticed the Oneida Nation that they had certified each of the Constitutional amendments; and
- WHEREAS,** following an appeal of the Secretarial Election by a Tribal member in July of 2015, on February 11, 2016 the Interior Board of Indian Appeals issued a decision rejecting the appeal and upholding the decision of the BIA to certify the results of Oneida's Secretarial Election; and
- WHEREAS,** one of Constitutional amendments required by the certified Secretarial Election was to amend Article V to incorporate judiciary powers into the Nation's Constitution; and
- WHEREAS,** Article V, Section 1 requires that the General Tribal Council establish, by law, a judiciary to exercise the judicial authority of the Oneida Nation; and
- WHEREAS,** on January 7, 2013 the Oneida General Tribal Council fulfilled this responsibility by adopting the Judiciary law through resolution GTC-01-07-13-B, which thereby created the current Oneida Judiciary; and
- WHEREAS,** in accordance with section 150.4-2 of the Judiciary law, which provides that the Judiciary includes other courts or divisions that may be created by Tribal law, the Oneida Judiciary also includes the Oneida Family Court, created pursuant to the Family Court law adopted by resolution BC-05-08-13-A; and
- WHEREAS,** Article V, Section 2 provides that any judiciary in operation prior to the effective date of this amendment to the Constitution may be designated as the judiciary authorized under this article upon passage of a resolution by the General Tribal Council; and
- WHEREAS,** in order to complete the process of incorporating the Oneida Judiciary, which was created by the General Tribal Council pursuant to the Judiciary Law, into the Constitution, the General Tribal Council is required to adopt a resolution designating the Oneida Judiciary as the judicial authority referenced in the Constitution; and

NOW THEREFORE BE IT RESOLVED, that in accordance with Article V, Section 2 of the Oneida Nation's constitution, the General Tribal Council delegates the Oneida Nation's judicial authority pursuant to the Article V of the Constitution to the Oneida Judiciary, created pursuant to the Judiciary Law adopted by resolution GTC-01-07-13-B.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council, in session with a quorum of 1,549 members present, at a meeting duly called, noticed and held on the 19th day of March, 2017; that the forgoing resolution was duly adopted at such meeting by a majority vote of those present and that said resolution has not been rescinded or amended in anyway.


Lisa Summers, Tribal Secretary
Oneida Business Committee

The following items were deleted at the adoption of the agenda and/or during the course of the meeting:

VI. RESOLUTIONS

C. Adopt resolution entitled Conflict of Interest Emergency Amendments

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

X. UNFINISHED BUSINESS

A. Reconsider, review, and hear testimony from Kory Wesaw regarding application to Oneida Police Commission

Sponsor: Tina Danforth, Tribal Chairwoman

XIV. EXECUTIVE SESSION

D. TABLED BUSINESS

1. Adopt resolution entitled Resolution to Adopt the Second Amendment to the Public Safety Officer Pension Plan

Sponsor: Larry Barton, Chief Financial Officer

E. UNFINISHED BUSINESS

1. Approve limited waiver of sovereign immunity – Independent Care Health Plan-iCare Provider Service Agreement – contract # 2016-0357

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

F. NEW BUSINESS

6. Accept information regarding Electrical Department

Sponsor: Tina Danforth, Tribal Chairwoman

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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:

Activation of \$250,000 from the approved FY 2017 CIP Budget for CIP #14-012 Oneida Farms Barn & Manure Pit.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Senior Tribal Architect / Engineering
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Cottrell, Contract Processor / Engineering
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The project team is seeking activation of the project's remaining funding for construction of the manure pit.

Background:

This is the second phase of the project with the first phase being the barn construction (which has been completed). The second phase replaces the existing manure pit to bring it up to current standards. Replacing the manure pit was a requirement of the grant funding received for phase one. Additional grant funding is anticipated for the second phase (\$100,000).

The entire project (barn & manure pit) was approved by the Business Committee at their March 30, 2016 meeting.

The attached Project Budget Estimate identifies the scope items included in the budget amount and the attached CIP Budget Activations 2017 identifies the GTC approved CIP Budget allocations.

Action Requesting:

1. Activation of \$250,000 from the approved FY 2017 CIP Budget for CIP #14-012 Oneida Nation Farms Barn & Manure Pit.

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

PROJECT BUDGET ESTIMATE

CLIENT NAME: ONEIDA TRIBE of INDIANS of WISCONSIN
 PROJECT NAME: **Oneida Farms - Manure Pit Improvements**
 PROJECT No.: 14-012
 DATE: 13-May-16

SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees	17,200
Architect / Engineer Fees & Reimbursables	20,800
Soil Borings, Testing and Surveys	6,500
Agency Review and Approval Fees	300
Insurance - Builders Risk	covered by property insurance
Archaeological Survey & Site Monitoring	0

Sub-total: 44,800

CONSTRUCTION

Utility Relocation/Extension	8,000
Site Work & Landscape	91,000
Pit Construction	153,000
Integrated Automation (DDC Controls)	0

Sub-total: 252,000

Oneida Preference Amount	0		
Sustainable Design Premium	0%	0	
Inflation Factor:	1 years	3% per year	7,560

Sub-total: 259,600

FIXTURES, FURNISHINGS AND EQUIPMENT

Division 10 - Specialties	0
Division 11 - Equipment	0
Division 12 - Furnishings	0
Division 27 - Communications	0
Division 28 - Electronic Safety & Security	0

Sub-total: 0

TOTAL:	304,400
Contingency: 15.0%	45,700
Finance Costs: 0.0%	0
Anticipated Grant Award:	(100,000)

ESTIMATED TOTAL PROJECT BUDGET: \$ 250,000

CIP BUDGET ACTIVATIONS 2017

Revised: 01/09/17

Project No.	Project Title	CIP \$ App'd FY 2017	Activated Amount	Date Activation Approved	Unactivated Balance	Notes
07-002	SSB Remodeling - Phase V	560,000			560,000	A
14-012	Oneida Farms Manure Pit	250,000			250,000	A
15-003	NHC Remodeling - Phase VIII	393,000			393,000	A
16-005	Casino Exterior Enhancements	500,000			500,000	A
TBD	One Stop - New Location	3,500,000			3,500,000	A
TOTALS:		5,203,000	0		5,203,000	

Adjustments

Notes:

A. Funding source: Tribal Contribution

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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:

Activation of \$393,000 from the approved FY 2017 CIP Budget for CIP #15-003 NHC Remodeling - Phase VIII.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Senior Tribal Architect / Engineering
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Cottrell, Contract Processor / Engineering
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

The project team is seeking activation of the project's remaining funding for continuation of the window replacements in the building.

Background:

The entire project was approved by the Business Committee at their June 24, 2015 meeting.

The project was not fully funded at that time and the remaining funds needed were allocated in the FY 2017 CIP Budget. This is the second stage of the project and is a continuation of the replacement of the windows in the building. Additional funding for some of the High School portions of the building has been provided by the BIE.

The attached Project Budget Analysis identifies the scope items included in the budget amount and the attached CIP Budget Activations 2017 identifies the GTC approved CIP Budget allocations.

Action Requesting:

1. Activation of \$393,000 from the approved FY 2017 CIP Budget for CIP #15-003 NHC Remodeling - Phase VIII.

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

CIP BUDGET ACTIVATIONS 2017

Revised: 01/09/17

Project No.	Project Title	CIP \$ App'd FY 2017	Activated Amount	Date Activation Approved	Unactivated Balance	Notes
07-002	SSB Remodeling - Phase V	560,000			560,000	A
14-012	Oneida Farms Manure Pit	250,000			250,000	A
15-003	NHC Remodeling - Phase VIII	393,000			393,000	A
16-005	Casino Exterior Enhancements	500,000			500,000	A
TBD	One Stop - New Location	3,500,000			3,500,000	A
TOTALS:		5,203,000	0		5,203,000	

Adjustments

Notes:

A. Funding source: Tribal Contribution

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 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 status update/response from Dale Wheelock pertaining to Noncompliance: Organizational Conflicts of Interest Finding in the Final Monitoring Report Letter from US Dept. of Housing & Urban Development-Completion Date May 5, 2017.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 1, 2017

The Honorable Cristina Danforth, Chairperson
Oneida Tribe of Indians of Wisconsin
P.O. Box 365
N7210 Seminary
Oneida, WI 54155

SUBJECT: Final Monitoring Report

Dear Chairperson Danforth:

On December 1 – 3, 2015, the Eastern/Woodlands Office of Native American Programs (E/WONAP) conducted an on-site performance review of the Indian Housing Block Grant (IHGB) and Indian Community Development Block Grant programs. E/WONAP issued a Final Monitoring Report (FMR) on October 19, 2016 that described the performance accomplishments and deficiencies identified during the review, the recommended corrective actions which should be taken to resolve the deficiencies, and the target dates for completion of the corrective actions¹.

On February 21, 2017, E/WONAP received Oneida Tribe of Indians of Wisconsin's (OTIW) response to the FMR. E/WONAP has considered the OTIW responses to Finding #2016IHGB-3 and #2016IHGB-4, and offers the following:

**FINDING #2016IHGB-3: Noncompliance: Procurement by Noncompetitive Proposals -
CLOSED
24 CFR Section 85.36(d)(4)(i)**

Disallowed Costs: \$116,822.96

Condition:

OTIW approved a noncompetitive proposal (sole source) which exceeded the Simplified Acquisition Threshold without getting approval from HUD and when other competitive proposals were not infeasible.

¹ **Note:** Effective December 26, 2014, the regulations at 2 CFR Part 200 replaced Office of Management and Budget Circulars A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133; and the regulations at 24 CFR Parts 84 and 85, and 2 CFR Parts 215, 220, 225, and 230. HUD will make every attempt to cross reference the obsolete and new citations.

Oneida Tribe of Indians of Wisconsin
2016 Final Monitoring Report Response
Page 2 of 4

Recommended Corrective Action(s):

To address this finding, OTIW must provide E/WONAP with:

- 1) A copy of the updated OTIW Procurement Policy that clarifies the procurement process for sole source procurements that exceed the Simplified Acquisition Threshold to comply with the Federal regulation for noncompetitive proposals with confirmation the policy has been adopted by OTIW.
- 2) The subject funds must be returned either by check or electronic funds transfer and any amount exceeding \$2,000 should be sent via wire transfer in accordance with the instructions above.

OTIW Response to the FMR:

OTIW submitted an updated procurement policy which clarifies the process for sole source procurement that exceeds the simplified acquisition threshold. OTIW also submitted documentation showing the repayment of disallowed costs in the amount of \$116,822.96.

E/WONAP's Response:

The updated procurement policy and repayment of disallowed costs were needed to complete the Corrective Action recommended in the FMR. Therefore, Finding #2016IHBG-3 has been closed.

FINDING #2016IHBG-4: Noncompliance: Organizational Conflicts of Interest - OPEN
2 CFR Section 200.318(c)(2)

Condition:

OTIW has a wholly owned subsidiary, Oneida Total Integrated Enterprises, LLC (OTIE), which competes for Federal-funded OTIW projects, but OTIW does not have an organizational conflicts of interest policy.

Criteria:

The regulation at 2 CFR Section 200.318(c)(2) states if the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

Cause and Effect:

OTIW has a subsidiary organization which participates in OTIW procurement opportunities. OTIW does not have written standards of conduct covering organizational conflicts of interest. As a result, OTIW's Conflict of Interest policy creates a process that could allow OTIW's subsidiary to be an influence in procurement selection.

Oneida Tribe of Indians of Wisconsin
2016 Final Monitoring Report Response
Page 3 of 4

Recommended Corrective Action:

To address this finding, OTIW must provide E/WONAP with an updated OTIW Conflicts of Interest Policy which includes written standards of conduct covering organizational conflicts of interest. This policy update would create an impartial process for a procurement action involving a related organization.

OTIW Response to FMR:

OTIW submitted the duly adopted Conflict of Interest Law and adopting resolution to E/WONAP. The Conflict of Interest Law specifies that when an employee, consultant, elected official, political appointee, officer, agent, or appointed or elected member of a board, committee or commission discloses a conflict of interest, he or she may not participate in the selection, award, or administration of a contract including contracts supported by a Federal award or any other prohibited activities identified in the Nation's laws, policies or rules.

E/WONAP's Response:

The updates to the OTIW Conflicts of Interest Law do not specifically address "Organizational Conflicts of Interest." The update addresses conflicts of interest of individual persons connected to OTIW. While this update may strengthen OTIW protections from conflicts of interest which may arise from an employee, consultant, elected official, political appointee, officer, agent, or appointed or elected member of a committee; the update does not create a policy to address potential conflicts of interests between OTIW and OTIW's subsidiary organizations.

The regulation at 2 CFR Section 200.318(c)(2) requires that a non-Federal entity which has a subsidiary organization must also maintain written standards of conduct covering organizational conflicts of interest. OTIE is a wholly owned subsidiary of OTIW. Because OTIW has a subsidiary organization which may pursue OTIW procurement opportunities, OTIW is required to have an organizational conflicts of interest policy which focuses on the organizational relationship between OTIW and its subsidiaries. These relationships are in addition to the individual conflicts of interest that the updated OTIW conflicts of interest policy addresses. The organizational conflicts of interest policy is required in order for OTIW to be in compliance with the Federal regulation.

Therefore, Finding #2016IHBG-4 remains OPEN.

Recommended Corrective Action:

To address this finding, OTIW must provide E/WONAP with an updated OTIW Conflicts of Interest Policy which includes written standards of conduct covering Organizational Conflicts of Interest. This policy update would create an impartial process for a procurement action involving a related organization.

Target Date for Completion: May 5, 2017

Oneida Tribe of Indians of Wisconsin
2016 Final Monitoring Report Response
Page 4 of 4

E/WONAP appreciates the Oneida Tribe of Wisconsin's participation in the IHBG program. If you would like to discuss any issues in our response letter or request technical assistance to address the deficiencies, please contact Mario Lindsey, Grants Evaluation Specialist, by telephone at 312-913-8161, or by email at 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
Scott Denny, Housing Manager



March 07, 2017

Mr. Mark Butterfield, Administrator
U.S. Department of Housing and Urban Development
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL. 60604-3507

Dear Mr. Butterfield,

I am in receipt of a copy of the Final Monitoring Report letter dated March 1, 2017 from Mr. William O. Dawson III. The letter indicates that the Oneida Nation of Wisconsin had two findings; Finding #2016IHBG-3: Noncompliance: Procurement by Noncompetitive Proposals – CLOSED and Finding #2016IHBG-4 that remains OPEN. The target date for completion of the OPEN finding is May 5, 2017.

In anticipation of Oneida Business Committee questioning me regarding the ramifications of having an open finding, I seek your guidance on this matter. As Executive Director of Housing Authorities I have never encountered such a situation of having an open finding that was not corrected in a timely manner.

Therefore, in the event that the Oneida Nation cannot meet the Target date of May 5, 2017 what does HUD do if the Tribe is not compliant with the Federal regulation? Also if the Tribe is not compliant would that impact on future grant or loan opportunities such as, ICDBG grant, ROSS grant, and Title VI Loan Program. Your response would be vital in identifying the urgency in closing Finding #2016IHBG-4 by the target date.

Your assistance on this matter is appreciated and I believe the Oneida Nation can meet the target date to close out the open finding.

Sincerely,

A handwritten signature in black ink that reads "Dale P. Wheelock".

Dale Wheelock
Executive Director Oneida Housing Authority



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604-3507

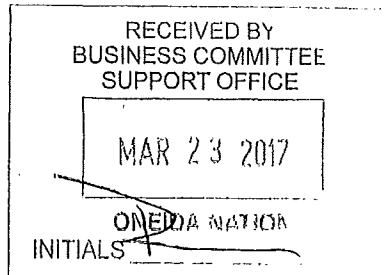
*ABC of you
D Wheelock
S Denny
Grants*

EASTERN WOODLANDS OFFICE OF
NATIVE AMERICAN PROGRAMS

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 16, 2017

Mr. Dale Wheelock
Executive Director
Oneida Housing Authority
P.O. Box 365
N7210 Seminary
Oneida, WI 54155



SUBJECT: Required Organizational Conflicts of Interest Policy

Dear Mr. Wheelock:

This letter is in response to your letter dated March 7, 2017. In the letter, you requested information regarding the potential ramifications of having an unresolved open monitoring finding of non-compliance. Specifically, you expressed concern about Finding #2016IHBG-4: Organizational Conflicts of Interest.

As a reminder, based on the information provided in our 2016 Final Monitoring Report (FMR) dated October 19, 2016 and our FMR response letter dated March 1, 2017, the Eastern/Woodlands Office of Native American Programs (E/WONAP) has determined that Oneida Tribe of Indians of Wisconsin (OTIW) has not addressed the aforementioned open monitoring finding. We have given the Tribe until May 5, 2017 to resolve this open finding by providing E/WONAP with an updated OTIW Conflicts of Interest Policy. This updated policy should include written standards of conduct covering ORGANIZATIONAL conflicts of interest. This updated policy would create an impartial process for a procurement action involving a related organization.

Should the OTIW not take the necessary steps to resolve this finding, E/WONAP would then issue a formal letter of warning (LOW) pursuant to 24 CFR Section 1000.530(a)(1) under the Indian Housing Block Grant (IHBG) program. A formal letter of warning would signal the beginning of our enforcement process. Further, as a grant recipient, the OTIW is responsible for ensuring compliance with all IHBG requirements. In accordance with 24 CFR Section 1000.530, if the OTIW fails to address the monitoring finding, HUD may impose remedies, as prescribed in 24 CFR Section 1000.532. Section 1000.532 authorizes HUD to terminate or reduce grant payments and/or provide a replacement tribally designated housing entity (TDHE) for the recipient.

It is never HUD's desire to proceed with the enforcement process, therefore we strongly encourage the OTIW to meet and collaborate with us regularly in order to discuss a way forward to resolve this open finding.

Oneida Tribe of Indians of Wisconsin
Required Organizational Conflicts of Interest Policy
Page 2 of 2

Over the coming months, a number of competitive funding (grant or loan) opportunities will become available to both Tribes and TDHEs. Therefore, any open and unresolved monitoring and audit findings could have a negative impact on the OTIW's competitive standing for these opportunities. These grant opportunities include, but are not limited to; the recently opened (on March 9, 2017) Community Development Block Grant ICDBG) Program for Indian Tribes and Alaska Native Villages Notification for Funding Availability (NOFA) # FR-6100-N-23, Residents Opportunity and Self-Sufficiency (ROSS) Program grants and the Title VI Loan Program, among others.

E/WONAP looks forward to receiving and reviewing an updated Organizational Conflicts of Interest Policy sufficient to resolve this open finding. We additionally look forward to reviewing your applications for any upcoming competitive funding (grant or loan) opportunities that you intend to apply for. If we can provide you with any assistance or you have questions regarding this matter, please contact either myself or Mario Lindsey, Grants Evaluation Specialist, at (312) 913-8161.

Sincerely,



William O. Dawson III, MPA
Director, Grants Evaluation Division
Eastern/Woodlands Office of
Native American Programs

cc: The Honorable Cristina Danforth, Chairperson
✓ Scott Denny, Housing Manager

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

E-Poll Request Item

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

E-poll for reorganization of positions currently within Elder Services (2 Respite Workers, 2 In-Home Chore Workers, and Dementia Specialist) to move to Comprehensive Health Division

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.

Governmental Services Division
(GSD)

Memo

E-Poll Request Item

To: Oneida Business Committee
From: George Skenandore, Governmental Services Division Director
Date: March 29, 2017
Re: Reorganization Efforts

Per Business Committee action of February 8, 2017 any reorganization of the Governmental Services Division was placed on hold. In a meeting held with Human Resources, it has been brought to my attention that much work has been done in regards to reorganization efforts pertaining to certain positions within Elder Services being moved to the Comprehensive Health Division. The due diligence has been conducted with both areas in agreement that the reorganization of two (2) Respite Worker, two (2) In-Home Chore Workers, and the Dementia Specialist to the Comprehensive Health Division is a much better match that can provide the necessary oversight of the positions' roles and responsibilities as they relate more to the health care field.

Due to aforementioned BC formal action, it is my understanding that the Business Committee approval is required for the reorganization in order for Human Resources to move forward. Per Debra Danforth, Comprehensive Health Director, the initial reorganization was made within the OCHD to improve efficiency and effectiveness of the operations of Case Management within the Health Division and to improve services within the Community Options Program. This is in anticipation of the upcoming changes to Family Care within the State of WI. Staff has met with Elder Services and the former GSD Director on several occasions during this process and have also met internally within the Division to analyze how this move will help with improving the care provided within the Health Division. The move will enable the Health Division to improve the level of services provided within the Community Options Program as well as to diminish the current waiting list.

The Home Chore workers as well as the Respite workers will be under the oversight of the immediate supervisor as well as the ability to collaborate directly with Nursing. This move will also help to provide additional training to the staff which will improve the quality of services the community currently receives overall.

Finally, attached is a summary provided by Carrie Lindsey as she will be the supervisor of these positions. It is my recommendation that the reorganization efforts for the above mentioned positions currently structured within Elder Services be restructured to be within the Comprehensive Health Division and the BC conduct an e-poll to approve. If you have any questions or concerns in regards to this matter, I can be reached via telephone at 920.490.3904.

E-Poll Request Item

Racquel L. Hill

From: Debra J. Danforth
Sent: Wednesday, March 29, 2017 12:48 PM
To: Racquel L. Hill; David L. Larson; Mercie L. Danforth
Subject: Fwd: Request for Backup Information re; Reorganization of Elder Services Positions

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Carrie A. Lindsey" <clindsey@oneidanation.org>
Date: 3/29/17 1:30 PM (GMT-05:00)
To: "Debra J. Danforth" <ddanfort@oneidanation.org>
Subject: RE: Request for Backup Information re; Reorganization of Elder Services Positions

In October 2016, the Comprehensive Health Division (CHD) began an internal reorganization in the Case Management Program and Community Options Program. The process set forth a plan to become more functional to the community in terms of the continuum of care. This reorganization promoted the Community Options Program Social Worker to the position of Case Management Supervisor under Community Health Services. This move allowed the Supervisor, Carrie Lindsey to create the position of Case Manager Support Specialist and moved the Community Health Nursing Social Worker under her as well. The plan from there was to work with Governmental Services Division (GSD) to move the Tribal Dementia Care Specialist under the Case Management Supervisor to allow networking with the clinic Physicians, Nurses and Community Health Nurses to better serve the Oneida Tribal Members in early to late stage dementia. The plan further evolved to include transferring the 2 Home Chore and 2 Respite Care workers from Governmental Services Division to Comprehensive Health Division. It is anticipated that this move would provide a better continuity of care as the Community Health Nurses are located in the Community Health Services area and would be at their disposal to address any medical needs that arise.

On January 9, 2017, Community Health Staff met to begin the process for an office redesign to accommodate the reorganization of the Governmental Services Staff to the Health Division. With the current set up of the department, we needed to accommodate for additional seating for 6 individuals. Meetings occurred with the Space Committee and quotes were obtained from 3 area vendors to transition a 6 person seating arrangement to a 12 person seating plan. This involves not only the new seating, but phones and computers for the additional staff. Electrical work has already begun to make the area accessible. Existing Comprehensive Health Staff have been informed of the proposed changes and office relocations to accommodate the new staff.

On February 21st, Carrie Lindsey, the Case Management Supervisor met with Debra Miller, the Dementia Care Specialist to get an overview of her grant and role within the organization. This meeting allowed for Carrie to get an understanding of the program and what services Debra is currently providing and would like to be providing under the terms of the grant.

On March 15th, Carrie Lindsey, the Case Management Supervisor met with Tsyoshaht Delgado and the staff that she was preparing to transfer to Comprehensive Health. Joyce Hoes, the current supervisor of the workers, was present with 3 of the workers. The meeting was to discuss the transfer of supervision and answer any questions. The meeting went well and allowed both the supervisor and staff to ask questions and clear up any confusion.

E-Poll Request Item

Carrie Lindsey, BSW, CSW
Case Management Supervisor
Oneida Comprehensive Health Division
Community Health Services • Community Options Program • Case Management



A good mind. A good heart. A strong fire.

Ofc: 920.869.4946
Cell: 920.819.0744
Fax: 920.869.6329

PO Box 365
525 Airport Dr
Oneida, WI 54155-0365
clindsey@oneidanation.org

CHN • CM MISSION

Support Native American families with respectful quality care, with pride, communication and trust for a healthier community.

Confidentiality notice: The content of this email and any attached files is confidential and may be subject to certain privilege. This email is intended for the designated recipient(s) only. If you have received this email in error, please immediately contact the sender.

From: Debra J. Danforth
Sent: Wednesday, March 29, 2017 10:26 AM
To: Carrie A. Lindsey
Subject: Fwd: Request for Backup Information re; Reorganization of Elder Services Positions

Can you write a summary of your meeting with the staff as well as the moves within the dept to accommodate the home chore and respite workers? This would include the reorganization as well. I'll respond to the email and copy you as well. Thank you!

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Racquel L. Hill" <rhill2@oneidanation.org>
Date: 3/29/17 11:03 AM (GMT-05:00)
To: "Debra J. Danforth" <ddanfort@oneidanation.org>
Cc: "Mercie L. Danforth" <mdanfor6@oneidanation.org>
Subject: Request for Backup Information re; Reorganization of Elder Services Positions

Heather M. Heuer

From: TribalSecretary
Sent: Monday, April 03, 2017 4:39 PM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore; BC_Agenda_Requests; Racquel L. Hill; George C. Skenandore
Subject: E-POLL RESULTS: Approve reorganization of five (5) Elder Services positions to Comprehensive Health
Attachments: BCAR Approve reorganization of five (5) Elder Services positions to Comp....pdf; MJD response.pdf; LS response.pdf
Importance: High

E-POLL RESULTS

The E-Poll request to approve the reorganization of five (5) Elder Services positions to Comprehensive Health, **has failed due to lack of support.** As of the deadline, below are the results:

Support: Fawn Billie, David Jordan, Lisa Summers, Jennifer Webster

Per section 5.4. of the BC SOP "Conducting Electronic Voting", attached are copies of any comment by an OBC member made beyond a vote.

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

From: TribalSecretary
Sent: Monday, April 03, 2017 8:20 AM
To: Brandon L. Yellowbird-Stevens <BSTEVEN@oneidanation.org>; Cristina S. Danforth <tdanfort@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <LSUMMER2@oneidanation.org>; Melinda J. Danforth <MDANFORJ@ONEIDANATION.org>; Patricia M. King <TKING@ONEIDANATION.org>; Ronald W. Hill <RHILL7@oneidanation.org>; TribalSecretary <TribalSecretary@oneidanation.org>
Cc: Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@ONEIDANATION.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Lora L. Skenandore <LSKENAN3@oneidanation.org>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen

<rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>

Subject: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health

Importance: High

E-POLL REQUEST

Summary:

Per Business Committee action of February 8, 2017, any reorganization of the Governmental Services Division was placed on hold.

A memo explaining the need for the e-poll and requested action is attached.

Requested Action:

Approve reorganization of five (5) Elder Services positions to Comprehensive Health.

Deadline for response:

Responses are due no later than **4:30 p.m. TODAY, Monday, April 3, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with “support” or “oppose”.

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

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From: Melinda J. Danforth
Sent: Monday, April 03, 2017 9:14 AM
To: TribalSecretary
Subject: RE: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health

Before I support, I would like to see a transition plan on how they will communicate this internally to the OCHD and to the impacted employees from Elderly Services.

Melinda J. Danforth, Vice Chairwoman

Oneida Nation
P.O. Box 365
Oneida, WI 54155

Work Phone: (920) 869-4461
Cell Phone: (920) 562-0290
Fax: (920) 869-4040



A good mind. A good heart. A strong fire.

From: TribalSecretary
Sent: Monday, April 03, 2017 8:20 AM
To: Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill; TribalSecretary
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore
Subject: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health
Importance: High

E-POLL REQUEST

Summary:

Per Business Committee action of February 8, 2017, any reorganization of the Governmental Services Division was placed on hold.

A memo explaining the need for the e-poll and requested action is attached.

Requested Action:

Approve reorganization of five (5) Elder Services positions to Comprehensive Health.

Deadline for response:

From: Lisa M. Summers
Sent: Monday, April 03, 2017 10:53 AM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore
Subject: RE: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health

Support, as this effort was a collaborative effort between the two divisions to align with regs.

From: TribalSecretary
Sent: Monday, April 03, 2017 8:20 AM
To: Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill; TribalSecretary
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A memo explaining the need for the e-poll and requested action is attached.

Requested Action:

Approve reorganization of five (5) Elder Services positions to Comprehensive Health.

Deadline for response:

Responses are due no later than **4:30 p.m. TODAY, Monday, April 3, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "support" or "oppose".

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

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Racquel L. Hill

From: Carrie A. Lindsey
Sent: Tuesday, April 04, 2017 1:45 PM
To: Racquel L. Hill
Cc: Eric R. Krawczyk; George C. Skenandore; Debra J. Danforth
Subject: Transition Plan for GSD Staff to OCHD

A great amount of time and work has gone into planning for the transition of 5 staff from Elder Services to the Comprehensive Health Division. As you are aware, in October 2016, the Comprehensive Health Division (CHD) began an internal reorganization in the Case Management Program and Community Options Program. The process set forth a plan to become more functional to the community in terms of the continuum of care. This reorganization promoted the Community Options Program Social Worker to the position of Case Management Supervisor under Community Health Services. This move allowed the Supervisor, Carrie Lindsey to create the position of Case Manager Support Specialist and moved the Community Health Nursing Social Worker under her as well. The plan from there was to work with Governmental Services Division (GSD) to move the Tribal Dementia Care Specialist under the Case Management Supervisor to allow networking with the clinic Physicians, Nurses and Community Health Nurses to better serve the Oneida Tribal Members in early to late stage dementia. The plan further evolved to include transferring the 2 Home Chore and 2 Respite Care workers from Governmental Services Division to Comprehensive Health Division. It is anticipated that this move would provide a better continuity of care as the Community Health Nurses are located in the Community Health Services area and would be at their disposal to address any medical needs that arise.

On January 9, 2017, Community Health Staff met to begin the process for an office redesign to accommodate the reorganization of the Governmental Services Staff to the Health Division. With the current set up of the department, we needed to accommodate for additional seating for 6 individuals. Meetings occurred with the Space Committee and quotes were obtained from 3 area vendors to transition a 6 person seating arrangement to a 12 person seating plan. This involves not only the new seating, but phones and computers for the additional staff. Electrical work has already begun to make the area accessible. Existing Comprehensive Health Staff have been informed of the proposed changes and office relocations to accommodate the new staff.

Comprehensive Health Division Staff have been notified about the transition of Elder Services staff to the Community Health Services Area through the Executive Management Team and the Directors and Supervisors in the Division. Most specifically, the staff impacted in the Community Health Services area have been informed by their immediate supervisors and have had input in the reorganization of the work space to accommodate more staff. One Community Health Nurse has also agreed to be the point of contact for the new staff coming over for medical questions or issues that come up. This is currently an area that is lacking for the Elder Services Staff. The Community Health Area Staff are eager to add the additional staff to our team as we all see the benefit to the community.

In February, the 5 affected staff from Elder Services were notified by the Program Manager, Tsyoshaht Delgado, at Elder Services of the pending transition to the Comprehensive Health Division. Tsyoshaht Delgado and Carrie Lindsey met in early February to discuss the transition and make plans for Carrie to meet the staff. On February 21st, Carrie Lindsey, the Case Management Supervisor met with Debra Miller, the Dementia Care Specialist to get an overview of her grant and role within the organization. This meeting allowed for Carrie to get an understanding of the program and what services Debra is currently providing and would like to be providing under the terms of the grant. Debra has expressed interest in and desire to get a more direct link to the clinic/nursing staff for the purpose of outreach for her services under the terms of the grant. Relocating her to the Comprehensive Health Division will give her that opportunity and further ensure that community members struggling with dementia and identified by the clinic/nursing staff as needing support have that direct link. Currently there is a huge gap in referrals to the Dementia Care Specialist from the clinic which is resulting in Tribal Members falling off the radar for these services. Carrie and Debra also discussed plans for the support group and better ways to make it accessible to all from marketing it to the times and

locations of the programing. Both Debra and Carrie are excited to get the services more functional to the Oneida Community.

Tsyoshaht Delgado and Carrie Lindsey arranged for a meeting on March 15th, with the four additional staff that she was preparing to transfer to Comprehensive Health. Joyce Hoes, the current supervisor of the workers, was present with 3 of the workers. Carrie was able to address the questions that the staff had in terms of their current clients and schedules. The bulk of their questions involved whether their schedules and clients would stay the same. Carrie assured them that there would be no change in their current schedules or clients. There was discussion had regarding the reporting system and the scheduling system they use. Currently the staff report their services in the SAMS system for reimbursement, that will not change. The only change to scheduling that Carrie could see was that staff would no longer use Outlook to schedule their client appointments as it is not HIPPA Compliant. Carrie would transfer their actual client scheduling into the case management software used in the Comprehensive Health Division. The SanData Case Management System is HIPPA Compliant and is used to track client and staff schedules. The meeting went well and allowed both the supervisor and staff to ask questions and clear up any confusion. There was also discussion as to how Elder Services will handle any future referrals for services. Carrie and Tsyoshaht agreed that a phone call referral from Elder Services to Carrie would be sufficient instead of asking the community member to make the call.

The plan going forward to transition the staff to the Comprehensive Division will include site visits and introductions to staff. We are currently waiting for the new furniture to arrive to accommodate the seating needs. The staff would immediately be included in all Community Health Area e-mail correspondence and departmental meetings. Carrie would also be doing home visits with the current Elder Services Home Chore and Respite client's to explain the transition and provide new contact phone numbers. The transitioning staff would also be involved in weekly staff meetings for Carrie's staff to get updates, discuss issues and plan for the week ahead. The staff will also have access to more training and support to allow them to best serve the community.

The services that the Elder Services Respite and Home Chore workers provide are very appropriate to fall under the Community Health Services Area and should be a seamless transition for the staff and clients. In addition, the transition of the Dementia Care Specialist will enhance not only the services provided under the grant, but the connection between the medical providers and the program. The bulk of the services that are being provided by the staff are medical in nature. The staff are privy to confidential medical information that is not protected as the Elder Services Staff do not operate under HIPPA. Transitioning the staff to the Comprehensive Health Division will not only protect the staff, but the community members they serve as well.

If further information or clarification is needed, please feel free to contact me.

Carrie Lindsey, BSW, CSW

Case Management Supervisor

Oneida Comprehensive Health Division

Community Health Services • Community Options Program • Case Management



A good mind. A good heart. A strong fire.

Ofc: 920.869.4946

Cell: 920.819.0744

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PO Box 365
525 Airport Dr

Communication Plan for 5 staff to move from Elder Services to Health Center

Key Communication Messages and Goal

- Message to be communicated: Services to elders will be increased and we will be able to serve in a more holistic and well-rounded way.
- Goals and anticipated outcomes: Invest in and increase utilization of the Comprehensive Health Division technology, services and leadership to provide the best service to elders.
- Strategy:
 - Wellness of elders maintaining an independent, healthy, productive and quality lifestyle.
 - Increase workforce development and growth.

Communication with staff prior to requesting transition to Comprehensive Health

- Staff impacted in the Community Health Services area have been informed by their immediate supervisors and have had input in the reorganization of the work space to accommodate more staff. One Community Health Nurse has also agreed to be the point of contact for the new staff coming over for medical questions or issues that come up.
- In Home Chore and Respite Workers were informed, in a meeting with the Program Manager, Tsyoshaht Delgado, at Elder Services and their current supervisor, of the pending transition to the Comprehensive Health Division. Workers had input into the reorganization and were in agreement with the move.
- All employees of Elder Services have been informed of the reorganization and suggestions and/or comments were encouraged.
- Carrie Lindsey, the Case Management Supervisor met with Debra Miller, the Dementia Care Specialist to get an overview of her grant and role within the organization.
- Tsyoshaht Delgado and Carrie Lindsey met with the In Home & Respite staff. Joyce Hoes, the current supervisor of the workers, was present with 3 of the workers.
 - Carrie assured the workers that there would be no change in their current schedules or clients.
 - Currently the workers report their services in the SAMS system for reimbursement, that will not change.
 - The only change to scheduling was that staff would no longer use Outlook to schedule their client appointments as it is not HIPPA Compliant. Carrie would transfer their actual client scheduling into the case management software used in the Comprehensive Health Division. The SanData Case Management System is HIPPA Compliant and is used to track client and staff schedules.
 - The meeting went well and allowed both the supervisor and staff to ask questions and clear up any confusion.
 - Carrie and Tsyoshaht agreed that a phone call for future referrals from Elder Services to Carrie would be sufficient instead of asking the community member to make the call.

Method of Communication after full approval of the transition

- Staff involved in the move including management (Health Center & Elder Services responsibility in order to best collaborate and network)
 - inform in writing when approval is received
 - group and individual meetings
 - site visits before the move and introductions

Communication Plan for 5 staff to move from Elder Services to Health Center

- include staff in Community Health Area e-mail correspondence and department meetings
- All staff of Oneida Nation will receive a welcome announcement, A-Z through Communications (Health Center responsibility)
- Elders/customers
 - letter to each current customer (Elder Services responsibility)
 - Health Center supervisor will be doing home visits with the new staff to explain the transition and provide new contact information (Health Center responsibility)
- Community (Elder Services responsibility)
 - article in the DRUMS newsletter and Kalihwisaks to run monthly for a minimum of 6 months
 - the Service Specialist at Elder Services will inform new customers as requests are received

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Enter E-Poll results into the record for failed request to approve the reorganization of five (5) Elder Services positions to Comprehensive Health

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BACKGROUND

On Monday, April 3, 2017, at 8:20 a.m., the following E-Poll was conducted:

Summary:

Per Business Committee action of February 8, 2017, any reorganization of the Governmental Services Division was placed on hold.

A memo explaining the need for the e-poll and requested action is attached.

Requested Action:

Approve reorganization of five (5) Elder Services positions to Comprehensive Health.

Deadline for response:

Responses are due no later than 4:30 p.m. TODAY, Monday, April 3, 2017.

As of the deadline, below are the results:

Support: Fawn Billie, David Jordan, Lisa Summers, Jennifer Webster

Per section 5.4. of the BC SOP "Conducting Electronic Voting", attached are copies of any comment by an OBC member made beyond a vote.

REQUESTED ACTION

Enter E-Poll results into the record for failed request to approve the reorganization of five (5) Elder Services positions to Comprehensive Health

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

Heather M. Heuer

From: TribalSecretary
Sent: Monday, April 03, 2017 4:39 PM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore; BC_Agenda_Requests; Racquel L. Hill; George C. Skenandore
Subject: E-POLL RESULTS: Approve reorganization of five (5) Elder Services positions to Comprehensive Health
Attachments: BCAR Approve reorganization of five (5) Elder Services positions to Comp....pdf; MJD response.pdf; LS response.pdf
Importance: High

E-POLL RESULTS

The E-Poll request to approve the reorganization of five (5) Elder Services positions to Comprehensive Health, **has failed due to lack of support**. As of the deadline, below are the results:

Support: Fawn Billie, David Jordan, Lisa Summers, Jennifer Webster

Per section 5.4. of the BC SOP "Conducting Electronic Voting", attached are copies of any comment by an OBC member made beyond a vote.

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)

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From: TribalSecretary
Sent: Monday, April 03, 2017 8:20 AM
To: Brandon L. Yellowbird-Stevens <BSTEVEN@oneidanation.org>; Cristina S. Danforth <tdanfort@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <LSUMMER2@oneidanation.org>; Melinda J. Danforth <MDANFORJ@ONEIDANATION.org>; Patricia M. King <TKING@ONEIDANATION.org>; Ronald W. Hill <RHILL7@oneidanation.org>; TribalSecretary <TribalSecretary@oneidanation.org>
Cc: Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@ONEIDANATION.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Lora L. Skenandore <LSKENAN3@oneidanation.org>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen

<rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>

Subject: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health

Importance: High

E-POLL REQUEST

Summary:

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Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17 **E-Poll Request**

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

E-poll for reorganization of positions currently within Elder Services (2 Respite Workers, 2 In-Home Chore Workers, and Dementia Specialist) to move to Comprehensive Health Division

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.

Governmental Services Division
(GSD)

Memo

To: Oneida Business Committee
From: George Skenandore, Governmental Services Division Director
Date: March 29, 2017
Re: Reorganization Efforts

Per Business Committee action of February 8, 2017 any reorganization of the Governmental Services Division was placed on hold. In a meeting held with Human Resources, it has been brought to my attention that much work has been done in regards to reorganization efforts pertaining to certain positions within Elder Services being moved to the Comprehensive Health Division. The due diligence has been conducted with both areas in agreement that the reorganization of two (2) Respite Worker, two (2) In-Home Chore Workers, and the Dementia Specialist to the Comprehensive Health Division is a much better match that can provide the necessary oversight of the positions' roles and responsibilities as they relate more to the health care field.

Due to aforementioned BC formal action, it is my understanding that the Business Committee approval is required for the reorganization in order for Human Resources to move forward. Per Debra Danforth, Comprehensive Health Director, the initial reorganization was made within the OCHD to improve efficiency and effectiveness of the operations of Case Management within the Health Division and to improve services within the Community Options Program. This is in anticipation of the upcoming changes to Family Care within the State of WI. Staff has met with Elder Services and the former GSD Director on several occasions during this process and have also met internally within the Division to analyze how this move will help with improving the care provided within the Health Division. The move will enable the Health Division to improve the level of services provided within the Community Options Program as well as to diminish the current waiting list.

The Home Chore workers as well as the Respite workers will be under the oversight of the immediate supervisor as well as the ability to collaborate directly with Nursing. This move will also help to provide additional training to the staff which will improve the quality of services the community currently receives overall.

Finally, attached is a summary provided by Carrie Lindsey as she will be the supervisor of these positions. It is my recommendation that the reorganization efforts for the above mentioned positions currently structured within Elder Services be restructured to be within the Comprehensive Health Division and the BC conduct an e-poll to approve. If you have any questions or concerns in regards to this matter, I can be reached via telephone at 920.490.3904.

Racquel L. Hill

From: Debra J. Danforth
Sent: Wednesday, March 29, 2017 12:48 PM
To: Racquel L. Hill; David L. Larson; Mercie L. Danforth
Subject: Fwd: Request for Backup Information re; Reorganization of Elder Services Positions

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Carrie A. Lindsey" <clindsey@oneidanation.org>
Date: 3/29/17 1:30 PM (GMT-05:00)
To: "Debra J. Danforth" <ddanfort@oneidanation.org>
Subject: RE: Request for Backup Information re; Reorganization of Elder Services Positions

In October 2016, the Comprehensive Health Division (CHD) began an internal reorganization in the Case Management Program and Community Options Program. The process set forth a plan to become more functional to the community in terms of the continuum of care. This reorganization promoted the Community Options Program Social Worker to the position of Case Management Supervisor under Community Health Services. This move allowed the Supervisor, Carrie Lindsey to create the position of Case Manager Support Specialist and moved the Community Health Nursing Social Worker under her as well. The plan from there was to work with Governmental Services Division (GSD) to move the Tribal Dementia Care Specialist under the Case Management Supervisor to allow networking with the clinic Physicians, Nurses and Community Health Nurses to better serve the Oneida Tribal Members in early to late stage dementia. The plan further evolved to include transferring the 2 Home Chore and 2 Respite Care workers from Governmental Services Division to Comprehensive Health Division. It is anticipated that this move would provide a better continuity of care as the Community Health Nurses are located in the Community Health Services area and would be at their disposal to address any medical needs that arise.

On January 9, 2017, Community Health Staff met to begin the process for an office redesign to accommodate the reorganization of the Governmental Services Staff to the Health Division. With the current set up of the department, we needed to accommodate for additional seating for 6 individuals. Meetings occurred with the Space Committee and quotes were obtained from 3 area vendors to transition a 6 person seating arrangement to a 12 person seating plan. This involves not only the new seating, but phones and computers for the additional staff. Electrical work has already begun to make the area accessible. Existing Comprehensive Health Staff have been informed of the proposed changes and office relocations to accommodate the new staff.

On February 21st, Carrie Lindsey, the Case Management Supervisor met with Debra Miller, the Dementia Care Specialist to get an overview of her grant and role within the organization. This meeting allowed for Carrie to get an understanding of the program and what services Debra is currently providing and would like to be providing under the terms of the grant.

On March 15th, Carrie Lindsey, the Case Management Supervisor met with Tsyoshaht Delgado and the staff that she was preparing to transfer to Comprehensive Health. Joyce Hoes, the current supervisor of the workers, was present with 3 of the workers. The meeting was to discuss the transfer of supervision and answer any questions. The meeting went well and allowed both the supervisor and staff to ask questions and clear up any confusion.

Carrie Lindsey, BSW, CSW
Case Management Supervisor
Oneida Comprehensive Health Division
Community Health Services • Community Options Program • Case Management



A good mind. A good heart. A strong fire.

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Cell: 920.819.0744
Fax: 920.869.6329

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525 Airport Dr
Oneida, WI 54155-0365
clindsey@oneidanation.org

CHN • CM MISSION
Support Native American families with respectful quality care, with pride, communication and trust for a healthier community.

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From: Debra J. Danforth
Sent: Wednesday, March 29, 2017 10:26 AM
To: Carrie A. Lindsey
Subject: Fwd: Request for Backup Information re; Reorganization of Elder Services Positions

Can you write a summary of your meeting with the staff as well as the moves within the dept to accommodate the home chore and respite workers? This would include the reorganization as well. I'll respond to the email and copy you as well. Thank you!

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Racquel L. Hill" <rhill2@oneidanation.org>
Date: 3/29/17 11:03 AM (GMT-05:00)
To: "Debra J. Danforth" <ddanfort@oneidanation.org>
Cc: "Mercie L. Danforth" <mdanfor6@oneidanation.org>
Subject: Request for Backup Information re; Reorganization of Elder Services Positions

From: Melinda J. Danforth
Sent: Monday, April 03, 2017 9:14 AM
To: TribalSecretary
Subject: RE: E-POLL REQUEST: Approve reorganization of five (5) Elder Services positions to Comprehensive Health

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Melinda J. Danforth, Vice Chairwoman

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A memo explaining the need for the e-poll and requested action is attached.

Requested Action:

Approve reorganization of five (5) Elder Services positions to Comprehensive Health.

Deadline for response:

Responses are due no later than **4:30 p.m. TODAY, Monday, April 3, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with "support" or "oppose".

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 4 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept travel report for Tribal Action Plan - Tribal Law and Order Act Initiative in Columbia, SC
January 25-27, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Fawn Billie

Travel Event: Tribal Action Plan - Tribal Law and Order Act Initiative

Travel Location: Columbia, SC

Departure Date: 01/25/2017 Return Date: 01/27/2017

Projected Cost: \$175.71 Actual Cost: 0

Date Travel was Approved by OBC: 01/11/2017

Narrative/Background:

I attended a grants awarded initiative provided by the Office of Juvenile Justice and Delinquency Prevention Tribal Youth Program that supports and enhances tribal efforts to prevent and control delinquency and support youth who are at high risk of substance abuse.

We went over training for Tribal Action Plans, technical assistance, and information on trends, new approaches for youth service providers and child advocacy organizations.

I was one of three on the tribal leadership panel and spoke on the need to have resources to assist our youth. Along with resources, we discussed the need to be more proactive through prevention and intervention initiatives.



Item(s) Requiring Attention:

Revisit the OnAyote? a·ka (Oneida) Gang Prevention Task Force Resolution #05-12-10-A and begin working on establishing a Tribal Action Plan (TAP) through collaboration with Children & Family Services, Behavior Health, OPD and Grants.

Revisit our youth-like services:

1. Overview of services/collaboration
2. Program capacity/infrastructure
3. Use of volunteers
4. Funding
5. Youth participants
6. Perceived impact on youth and the community

Continue networking with other tribes throughout the nation to identify tribes who have established a TAP and learn about the success of their programs.

Requested Action:

Motion to accept the travel report.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept the travel report from Secretary Summers for NCAI Executive Council Winter Session – Washington DC – February 14-16, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for:	Lisa Summers		
Travel Event:	NCAI Executive Council Winter Session		
Travel Location:	Washington DC		
Departure Date:	<u>02/14/2017</u>	Return Date:	<u>02/16/2017</u>
Projected Cost:	<u>\$2355.50</u>	Actual Cost:	<u>\$1975.05</u>
Date Travel was Approved by OBC:	<u>01/13/2017</u>		

Narrative/Background:

In order to prepare for NCAI, a meeting was held with Intergovernmental Affairs and Communications on February 3, 2017; Visits were scheduled and discussion topics were determined.

Meeting Schedule

Tuesday, February 14:

- *Carlyle Begay, White House Advisor, Domestic Policy Council and William Kirkland, Deputy Director, Governmental Affairs, White House*

Wednesday, February 15:

- *Congressman Mike Gallagher and McKay Daniels, Chief of Staff*
- *Meghan Ladwig, Legislative Assistant, Office of Senator Tammy Baldwin*
- *Sean Gard, Chief of Staff, Office of Congresswoman Gwen Moore*
- *Congresswoman Norma Torres (D-CA)*

Thursday, February 16:

- *Alex Eveland, Legislative Assistant, Office of Congressman Ron Kind*
- *Congressman Raul Ruiz (D-CA)*

Issues discussed at the meetings included: supporting recent BIA decision regarding Land in Trust, sharing concern over potential reduction of EPA grant availability, the impact a hiring freeze has on Indian Health Service, and working to secure congressional support for grant applications.

I was unable to attend the last meeting of the day on Wednesday due to illness. I was scheduled to fly out of Washington DC on Thursday and did not attend Thursday's meetings.

Requested Action:

1. Accept the travel report from Secretary Summers for NCAI Executive Council Winter Session - Washington DC - February 14-16, 2017.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 04 / 12 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Lisa Summers

Travel Event:	PL280 Subcommittee, Tribal Caucus, and Intertribal Criminal Justice Council meeting		
Travel Location:	Hayward, WI	Approved Travel Dates:	3/22-24/2017
Departure Date:	n/a	Return Date:	n/a
Projected Cost:	\$ 301.70	Actual Cost:	\$ 0.00
Date Travel was Approved by OBC:	03/07/2017		

Narrative/Background:

Due to unforeseen circumstances, I was unable to attend. The PL280 Subcommittee meeting was cancelled and Tana Aguirre, Local Lobbyist, attended and recruited another attendee to facilitate the remaining two meetings.

Item(s) Requiring Attention:

n/a

Requested Action:

Accept the travel report as information.

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 04 / 12 / 17 e-poll requested

2. General Information:

Event Name: State-Tribal Consultation with Department of Corrections

Event Location: LCO, WI Attendee(s): Lisa Summers

Departure Date: May 8, 2017 Attendee(s):

Return Date: May 9, 2017 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
 Unbudgeted
 Grant Funded or Reimbursed

Cost Estimate: 250.00

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onlyote?a-ka Principles Creating a Positive Organizational Culture
 Committing to Building a Responsible Nation Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

This travel request is to participate in the State-Tribal Consultation with the Department of Corrections on Tuesday, May 9, 2017. My participation also fulfills my role as the liaison to the Police Commission, and Oneida's representative on the WI Tribes' Criminal Justice Coordinating Council. I will work with IGAC, OPD and the Judiciary to coordinate any issues which may need specific attention during the consultation session.

5. Submission

Sponsor: Lisa Summers, Tribal Secretary

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

Scott Walker
Governor

Jon E. Litscher
Secretary



Mailing Address:

3099 E. Washington Ave.
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 240-5052
Fax (608) 240-3305

State of Wisconsin Department of Corrections

April 4, 2016

Chairwoman Cristina Danforth
Oneida Nation of Wisconsin
P.O. Box 365
Oneida, WI 54155-0365

Dear Chairwoman Danforth:

The Department of Administration has coordinated an annual Tribal Consultation meeting for the tribal leaders of Wisconsin and executive leadership within the Department of Corrections. On behalf of DOC Secretary Litscher, I would like to invite you to the 2017 DOC/Tribal Consultation Meeting. The Department of Corrections is committed to better understanding the unique needs and circumstances of Wisconsin's sovereign nations and working together on issues of mutual concern and interest.

This year's consultation meeting will be held at the Lac Courte Oreilles Casino Lodge & Convention Center in Hayward, Wisconsin. The Department of Corrections will present from 9:30 a.m. until 12:00 p.m. with lunch provided at 12:00 p.m.

Date: Tuesday, May 9, 2017
Time: 9:30 a.m. – 12:00 p.m.
Place: Lac Courte Oreilles Casino Lodge & Convention Center
13767 W. Cty. Rd. B
Hayward, WI 54843

Please RSVP and provide me with any agenda items you would like included for our meeting by Friday, April 28, 2017. We look forward to meeting with you and working to enhance our existing partnerships.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristi Dietz".

Kristi Dietz
Director, Office of Detention Facilities
DOC Tribal Liaison
Kristi.Dietz@wisconsin.gov, (608) 240-5052

Cc: Jon Litscher, Secretary
Cathy Jess, Deputy Secretary
Dawn Vick, DOA
File

XIII. GENERAL TRIBAL COUNCIL

A. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana

EXCERPT FROM MARCH 22, 2017: (1) Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

1. Accept legal analysis

Sponsor: Jo Anne House, Chief Counsel

2. Defer financial analysis to April 26, 2017, regular Business Committee meeting

Sponsor: Larry Barton, Chief Financial Officer

B. Approve May 16, 2017, reconvened special GTC meeting mail-out notice

Sponsor: Lisa Summers, Tribal Secretary

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

Sponsor: Lisa Summers, Tribal Secretary

1. Approved request to schedule special GTC meeting on Tuesday, May 16, 2017, at 6:00 p.m. as directed at the March 19, 2017, special GTC meeting

Requestor: Lisa Summers, Tribal Secretary

2. Approved request to reschedule April 7, 2017, reconvened Annual GTC meeting to Sunday, April 23, 2017, at 1:00 p.m., due to identified safety concerns

Requestor: Lisa Summers, Tribal Secretary

These agenda items contain information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials. Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>

For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to TribalSecretary@oneidanation.org. Thank you.

Business Committee Meeting
8:30 a.m. Wednesday, April 12, 2017
Thank you for printing clearly

Dobbie Dwyer

Bonnie Pigman

Geraldine Danforth

Paul Garkner

Bill Garkner

Richard Elm-Hill

Dale Wheelock OHA

Wes Martin

Paul WITEK

Cathy Bachhuber