

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Meeting Materials August 9, 2017

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 282 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 9th day of August, 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, August 08, 2017

Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting

8:30 a.m. Wednesday, August 09, 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

IV. OATHS OF OFFICE

- A. Oneida Pardon and Forgiveness Screening Committee - Jeanette Archiquette-Ninham**
Sponsor: Lisa Summers, Tribal Secretary

V. MINUTES

- A. Approve July 26, 2017, regular Business Committee meeting minutes with reconvened session on July 27, 2017**
Sponsor: Lisa Summers, Tribal Secretary
- B. Approve July 27, 2017, FY '17 3rd quarter reports Business Committee meeting minutes**
Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Administrative Rulemaking Law Amendments**
Sponsor: Brandon Stevens, Councilman/ Legislative Operating Committee Chair

- B. Adopt resolution entitled Audit Law Amendments**
Sponsor: Brandon Stevens, Councilman/ Legislative Operating Committee Chair
- C. Adopt resolution entitled Adoption of the Governance of Boards, Committees and Commissions Amendments**
Sponsor: Brandon Stevens, Councilman/ Legislative Operating Committee Chair
- D. Adopt resolution entitled Child Care Department Consumer Complaint Law**
Sponsor: Brandon Stevens, Councilman/ Legislative Operating Committee Chair

VII. STANDING COMMITTEES

- A. Legislative Operating Committee**
Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair
 - 1. Accept July 19, 2017, Legislative Operating Committee meeting minutes**
- B. Finance Committee**
Sponsor: Trish King, Tribal Treasurer/Finance Committee Chair
 - 1. Approve July 31, 2017, Finance Committee meeting minutes**
 - 2. Approve Finance Committee E-Poll action of August 3, 2017 regarding approval of a Purchase Order increase of \$14,613.88 to Lamers Bus, Inc. - file # 2015-0374**
- C. Quality of Life**
Sponsor: Fawn Billie, Councilwoman/Quality of Life Committee Chair
 - 1. Accept June 15, 2017, Quality of Life meeting minutes**
 - 2. Accept Quality of Life Committee - End of Term Report**

VIII. UNFINISHED BUSINESS

- A. Adopt resolution entitled Native American Business Development Institute Feasibility (NABDI) Study**
Sponsor: Joanie Buckley, Division Director/Internal Services

IX. NEW BUSINESS *(Please Note: Scheduled times are approximate and subject to change)*

- A. Approve 2017 General Election Final Results report** *(This items is scheduled to begin at 8:45 a.m.)*
Sponsor: Melinda J Danforth, Tribal Vice-Chairwoman
- B. Approve an option for disbursement of fifty (50) complimentary passes - 5th Annual Indian Horse Relay tickets - Canterbury Park, MN - August 24-26, 2017**
Sponsor: Lisa Summers, Tribal Secretary

X. TRAVEL**A. Travel Requests**

1. **Approve travel request in accordance with Travel & Expense Policy - Five (5) Oneida Nation Veterans Affairs Committee members - Indian Summer Festival - September 8-10, 2017**
Chair: James Martin
Liaison: Jennifer Webster, Councilwoman
2. **Approve travel request - Up to three (3) OBC members - 2017 Bemidji Area Partnership for Family Wellness conference - New Buffalo, MI - September 11-15, 2017**
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
3. **Approve travel request - Councilman Brandon Stevens - 40th Anniversary of American Indian Science Engineering Society (AISES) & National conference and the Tribal Nations Advisory Council (TNAC) meeting - Denver, CO - September 20-23, 2017**

B. Travel Reports

1. **Accept travel report - Secretary Lisa Summers - Wisconsin Dept. of Corrections tribal consultation - Hayward, WI - May 8-9, 2017**
2. **Accept travel report - Secretary Lisa Summers & Councilwoman Jennifer Webster - 31st Annual Wisconsin Indian Education Association (WIEA) conference - Minocqua, WI May 11-14, 2017**
3. **Accept travel report - Secretary Lisa Summers, Councilwoman Jennifer Webster, & Councilman Tehassi Hill - National Congress of American Indians (NCAI) mid-year conference - Uncasville , CT - June 11-15, 2017**
4. **Accept travel report - Secretary Lisa Summers & Councilwoman Fawn Billie - North American Indigenous Games (NAIG) 2017 - Toronto, ON Canada - July 14-23, 2017**

XI. OPERATIONAL REPORTS (*Please Note: Scheduled times are approximate and subject to change*)

- A. **Accept Environmental Health & Safety FY '17 3rd quarter report (1:30 p.m.-1:50 p.m.)**
Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety
- B. **Accept Division of Land Management FY '17 3rd quarter report (1:50 p.m.-2:10 p.m.)**
Sponsor: Patrick Pelky, Division Director/Division of Land Management
- C. **Accept Oneida Housing Authority FY '17 3rd quarter report (2:10 p.m.-2:30 p.m.)**
Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority
- D. **Accept Human Resources Dept. FY '17 3rd quarter report (2:30 p.m.-2:50 p.m.)**
Sponsor: Geraldine Danforth, Area Manager/Human Resources

- E. **Accept Retail Enterprise FY '17 3rd quarter report (2:50 p.m.-3:10 p.m.)**
Sponsor: Michele Doxtator, Area Manager/Retail Profits

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

A. REPORTS

1. **Accept Oneida Seven Generations Corporation FY '17 3rd quarter report**
Sponsor: Cristina Danforth, Tribal Chairwoman (8:30 a.m.-9:15 a.m.)
2. **Accept Retail Enterprise FY '17 3rd quarter report (9:15 a.m.-9:45 a.m.)**
Sponsor: Michele Doxtator, Area Manager/Retail Profits
3. **Accept Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel

B. STANDING ITEMS

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

C. AUDIT COMMITTEE

Sponsor: Tehassi Hill, Councilman/Audit Committee Chair

1. **Accept June 9, 2017, Audit Committee meeting minutes**
2. **Accept July 13, 2017, Audit Committee meeting minutes**
3. **Accept audit entitled SEOTS Performance Assurance and lift confidentiality requirement**
4. **Accept audit entitled Oneida Elder Services Performance Assurance and lift confidentiality requirement**
5. **Accept audit entitled Ultimate Texas Hold'em Rules of Play and lift confidentiality requirement**
6. **Accept audit entitled Cultural Heritage Performance Assurance and lift confidentiality requirement**

D. UNFINISHED BUSINESS

1. **Accept report regarding contract # 2017-0088; and accept recommended actions**
Sponsors: Lisa Summers, Tribal Secretary; Jennifer Webster, Councilwoman
2. **Accept strategy regarding IGAC report from July 26, 2017, Business Committee meeting**
Sponsor: Nathan King, Director/Intergovernmental Affairs & Communications
3. **Accept report regarding complaint # 2017-DR11-01 (Not Submitted)**
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Oneida Business Committee Regular Meeting Agenda of August 09, 2017

EXCERPT FROM JULY 27, 2017: (Reconvened from July 26, 2017) Motion by Jennifer Webster to direct Vice-Chairwoman Melinda J. Danforth to complete the follow-up on behalf of the OBC Officers; and to direct that the report from Comprehensive Health be due at the August 9, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JULY 12, 2017: Motion by Jennifer Webster to defer this item to the Oneida Business Committee Officers for follow up with the Comprehensive Health Operations Division Director; and for a report to be brought back to the July 26, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

4. **Accept sign-in sheets from June 28, 2017, as information (Not Submitted)**
Sponsor: Cristina Danforth, Tribal Chairwoman

EXCERPT FROM JULY 26, 2017: (1) Motion by Trish King to create standard operating procedures to support the Oneida Business Committee to carry out their duties and responsibilities in accordance with the constitution, seconded by Jennifer Webster. Motion called out of order by Chairwoman Tina Danforth. (2) Motion by David Jordan to defer this item to the August 9, 2017, regular Business Committee meeting; and for the back-up to include minutes, seconded by Brandon Stevens. Motion carried unanimously.

E. NEW BUSINESS

1. **Approve letter of agreement - Attorney's Process & Investigation Services, Inc. - file # 2017-0892 (This item is scheduled to begin at 11:00 a.m.)**
Sponsor: David Jordan, Councilman
2. **Adopt resolution entitled Transfer of Language Department to Oneida Nation School System**
Sponsor: Jo Anne House, Chief Counsel
3. **Review concern # 2017-CC-11 and determine next steps**
Sponsor: Lisa Summers, Tribal Secretary

XIV. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 4:50 p.m., Friday, August 4, 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: 8 / 9 / 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 Jeanette Archiquette-Ninham to the Oneida Pardon and Forgiveness Screening 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, Records Tech II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the June 1, 2017 issue of the Kalihwisaks for (4) vacancies on the Oneida Pardon and Forgiveness Screening Committee for a (3) year term with the deadline of July 3, 2017. There was (1) applicant for the (4) vacancies on the Oneida Pardon and Forgiveness Screening Committee. The appointment was made on the July 27, 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

[Deadlines](#)**Oneida Business Committee Agenda Request**[Instructions](#)**1. Meeting Date Requested: 08/09/17****2. General Information:**

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

Choose an item.

Agenda Section: Minutes

Subject Matter: Approve July 26-27, 2017, regular Business Committee meeting minutes

3. Supporting Materials:

Report Resolution Contract # _____ Other: (Describe below)
7/26-27/17 meeting minutes

Business Committee Signature Required

4. Budget Information:

Budgeted – Tribal Contribution Budgeted – Grant Funded Unbudgeted Not Applicable

5. Submission:

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor: Heather Heuer

Additional Requestor: (Name, Title/Dept.)

Additional Requestor: (Name, Title/Dept.)

Request Form Submitted By: CLERK

6. Cover Memo:**To which Strategic Direction(s) does this request relate to?**

Advancing Onlayote'a-ká Principles Creating a Positive Organizational Culture
 Committing to Building a Responsible Nation Implementing Good Governance

Requested Action of the Business Committee: (To approve..., To accept..., To adopt resolution titled..., etc.)

Approve July 26-27, 2017, regular Business Committee meeting minutes

DRAFT**Oneida Business Committee****Executive Session****8:30 a.m. Tuesday, July 25, 2017****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, July 26, 2017****BC Conference Room, 2nd floor, Norbert Hill Center****Reconvened Meeting****2:54 p.m. Thursday, July 27, 2017****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes – DRAFT****EXECUTIVE SESSION****Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;**Not Present:** Secretary Lisa Summers;**Arrived at:** ;**Others present:** Jo Anne House, RaLinda Ninham-Lamberies, Lisa Liggins, Louise Cornelius, Chad Fuss, Jeff Bowman, Brad Graham, Jeff House, Jackie Zalim, Janice Hirth-Skenandore, Josh Doxtator, Justin Knight, Steve Ninham, Mary Shaw, Kelly Losee, Nate King, Larry Barton;**REGULAR MEETING****Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;**Not Present:** ;**Arrived at:** ;**Others present:** Larry Barton, Jo Anne House, Heather Heuer, Candice Skenandore, Clorissa Santiago, Jen Falck, RaLinda Ninham-Lamberies, Rhiannon Metoxen, Jessica Wallenfang, Lee Cornelius, Lora Skenandore, Chris Johnson, Brad Graham, Pogi King Dessart, Steve Webster, Joanie Buckley, Louise Cornelius, Geraldine Danforth, Tammy Skenandore, Donald Miller, Dan Hawk, Taniquelle Thurner, Janice Decorah, Denise Vigue, Debbie Melchert, Krystal John, Rae Skenandore, Mike Hill, Leyne Orosco, Jacque Boyle, Ed Delgado, Lisa Liggins, Bonnie Pigman, Cathy Metoxen, Cathy Bachhuber, Maureen Perkins, Nancy Barton, Kory Wesaw, Pearl Webster, Carol Smith, Gerald DeCoteau, Patrick Pelky, Frank Vandehei, Debra Danforth, Ravinder Vir, Susan House, Linda Dallas, Sid White, Troy Parr, Kristy Krenke, Carol Smith, Judy Cornelius, Gene Schmidt, Barb Erickson, Karen Parr;**RECONVENED MEETING****Present:** Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Council members: Fawn Billie, Tehassi Hill, Brandon Stevens, Jennifer Webster;**Not Present:** Chairwoman Tina Danforth, Secretary Lisa Summers;**Arrived at:** Councilman David Jordan at 3:03 p.m.;**Others present:** Jo Anne House, RaLinda Ninham-Lamberies, Heather Heuer;

DRAFT

I. CALL TO ORDER AND ROLL CALL by at Chairwoman Tina Danforth 8:30 a.m. on July 26, 2017

II. OPENING by Councilman Tehassi Hill on July 26, 2017

A. Special Recognition – Oneida athletes – North American Indigenous Games (NAIG)

Toronto, Ontario – July 17-21, 2017 (3:33:27)

Sponsor: Fawn Billie, Councilwoman

Special Recognition by coaches (Jamison King, Anthony Cornelius, Terry Melchert, Dugan Webster, Margaret Ellis, Lois Stevens, Nona Danforth, Kokomoss White, Michael Ninham, Kristin Zablocki, Vincente Vega, Leah Stroobants, Brad Vanevery, Dana Isaac, Sid White, Kilabrew Vandyke, Shad Webster, Tanya Skenandore, Justine Mehojah, and Jenna Cornelius-Daubon), the many community members supporters, and the Oneida Business Committee of the Oneida Nation athletes who participated in the North American Indigenous Games: Crimson Powless, Elijah Metoxen, Jonathon Massey, Anthony Hernandez, Ty Melchert, Isaiah Funmaker, Richard Summers III, David Danforth, Lexandria Metoxen, M'Kenzy Ackley, Lieda Rodriquez, Sadie Schuman, Malia Jacobs, Imani Ninham, Namoi House, Miranda Skenandore, Yanet Torres-Mejia, Rilee Powless, Shania Barber, Taliah Degroot, Mercedes Ackley, Skylee Elm, Kiandra Gerald, Jaelynn Danforth, Skye Degroot, Aaliyah House-Webster, Presley Cornelius, Levi Williams, Brylee King, Jamoszy Skenandore, Trent Thomas, Brandon King, Danika Zablocki, Briana Zablocki, Jackie Zablocki, Bree Bzdawka, Anastacia Reyes-Elm, Altaezza Douangmala, Sophie Skenandore, Savanna Fish, Lindsey Danforth, Sandra Torres-Mejia, Sadie Kelly, Cameron Skenandore, Nathan Ninham, Kelly Stevens, Blake Doxtator, Willard Johnson Jr., Desmond Degroot, Jeremiah Webster, Gavin White, Nathaniel Padron, Seth Charles, Patrick Baillie, Darwin Issac, Kyle Betters, Brandon Granquist, Melvin Matson, Miguel Hernandez, Damon Denny, Paige Skenandore, Tianna Hackett, Laiyah Lee, Jashon Killspotted, Riley Rasmussen, Lillian Cooper, Chaselyn Parker, Tiara Barber, Caleb Aguirre, Jackson Schuyler, Joshua Skenandore, Danny Herrera, Kiara Skenandore, Dylan Danforth, Jose Guzman, Camillie Billie, Mia Channon, Jashelle King-Skenandore, Nakai Webster, Sadie Danforth, Kailey Hill, Caydence Cornelius, Wayne Williams, and Margo Francour.

B. Special Recognition for Years of Service – Seventeen (17) Oneida Nation employees

Sponsor: Geraldine Danforth, Area Manager/Human Resources Dept. (00:04:50)

Special Recognition by Steve Webster of Paula (Pogi) King Dessart(35 years of service); Special Recognition by Louise Cornelius of Samantha Skenandore (35 years of service); Special Recognition by Kim Laluzerne of Victoria Reed-Vanderzanden (30 years of service); Special Recognition by Kim Laluzerne of Susan Kelly (25 years of service); Special Recognition by Kim Laluzerne of Tina Moore (25 years of service); Special Recognition by Franklin Cornelius of Kim Laluzerne (25years of service); Special Recognition by Jeffrey Carlson of Kelly Skenandore (25 years of service); Special Recognition by Louise Cornelius of Lorna Skenandore (25 years of service); Special Recognition by Robert Chambers of Dorothy Cornette (25 years of service); and Special Recognition by Chad Cornelius of Shelly Stevens (25 years of service). Special Recognition for the following individuals who could not be present: William Stevens for 40 years of service; Carl Prevost for 35 years of service; Gene Thomas for 30 years of service; Philip Smith for 30 years of service; Richard VanBoxtel for 25 years of service; Jill Green for 25 years of service; Floyd Schuman Jr. for 25 years of service; James Petitjean for 25 years of service; Owen Somers for 25 years of service; Dale Powless for 25 years of service; Wendy Summers for 25 years of service; and Tracy Charles for 25 years of service.

C. Special Recognition – Chairwoman Tina Danforth – Oneida Business Committee (Add-on)

Sponsor: Larry Barton, Chief Financial Officer (00:24:00)

Special Recognition by family members, community members, and colleagues of Chairwoman Tina Danforth for 18 years of service as a tribal leader with the Business Committee. Song and drum provided by Trevon Danforth.

DRAFT**III. ADOPT THE AGENDA (00:46:14)**

Motion by Brandon Stevens to adopt the agenda with the following changes: [Schedule Unfinished Business item 10.A. Approve four (4) actions regarding Oneida Nation Solar LLC. Operating agreement – file # 2017-0655, at 10:00 a.m.; Add-on General Tribal Council item regarding Petitioner Frank Vandehei: Modify or eliminate E-Poll process; Note the scheduled time frames for item II.A. and section XII. Operational Reports; and Add-on II.C. Special Recognition for Chairwoman Tina Danforth of the Oneida Business Committee], seconded by David Jordan. Motion carried unanimously:

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

Amendment to the main motion by David Jordan to schedule Executive Session – New Business items XIV.E.05. and XIV.E.06. at 3:30 p.m., seconded by Melinda J. Danforth. Motion carried with one abstention:

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

Treasurer Trish King departs at 9:29 a.m. on July 26, 2017

IV. OATHS OF OFFICE (00:56:54) administered by Secretary Lisa Summers

A. Oneida Police Commission – Kory Wesaw

B. Oneida Personnel Commission – Pearl Webster, Carol Smith, and Gerald DeCoteau

V. MINUTES (00:59:43)

(July 26, 2017, regular meeting)

A. Approve July 12, 2017, regular meeting minutes

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the July 12, 2017, regular meeting minutes, seconded by Lisa Summers. Motion carried with two abstentions:

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

VI. RESOLUTIONS

Treasurer Trish King returns at 9:32 a.m. on July 26, 2017

(July 26, 2017, regular meeting)

A. Adopt resolution entitled Native American Business Development Institute (NABDI) Feasibility Study (1:00:17)

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Lisa Summers to defer this item to the August 9, 2017, regular Business Committee meeting until we can get more information from the Community & Economic Development Division on this request, seconded by Fawn Billie. Motion carried unanimously:

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

DRAFT*(July 26, 2017, regular meeting)***B. Adopt resolution entitled Well Abandonment Law Amendments (1:09:25)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Lisa Summers to adopt resolution # 07-26-17-A Well Abandonment Law Amendments, seconded by David Jordan. Motion carried unanimously:

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

*(July 26, 2017, regular meeting)***C. Adopt resolution entitled Tribal Environmental Response Law Amendments (1:10:58)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by David Jordan to adopt resolution # 07-26-17-B Tribal Environmental Response Law Amendments, seconded by Lisa Summers. Motion carried unanimously:

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

*Secretary Lisa Summers departs at 9:43 a.m. on July 26, 2017**Secretary Lisa Summers returns at 9:46 a.m. on July 26, 2017**(July 26, 2017, regular meeting)***D. Adopt resolution entitled On-Site Waste Disposal Law Amendments (1:11:23)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Melinda J. Danforth to adopt resolution # 07-26-17-C On-Site Waste Disposal Law Amendments, seconded by Brandon Stevens. Motion carried with one abstention:

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

Abstained: Lisa Summers

*(July 26, 2017, regular meeting)***E. Adopt resolution entitled Public Use of Tribal Land Law Amendments (1:16:12)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 07-26-17-D Public Use of Tribal Land Law Amendments, seconded by Tehassi Hill. Motion carried unanimously:

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

*(July 26, 2017, regular meeting)***F. Adopt resolution entitled All-Terrain Vehicle Law Amendments (1:16:56)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Melinda J. Danforth to adopt resolution # 07-26-17-E All-Terrain Vehicle Law Amendments, noting the effective date will be October 1, 2017, seconded by Fawn Billie. Motion carried unanimously:

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

*(July 26, 2017, regular meeting)***G. Adopt resolution entitled Hunting, Fishing and Trapping Law Amendments (1:17:36)**

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

DRAFT

Motion by Lisa Summers to adopt resolution # 07-26-17-F Hunting, Fishing and Trapping Law Amendments, noting the effective date will be October 1, 2017, seconded by Trish King. Motion carried with one abstention:

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

(July 26, 2017, regular meeting)

H. Adopt resolution entitled Water Resources Ordinance Amendments (1:18:52)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Trish King to adopt resolution # 07-26-17-G Water Resources Ordinance Amendments, noting the effective date will be October 1, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 10:03 a.m. on July 26, 2017

Councilman Tehassi Hill returns at 10:09 a.m. on July 26, 2017

(July 26, 2017, regular meeting)

I. Adopt resolution entitled Oneida Business Committee Meetings Law (1:19:44)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Lisa Summers to adopt resolution # 07-26-17-H Oneida Business Committee Meetings Law; and to request the Intergovernmental Affairs & Communications Dept. to assist with communicating the changes, seconded by David Jordan. Motion carried with one opposed:

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

Amendment to the main motion by David Jordan that under line 107, change three (3) minutes to five (5) minutes per agenda item; and under section 117.7-2(e) to allow for community members to also make requests to the agenda, seconded by Brandon Stevens. Motion carried with one abstention:

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

Amendment to the main motion by Lisa Summers for a review to be done by the Legislative Operating Committee in six (6) months after implementation, seconded by David Jordan. Motion carried unanimously:

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

Business Committee moves to item X.A. scheduled at 10:00 a.m.

(July 26, 2017, regular meeting)

J. Adopt resolution entitled Landlord-Tenant Emergency Amendments (1:55:20)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 07-26-17-I Landlord-Tenant Emergency Amendments, seconded by David Jordan. Motion carried unanimously:

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

Councilwoman Fawn Billie returns at 10:34 a.m. on July 26, 2017

DRAFT

Vice-Chairwoman Melinda J. Danforth returns at 10:36 a.m. on July 26, 2017

Secretary Lisa Summers departs at 10:43 a.m. on July 26, 2017

Secretary Lisa Summers returns at 10:46 a.m. on July 26, 2017

(July 26, 2017, regular meeting)

K. Adopt resolution entitled Adoption of the Children's Code and the Nation's Indian Child Welfare Act Policy (1:59:30)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by Brandon Stevens to adopt resolution # 07-26-17-J Adoption of the Children's Code and the Nation's Indian Child Welfare Act Policy, seconded by Tehassi Hill. Motion carried unanimously:

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

Amendment to the main motion by Lisa Summers that includes quarterly reporting regarding the transition back to the Business Committee work meetings or regular meetings with the full transition plan to be submitted for the September 9, 2017, regular Business Committee meeting and for quarterly reports to be submitted thereafter; and to request a one (1) year review of the law itself as it relates to its full implementation to make sure that if there are any changes that are necessary we are also undertaking those as well, seconded by David Jordan. Motion carried unanimously:

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

Chairwoman Tina Danforth departs at 11:10 a.m. Vice-Chairwoman Melinda J. Danforth assumes responsibility of the Chair on July 26, 2017.

Chairwoman Tina Danforth returns at 11:37 a.m. and resumes responsibility of the Chair on July 26, 2017.

Councilwoman Jennifer Webster departs at 11:37 a.m. on July 26, 2017

Councilwoman Jennifer Webster returns at 11:40 a.m. on July 26, 2017

Treasurer Trish King departs at 11:41 a.m. on July 26, 2017

Treasurer Trish King returns at 11:43 a.m. on July 26, 2017

Councilwoman Fawn Billie departs at 11:47 a.m. on July 26, 2017

Councilwoman Fawn Billie returns at 11:50 a.m. on July 26, 2017

Secretary Lisa Summers departs at 11:51 a.m. on July 26, 2017

Secretary Lisa Summers returns at 11:58 a.m. on July 26, 2017

Vice-Chairwoman Melinda J. Danforth departs at 12:00 p.m. on July 26, 2017

(July 26, 2017, regular meeting)

L. Adopt resolution entitled Cemetery Law Amendments (2:39:48)

Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

Motion by David Jordan to adopt resolution # 07-26-17-K Cemetery Law Amendments, seconded by Jennifer Webster. Motion carried with one abstention:

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

Abstained: Lisa Summers

Not Present: Melinda J. Danforth

For the record: Secretary Lisa Summers stated I am going to abstain at this point because I asked for a consideration for this to be deferred out a little bit more so that we could have proper communication and I wasn't able to get that amendment in. So I just wanted everybody to know that is why.

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

Chair: Brandon Stevens, Councilman

*(July 26, 2017, regular meeting)***1. Accept June 21, 2017, Legislative Operating Committee meeting minutes (4:40:26)**

Motion by Brandon Stevens to accept the June 21, 2017, Legislative Operating Committee meeting minutes, Legislative Operating Committee meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

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

B. Finance Committee

Chair: Trish King, Tribal Treasurer

*(July 26, 2017, regular meeting)***1. Approve July 17, 2017, Finance Committee meeting minutes (4:42:40)**

Motion by Jennifer Webster to approve the July 17, 2017, Finance Committee meeting minutes, seconded by Fawn Billie. Motion carried with one abstention:

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

*(July 26, 2017, regular meeting)***2. Approve Finance Committee E-Poll results regarding Prevea Clinics, Inc. Psychiatric Services agreement – file # 2017-0808 (4:42:55)**

Motion by Trish King to approve the Finance Committee E-Poll results regarding Prevea Clinics, Inc. Psychiatric Services agreement – file # 2017-0808, seconded by David Jordan. Motion carried unanimously:

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

*(July 26, 2017, regular meeting)***3. Approve Finance Committee E-Poll results regarding (2) two Capital Expenditure transfer of funds for \$300,000 from Elder Services to CIP # 05-013 – Elder Services/Apartment Improvements; and \$21,000 from 3 Sisters Asphalt Replacement to CIP # 14-013 – Early Head Start Facility (4:54:00)**

Motion by Trish King to approve the Finance Committee E-Poll results regarding (2) two Capital Expenditure transfer of funds for \$300,000 from Elder Services to CIP # 05-013 – Elder Services/Apartment Improvements; and \$21,000 from 3 Sisters Asphalt Replacement to CIP # 14-013 – Early Head Start Facility, seconded by David Jordan. Motion carried unanimously:

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

DRAFT**C. Quality of Life Committee**

Chair: Fawn Billie, Councilwoman

*(July 26, 2017, regular meeting)***1. Accept May 11, 2017, Quality of Life meeting minutes (4:55:41)**

Motion by Lisa Summers to accept the May 11, 2017, Quality of Life meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

Secretary Lisa Summers departs at 3:16 p.m. before voting occurs on July 26, 2017.

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

VIII. APPOINTMENTS*(July 26, 2017, regular meeting)***A. Approve recommendation to appoint Jeanette Archiquette-Ninham to Pardon and Forgiveness Screening Committee; and re-post the other three (3) vacancies (5:20:30)**

Sponsor: Cristina Danforth, Tribal Chairwoman

Motion by David Jordan to approve the recommendation to appoint Jeanette Archiquette-Ninham to Pardon and Forgiveness Screening Committee; and re-post the other three (3) vacancies, seconded by Jennifer Webster. Motion carried unanimously:

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

*(July 26, 2017, regular meeting)***B. Approve recommendation to appoint Elaine Skenandore-Cornelius to Bay Bancorporation Board of Directors (5:20:56)**

Liaison Alternate: David Jordan, Councilman

Motion by David Jordan to approve the recommendation to appoint Elaine Skenandore-Cornelius to Bay Bancorporation Board of Directors, seconded by Fawn Billie. Motion carried unanimously:

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

IX. TABLED BUSINESS (5:21:31)*(July 26, 2017, regular meeting)***A. Approve recommendation to appoint Robert Barton to Oneida Airport Hotel Corp. Board of Directors**

Sponsor: Cristina Danforth, Tribal Chairwoman

Motion by David Jordan to take this item from the table, seconded by Jennifer Webster. Motion carried unanimously:

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

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Motion by David Jordan to approve the recommendation to appoint Robert Barton to Oneida Airport Hotel Corp. Board of Directors, seconded by Jennifer Webster. Motion carried with two abstentions:

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

EXCERPT FROM JULY 12, 2017: (1) Motion by Fawn Billie to approve the recommendation to appoint Robert Barton to the Oneida Airport Hotel Corporation Board of Directors, seconded by David Jordan. Motion not voted on; item tabled. (2) Motion by Lisa Summers to table this item, seconded by Tehassi Hill.

EXCERPT FROM JULY 3, 2017: (Reconvened from June 28, 2017) Motion by Lisa Summers to defer the remaining agenda items to the July 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

X. UNFINISHED BUSINESS (1:43:14)

*Vice-Chairwoman Melinda J. Danforth departs at 10:15 a.m. on July 26, 2017
 Councilwoman Fawn Billie departs at 10:16 a.m. on July 26, 2017*

(July 26, 2017, regular meeting)

A. Approve four (4) actions regarding Oneida Nation Solar LLC. Operating agreement – file # 2017-0655

Requestor: Michael Troge, Environmental Project Manager/Eco-Services Dept.
 Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety

Motion by Lisa Summers to approve the Oneida Nation Solar LLC. Operating agreement – file # 2017-0655, contingent upon a positive review by Sovereign Finance, seconded by Jennifer Webster. Motion carried unanimously:

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

Amendment to the main motion by David Jordan to approve Michael Troge to be the Oneida Nation representative of Oneida Nation Solar LLC.; and to approve James Bittorf to be the Oneida Nation Dispute Representative of Oneida Nation Solar LLC.; and to acknowledge supporting materials were submitted by Friday, July 21, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

EXCERPT FROM JUNE 28, 2017: (1) Motion by Lisa Summers to accept the Oneida Nation Solar LLC. Operating agreement – file # 2017-0655, as information only at this point, noting the requestors will come back and either request a special Business Committee meeting or add this item to an upcoming regular Business Committee for completion, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to request the Finance Department complete the remainder of their review by Friday, July 7, 2017, so we can proceed, seconded by David Jordan. Motion carried unanimously.

Business Committee resumes agenda at item VI.J.

DRAFT**XI. NEW BUSINESS**

(July 26, 2017, regular meeting)

A. Approve revised OBC SOP entitled Hiring and Negotiating Oneida Business Committee (OBC) Political Appointments (5:26:03)

Sponsor: Tehassi Hill, Councilman

Motion by Jennifer Webster to approve the addition of section 3.3 "The Tribal Chair's Office is eligible for two (2) full-time positions with the option of the Tribal Chair hiring two (2) part-time (0-20 hours a week) employees to equal one full-time positions," back into OBC SOP entitled Hiring and Negotiating Oneida Business Committee (OBC) Political Appointments, seconded by Trish King. Motion carried unanimously:

Councilwoman Jennifer Webster departs at 3:42 p.m. before voting occurs on July 26, 2017.

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

Motion by David Jordan to recess at 4:45 p.m. on July 26, 2017, seconded by Fawn Billie. Motion carried unanimously: (6:47:59)

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

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 2:54 p.m. on July 27, 2017
Chairwoman Tina Danforth, Secretary Lisa Summers, and Councilman David Jordan not present.*

(July 27, 2017, reconvened regular meeting)

B. Schedule special Business Committee meeting for purpose of administering oaths of office for remaining elected officials¹

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to approve scheduling a special Business Committee meeting for the purpose of administering oaths of office for remaining elected officials on August 17, 2017, at 5:00 p.m., seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by David Jordan to recess at 12:04 p.m. until 1:30 p.m. on July 26, 2017, seconded by Brandon Stevens. Motion carried unanimously: (3:32:52)

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

*Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 1:30 p.m. on July 26, 2017.
Chairwoman Tina Danforth not present.*

¹ Audio inadvertently did not record during this item.

DRAFT**XII. OPERATIONAL REPORTS**

Chairwoman Tina Danforth arrives at 1:40 p.m. on July 26, 2017
Vice-Chairwoman Melinda J. Danforth departs at 1:49 p.m. on July 26, 2017
Councilman Tehassi Hill departs at 1:52 p.m. on July 26, 2017
Councilman Tehassi Hill returns at 1:56 p.m. on July 26, 2017
Secretary Lisa Summers departs at 1:57 p.m. on July 26, 2017
Treasurer Trish King departs at 2:05 p.m. on July 26, 2017

(July 26, 2017, regular meeting)

A. Accept Comprehensive Health Division FY '17 3rd quarter report (3:59:22)

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

Motion by David Jordan to accept the Comprehensive Health Division FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

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

Treasurer Trish King returns at 2:12 p.m. on July 26, 2017
Secretary Lisa Summers returns at 2:19 p.m. on July 26, 2017

(July 26, 2017, regular meeting)

B. Accept Community & Economic Development Division FY '17 3rd quarter report (4:13:40)

Sponsor: Troy Parr, Division Director/Community & Economic Development – Development Branch

Motion by David Jordan to accept the Community & Economic Development Division FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

(July 26, 2017, regular meeting)

C. Accept Public Works Division FY '17 3rd quarter report (4:22:38)

Sponsors: Jacque Boyle, Interim Assistant Division Director/Public Works – Development Branch

Motion by Jennifer Webster to accept the Public Works Division FY '17 3rd quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

(July 26, 2017, regular meeting)

D. Accept Governmental Services Division FY '17 3rd quarter report (4:28:28)

Sponsor: George Skenandore, Division Director/Governmental Services

Motion by David Jordan to accept the Governmental Services Division FY '17 3rd quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

DRAFT**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>)**(July 27, 2017, reconvened regular meeting)***A. Approve four (4) actions regarding Petitioner Edward Delgado – Trust Land Distribution**Sponsor: Lisa Summers, Tribal Secretary **(6:48:33)**

Motion by Tehassi Hill to acknowledge receipt of the petition submitted by Edward Delgado regarding Trust Land Distribution, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

Motion by Tehassi Hill to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal financial, legislative, and administrative analyses, seconded by Trish King.

Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

Motion by Tehassi Hill to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days, with a reminder of the July 7, 2017, GTC directive that GTC petitions "submitted to the Tribal Secretary's Office shall be processed and a GTC meeting be convened with 120 calendar days of receipt by the Tribal Secretary's Office", seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

Motion by Tehassi Hill to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

*EXCERPT FROM JULY 12, 2017: No formal action taken on this item.**EXCERPT FROM JUNE 28, 2017: Motion by Lisa Summers to defer the remaining agenda items to the July 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.**EXCERPT FROM JUNE 14, 2017: Meeting cancelled.**(July 27, 2017, reconvened regular meeting)***B. Approve four (4) actions regarding Petitioner Linda Dallas – 2017 Tri-Annual General Election (6:51:25)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Brandon Stevens to acknowledge receipt of the petition submitted by Linda Dallas regarding the 2017 Tri-Annual Election, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

Motion by Trish King to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal financial, legislative, and administrative analyses, seconded by Tehassi Hill.

Motion carried unanimously:

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

Motion by Tehassi Hill to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously:

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

Motion by Tehassi Hill to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by Brandon Stevens. Motion carried unanimously:

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

Councilman David Jordan arrives at 3:03 p.m. on July 27, 2017

Councilwoman Jennifer Webster departs at 3:31 p.m. on July 27, 2017

Councilwoman Jennifer Webster returns at 3:34 p.m. on July 27, 2017

(July 27, 2017, reconvened regular meeting)

C. Determine appropriate date and reschedule FY '18 GTC budget meeting (6:54:00)

Sponsor: Trish King, Tribal Treasurer

Motion by Tehassi Hill to reschedule the FY '18 GTC budget meeting to from Sunday, September 17, 2017, to Sunday, October 8, 2017, seconded by Brandon Stevens. Motion withdrawn.

Motion by Tehassi Hill to rescind the February 8, 2017, Business Committee motion that scheduled the FY '18 GTC budget on Sunday, September 17, 2017, at 1:00 p.m.; and to reschedule the FY '18 GTC budget meeting to Sunday, October 8, 2017, at 10:00 a.m., seconded by Trish King. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

D. Approve two (2) actions regarding special GTC meeting (7:32:03)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve scheduling a special GTC meeting on Sunday, September 17, 2017, at 1:00 p.m. for the remaining 2017 Semi-Annual GTC agenda items, seconded by Jennifer Webster.

Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Jennifer Webster
 Abstained: David Jordan
 Not Present: Tina Danforth, Lisa Summers
 For the record: Councilman David Jordan stated I am scheduled vacation out of state.

Motion by Brandon Stevens to approve the mailer and notice, seconded by Fawn Billie. Motion carried unanimously:

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

Treasurer Trish King departs at 3:43 p.m. during July 27, 2017

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Treasurer Trish King returns 3:46 p.m. during July 27, 2017

(July 27, 2017, reconvened regular meeting)

E. Accept legal opinion of Referendum Question regarding development of law which provides for sanctions and due process for elected officials (7:35:02)

Sponsor: Jo Anne House, Chief Counsel

Motion by Tehassi Hill to accept the legal opinion regarding development of a law which provides for sanctions and due process for elected officials, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster
 Not Present: Tina Danforth, Lisa Summers
 For the record: Vice-Chairwoman Melinda J. Danforth stated that the referendum question process is laid out in the Election Law and that there will be next steps after this.

(July 27, 2017, reconvened regular meeting)

F. Enter E-Poll results into the record in accordance with OBC SOP entitled Conducting Electronic Voting:

Sponsor: Lisa Summers, Tribal Secretary

a. Approved memorandum to cancel the June 20, 2017, special GTC meeting; and direct the Tribal Secretary to combine agenda items to a later date with the Employment law and Re-organization proposal (7:44:08)

Requestor: Brandon Stevens, Councilman

Motion by Brandon Stevens to enter the E-Poll results into the record for the approved memorandum to cancel the June 20, 2017, special GTC meeting; and direct the Tribal Secretary to combine agenda items to a later date with the Employment law and Re-organization proposal, seconded by Tehassi Hill. Motion carried unanimously:

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

EXCERPT FROM JULY 12, 2017: Motion by Lisa Summers to enter the E-Poll results into the record for the approved memorandum to cancel the June 20, 2017, special GTC meeting; and to direct the Tribal Secretary to combine agenda items to a later date with the Employment law and Re-organization proposal, seconded by Jennifer Webster. Motion not formally voted on.

EXCERPT FROM JULY 3, 2017: (Reconvened from June 28, 2017) Motion by Lisa Summers to defer the remaining agenda items to the July 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

(July 27, 2017, reconvened regular meeting)

G. Approve four (4) actions regarding Petitioner Frank Vandehei – E-Poll process (Add-on)

Sponsor: Lisa Summers, Tribal Secretary (7:38:45)

Motion by Tehassi Hill to acknowledge receipt of the petition submitted Frank Vandehei regarding the E-Poll process, seconded by David Jordan. Motion carried unanimously:

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

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Motion by Tehassi Hill to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal financial, legislative, and administrative analyses, seconded by Fawn Billie.

Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

Motion by Tehassi Hill to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

Motion by Tehassi Hill to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

XIV. EXECUTIVE SESSION (7:44:41)**A. REPORTS**

(July 27, 2017, reconvened regular meeting)

1. Determine appropriate actions regarding Oneida Seven Generations Corporation FY '17 3rd quarter report

Agent: Pete King III

Liaison: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to defer the Oneida Seven Generations Corporation FY '17 3rd quarter report to the August 9, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

(July 27, 2017, reconvened regular meeting)

2. Accept Bay Bancorporation, Inc. FY '17 3rd quarter report

President: Jeff Bowman

Liaison: Tina Danforth, Tribal Chairwoman

Motion by Trish King to accept the Bay Bancorporation, Inc. FY '17 3rd quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

(July 27, 2017, reconvened regular meeting)

3. Accept Oneida ESC Group, LLC. FY '17 3rd quarter report

Chair: Jackie Zalim

Liaison: Tehassi Hill, Councilman

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Motion by Trish King to accept the Oneida ESC Group, LLC. FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

4. Accept Oneida Airport Hotel Corporation FY '17 3rd quarter report

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

Motion by Tehassi Hill to accept the Oneida Airport Hotel Corporation FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

5. Accept Oneida Golf Enterprise FY '17 3rd quarter report

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

Motion by Trish King to accept the Oneida Golf Enterprise FY '17 3rd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

6. Accept Gaming General Manager report – Louise Cornelius, Gaming General Manager

Motion by David Jordan to accept the Gaming General Manager report, seconded by Tehassi Hill. Motion carried with one abstention:

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

(July 27, 2017, reconvened regular meeting)

7. Accept Chief Counsel report – Jo Anne House, Chief Counsel

Motion by David Jordan to accept the Chief Counsel report, seconded by Trish King. Motion carried with one abstention:

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

Motion by Jennifer Webster to direct Chief Counsel to complete the requested follow-up for the August 9, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried with one abstention:

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

DRAFT*(July 27, 2017, reconvened regular meeting)***8. Accept Intergovernmental Affairs & Communications report – Nathan King, Director**

Motion by Trish King to accept the Intergovernmental Affairs & Communications report, seconded by Jennifer Webster. Motion carried with one abstention:

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

Motion by David Jordan to approve the Memorandum of Agreement – file # 2017-0673, correcting “Tribe” to “Nation” throughout, seconded by Jennifer Webster. Motion carried with one abstention:

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

Motion by Brandon Stevens to direct the Intergovernmental Affairs & Communications Dept. to bring back a strategy to address the notice dated June 23, 2017; and to direct the strategy be brought to the August 9, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried with one abstention:

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

B. STANDING ITEMS**1. Land Claims Strategy *(No Requested Action)****(July 27, 2017, reconvened regular meeting)***2. Oneida Golf Enterprise – Ladies Professional Golf Association**

Sponsor: Trish King, Tribal Treasurer

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

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

C. AUDIT COMMITTEE

Chair: Tehassi Hill, Councilman

*(July 27, 2017, reconvened regular meeting)***1. Accept Audit Committee FY '17 3rd quarter report**

Motion by Jennifer Webster to accept the Audit Committee FY '17 3rd quarter report, seconded by David Jordan. Motion carried with one abstention:

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

DRAFT**D. UNFINISHED BUSINESS**

(July 27, 2017, reconvened regular meeting)

1. Accept report regarding contract # 2017-0088 and determine next steps

Sponsors: Lisa Summers, Tribal Secretary; Jennifer Webster, Councilwoman

Motion by David Jordan to defer the report regarding contract # 2017-0088 to the August 9, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried with one abstention:

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

Abstained: Fawn Billie

Not Present: Tina Danforth, Lisa Summers

EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer the report regarding contract # 2017-0088 for sixty (60) days, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM FEBRUARY 8, 2017: Motion by Lisa Summers to direct Liaisons Councilwoman Jennifer Webster and Secretary Lisa Summers to work with the Law Office on a contract item that was brought forward; and to bring back a report to the Business Committee within sixty (60) days, seconded by Trish King. Motion carried unanimously.

(July 27, 2017, reconvened regular meeting)

2. Review final recommendation; and determine next steps regarding complaints # 2017-DR08-01, # 2017-DR08-02, and # 2017-DR08-03

Sponsors: Councilmembers Brandon Stevens, David Jordan, Jennifer Webster

Motion by Tehassi Hill to accept the written report regarding complaint # 2017-DR08-02, seconded by Jennifer Webster. Motion carried Motion carried with two abstention:

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

Abstained: Fawn Billie, Trish King

Not Present: Tina Danforth, Lisa Summers

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

Motion by David Jordan to go into executive session at 4:01 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

Treasurer Trish King and Councilwoman Fawn Billie depart at 4:01 p.m.

Motion by Tehassi Hill to come out of executive session at 4:05 p.m., seconded by Jennifer Webster. Motion carried unanimously:

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

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

Motion by Jennifer Webster to approve the recommendations 1-3 regarding complaint # 2017-DR08-02 listed in the written report dated July 26, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

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

Motion by Tehassi Hill to assign Secretary Lisa Summers and Councilwoman Jennifer Webster to carry out the action, seconded by Brandon Stevens. Motion carried unanimously:

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

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

Motion by Jennifer Webster to accept the written report regarding complaint # 2017-DR08-01 and complaint # 2017-DR08-03, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Jennifer Webster to approve the recommendations 1-4 regarding complaint # 2017-DR08-01 and complaint # 2017-DR08-03 listed in the written report dated July 26, 2017, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Jennifer Webster to assign Vice-Chairwoman Melinda J. Danforth and Councilman David Jordan to carry out the action, seconded by Tehassi Hill. Motion carried unanimously:

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

EXCERPT FROM JULY 12, 2017: Motion by Lisa Summers to defer this item to the July 26, 2017, regular Business Committee meeting for the team to do the additional follow-up that was identified, seconded by Jennifer Webster. Motion carried with one abstention.

EXCERPT FROM JULY 3, 2017: (Reconvened from June 28, 2017) Motion by Lisa Summers to defer this item to the July 12, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

(July 27, 2017, reconvened regular meeting)

3. Discussion regarding complaint # 2017-CC-05

Sponsor: David Jordan, Councilman

Motion by David Jordan to accept the discussion regarding complaint # 2017-CC-05 as information, seconded by Tehassi Hill. Motion carried unanimously:

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

EXCERPT FROM JULY 12, 2017: Motion by Lisa Summers to defer this item to the July 25, 2017, Oneida Business Committee executive session agenda for a 9:00 a.m. start time, seconded by David Jordan. Motion carried unanimously.

(July 27, 2017, reconvened regular meeting)

4. Defer report regarding complaint # 2017-DR11-01 to August 9, 2017, regular Business Committee meeting

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Jennifer Webster to direct Vice-Chairwoman Melinda J. Danforth to complete the follow-up on behalf of the OBC Officers; and to direct that the report from Comprehensive Health be due at the August 9, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

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

EXCERPT FROM JULY 12, 2017: Motion by Jennifer Webster to defer this item to the Oneida Business Committee Officers for follow up with the Comprehensive Health Operations Division Director; and for a report to be brought back to the July 26, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

DRAFT**E. NEW BUSINESS**

(July 27, 2017, reconvened regular meeting)

1. Approve limited waiver of sovereign immunity – Laredo Ender User License agreement – file # 2017-0125

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

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Laredo Ender User License agreement – file # 2017-0125, seconded by Tehassi Hill. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

2. Approve limited waiver of sovereign immunity – Baker Tilly Virchow Krause LLP.- Engagement Letter – file # 2017-0483

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Baker Tilly Virchow Krause LLP.-Engagement Letter – file # 2017-0483, seconded by Tehassi Hill. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

3. Approve procedural exception to allow Dept. of Public Works to carryover funds from FY '17 operational equipment into FY '18

Sponsor: Trish King, Tribal Treasurer

Motion by Tehassi Hill to approve the procedural exception to allow Dept. of Public Works to carryover funds from FY '17 operational equipment into FY '18, seconded by David Jordan. Motion carried unanimously:

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

(July 27, 2017, reconvened regular meeting)

4. Create position expectations for Direct Report – 21

Sponsor: Tehassi Hill, Councilman

Motion by Tehassi Hill to direct Jessica Wallenfang to format the expectations; and to set-up a meeting time between the Business Committee and the Direct Report shortly after hire to review expectations, seconded by David Jordan. Motion carried unanimously:

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

(July 26, 2017, regular meeting)

5. Accept sign-in sheets from June 20, 2017, as information (5:47:07)

Sponsor: Cristina Danforth, Tribal Chairwoman

Motion by David Jordan to accept the sign in sheets from June 20, 2017, as information for the record, noting 1) that the title be corrected to Informational Meeting; 2) that the signatures and names be redacted; and 3) that there is no stipend for the June 20, 2017, informational meeting, seconded by Trish King. Motion carried with two opposed and one abstention:

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

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Abstained: Fawn Billie
 Not Present: Melinda J. Danforth, Lisa Summers

(July 26, 2017, regular meeting)

6. Accept sign-in sheets from June 28, 2017, as information (6:03:34)

Sponsor: Cristina Danforth, Tribal Chairwoman

Motion by Trish King to create standard operating procedures to support the Oneida Business Committee to carry out their duties and responsibilities in accordance with the constitution, seconded by Jennifer Webster. Motion called out of order by Chairwoman Tina Danforth.

Motion by David Jordan to defer this item to the August 9, 2017, regular Business Committee meeting; and for the back-up to include minutes, seconded by Brandon Stevens. Motion carried unanimously:

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

XV. ADJOURN

Motion by Tehassi Hill to adjourn at 4:12 p.m. on July 27, 2017, seconded by David Jordan. Motion carried unanimously:

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

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

Lisa Summers, Secretary
 ONEIDA BUSINESS COMMITTEE

[Deadlines](#)**Oneida Business Committee Agenda Request**[Instructions](#)**1. Meeting Date Requested: 08/09/17****2. General Information:**Session: Open Executive -See instructions for the applicable laws, then choose one from menu:

Choose an item.

Agenda Section: Minutes

Subject Matter: Approve July 27, 2017, FY '17 3rd quarter reports Business Committee meeting minutes**3. Supporting Materials:** Report Resolution Contract # _____ Other: (Describe below)

7/27/17 minutes

 Business Committee Signature Required**4. Budget Information:** Budgeted – Tribal Contribution Budgeted – Grant Funded Unbudgeted Not Applicable**5. Submission:**

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor: Heather Heuer

Additional Requestor: (Name, Title/Dept.)

Additional Requestor: (Name, Title/Dept.)

Request Form Submitted By: CLERK

6. Cover Memo:**To which Strategic Direction(s) does this request relate to?** Advancing Onlayote'a-ká· Principles Creating a Positive Organizational Culture Committing to Building a Responsible Nation Implementing Good Governance**Requested Action of the Business Committee:** (To approve..., To accept..., To adopt resolution titled..., etc.)Approve July 27, 2017, FY '17 3rd quarter reports Business Committee meeting minutes

DRAFT**Oneida Business Committee**

FY '17 3rd Quarterly Reports
8:00 a.m. Thursday, July 27, 2017
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes – DRAFT**FY '17 3RD QUARTERLY REPORTS MEETING**

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

Not Present: Chairwoman Tina Danforth, Secretary Lisa Summers;

Arrived at: Councilman Tehassi Hill at 8:10 a.m.;

Others present: Dale Powless, Carol Elm, Heather Heuer, Cathy Bachhuber, Gina Buenrostro, Jo Anne House, Eric Boulanger, Tonya Webster, Mark A. Powless, Carol Silva, Pat Lassila, RaLinda Ninham-Lamberies, Jeff House, Jeff Bowman, MaryAnn Kruckeberg, Candace House, Barb Erickson, Lois Strong, Rita Summers, Tom Danforth, Arlie Doxtator, Dale Webster, Debra Danforth, Jolene Hensberger, Sharon Mousseau;

I. CALL TO ORDER AND ROLL CALL by Vice-Chairwoman Melinda J. Danforth at 8:08 a.m.

For the record: Secretary Lisa Summers is out of the office to attend the State-Tribal relations meetings.

Councilman Tehassi Hill arrives at 8:10 a.m.

II. OPENING**III. ADOPT THE AGENDA (00:27:26)**

Motion by Tehassi Hill to adopt the agenda with the following changes: [Reschedule Corporate Reports to 1:30 p.m.], seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

IV. REPORTS**A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept Oneida Nation Arts Board FY '17 3rd quarter report (00:00:33) (Not Submitted)**

Chair: Tamara VanSchyndel

Liaison: Jennifer Webster, Councilwoman

Motion by Jennifer Webster to defer the Oneida Nation Arts Board FY '17 3rd quarter report to the next quarterly report meeting; and for the Liaison to follow-up with the Board, seconded by David Jordan.

Motion carried unanimously:

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

2. Accept Anna John Residential Centered Care Community Board FY '17 3rd quarter report (00:01:25)

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

Motion by Jennifer Webster to accept the Anna John Residential Centered Care Community Board FY '17 3rd quarter report, seconded by Trish King. Motion carried unanimously:

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

3. Accept Oneida Child Protective Board FY '17 3rd quarter report (00:09:11)

Chair: Dale Powless
Liaison: Lisa Summers, Tribal Secretary

Motion by David Jordan to accept the Oneida Child Protective Board FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried with one abstention:

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

4. Defer Oneida Environmental Resources Board FY '17 3rd quarter report (00:26:12)

Chair: Marlene Garvey
Liaison: Tehassi Hill, Councilman

Motion by Jennifer Webster to defer the Oneida Environmental Resources Board FY '17 3rd quarter report to the next quarterly report meeting, seconded by Tehassi Hill. Motion carried unanimously:

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

5. Accept Oneida Community Library Board FY '17 3rd quarter report (00:32:06)

Chair: Dylan Benton
Liaison: Fawn Billie, Councilwoman

Motion by Tehassi Hill to accept the Oneida Community Library Board FY '17 3rd quarter report; and to request the Liaison to re-notify the Board of the schedule, seconded by Brandon Stevens. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 8:45 a.m.

Councilman Tehassi Hill returns at 8:52 a.m.

DRAFT**6. Accept Oneida Personnel Commission FY '17 3rd quarter report (00:34:00)**

Chair: Yvonne Jourdan
Liaison: Lisa Summers, Tribal Secretary

Motion by David Jordan to accept the Oneida Personnel Commission FY '17 3rd quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Treasurer Trish King and Councilman David Jordan depart at 9:06 a.m.

Councilman David Jordan returns at 9:06 a.m.

Treasurer Trish King returns at 9:09 a.m.

7. Accept Oneida Police Commission FY '17 3rd quarter report (00:56:45)

Vice-Chair: Sandra Reveles
Liaison: Lisa Summers, Tribal Secretary

Motion by David Jordan to accept the Oneida Police Commission FY '17 3rd quarter report, seconded by Trish King. Motion carried unanimously:

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

8. Accept Oneida Pow-wow Committee FY '17 3rd quarter report (1:15:17)

Chair: Tonya Webster
Liaison: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Oneida Pow-wow Committee FY '17 3rd quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

9. Accept Southeastern Oneida Tribal Services Advisory Board FY '17 3rd quarter report

Chair: Kathryn LaRoque (1:13:00)
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to accept the Southeastern Oneida Tribal Services Advisory Board FY '17 3rd quarter report, seconded by David Jordan. Motion carried unanimously:

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

10. Accept Oneida Nation Veterans Affairs Committee FY '17 3rd quarter report (3:25:22)

Chair: Mike Hill
Liaison: Jennifer Webster, Councilwoman

Motion by Brandon Stevens to accept the Oneida Nation Veterans Affairs Committee FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

DRAFT**A. ELECTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept Oneida Nation Commission on Aging FY '17 3rd quarter report (1:45:00)**

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

Motion by David Jordan to accept the Oneida Nation Commission on Aging FY '17 3rd quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

Treasurer Trish King departs at 10:51 a.m.

2. Accept Oneida Gaming Commission FY '17 3rd quarter report (2:18:37)

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

Motion by Brandon Stevens to accept the Oneida Gaming Commission FY '17 3rd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Trish King, Lisa Summers

Treasurer Trish King returns at 10:55 a.m.

3. Accept Oneida Election Board FY '17 3rd quarter report (3:25:55)

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

Motion by Jennifer Webster to accept the Oneida Election Board FY '17 3rd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

4. Accept Oneida Land Claims Commission FY '17 3rd quarter report (2:32:30)

Chair: Loretta Metoxen
 Liaison: Brandon Stevens, Councilman

Motion by Tehassi Hill to defer the Oneida Land Claims Commission FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

Not Present: Tina Danforth, Lisa Summers

5. Accept Oneida Land Commission FY '17 3rd quarter report (3:27:24)

Chair: Rae Skenandore
 Liaison: Tehassi Hill, Councilman

Motion by Jennifer Webster to accept the Oneida Land Commission FY '17 3rd quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

Not Present: Tina Danforth, David Jordan, Lisa Summers

DRAFT**6. Accept Oneida Nation School Board FY '17 3rd quarter report (2:33:03)**

Chair: Debra Danforth
Liaison: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Oneida Nation School Board FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

B. STANDING COMMITTEES**1. Accept Community Development Planning Committee FY '17 3rd quarter report**

Chair: Melinda J. Danforth, Tribal Vice-Chairwoman (*Not Submitted*) (3:29:12)

Motion by Tehassi Hill to defer the Community Development Planning Committee FY '17 3rd quarter report to the next quarterly report meeting, seconded by Fawn Billie. Motion carried unanimously:

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

2. Accept Legislative Operating Committee FY '17 3rd quarter report (3:30:17)

Chair: Brandon Stevens, Councilman

Motion by Brandon Stevens to accept the Legislative Operating Committee FY '17 3rd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Councilman David Jordan departs at 9:38 a.m.

3. Accept Quality of Life Committee FY '17 3rd quarter report (1:22:55)

Chair: Fawn Billie, Councilwoman

Motion by Jennifer Webster to accept the Quality of Life Committee FY '17 3rd quarter report, seconded by Trish King. Motion carried unanimously:

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

Councilman David Jordan returns at 9:50 a.m.

4. Accept Finance Committee FY '17 3rd quarter report (1:33:10)

Chair: Trish King, Tribal Treasurer

Motion by Brandon Stevens to accept the Finance Committee FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

Motion by Jennifer Webster to recess at 11:01 a.m. until 1:30 p.m., seconded by Trish King. Motion carried unanimously:

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

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Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 1:52 p.m.

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

Councilman Brandon Stevens arrives at 2:00 p.m.

C. CORPORATE BOARDS**1. Accept Oneida Airport Hotel Corporation FY '17 3rd quarter report (2:51:50)**

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

Motion by Tehassi Hill to accept the Oneida Airport Hotel Corporation FY '17 3rd quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

2. Accept Oneida Golf Enterprise FY '17 3rd quarter report (3:22:15)

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

Motion by Jennifer Webster to accept the Oneida Golf Enterprise FY '17 3rd quarter report, seconded by Trish King. Motion carried unanimously:

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

3. Accept Bay Bancorporation, Inc. FY '17 3rd quarter report (2:57:22)

President: Jeff Bowman
Liaison: Tina Danforth, Tribal Chairwoman

Motion by Tehassi Hill to accept the Bay Bancorporation, Inc. FY '17 3rd quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

4. Accept Oneida ESC Group, LLC. FY '17 3rd quarter report (2:41:11)

Chair: Jackie Zalim
Liaison: Tehassi Hill, Councilman

Motion by Tehassi Hill to accept the Oneida ESC Group, LLC. FY '17 3rd quarter report, seconded by Fawn Billie. Motion carried with one abstention:

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

5. Determine appropriate action regarding Oneida Seven Generations Corporation FY '17 3rd quarter report (3:23:40)

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

Motion by Trish King to accept the Oneida Seven Generations Corporation FY '17 3rd quarter, seconded by Jennifer Webster. Motion carried unanimously:

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

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V. ADJOURN

Motion by Fawn Billie to adjourn at 2:49 p.m., seconded by Brandon Stevens. Motion carried unanimously:

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

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: 8 / 9 / 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: Administrative Rulemaking 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: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

See Attached

- 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: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson *BS*
 DATE: August 9, 2017
 RE: Administrative Rulemaking Law Amendments

Please find the following attached backup documentation for your consideration of the proposed amendments to the Administrative Rulemaking law:

1. Resolution: Administrative Rulemaking Law Amendments
2. Statement of Effect: Administrative Rulemaking Law Amendments
3. Administrative Rulemaking Law Amendments Legislative Analysis
4. Administrative Rulemaking Law Amendments Draft
5. Administrative Rulemaking Law Amendments Fiscal Impact Statement

Overview

This resolution adopts proposed amendments to the Administrative Rulemaking law. The amendments to the Administrative Rulemaking law will:

- Clarify that a rule developed pursuant to this law shall not conflict or supersede a law, policy, or rule of the Nation or a resolution passed by the Oneida Business Committee or Oneida General Tribal Council [*see 106.4-1(b)*];
- Provide an exemption to the administrative rulemaking process requirements, or grandfather clause, for those current and existing standard operating procedures and policies the authorized agency wishes to continue using so long as there are no substantive changes to the content of the standard operating procedures and policies when delegated rulemaking authority and the Oneida Law Office performs preliminary review [*see 106.4-4*];
- Provide a recommendation that authorized agencies provide an additional special notice to affected parties when a proposed rule or amendments to a rule modify eligibility requirements for the Nation's programs [*see 106.6-2(a)(1)*];
- Require additional public meetings to occur if substantial changes are made to the proposed rule after a public meeting [*see 106.6-6*];
- Provide a time limitation for when an authorized agency shall submit a proposed rule for certification to the Legislative Operating Committee after the public comment period has expired [*see 106.7-1(a)*];
- Clarify what requirements the Legislative Operating Committee must ensure are met before certification of the proposed rule [*see 106.7-2*];

- Provide that after certification by the Legislative Operating Committee, the proposed rule must be adopted by the Oneida Business Committee, and clarify that the Oneida Business Committee shall adopt the rule before it may become effective *[see 106.8 and 106.9]*; and
- Require an authorized agency to conduct a review of each adopted rule every two (2) years after the rule is adopted *[see 106.12]*.

In accordance with the Legislative Procedures Act, public meetings on the proposed Law were held on June 26, 2017, and June 29, 2017. The public comment period closed on July 7, 2017. All comments received during the public comment period were reviewed and accepted by the Legislative Operating Committee on July 19, 2017. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Administrative Rulemaking Law Amendments

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____
Administrative Rulemaking Law Amendments

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

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

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

WHEREAS, the Oneida Business Committee adopted the Administrative Rulemaking law ("the Law") through resolution BC-02-24-16-C; and

WHEREAS, the intent of the Law was to create a standardized process for how entities of the Nation may promulgate rules in furtherance of the responsibilities delegated to them to interpret, implement and/or enforce laws and policies of the Nation; and

WHEREAS, the amendments to the Law clarify that a rule developed pursuant to this Law shall not conflict or supersede a law, policy, rule, or resolution of the Nation; and

WHEREAS, the amendments to the Law provide an exemption to the administrative rulemaking process requirements, or grandfather clause, for those current and existing standard operating procedures and policies the authorized agency wishes to continue using so long as there are no substantive changes to the content of the standard operating procedures and policies when delegated rulemaking authority and the Oneida Law Office conducts a preliminary review of the materials for potential conflicts; and

WHEREAS, the amendments to the Law provide a recommendation that authorized agencies provide an additional special notice to affected parties when a proposed rule or amendments to a rule modify eligibility requirements for the Nation's programs; and

WHEREAS, the amendments require additional public meetings to be held on a proposed rule if substantial changes are made to the proposed rule after a public meeting, and also set a time limitation for when an authorized agency shall submit a proposed rule for certification to the Legislative Operating Committee after the public comment period has expired; and

WHEREAS, the amendments clarify what requirements the Legislative Operating Committee must ensure are met before certification of the proposed rule, require the Oneida Business Committee to adopt all proposed rules, and clarify that rule shall not become effective until after adoption by the Oneida Business Committee; and

WHEREAS, the amendments to the Law require an authorized agency to conduct a review of each adopted rule every two (2) years after the rule is adopted; and

52 **WHEREAS,** public meetings on the proposed law were held on June 26, 2017, and June 29, 2017, in
53 accordance with the Legislative Procedures Act, and the public comments were received,
54 reviewed and accepted by the Legislative Operating Committee on July 19, 2017.

55
56 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Administrative Rulemaking law are
57 hereby adopted and effective immediately.
58



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



Statement of Effect

Administrative Rulemaking Law Amendments

Summary

This resolution adopts amendments to the Administrative Rulemaking law.

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

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Administrative Rulemaking law which will:

- Clarify that a rule developed pursuant to this law shall not conflict or supersede a law, policy, or rule of the Nation or a resolution passed by the Oneida Business Committee or Oneida General Tribal Council [*see 106.4-1(b)*];
- Provide an exemption to the administrative rulemaking process requirements, or grandfather clause, for those current and existing standard operating procedures and policies the authorized agency wishes to continue using without any substantive changes to the content of the standard operating procedures and policies when delegated rulemaking authority, noting that the Oneida Law Office shall conduct a preliminary review prior to becoming a rule [*see 106.4-4*];
- Provide a recommendation that authorized agencies provide an additional special notice to affected parties when a proposed rule or amendments to a rule modify eligibility requirements for the Nation's programs [*see 106.6-2(a)(1)*];
- Require additional public meetings to occur if substantial changes are made to the proposed rule after a public meeting [*see 106.6-6*];
- Provide a time limitation for when an authorized agency shall submit a proposed rule for certification to the Legislative Operating Committee after the public comment period has expired [*see 106.7-1(a)*];
- Clarify what requirements the Legislative Operating Committee must ensure are met before certification of the proposed rule [*see 106.7-2*];
- Provide that after certification by the Legislative Operating Committee, the proposed rule must be adopted by the Oneida Business Committee, and clarify that the Oneida Business Committee shall adopt the rule before it may become effective [*see 106.8 and 106.9*]; and
- Require an authorized agency to conduct a review of each adopted rule every two (2) years after the rule is adopted [*see 106.12*].

In accordance with the Legislative Procedures Act, public meetings on the proposed Law were held on October 31, 2013, February 27, 2014, June 26, 2017, and June 29, 2017. The most recent public comment

period closed on July 7, 2017. All comments received during the most recent public comment period were reviewed and accepted by the Legislative Operating Committee on July 19, 2017. 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.



Administrative Rulemaking Amendments Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: LRO	SPONSOR: Brandon Stevens	DRAFTER: Clorissa N. Santiago	ANALYST: Maureen Perkins
Intent of the Amendments	Revise the law to clarify timelines and when a rule becomes effective, and to make additional revisions to update the law.		
Purpose	The purpose of this law is to provide a process for the adoption and amendment of administrative rules <i>[see 106.1-1]</i> .		
Affected Entities	Legislative Operating Committee (LOC) and Legislative Reference Office (LRO) are given duties under this law; rules become effective upon Oneida Business Committee (OBC) adoption, all of the Nation's boards, committees, commissions, departments and officials with "Rulemaking Authority" are affected when developing/amending rules.		
Affected Legislation	The Legislative Procedures Act (LPA) identifies a similar process for the promulgation and adoption of the Nation's laws.		
Enforcement/Due Process	Judicial review of rules authorizes the Judiciary to issue declaratory judgments to determine the validity of a Rule in the same way it does for laws, as provided in 801.5-2(e) of the Judiciary Law. Rules can be challenged if they are not promulgated in accordance with this law.		
Public Meeting	A public meeting has not been held.		

SECTION 2. LEGISLATIVE DEVELOPMENT

A. The current amendments to the Administrative Rulemaking law include the following:

- Additional definitions *[see 106.3-1]*:
 - Program was added to the definition of entity *[see (d)]*.
 - Nation *[see (e)]*.
 - Officer *[see (f)]*.
 - Oneida Register was updated *[see (g)]*.
 - Statement of effect *[see (k)]*.
- An exemption section was added regarding the current SOPs, policies or plans of authorized agencies that are granted rule making authority. These agencies are not required to submit these current SOPs, policies or plans through the rulemaking process if there are no changes and if a preliminary review reveals no conflict between the SOP, policy or plan with any law, policy, rule or resolution of the Nation *[see 106.4-4]*.
- Additional detail was included to ensure that rules do not conflict or supersede a law of the Nation or a resolution passed by the OBC or the GTC *[see 106.4-1(b)] and [see 106.5-2(b)] and [see 106.7-2(c)]*.
- New detail was added regarding the **recommendation, but not a requirement**, that **additional public outreach** of the public meeting held by the authorized agency, at the agency's discretion, to reach individuals **whose exiting eligibility** in a program or matter governed by a proposed rule **is substantially affected** by the proposed rule *[see 106.6-2(a)(1)]*.

- 21 ▪ A time limitation of not less than five (5) minutes for oral comments at public meetings was
- 22 added and shall be enforced at the discretion of the presiding representative *[see 106.6-2(e)]*.
- 23 ▪ The authorized agency may extend the public comment period by posting an amended public
- 24 meeting notice before the close of the original comment period *[see 106.6-3]*.
- 25 ▪ The Oneida Business Committee process for denial of a proposed rule has changed. The OBC
- 26 may now adopt a proposed rule or send it back to the authorized agency for requested revisions
- 27 *[see 106.8]*.
- 28 ▪ A time limit of six (6) months was added for the submission of the rule certification by the LOC
- 29 after the public meeting period has expired unless there is good cause to go outside this
- 30 established time limit *[see 106.7-1(a)]*.
- 31 ▪ Clarification was added that a rule becomes effective upon OBC adoption *[see 106.8-2]*.
- 32 ▪ The effective date of a rule has changed from the LOC written certification of a proposed rule to
- 33 the OBC adoption of the proposed rule *[see 106.9]*.
- 34 ▪ The authorized agency shall create the administrative record and the LRO shall maintain the
- 35 record *[see 106.11-2]*.
- 36 ▪ The public meeting sign in sheet was added to administrative record *[see 106.11-1(e)]*.
- 37 ▪ A review process has been implemented for authorized agencies to review each adopted rule at
- 38 least once every two years to ensure the rule is still effective and continues to serve the intended
- 39 purpose. The OBC may not compel the authorized agency to amend a rule *[see 106.12]*.
- 40 **B.** There were not any alternatives considered that were not legislative.
- 41 **C.** The benefits expected from the proposed amendments include a process that allows the OBC to work
- 42 with the authorized agency to draft rules that reflect the OBC's direction and the clarification of
- 43 timelines and the process for authorized agencies.
- 44

45 **SECTION 3. CONSULTATION**

- 46 **A.** The Oneida Law Office was consulted regarding the proposed amendments to this law. The proposed
- 47 amendments clarify and simplify the process contained in the law. Proposed amendments reflect the
- 48 LOC's and the LRO's experience with the law.
- 49 **B.** No other tribal laws have been researched or other organizations been consulted because the proposed
- 50 amendments merely clarify the process.
- 51

52 **SECTION 4. PROCESS**

- 53 **A.** The correct legislative process has been followed.
- 54 **B.** The Administrative Rulemaking amendments were added to the Active Files List on 3/15/17 as a high
- 55 priority with Brandon Stevens as the sponsor. A public meeting was held July 20, 2017. The LOC
- 56 met on July 19, 2017 to consider the public comments received and directed changes are included in
- 57 the current draft.
- 58

59 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 60 **A.** This law establishes the process and requirements for adopting rules in relation to the Nation's laws.
- 61 Authorized agencies are granted authority through a law to develop rules in relation to a specified
- 62 aspect of the law. The law contains detail related to the process of developing rules.
- 63 **B.** The proposed amendments clarify and simplify the rulemaking process.

64

SECTION 6. INTENT

- 66 ■ The purpose of the law is clearly stated to provide a process for the adoption and amendment of
- 67 administrative rules.
- 68 ■ It is clear that the legislation applies to agencies authorized by law to develop administrative rules, the
- 69 OBC, the LOC, and the LRO.

70

SECTION 7. EFFECT ON EXISTING LEGISLATION

- 72 A. No other laws are impacted or conflict with the amendments to this legislation.

73

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

- 76 A. No existing rights, benefits or privileges are impacted by these amendments.
- 77 B. Due process is addressed by Judicial review of a rule and also the standard of review for actions taken
- 78 by authorized agencies sections of the law [*see 106.13 and 106.14*].

79

SECTION 9. ENFORCEMENT

- 81 A. Rules promulgated by authorized agencies under this law have the same force and effect as law;
- 82 therefore the rules are enforced according to how the rules are drafted by the authorized agency.
- 83 B. The law is currently in place; the amendments do not affect any human resources to implement the
- 84 changes.

85

SECTION 10. ACCOUNTABILITY

- 87 A. The agency authorized to develop the rule will be accountable for the implementation and operation
- 88 of the rule.
- 89 B. There are no required reports; however the agency is responsible for reviewing all rules every two
- 90 years to ensure the rule still serves the intended purpose and if any amendments are necessary [*see*
- 91 *106.12*].

92

93

Title 1. Government and Finances – Chapter 106
ADMINISTRATIVE RULEMAKING
Thotih lutyanislunshe

they are the leaders, they are making the laws, policies and rules

106.1. <u>Purpose and Policy</u>	106.8-9. <u>Effective Date of Rules</u>
106.2. <u>Adoption, Amendment, Repeal</u>	106.9-10. <u>Emergency Rules</u>
106.3. <u>Definitions</u>	
106.4. <u>General</u>	106.11. <u>Creating and Maintaining an Administrative Record</u>
106.5. <u>Preparation of Proposed Rules</u>	106.12. <u>Review by the Authorized Agency</u>
106.6. <u>Public Comment Period on Proposed Rules</u>	106.13. <u>Judicial Review of a Rule</u>
106.7. <u>Oneida Legislative Operating Committee Certification of Procedural Compliance and Business Committee Review</u>	106.14. <u>Standard of Review for Actions Taken by Authorized Agency</u>
106.8. <u>Oneida Business Committee Adoption</u>	

106.1. Purpose and Policy

106.1-1. *Purpose.* The purpose of this Lawlaw is to provide a process for the adoption and amendment of administrative Rulesrules.

106.1-2. *Policy.* It is the policy of the TribeNation to ensure:

(a) ~~There~~ there is an efficient, effective and democratic process for enacting and revising administrative Rules.

(b) ~~That Authorized Agencies~~ rules, and that authorized agencies act in a responsible and consistent manner when enacting and revising ~~the~~ administrative Rulesrules.

106.2. Adoption, Amendment, Repeal

106.2-1. This Lawlaw was adopted by the Oneida Business Committee by resolution BC-02-24-16-C- and amended by BC.

106.2-2. This Lawlaw 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.

106.2-3. Should a provision of this Lawlaw or the application thereof to any person or circumstances be held as invalid, such invalidity ~~does~~ shall not affect other provisions of this Lawlaw which are considered to have legal force without the invalid portions.

106.2-4. In the event of a conflict between a provision of this Lawlaw and a provision of another law, the provisions of this Lawlaw shall control.

106.2-5. This Lawlaw is adopted under authority of the Constitution of the Oneida ~~Tribe of~~ Indians of WisconsinNation.

106.3. Definitions

106.3-1. This ~~Section governs~~ section shall govern the definitions of words and phrases used within this Lawlaw. All words not defined herein ~~are to~~ shall be used in their ordinary and everyday ~~use~~ sense.

(a) “Authorized Agencyagency” means any board, committee, commission, department, program or officer of the TribeNation that has been granted Rulemaking Authorityrulemaking authority.

(b) “Business Dayday” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the TribeNation.

(c) “Financial Analysisanalysis” means an estimate of the total fiscal year financial effects associated with a proposed Rulerule prepared by the Authorized

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36 Agency~~authorized agency~~ proposing the Rule~~rule~~. It includes startup costs, personnel,
37 office, documentation costs, and an estimate of the amount of time necessary for an
38 individual or agency to comply with the Rule~~rule~~ after implementation.

39 (d) "Entity" means a board, committee or commission created by the Oneida General
40 Tribal Council or the Oneida Business Committee whose members are appointed by the
41 Oneida Business Committee or elected by the majority of the Tribe's~~Nation's~~ eligible
42 voters, and also any department or program of the Tribe~~Nation~~.

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

44 (f) "Officer" means an individual holding the position of chairperson, vice chairperson,
45 secretary or treasurer on a board, committee or commission of the Nation, including the
46 Oneida Business Committee.

47 (g) "Oneida Register" means the ~~free legal periodical published on the Tribe's website~~
48 ~~by the Legislative Operating Committee which contains~~ Committee's publication on the
49 Nation's website containing, at a minimum, agency Rules~~rules~~, proposed legislation and
50 notices, and ~~either the Oneida Code of Laws or directions to obtain free access to the~~
51 Oneida Code of Laws.

52 (h) "Rule" means a set of requirements enacted by an Authorized Agency~~authorized~~
53 agency in order to implement, interpret and/or enforce a law of the Tribe~~Nation~~, which
54 ~~includes~~ may include citation fee and penalty schedules.

55 (i) "Rulemaking Authority~~authority~~" means the delegation of authority to Authorized
56 Agencies~~authorized agencies~~ found in the Tribe's~~Nation's~~ laws, other than this Law~~law~~,
57 which allows Authorized Agencies~~authorized agencies~~ to implement, interpret and/or
58 enforce a law of the Tribe~~Nation~~.

59 (j) "~~Statement of Effect~~" means ~~a legislative and legal analysis which explains the~~
60 ~~effects that adopting a Rule would have on the Tribe.~~

61 (k) "~~Tribe~~" means the Oneida Tribe of Indians of Wisconsin.

62 ~~106.4. General~~

63 ~~106.4 1. Administrative Rulemaking. Only Authorized Agencies may promulgate~~
64 ~~Rules; this Law does not confer Rulemaking Authority. Authorized Agencies shall adhere to the~~
65 ~~Rulemaking procedures as provided in this Law. Authorized Agencies may promulgate Rules~~
66 ~~interpreting the provisions of any law enforced or administered by it; provided that, a Rule may~~
67 ~~not exceed the Rulemaking Authority granted under the law for which the Rule is being~~
68 ~~promulgated.~~

69 (j) (a) ~~This Law does not apply to standard~~ operating procedures, ~~which for the~~
70 ~~purposes of this section are~~ means statements, interpretations, decisions, internal rules,
71 regulations, internal policies, procedures or other matters concerning internal
72 management of an agency, which do not affect the private rights or interests of
73 individuals outside of the agency.

74 (k) "Statement of effect" means an analysis of the proposed rule which explains potential
75 conflicts and effects that adopting a rule would have on the Nation's current legislation.
76
77

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78 **106.4. General**

79 106.4-1. Administrative Rulemaking. ~~(b) Only authorized agencies may promulgate rules.~~
80 Authorized agencies shall be granted rulemaking authority by a law of the Nation, provided that,
81 this law does not confer rulemaking authority. Authorized agencies may promulgate rules
82 interpreting the provisions of any law enforced or administered by it; provided that, a rule may
83 not exceed the rulemaking authority granted under the law for which the rule is being
84 promulgated. Authorized agencies shall adhere to the rulemaking procedures as provided in this
85 law.

86 (a) Rules developed pursuant to this ~~Law~~law have the same force and effect as the law
87 which delegated the ~~Authorized Agency Rulemaking Authority and must~~authorized
88 ~~agency rulemaking authority and shall~~ be followed by both the general public and the
89 ~~Authorized Agency~~authorized agency promulgating the ~~Rule~~rule.

90 (b) A rule developed pursuant to this law shall not conflict or supersede a law, policy or
91 rule of the Nation or a resolution passed by the Oneida Business Committee or the
92 Oneida General Tribal Council.

93 (c) This law does not apply to the Nation's standard operating procedures.

94 106.4-2. ~~Authorized Agency~~*Solicitation of Comment on General Subject Matter.* For the
95 purpose of soliciting public ~~comment, an Authorized Agency~~comments, ideas and opinions, an
96 ~~authorized agency~~ may hold a public meeting on the general subject matter of a possible or
97 anticipated ~~Rule~~rule before preparing a proposed ~~Rule~~rule. ~~However, a~~rule. A public meeting under
98 this subsection does not satisfy the public comment period requirements of ~~Section~~section 106.6
99 ~~hereof~~with respect to promulgation of a specific proposed ~~Rule~~rule.

100 106.4-3. *Substantial Compliance.* Any ~~Rule~~rule hereafter adopted is valid only if adopted in
101 substantial compliance with this ~~Law, however~~law. Rules already in effect at the time of this
102 ~~Law's~~law's adoption remain in effect unless directed to be updated based on this ~~Law's~~law's
103 requirements by the Oneida Business Committee. Any amendments made to ~~Rules~~rules already
104 in effect ~~must~~shall follow the requirements of this ~~Law~~law.

105 106.4-4. Exemption to Administrative Rulemaking Requirements. When an authorized agency is
106 delegated rulemaking authority through a new law or an amendment to an existing law, any
107 standard operating procedures, policies, or plans the authorized agency is currently using and
108 wishes to continue using as a rule shall be presented to the Legislative Operating Committee for
109 acknowledgement and publication as a rule on the Oneida Register as long as the following
110 conditions are met:

111 (a) The standard operating procedure, policy or plan shall have no substantive change to
112 its content; and

113 (b) A preliminary review by the Oneida Law Office shall reveal no conflict between the
114 standard operating procedure, policy or plan and any law, policy, rule, or resolution of the
115 Nation.

116 (c) The existing standard operating procedure, policy, or plan shall be formatted into the
117 administrative rulemaking template approved by the Legislative Operating Committee.

118

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119 **106.5. Preparation of Proposed Rules**

120 106.5-1. *Form and Style.* The Legislative Operating Committee shall create a template for
121 ~~Rules~~rules with which ~~Authorized Agencies~~authorized agencies shall comply; the ~~said~~ template
122 is not subject to the procedural requirements of this ~~Law~~law.

123 (a) At a minimum, all ~~Rules must~~rules shall be numbered in the following consistent
124 manner “1-1(a)(1)(A)(i)” where:

125 (1) “1-1” means the first section.

126 (2) “(a)” means the first subsection.

127 (3) “(1)” means the second subsection.

128 (4) “(A)” means the third subsection.

129 (5) “(i)” means the fourth subsection.

130 ~~_____~~(6) All other numbering after the fourth subsection ~~must~~shall be in
131 a logical manner.

132 106.5-2. *Summary Report.* The ~~Authorized Agency~~authorized agency shall prepare a summary
133 report regarding each proposed ~~Rule, which must rule.~~ The summary report shall be attached to
134 the proposed ~~Rule~~rule when presented for public comment, and included in the administrative
135 record for ~~approval through~~certification by the ~~Oneida~~ Legislative Operating Committee and
136 ultimately for adoption by the Oneida Business Committee. The summary report ~~must~~shall
137 include the following:

138 (a) the name of the proposed ~~Rule~~rule;

139 (b) a reference to the law that the proposed ~~Rule~~rule interprets, along with a list of any
140 other related laws ~~or~~, rules, or resolutions that may be affected by the proposed ~~Rule~~rule;

141 (c) a brief summary of the proposed ~~Rule and~~rule;

142 (d) any changes made to the proposed ~~Rule~~rule based on the public comment period
143 required by ~~Section~~section 106.6 ~~hereof~~, if applicable;

144 ~~(e)~~ a ~~Statement~~statement of ~~Effect~~effect for the ~~Rule which~~rule prepared by the
145 Legislative Reference Office ~~shall prepare~~ upon request by the ~~Authorized~~
146 ~~Agency~~authorized agency; and

147 ~~(e)~~ the ~~Financial Analysis, for which~~financial analysis.

148 (1) The authorized agency shall prepare the ~~Authorized Agency~~financial analysis.
149 The authorized agency shall send a written request to each ~~Entity~~entity that may
150 be affected by the proposed ~~Rule~~rule soliciting information on how the proposed
151 ~~Rule~~rule would financially affect the ~~Entity; each Entity's~~entity. Each entity's
152 response indicating its financial affects ~~must~~shall be included in the ~~Financial~~
153 ~~Analysis~~financial analysis.

154 ~~(+2)~~ If an ~~Authorized Agency~~authorized agency does not receive a response from
155 one (1) or more ~~Entities~~entities regarding its request for the ~~Entities'~~ financial
156 effects of the ~~Rule~~rule on the entity within ten (10) business days of the date of
157 the request, ~~it~~the authorized agency may submit a ~~Financial Analysis~~financial
158 analysis noting which ~~Entities~~entities were non-responsive to its request.

159
160 **106.6. Public Comment Period on Proposed Rules**

161 106.6-1. Required Public Comment Period. A proposed ~~Rule, except a Rule promulgated under~~
162 ~~the emergency Rules exemptions under Section 106.9, must~~rule shall be preceded by a public

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- 163 comment period, which ~~must~~shall include a public meeting.
- 164 (a) A rule promulgated under the emergency rules exemptions described in section
- 165 106.10 shall not be required to have a public comment period or public meeting.
- 166 (b) Nothing in this Sectionsection prohibits or restricts the holding of any other type of
- 167 community meeting which may be used to gather input on Rulesrules.
- 168 106.6-2. *Public Meetings.* ~~When a~~A public meeting on a proposed ~~Rule is scheduled by an~~
- 169 ~~Authorized Agency, it must~~rule shall be held in accordance with the following requirements.
- 170 (a) Notice. The ~~Authorized Agency~~authorized agency shall set a date for the public
- 171 meeting and have ~~thea public meeting~~ notice published in the Kalihwisaks and on the
- 172 Oneida Register not less than ten (10) business days prior to the meeting.
- 173 ~~(b) The notice must include:~~
- 174 (1) (1) Special Notice. It is recommended, but not required, that authorized
- 175 agencies provide an additional special notice to affected parties when a proposed
- 176 rule or amendments to a rule modify eligibility requirements for the Nation's
- 177 programs. The extent and form of any such notice is within the authorized
- 178 agency's discretion to determine.
- 179 (b) Requirements for Public Meeting Notice. The public meeting notice shall include:
- 180 (1) the date, time, and location of the scheduled public meeting;
- 181 (2) information for electronically accessing the proposed rule and summary
- 182 report required under Section 106.5-2 and and a statement that hard copies of the
- 183 materials will be available with the Entity;
- 184 ~~(2) the date, time, and place of the scheduled public meeting; authorized agency;~~
- 185 and
- 186 (3) the name, address, phone number, and other appropriate information to
- 187 submit written comments on the ~~Rule~~rule and the time period during which the
- 188 ~~Authorized Agency~~authorized agency shall accept written comments.
- 189 (c) The ~~Authorized Agency~~authorized agency shall hold a public meeting at the date,
- 190 time and place designated in the meeting notice.
- 191 (d) Presiding Representative. The ~~Authorized Agency~~authorized agency holding the
- 192 public meeting shall have a representative to preside at the meeting who shall briefly
- 193 describe the ~~Rule~~rule which is the subject of the public meeting and the nature of the
- 194 ~~Rule's~~rule's requirements, and then open the meeting for comments.
- 195 (1) The Authorized Agency's authorized agency's presiding representative is not
- 196 required to comment or respond to comments at the meeting, but may, at his/ or
- 197 her discretion, offer clarity.
- 198 (e) Time Limitation. The authorized agency's presiding representative may impose a
- 199 time limit for all oral testimony. Any time limit imposed shall not be less than five (5)
- 200 minutes and shall be applied to all persons equally.
- 201 (f) Registration. The Authorized Agency authorized agency shall create and bring to the
- 202 public meeting a sign-in sheet; persons. Persons attending the public meeting shall
- 203 register at the meeting by signing the sign-in sheet.
- 204 (fg) The Authorized Agency authorized agency shall audio record the public meeting and
- 205 persons who provide oral comments shall state their name for the record.

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(g) The ~~Authorized Agency~~ authorized agency shall hold the record open for the submission of written comments for a minimum of five (5) business days following the public meeting, ~~provided that, the Authorized Agency may extend the comment period as it deems appropriate by posting an amended Notice of Public Meeting based on the notice requirements found in Section 106.6-2(b) at any time prior to the close of the original public comment period which identifies the extended comment period ending date.~~

~~106.6-3. Public Comments. The Authorized Agency~~ 106.6-3. Extension of Public Comment Period. The authorized agency may extend the public comment period as it deems appropriate by posting an amended public meeting notice. The amended public meeting notice shall follow the posting requirements found in section 106.6-2(b). The amended public meeting notice shall identify the extended public comment period ending date and may be posted at any time prior to the close of the original public comment period.

106.6-4. Consideration of Public Comments. The authorized agency shall fully consider all comments received during the public comment period and during any public meeting held regarding a proposed ~~Rule~~ rule.

106.6-5. Public Comment Memorandum. Once all public comments are received and the public comment period closes, the authorized agency shall draft a memorandum containing all public comments received and the authorized agency's response to each comment.

106.6-6. Substantial Changes to Proposed Rule. The authorized agency shall hold an additional public meeting for the proposed rule if substantial changes are made to the proposed rule after the public comment period ends and all public comments are considered.

106.7. ~~Oneida~~ Legislative Operating Committee Certification ~~of Procedural Compliance and Business Committee Review~~

106.7-1. Submission of Rule Certification Materials. ~~After a public meeting is held and the public comment period has expired, the Authorized Agency and the authorized agency has considered all public comments received, the authorized agency shall submit the proposed Rule~~ rule and the all items it must contribute for contained in the administrative record pursuant to Section described in section 106.4011 to the Legislative Operating Committee, which is:

(a) The authorized agency shall submit the rule for certification by the Legislative Operating Committee within six (6) months after the public comment period has expired, unless the Legislative Operating Committee determines there is good cause to go outside the time limits.

106.7-2. Requirements for Certification. The Legislative Operating Committee is responsible for certifying the proposed rule meets the following requirements:

(a) that promulgation of the ~~Rule~~ rule complies with the procedural requirements contained in this ~~Law~~ law;

(b) that the administrative record is complete; and

(c) that the rule does not exceed its rulemaking authority or conflict with any other law, policy, rule or resolution of the Nation.

~~106.7-2. 3. Rule Certification.~~ Upon receipt of a complete rule certification submission, as required by this Section, the Legislative Operating Committee shall take one (1) of the following actions:

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249 (a) Certify the Rule. If the Legislative Operating Committee ~~is able to certify that the~~
250 ~~Authorized Agency determines the authorized agency~~ has complied ~~herewith, it with the~~
251 ~~requirements for certification stated in section 106.7-2, the Legislative Operating~~
252 ~~Committee shall certify the proposed rule.~~

253 (1) Upon certification of the rule the Legislative Operating Committee shall
254 forward items (b) and (c) of the Administrative Record under Section 106.10
255 received the administrative record to the Oneida Business Committee.

256 (b) Deny Certification of the Rule. If the Legislative Operating Committee determines
257 that the authorized agency has not complied with the certification requirements stated in
258 section 106.7-2 the Legislative Operating Committee shall not certify the proposed rule.

259 (1) Upon the denial of certification of the rule the Legislative Operating
260 Committee shall return the proposed rule to the authorized agency with specific
261 feedback as to which requirements were not fulfilled.

262 (2) The authorized agency may resubmit the proposed rule for certification by the
263 Legislative Operating Committee ~~to the~~once all requirements for certification
264 have been met.

266 **106.8. Oneida Business Committee** ~~with a written certification that the requirements of this~~
267 ~~Law have been fulfilled, and shall publish the Rule on the Oneida Register; or~~ **Adoption**

268 ~~(b) If the Legislative Operating Committee is not able to certify that the Authorized~~
269 ~~Agency has complied herewith, it shall return the proposed Rule to the Authorized~~
270 ~~Agency with specific feedback as to which procedural requirements were not fulfilled by~~
271 ~~the Authorized Agency.~~

272 ~~106.7-3. 106.8-1. Oneida Business Committee Consideration.~~ The Oneida Business Committee
273 shall review ~~the proposed Rule, the summary report, the memorandum containing the public~~
274 ~~comments that were received, both orally and written, and the Authorized Agency's response to~~
275 ~~each comment~~ consider the proposed rule, the administrative record, and the Legislative
276 Operating Committee's certification of compliance. ~~If~~

277 106.8-2. Oneida Business Committee Adoption. After review of all materials submitted and
278 consideration of the proposed rule, the Oneida Business Committee may take one of the
279 following actions:

280 (a) Adopt the Proposed Rule. The Oneida Business Committee may adopt, by motion,
281 the proposed rule. A majority vote is required for the adoption of a rule by the Oneida
282 Business Committee.

283 (1) The Legislative Operating Committee shall be responsible for publishing the
284 rule on the Oneida Register upon ~~review~~ adoption by the Oneida Business
285 Committee.

286 (b) Deny Adoption of the Proposed Rule. The Oneida Business Committee may deny
287 adoption of the proposed rule if the Oneida Business Committee has any concerns and/or
288 requested revisions to the ~~Rule, the Authorized Agency shall~~ rule. The Oneida Business
289 Committee may request that the authorized agency work with the Oneida Business
290 Committee to address any concerns.

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291 ~~(a) Unless the Oneida Business Committee repeals the Rule, the Rule will remain in~~
292 ~~effect while the Authorized Agency and the Oneida Business Committee jointly work to~~
293 ~~amend the existing Rule.~~

294 ~~(1) Should the Oneida Business Committee repeal the Rule adopted by the~~
295 ~~Authorized Agency, the Rule that was in effect immediately previous to those~~
296 ~~repealed, if any, will be automatically reinstated and effective immediately upon~~
297 ~~the repeal of the Rule adopted by the Authorized Agency.~~

298 ~~(b) If the Authorized Agency does not receive written notice from the Oneida Business~~
299 ~~Committee of intent to repeal or amend the Rule within thirty (30) days of the date the~~
300 ~~Oneida Business Committee is provided notice of the Rule, the Rule will remain in effect~~
301 ~~as submitted and certified by the Legislative Operating Committee.~~

302 ~~(c) Should the Oneida Business Committee pursue amendments to the Rule, the~~
303 ~~amendments must be completed through one (1) of the following actions within six (6)~~
304 ~~months from the date the amendments are initiated by the Oneida Business Committee:~~

305 ~~(1) if the Authorized Agency and the Oneida Business Committee reach an~~
306 ~~agreement as to the content of the amendments, the Authorized Agency shall~~
307 ~~adopt the revised Rule that has been discussed with and agreed upon by the~~
308 ~~Oneida Business Committee. Provided that, if substantial revisions are requested~~
309 ~~by the Oneida Business Committee, where the consideration of a substantial~~
310 ~~revision is in the Authorized Agency's best informed discretion, the Authorized~~
311 ~~Agency shall hold an additional public comment period, which would restart the~~
312 ~~process beginning in Section 106.6 hereof; or~~

313 ~~(2) if the Authorized Agency and the Oneida Business Committee do not reach~~
314 ~~an agreement as to the content of the amendments, the Oneida Business~~
315 ~~Committee may defer the Rule to the Legislative Operating Committee for~~
316 ~~revisions as directed by the Oneida Business Committee. If substantial revisions~~
317 ~~are requested by the Oneida Business Committee, where the consideration of a~~
318 ~~substantial revision is in the Legislative Operating Committee's best informed~~
319 ~~discretion, the Legislative Operating Committee shall hold an additional public~~
320 ~~comment period according to the requirements contained in Section 106.6 with~~
321 ~~the Legislative Operating Committee taking the place of the Authorized Agency.~~
322 ~~When the Rule is ready for adoption, the Legislative Operating Committee shall~~
323 ~~forward it to the Oneida Business Committee for consideration.~~

324 ~~(d) If a revised Rule is not adopted by either the Authorized Agency or the Oneida~~
325 ~~Business Committee within six (6) months from the date the amendments are initiated by~~
326 ~~the Oneida Business Committee, the Rule originally adopted by the Authorized Agency~~
327 ~~will remain in effect.~~

328 ~~(e) If revisions are made to the Rule by either the Authorized Agency or the Oneida~~
329 ~~Business Committee, such party making the revisions shall provide a final version of the~~
330 ~~Rule to the Legislative Operating Committee. Upon receipt, the Legislative Operating~~
331 ~~Committee shall update the Oneida Register with the final version of the Rule.~~

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334 **106.8—Effective Date of Rules**

335 106.~~8~~9-1. The ~~Authorized Agency~~authorized agency shall determine a ~~Rule's~~rule's effective
336 date, provided that a ~~Rule~~rule may not become effective until the ~~Legislative Operating~~Oneida
337 ~~Business~~ Committee ~~has provided~~adopts the ~~Authorized Agency with the written certification~~
338 ~~required by Section~~proposed rule.

339 106.~~7~~9-2(a). A failure to publish an approved ~~Rule~~rule on the Oneida Register by its effective
340 date does not change the effective date of the ~~Rule~~rule.

341

342 106.10.

343 **106.9—Emergency Rules**

344 106.~~9~~10-1. Emergency Promulgation of a Rule. An ~~Authorized Agency~~authorized agency may
345 present the ~~Oneida~~ Legislative Operating Committee with a proposed emergency ~~Rule without a~~
346 ~~public comment period being held if it finds there is an~~rule if the following conditions are met:

347 (a) An emergency situation exists that requires the enactment or amendment of a
348 ~~Rule~~rule for the immediate preservation of the public health, safety, or general welfare of
349 the Reservation population; and the

350 (b) The enactment or amendment is required sooner than would be possible under the
351 normal rulemaking procedures.

352 106.10-2. Rulemaking process—The Authorized AgencySubmission of an Emergency Rule. The
353 authorized agency shall submit the following to the Legislative Operating Committee for
354 emergency rule submission:

355 (a) the proposed emergency ~~Rule with reasoning to justify~~rule;

356 (b) justification for the emergency promulgation of the rule; ~~and a~~

357 (c) the summary report, ~~provided that.~~

358 (1) For the financial analysis contained in the summary report, the deadline for
359 ~~Entities'~~entities' submission of financial impacts pursuant to ~~Section~~section
360 106.5-2(e)~~(4)~~f) may be reduced to a minimum of two (2) business days.

361 106.10-3. Legislative Operating Committee Review. Upon receipt of the emergency rule, the
362 Legislative Operating Committee shall review the submission and take one (1) of the following
363 actions:

364 (a) reject the proposed emergency ~~Rule~~rule on the basis that there is not a valid
365 emergency; or

366 (b) accept that there is a valid basis for an emergency and forward the emergency
367 ~~Rule~~rule to the Oneida Business Committee.

368 106.~~9~~2-10-4. Oneida Business Committee Adoption. If the proposed emergency ~~Rule~~rule is
369 forwarded to the Oneida Business Committee, the Oneida Business Committee shall review the
370 proposed emergency ~~Rule~~rule, the summary report and the reasoning suggested for the
371 emergency situation and take one (1) of the following actions:

372 (a) reject the proposed emergency ~~Rule~~rule on the basis that there is not a valid
373 emergency; or

374 (b) accept that there is a valid basis for an emergency and adopt, by motion, the
375 emergency ~~Rule~~rule, provided that, if the Oneida Business Committee deems it
376 necessary, it may make revisions to the emergency ~~Rule~~rule.

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377 (1) If the Oneida Business Committee makes revisions to the emergency ~~Rule~~rule
378 that the ~~Authorized Agency~~authorized agency does not support, such concerns
379 may be addressed when the ~~Authorized Agency~~authorized agency begins the
380 process for enactment of the permanent ~~Rule~~rule.

381 ~~106.9-3~~10-5. An emergency ~~Rule~~rule becomes effective immediately upon its adoption by the
382 Oneida Business Committee and remains in effect for a period of up to six (6) months,~~with~~.

383 106.10-6. Emergency Rule Extension. There is an opportunity for a one-time emergency
384 extension of an emergency rule for up to six (6) months. Requests for the one-time emergency
385 extension may be brought by the ~~Authorized Agency~~authorized agency directly to the Oneida
386 Business Committee for consideration and shall become effective upon the Oneida Business
387 Committee's approval and adoption by motion. ~~An emergency Rule will:~~

388 ~~(a) 106.10-7. Expiration of an Emergency Rule.~~ An emergency rule will expire when:

389 (a) six (6) months have passed since the emergency ~~Rule~~rule went into effect and an
390 emergency ~~Rule~~rule extension has not been approved; or

391 (b) ~~expire when~~ six (6) months have passed since the emergency ~~Rule~~rule extension
392 went into effect; or

393 (c) ~~no longer be in effect when~~ a ~~Rule~~rule is permanently adopted in the emergency
394 ~~Rule's~~rule's place before the emergency ~~Rule~~rule expires under (a) or (b).

395 ~~106.9-4. As soon as possible after emergency adoption, and if~~10-8. Permanent Adoption of
396 Emergency Rule. If permanent adoption of the emergency rule is desired, the ~~Authorized~~
397 ~~Agency~~authorized agency shall follow the ~~regular~~normal rulemaking procedures as provided
398 under this ~~Law~~law to adopt the permanent ~~Rule~~rule. The authorized agency may start the
399 permanent adoption process immediately after the emergency rule is adopted.

400 ~~106.10-9-5.~~ The Legislative Operating Committee shall publish the emergency ~~Rule~~rule on the
401 Oneida Register.

402 ~~106.10. Creating and Maintaining an~~

403 106.11. Administrative Record of Rules

404 ~~106.10-11-1. Creation of an Administrative Record.~~ The ~~Legislative Reference Office, with~~
405 ~~information the Authorized Agencies shall provide,~~authorized agency shall create and maintain a
406 complete~~an administrative~~ record of all proposed and adopted ~~Rules, which must~~rules. The
407 administrative record shall include the following:

408 (a) A memorandum provided by the ~~Authorized Agency~~authorized agency containing the
409 ~~Rule's~~rule's procedural timeline including the dates the requirements of this ~~Law~~law
410 were fulfilled ~~by the Authorized Agency and any supporting documentation, which~~
411 ~~includes, but is not limited to:~~

412 (1) ~~Drafts~~(b) The summary report required under section 106.5-2;

413 (c) Draft of the ~~Rule~~proposed rule, and a draft of the rule considered for the required
414 ~~Public Meeting~~public meeting;

415 (2) ~~The Public Meeting~~public meeting notice;

416 (3) ~~The public meeting sign-in sheet;~~

417 (f) If the ~~Rule~~rule is being amended, redline drafts from the currently effective ~~Rule~~rule
418 illustrating the proposed amendments;

419 (4) Minutes from the authorized agency's meeting during which the proposed ~~Rule~~rule
420

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421 was considered as an agenda item, or, if the ~~Authorized Agency~~authorized agency is not a
422 board, committee or commission, a memo from the ~~Entity's~~authorized agency's highest
423 level of management approving the proposed ~~Rules;~~and rule;

424 ~~(5) Any other supporting information that may be requested by the Legislative~~
425 ~~Reference Office;~~

426 ~~(b) The summary report required under Section 106.5-2 provided by the Authorized~~
427 ~~Agency;~~

428 ~~(e)(h)~~ A memorandum provided by the ~~Authorized Agency~~authorized agency containing
429 the public comments that were received, both orally and written, and the ~~Authorized~~
430 ~~Agency's~~authorized agency's response to each comment; and

431 ~~(d)~~ The effective dates of the original ~~Rules~~rule and any ~~Rule~~rule amendments
432 subsequently made as established by the ~~Authorized Agency~~authorized agency; and

433 ~~(j) Any other supporting information that may be requested by the Legislative Reference~~
434 ~~Office.~~

435 106.11-2. Maintenance of the Administrative Record. The authorized agency shall provide the
436 Legislative Reference Office a complete administrative record for each proposed and adopted
437 rule. The Legislative Reference Office shall maintain a complete administrative record for all
438 proposed and adopted rules.

439 106.11-3. ~~106.10-2.~~ Prior to publishing approved ~~Rules~~rules on the Oneida Register ~~under~~
440 ~~either Section 106.7-3(f) or 106.9-5,~~ the Legislative Operating Committee shall create and/or
441 update the administrative history on each ~~Rule~~rule which ~~must~~shall include the original effective
442 date of the ~~Rule~~rule and the effective date of any amendments made to the ~~Rule~~rule.

106.12. Review by the Authorized Agency

445 106.12-1. Biennial Review. The authorized agency shall conduct a review of each adopted rule
446 promulgated by the authorized agency at least once every two years after the rule is adopted by
447 the Oneida Business Committee.

448 106.12-2. Consideration during Review. During the review the authorized agency may
449 consider, but is not limited to the consideration of, whether the rule continues to serve its
450 intended purpose and if any amendments to the rule are necessary.

451 106.12-3. The authorized agency shall have the authority to decide if amendments to a rule are
452 necessary to pursue. The Oneida Business Committee shall not compel an authorized agency to
453 amend a rule.

106.13.

~~106.11.~~ Judicial Review of a Rule

457 ~~106.11-13-1.~~ The ~~Judiciary~~Oneida Nation Trial Court may render a declaratory judgment to
458 determine the validity of a ~~Rule~~rule in the same manner that the Judiciary may do so for a
459 ~~Law~~law; as identified in ~~section 150.5-2(e) of the Nation's~~ Judiciary ~~Law.~~ Provided that, no
460 ~~Rule~~law. No rule may be contested based on non-compliance with the procedural requirements
461 of this ~~Law~~law after one (1) year has elapsed from the effective date of the ~~Rule~~rule.

462 ~~106.11-13-2.~~ Upon the ~~Authorized Agency's~~authorized agency's receipt of notice that an appeal
463 has been filed regarding a ~~Rule~~rule of the said agency, the ~~Authorized Agency~~authorized agency
464 that promulgated the ~~Rule~~rule shall request the ~~Administrative Record~~administrative record of

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465 the ~~Rule~~rule created under ~~Section~~section 106.1011 from the Legislative Reference Office and
466 shall submit the ~~said~~administrative record to the Oneida ~~Judiciary~~Nation Trial Court.

467

468 **106.14.**

469 ~~106.12.~~ **Standard of Review for Actions Taken by Authorized Agencies**

470 106.1214-1. Any ~~Tribal body~~entity of the Nation hearing an appeal or contest of an action taken
471 pursuant to ~~Rules~~rules created under ~~Authorized Agencies~~the authority delegated ~~authority to an~~
472 ~~authorized agencies~~ and the requirements of this ~~Law~~law, upon consideration of the ~~Rule~~rule and
473 the circumstances regarding the action taken may take any one (1) of the following actions:

474

(a) Uphold the action taken;

475

(b) Reverse or modify the action taken; ~~or~~

476

(c) If at the second level of appeal, remand the matter for further consideration.

477

106.1214-2. When hearing an appeal or contest of an action ~~as described in this Section~~, the
478 ~~Tribal~~hearing body shall recognize that the ~~Authorized Agency~~authorized agency is accepted by
479 the ~~Tribe~~Nation as the subject matter expert in the given field and shall provide the ~~Authorized~~
480 ~~Agency~~authorized agency with deference by upholding the action unless it finds that the action:

481

(a) Amounts to a violation of the ~~Tribe's~~Nation's Constitution;

482

(b) Was in excess of the ~~Authorized Agency's Rulemaking Authority~~authorized agency's
483 ~~rulemaking authority~~ or is otherwise unlawful;

484

(c) Was clearly erroneous in view of the entire administrative and factual records; ~~or~~

485

(d) Was arbitrary or capricious; or

486

(e) Exhibited a procedural irregularity which would be considered a harmful error that
487 may have contributed to the final decision and if said irregularity were not present, the
488 decision would have been different.

489

End.

490

492 Adopted – BC-02-24-16-C

493 ~~Amended – BC-~~

Title 1. Government and Finances – Chapter 106
ADMINISTRATIVE RULEMAKING

Thotih<=& lutyani<slu-n>

they are the leaders, they are making the laws, policies and rules

106.1. Purpose and Policy	106.9. Effective Date of Rules
106.2. Adoption, Amendment, Repeal	106.10. Emergency Rules
106.3. Definitions	106.11. Creating and Maintaining an Administrative Record
106.4. General	106.12. Review by the Authorized Agency
106.5. Preparation of Proposed Rules	106.13. Judicial Review of a Rule
106.6. Public Comment Period on Proposed Rules	106.14. Standard of Review for Actions Taken by Authorized Agency
106.7. Legislative Operating Committee Certification	
106.8. Oneida Business Committee Adoption	

- 1
2 **106.1. Purpose and Policy**
3 106.1-1. *Purpose.* The purpose of this law is to provide a process for the adoption and
4 amendment of administrative rules.
5 106.1-2. *Policy.* It is the policy of the Nation to ensure there is an efficient, effective and
6 democratic process for enacting and revising administrative rules, and that authorized agencies
7 act in a responsible and consistent manner when enacting and revising administrative rules.
8
9 **106.2. Adoption, Amendment, Repeal**
10 106.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-24-16-C
11 and amended by BC _____.
12 106.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.
15 106.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.
18 106.2-4. In the event of a conflict between a provision of this law and a provision of another
19 law, the provisions of this law shall control.
20 106.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
21
22 **106.3. Definitions**
23 106.3-1. This section shall govern the definitions of words and phrases used within this law. All
24 words not defined herein shall be used in their ordinary and everyday sense.
25 (a) “Authorized agency” means any board, committee, commission, department,
26 program or officer of the Nation that has been granted rulemaking authority.
27 (b) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m.,
28 excluding holidays recognized by the Nation.
29 (c) “Financial analysis” means an estimate of the total fiscal year financial effects
30 associated with a proposed rule prepared by the authorized agency proposing the rule. It
31 includes startup costs, personnel, office, documentation costs, and an estimate of the
32 amount of time necessary for an individual or agency to comply with the rule after
33 implementation.
34 (d) “Entity” means a board, committee or commission created by the Oneida General
35 Tribal Council or the Oneida Business Committee whose members are appointed by the

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36 Oneida Business Committee or elected by the majority of the Nation's eligible voters,
37 and also any department or program of the Nation.

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

39 (f) "Officer" means an individual holding the position of chairperson, vice chairperson,
40 secretary or treasurer on a board, committee or commission of the Nation, including the
41 Oneida Business Committee.

42 (g) "Oneida Register" means the Legislative Operating Committee's publication on the
43 Nation's website containing, at a minimum, agency rules, proposed legislation and
44 notices, and the Oneida Code of Laws.

45 (h) "Rule" means a set of requirements enacted by an authorized agency in order to
46 implement, interpret and/or enforce a law of the Nation, which may include citation fee
47 and penalty schedules.

48 (i) "Rulemaking authority" means the delegation of authority to authorized agencies
49 found in the Nation's laws, other than this law, which allows authorized agencies to
50 implement, interpret and/or enforce a law of the Nation.

51 (j) "Standard operating procedures" means statements, interpretations, decisions,
52 internal rules, regulations, internal policies, procedures or other matters concerning
53 internal management of an agency, which do not affect the private rights or interests of
54 individuals outside of the agency.

55 (k) "Statement of effect" means an analysis of the proposed rule which explains potential
56 conflicts and effects that adopting a rule would have on the Nation's current legislation.
57

58 **106.4. General**

59 106.4-1. *Administrative Rulemaking.* Only authorized agencies may promulgate rules.
60 Authorized agencies shall be granted rulemaking authority by a law of the Nation, provided that,
61 this law does not confer rulemaking authority. Authorized agencies may promulgate rules
62 interpreting the provisions of any law enforced or administered by it; provided that, a rule may
63 not exceed the rulemaking authority granted under the law for which the rule is being
64 promulgated. Authorized agencies shall adhere to the rulemaking procedures as provided in this
65 law.

66 (a) Rules developed pursuant to this law have the same force and effect as the law which
67 delegated the authorized agency rulemaking authority and shall be followed by both the
68 general public and the authorized agency promulgating the rule.

69 (b) A rule developed pursuant to this law shall not conflict or supersede a law, policy or
70 rule of the Nation or a resolution passed by the Oneida Business Committee or the
71 Oneida General Tribal Council.

72 (c) This law does not apply to the Nation's standard operating procedures.

73 106.4-2. *Solicitation of Comment on General Subject Matter.* For the purpose of soliciting
74 public comments, ideas and opinions, an authorized agency may hold a public meeting on the
75 general subject matter of a possible or anticipated rule before preparing a proposed rule. A
76 public meeting under this subsection does not satisfy the public comment period requirements of
77 section 106.6 with respect to promulgation of a specific proposed rule.

78 106.4-3. *Substantial Compliance.* Any rule hereafter adopted is valid only if adopted in
79 substantial compliance with this law. Rules already in effect at the time of this law's adoption

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80 remain in effect unless directed to be updated based on this law's requirements by the Oneida
81 Business Committee. Any amendments made to rules already in effect shall follow the
82 requirements of this law.

83 106.4-4. *Exemption to Administrative Rulemaking Requirements.* When an authorized agency is
84 delegated rulemaking authority through a new law or an amendment to an existing law, any
85 standard operating procedures, policies, or plans the authorized agency is currently using and
86 wishes to continue using as a rule shall be presented to the Legislative Operating Committee for
87 acknowledgement and publication as a rule on the Oneida Register as long as the following
88 conditions are met:

89 (a) The standard operating procedure, policy or plan shall have no substantive change to
90 its content; and

91 (b) A preliminary review by the Oneida Law Office shall reveal no conflict between the
92 standard operating procedure, policy or plan and any law, policy, rule, or resolution of the
93 Nation.

94 (c) The existing standard operating procedure, policy, or plan shall be formatted into the
95 administrative rulemaking template approved by the Legislative Operating Committee.

96

97 **106.5. Preparation of Proposed Rules**

98 106.5-1. *Form and Style.* The Legislative Operating Committee shall create a template for rules
99 with which authorized agencies shall comply; the template is not subject to the procedural
100 requirements of this law.

101 (a) At a minimum, all rules shall be numbered in the following consistent manner "1-
102 1(a)(1)(A)(i)" where:

103 (1) "1-1" means the first section.

104 (2) "(a)" means the first subsection.

105 (3) "(1)" means the second subsection.

106 (4) "(A)" means the third subsection.

107 (5) "(i)" means the fourth subsection.

108 (6) All other numbering after the fourth subsection shall be in a logical manner.

109 106.5-2. *Summary Report.* The authorized agency shall prepare a summary report regarding
110 each proposed rule. The summary report shall be attached to the proposed rule when presented
111 for public comment, and included in the administrative record for certification by the Legislative
112 Operating Committee and ultimately for adoption by the Oneida Business Committee. The
113 summary report shall include the following:

114 (a) the name of the proposed rule;

115 (b) a reference to the law that the proposed rule interprets, along with a list of any other
116 related laws, rules, or resolutions that may be affected by the proposed rule;

117 (c) a brief summary of the proposed rule;

118 (d) any changes made to the proposed rule based on the public comment period required
119 by section 106.6, if applicable;

120 (e) a statement of effect for the rule prepared by the Legislative Reference Office upon
121 request by the authorized agency; and

122 (f) the financial analysis.

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123 (1) The authorized agency shall prepare the financial analysis. The authorized
124 agency shall send a written request to each entity that may be affected by the
125 proposed rule soliciting information on how the proposed rule would financially
126 affect the entity. Each entity's response indicating its financial affects shall be
127 included in the financial analysis.

128 (2) If an authorized agency does not receive a response from one (1) or more
129 entities regarding its request for the financial effects of the rule on the entity
130 within ten (10) business days of the date of the request, the authorized agency
131 may submit a financial analysis noting which entities were non-responsive to its
132 request.
133

134 **106.6. Public Comment Period on Proposed Rules**

135 106.6-1. *Required Public Comment Period.* A proposed rule shall be preceded by a public
136 comment period, which shall include a public meeting.

137 (a) A rule promulgated under the emergency rules exemptions described in section
138 106.10 shall not be required to have a public comment period or public meeting.

139 (b) Nothing in this section prohibits or restricts the holding of any other type of
140 community meeting which may be used to gather input on rules.

141 106.6-2. *Public Meetings.* A public meeting on a proposed rule shall be held in accordance with
142 the following requirements.

143 (a) *Notice.* The authorized agency shall set a date for the public meeting and have a
144 public meeting notice published in the Kalihwisaks and on the Oneida Register not less
145 than ten (10) business days prior to the meeting.

146 (1) *Special Notice.* It is recommended, but not required, that authorized agencies
147 provide an additional special notice to affected parties when a proposed rule or
148 amendments to a rule modify eligibility requirements for the Nation's programs.
149 The extent and form of any such notice is within the authorized agency's
150 discretion to determine.

151 (b) *Requirements for Public Meeting Notice.* The public meeting notice shall include:

152 (1) the date, time, and location of the scheduled public meeting;

153 (2) information for electronically accessing the proposed rule and summary
154 report and a statement that hard copies of the materials will be available with the
155 authorized agency; and

156 (3) the name, address, phone number, and other appropriate information to
157 submit written comments on the rule and the time period during which the
158 authorized agency shall accept written comments.

159 (c) The authorized agency shall hold a public meeting at the date, time and place
160 designated in the meeting notice.

161 (d) *Presiding Representative.* The authorized agency holding the public meeting shall
162 have a representative to preside at the meeting who shall briefly describe the rule which
163 is the subject of the public meeting and the nature of the rule's requirements, and then
164 open the meeting for comments.

165 (1) The authorized agency's presiding representative is not required to comment
166 or respond to comments at the meeting, but may at his or her discretion.

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167 (e) *Time Limitation.* The authorized agency's presiding representative may impose a
168 time limit for all oral testimony. Any time limit imposed shall not be less than five (5)
169 minutes and shall be applied to all persons equally.

170 (f) *Registration.* The authorized agency shall create and bring to the public meeting a
171 sign-in sheet. Persons attending the public meeting shall register at the meeting by
172 signing the sign-in sheet.

173 (g) The authorized agency shall audio record the public meeting and persons who
174 provide oral comments shall state their name for the record.

175 (h) The authorized agency shall hold the record open for the submission of written
176 comments for a minimum of five (5) business days following the public meeting.

177 106.6-3. *Extension of Public Comment Period.* The authorized agency may extend the public
178 comment period as it deems appropriate by posting an amended public meeting notice. The
179 amended public meeting notice shall follow the posting requirements found in section 106.6-
180 2(b). The amended public meeting notice shall identify the extended public comment period
181 ending date and may be posted at any time prior to the close of the original public comment
182 period.

183 106.6-4. *Consideration of Public Comments.* The authorized agency shall fully consider all
184 comments received during the public comment period and during any public meeting held
185 regarding a proposed rule.

186 106.6-5. *Public Comment Memorandum.* Once all public comments are received and the public
187 comment period closes, the authorized agency shall draft a memorandum containing all public
188 comments received and the authorized agency's response to each comment.

189 106.6-6. *Substantial Changes to Proposed Rule.* The authorized agency shall hold an additional
190 public meeting for the proposed rule if substantial changes are made to the proposed rule after
191 the public comment period ends and all public comments are considered.

192

193 **106.7. Legislative Operating Committee Certification**

194 106.7-1. *Submission of Rule Certification Materials.* After the public comment period has
195 expired and the authorized agency has considered all public comments received, the authorized
196 agency shall submit the proposed rule and all items contained in the administrative record
197 described in section 106.11 to the Legislative Operating Committee.

198 (a) The authorized agency shall submit the rule for certification by the Legislative
199 Operating Committee within six (6) months after the public comment period has expired,
200 unless the Legislative Operating Committee determines there is good cause to go outside
201 the time limits.

202 106.7-2. *Requirements for Certification.* The Legislative Operating Committee is responsible
203 for certifying the proposed rule meets the following requirements:

204 (a) that promulgation of the rule complies with the procedural requirements contained in
205 this law;

206 (b) that the administrative record is complete; and

207 (c) that the rule does not exceed its rulemaking authority or conflict with any other law,
208 policy, rule or resolution of the Nation.

209 106.7-3. *Rule Certification.* Upon receipt of a complete rule certification submission the
210 Legislative Operating Committee shall take one (1) of the following actions:

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211 (a) *Certify the Rule.* If the Legislative Operating Committee determines the authorized
212 agency has complied with the requirements for certification stated in section 106.7-2, the
213 Legislative Operating Committee shall certify the proposed rule.

214 (1) Upon certification of the rule the Legislative Operating Committee shall
215 forward the administrative record to the Oneida Business Committee.

216 (b) *Deny Certification of the Rule.* If the Legislative Operating Committee determines
217 that the authorized agency has not complied with the certification requirements stated in
218 section 106.7-2 the Legislative Operating Committee shall not certify the proposed rule.

219 (1) Upon the denial of certification of the rule the Legislative Operating
220 Committee shall return the proposed rule to the authorized agency with specific
221 feedback as to which requirements were not fulfilled.

222 (2) The authorized agency may resubmit the proposed rule for certification by the
223 Legislative Operating Committee once all requirements for certification have
224 been met.

225

226 **106.8. Oneida Business Committee Adoption**

227 106.8-1. *Oneida Business Committee Consideration.* The Oneida Business Committee shall
228 review and consider the proposed rule, the administrative record, and the Legislative Operating
229 Committee's certification of compliance.

230 106.8-2. *Oneida Business Committee Adoption.* After review of all materials submitted and
231 consideration of the proposed rule, the Oneida Business Committee may take one of the
232 following actions:

233 (a) *Adopt the Proposed Rule.* The Oneida Business Committee may adopt, by motion,
234 the proposed rule. A majority vote is required for the adoption of a rule by the Oneida
235 Business Committee.

236 (1) The Legislative Operating Committee shall be responsible for publishing the
237 rule on the Oneida Register upon adoption by the Oneida Business Committee.

238 (b) *Deny Adoption of the Proposed Rule.* The Oneida Business Committee may deny
239 adoption of the proposed rule if the Oneida Business Committee has any concerns and/or
240 requested revisions to the rule. The Oneida Business Committee may request that the
241 authorized agency work with the Oneida Business Committee to address any concerns.

242

243 **106.9. Effective Date of Rules**

244 106.9-1. The authorized agency shall determine a rule's effective date, provided that a rule may
245 not become effective until the Oneida Business Committee adopts the proposed rule.

246 106.9-2. A failure to publish an approved rule on the Oneida Register by its effective date does
247 not change the effective date of the rule.

248

249 **106.10. Emergency Rules**

250 106.10-1. *Emergency Promulgation of a Rule.* An authorized agency may present the Legislative
251 Operating Committee with a proposed emergency rule if the following conditions are met:

252 (a) An emergency situation exists that requires the enactment or amendment of a rule for
253 the immediate preservation of the public health, safety, or general welfare of the
254 Reservation population; and

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- 255 (b) The enactment or amendment is required sooner than would be possible under the
256 normal rulemaking procedures.
- 257 106.10-2. *Submission of an Emergency Rule.* The authorized agency shall submit the following
258 to the Legislative Operating Committee for emergency rule submission:
- 259 (a) the proposed emergency rule;
260 (b) justification for the emergency promulgation of the rule; and
261 (c) the summary report.
- 262 (1) For the financial analysis contained in the summary report, the deadline for
263 entities' submission of financial impacts pursuant to section 106.5-2(f) may be
264 reduced to a minimum of two (2) business days.
- 265 106.10-3. *Legislative Operating Committee Review.* Upon receipt of the emergency rule, the
266 Legislative Operating Committee shall review the submission and take one (1) of the following
267 actions:
- 268 (a) reject the proposed emergency rule on the basis that there is not a valid emergency;
269 or
270 (b) accept that there is a valid basis for an emergency and forward the emergency rule to
271 the Oneida Business Committee.
- 272 106.10-4. *Oneida Business Committee Adoption.* If the proposed emergency rule is forwarded to
273 the Oneida Business Committee, the Oneida Business Committee shall review the proposed
274 emergency rule, the summary report and the reasoning suggested for the emergency situation and
275 take one (1) of the following actions:
- 276 (a) reject the proposed emergency rule on the basis that there is not a valid emergency;
277 or
278 (b) accept that there is a valid basis for an emergency and adopt, by motion, the
279 emergency rule, provided that, if the Oneida Business Committee deems it necessary, it
280 may make revisions to the emergency rule.
- 281 (1) If the Oneida Business Committee makes revisions to the emergency rule that
282 the authorized agency does not support, such concerns may be addressed when
283 the authorized agency begins the process for enactment of the permanent rule.
- 284 106.10-5. An emergency rule becomes effective immediately upon its adoption by the Oneida
285 Business Committee and remains in effect for a period of up to six (6) months.
- 286 106.10-6. *Emergency Rule Extension.* There is an opportunity for a one-time emergency
287 extension of an emergency rule for up to six (6) months. Requests for the one-time emergency
288 extension may be brought by the authorized agency directly to the Oneida Business Committee
289 for consideration and shall become effective upon the Oneida Business Committee's approval
290 and adoption by motion.
- 291 106.10-7. *Expiration of an Emergency Rule.* An emergency rule will expire when:
- 292 (a) six (6) months have passed since the emergency rule went into effect and an
293 emergency rule extension has not been approved; or
294 (b) six (6) months have passed since the emergency rule extension went into effect; or
295 (c) a rule is permanently adopted in the emergency rule's place before the emergency
296 rule expires under (a) or (b).
- 297 106.10-8. *Permanent Adoption of Emergency Rule.* If permanent adoption of the emergency
298 rule is desired, the authorized agency shall follow the normal rulemaking procedures as provided

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299 under this law to adopt the permanent rule. The authorized agency may start the permanent
300 adoption process immediately after the emergency rule is adopted.

301 106.10-9. The Legislative Operating Committee shall publish the emergency rule on the Oneida
302 Register.

303

304 **106.11. Administrative Record of Rules**

305 106.11-1. *Creation of an Administrative Record.* The authorized agency shall create an
306 administrative record of all proposed and adopted rules. The administrative record shall include
307 the following:

308 (a) A memorandum provided by the authorized agency containing the rule's procedural
309 timeline including the dates the requirements of this law were fulfilled;

310 (b) The summary report required under section 106.5-2;

311 (c) Draft of the proposed rule, and a draft of the rule considered for the required public
312 meeting;

313 (d) The public meeting notice;

314 (e) The public meeting sign-in sheet;

315 (f) If the rule is being amended, redline drafts from the currently effective rule illustrating
316 the proposed amendments;

317 (g) Minutes from the authorized agency's meeting during which the proposed rule was
318 considered as an agenda item, or, if the authorized agency is not a board, committee or
319 commission, a memo from the authorized agency's highest level of management
320 approving the proposed rule;

321 (h) A memorandum provided by the authorized agency containing the public comments
322 that were received, both orally and written, and the authorized agency's response to each
323 comment; and

324 (i) The effective dates of the original rule and any rule amendments subsequently made as
325 established by the authorized agency; and

326 (j) Any other supporting information that may be requested by the Legislative Reference
327 Office.

328 106.11-2. *Maintenance of the Administrative Record.* The authorized agency shall provide the
329 Legislative Reference Office a complete administrative record for each proposed and adopted
330 rule. The Legislative Reference Office shall maintain a complete administrative record for all
331 proposed and adopted rules.

332 106.11-3. Prior to publishing approved rules on the Oneida Register the Legislative Operating
333 Committee shall create and/or update the administrative history on each rule which shall include
334 the original effective date of the rule and the effective date of any amendments made to the rule.
335

335

336 **106.12. Review by the Authorized Agency**

337 106.12-1. *Biennial Review.* The authorized agency shall conduct a review of each adopted rule
338 promulgated by the authorized agency at least once every two years after the rule is adopted by
339 the Oneida Business Committee.

340 106.12-2. *Consideration during Review.* During the review the authorized agency may
341 consider, but is not limited to the consideration of, whether the rule continues to serve its
342 intended purpose and if any amendments to the rule are necessary.

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343 106.12-3. The authorized agency shall have the authority to decide if amendments to a rule are
344 necessary to pursue. The Oneida Business Committee shall not compel an authorized agency to
345 amend a rule.
346

347 **106.13. Judicial Review of a Rule**

348 106.13-1. The Oneida Nation Trial Court may render a declaratory judgment to determine the
349 validity of a rule in the same manner that the Judiciary may do so for a law; as identified in the
350 Nation's Judiciary law. No rule may be contested based on non-compliance with the procedural
351 requirements of this law after one (1) year has elapsed from the effective date of the rule.

352 106.13-2. Upon the authorized agency's receipt of notice that an appeal has been filed regarding
353 a rule of the said agency, the authorized agency that promulgated the rule shall request the
354 administrative record of the rule created under section 106.11 from the Legislative Reference
355 Office and shall submit the administrative record to the Oneida Nation Trial Court.
356

357 **106.14. Standard of Review for Actions Taken by Authorized Agencies**

358 106.14-1. Any entity of the Nation hearing an appeal or contest of an action taken pursuant to
359 rules created under the authority delegated to an authorized agencies and the requirements of this
360 law, upon consideration of the rule and the circumstances regarding the action taken may take
361 any one (1) of the following actions:

- 362 (a) Uphold the action taken;
363 (b) Reverse or modify the action taken; or
364 (c) If at the second level of appeal, remand the matter for further consideration.

365 106.14-2. When hearing an appeal or contest of an action, the hearing body shall recognize that
366 the authorized agency is accepted by the Nation as the subject matter expert in the given field
367 and shall provide the authorized agency with deference by upholding the action unless it finds
368 that the action:

- 369 (a) Amounts to a violation of the Nation's Constitution;
370 (b) Was in excess of the authorized agency's rulemaking authority or is otherwise
371 unlawful;
372 (c) Was clearly erroneous in view of the entire administrative and factual records;
373 (d) Was arbitrary or capricious; or
374 (e) Exhibited a procedural irregularity which would be considered a harmful error that
375 may have contributed to the final decision and if said irregularity were not present, the
376 decision would have been different.

377
378 *End.*
379

380 Adopted – BC-02-24-16-C
381 Amended – BC-



MEMORANDUM

DATE: July 27, 2017
 FROM: Rae Skenandore, Financial Management Analyst
 TO: Larry Barton, Chief Financial Officer
 Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
 RE: **Fiscal Impact of the Administrative Rulemaking Amendments**

I. Estimated Fiscal Impact Summary

Law: Administrative Rulemaking Amendments		Draft 3
Implementing Agency	Legislative Operating Committee	
Estimated time to comply	Consistent with the Legislative Procedures Act (10 days)	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0
Revenue and cost considerations		
Uncertainties and Unknowns		

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC-2-24-16-C. A public meeting was held on the amendments on June 29, 2017.

B. Summary of Content

A summary of the amendments is as follows;

1. Clarify that a rule developed pursuant to this law shall not conflict or supersede a law, policy, or rule of the Nation or a resolution passed by the Oneida Business Committee or Oneida General Tribal Council.

2. Provide that if the authorized agency provides a service to a defined base of customers or individuals the authorized agency may make reasonable efforts to provide additional notice of the public meeting to that base of customers or individuals that may be substantially affected by the proposed rule.
3. Require additional public meetings to occur if substantial changes are made to the proposed rule after a public meeting.
4. Clarify what requirements the Legislative Operating Committee must ensure are met before certification of the proposed rule.
5. Provide that after certification by the Legislative Operating Committee, the proposed rule must be adopted by the Oneida Business Committee before it may become effective.
6. Require an authorized agency to conduct a review of each adopted rule every two (2) years after the rule is adopted.

C. Methodology and Assumptions

1. A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.
2. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.
3. The analysis was completed based on the information provided as of the date of this memo.

II. Agency

There are no apparent startup, personnel, office, or documentation costs associated with this legislation. The amendments will be implemented within 10 days in accordance with the Legislative Procedures Act (LPA).

III. Financial Impact

No impact.

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: 8 / 9 / 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: Audit 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: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

See attached.

- 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: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson *BS*
 DATE: August 9, 2017
 RE: Audit Law Amendments

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

1. Resolution: Audit Law Amendments
2. Statement of Effect: Audit Law Amendments
3. Audit Law Amendments: Legislative Analysis
4. Audit Law Amendments: Clean Draft
5. Audit Law Amendments: Fiscal Impact Statement

Overview

This resolution adopts amendments to the Audit Law to:

- Update the title of the law to Internal Audit;
- Clarify the roles and responsibilities related to the internal audit process;
- Identify the primary authority responsible to when and for what reason an internal audit is initiated;
- Identify who can require and enforce management response and action as a result of audit findings;
- Include provisions that allow management to request a consultation with the Audit Committee to discuss any concerns the entity may have prior to finalization of the audit report;
- Capture additional functions and purposes of an audit aside from protecting the Nation's assets;
- Provide greater detail regarding the audit process; and
- Clarify the difference between an internal and external audit and explain the process for reviewing each internal and external audit reports.

In accordance with the Legislative Procedures Act, a public meeting was held regarding this law on June 5, 2017 with a comment period closing on June 12, 2017. There were no comments provided. This Law will become effective ten business days after the date of adoption of the resolution as identified in section 109.9-3 of the Legislative Procedures Act. The anticipated effective date will be Wednesday, August 22, 2017.

Requested Action

Approve the Resolution: Audit Law Amendments

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Audit Law Amendments

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

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

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

WHEREAS, the Oneida Business Committee originally adopted the Audit Law through resolution BC-07-15-98-C; and

WHEREAS, the Amendments to the Law:

- Update the title of the law to Internal Audit;
- Clarify the roles and responsibilities related to the internal audit process;
- Identify the primary authority responsible to when and for what reason an internal audit is initiated;
- Identify who can require and enforce management response and action as a result of audit findings;
- Include provisions that allow management to request a consultation with the Audit Committee to discuss any concerns the entity may have prior to finalization of the audit report;
- Capture additional functions and purposes of an audit aside from protecting the Nation's assets;
- Provide greater detail regarding the audit process; and
- Clarify the difference between an internal and external audit and explain the process for reviewing each internal and external audit reports; and

WHEREAS, a public meeting on the proposed Amendments was held on June 5, 2017 in accordance with the Legislative Procedures Act; and

NOW THEREFORE BE IT RESOLVED, that the Audit Law Amendments are hereby adopted.



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



Statement of Effect

Audit Law Amendments

Summary

This Resolution adopts Amendments to the Audit Law (the “Law”) which:

- Update the title of the law to Internal Audit;
- Clarify the roles and responsibilities related to the internal audit process;
- Identify the primary authority responsible to when and for what reason an internal audit is initiated;
- Identify who can require and enforce management response and action as a result of audit findings;
- Include provisions that allow management to request a consultation with the Audit Committee to discuss any concerns the entity may have prior to finalization of the audit report;
- Capture additional functions and purposes of an audit aside from protecting the Nation’s assets;
- Provide greater detail regarding the audit process; and
- Clarify the difference between an internal and external audit and explain the process for reviewing each internal and external audit reports.

Submitted by: Krystal L. John, Staff Attorney, Oneida Law Office

Analysis by the Legislative Reference Office

This Law was originally adopted by Resolution BC-07-15-98-C. The actual revisions contained in these Amendments are listed above.

A public meeting was held for these Amendments on June 5, 2017 for which the public comment period expired on June 12, 2017 in accordance with the Legislative Procedures Act. There were not any oral or written comments submitted.

The Nation does not currently have any other laws or resolutions that govern internal audit related issues. There is no applicable state or federal law that would preclude the Nation from exercising its authority to conduct internal audits of Tribal entities.

Conclusion

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



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(Internal) Audit Amendments Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: OBC	SPONSOR: Jennifer Webster	DRAFTER: Krystal L. John	ANALYST: Maureen Perkins
Intent of the Amendments	Establishment of a standard requirement for correction of high risk findings, request OBC to clarify roles and responsibilities related to audit issue interpretations and resolutions including: identifying the primary authority to determine whether audit issues are pursued or closed, identifying who can enforce the need for management action and establishing a process to achieve results so past audits can be resolved and closed. Changes were requested in OBC executive session on July 23, 2014 and are included in the current draft. The law was significantly redrafted to capture the additional functions and purposes of an audit aside from protecting the Nation's assets and to provide greater detail regarding the audit process.		
Purpose	Create a process by which internal audits are conducted upon the Nation's entities and to delegate responsibilities for the purpose of conducting such audits.		
Affected Entities	Oneida Business Committee, Audit Committee, Internal Audit Department		
Affected Legislation	Code of Ethics, Conflict of Interest, Comprehensive Policy Governing Boards, Committees and Commissions, Personal Policies and Procedures, Removal law, Audit Committee Bylaws, Institute of Internal Auditors Code of Ethics and Statement of Responsibilities of Internal Auditing		
Enforcement/Due Process	<p>The Audit Committee is hereby granted authority to utilize all existing enforcement mechanisms, including those provided in this law, to carry out its responsibilities [see 108.4-2].</p> <p>Any entity and/or management found violating this law is subject to corrective action in accordance with the Nation's policies, laws and rules, including as specifically provided in section 108.7-2 of this law [see 108.7-1].</p> <p>Where an entity fails to comply with the internal audit process pursuant to section 108.6 or where the Internal Audit Department has belief or knowledge that an entity has violated this law, the Internal Audit Department shall send a report to the Audit Committee including recommended actions. [see 108.7-2].</p>		
Public Meeting	A public meeting was held 6/5/17.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The law was significantly redrafted to capture the additional functions and purposes of an audit aside
- 3 from protecting the Nation's assets. Greater detail is provided regarding the internal audit process
- 4 including who may initiate an audit, what the possible focuses of an audit may be and the proper
- 5 course of action regarding responses to audit findings. Additionally, changes clarify the difference
- 6 between the internal and external audit responsibilities and provide the two different points of access
- 7 for internal and external audits to Tribal members.
- 8 **B.** Some detail of the law was removed that was duplicative of the bylaws of the Audit Committee [see
- 9 108.4-1 and 108.5-1 of current Audit Law and Audit Committee Bylaws].

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- 10 C. The expected benefits of the proposed amendments are a law that is more detailed regarding the
11 internal audit process.
12

13 SECTION 3. CONSULTATION

- 14 A. The Internal Audit Department, the Audit Committee and the Nation's Directors and Managers were
15 consulted regarding the proposed amendments.
16 B. The Cornell University Audit Office website was referenced for the recommended amendments.
17

18 SECTION 4. PROCESS

- 19 A. This Law has followed the process set forth in the Legislative Procedures Act (LPA) except that the
20 public meeting packet, including the public meeting notice, legislation and legislative analysis were
21 noticed to all managers directors electronically via the LOC meeting packet rather than as a separate
22 notice. The public meeting packet was approved within the LOC minutes that were also
23 electronically noticed to all managers and directors. The LPA requires the public meeting notice,
24 legislation, legislative analysis and fiscal impact statement, if fiscal impact statement is available, to
25 be electronically provided to all managers or directors [*See Legislative Procedures Act, 1 O.C. 109.8-*
26 *2 (b)*]. The public meeting was properly noticed in the Kalihwisaks and was made public on the
27 Oneida Register as required by the LPA [*See Legislative Procedures Act, 1 O.C. 8-2 (a & b)*].
28 B. This item was carried over from the previous term and added to the current Active Files List 9/17/14.
29 A public meeting was held 6/5/17.
30

31 SECTION 5. CONTENTS OF THE PROPOSED AMENDMENTS

- 32 A. The title of the law is updated to Internal Audit.
33 B. Additional functions and purposes of an audit are captured by the proposed amendments.
34 C. Additional detail regarding the audit process:
- 35 • Additional Audit Committee responsibilities [*see 108.4*]:
 - 36 ○ Shall not direct the audit of an individual Tribal member or employee [*see 108.4-*
37 *1(a)*]
 - 38 ○ Shall include in all reports containing findings recommendations for
39 improvement [*see 108.4-1(b)*]
 - 40 • Who may initiate an audit from the Audit Committee [*see 108.6-1*]:
 - 41 ○ Confidential schedule of sporadic entity audits approved by the Audit Committee
 - 42 ○ An entity
 - 43 ○ Required by policy, law rule and/or directive
 - 44 ○ Directed by the OBC
 - 45 ○ Requested by a Tribal member and approved by the Audit Committee.
 - 46 ■ The Audit Committee shall approve or deny the audit request based upon
47 the validation of concerns [*see 108.6-1(e)(1) and (2)*]
 - 48 • Focus areas of an audit [*see 108.6-2*]:
 - 49 ○ Reliability and integrity of information;
 - 50 ○ Noncompliance with policies, laws, rules and/or directives;
 - 51 ○ Safeguarding of assets;
 - 52 ○ Use of resources;

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- 53 ○ Financial performance;
- 54 ○ Fraudulent or dishonest activities;
- 55 ○ Follow-up related to a previous audit report;
- 56 ○ General assessment of an entity; and/or
- 57 ○ New or final status of an entity.
- 58 • Information gathering *[see 108.6-3]*:
- 59 ○ The Internal Audit Department shall issue a written request for information to
- 60 entity being audited including the following *[see 108.6-3(a)(1) – (4)]*:
- 61 • Request for relevant information needed to complete the audit
- 62 • Notice of time requirements
- 63 • Notice that failure to provide requested information may lead to
- 64 corrective action
- 65 • Notice that the entity may request consultation from the Internal Audit
- 66 Department regarding the information gathering process
- 67 ○ The entity shall have fourteen (14) days to respond to the request for information
- 68 unless an extension is requested within seven (7) days of the written request and
- 69 granted by the Internal Audit Department within three (3) days from the request
- 70 *[see 108.6-3(b)(1)]*
- 71 • Continual access to information *[see 108.6-4]*:
- 72 ○ All entities shall provide continual access to information throughout the audit
- 73 process.
- 74 • Access to facilities and premises *[see 108.6-5]*:
- 75 ○ All entities subject to an audit shall allow the Internal Audit Department access
- 76 to enter all facilities and premises of the Nation to conduct an audit.
- 77 • Management response to audit findings shall include *[see 108.6-6]*:
- 78 ○ Any concerns the entity may have related to an audit finding. The entity may
- 79 request consultation with the Audit Committee to discuss their concerns with the
- 80 audit finding
- 81 ▪ The Audit Committee shall respond to the request by one of the
- 82 following *[see 108.6-6(b)]*:
- 83 • excusing the entity from providing a remedy in the management
- 84 response
- 85 • directing the Internal Audit Department to conduct additional
- 86 information gathering
- 87 • noticing the entity that the Audit Committee agrees with the draft
- 88 audit report findings and directs full compliance
- 89 ○ Management’s plan to address, remedy or resolve issues discovered as part of an
- 90 audit finding
- 91 ○ The title of the person(s) responsible for implementing management’s plan
- 92 ○ The timeline for completion of management’s plan
- 93 • Audit Report Finalization *[see 108.6-7]*:

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- 94 ○ The Audit Committee shall approve finalized audit reports and forward to the
95 OBC for approval. The OBC shall include in the approval notice if the audit
96 report is released to for Tribal member viewing in whole or in part.

97 **D. Compliance and Enforcement [see 108.7]:**

- 98 • Any entity and / or management found violating this law is subject to corrective action
- 99 • The Internal Audit Department shall send a report including recommended actions to the
100 Audit Committee if there is knowledge or belief that an entity has violated this law
- 101 ○ The Audit Committee may request OBC executive session and direct
102 management staff to attend.
- 103 ○ The OBC may direct an entity to comply with this law and information gathering
104 efforts and/or take corrective action necessary to enforce compliance.
- 105 ○ The OBC, in consultation with the Oneida Law Office, may report illegal activity
106 to the proper law enforcement authorities.
- 107 ○ The OBC may direct discipline of management staff or other responsible
108 employees for the failure to comply with the Nation's laws
- 109 ○ Where a board, committee or commission is noncompliant, taking steps to
110 terminate or remove a board member pursuant to the Nation's applicable laws.
- 111 ○ Restricting an internal entity's budget funding.
- 112 • Investigations [see 108.7-3]:
- 113 ○ If the Internal Audit Department suspect an entity has conducted illegal activity,
114 it must immediately stop the audit proceedings and report the suspicion to the
115 Audit Committee. All direction and decisions regarding any investigation are the
116 sole discretion of the Audit Committee. The Internal Audit Department will
117 assist outside entities with any investigation directed by the Audit Committee.
- 118 • External Communications [108.7-4]:
- 119 ○ The Internal Audit Department shall receive approval from the Audit Committee
120 prior to initiating communication with any outside entity; including law
121 enforcement.

122 **E. Access to Internal and External Audits [see 108.8]:**

- 123 • Restricted on-site review access of completed internal audit reports approved by the OBC
124 available to Oneida Nation members with Tribal member identification card and
125 signature.
- 126 • Reports may not be provided in any GTC agenda packet.
- 127 • Requests for internal audit reports are made directly to the Internal Audit Department.
- 128 • Requests for external audit reports shall be submitted to the responsible custodian at any
129 of the following locations: Oneida Community Library, Office of the Nation's Treasurer,
130 Finance Department, or Oneida Business Committee Records Management Office(s).
- 131 • Internal and external audit reports are available for viewing only and shall not be copied
132 or printed.

133 **G. The proposed amended legislation is drafted with more detail to adhere to current best practices related**
134 **to internal audits.**

135

136 **SECTION 6. INTENT**

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- 137 A. The purpose of the law is clearly stated to examine and assess the Nation's entities by means of
138 internal audits in order to enhance policies, procedures, and systems which are in place to ensure the
139 reliability and integrity of information; compliance with policies, laws, regulations and directives; the
140 safeguarding of assets; and the efficient use of resources.
- 141 B. It is clear that the legislation applies to entities of the Nation, the Internal Audit Department, the Audit
142 Committee and the OBC. Entities are defined as: any activity, function, operation, board, committee,
143 commission, department, division or other grouping within the Nation which reports under the
144 Nation's Federal Identification Number (FIN) [see 108.3-1(c)].

145

146 SECTION 7. EFFECT ON EXISTING LEGISLATION

- 147 A. The Code of Ethics law includes provisions related to program personnel approaching organization
148 and operational duties with a positive attitude and constructively support open communication. As
149 well as upholding and implementing policies adopted by officials (including this law) [see Code of
150 Ethics, 103.4-7].
- 151 B. The Conflict of Interest law includes provisions related to disclosure of all conflicts of interests for
152 employees [see Conflict of Interest, 217.4-2(a)(2)]. This would apply to the Internal Audit
153 Department in their involvement with the audit process [see 108.5-2(a)].
- 154 C. The Personnel Policies and Procedures detail the process to be followed regarding corrective actions
155 detailed in this law.
- 156 D. The Comprehensive Policy Governing Boards, Committees and Commissions details the process used
157 to terminate a board, committee or commission member who is not adhering to the Nation's laws,
158 rules or policies (including this law).
- 159 E. The Removal Law details the process used to remove an elected member of a board, committee or
160 commission who is not adhering to the Nation's laws, rules or policies (including this law).
- 161 F. The Audit Committee Bylaws contain the detail regarding the scope of authority of the Audit
162 Committee.
- 163 G. The Audit Committee bylaws will need to be updated to reflect changes in this law; including
164 reference to the Audit Law.

165

166 SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR 167 OBLIGATIONS

- 168 A. The proposed amendments to the Audit Law will not affect any existing rights or privileges.
- 169 B. Due process is included in the law in that an entity that does not agree with an audit report or finding
170 can request consultation with the Internal Audit Department or the Audit Committee [see 108.6-
171 3(a)(4) and 108.6-6(b)].
- 172 C. No terms of office will be affected by the proposed amendments.
- 173 D. It will not affect any current agreements or legal agreements.
- 174 E. The amendments provide further detail that aligns with the current practices of the Internal Audit
175 Department and the Audit Committee in relation to the internal audit process.

176

177 SECTION 9. ENFORCEMENT

- 178 A. General Compliance: Any entity and/or management found violating this law are subject to corrective
179 action in accordance with the Nation's employment laws, rules and policies [see 108.7-1].

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- 180 **B. Noncompliance with the Audit Process:** The Internal Audit Department shall send a report including
181 recommended actions to the Audit Committee if there is knowledge or belief that an entity has
182 violated this law *[see 108.7-2]*.
- 183 • The Audit Committee may request OBC executive session and direct management staff
184 to attend *[see 108.7-2(a)]*.
 - 185 • The OBC may direct an entity to comply with this law and information gathering efforts
186 and/or take corrective action necessary to enforce compliance *[see 108.7-2(b)]*.
 - 187 • The OBC, in consultation with the Oneida Law Office, may report illegal activity to the
188 proper law enforcement authorities *[see 108.7-2(b)(1)]*.
 - 189 • The OBC may direct the appropriate corrective action, including discipline, of
190 management staff or other responsible employees for failure to comply with the Nation's
191 laws *[see 108.7-2(b)(2)]*.
 - 192 • Where a board, committee or commission is noncompliant, taking steps to terminate or
193 remove a board member pursuant to the Nation's applicable laws *[see 108.7-2(b)(3)]*.
 - 194 • Restricting an internal entity's budget funding *[see 108.7-2(b)(4)]*.
- 195 **C.** The Internal Audit Department will utilize existing staff to implement this law.
196

197 **SECTION 10. ACCOUNTABILITY**

- 198 **A.** The Internal Audit Department, in coordination with the Audit Committee and OBC, will be
199 responsible for implementation and operation of this law.
- 200 **B.** Internal audit reports are finalized and approved by the OBC for Tribal member viewing in whole or
201 as redacted as determined by the Oneida Law Office *[see 108.6-7]*.
202

203 **SECTION 11. OTHER CONSIDERATIONS**

- 204 **A.** The Audit Committee bylaws were updated on January 27, 2016 and reflect some of the current
205 amendments to this law. Additional amendments will require the Audit Committee bylaws to be
206 amended.
207

208

Title 1. Government and Finances - Chapter 108**INTERNAL AUDIT****wahatiwistáhsehte? Aolihwá·ke***they count money – issues*

6	108.1.	Purpose And Policy	10	108.5.	Internal Audit Department
7	108.2.	Adoption, Amendment, Repeal	11	108.6.	Audit Process
8	108.3.	Definitions	12	108.7.	Compliance And Enforcement
9	108.4.	Audit Committee	13	108.8.	Access To Internal And External Audits
			14		

108.1. Purpose and Policy

108.1-1. *Purpose.* It is the purpose of this law to create a process by which internal audits are conducted upon the Nation's entities and to delegate responsibilities for the purpose of conducting such audits.

108.1-2. *Policy.* It is the policy of the Nation to continually examine and assess the Nation's entities by means of internal audit in order to enhance policies, procedures, and systems which are in place to ensure: the reliability and integrity of information; compliance with policies, laws, regulations and directives; the safeguarding of assets; and the efficient use of resources.

108.2. Adoption, Amendment, Repeal

108.2-1. This law was adopted by the Oneida Business Committee by resolution BC-7-15-98-C and amended by ____.

108.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Counsel pursuant to the procedures set out in the Legislative Procedures Act.

108.2-3. 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.

108.2-4. 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.

108.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

108.3. Definitions

108.3-1. 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) "Audit" means an internal, independent, objective assurance and consulting activity designed to add value and improve an organization's operations by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes and includes a review of the reliability and integrity of information; compliance with policies, laws, regulations and directives; the safeguarding of assets; and the use of resources.

(b) "Day" means business day of the Nation and excludes holidays observed by the Nation.

(c) "Entity" means any activity, function, operation, board, committee, commission, department, division or other grouping within the Nation which reports under the Nation's Federal Identification Number (FIN).

(d) "Finding" means an indication that a problem does exist based on an audit and may include, but is not limited to, the criteria or basis for determining that the problem exists, a condition or situation that was observed, the effect or impact of the condition, and the root

- 54 cause of the problem to the extent that it is able to be determined.
55 (e) “Nation” means the Oneida Nation.
56 (f) “Reasonably related” means the condition of being directly or indirectly associated with a
57 given issue or situation whether the relation be integral or incidental in nature.
58 (g) “Relevant information” means, but is not limited to, financial information and records,
59 facilities, offices, people, equipment, inventories, tapes, activities, network servers, and files
60 regardless of storage medium.
61 (h) “Tribal member” means an enrolled member of the Nation.
62

63 **108.4. Audit Committee**

64 108.4-1. *Audit Committee.* The Audit Committee, a standing committee of the Oneida Business
65 Committee, shall oversee the internal audit process including but not limited to any and all
66 investigation into complaints received alleging or suspecting improprieties and/or violations of the
67 Nation’s policies, laws, rules and directives.

68 (a) The Audit Committee may not, under any circumstance, direct the audit of an individual
69 Tribal member and/or employee.

70 (b) Except for gaming compliance audits, the Audit Committee shall include in all audit
71 reports containing findings a set of follow-up recommendations highlighting opportunities
72 for improvement.

73 108.4-2. *Enforcement.* The Audit Committee is hereby granted authority to utilize all existing
74 enforcement mechanisms, including those provided in this law, to carry out its responsibilities.

75 108.4-3. *Mandatory Attendance at Audit Committee Meeting(s).* The Audit Committee may
76 require management representation, through the appropriate chain of authority, to appear at Audit
77 Committee meetings as necessary.
78

79 **108.5. Internal Audit Department**

80 108.5-1. *Internal Audit Department.* The Internal Audit Department operates under the oversight
81 of the Audit Committee and shall conduct audits at the direction of the Audit Committee, provided
82 that once a confidential schedule of sporadic entity audits is approved by the Audit Committee,
83 further approval from the Audit Committee is not required.

84 108.5-2. *General.* The Internal Audit Department shall work with entities to obtain information
85 reasonably related to the purpose of the audit directed by the Audit Committee. The scope of their
86 research and investigation shall be unrestricted, provided that employees of the internal audit
87 department shall:

88 (a) Refrain from participating, in any way, in any audit of an activity over which he or she
89 has related authorities and/or responsibilities;

90 (b) Adhere to the Institute of Internal Auditors Code of Ethics and Statement of
91 Responsibilities of Internal Auditing; and

92 (c) Strictly maintain the utmost confidentiality in all aspects of the audit process, including
93 but not limited to confidentiality of information obtained during an audit and audit results
94 and recommendations.

95 108.5-3. *Audit.* Any revision to the audit objectives named by the Audit Committee pursuant to
96 section 108.6-2 deemed necessary after commencement of the audit shall be approved by the Internal
97 Audit Department’s management prior to initiating any change in the audit objective and noticed to
98 the Audit Committee.

99 108.5-4. *Records.* The Internal Audit Department shall maintain all information collected or

100 derived from an audit. Upon closure of an audit, all documentation shall be retained in a secure
101 location in accordance with the laws of the Nation.

102

103 **108.6. Audit Process**

104 108.6-1. *Initiating an Audit.* The Audit Committee may direct the Internal Audit Department to
105 initiate, provided that the direction shall be based on one (1) or more of the following:

106 (a) The confidential schedule of sporadic entity audits approved by the Audit Committee;

107 (b) An entity's request for an audit of its practices;

108 (c) An audit is required by policy, law, rule and/or directive;

109 (d) An audit is directed by the Oneida Business Committee; and/or

110 (e) An audit is requested by a Tribal member.

111 (1) Where an audit is requested by a Tribal member, the Audit Committee shall
112 consider the basis of the request. If the Audit Committee finds no valid concerns as
113 provided in section 108.6-2, it shall deny the audit request.

114 (2) Regardless of whether the audit request is granted, the Audit Committee shall
115 provide written notice to the Tribal member indicating whether the audit request has
116 been granted or denied, in whole or in part.

117 108.6-2. *Focus of the Audit.* When directing the Internal Audit Department to begin any audit, the
118 Audit Committee shall direct the audit focus on concerns related to one (1) or more of the following:

119 (a) Reliability and integrity of information;

120 (b) Noncompliance with policies, laws, rules and/or directives;

121 (c) Safeguarding of assets;

122 (d) Use of resources;

123 (e) Financial performance;

124 (f) Fraudulent or dishonest activities;

125 (g) Follow-up related to a previous audit report;

126 (h) General assessment of an entity; and/or

127 (i) New or final status of an entity.

128 108.6-3. *Information Gathering.* The Internal Audit Department shall begin information gathering
129 by issuing the entity being audited a written request for information.

130 (a) The Internal Audit Department shall include the following in its request for information:

131 (1) A request for relevant information needed to complete the audit;

132 (2) Notice of the time requirements for response, including the deadline for
133 requesting an extension;

134 (3) Notice that failure to provide requested information and cooperate with the
135 Internal Audit Department may lead to corrective action from the Oneida Business
136 Committee in accordance with 108.7-2; and

137 (4) Notice that the entity may request a consultation with the Internal Audit
138 Department as part of the information gathering process.

139 (b) Unless granted an extension, an entity receiving a written request shall respond and
140 submit the information identified in the request within the timeframe provided to the entity in
141 the written request.

142 (1) Entities may submit a written request for an extension allowing more time to
143 respond to a written request for information provided that a requesting entity shall
144 submit the request to the Internal Audit Department within seven (7) days of the date
145 of the written request for information and shall identify in detail the reason(s) an

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146 extension is needed.
147 (2) Within three (3) days of receipt of a request for an extension, the Internal Audit
148 Department shall respond either denying or granting, in whole or in part, the
149 extension. If the request is granted, the response shall identify the new deadline for
150 submitting the requested information.

151 108.6-4. *Continual Access to Information.* After the entity's initial response to the Internal Audit
152 Department's request for information, the entity remains responsible for providing the Internal Audit
153 Department with continual access to information and shall timely respond to all requests for
154 additional information.

155 108.6-5. *Access to Facilities and Premises.* Entities subject to an audit shall allow Internal Audit
156 Department staff to enter all facilities and premises of the Nation as the Internal Audit Department
157 deems necessary to conduct the audit.

158 108.6-6. *Management Response.* Once a draft audit report has been issued to an entity, the entity
159 shall provide a management response within the timeframe provided in the draft audit report.

160 (a) *Management Response Content.* Management shall include the following in its
161 response:

162 (1) Any concerns the entity may have related to an audit finding, provided that,
163 entities highlighting concerns may:

164 (A) Request a preliminary consultation with the Internal Audit Department
165 to further discuss the contents of the draft audit report prior to finalization of
166 the audit report; and

167 (B) If there are remaining concerns following the preliminary consultation,
168 request a consultation with the Audit Committee to discuss remaining
169 concerns regarding the contents of the draft audit report prior to its
170 finalization;

171 (2) Management's plan to address, remedy or resolve issues discovered as part of an
172 audit finding;

173 (3) The title of the person(s) responsible for implementing management's plan; and

174 (4) A specific timeline for completion of management's plan.

175 (b) *Audit Committee Consultation.* When an entity is granted an Audit Committee
176 consultation, the Audit Committee shall take any combination of the following actions:

177 (1) Excuse the entity from providing a remedy in its management response to any
178 draft audit report findings which the Audit Committee deems unfounded or for
179 which remedy is not feasible based on the totality of the circumstances;

180 (2) Direct the Internal Audit Department to conduct additional information gathering
181 and/or consultation with the entity and to report back to the Audit Committee upon
182 completion; and/or

183 (3) Notice the entity that the Audit Committee concurs with the draft audit report
184 findings and direct full compliance with the requirements of section 108.6-6(a)(2).

185 108.6-7. *Audit Report Finalization.* The final audit report shall include all findings as well as any
186 required entity follow-up and/or further scheduled auditing. Any findings modified, removed and/or
187 excused based on the consultation between the Audit Committee and the entity shall remain noted in
188 the final audit report with notes indicating the action taken by the Audit Committee. Once the Audit
189 Committee has reviewed the management response and approved the final audit report, the approved
190 final audit report is forwarded to the Oneida Business Committee for acceptance. The Oneida
191 Business Committee shall include in its acceptance notice that the audit report is released for Tribal

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192 member viewing in whole following redaction as determined to be necessary by the Oneida Law
193 Office.

194

195 **108.7. Compliance and Enforcement**

196 108.7-1. *General.* Any entity and/or management found violating this law is subject to corrective
197 action in accordance with the Nation's policies, laws and rules, including as specifically provided in
198 section 108.7-2 of this law.

199 108.7-2. *Noncompliance with the Audit Process.* Where an entity fails to comply with the internal
200 audit process pursuant to section 108.6 or where the Internal Audit Department has belief or
201 knowledge that an entity has violated this law, the Internal Audit Department shall send a report to
202 the Audit Committee including recommended actions.

203 (a) In the event of noncompliance with a written request and/or this law, the Audit
204 Committee may request the matter be placed on an Oneida Business Committee meeting
205 agenda as part of executive session and may direct the management and any other appropriate
206 parties involved to appear at that meeting.

207 (b) If the Oneida Business Committee determines that an entity has failed to respond to a
208 valid written request and/or is otherwise not in compliance with this law, the Oneida
209 Business Committee shall direct the entity to submit any relevant information and/or take
210 such corrective action as is necessary to enforce compliance and/or to prevent future
211 noncompliance, including but not limited to:

212 (1) In consultation with the Oneida Law Office, reporting illegal activity to the
213 proper law enforcement authorities;

214 (2) Directing the appropriate corrective action, which may include discipline of the
215 management staff or other responsible employee(s) for the failure to comply with the
216 Nation's policies, laws and rules in accordance with the Nation's employment
217 practices;

218 (3) Where a board, committee or commission is noncompliant, taking steps to
219 terminate or remove a board, committee or commission member(s) pursuant to the
220 Nation's applicable laws; and/or

221 (4) Restricting an internal entity's budget funding.

222 108.7-3. *Investigations.* Should the Internal Audit Department suspect an entity has conducted
223 illegal activity, it shall immediately halt audit proceedings and report the suspicion to the Audit
224 Committee. Upon the Audit Committee's direction, the Internal Audit Department shall assist
225 external parties, which may include, but are not limited to, law enforcement agencies and private
226 investigators, in conducting any investigation directed by the Audit Committee. Investigatory
227 actions and assistance may be carried out by the Internal Audit Department, provided that all
228 direction and decisions related to any investigation are the Audit Committee's sole discretion.

229 108.7-4. *External Communications.* Prior to communicating any information related to an audit to
230 an external entity, including but not limited to law enforcement agencies, the Internal Audit
231 Department shall receive approval from the Audit Committee.

232

233 **108.8. Access to Internal and External Audits**

234 108.8-1. *Access Requests Limited to Tribal Members.* Only Tribal members may request access to
235 internal and/or external audits reports, provided that audit reports may not under any circumstances
236 be provided in a General Tribal Council agenda packet.

237 (a) Prior to granting access, the custodian of the audit report shall require:

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238 (1) Verification of Tribal member status by means of a Tribal member identification
239 card; and

240 (2) The Tribal member sign and print their full name on the applicable audit report
241 access log.

242 (b) Custodians of audit reports shall limit access to on-site review and shall deny permission
243 to print and/or make copies of audit reports.

244 108.8-2. *Internal Audit Reports.* Requests for internal audit reports shall be submitted to the
245 Internal Audit Department. To protect the integrity of the audit process, the Internal Audit
246 Department shall keep all information related to an incomplete audit, including audit progress,
247 strictly confidential until the audit report has been approved by the Oneida Business Committee and
248 released for Tribal member viewing. The Audit Committee may provide progress updates related to
249 incomplete audits to the Oneida Business Committee upon request, provided that any such update
250 shall be conducted in executive session.

251 108.8-3. *External Audit Reports.* All external annual audit reports, including those of a vendor,
252 consultant or other party organized outside of the Nation's Federal Identification Number (FIN) may
253 be made available for Tribal member viewing directly with the audited entity. Requests for the
254 annual financial audit of the Nation shall be submitted to the responsible custodian located at any of
255 the following locations:

256 (a) The Oneida Community Library;

257 (b) The Office of the Nation's Treasurer;

258 (c) The Finance Department; and/or

259 (d) The Oneida Business Committee Records Management Office(s).

260

261 *End.*

262

264 Adopted - BC-7-15-98-C

265 Emergency Amendment – BC-5-12-99-C (expired)

266 Emergency Amendment – BC-6-9-99-C (expired)

267 Amended - BC

268

FINANCE ADMINISTRATION
Fiscal Impact Statement



MEMORANDUM

DATE: July 27, 2017
 FROM: Rae Skenandore, Financial Management Analyst
 TO: Larry Barton, Chief Financial Officer
 Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
 RE: **Fiscal Impact of the Audit Law Amendments**

I. Estimated Fiscal Impact Summary

Law: Audit Law Amendments		Draft 9
Implementing Agency	Oneida Business Committee Audit Committee Internal Audit Department	
Estimated time to comply	30 Days	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0
Revenue and cost considerations	Restricting an internal entity's budget funding.	
Uncertainties and Unknowns	None	

II. Background

A. Legislative History

This law was adopted by the Oneida Business Committee by resolution BC-7-15-98-C.

B. Summary of Content

1. Update the title of the Law to Internal Audit;
2. Clarify the roles and responsibilities related to the internal audit process;

3. Identify the primary authority responsible to when and for what reason an internal audit is initiated;
4. Identify who can require and enforce management response and action as a result of audit findings;
5. Capture additional functions and purposes of an audit aside from protecting the Nation's assets;
6. Provide greater detail regarding the audit process; and
7. Clarify the difference between an internal and external audit and explain the process for reviewing each internal and external audit reports.

The approved 1998 Law included the following language;

108.5-3. Enforcement. The Audit Committee will have the ability to utilize all existing enforcement authorities to carry out their responsibilities.

In the current amendments, the authority to take corrective action lies with the Business Committee and includes the following;

- (4) Restricting an internal entity's budget funding.

It is unclear if this broad reaching authority would result in business interruptions and therefore impact revenues to the Nation.

C. **Methodology and Assumptions**

1. A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.
2. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.
3. The analysis was completed based on the information provided as of the date of this memo.

II. **Agency**

There are no startup, personnel, office, or documentation costs associated with this legislation. Internal Audit is requesting 30 days from approval to implementation.

III. Financial Impact
Indeterminate.

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.

Item deleted at adoption of the agenda.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 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: Child Care Department Consumer Complaint Law

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: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

See Attached

- 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: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson *BS*
 DATE: August 9, 2017
 RE: Child Care Department Consumer Complaint Law

Please find the following attached backup documentation for your consideration of the proposed Child Care Department Consumer Complaint law:

1. Resolution: Child Care Department Consumer Complaint Law
2. Statement of Effect: Child Care Department Consumer Complaint Law
3. Child Care Department Consumer Complaint Law Legislative Analysis
4. Child Care Department Consumer Complaint Law Draft
5. Child Care Department Consumer Complaint Law Fiscal Impact Statement

Overview

This resolution adopts the proposed Child Care Department Consumer Complaint law. The proposed Child Care Department Consumer Complaint law will:

- Provide a process for filing a complaint against the Nation's Child Care Department [*see section 902.4*];
- Describe the role and responsibilities of the complaint coordinator who shall receive and handle all complaints alleged against the Child Care Department [*see section 902.5 and 902.6*];
- Describe the types of complaints that may be alleged against the Child Care Department [*see section 902.7*];
- Provides a process for how the severity of complaint will be determined, and who the complaint investigator will be [*see section 902.8*];
- Describe the process for investigating complaints [*see section 902.9 and 902.10*];
- Provide an appeal process for individuals dissatisfied with the outcome of the complaint investigation [*see section 902.11*];
- Discusses how video surveillance for the Child Care Department will be managed [*see section 902.12*];
- Provide requirements for employee self-reporting and mandatory reporting to the Oneida Business Committee [*see section 902.13 and 902.14*];
- Require the development of a parent-teacher organization [*see section 902.15*]; and
- Establish the means by which the Law shall be enforced [*see section 902.16*].

In accordance with the Legislative Procedures Act, public meetings on the proposed Law were held on the following dates:

- October 31, 2013;
- February 27, 2014;
- June 26, 2017; and
- June 29, 2017.

The most recent public comment period closed on July 7, 2017. All comments received during the most recent public comment period were reviewed and accepted by the Legislative Operating Committee on July 19, 2017. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Child Care Department Consumer Complaint Law

Phone: (920)869-2214



Oneida, WI 54155

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**BC Resolution # _____
Child Care Department Consumer Complaint Law**

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, on May 9, 2012, the Oneida Business Committee accepted a petition which mandated the Oneida Business Committee to review, amend and implement a new complaint process for the Oneida Child Care Department; and

WHEREAS, the petition was presented to the General Tribal Council on November 19, 2012 and the General Tribal Council directed the Oneida Business Committee to review, amend and implement a new parent communications and grievances process for the Oneida Child Care Department; and

WHEREAS, an update on the development of the new parent communications and grievances process for the Oneida Child Care Department was presented and accepted by the General Tribal Council on July 1, 2013; and

WHEREAS, this Child Care Department Consumer Complaint law ("the Law") was developed as a result of the General Tribal Council petition; and

WHEREAS, the Law sets forth the process for filing a complaint against the Nation's Child Care Department and describes what types of complaints may be made; and

WHEREAS, the Law describes the responsibilities of the complaint coordinator who shall receive and handle all complaints alleged against the Child Care Department; and

WHEREAS, the Law discusses the process for determining the severity of the complaint, who shall investigate the complaint, and the process for investigating complaints; and

WHEREAS, the Law establishes an appeal process for individuals dissatisfied with the outcome of the complaint investigation; and

WHEREAS, the Law provides requirements for the management of video surveillance, employee self-reporting, mandatory reporting to the Oneida Business Committee, and the creation of a parent-teacher organization; and

WHEREAS, the Law establishes the means by which the Law shall be enforced; and

52 **WHEREAS,** public meetings on the proposed law were held on October 31, 2013, February 27, 2014,
53 June 26, 2017, and June 29, 2017, in accordance with the Legislative Procedures Act,
54 and the comments from the most recent public comment period were received, reviewed
55 and accepted by the Legislative Operating Committee on July 19, 2017.
56

57 **NOW THEREFORE BE IT RESOLVED,** that the Child Care Department Consumer Complaint law is
58 hereby adopted and shall become effective on November 7, 2017.
59



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



Statement of Effect
Child Care Department Consumer Complaint Law

Summary

This resolution adopts the Child Care Department Consumer Complaint law.

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

Analysis by the Legislative Reference Office

On May 9, 2012, the Oneida Business Committee accepted a petition which mandated the Oneida Business Committee to review, amend and implement a new complaint process for the Oneida Child Care Department. The intent of this petition was to provide the minimum requirements of the new process which include mandatory administrative leave during investigations, investigation timelines, providing explanation of results and quarterly reporting of all complaints alleged against the Oneida Child Care Department to the Governmental Services Division Director and Oneida Business Committee.

The petition was presented to the General Tribal Council on November 19, 2012 and the General Tribal Council directed the Oneida Business Committee to review, amend and implement a new parent communications and grievances process for the Oneida Child Care Department. An update was presented and accepted by the General Tribal Council regarding this matter on July 1, 2013.

This resolution adopts a new Child Care Department Consumer Complaint law developed as a result of the General Tribal Council petition. The Child Care Department Consumer Complaint law will:

- Provide a process for filing a complaint against the Nation's Child Care Department [*see section 902.4*];
- Describe the role and responsibilities of the complaint coordinator who shall receive and handle all complaints alleged against the Child Care Department [*see section 902.5 and 902.6*];
- Describe the types of complaints that may be alleged against the Child Care Department [*see section 902.7*];
- Provides a process for how the severity of complaint, and who the complaint investigator will be [*see section 902.8*];
- Describe the process for investigating complaints [*see section 902.9 and 902.10*];
- Provide an appeal process for individuals dissatisfied with the outcome of the complaint investigation [*see section 902.11*];

- Discusses how video surveillance for the Child Care Department will be managed [*see section 902.12*];
- Provide requirements for employee self-reporting and mandatory reporting to the Oneida Business Committee [*see section 902.13 and 902.14*];
- Require the development of a parent-teacher organization [*see section 902.15*]; and
- Establish the means by which the Law shall be enforced [*see section 902.16*].

The Child Care Department Consumer Complaint law will repeal BC-07-26-95-A titled “Policy on Internal Investigation of Complaints.” The purpose of this resolution was to provide a format for addressing consumer complaints filed by anyone who uses Oneida Early Childhood Services. At one time the Early Childhood Services was made up of both the Oneida Head Start and Child Care Departments; however, the two departments split in 1997, and the Oneida Head Start Department moved under the direction of the Oneida Social Services Area Manager, while the Child Care Department remained and continues to remain under the direction of the Education and Training Area Manager. When the Early Childhood Services’ departments were split, the Oneida Early Childhood Program Policy-Internal Investigation of Complaints was no longer utilized but was never formally dissolved or rescinded. Therefore, the Child Care Department Consumer Complaint law will repeal the Oneida Early Childhood Program Policy-Internal Investigation of Complaints found in resolution BC-07-26-95-A.

In accordance with the Legislative Procedures Act, public meetings on the proposed Law were held on October 31, 2013, February 27, 2014, June 26, 2017, and June 29, 2017. The most recent public comment period closed on July 7, 2017. All comments received during the most recent public comment period were reviewed and accepted by the Legislative Operating Committee on July 19, 2017. 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.



Child Care Department Consumer Complaint Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: Vandehei et al	SPONSOR: Jennifer Webster	DRAFTER: Clorissa Santiago	ANALYST: Candice E. Skenandore
Intent of Proposed Law	Motion by General Tribal Council to develop a parent communications and grievance process for the Child Care Department [See GTC Meeting, November 19, 2012].		
Purpose	Provide a formal process for addressing complaints for anyone that uses the services of the Oneida Child Care Department (Department). This Law is not intended to resolve employee complaints or grievances [See Child Care Department Consumer Complaint, 9 O.C. 902.1-1].		
Affected Entities	Oneida Child Care Department (including the Director, Department employees, Supervisor and Supervisor's designee), Area Manager of Education and Training, Governmental Services Division Director, Ombudsperson, Wisconsin Department of Children & Families (DCF), Oneida Police Department (OPD), parent or guardian utilizing the Department's services, anyone on the child's emergency contact list, anyone that witnesses any action that warrants an investigation, Area Manager's designee, Records Management Department, Risk Management Department, trained mediator, and the Judiciary.		
Affected Legislation	Investigative Leave Policy, Rules of Appellate Procedure, Oneida Policy on Reporting Child Abuse and Neglect, Personnel Policies and Procedures, Oneida Early Childhood Program-Internal Investigation of Complaints.		
Enforcement/Due Process	An employee that violates this Law or retaliates against the child or family involved in the complaint can be disciplined pursuant to the Personnel Policies and Procedures [See Child Care Department Consumer Complaint, 9 O.C. 902.16-1].		
Public Meeting	A public meeting was held on October 31, 2013, February 27, 2014, June 26, 2017 and June 29, 2017.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
2 A. On May 9, 2012, the Oneida Business Committee (OBC) accepted a petition which mandated the
3 OBC to review, amend and implement a new complaint process for the Oneida Child Care. The
4 intent of this petition was to provide the minimum requirements of the new process which include
5 mandatory administrative leave during investigations, investigation timelines, providing explanation
6 of results and quarterly reporting of all complaints to the Child Care Division Director and OBC. The
7 petition was presented to the General Tribal Council (GTC) on November 19, 2012 and the GTC
8 directed the OBC to review, amend and implement a new parent communications and grievances
9 process for the Oneida Child Care Department.

SECTION 3. CONSULTATION

- 11
12 A. The following departments/experts were consulted in the development of this Law and legislative
13 analysis:

- 14 ▪ LOC
15 ▪ Child Care Department

- 16 ▪ Former Area Manager of Higher Education
- 17 ▪ Internal Audit
- 18 ▪ Risk Management
- 19 ▪ Finance
- 20 ▪ Law Office
- 21 ▪ Petitioners
- 22 ▪ Governmental Services Division Director
- 23 ▪ Records Management
- 24 ▪ Management Information Systems (MIS)
- 25 ▪ Representatives from the Chairperson's Office
- 26 ▪ Wisconsin Department of Children & Families

27 **B.** The Investigative Leave Policy, Oneida Policy on Reporting Child Abuse, Oneida Child Care
28 Department Grievance Process, and Neglect, and Oneida Early Childhood Program-Internal
29 Investigation of Complaints were reviewed in drafting this analysis. Furthermore, the following
30 documents/laws were consulted when developing this analysis:

- 31 ▪ Sample Parent Teacher Organization (PTO) Bylaws by PTO Today
- 32 ▪ Mille Lacs Band Statutes Annotated, Title 8 Children and Families, Ch. 11 Child Care
- 33 ▪ DCF, Youngstar, Point Detail Report: Oneida Child Care
- 34 ▪ Garland R. Quarles Elementary School PTO Bylaws
- 35 ▪ Wisconsin Heights PTO Bylaws
- 36 ▪ Deerfield Elementary School PTO Bylaws
- 37 ▪ Spooner Area Schools PTO Bylaws
- 38 ▪ Eagle's Landing Middle School PTO Bylaws
- 39 ▪ Westwood Elementary School PTO Bylaws
- 40 ▪ Fairway Elementary School PTO Bylaws
- 41 ▪ Charlottesville High School PTO Bylaws
- 42 ▪ Prairieview PTO Bylaws
- 43 ▪ Wisconsin Child Care Barred Offenses Table (10/16)
- 44 ▪ Chapter DCF 251: Group Child Care Centers
- 45 ▪ Wisconsin Administrative Code: Division of Early Care and Education, DCF 251-Licensing
46 Rules for Group Child Care Centers
- 47 ▪ DCF Guide to Regulate Child Care
- 48 ▪ Washington State Department of Early Learning
- 49 ▪ Wis. Stats. 48 Subchapter XV: Child Care Providers
- 50 ▪ Wisconsin Child Welfare PDS Mandated Reporter Training
- 51 ▪ Bromley Children's Social Care Division Procedures Manual
- 52 ▪ Children, Youth & Families Division, City of Boulder, Child Care Provider Complaint Policy
- 53 ▪ Filing a Formal Complaint Against an Accredited Center-Accreditation Criteria and
54 Procedures of the Nation Academy of Early Childhood Programs
- 55 ▪ North Carolina Department of Health and Human Services: Division of Child Development
56 & Early Education-Complaints

57

58 **SECTION 4. PROCESS**

- 59 A. This Law has followed the process set forth in the Legislative Procedures Act except that the public
60 meeting notice that was published in the Kalihwisaks identified the public meeting date for Monday, June
61 29, 2017. The correct date should have read Thursday, June 29, 2017. In order to avoid confusion, the
62 LOC held a public meeting on both Monday, June 26, 2017 and Thursday, June 29, 2017.
- 63 B. The following motions were made at General Tribal Council regarding this Law:
- 64 ▪ **November 19, 2012:** Motion by Jessica Wallenfang to direct the Oneida Business Committee
65 to review, amend and implement a new parent communications and grievances process for
66 the Oneida Childcare Department, which includes requested actions by March 1, 2013 and a
67 final update shall be brought back to GTC at the July 2013 Semi-Annual meeting, seconded
68 by Bernie John Stevens. Motion carried by a show of hands.
 - 69 ▪ **July 1, 2013:** Motion by John Orie to accept the update, seconded by Francis Huntington.
70 Motion approved by a show of hands.
- 71 C. This item was added to the active files list on June 5, 2013. It was carried over from the previous
72 LOC term and was re-added to the active files list on September 17, 2014.
- 73 D. The following work meetings were held in developing this Law:
- 74 ▪ June 10, 2013
 - 75 ▪ June 24, 2013
 - 76 ▪ April 17, 2014: LOC, Finance, Law Office, Internal Audit, Petitioners, Governmental
77 Services Division (GSD) Director, Area Manager, Department, Risk Management,
78 Chairperson
 - 79 ▪ April 30, 2014: Internal Audit, Risk Management, Finance, GSD Director, Area Manager,
80 Department, Petitioners, Ombudsperson, LOC
 - 81 ▪ November 18, 2014: LOC, Department, Petitioners, Finance, Internal Audit, Chairperson's
82 Office, Risk Management, Area Manager
 - 83 ▪ November 24, 2014: Records Management
 - 84 ▪ December 5, 2014: LOC, Department, Ombudsperson
 - 85 ▪ December 12, 2014: MIS, Records Management
 - 86 ▪ February 23, 2015: Area Manager, Department, LOC, Risk Management, Internal Audit,
87 Petitioners, Finance, Chairperson's Office
 - 88 ▪ February 12, 2017: LOC, Governmental Services Division (GSD) Director, Area Manager
 - 89 ▪ May 1, 2017: LOC, Petitioners, Records Management, Director, GSD Director
 - 90 ▪ July 19, 2017: LOC, LRO –Public comment review/consideration

91

92 SECTION 5. CONTENTS OF THE LEGISLATION

93 A. This is a new Law that will provide a formal process for how complaints against the Department are
94 handled. The following is an overview of this Law.

- 95 1. **Filing a Complaint.** A parent or guardian using the Department's services, anyone who is on the
96 child's emergency contact list, and/or any person who witnesses any action by the Department or an
97 employee that warrants an investigation can file a complaint. The complaint must be filed within 60
98 days of the alleged incident to guarantee a review. A complaint must be in writing or be submitted on
99 a form that will be developed by the Department and made available both at the facility and the
100 Department's webpage. The complaint must include a statement of facts that describes the
101 allegations, these fact must include (if known), the names of the child(ren), employee(s) and
102 witness(es) involved, date and time of incident, details of the allegations, noted impacts, and contact

103 information of the complainant. Complaints must be filed with complaint coordinator or the GSD
104 Director. An unsubstantiated complaint cannot be re-filed unless new facts or evidence are
105 discovered [*See Child Care Department Consumer Complaint, 9 O.C. 902.4*].

106 **2. Complaint Coordinator & Responsibilities.** The complaint coordinator receives and handles
107 complaints filed against the Department. The complaint coordinator will be the Area Manager,
108 Ombudsperson or a designee of the Area Manager [*See Child Care Department Consumer*
109 *Complaint, 9 O.C. 902.5*]. The complaint coordinator's responsibilities include:

- 110 a. developing standard operating procedures for handling incomplete complaints
- 111 b. collecting video surveillance footage
- 112 c. notify the Department Director, GSD Director, complainant, the child's parents (if the
113 complainant is not a parent of the child), and Risk Management (when appropriate).
- 114 d. determine the severity level of the complainant pursuant to the Law and assign a complaint
115 investigator [*See Child Care Department Consumer Complaint, 9 O.C. 902.6*].

116 **4. Types of Complaints.** Section 902.7-1 lists examples of the types of complaints; however this is
117 not an exhaustive list. Examples of the types of complaints include violations involving: licensed
118 capacity, reports of incidents, background checks, reporting child abuse or neglect, staff orientation,
119 supervision of children, medications, transportation, child management techniques, behavior of
120 employees, and more.

121 **5. Severity of Complaints.** This Law identifies four levels of severity in which a complaint will be
122 classified.

- 123 a. *Level 1.* Level 1 complaints are considered very mild, mild or moderate and may include
124 complaints that pertain to poor business practices, inadequate equipment and furnishings,
125 inappropriate discipline, parents not being notified of injury. Level 1 complaints will be
126 investigated by the supervisor [*See Child Care Department Consumer Complaint, 9 902.8-1*
127 *(a)*].
- 128 b. *Level 2.* Level 2 complaints are considered serious that do not pose a risk of direct harm to
129 the child. Such complaints may include medication or drugs being left in reach of the child,
130 failing to obtain emergency medical care for a child, or minor physical injury to a child.
131 Level 2 complaints will be investigated by the supervisor but may also be investigated by
132 DCF [*See Child Care Department Consumer Complaint, 9 O.C. 902.8-1 (b)*].
- 133 c. *Level 3.* Level 3 complaints are considered very serious and pose a risk of direct harm to the
134 child. Such complaints may include gross violations of ratio and supervision, abandoned
135 children, severe injury to a child, unlocked weapons accessible to children, employee under
136 the influence of drugs or alcohol. Level 3 complaints are investigated by both the supervisor
137 and OPD or other law enforcement agency. In addition, the DCF may also investigate the
138 complaint. Employees accused of level 3 complaints may be placed on investigative leave
139 pursuant to the Investigative Leave Policy. If multiple investigations are being conducted
140 and there is no agreement on to substantiate the complaint, the complaint coordinate will have
141 discretion to proceed with reviewing and finalizing the substantiated findings and corrective
142 plan [*See Child Care Department Consumer Complaint, 9 O.C. 902.8-1 (c)*].
- 143 d. *Level 4.* Level 4 complaints deal with child abuse and neglect and result in imminent danger
144 to a child. These complaints are investigated by supervisor, DCF and OPD or another law
145 enforcement agency. Employees that have a level 4 complaint against them will
146 automatically be placed on investigative leave. If the complaint is substantiated, the

147 employee will have his/her employment automatically terminated. If one of the
148 investigations substantiates the complaint, the complaint coordinator will have the discretion
149 to proceed with the termination of employment [*See Child Care Department Consumer*
150 *Complaint, 9 O.C. 902.8-1 (d)*].

151 **6. Processing Levels 1-3 Complaints.** The complaint coordinator will facilitate a mediation
152 meeting(s) between the person who filed the complaint and the Department if the person who filed
153 the complaint agrees to mediation. The parents of the child can also attend the mediation meetings.
154 The mediation meeting must take place within five business days of the complaint being filed. If a
155 resolution is not reached, a full investigation will be completed and the complaint coordinator will
156 have five business days to recommend a complaint investigator [*See Child Care Department*
157 *Consumer Complaint, 9 O.C. 902.9-1*].

158 The complaint investigator has five business days complete an investigation. During the
159 investigation, the complaint investigator can 1) conduct interviews with the appropriate individuals,
160 2) collect statements from potential witnesses, 3) review video surveillance footage, and 4) any other
161 investigative methods appropriate to complete a thorough investigation. The complaint coordinator
162 can grant the complaint investigator an additional five business day extension for extenuating
163 circumstances. If an extension is granted, the complaint coordinator must provide written notice to
164 the person filing the complaint within 24 hours of the extension [*See Child Care Department*
165 *Consumer Complaint, 9 O.C. 902.9-2*].

166 The complaint investigator will determine whether to not to substantiate the complaint after the
167 investigation is concluded and forward copies of all documents and findings to the complaint
168 coordinator, Director and Division Director for review. This review must be completed within five
169 business days of receiving the findings. If the complaint investigator determines the complaint to be
170 unsubstantiated, the complaint coordinator, Director and Division Director can accept or override the
171 complaint investigator's determination. If the decision is overridden, the Director must complete a
172 corrective action plan within five business days from date the decision was overridden. The
173 corrective action plan must be finalized by the complaint coordinator and Division Director within
174 five business days. A decision to substantiate the finds cannot be overridden and the complaint
175 investigator must then create a corrective action plan within five business days of forwarding the
176 findings to substantiate the complaint. The Director and complaint coordinator must finalize the
177 corrective action plan within five business days. When there are multiple complaint investigators
178 investigating the same complaint (i.e. internal investigation and external investigation), a decision to
179 substantiate the complaint will take precedence over any decision to not substantiate the complaint
180 [*See Child Care Department Consumer Complaint, 9 O.C. 902.9-3*].

181 The complaint coordinator must notify the person that filed the complaint of the results of the
182 investigation in writing within five business days of receiving a finalized corrective action plan or
183 findings that the complaint was not substantiated. The information provided must include details of
184 the investigation that would not compromise the legally-protected confidentiality of any person,
185 whether or not the complaint was substantiated, any corrective act plan (if applicable) that redacts
186 specific employee related matters or information and an explanation as to why the complaint was not
187 substantiated, if applicable. The complaint coordinator will provide the Director and Division
188 Director with the corrective action plan. This Law requires all employees to comply with any
189 corrective action plan [*See Child Care Department Consumer Complaint, 9 O.C. 902.9-5*].

190 **7. *Processing Level 4 Complaints.*** When a complaint alleging child abuse or neglect is received,
191 the complaint coordinator or anyone that receives the complaint must immediately refer the matter to
192 the Wisconsin Department of Children and Families, the Oneida Police Department or other local law
193 enforcement agency for investigation. The complaint coordinator must also inform the supervisor
194 and the supervisor must perform an investigation [*See Child Care Department Consumer Complaint,*
195 *9 O.C. 902.10*].

196 **8. *Appeal.*** If the complainant or parent is dissatisfied of the decision to not substantiate the
197 complaint or is dissatisfied with the corrective action plan, he/she can appeal the decision to the GSD
198 Director within ten business days of receiving the investigation results and/or corrective action plan.
199 The GSD Director will complete a review and make a determination within five business days;
200 however, if the GSD Director determines more time is needed to do further investigations, he/she can
201 suspend the these time limits. The GSD Director must notify the complaint of his/her decision. If the
202 complaint is dissatisfied with the GSD Director's decision, the complainant can appeal that decision
203 to the Judiciary [*See Child Care Department Consumer Complaint, 9 O.C. 902.11*].

204 **9. *Video Surveillance.*** This Law requires the Department to have daily video surveillance. This
205 video surveillance footage cannot be erased by anyone in the Department and must retain the footage
206 for at least ten business days. Records Management Department is responsible for the secured
207 maintenance of any video surveillance footage related to a complaint.

208 **10. *Employee Self-Reporting.*** If an employee witnesses another employee behaving in an
209 unethical/inappropriate manner, he/she must immediately document and report the behavior to the
210 complaint coordinator. The complaint coordinator will handle the report as if a complaint were filed.
211 If an employee witnesses another employee engaging in child abuse or neglect, he/she must report the
212 action(s) in accordance with the Oneida Policy on Reporting Child Abuse and Neglect [*See Child*
213 *Care Department Consumer Complaint, 9 O.C. 902.13*].

214 **11. *Mandatory Reporting to OBC.*** The GSD Division must include complaint information regarding
215 the Department in its quarterly report to the OBC. This information must include the number of
216 complaints filed, how many complaints were substantiated and how many investigations were
217 conducted. In addition, the GSD Division Director is required to report any continuous patterns of
218 failure by the Department to follow the corrective actions plans to the OBC [*See Child Care*
219 *Department Consumer Complaint, 9 O.C. 902.14*].

220 **12. *Parent Teacher Organization.*** This Law requires that a Parent Teacher Organization (PTO) be
221 created which will all parents and the Department to collaborate to help improve the Department and
222 lives of children [*See Child Care Department Consumer Complaint, 9 O.C. 902.15*]. The creation of
223 the PTO is mandated the by General Tribal Council.

224

225 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

226 **A. *Repeal the Oneida Early Childhood Program Policy-Internal Investigation of Complaints.*** This
227 Law repeals the Resolution BC 07-26-95-A Oneida Early Childhood Program Policy-Internal
228 Investigation of Complaints. The purpose of the Oneida Early Childhood Program Policy-Internal
229 Investigation of Complaints is to provide a format for addressing consumer complaints filed by anyone
230 who uses Early Childhood Services [*See Oneida Early Childhood Program Policy-Internal Investigation*
231 *of Complaints*]. At one time the Early Childhood Services was made up of both the Oneida Head Start
232 and Child Care Departments; however, the two departments split in 1997, and the Oneida Head Start
233 Department moved under the direction of the Oneida Social Services Area Manager, while the Child Care

234 Department remained and continues to remain under the direction of the Education and Training Area
 235 Manager. When the Early Childhood Services' departments were split, the Oneida Early Childhood
 236 Program Policy-Internal Investigation of Complaints was no longer utilized but was never formally
 237 dissolved or rescinded. That is why this Policy will supersede the Oneida Early Childhood Program
 238 Policy-Internal Investigation of Complaints.

239 **B. Investigative Leave Policy.** This Law states that if an employee is accused of child abuse or neglect,
 240 he/she will automatically be placed on investigative leave in accordance with the Investigative Leave
 241 Policy except that the Department does not need prior approval from the Human Resources Department
 242 (HRD) and the Division Director before placing the employee on leave which is a requirement in the
 243 Investigative Leave Policy [*See Child Care Department Consumer Complaint, 9 O.C. 902.8-1 (d)(4) and*
 244 *Investigative Leave Policy 2 O.C. 208.5-1*]. It may be more appropriate to include this exception
 245 language in the Investigative Leave Policy. The LOC may want to consider the following:

- 246 1. Leave the language in this Law that says that HRD and Division Director approval are not
 247 required prior to placing an employee on investigative leave for allegations of child abuse or
 248 neglect; or
- 249 2. Amend the Investigative Leave Policy to allow for automatic placement on investigative leave
 250 for allegations regarding criminal actions, actions that may affect licensing and actions
 251 alleging child abuse and/or neglect.

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253 SECTION 7. OTHER CONSIDERATIONS

254 **A.** If an employee is placed on leave during the investigation, it may disrupt child care
 255 operations due to State law restrictions that set how many children a child care worker can
 256 supervise. The following chart shows the children to child care worker ratio that is required
 257 by the State law [*See Wis. Admin. Code DCF ' 251.05 (4)*]. The Department will need to be
 258 aware of worker to child ratios when an employee is placed on investigative leave.

259

Maximum Group Size and Minimum Number of Child Care Workers in Group Child Care Centers		
Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 years	1:4	8
2 years to 2 ½ years	1:6	12
2 ½ years to 3 years	1:8	16
3 years to 4 years	1:10	20
4 years to 5 years	1:13	24
5 years to 6 years	1:17	34
6 years and over	1:18	36

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261 **B.** According to the Department there have been 24 total complaints received from January of
 262 2012 till April of 2017. Of the complaints, 19 were substantiated and 5 were found
 263 unsubstantiated. The following table illustrates the number of consumer complaints the
 264 Department received, the type of complaints and whether or not they were substantiated.

265

Child Care Department Consumer Complaints (01/2012-04/2017)					
<i>Year</i>	<i>Complaints</i>	<i>Type</i>	<i>Substantiated</i>	<i>Unsubstantiated</i>	
2012	ARCC	None			
	NHCC 1	1-Teacher against Parent	Police matter/was borderline disorderly		
2013	ARCC 2	1-Parent against Teacher		Teacher did not put hands around child's neck	
		1-Teacher against Grandparent	Teacher did not have child's schedule as required.		
	NHCC 4	1-Employee against Employee	Employee was discourteous towards other Employee		
		1-Employee against 3 Teachers	The 3 teachers did not closely supervise the child		
		1-Parent against Teacher	Teacher will use positive approach when dealing with parents		
		1-Employee against Teacher	Teacher will treat co-workers with tact, courtesy, respect, objectivity an maturity		
2014	ARCC 2	1-Grandparent against infant room policies about care	Policy was changed		
		1-Employee against Teacher	Disrespectful to training speaker		
	NHCC	None			
2015	ARCC 3	2-Parent against Teacher	Child was left unattended outside		
			Mistreatment, was reminded to be aware of how Teacher was talking to the children		
		1-Supervisor against Teacher	Disrespectful to Supervisor, will be more courteous		
	NHCC 3	1-Parent against Teacher	Getting bleach on child's shirt, Teacher will wipe off tables after spraying bleach solution disinfectant		
		2-Complaint on Teacher	Teacher yelling at children, Supervisor will work with Teacher		Alleging Teacher was disrespectful, Teacher left prior to investigation
2016	ARCC 9	1-Parent against Teacher	Leaving child on floor crying unattended, Teacher will acknowledge child in distress and ensure child is safe		
		3-Employee against Teacher	Had bottle of soda in front of children, will leave soda in		

			locker room	
			Eating fast food in front of children, Teacher will eat before punching in or during lunch break	
				Doing personal business during work time, was not found doing personal business
		1-Complaint against Teacher	Children in buggies too long, in the future children are only allowed to be in buggies for 20 minutes	
		1-Supervisor against Teacher		Teacher was asleep during nap time, Teacher was not napping
		1-Complaint against staff		Staff person was not found loitering in the hall
		1-Teacher against Teacher	Teacher left classroom leaving classroom out of ratio, verbal warning was given and Teacher will ensure that classroom will have required ratio prior to leaving	
		1-Complaint against West Wing	West Wing was not taking children outside, YoungStar requirements will be followed	
2017	ARCC	None		
TOTAL COMPLAINTS: 24			19	5

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C. This Law mentions possible usage of an Ombudsperson; however, the GTC will consider a re-organization proposal of the Nation which may or may not include the Ombudsperson position. At the May 16, 2017 GTC meeting, a motion was made to leave the re-organization proposal on the table until the new BC administration comes into office [See *GTC Action Report Draft, Sunday, May 19, 2017; Tuesday, May 16, 2017*].

D. This Law requires the complaint coordinator to facilitate mediation meetings between the Department and the person who filed and complaint and/or the child's parents. The complaint coordinator can also use a trained mediator to facilitate the mediation meetings [See *Child Care Department Consumer Complaint, 9 O.C. 902.9-1*]. According to HRD, no mediation training is available through the training and development but the Equal Employment Opportunity Department has mediators. In the past, HRD had people certified in mediation and used the Winnebago Mediation Conflict Resolution Center to do the training [See <http://www.mediationwrcr.org/training>]. The LOC may want to consider adding language in the Law that requires HRD to provide mediation training.

E. Please refer to the fiscal impact statement for any financial impacts.

Title 9. Education – Chapter 902
Child Care Department Consumer Complaint

902.1. Purpose and Policy	902.9. Processing Level One through Level Three Complaints
902.2. Adoption, Amendment, Repeal	902.10. Processing Level Four Complaints
902.3. Definitions	902.11. Appeal
902.4. Filing of a Complaint	902.12. Video Surveillance
902.5. Complaint Coordinator	902.13.
902.6. Responsibilities of the Complaint Coordinator Upon Receipt of a Complaint	902.14. Mandatory Reporting to the Oneida Business Committee
902.7. Types of Complaints	902.15. Parent/Teacher Organization
902.8. Determination of the Severity of Complaint and Complaint Investigators	902.16. Enforcement

1
2 **902.1. Purpose and Policy**
3 902.1-1. *Purpose.* The purpose of this law is to provide a formal process for addressing complaints
4 for anyone who uses the services of the Oneida Child Care Department. The law is not intended to
5 resolve employee complaints or grievances which shall be addressed through the process specified in
6 the Nation’s laws, rules and policies governing employment.
7 902.1-2. *Policy.* It is the policy of the Nation to provide a safe, secure and nurturing environment for
8 all children that are enrolled in the Oneida Child Care Department. It is also the policy of the Nation
9 to allow any person who utilizes the services of the Oneida Child Care Department to have any and all
10 complaints concerning those services addressed in a timely and professional manner.

11
12 **902.2. Adoption, Amendment, Repeal**
13 902.2-1. This law is adopted by the Oneida Business Committee by resolution _____.
14 902.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida
15 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
16 902.2-3. Should a provision of this law or the application thereof to any person or circumstances be
17 held as invalid, such invalidity shall not affect other provisions of this law which are considered to
18 have legal force without the invalid portions.
19 902.2-4. In the event of a conflict between a provision of this law and a provision of another law, the
20 provision of this law shall control. Provided that this law repeals the following:
21 (a) Resolution BC-07-26-95-A *Policy on Internal Investigation of Complaints.*
22 902.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

23
24 **902.3. Definitions**
25 902.3-1. This article shall govern the definitions of words and phrases used within the law. All
26 words not herein defined shall be used in their ordinary and everyday sense.
27 (a) “Abuse” means any of the following:
28 (1) Physical injury inflicted on a child by other than accidental means;
29 (2) Sexual assault of a child;
30 (3) Sexual exploitation of a child;
31 (4) Permitting, allowing, or encouraging a child to be involved in prostitution;
32 (5) Causing mental harm to a child; or

- 33 (6) Causing a child to view or listen to sexual activity or sexually explicit materials.
- 34 (b) "Area Manager" means the individual employed by the Nation as the Area Manager of
- 35 Education and Training within the Governmental Services Division.
- 36 (c) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding
- 37 holidays recognized by the Nation.
- 38 (d) "Complaint" means an allegation of certain wrongdoing against the Oneida Child Care
- 39 Department or employee.
- 40 (e) "Complaint coordinator" means the individual designated to receive and handle all
- 41 complaints alleged against the Oneida Child Care Department.
- 42 (f) "Complaint investigator" means any of the following individuals as recommended by the
- 43 complaint coordinator to investigate alleged complaints against the Oneida Child Care
- 44 Department:
- 45 (1) the supervisor of an Oneida Child Care Department employee that has a
- 46 complaint alleged against him or her;
- 47 (2) the supervisor's substitute; and/or(3) an outside agency designated to
- 48 investigate a complaint, including but not limited to, the Wisconsin Department of
- 49 Children and Families and a law enforcement agency.
- 50 (g) "Conflict of interest" means any interest, real or apparent, whether it be personal,
- 51 financial, political, or otherwise, in which a person or their immediate family, friends,
- 52 associates, or any other person with whom they have contact with, have that conflicts with
- 53 any right or interest of the Nation. Conflicts of interest include any situation that has the
- 54 potential to corrupt a person's motivation or decision making, because of an actual or
- 55 apparent divergence between the person's self-interests, and the best interests of the Nation.
- 56 (h) "Department" means the Oneida Child Care Department.
- 57 (i) "Director" means the individual employed by the Nation as the Oneida Child Care
- 58 Department Director.
- 59 (j) "Division Director" means the individual employed by the Nation as the Governmental
- 60 Services Division Director.
- 61 (k) "Employee" means an individual employed by the Nation in the Oneida Child Care
- 62 Department.
- 63 (l) "Nation" means the Oneida Nation.
- 64 (m) "Neglect" means a failure, refusal or inability of an Oneida Child Care Department
- 65 employee to provide necessary care, food, clothing, medical care or shelter so as to
- 66 seriously endanger the physical health of a child, lack of supervision, or total
- 67 abandonment.
- 68 (n) "Ombudsperson" means an individual employed by the Nation who functions as a
- 69 designated confidential, independent, neutral and informal dispute resolution resource that
- 70 does not represent the Nation or any specific party, but advocates for fairness and the
- 71 application of a fair and equitable process.
- 72 (o) "Substantiated" means a finding that the complaint or allegation in the complaint is valid
- 73 because there is proof by a preponderance of the evidence.

- 74 (p) “Supervisor” means the individual who directly oversees an Oneida Child Care
75 Department employee, which may include the Oneida Child Care Department Director.
76 (q) “Unsubstantiated” means a finding that the complaint or allegation in the complaint is not
77 valid because there is not proof by a preponderance of the evidence.
78

79 **902.4. Filing of a Complaint**

80 902.4-1. *When to File.* A complaint filed within sixty (60) days of the alleged incident shall
81 guarantee a review of the complaint. Any complaint filed after sixty (60) days from the alleged
82 incident shall not guarantee an investigation.

- 83 (a) Although a complaint can be filed within sixty (60) days of an alleged incident, video
84 surveillance footage is only available from the Department for ten (10) days after an alleged
85 incident occurs.

86 902.4-2. *Who May File.* The following people may file a complaint:

- 87 (a) Any parent or guardian who is currently utilizing the services of the Department;
88 (b) Any person who is on the child’s emergency contact list that has been submitted to the
89 Department; and/or
90 (c) Any person who witnesses any action by the Department or an employee that would
91 warrant an investigation.

92 902.4-3. *Format of Complaint.* A complaint shall be filed in one (1) of the following formats:

- 93 (a) the specific form provided for by the Department, which shall at all times be made
94 available at the facility as well as on the Department’s webpage; or
95 (b) in writing as long as it contains the statement of facts required by section 902.4-4.

96 902.4-4. *Statement of Facts.* The complaint filed shall contain a statement of facts which describes
97 the specific allegations made against the Department and/or an employee. The statement of facts shall
98 include, if known, but is not limited to the following information:

- 99 (a) The name(s) of the child(ren) involved;
100 (b) The name(s) of the employee(s) involved;
101 (c) The specific date(s) and time(s) of the alleged incident(s);
102 (d) The specific details of the alleged incident;
103 (e) Name(s) of any witness(es) to the alleged incident;
104 (f) Any noted impacts; and
105 (g) The contact information for the person filing the complaint, which at minimum shall
106 include the person’s name, address and telephone number.

107 902.4-5. *Where to File Complaint.* Completed complaints shall be delivered to the complaint
108 coordinator. If the complaint coordinator is unavailable, then a complaint shall be delivered to the
109 Division Director.

110 902.4-6. *Repeat Complaints.* A complaint that was deemed unsubstantiated or rejected on appeal
111 shall not be re-filed unless new facts or new evidence have been discovered.
112

113 **902.5. Complaint Coordinator**

114 902.5-1. The complaint coordinator shall receive and handle all complaints alleged against the

115 Department. The complaint coordinator shall be one (1) of the following individuals:

- 116 (a) The Area Manager;
- 117 (b) The Ombudsperson; or
- 118 (c) A designee assigned by the Area Manager.

119

120 **902.6. Responsibilities of the Complaint Coordinator Upon Receipt of a Complaint.**

121 902.6-1. *Receipt of an Incomplete Complaint.* The complaint coordinator shall develop standard
122 operating procedures for handling complaints that are missing the information required for the
123 statement of facts.

124 902.6-2. *Collection of Video Surveillance.* The complaint coordinator shall immediately contact the
125 Department and request that the Department secure an electronic copy of the appropriate video
126 surveillance footage that is relevant to the complaint if the video surveillance footage is still available.
127 The complaint coordinator shall provide the video surveillance footage to the Nation's Records
128 Management Department.

129 902.6-3. *Notification of Receipt of Complaint.* Upon receipt of the complaint, the complaint
130 coordinator shall immediately forward a copy of the complaint to the Director and Division Director.
131 The complaint coordinator shall also notify the person filing the complaint by mail or e-mail that the
132 complaint was received and what the next steps will be.

133 902.6-4. *Notification of the Parents of the Child.* If the person who filed the complaint is not the
134 parent of the child at issue, the parent(s) of the child shall be noticed throughout the complaint
135 process whenever the person who filed the complaint is notice. This will include notice of receipt of
136 the complaint, what the next steps will be, mediation, extension of the investigation, and the results of
137 the investigation.

138 902.6-5. *Determination of Severity of Complaint and the Complaint Investigator.* Upon receipt of
139 the complaint, the complaint coordinator shall make a determination as to the severity of the
140 complaint and recommend to the Department an appropriate complaint investigator. The complaint
141 coordinator shall have five (5) business days to refer the matter to the complaint investigator.
142 However, if the person who filed the complaint agrees to mediate the matter with the complaint
143 coordinator, any time limits under this law may be suspended while the parties are in mediation. The
144 complaint coordinator shall have five (5) business days to recommend a complaint investigator, if
145 needed, after mediation ends.

146 902.6-6. *Notification of the Risk Management Department.* If the complaint coordinator determines
147 the complaint is a severity level two (2), three (3) or four (4), the complaint coordinator shall forward
148 a redacted copy of the complaint to the Risk Management Department.

149

150 **902.7. Types of Complaints**

151 902.7-1. Complaints against the Department may include, but are not limited to, violations involving
152 the following:

- 153 (a) licensed capacity;
- 154 (b) reports of incident or accident;
- 155 (c) background checks:

- 156 (d) reporting abuse or neglect of a child;
- 157 (e) qualifications of an employee;
- 158 (f) employee orientation;
- 159 (g) supervision of children;
- 160 (h) exceeding limit of employee-to-child ratio;
- 161 (i) maintaining accurate attendance records;
- 162 (j) maximum group size;
- 163 (k) potential source of harm on premises (hazards);
- 164 (l) outdoor play space – potential source of harm (hazards);
- 165 (m) access to materials potentially harmful to children;
- 166 (n) flaking or deteriorating paint;
- 167 (o) energy absorbing surfaces on playgrounds;
- 168 (p) medications;
- 169 (q) pets or animals;
- 170 (r) transportation;
- 171 (s) infant sleep position;
- 172 (t) compliance with laws;
- 173 (u) behavior of employees;
- 174 (v) potentially dangerous items on premise/firearms, ammunition on premises;
- 175 (w) alcohol or non-prescribed drug use;
- 176 (x) child management techniques; and/or
- 177 (y) child abuse or neglect.

178

179 **902.8. Determination of Severity of Complaint and the Complaint Investigator**

180 902.8-1. The complaint coordinator shall determine the severity of the complaint and recommend the
181 appropriate complaint investigator by using the following guidelines:

182 (a) Level one (1) complaint:

183 (1) *Severity*. The severity of a level one (1) complaint may be deemed very mild, mild
184 or moderate.

185 (2) *Description*. A level one (1) complaint includes, but is not limited to, complaints
186 of the following: poor business practices, inadequate equipment and furnishings,
187 inappropriate discipline, parents not notified of injury.

188 (3) *Complaint Investigator*. A level one (1) complaint shall be investigated by the
189 supervisor.

190 (b) Level two (2) complaint:

191 (1) *Severity*. The severity of a level two (2) complaint shall be deemed serious.

192 (2) *Description*. A level two (2) complaint involves complaints that do not pose a
193 risk of direct harm to children. Level two (2) complaints include, but are not limited
194 to, medication or drugs and alcohol being left within the reach of children, failing to
195 obtain emergency medical care for a child, and minor physical injury to a child.

196 (3) *Complaint Investigator*. A level two (2) complaint shall be investigated by the

197 supervisor, but the investigation may also include the involvement of the Wisconsin
198 Department of Children and Families if determined necessary by the complaint
199 investigator.

200 (c) Level three (3) complaint:

201 (1) *Severity*. The severity of a level three (3) complaint shall be deemed very serious.

202 (2) *Description*. A level three (3) complaint involves complaints that pose a risk of
203 direct harm to children. Level three complaints include, but are not limited to,
204 complaints of gross violations of ratio and supervision, abandoned children, severe
205 injury to a child, unlocked weapons accessible to children, provider under the
206 influence of alcohol or drugs.

207 (3) *Complaint Investigator*. A level three (3) complaint shall be investigated by the
208 supervisor and the Oneida Police Department or other local law enforcement agency.
209 The investigation may also include the involvement of the Wisconsin Department of
210 Children and Families if determined necessary by the complaint investigator.

211 (4) The Department may place any employee accused of a level three (3) complaint on
212 leave in accordance with the Nation's laws, policies, and rules governing investigative
213 leave, except that the employee may be placed on leave until completion of the
214 investigation. The employee shall not have contact with any child as it relates to their
215 employment during the time the employee is on investigative leave. If placed on
216 investigative leave, the employee shall be allowed to return to work if the complaint
217 allegations are found to be unsubstantiated by all agencies completing an
218 investigation. If the investigation by one (1) agency results in substantiated findings
219 the complaint coordinator shall have the discretion to proceed with reviewing and
220 finalizing the substantiated investigative findings and corrective plan.

221 (d) Level four (4) complaint:

222 (1) *Severity*. The severity of a level four (4) complaint shall be deemed child abuse or
223 neglect.

224 (2) *Description*. A level four (4) complaint includes, but is not limited to, any action
225 that results in the imminent danger to a child, such as child abuse or neglect.

226 (3) *Complaint Investigator*. A level four (4) complaint shall be investigated by the
227 supervisor, Wisconsin Department of Children and Families and the Oneida Police
228 Department or other local law enforcement agency.

229 (4) The Department shall automatically place any employee accused of a level four (4)
230 complaint on leave in accordance with the Nation's laws, policies, and rules governing
231 investigative leave, except that the Department does not need prior approval from the
232 Human Resources Department manager or his or her designee and the Division
233 Director prior to placing the employee on leave, and the employee may be placed on
234 leave until the completion of the investigation. The employee shall not have contact
235 with any child as it relates to their employment during the time the employee is on
236 investigative leave. The employee shall be allowed to return to work if the complaint
237 allegations are found to be unsubstantiated by all agencies completing an

238 investigation. A substantiated level four (4) complaint shall result in the automatic
239 termination of the employee. If the investigation by one (1) agency results in
240 substantiated findings the complaint coordinator shall have the discretion to proceed
241 with termination of the employee.

242 902.8-2. *Conflict of Interest.* Any potential conflict of interest the complaint investigator may have
243 in conducting the investigation shall be reported to the complaint coordinator. If it is determined that
244 the complaint investigator has a conflict in conducting the investigation, the complaint coordinator
245 shall recommend a new complaint investigator to conduct the investigation.

246

247 **902.9. Processing Level One through Level Three Complaints**

248 902.9-1. *Mediation.* If the person who filed the complaint agrees, the complaint coordinator shall
249 facilitate a mediation meeting(s) between the person who filed the complaint and the Department. The
250 complaint coordinator may use a trained mediator to facilitate the mediation meetings. The parent(s)
251 of the child shall have a right to attend the mediation meeting(s). This meeting shall take place within
252 five (5) business days of the filing of the complaint. The intent of this meeting(s) is to resolve the
253 complaint prior to commencing a full investigation.

254 (a) If a resolution is reached during mediation, the complaint coordinator shall inform the
255 Director that a corrective action plan shall be prepared, if necessary, based on the agreement.

256 (b) If the matter is not resolved through mediation, a full investigation shall be completed
257 and the complaint coordinator shall have five (5) business days to recommend a complaint
258 investigator.

259 902.9-2. *Investigation.* Once the complaint investigator is assigned, he or she shall have five (5)
260 business days to complete a thorough investigation.

261 (a) *Thorough Investigation.* A thorough investigation by the complaint investigator may
262 include:

263 (1) An interview with the employee(s) involved in the complaint;

264 (2) An interview with the individual who made the complaint;

265 (3) The collection of statements from any potential witnesses;

266 (4) The review of any available video surveillance footage; and

267 (5) Any other investigative method the complaint investigator deems appropriate in
268 order to complete a thorough investigation.

269 (b) *Extension of the Investigation.* The complaint coordinator may grant a five (5) business
270 day extension for extenuating circumstances. If an extension is granted, the complaint
271 coordinator shall send written notice to the person filing the complaint within twenty-four
272 (24) hours of that extension being granted.

273 902.9-3. *Results of the Investigation.* Upon completion of the investigation, the complaint
274 investigator shall either substantiate or not substantiate the complaint and forward copies of all
275 documents and findings to the complaint coordinator, Director, and Division Director for review.
276 The complaint coordinator, Director, and Division Director shall complete a review within five (5)
277 business days of receiving the investigation findings.

278 (a) *Unsubstantiated Findings.* The complaint coordinator, Director, and/or Division

279 Director may accept or override the complaint investigator's determination that the complaint
280 is not substantiated.

281 (1) If the complaint coordinator, Director, and/or Division Director decide to over-
282 ride the complaint investigator's decision to not substantiate the complaint, the
283 Director shall complete a corrective action plan within five (5) business days of over-
284 riding the decision to not substantiate the complaint.

285 (2) The Director's corrective action plan shall be finalized by the complaint
286 coordinator and Division Director within five (5) business days.

287 (b) *Substantiated Findings*. The complaint investigator shall create a corrective action plan
288 within five (5) business days of forwarding the investigation findings for a complaint that is
289 substantiated.

290 (1) The complaint coordinator, Director, and Division Director shall not have the
291 authority to override a decision by the complaint investigator to substantiate the
292 complaint.

293 (2) The Director and complaint coordinator shall finalize the corrective action plan
294 within five (5) business days.

295 (c) If investigations from different complaint investigators produce different results, a
296 substantiated complaint shall take precedence over any unsubstantiated complaints.

297 902.9-4. *Notification of Results of the Investigation*. The complaint coordinator shall notify the
298 person who filed the complaint of the results of the investigation in writing by U.S. or private mail
299 using a delivery tracking feature within five (5) business days of receiving the finalized corrective
300 action plan or findings that the complaint was not substantiated. The information provided to the
301 person filing the complaint and/or the parent(s) of the child shall include, but is not limited to the
302 following:

303 (a) Details of the investigation which would not compromise the legally-protected
304 confidentiality of any other person;

305 (b) Whether or not the complaint was substantiated; and

306 (c) Any corrective action plan prepared to resolve the complaint, redacting specific employee
307 related matters or information; or

308 (d) An explanation as to why the complaint is unsubstantiated, if necessary.

309 902.9-5. The complaint coordinator shall provide the corrective action plan to the Director and
310 Division Director. All employees shall comply with any corrective action plan.

311

312 **902.10. Processing Level Four Complaints**

313 902.10-1. When a complaint involving an allegation under level four (4) is filed against an employee
314 the complaint coordinator or any other person receiving the complaint shall immediately refer the
315 matter to the Wisconsin Department of Children and Families and Oneida Police Department or other
316 local law enforcement agency for investigation and follow through with the investigation results. The
317 complaint coordinator shall also inform the supervisor of the level four (4) complaint. The supervisor
318 shall investigate the level four (4) complaint following the same process as a level one (1) through
319 level three (3) complaint as described in section 902.9.

320

902.11. Appeal

322 902.11-1. A person who filed a complaint, or the parent(s) of the child, may appeal the matter to the
323 Division Director if he or she is dissatisfied with the finding that the complaint is unsubstantiated, or is
324 dissatisfied with the corrective action plan. The appeal shall be in writing, and shall be submitted to
325 the Division Director within ten (10) business days of receiving the results of the investigation and/or
326 the corrective action plan.

327 902.11-2. The Division Director shall serve as the original hearing body for appeals of contested
328 results of a complaint investigation against the Department. The Division Director shall complete his
329 or her review of the appeal and come to a determination within five (5) business days of receiving the
330 written appeal. The Division Director may suspend the time limits for an appeal decision if the
331 Division Director determines that more investigation on the matter is necessary. The Division
332 Director shall then inform the person filing the appeal in writing of his or her decision.

333 902.11-3. If the person filing the appeal is dissatisfied with the Division Director's decision, he or she
334 may appeal the Division Director's decision to the Nation's Judiciary pursuant to the Judiciary's
335 Rules of Appellate Procedure.

336

902.12. Video Surveillance

338 902.12-1. *Department Video Surveillance.* The Department, for security purposes, shall have daily
339 video surveillance. The video surveillance footage shall not be erased by anyone in the Department.
340 The Department shall retain the video surveillance footage for at least ten (10) days.

341 902.12-2. *Records Management Department Maintenance of Video Surveillance.* The Records
342 Management Department shall be responsible for the secured maintenance of any video surveillance
343 footage related to a complaint received from the complaint coordinator.

344 (a) Only the complaint coordinator, complaint investigator, Director, Division Director,
345 police department, Risk Management Department, and/or the Wisconsin Department of
346 Children and Families shall have access to the video surveillance footage.

347 (b) The video surveillance footage shall be viewed at the Records Department with the
348 complaint coordinator or a Records Management Department personnel present.

349 (c) The Records Management Department shall maintain the video surveillance footage until
350 the time period for an appeal to the Nation's Judiciary has expired.

351 (d) The Records Management Department shall follow a standard operating procedure for
352 disposal of video surveillance that complies with the child care industry standard.

353

902.13. Employee Self-Reporting

355 902.13-1. If any employee witnesses another employee behaving in an unethical or otherwise
356 inappropriate manner as defined by the State of Wisconsin licensing requirements, that person shall
357 immediately document and report such behavior to the complaint coordinator. An investigation shall
358 be conducted as if a complaint was filed.

359 902.13-2. If any employee witnesses another employee engaging in behavior that constitutes child
360 abuse or neglect, the employee shall immediately report the child abuse or neglect pursuant to laws

361 governing reporting child abuse and neglect. The employee shall also report the witnessed abuse or
362 neglect to the complaint coordinator. An investigation shall be conducted as if a complaint was filed.

363

364 **902.14. Mandatory Reporting to the Oneida Business Committee**

365 902.14-1. The Governmental Services Division shall include in their quarterly report to the Oneida
366 Business Committee complaint information for the Department. Complaint information regarding the
367 Department shall include, but it not limited to, the following:

368 (a) the number of complaints filed against the Department and its employees;

369 (b) number of substantiated complaints; and

370 (c) the number of investigation conducted.

371 902.14-2. The Division Director shall address and report to the Oneida Business Committee any
372 continuous patterns of failure by the Department to follow the corrective action plan.

373

374 **902.15. Parent-Teacher Organization**

375 902.15-1. The Department shall form a parent-teacher organization for the purpose of providing an
376 opportunity for parents and the Department to come together in order to gather and share
377 information, ideas, and concerns, plan activities to enhance or improve the Department and lives of
378 children, and to foster community amongst all those involved.

379

380 **902.16. Enforcement**

381 902.16-1. A violation of this law or retaliation against the children or family involved in a complaint
382 may result in discipline in accordance with the Nations laws, rules and policies governing
383 employment.

384

385 *End.*

386

Adopted – BC

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Title 9. Education – Chapter 902
Child Care Department Consumer Complaint
Addendum

This chart may be used as a guide by the complaint coordinator to determine the severity of the Oneida Child Care Department complaint and recommend the appropriate complaint investigator as required by section 902.8-1 of the Child Care Department Consumer Complaint law.

LEVEL	CATEGORY	DESCRIPTION	WHO INVESTIGATES
1	Very Mild, Mild and Moderate	Complaints such as poor business practices, inadequate equipment or furnishings, inappropriate discipline, parents not notified of injury to child.	Supervisor, if not resolved through mediation with the complaint coordinator.
2	Serious	Complaints that do not pose a risk of direct harm to children, such as medication or drugs and alcohol being left within the reach of children, failing to obtain emergency medical care to a child, and minor physical injury to a child.	Supervisor; may also include the Wisconsin Department of Children and Families as determined by the complaint investigator.
3	Very Serious	Complaints that pose a risk of harm to children, such as gross violations of ratio and supervision, abandoned children, severe injury to a child, unlocked weapons accessible to children, provider under the influence of drugs or alcohol.	Supervisor and the Oneida Police Department or other local law enforcement agency. The investigation may also include the Wisconsin Department of Children and Families as determined by the complaint investigator.
4	Child Abuse or Neglect	Complaints regarding any action that results in the imminent danger to children, such as child abuse or neglect.	Supervisor, the Wisconsin Department of Children and Families, and the Oneida Police Department or other local law enforcement agency.

398

MEMORANDUM

DATE: July 17, 2017

FROM: Rae Skenandore, Financial Management Analyst

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

RE: **Financial Impact of the Child Care Department Consumer Complaint Law**

I. Estimated Fiscal Impact Summary

Law: Child Care Department Consumer Complaint Law		Draft 23
Implementing Agency	Oneida Child Care Department Education and Training Governmental Services Ombudsperson Wisconsin Department of Children & Families (DCF) Oneida Police Department (OPD) Records Management Department	
Estimated time to comply	In compliance with the Legislative Procedures Act (10 days)	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0
Revenue and cost considerations		
Uncertainties and Unknowns	Future status of the Ombudsperson position.	

II. Background

A. Legislative History

On May 9, 2012, the Oneida Business Committee (OBC) accepted a petition which mandated the OBC to review, amend and implement a new complaint process for the Oneida Child Care. The petition was presented to General Tribal Council (GTC) on November 19, 2012 and GTC direct the OBC to review, amend and implement a new parent communication and grievance process for the Oneida Child Care Department. A public meeting was held on October 31, 2013 and again on February 27, 2014.

B. Summary of Content

The following is an overview of the Policy;

1. Provides a formal process for addressing consumer complaints.
2. Explains the process of filing a complaint including timeframes, who can file a complaint, what information must be included in the complaint, how and where to file the complaint and how repeat complaints are handled.
3. Complaint Coordinator & Responsibilities.
4. Types of Complaints.
5. Severity of Complaints. This Law identifies four levels of severity in which a complaint will be classified.
 - a) Level 1 complaints are considered very mild, mild or moderate and may include complaints that pertain to poor business practices, inadequate equipment and furnishings, inappropriate discipline, parents not being notified of injury. Level 1 complaints will be investigated by the supervisor.
 - b) Level 2 complaints are considered serious that do not pose a risk of direct harm to the child. Such complaints may include medication or drugs being left in reach of the child, failing to obtain emergency medical care for a child, or minor physical injury to a child. Level 2 complaints will be investigated by the supervisor but may also be investigated by the Department of Children and Families.
 - c) Level 3 complaints are considered very serious and pose a risk of direct harm to the child. Such complaints may include gross violations of ratio and supervision, abandoned children, severe injury to a child, unlocked weapons accessible to children, employee under the influence of drugs or alcohol. Level 3 complaints are investigated by both the supervisor and OPD or other law enforcement agency. In addition, the DCF may also investigate the complaint. Employees accused of level 3 complaints may be placed on investigative leave.
 - d) Level 4 complaints deal with child abuse and neglect and result in imminent danger to a child. These complaints are investigated by supervisor, DCF and OPD or another Law Enforcement agency.

Employees that have a level 4 complaint against them will automatically be placed on investigative leave.

6. Processing Levels 1-3 Complaints.
7. Processing Level 4 Complaints.
8. Appeal.
9. Video Surveillance. This Law requires the Department to have daily video surveillance. This video surveillance footage cannot be erased by anyone in the Child Care Department and must retain the footage for at least ten business days. Records Management Department is responsible for the secured maintenance of any video surveillance footage related to a complaint.
10. Employee Self-Reporting.
11. Mandatory Reporting to OBC.
12. Parent Teacher Organization. This Law requires that a Parent Teacher Organization (PTO) be created which will all parents and the Department to collaborate to help improve the Department and lives of children. The creation of the PTO is mandated the by General Tribal Council.

C. Methodology and Assumptions

1. A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.
2. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.
3. The analysis was completed based on the information provided as of the date of this memo.

II. Agency

There are no startup costs, personnel, office, or documentation costs and the policy can be implemented within 10 days of approval. Existing personnel will carry out the responsibilities listed within the process.

III. Financial Impact

No Fiscal impact.

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: 08 / 09 / 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:

BC approval of Finance Committee Meeting Minutes of July 31, 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: Leyne Orosco, Executive Assistant to Council Member David Jordan

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 54155

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Leyne Orosco, Executive Assistant L
DT: July 31, 2017
RE: **E-Poll Results of: FC Meeting Minutes of July 31, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the July 31, 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 Chad Fuss, Jennifer Webster, David Jordan and Larry Barton to approve the July 31, 2017 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC Agenda of August 9, 2017 for approval and the next Finance Committee Agenda of September 18, 2017 to ratify this E-Poll action.

-
- Per the Finance Committee By-Laws Article III – Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum and 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

Finance Administration Office

Phone: 920-869-4325

FAO@oneidation.org



ONEIDA FINANCE COMMITTEE

July 31, 2017 – 10:00 A.M.

Business Committee Executive Conference Room

REGULAR MEETING MINUTES

PRESENT: Patricia King, Treasurer/Chair
Jennifer Webster, BC Council Member
David Jordan, BC Council Member

Larry Barton, CFO/FC Vice-Chair
Chad Fuss, Gaming AGM/FC Alternate
Wesley Martin, Jr., Community Elder Member

EXCUSED: Patrick Stensloff, Purchasing Director

OTHERS PRESENT: Carl Gomand, Cletus Ninham, Andrew John, Ken House, Henrietta Cornelius, Barb Truttman, Chad Cornelius, Mary Wasurick, Glenn Manske, and Leyne Orosco, taking minutes

I. CALL TO ORDER: The FC Meeting was called to order by Trish King at 10:03 a.m.

II. APPROVAL OF AGENDA: JULY 31, 2017

Motion by Wesley Martin, Jr. to approve the Finance Committee Agenda for July 31, 2017. Seconded by David Jordan. Motion carried unanimously.

III. APPROVAL OF MINUTES: JULY 17, 2017 (Approved via E-Poll on 7/18/17)

Motion by Jennifer Webster to ratify the FC E-poll action of July 18, 2017 approving the Finance Committee Meeting Minutes of July 17, 2017. Seconded by Chad Fuss. David Jordan abstained. Motion carried.

IV. APPROVAL OF E-POLLS:

1. FC Special E-Poll Results: Prevea Clinics, Inc. Services (Approved on 7/18/17)

Motion by David Jordan to ratify the FC E-poll action of July 18, 2017 approving Prevea Clinics, Inc. Services. Second by Jennifer Webster. Motion carried unanimously.

2. FC Special E-Poll Results: Transfer of Capex Funds to CIP (Approved on 7/19/17)

Motion by David Jordan to ratify the FC E-poll action of July 19, 2017 approving Transfer of Capex Funds to CIP. Seconded by Jennifer Webster. Motion carried unanimously.

V. TABLED BUSINESS: None

VI. CAPITAL EXPENDITURES:

1. KHMI Mechanical Contractors Amount: \$119,250.
Tim Skenandore, Gaming Facilities

There was discussion on whether follow-up was made with the other firms. Barb stated there was.

Motion by Jennifer Webster to approve. Seconded by Wesley Martin, Jr. Motion carried unanimously.

VII. DONATION REQUEST:**1. Donation Update for August**

Denise Vague, Executive Assistant to the CFO

Motion made by David Jordan to accept as FYI. Seconded by Jennifer Webster. Motion carried unanimously.

2. Robert Cornelius Post 7784 – Convention

Amount: \$2,500

Cletus Ninham, Commander

The VFW stated that another donation they were expecting did not come in as yet. Committee asked for an accounting of the monies spent and if the other donation was received requested that amount be returned.

Motion by Wesley Martin, Jr. to approve the requested donation of \$2,500.00. Seconded by David Jordan. Motion carried unanimously.

VIII. COMMUNITY FUND:**1. CF Update Report – Jul/Aug 2017**

Denise Vigue, Finance

Motion by Jennifer Webster to accept report. Seconded by David Jordan. Motion carried unanimously.

2. All Nations Softball Tournament-Team Registration

Amount: \$200

Julie Denny

Motion by David Jordan to approve registration fees. Seconded by Wesley Martin, Jr. Motion carried unanimously.

3. Green Bay Elite Cheer class fees

Amount: \$200

Tina Moore for daughter Ella

Motion by David Jordan to approve class fees. Seconded by Wesley Martin, Jr. Motion carried unanimously.

4. Park Warner Youth Football

Amount: \$200

Lois Barker for son Jonathan

Motion by Jennifer Webster to approve football fees. Seconded by Wesley Martin, Jr. Motion carried unanimously.

5. Badger Gymnastics

Amount: \$200

Lois Barker for daughter Emma

Motion by David Jordan to approve gymnastic fees. Seconded by Chad Fuss. Motion carried unanimously.

IX. NEW BUSINESS

1. **FY18 Blanket PO-Radisson-Lease Space** Amount: \$370,032
Louise Cornelius, Gaming Manager

Motion by Larry Barton to approve payment amount. Seconded by David Jordan. Motion carried unanimously.
2. **FY18 Blanket PO-Radisson Comp Items/Svs.** Amount: \$1,500,000
Louise Cornelius, Gaming Manager

This item is for offers for Gold members for food and lodging. Committee requested updated review of contract, both legal and Gaming Division.

Motion by David Jordan to approve payment amount. Seconded by Wesley Martin, Jr. Motion carried unanimously.
3. **FY18 Blanket PO-M3 Insurance Solutions** Amount: \$254,400
Louise Cornelius, Gaming Manager

This is for the on-site nurse and the services they provide. These services outweigh employees having to leave the premises for emergency care. Average of 550 visits per month.

Motion by David Jordan to approve payment amount. Seconded by Jennifer Webster. Motion carried unanimously.
4. **FY18 Blanket PO-Frybread Heaven-Emp Discounts** Amount: \$120,000
Louise Cornelius, Gaming Manager

Motion by David Jordan to approve payment amount. Seconded by Wesley Martin, Jr. Motion carried unanimously.
5. **FY18 Blanket PO-Sportech Venues Svs Fees** Amount: \$400,000
Jessalyn Harvath Gaming Bingo

Motion by Wesley Martin, Jr. to approve payment amount. Seconded by Jennifer Webster. Motion carried unanimously.
6. **FY18 Blanket PO-Planet Bingo-Svs Fees** Amount: \$200,000
Jessalyn Harvath, Gaming Bingo

Jessalyn Harvath provided the following: "While the contract was approved and signed in August 2014, it was not implemented until November 2014, with a 48 month term. The scheduled contract expiration is November 2018. We will be developing the RFP in October/November 2017 following G2E, with anticipated distribution to vendors occurring in approximately January 2018."

Motion by Wesley Martin, Jr. to approve payment amount. Seconded by David Jordan. Motion carried unanimously.
7. **FY18 Blanket PO-Planet Bingo-Handsets/Sales Fees** Amount: \$217,300
Jessalyn Harvath, Gaming Bingo

Motion by David Jordan to approve payment amount. Seconded by Jennifer Webster. Motion carried unanimously.

8. **Green Bay Packer Contract – Payment for FY18** Amount: \$594,915
Brenda Mendolla Buckley, Gaming Marketing
- Final year of four year contract. Amount exceeds Louis Cornelius' signoff authority. This is for the suite and advertising. If extra year-end games are not played, money allocated for this expenditure will not be paid out.
- Motion by David Jordan to approve contract payment amount. Seconded by Jennifer Webster. Motion carried unanimously.
9. **PMI Entertainment Group – Payment for FY18** Amount: \$150,000
Brenda Mendolla Buckley, Gaming Marketing
- Second year of five year contract.
- Motion by Jennifer Webster to approve contact payment amount. Seconded by Wesley Martin, Jr. Motion carried unanimously.
10. **HVS Advertising Marketing – Payment for FY18** Amount: \$807,102
Brenda Mendolla Buckley, Gaming Marketing
- Final year of three year contract.
- Motion by Jennifer Webster to approve contract payment amount. Seconded by David Jordan. Motion carried unanimously.

X. EXECUTIVE SESSION

Motion by Larry Barton to go into Executive Session at 10:25 a.m. Seconded by Jennifer Webster. Motion carried unanimously.

Motion by Larry Barton to come out of Executive Session at 10:28 a.m. Seconded by David Jordan. Motion carried unanimously.

1. **Independent Contract #2011-1074**
Debbie Danforth, Consolidated Health Services/OCHC
2. **Independent Contract #2010-1136**
Debbie Danforth, Consolidated Health Services/OCHC

Motion by Wesley Martin, Jr. to approve Independent Contracts #2011-1077 and #2010-1136. Seconded by Jennifer Webster. Motion carried unanimously.

XI. FOLLOW UP:

1. **Budget Contingency Plan**
Patricia King, Treasurer and FC Chair

Motion by David Jordan to defer to work meeting to be scheduled at 9:00 a.m. on September 5, 2017. Seconded by Jennifer Webster.

XII. FYI and/or THANK YOU:

- 1. FYI: National Indian Gaming Commission Fees**
Louise Cornelius, Gaming General Manager
- 2. FYI: Gaming Compact Fees – State of WI**
Louise Cornelius, Gaming General Manager
- 3. FYI: Mavid Construction Services**
Tim Skenandore, Gaming Facilities
- 4. FYI: FY18 Blanket PO's Slot lease/percentage games and parts.**
David Emerson, Gaming Slots

Motion by Wesley Martin, Jr. to accept Items 1-4 as FYI. Seconded by Jennifer Webster,
Motion carried unanimously.

XIII. ADJOURN

Motion by David Jordan to adjourn at 11:30 a.m. Seconded by Wesley Martin, Jr. Motion carried
unanimously.

Minutes taken and transcribed by:
Leyne C. Orosco, Executive Assistant to
Council Member David Jordan

Finance Committee E-Poll Minutes Approval Date: July 31, 2017

Oneida Business Committee's FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 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 July 19, 2017 LOC meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

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

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The purpose of this request is to ask the OBC to accept the attached LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approval by the LOC [See LOC Bylaws, 4-2(a)].

Action Requested:

Accept the LOC meeting minutes of July 19, 2017.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 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 July 19, 2017 LOC meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

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

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The purpose of this request is to ask the OBC to accept the attached LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approval by the LOC [See LOC Bylaws, 4-2(a)].

Action Requested:

Accept the LOC meeting minutes of July 19, 2017.

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 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 E-Poll approving the sole source Contract #2015-0374 -Purchase Order Increase for Lamers Bus, Inc.

3. Supporting Materials

Report Resolution Contract

Other:

- 1. FC E-Poll approving the Lamers PO Increase
- 2. [Empty]
- 3. [Empty]
- 4. [Empty]

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 to the CFO /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. The FC has no scheduled meetings for August, so a special E-Poll was approved by the Treasurer on 8/2/17:

FC Special E-POLL:

A Purchase Order increase of \$14,613.88 to the Lamers Bus contract #2015-0374 due to: This year's average fuel expenses were higher than last year; added charge per trip for every time a kindergarten student is brought back to the school because no one is home; & toward the end of the school year, a student who was injured at school and required a bus with a handicap lift for his wheelchair, also an extra charge.

- 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
Finance Administration
P.O. Box 365 • Oneida, WI 54155
Phone: 920- 869-4325
FAO@oneidanation.org

MEMORANDUM

To: Oneida Finance Committee
Fr: Denise Vigue, Executive Assistant-Finance
Dt: August 3, 2017
Re: **FC Special E-Poll Results – Purchase Order Increase to Lamers Bus, Inc.**

This Special E-Poll was approved by the Treasure on 8/2/17. Request is for:

A Purchase Order increase of \$14,613.88 to the Lamers Bus contract #2015-0374 due to: This year's average fuel expenses were higher than last year; added charge per trip for every time a kindergarten student is brought back to the school because no one is home; & toward the end of the school year, a student who was injured at school and required a bus with a handicap lift for his wheelchair, also an extra charge.

E-POLL RESULTS:

There was a Majority - 6 YES votes from Jennifer Webster, David Jordan, Wesley Martin, Jr., Patrick Stensloff, Larry Barton and Chad Fuss to approve the PO increase in the amount of \$14,613.88 for the Lamers Bus contract.

This concludes the Finance Committee Special E-poll. The information will be forwarded to the Business Committee agenda of August 9, 2017 agenda. This item will also be place on the FC agenda of September 5, 2017 to ratify this Special E-Poll. Thank You.

Denise J. Vigue

From: Patricia M. King
Sent: Wednesday, August 02, 2017 2:23 PM
To: Denise J. Vigue
Cc: Linda R. Jenkins
Subject: FW: lamers

Please process an e-poll of the Finance Committee for the Lamers contract.
Yaw^ko

-----Original Message-----

From: Linda R. Jenkins
Sent: Wednesday, August 02, 2017 2:12 PM
To: Patricia M. King
Subject: RE: lamers

Correct. This is one time increase to the existing PO to close out the 2016-17 school year.

-----Original Message-----

From: Patricia M. King
Sent: Wednesday, August 02, 2017 2:09 PM
To: Linda R. Jenkins
Subject: RE: lamers

Thank you Linda. So this doesn't affect a change to the contract then, is that correct?

-----Original Message-----

From: Linda R. Jenkins
Sent: Wednesday, August 02, 2017 2:01 PM
To: Patricia M. King; Ralinda R. Ninham-Lamberies
Subject: RE: lamers

There are several factors involved in the requested increase. Fuel charges are averaged based on three weeks. This years average fuel expenses were higher than last year. We are also charged per trip for every time a kindergarten student is brought back to the school because no one is home. Toward the end of the school year, we had a student who was injured at school and required a bus with a handicap lift for his wheelchair, which is also an extra charge.

-----Original Message-----

From: Patricia M. King
Sent: Wednesday, August 02, 2017 12:05 PM
To: Ralinda R. Ninham-Lamberies
Cc: Linda R. Jenkins
Subject: Re: lamers

I am responding from my phone so can't open any documents. The question I have is why is there an increase needed? Did the contract get amended properly to reflect the increase? I would request that endurance for proper documentation is fine so it can support epoll.

Sent from my iPhone

> On Aug 2, 2017, at 9:41 AM, Ralinda R. Ninham-Lamberies <rlamberi@oneidanation.org> wrote:

>

> Due to the dollar amount, yes it would need Finance Committee approval.

>

> -----Original Message-----

> From: Linda R. Jenkins

> Sent: Wednesday, August 02, 2017 9:18 AM

> To: Patricia M. King

> Cc: Ralinda R. Ninham-Lamberies

> Subject: FW: lamers

>

> Do we need Finance Committee approval to increase the Purchase Order for Lamers to pay off the final invoice of \$14,613.88? If so, is it possible to conduct an e-poll? Also, we have the new Lamers contract for the 2017-18 School Year that I was going to put on the August 14 Finance Committee agenda, but have been informed that there are no Finance Committee meetings until September - please advise. Thank you!

>

> -----Original Message-----

> From: Susan A. Doxtator

> Sent: Wednesday, August 02, 2017 9:02 AM

> To: Linda R. Jenkins

> Subject: FW: lamers

>

> -----Original Message-----

> From: Denise J. Vigue

> Sent: Wednesday, August 02, 2017 8:58 AM

> To: Susan A. Doxtator

> Cc: Brian A. Doxtator; Jed Schacht

> Subject: RE: lamers

>

> Susan,

> There are no Finance Committee meetings until 9/5/17. If this cannot wait then you need to request in writing an E-Poll of the FC, but note that until that e-poll can be ratified by the BC it cannot move through the system for payment. You will have to ask the Treasurer for the e-poll. If she approves she will let me know and I can complete an e-poll. If we can get it done today or tomorrow there is a chance it can go on the 8/9/17 BC agenda for approval.

>

> Denise Vigue

> Executive Assistant to the CFO

> Finance Administration Office

> & Finance Committee Contact

> office 920.869.4325

> fax 920.869.4393

>

> P.O. Box 365

> Oneida, WI 54155

> FAO@oneidanation.org

>

>

>

> -----Original Message-----

> From: Susan A. Doxtator
> Sent: Wednesday, August 02, 2017 8:17 AM
> To: Denise J. Vigue
> Subject: FW: lamers
>
> Hello,
> Jed Schact told me to contact you, because we need this purchase order increased to pay off this bill. He said I should ask for an e-poll of the finance committee.
> Please Call me Sue at X4647 if you need further explanation. I did go up to see you last week, but I think you were out of the office. Thanks
>
> -----Original Message-----
> From: Scan_TurtleOffice@oneidanation.org
> [mailto:Scan_TurtleOffice@oneidanation.org]
> Sent: Tuesday, August 01, 2017 3:24 PM
> To: Susan A. Doxtator
> Subject: lamers
>
> This E-mail was sent from "RNP002673737D72" (MP C6003).
>
> Scan Date: 08.01.2017 16:23:41 (-0400) Queries to:
> Scan_TurtleOffice@oneidanation.org
>



FOLLOW-UP NOTICE
Meeting Date: [JULY 18, 2016](#)

**The following action has been taken regarding your request to the
Finance Committee**

FC Meeting Minutes Excerpt of 7/18/16:

VI. New Business:

2. **ADD ON:** Lamers Bus Line – contract

Sharon Mousseau, ONES Administrator

This is a multi-year (6) contract, this will be year three; there was a discussion on how much received from the bureau and how much needed through tribal contribution; CFO noted in the last year of this contract it should be sent out for bid.

Motion by Chad Fuss to approve year three payment for the Lamers Bus Line contract in the amount of \$380,000. Seconded by Larry Barton. Jennifer Webster abstained. Motion carried.

These Finance Committee minutes of **July 18, 2016** were officially approved by the OBC on **July 27, 2016**. You may now proceed with payment /provided further information /or other action per the FC motion. If you have any questions call the Finance Office at 869-4325 or e-mail question to FAO@oneidanation.org.

Yaw^ko

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 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 the June 15, 2017, Quality of Life meeting minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

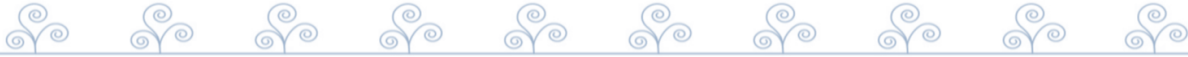
5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Quality of Life Committee Meeting Minutes for June 15, 2017

Present: Fawn Billie, Committee Chairwoman, Trish King, Treasurer; Brandon Stevens, Councilmember

Others present: Latsiklanunha Hill, Tina Jorgenson, Eric Krawczyk, Jamel Ness, Dakota Oskey, Cathy Bachhuber

I. Call to Order and Roll Call

Meeting called to order by Fawn Billie at 8:36 a.m.

II. Approval of the agenda

Motion by Brandon Stevens to approve the agenda with two additions: VI.A. Exercise at Work Update and VI.B. Community Health Assessment, seconded by Trish King. Motion carried unanimously.

III. Approval of Meeting Minutes

A. May 11, 2017 Quality of Life meeting minutes

Motion by Trish King to approve the May 11, 2017 Quality of Life meeting minutes, seconded by Brandon Stevens. Motion carried unanimously.

IV. Unfinished Business

A. Case Management Strategy – Trish King

Excerpt from May 11, 2017 Quality of Life Meeting: Motion by Trish King for the Governmental Services Division Director and the Comprehensive Health Medical Division Director to work together to identify a team to improve 1) the coordination of care services we already provide 2) customer service and 3) case management, and to bring back to QOL for monthly updates, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from April 27, 2017 OBC FY'17 2nd Quarter Reports Meeting [IV.D.3. Accept Quality of Life Committee FY '17 2nd quarter report]: Motion by Fawn Billie to accept the Quality of Life Committee FY'17 2nd quarter report; and for the next report to include a timeline of Oneida Services for tribal members, seconded by Brandon Stevens. Motion carried unanimously.

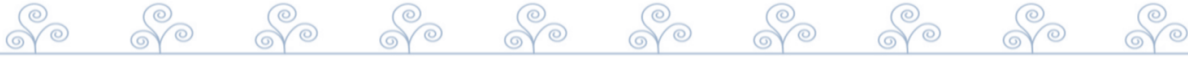
Excerpt from April 20, 2017 Quality of Life Meeting: Motion by Trish King to defer to next month's QOL meeting and invite the GSD Director, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Tehassi Hill to add the Community Health Assessment (CHA) to the May Quality of Life agenda, seconded by Brandon Stevens. Motion carried unanimously.

Note: Agenda item will be renamed "Case Management Strategy"

Excerpt from March 9, 2017 Quality of Life Meeting: Motion by Tehassi Hill to direct the Governmental Services Division Director to provide an update on the services provided and services needed for intake, disability, and/or handicap for the April Quality of Life meeting, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from January 12, 2017 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair request an update from the Governmental Services Director and the Organization Development Specialist for the next QOL meeting, seconded by Trish King. Motion carried unanimously.



Excerpt from December 8, 2016 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair send a memo [for the next BC work meeting; to the OBC and Tracey Cordova with an update from the QOL. Motion carried unanimously.

Excerpt from June 9, 2016 Quality of Life Meeting: Motion by Tehassi Hill to accept the verbal report and come back in 30 days for approval of a universal form, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from May 12, 2016 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair meet with the Law office to draft an universal request form to provide to Social Services for case management and to bring back within 30 days, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Tehassi Hill to request GSD to formulate a referral consent form for the BC and send to the QOL Chair to be placed on the next BC agenda for adoption, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from April 14, 2016 Quality of Life Meeting: Motion by Tehassi Hill to accept the Vice Chair's recommendation and invite Mallory Patten to the next QOL meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Trish King to request QOL Chair Fawn Billie to send a memo to the GSD Director and the Comprehensive Health Medical Division Director to request they bring back a plan of action, with a timeline, for the July 13th Quality of Life meeting, seconded by Brandon Stevens. Motion carried unanimously.

B. Tribal Action Plan – Mandy Schneider

Excerpt from May 11, 2017 Quality of Life Meeting: Motion by Brandon Stevens to accept the verbal update as an FYI, seconded by Trish King. Motion carried unanimously.

Excerpt from April 20, 2017 Quality of Life Meeting: Motion by Trish King to support the TAP Resolution moving forward for BC adoption, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from March 9, 2017 Quality of Life Meeting: Motion by Tehassi Hill to have the Tribal Action Plan (TAP) team bring back a status and needs report to the April 13th Quality of Life meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Trish King to accept the verbal updated and have QOL Chair Fawn Billie's office follow up with the transition team to include a Tribal Action Plan (TAP) update, seconded by Brandon Stevens. Motion carried unanimously.

V. New Business

VI. Reports

A. FY'17 Quarterly Report (Apr – Jun 17)

Motion by Trish King to approve the FY'17 Quarterly Report with corrections, seconded by Brandon Stevens. Motion carried unanimously.

VII. Additions

A. Exercise at Work Update- Tina Jorgenson



Motion by Brandon Stevens to have Tina Jorgenson, Wellness Council, come back in September to the Quality of Life Committee with a Fitbit proposal, seconded by Trish King. Motion carried unanimously.

B. Community Health Assessment (CHA) – Eric Krawczyk

Motion by Brandon Stevens to accept the Community Health Assessment update and to report results at the next QOL meeting in July, seconded by Trish King. Motion carried unanimously.

VIII. Adjourn

Motion by Brandon Stevens to adjourn at 10:35 a.m., seconded by Trish King. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 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 Quality of Life End of Term Report 2014-2017

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, Assistant to Councilwoman Billie
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

See attached.

REQUESTED ACTION

Accept Quality of Life End of Term Report 2014-2017.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Quality of Life

End of Term Report

2014-2017

Purpose

The Quality of Life (QOL) Committee is a standing committee of the Oneida Business Committee that has oversight responsibility of the following areas of the Tribe: Language and Culture, Health, Human Services and Public Safety. This oversight responsibility also extends to any board, committee, or commission related to these specific areas.

2014-2017 Members

- Fawn Billie, Committee Chairperson
- Tehassi Hill, Committee Vice-Chairperson
- Brandon Stevens, Member
- Lisa Summers, Member
- Trish King, Member

The QOL Committee is required by their charter to be comprised of a minimum of four (4) OBC members appointed by the OBC. The remaining five (5) Business Committee members are considered ad hoc members. During the 2014-2017 term, five Business Committee members were active members of the QOL Committee.

Meetings

The QOL's regular meetings are scheduled for the 2nd Thursday of each month. Three members make up a quorum.

The regular August QOL meeting has been cancelled due to the transition meetings occurring at the same time. The next regular meeting is scheduled for Thursday, September 14th at 8:30 a.m. in the Business Committee Executive Conference Room (ECR).

Pending Business

1. Case Management Strategy

Summary:

The QOL Committee discussed how to best coordinate intake client information across various internal departments after receiving a concern regarding a gap in service for disabled tribal members. Through discussions, the QOL Committee determined it would be best to look at this request from an overall case management standpoint that could encompass multiple internal departments.

At the April 27th BC meeting, a motion was made to include a timeline in the next QOL quarterly report. During the 3rd quarter, the QOL Committee did not have the opportunity to confirm a project timeline for the case management strategy with the Division Directors working on this

project. A request was made in the QOL quarterly report to defer the request for a timeline to the QOL's FY2018 1st quarter report; the BC accepted the quarterly report on July 27th. **Status:**

The Governmental Services Division Director and Comprehensive Health Operations Division Director have been actively meeting and are working on identifying a sub-team and putting together a plan of action to present to the QOL Committee.

2. Tribal Action Plan

Summary:

The QOL Committee supported the Tribal Action Plan team in putting together a resolution to prioritize alcohol/substance abuse prevention, intervention and treatment.

Status:

The BC adopted the Tribal Action Plan with BC resolution #05-10-17-C titled "*A resolution authorizing the establishment of a Tribal Coordinating Committee and to Develop and Implement a Tribal Action Plan for a Comprehensive Prevention and Treatment Program for Alcoholism and Other Substance Abuse*".

Core members of the Tribal Action Plan team provided regular updates to the Quality of Life Committee on their progress, including identifying potential members of a Tribal Coordinating Committee and providing the results of the Community Readiness Assessment. The Tribal Action Plan team will provide the details of the assessments for review during the transition meetings.

The QOL Committee discussed options for increasing staff involvement on the Tribal Coordinating Committee; one suggestion was to have the standing Tribal Coordinating Committee meet before or during the first hour of regular QOL meetings.

3. Community Health Assessment

Summary:

A verbal update on the Community Health Assessment was provided at the June 15, 2017, QOL meeting. The assessment is not required but the Tribe has decided to do the assessment again because there is a move towards accreditation.

Status:

The 2017 Oneida Community Health Assessment Survey Highlights were reviewed as accepted as information at the July QOL Committee meeting.

4. Drug Identification Training

Summary:

(1) In September 2016, the QOL Committee and Oneida Diabetes Prevention Program Cooperative Agreement supported a *Drug Identification and Recognition to Support Tribal Justice* training and a *Drug Identification and Recognition Community Awareness* presentation. Several requests were

received requesting the training be offered again so additional departments could be encouraged to attend.

(2) At the May 11, 2017, QOL meeting, the QOL Chair was directed to set up mandatory drug awareness trainings for employees with HRD.

Status:

(1) The *Drug Identification and Recognition to Support Tribal Justice* training will be offered again on August 28th and 29th from 8:00 a.m. – 5:00 p.m. The training will be sponsored by the Quality of Life, Youth Mentorship, and Generation-Indigenous. The daytime training will be geared towards employees. On August 28th at from 6:00 p.m. – 8:00 p.m. a Drug Identification and Recognition Community Awareness Presentation will be given for community members and employees who could not attend the daytime training.

(2) An initial consultation meeting was held with the QOL Chair's Office and the Training and Development Director from HRD. HRD is currently working on two other mandatory trainings for the Driver's Vehicle certification and Violence in the Workplace. In order to reduce costs the requested mandatory drug awareness training could be added to this set of trainings. It has been recommended that Officer L. Hill provide the detailed drug awareness training pertaining to Oneida.

5. Fitbit

Summary:

As part of the Creating Wellness in the Workplace strategy, the QOL Committee requested a proposal from the Wellness Council on the feasibility of a Fitbit program for Nation employees.

Status:

The Wellness Council submitted an informational sheet, webinar, and sample challenges for the September QOL meeting.

Reporting

The next QOL quarterly report is due to the Tribal Secretary's Office by October 17th for the October 26th BC quarterly report meeting. The QOL's report time is 4:00 p.m. on the October 26th.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~07~~/~~26~~/~~17~~ Deferred to 8/9/17 OBC meeting.

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

We request that the BC pass this Resolution in support of the Internal Services Divisions grant application.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The Bureau of Indian Affairs requires a Tribal Resolution granting permission to apply be included with this grant application.

This grant will fund a feasibility study that will investigate the possible uses for the Oneida Nations Free Trade Zone. The overall goal of the project is to determine viable uses that can contribute to the reservations employment base and thereby strengthen Tribal sovereignty.

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Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Leave this line blank

Native American Business Development Institute (NABDI) Feasibility Study

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Nation is committed to the development of employment opportunity for community members living on or near the Oneida Nation reservation; and
- WHEREAS,** The Oneida Nation is committed to economic development as a means of supporting Oneida Tribal sovereignty; and

NOW THEREFORE BE IT RESOLVED, "the Oneida Nation will enter into an agreement with a research institution to conduct a feasibility study regarding the potential development of the Oneida Free Trade Zone as a means of encouraging economic development and job creation on the Oneida Nation reservation."

NOW THEREFORE BE IT RESOLVED, "The Oneida Nation agrees to consider pursuing any opportunity for economic development that is identified by this feasibility study."

NOW THEREFORE BE IT RESOLVED, "The Oneida Nation will adhere to its three bid process to solicit an agency to conduct this feasibility study."

NOW THEREFORE BE IT RESOLVED, "The Oneida Nation recognizing the need for fiscal transparency regarding the use of federal dollars and agrees to make the results of their feasibility study available as required by the Department of the Interior and the Bureau of Indian Affairs."

BE IT FINALLY RESOLVED, "That the Oneida Business Committee authorizes the Internal Services Division to apply for a grant related to the development of the Oneida Free Trade Zone."

GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

Form instructions: Double click on the grey area; a drop down called "form field option box" box will appear. In the "items drop-down list" click on which one you want; then click on the "up" arrow move it to the top and click on ok. In the reporting area: Double click on the box you want to put an "x" in. A "checkbox form field" box will appear, in "under default value" click on "checked" then ok.

PROGRAM INFORMATION

Department: Administration	Division/Non-Division: Internal Services	
Program: Economic development	Program Accountant:	
Person Responsible for proposal development: Joanie Buckley	Phone: 920-496-7425	
Person Responsible for grant administration: Joanie Buckley	Phone: 920-496-7425	
Project Title: Oneida Nation – Economic Development feasibility study project		

GRANT INFORMATION

Name of Funding Source: Depart of the Interior - Bureau of Indian Affairs		Type (pick one): Federal
Title of Grant: Solicitation for Proposals for Funding From the Native American Business Development Institute (NABDI) Feasibility Study Program		CFDA No: 15.133
Application Deadline: August 12, 2017		Grant Amount: \$100,000
Project Period: 12 months	Budget Period: 10-1-2017 to 9-30-2018	Type of Project (pick one): Feasibility Study
Match Requested (% or \$): \$ No		Match Type (pick one): N/A
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes (preferred)		
Will this grant create a: New position No Committee No Commission No Board No		
Will this grant fund an existing position? No Name of Position(s):		
If YES, attach draft job description for all grant funded positions. PLEASE NOTE: Position/employee will be phased out when grant funding ends.		

Project Proposal Summary (must answer all these questions): The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information:

List any capital expenditures (cap ex), technology expenses & CIP purchases (NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.): NONE

Vendors: Verified that Vendors contracted with are NOT suspended/debarred: Yes No NA


*Prior to entering into contracts with vendors, they will be cross referenced at www.sam.gov to ensure the vendors are not suspended or debarred.

Reporting: Quarterly Semi-Annually Yearly Narrative Financial

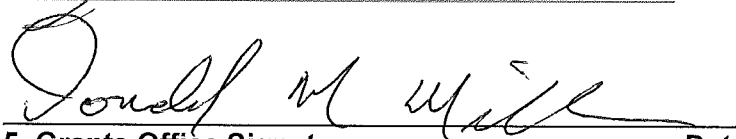
SIGNATURES

Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.

1. Supervisor Signature **Date**
SIGNATURE VERIFIES & APPROVES MATCH

 7/18/17

4. Division/Non-Division Director Signature **Date**
SIGNATURE APPROVES GRANT PROJECT & MATCH



5. Grants Office Signature **Date**
FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 12/19/16

GO-001

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Approve 2017 General Election Final Results report

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.

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ONEIDA NATION 2017 GENERAL ELECTION FINAL REPORT

Racquel Hill, Election Board Chairperson
July 27, 2017

2017 GENERAL ELECTION FINAL REPORT

By the authority and approval of the General Tribal Council per the Oneida Constitution, the Oneida Election Board held the 2017 general election on July 8, 2017, at the Oneida Community Health Center and at the South Eastern Oneida Tribal Services (SEOTS) building in accordance with the Oneida Election Law.

Included in the report are: 1) Narrative; 2) Totals and Demographic Breakdowns 3) Final Election Results; 4) Election Board Meeting/Stipend Info; 5) Total Election Costs; 6) Issues of Grave Concern for Business Committee to Address; and 7) Requested Action.

1. NARRATIVE

The ballot consisted of nominees from the caucus held on Saturday, March 25, 2017 for nominations for the vacant seats of the Oneida Business Committee and other boards, committees and commissions along with those who petitioned to be on the ballot. The primary election was held on Saturday, May 6, 2017. The polls were open from 7 a.m. -7 p.m. for both the primary and general elections. Tentative results were posted for both the primary and general elections on the Oneida Nation website and all prominent locations as defined within the Election Law.

The following individuals were present at the polls for the primary and general elections in their official capacity as required by the Oneida Election Law:

Racquel Hill, Chairperson	Sunshine Wheelock, Secretary
Teresa Schuman, Vice Chairperson	Gina Buenrostro, Member
Vicki Cornelius, Member	Lori Elm, Member
Patricia Moore, Member	Candace House, Member
Tonya Webster, Member	Peril Huff, Alternate
Shannon King, Alternate	Rosa Laster, Alternate
Kelly Danforth, Enrollments	Cheryl Skolaski, Enrollments
Cindy Niesen, Enrollments	Latsi Hill, OPD
Ralph Powless OPD	

After the close of polls, the ballots were transferred without incident to Records Management for retention as defined by the Election Law Section C. Securing Ballots, 2.10-7. These ballots remained available for recount if requested and will be destroyed within thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

A concern was called in by an individual on Friday, July 7, 2017 at approximately 11:35 a.m. regarding ballots that were in boxes at the polling location (OHC Main Conference Room). Chairperson Hill quickly called OHC staff and went to OHC to ascertain that the ballots remained secure. Security informed Chairperson Hill that the room had been locked and he did not have a key to open the door. At the regular meeting of July 7, 2017 at 5:00 p.m., four (4) of the Election Board recounted the ballots & double counted to ensure ballots were not tampered with and all 1,700 were at the polling location. This was confirmed with a double count of the Board members present. Memory cards for the Oneida polling location were then tested and worked correctly in the test run. However, there was a time during the morning of July 8th where there had been some complications with the machine accepting ballots. It was taking a few tries before being accepted. There was no machine at the Milwaukee polling location and tentative results were tallied manually. The Election Board diligently attempted to obtain maintenance service for the AccuVote Tabulator

machine and a rental for the Milwaukee polling location; however, due to the bureaucratic processes to get legal review, BC approval, and appropriate back up for order requisition, the timeliness to get this completed had lapsed. In previous years, this entire process was not necessary. To alleviate this for future elections, the Election Board has budgeted for two (2) new machines to include annual maintenance.

For the primary election Oneida had 716 voted ballots per the AccuVote Tabulator machine, 10 spoiled ballots, and 874 unused ballots totaling 1,600. Milwaukee had 94 voted ballots, 2 spoiled ballot, and 304 unused ballots totaling 400.

There were no ties in either the primary or general election in original tentative results but recount of Gaming Commission of general election resulted in a tie. A Lot Drawing was held on July 26, 2017 to determine the winner, and the winner of the lot drawing was Cristina “Tina” Danforth.

For the general election, the total amount of ballots for both locations were counted and verified at the close of polls. Oneida had 1,462 voted ballots per the AccuVote Tabulator machine, 77 spoiled ballots, and 161 unused ballots totaling 1,700. Milwaukee had 150 voted ballots, 3 spoiled ballots, and 147 unused ballots totaling 300. All ballots are accounted for and secured within the Records Dept.

There were five (5) recount requests received and recounts were conducted in accordance with § 2.11-7 of the Oneida Election Law. Results of recounts as follows:

July 14, 2017 – Business Committee Secretary:

	Debra L. Powless	Lisa M. Summers
Election Day #s	767	766
Recount #s	766	768

July 12, 2017 – Judiciary (Appellate Court Judge):

	Patrica Garvey	Chad Hendricks	Lee Wigg-Ninham	Susan Daniels
Election Day #s	622	620	774	626
Recount #s	614	618	776	626

July 19, 2017 - Gaming Commission:

	Barb Erickson	Larry B. Smith	Michelle Braaten	Cristina Danforth	Melinda J. Danforth
Election #s	109	77	303	540	537
Recount #s	109	78	303	537	537

July 20, 2017 – Business Committee Secretary 2nd Recount:

	Debra L. Powless	Lisa M. Summers
Election Day #s	767	766
Recount 1 #s	766	768
Recount 2 #s	766	768

July 20-21, 2017 Business Committee Council Member:

	David P Jordan (Fleet)	Jennifer "Jenny" Webster	Michael T. Debraska	Kirby W. Metoxen	Dylan Benton
Election #s	701	737	333	950	521
Recount #s	698	733	330	946	508

	Joey E. Powless	Fawn J. Billie	Yvonne C. Metivier	Keith Danforth	Diane Danforth House
Election #s	217	515	272	518	309
Recount #s	210	507	267	509	308

	Ernest Stevens III	Shawn W. Skenandore	John J. Danforth	Daniel Guzman-King	Linda "Buffy" Dallas
Election #s	596	167	239	719	594
Recount #s	596	162	238	717	593

There was an appeal filed (Case No. 17-AC-007). Hearing decision attached. Election Board is deeply concerned with this decision. While the Election Board chose not to request a reconsideration of the above decision so as to not risk having that request affecting the 2017 general election, the Board asked Attorney Michelle Gordon to send a letter to raise concern regarding the failure of due process being offered to the Election Board in this matter.

On May 18, 2017 Cathy Metoxen filed a perfected Notice of Appeal with the Court of Appeals regarding a decision made by the Election Board. The Election Law requires an accelerated schedule. However, an accelerated schedule does not mean not giving the opposing side an opportunity to respond. The Court of Appeals first decides whether or not to accept an appeal. Once it is accepted, the opposing party is granted notice and given the opportunity to respond to the appeal. In this particular case, those assigned to this case made a decision to accept the appeal and ruled on the Notice of Appeal all in the same decision. The Election Board was never given the opportunity to respond to the allegations in Ms. Metoxen's appeal. This, the Board argues, is unfair and not due process to both sides.

Again, while the Board chose not to request a reconsideration of the decision, they asked The Court to please look into the Court of Appeals process if this type of issue should come up in future elections. The Board has not received a response in regards to this to date.

You will read in the hearing decision that statements of the hearing body included the following: included the following statements:

- "As stated above 102.6-4 of the Oneida Election Law states that any person who runs for a position on the Oneida Business Committee shall not run for more than one (1) elective office or seat per election. However, the statute is silent as to whether a person has the opportunity to cure any defects and, if so, how much time is afforded to cure such defects. Furthermore, the statute says nothing about disqualifying a candidate from the election entirely who runs for more than one elective office."
- "Turning to the merits of Metoxen's petition, her appeal is replete with unsubstantiated legal conclusions entitling her to relief. Nor does she plead facts supporting her legal conclusions as required by 805.5-2(c)(3). Simply restating a cause of action is not enough to make a claim that a person is entitled to relief."

- “We also do not hold that a candidate can carelessly follow the requests of the Election Board without penalty. However, in this instance, without more information from the Election Board, Metoxen’s failure to notify the Election Board within the three-day period is not proven as fatal.”

Thus, you can ascertain why the Election Board is deeply concerned with this decision as it is not only setting precedence it is also declaring that the Election Board does not have the authority to disqualify applicants in the election processes. This is also noted in #6 of this report pertaining to issues for the Business Committee to address.

There were three (3) challenges to the election results:

17-TC-044 (Debra Powless v. Oneida 2017 General Election, Oneida Election Board, and Oneida Nation-Oneida Business Committee). The Court entered the following order on July 20, 2017:

1. The Respondent’s motion to dismiss the Oneida Tribal Secretary’s Office from this case and correct the caption of this case to reflect that is granted. The Caption shall read “Debra L. Powless v. Oneida Election Board.
2. The Respondent’s motion to dismiss this case on behalf of the Election Board is granted.

17-TC-045 (Petition/Complaint for Temporary Restraining Order and/or Preliminary Injunction - Bradley Graham v. Oneida Election Board). The Court entered the following order on July 20, 2017:

1. The respondent’s motion to dismiss is denied
2. The Petitioner’s request for a TRO and preliminary injunction is denied.
3. The Petitioner’s request for a new election is denied.

17-AC-010 (Bradley W. Graham v. Oneida Election Board)

Decision issued by Court of Appeals on July 27, 2017:

Based upon the foregoing, the order of the Trial Court, 17-TC-045, dated July 20, 2017 is hereby *affirmed*.

2. TOTALS AND DEMOGRAPHIC INFORMATION

Primary Election Totals:

Number of voters:

Number of spoiled ballots:

Male: 305 Female: 505

Age Groups	18-54	55-64	65-74	75-84	85-94	95+
# of Voters	402	188	140	65	14	1

On reservation - 619

Brown/Outagamie Counties - 90

Milwaukee - 80

State of WI - 13

Out of state – 8

General Election Totals:

Number of voters: 1,612

Number of spoiled ballots: 80

Male: 628 Female: 982

Age Groups	18-54	55-64	65-74	75-84	85-94	95+
# of Voters	836	355	259	127	32	1

Per Cheryl Skolaski, two (2) should be subtracted from general election report as two (2) voters were registered by mistake and can't be removed from the total (One (1) was a 30 year old, address unknown & the other was a 63 year old, on reservation. Total for July was 1,608. Must also add five (5) for Oneida. The sign-in sheets of the Election Board show number of voters signing in as 1,462 while the system the Enrollment Department utilizes showed five (5) less than that.

On reservation – 1,187

Brown/Outagamie Counties - 229

Milwaukee - 122

State of WI - 43

Out of state - 29

Note: Demographic information (prepared by Cheryl Skolaski, Enrollment Department).

3. FINAL GENERAL ELECTION RESULTS

ONEIDA NATION 2017 GENERAL ELECTION – JULY 8, 2017 (WINNERS ARE HIGHLIGHTED)

ONEIDA NATION 2017 GENERAL ELECTION RESULTS				
		Milw	Oneida	TOTAL
	BUSINESS COMMITTEE CHAIRPERSON			
	RON "TEHASSI" HILL	89	878	967
	TERRY R. JORDAN	54	506	560
	BUSINESS COMMITTEE VICE CHAIRPERSON			
	BRANDON L. STEVENS	86	900	986
	CATHY L. METOXEN	54	476	530
	BUSINESS COMMITTEE TREASURER			
	TRISH KING	81	714	795
	WINNIFRED "WINNIE" THOMAS	58	686	744
*	BUSINESS COMMITTEE SECRETARY			
	DEBRA L. POWLESS			766
	LISA M. SUMMERS			768
*	BUSINESS COMMITTEE COUNCIL MEMBERS			
	DAVID P. JORDAN "FLEET"			698
	JENNIFER (JENNY) WEBSTER			733
	MICHAEL T. DEBRASKA			330
	KIRBY W. METOXEN			946

	DYLAN BENTON			508
	JOEY E. POWLESS			210
	FAWN J. BILLIE			507
	YVONNE C. METIVIER			267
	KEITH DANFORTH			509
	DIANE DANFORTH HOUSE			308
	ERNEST STEVENS III			596
	SHAWN W. SKENANDORE			162
	JOHN J. DANFORTH			238
	DANIEL GUZMAN-KING			717
	LINDA "BUFFY" DALLAS			593
*	GAMING COMMISSION			
	BARBARA (JORDAN-DOYEN) ERICKSON			109
	LARRY B. SMITH			78
	MICHELLE (METOXEN) BRAATEN			303
	CRISTINA (TINA) DANFORTH			537
	MELINDA J. DANFORTH			537
*	JUDICIARY - APPELLATE COURT JUDGE			
	PATRICIA M. STEVENS GARVEY			614
	CHAD HENDRICKS			618
	LELAND WIGG-NINHAM (LEE NINHAM)			776
	SUSAN G. DANIELS			626
	JUDICIARY - TRIAL COURT JUDGE			
	JOHN E. POWLESS III	77	862	939
	FLOYD J. HILL II	42	372	414
	JOHN ORIE	17	127	144
	GTC LEGAL ADVOCATE			
	TSYOSLAKE HOUSE	103	978	1081
	WESLEY MARTIN, JR	88	955	1043
	LAND COMMISSION			
	SHERROLE BENTON	50	549	599
	RAE SKENANDORE	77	645	722
	DONALD D. MCLESTER	43	470	513

JULIE BARTON	57	666	723
ISAIAH DOUGLAS SKENANDORE	32	335	367
ED DELGADO	76	494	570
JENNIFER L. HILL	60	649	709
ONEIDA NATION COMMISSION ON AGING			
DELLORA (DODO) CORNELIUS	52	466	518
FRANCES (MECIKALSKI) BRIGHAM	14	124	138
MICHAEL (BLUTO) HILL	15	158	173
DONALD D. MCLESTER	21	329	350
FLORENCE M. PETRI	46	461	507
DOROTHY J. SKENANDORE	57	308	365
CRISTINA (TINA) DANFORTH	78	658	736
WESLEY MARTIN, JR	27	430	457
GENO DANFORTH	41	503	544
RITA M. SUMMERS	31	344	375
TRUST ENROLLMENT COMMITTEE			
ELAINE SKENANDORE-CORNELIUS	65	704	769
KEITH DOXTATOR	61	405	466
BOBBI WEBSTER	60	807	867
GERALDINE R. DANFORTH	62	564	626
LAND CLAIMS COMMISSION			
SHEILA SHAWANOKASIC	63	821	884
THOMAS ESPINOSA	53	336	389
ELECTION BOARD			
MICHAEL E. DENNY	75	588	663
TINA SKENANDORE	76	772	848
PAT LASSILA	59	759	818
CHRISSY LIGGINS	46	772	818
THOMAS ESPINOSA	48	302	350
ADRIAN MATSON	32	315	347
SCHOOL BOARD (PARENT POSITION)			
RHIANNON "RC" METOXEN	95	992	1087
MELINDA J. DANFORTH	105	1051	1156

4. ELECTION BOARD MEETING/STIPEND INFO

	REGULAR	SPECIAL	OTHER
1/19/17 – 7/31/17	21	4	4*

*Other includes: 3/25 Caucus 4/28 Hearing 5/06 Primary 7/08 General election
 $208 \times \$100 = \$20,800 + \$1,755 \text{ (Primary)} + \$1,972.50 \text{ (General)} = \$24,527.50$

5. TOTAL COSTS**Caucus Expenses:**

Printing - \$913.52

Primary Election Expenses:

Ballots & Memory Card - \$ 741.62
 Printing - 1,035.88
 Travel: Gas/Mlg - 550.00
 Hotel - 1,904.00
 Per Diem - 768.00
 Meals - 550.00
 Miscellaneous supplies - 67.63
 Sub-total - \$5,617.13

General Election Expenses:

Psychological testing - \$4,400.00
 Ballots & Memory Card - 2,686.95
 Printing - 867.77
 Travel: Gas/Mlg - 550.00
 Hotel - 1,904.00
 Per Diem - 672.00
 Meals - 550.00
 Miscellaneous supplies - 45.00
 Sub-Total- \$7,275.72

GRAND TOTAL: \$38,333.87

6. ISSUES OF CONCERN FOR BUSINESS COMMITTEE TO ADDRESS

- a) Process to call or e-mail applicants (Reference Election Law 102.6-4) needs to be in an SOP or spelled out in Election Law.
- b) Process if someone doesn't sign for certified letter as the Election Law is silent.
- c) Can hearing section of Election Law include time petitioner has to report to hearing? Also to include only one (1) advocate allowed in hearing and hearings are in executive session.
- d) Per suggestion by Attorney Michelle Gordon, change or remove definition of Conflict of Interest in the Election Law.
- e) For appeals of hearings, number of days to submit are not included in the Election Law.
- f) Enrollment Dept. does not require members to provide proof of residency. The enrollment cards only really identify that they are enrolled members and what they look like. Can the Business Committee address this as the Election Board was of the understanding that because they are government-issued cards that proof of residency was required. Had to attain an alternate proof of residency of all applicants who provided Tribal identification card as original proof.

- g) Due to Judiciary decision re; Case No 17-AC-007; Election Law must address giving Election Board authority to deem applicants ineligible. This issue is of extreme importance to the Election Board. (Decision attached.)
- h) Concern re; monitoring of signage. Should NOT be Election Board's responsibility. Request to strike from Election Law. May be the responsibility of Zoning as campaign signage is also found in the Zoning and Shoreland Protection Ordinance.
- i) 102.11-6 states: The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Respond how? Respond to who?
- j) Contradiction in the Election Law about Recounts.
 - 102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

7. REQUESTED ACTION:

- a) The Election Board hereby respectfully requests the Oneida Business Committee to address the issues of concern listed above.
- b) The Election Board hereby respectfully requests the Oneida Business Committee to comply with the Election Law, 102.11-13. Declaration of Results. The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

June 14, 2017

RECEIVED
JUN 14 2017
ONEIDA LAW OFFICE

Cathy L. Metoxen
W772 County Road EE
DePere, WI 54115

Attorney Michelle Gordon
Oneida Law Office
P.O. Box 109
Oneida, WI 54155

Re: Notice of Entry of Judgment & Decision and Order
Metoxen v. Oneida Election Board, Case # 17-AC-007

Please see the enclosed Notice of Entry of Judgment, as well as the Decision and Order.

If you have any questions, please contact me.

Sincerely,

Tami Hill

Tami Hill
Clerk of Court – Appellate

c: file

Enclosures:

ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

RECEIVED

JUN 14 2017

COURT OF APPEALS

ONEIDA LAW OFFICE

Cathy L. Metoxen,

Appellant,

Case #: 17-AC-007

v.

Date: June 14, 2017

Oneida Election Board,

Respondent.

NOTICE OF ENTRY OF JUDGMENT

A Decision and Order in the above-captioned case was entered on June 14, 2017. A copy of the Decision and Order is attached to this notice.

Dated this 14th day of June, 2017.


 Fami Hill, Clerk of Court - Appellate



ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

COURT OF APPEALS

RECEIVED

JUN 14 2017

Cathy L. Metoxen,

Appellant,

v.

Oneida Election Board,

Respondent.

ONEIDA LAW OFFICE

Case #: 17-AC-007

Date: June 14, 2017

DECISION AND ORDER

This matter has come before Appellate Judges Chad Hendricks, Carole Liggins, pro tempore and Stan Webster, pro tempore. Pursuant to Chapters 801, 801.1-1, 801.1-2, 805.1-1, 805.1-2, and 805.4-1, this appeal was accepted for review by this court.

BACKGROUND

Appellant Cathy L. Metoxen (hereinafter “Metoxen”) appeals a decision of the Oneida Election Board (hereinafter “Election Board”) declaring her ineligible to be placed on the ballot as a candidate for the position of Business Committee Vice-Chairperson. Metoxen submitted applications to run for both the Vice-Chairperson and Trust Enrollment Committee for the Oneida Nation’s General Elections scheduled on July 8, 2017. Chapter 102 of the Oneida Election Law, §102.6-4 states that:

A person that runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

On April 3, 2017, the Election Board took the initiative to place calls to several of the applicants for the Business Committee who were not in compliance with §102.6-4. The applicants were given until 4:30 p.m. on April 6, 2017 to inform the Election Board of which position they wished to be placed on the ballot as a candidate. Metoxen and one other applicant did not respond by the deadline imposed by the Election Board. On April 6, 2017, the Election Board

then made the decision to place another phone call to Metoxen and the other applicant regarding which position they preferred to be placed on the ballot for.

After receiving no response, Metoxen was notified from the Election Board by phone that her failure to respond within the established timeframes made her ineligible as a candidate for the 2017 General Election. Metoxen appealed the Election Board's decision and a hearing was held on April 18, 2017. After the hearing, the Election Board held that because Metoxen had not complied with the provisions of §102.6-4, she was ineligible for placement on the ballot in the 2017 General Election.

Metoxen filed a perfected Notice of Appeal with the Court of Appeals on May 18, 2017, for a judgment directing the Election Board to place her name on the 2017 General Election ballot for the position of Business Committee Vice-Chairperson. After reviewing the Notice of Appeal and the Election Board's decision, there are several questions that remain. Due to the consequences of an accelerated schedule in an appeal from a decision of the Election Board, it is determined that any questions that remain mitigate in favor of Metoxen having her name placed on the ballot as a candidate for Business Committee Vice-Chairperson. The Oneida Judiciary law admonishes the court to apply the rules liberally to ensure “. . . a speedy, fair and inexpensive determination of every appeal.”

ANALYSIS

In its decision, the Election Board concluded that:

[Metoxen] has not complied with the provisions of the Oneida Nation's Election Law, [§]102.6-4. The formal action of the Election Board of April 6, 2017, which has deemed [Metoxen] ineligible for the two (2) positions applied for within the 2017, General Election i.e., Business Committee Vice Chairperson and Trust Enrollment committee is hereby upheld.

As stated above, §102.6-4 of the Oneida Election Law states that any person who runs for a position on the Oneida Business Committee shall not run for more than one (1) elective office or seat per election. However, the statute is silent as to whether a person has the opportunity to cure any defects and, if so, how much time is afforded to cure such defects. Furthermore, the statute says nothing about disqualifying a candidate from the election entirely who runs for more than one elective office.

The Election Board took it upon themselves to place a phone call notifying the candidates who were not in compliance with §102.6-4 that they had *three (3)* days to declare their candidacy, (emphasis added). These actions by the Board, in themselves, are in error with §102.5-6 which provides for only two (2) manners of notice, “certified mail or hand delivery within two (2) business days.” When the three-day deadline had passed, the Election Board then made the decision to place another call to the two candidates, including Metoxen, who did not comply with §102.6-4. While there must be strict compliance with statutory commands in the Election Law, we conclude from the record and the Decision being appealed that the Election Board did not properly apply with the notice provision of §102.5-6 or with the statutory requirements of §102.6-4.

The decision by the Election Board failed to set forth facts in support of their conclusions, particularly as they relate to their decision to declare Metoxen ineligible for candidacy in the 2017 General Election. The Election Board did not address:

1. The process it followed when it arrived at the three-day deadline.
2. Whether all candidates were treated equally.

Turning to the merits of Metoxen’s petition, her appeal is replete with unsubstantiated legal conclusions entitling her to relief. Nor does she plead facts supporting her legal conclusions as required by §805.5-2(c)(3). Simply restating a cause of action is not enough to make a claim that a person is entitled to relief.

Yet despite the flaws in Metoxen’s appeal, the Election Board has provided no basis to disqualify Metoxen under Election Law §102.6-4. There is nothing in §102.6-4 that states a candidate who runs for more than one elective office is disqualified. Furthermore, there is nothing in the statute that states if a person can cure any defects and, if so, how much time a candidate has to cure any defects with exception of the notice provisions referred to above. The Election Board provided no reasoning in its decision as to how it arrived at the three-day deadline to respond. This is not to say the three-day deadline imposed by the Election Board is unreasonable only that it deviates from the requirements of §102.5-6. Finally, this court concludes that the Election Board failed to provide sufficient reasons in its decision as to how it arrived at its determination to disqualify Metoxen.

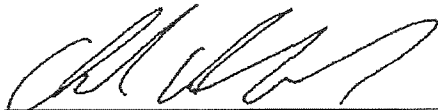
We also do not hold that a candidate can carelessly fail to follow the requests of the Election Board without penalty. However, in this instance, without more information from the Election Board, Metoxen's failure to notify the Election Board within the three-day period is not proven as fatal. Without more information and time, we hereby rule that the most equitable standard to follow is based upon the admonitions of Chapters 801 and 805 of the Oneida Code of Laws: To apply Tribal law, custom, and common sense liberally to ensure speedy, fair, and, inexpensive determination of every appeal.

CONCLUSION

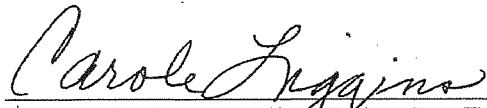
Based upon the foregoing and pursuant to §805.13-1(b), the Court of Appeals hereby VACATES the April 19, 2017 Oneida Election Board Decision and ORDERS the Election Board to place Metoxen on the Oneida General Election ballot as a candidate for the Business Committee Vice-Chairperson.

This Decision and Order is issued pursuant to the authority vested in the Oneida Judiciary, Court of Appeals, Oneida General Tribal Council Resolutions 01-07-13-B and 3-19-17A, and the Oneida Code of Laws, dated this 14th day of June 2017, in the matter of Case No. 17-AC-007, *Cathy L. Metoxen vs. Oneida Election Board*.

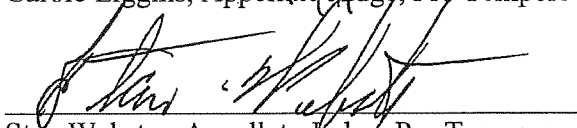
It is so ordered.



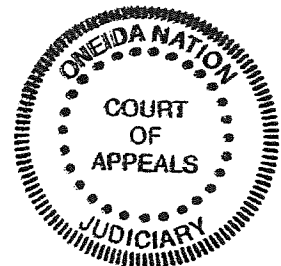
Chad Hendricks, Appellate Judge



Carole Liggins, Appellate Judge, Pro Tempore



Stan Webster, Appellate Judge, Pro Tempore



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 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 an option for distribution of fifty (50) complimentary admission passes for the 5th Annual Horse Relay at Canterbury Park, MN from August 24-26, 2017.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Kathleen M. Metoxen, Records Tech II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

*****BACKGROUND*****

ON July 31, 2017, via mail, the BC Support Office received fifty (50) complimentary admission passes for the 5th Annual Horse Relay at Canterbury Park, MN from August 24-26, 2017. According to the OBC SOP entitled Ticket Distribution, the OBC is requested to choose an option for distribution of the tickets: Random Drawing, First Come/First Serve, or Transfer to Joint Marketing.

EXCERPT FROM OBC SOP ENTITLED TICKET DISTRUBITION:

5.0 RECEIPTING AND PROCESSING TICKETS

5.1 Tickets are received by the Business Committee Support Office (BC Support Office).

5.2 BC Support Office:

5.2.1 Verifies the number of tickets received by double count.

5.2.2 Completes any applicable paperwork indicating receipt of tickets.

5.2.3 Completes applicable spaces on the Ticket Distribution Form. Ticket Distribution Form must include:

5.2.3.1 Description of tickets received

5.2.3.2 Date tickets received by the BC Support Office

5.2.3.3 Source of tickets (i.e. donation, contract, sponsorship)

5.2.3.4 Date tickets disbursed and to whom

5.2.4 Provides copy of Ticket Distribution Form to the Secretary within one (1) business day.

5.3 Secretary adds Ticket Distribution Form to the next Business Committee meeting agenda for the consideration of how tickets will be distributed.

5.3.1 Three options for consideration are:

5.3.1.1 Random drawing

5.3.1.1.1 A random drawing may be considered only if adequate time is available for the notification required in 3.2.

5.3.1.2 First come, first serve

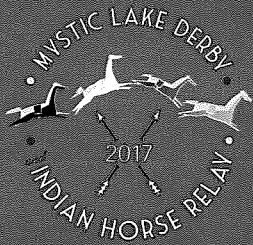
5.3.1.2.1 Eligibility criteria for first come, first serve must be determined by the Business Committee (i.e. Tribal members, employees only, elders age 55 and over)

5.3.1.3 Transfer tickets to Joint Marketing

*****REQUESTED ACTION*****

Approve an option for distribution of fifty (50) complimentary admission passes for the 5th Annual Horse Relay at Canterbury Park, MN from August 24-26, 2017.

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



July 27, 2017

The Shakopee Mdewakanton Sioux Community, along with Mystic Lake Casino Hotel, is pleased to announce the fifth annual Indian Horse Relay. Once again, we will be partnering with Canterbury Park to bring this event to Minnesota August 24 – 26.

The three-day event will feature high-speed bareback races between some of the best Indian Horse Relay teams, represented by Native American tribes from throughout the Upper Midwest. On Thursday and Friday, teams will compete in a pair of exhibition races to determine the field for Saturday's \$50,000 Indian Horse Relay Championship. The Indian Horse Relay races will take place between Canterbury Park's regular thoroughbred races.

Additionally, the Shakopee Mdewakanton Sioux Community and Canterbury Park are hosting an Indian Market all three days, with vendors selling jewelry, handmade crafts, and more. Saturday will also showcase a number of cultural activities, including Native American dance and music, along with the sixth running of the Mystic Lake Derby, which offers the largest purse of the year at Canterbury Park.

Please help us spread the word about this exciting weekend at Canterbury Park. We've enclosed posters with details about the event and included free admission passes for the weekend that you may distribute freely.

We appreciate your support in raising awareness for this truly unique event. We hope to see you at this year's Indian Horse Relay, Indian Market, and Mystic Lake Derby at Canterbury Park.

Sincerely,

Charles R. Vig
SMSC Chairman

Keith B. Anderson
SMSC Vice-Chairman

Freedom Brewer
SMSC Secretary/Treasurer

Randy Sampson
President/CEO Canterbury Park



Oneida Business Committee
TICKET DISTRIBUTION FORM

Page 1 of ____

Description of tickets received: Indian Horse Relay - 5th Annual - Aug 24-26, 2017

Date tickets received by the Business Committee Support Office: July 31, 2017

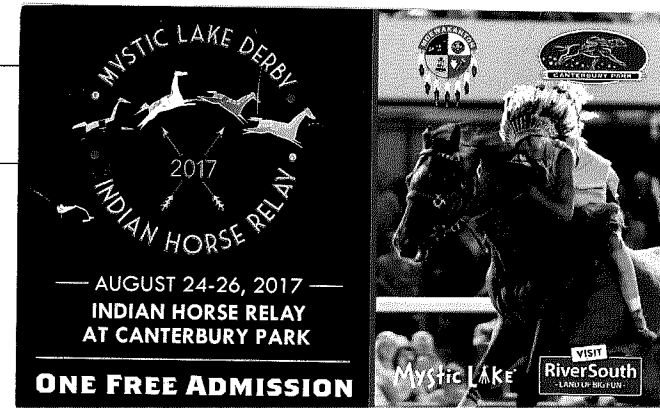
Total number of tickets received: 50

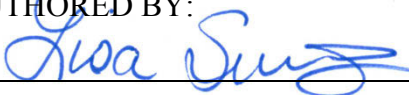
Verified by:	<u>Kathleen M. Metzen</u>	<u>Kathleen M. Metzen</u>	<u>902</u>
	Printed Name	Signature	Employee #

<u>Heather Heuer</u>	<u>Heather Heuer</u>	<u>15718</u>
Printed Name	Signature	Employee #

Source of tickets (i.e. donation, contract sponsorship):

Donation from Shakopee Mdewakanton Sioux Community (SMSC)



ONEIDA TRIBE OF WISCONSIN	TITLE: Ticket Distribution	ORIGINATION DATE: 01/27/2016 REVISION DATE: N/A EFFECTIVE DATE: Upon OBC approval
DEPARTMENT: Oneida Business Committee	APPROVED BY: <i>Oneida Business Committee</i> See Attached OBC meeting minutes	DATE: 01/27/2016
AUTHOR: Lisa Summers, Secretary	AUTHORED BY: 	DATE: 01/27/2016

1.0 PURPOSE

- 1.1 Standardize how tickets are distributed by the Oneida Business Committee

2.0 DEFINITIONS

- 2.1 *Alternate* means an individual who receives tickets in the event a winner refuses or does not claim.
- 2.2 *Packers Ticket Drawing Pool* means those Tribal members who provided the required information by June 30 and is the random drawing pool used for a random drawing of Packers Tickets.
- 2.3 *Random Drawing* means an act of choosing the recipients of tickets.
- 2.4 *Random Drawing Pool* means those Tribal members who are at least eighteen (18) years old on or before the date of the random drawing, for a random drawing for anything other than Packers Tickets.
- 2.5 *Secretary* means the current elected Secretary of the Tribe or his or her designee.

3.0 WORK STANDARD

- 3.1 All tickets will be tracked on a Ticket Distribution Form.
- 3.2 For a random drawing:
- 3.2.1 Notice of random drawing will be provided to the Enrollment Department and the Intergovernmental Affairs and Communications Department no less than five (5) business days prior to drawing.
- 3.2.2 A number of alternates equaling no less than two times the number of winners are selected. Alternates are selected from the same random drawing pool and at the same time as the winners.

- 3.3 Where the dates fall on a Saturday, Sunday, or holiday the deadline shall be construed to be the close of business on the following business day.

4.0 PACKERS TICKETS

- 4.1 In the event Packers Tickets are available for Tribal members, the following timelines and procedure will be followed. This procedure applies only to Packers Tickets for preseason games and regular season games.

June 1

- 4.2 BC Support Office sends a mailing to those Tribal members who are at least eighteen (18) years old on or before July 1.
- 4.3 Mailing includes:
- 4.3.1 Notice that a code of conduct is required in order to accept Packers tickets,
 - 4.3.2 Space for Tribal member to provide the required information:
 - 4.3.2.1 Name,
 - 4.3.2.2 Date of birth,
 - 4.3.2.3 Enrollment number, and
 - 4.3.2.4 Telephone number.
 - 4.3.3 Notice that required information must be returned to the BC Support Office no later than June 30 in order to be included in the Packers Ticket Drawing Pool.

July 1

- 4.4 Packers Ticket Drawing Pool is closed and includes only those Tribal members who returned the required information to the BC Support Office by June 30.
- 4.5 Deadline for Joint Marketing to provide notification to the BC Support Office of Packers Tickets available to Tribal members.

5.0 RECEIPTING AND PROCESSING TICKETS

- 5.1 Tickets are received by the Business Committee Support Office (BC Support Office).
- 5.2 BC Support Office:
- 5.2.1 Verifies the number of tickets received by double count.
 - 5.2.2 Completes any applicable paperwork indicating receipt of tickets.
 - 5.2.3 Completes applicable spaces on the Ticket Distribution Form. Ticket

Distribution Form must include:

- 5.2.3.1 Description of tickets received
 - 5.2.3.2 Date tickets received by the BC Support Office
 - 5.2.3.3 Source of tickets (i.e. donation, contract, sponsorship)
 - 5.2.3.4 Date tickets disbursed and to whom
 - 5.2.4 Provides copy of Ticket Distribution Form to the Secretary within one (1) business day.
- 5.3 Secretary adds Ticket Distribution Form to the next Business Committee meeting agenda for the consideration of how tickets will be distributed.
- 5.3.1 Three options for consideration are:
 - 5.3.1.1 Random drawing
 - 5.3.1.1.1 A random drawing may be considered only if adequate time is available for the notification required in 3.2.
 - 5.3.1.2 First come, first serve
 - 5.3.1.2.1 Eligibility criteria for first come, first serve must be determined by the Business Committee (i.e. Tribal members, employees only, elders age 55 and over)
 - 5.3.1.3 Transfer tickets to Joint Marketing
 - 5.3.2 An E-poll may be used (See OBC SOP titled Conducting Electronic Voting (E-polls)).

6.0 **RANDOM DRAWING**

Prepare for random drawing

- 6.1 BC Support Office provides notice to the Enrollment Department of random drawing. Notice must include:
 - 6.1.1 Date of random drawing.
 - 6.1.2 Time of random drawing.
 - 6.1.3 Number of winners needed.
 - 6.1.4 Number of alternates needed.
 - 6.1.5 Criteria for random drawing pool.
- 6.2 BC Support Office provides notice to the Intergovernmental Affairs and Communications Department of random drawing. Notice must include:
 - 6.2.1 Date of random drawing.
 - 6.2.2 Time of random drawing.
 - 6.2.3 Number of winners that will be drawn.
 - 6.2.4 Date and Time winners may begin to claim their tickets.
 - 6.2.5 Deadline by which winners must claim their tickets.
- 6.3 BC Support Office reserves meeting space to conduct the drawing.

Pre-Drawing Activities

- 6.4 BC Support Office ensures equipment is functional in order for the Enrollment Department staff to complete the random drawing.

Post-Drawing Activities

- 6.5 After random drawing is complete, the Enrollment Department staff provides the winner and alternate information to the BC Support Office. This information includes:
- 6.5.1 Winner/Alternate Names
 - 6.5.2 Winner/Alternate Enrollment Number
 - 6.5.3 Winner/Alternate Address
 - 6.5.4 Winner/Alternate Phone Number
- 6.6 BC Support Office notifies winner by phone.
- 6.6.1 Winner may accept or refuse/decline.
 - 6.6.2 If winner accepts:
 - 6.6.2.1 See 9.0.
 - 6.6.3 If winner declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
 - 6.6.3.1 Alternate is notified.
 - 6.6.3.2 If alternate accepts,
 - 6.6.3.2.1 See 9.0.
 - 6.6.3.3 If alternate declines tickets or cannot be contacted within three (3) business days from the date of the random drawing:
 - 6.6.3.3.1 see 6.6.3.1.

7.0 FIRST COME, FIRST SERVE

- 7.1 BC Support Office provides notice to Intergovernmental Affairs and Communications of ticket availability. Notice must include:
- 7.1.1 Total number of tickets available.
 - 7.1.2 Limit of tickets available per person (i.e. four (4) tickets per person).
 - 7.1.3 Eligibility Criteria determined by the Business Committee in 5.3.1.2.1.
 - 7.1.4 Date and Time tickets may begin to be claimed.
 - 7.1.5 Deadline by which tickets must be claimed.
- 7.2 See 9.0.

8.0 TRANSFER TICKETS TO JOINT MARKETING

- 8.1 BC Support Office:
 - 8.1.1 Contacts Joint Marketing within one (1) business day to arrange transfer of tickets.
 - 8.1.2 Completes Ticket Distribution Form when transfer of tickets is completed.
 - 8.1.3 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

9.0 DISBURSING TICKETS

- 9.1 Recipient signs Acceptance Receipt and code of conduct agreement, if applicable
- 9.2 BC Support Office
 - 9.2.1 Receives acceptance receipt and code of conduct agreement, if applicable.
 - 9.2.2 Updates Ticket Distribution Form.
 - 9.2.3 Disburses tickets.
 - 9.2.3.1 Tickets may be mailed or picked up.
 - 9.2.4 Files Ticket Distribution Form and forwards a copy to the appropriate party/parties as needed or required by contract or policy.

10.0 UNCLAIMED TICKETS

- 10.1 Any tickets that are unclaimed 48 hours prior to the event will be transferred to Joint Marketing.
- 10.2 See 8.0.

11.0 REFERENCES

- 11.1 Conducting Electronic Voting (E-polls) SOP

12.0 FORMS

- 12.1 Ticket Distribution Form
- 12.2 Acceptance Receipt
- 12.3 Code of Conduct

13.0 FLOW CHART

XIII. NEW BUSINESS

- A. Accept request for Business Committee recognition and award of \$500 Exxon/Mobile Alliance Program grant to each six (6) area schools in cooperation with Oneida One Stops and Oneida Travel Center (00:26:00)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Presentation of awards by Michele Doxtator and Angela Parks to Niki Disterhaft (Lannoye Elementary School), Kris Wells (Hillcrest Elementary School), Jamie Kallies (Pioneer Elementary School), Diane Stelmach (Martin Luther King Elementary School), Yvette Peguero (Oneida Nation Elementary School), Sharon Mousseau (Oneida High School).

- B. Approve Ticket Distribution Standard Operating Procedure (4:23:00)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the Ticket Distribution Standard Operating Procedure, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth, David Jordan

- C. Approve request to co-host the 2016 Tri-History Conference on June 13-17, 2016 (00:29:22)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the request to co-host the 2016 Tri-History Conference on June 13-17, 2016, seconded by Fawn Billie. Motion carried with one abstention:

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

XIV. TRAVEL (4:24:32)**A. Travel Reports**

- 1. Accept travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015**

Motion by Lisa Summers to accept the travel report – Councilwoman Jennifer Webster – 2015 National Indian Head Start Directors Association (NIHSDA)/Office of Head Start (OHS) Tribal Leader Consultation – Sacramento, CA – June 15-17, 2015, seconded by Brandon Stevens. Motion carried with one abstention:

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

- 2. Accept travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72nd Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015**

Motion by Fawn Billie to accept the travel reports – Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill – 72nd Annual National Congress of American Indians (NCAI) Conference – San Diego, CA – October 17-24, 2015, seconded by Brandon Stevens. Motion carried with three abstentions:

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 17

2. General Information:

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

[Empty text box]

Agenda Header: New Business - Travel Request ONVAC

Accept as Information only

Action - please describe:

Per Travel Policy more than 3 requesting to attend needs Business Committee approval.

3. Supporting Materials

Report Resolution Contract

Other:

1. Memo - Procedural Exception

3. Resolution 7-22-09B

2. Agenda - Indian Summer

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Jennifer Webster, Council Member

Primary Requestor:

Jim Martin - Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Gerald Cornelius - Vice-Chairman
Name, Title / Dept.

Additional Requestor:

John L. Breuninger - Secretary
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose: Approval to attend Color Guard, Milwaukee WI

Background/history: ONVA has attended the Color Guard in Milwaukee for approximately 20 years.

Section 16-1 of the Travel and Expense Policy

Department will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share pertinent information they have with others from their department,. Special occasions may develop that need a additional personnel from the General Manager, Gaming General Manager , General Manager or Oneida Business Committee is needed, wit

Action Requested: Approval for ~~procedural exception~~ travel request in accordance with Travel & Expense Policy

:

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

Oneida Nation
Oneida Veteran Affairs Committee
134 Riverdale Dr.
Oneida, WI 54155



James Martin –Chairman
Gerald Cornelius – Vice Chairman
John L. Breuninger - Secretary
Arthur Cornelius
Floyd J. Hill
Kenneth House
Benjamin Skenandore
Nathan Smith
Carol Silva

Kerry Metoxen – Veterans Director
Jennifer Webster – Liaison

MEMO TO: Oneida Business Committee

FROM: James Martin, Chairman *JM*

DATE: 25 July 2017

SUBJ: ~~Procedural Exception~~ Request for Color Guard

approval for travel in accordance with Travel & Expense Policy

Purpose of travel: ONVAC is requesting ~~procedural exception~~ for five ONVAC members to travel to Milwaukee WI, Indian Summer Festival for September 8th, 9th, and 10th 2017.

The ONVAC has remained within its budget, and this travel is included in the 2017 budget.

Cost for travel:

Hotel: 2 nights at \$250.92 times 5 rooms at a cost of \$1,254.60
Per Diem: 2 days at \$48.00 times 5 members at a cost of \$480.00
1 days at \$64.00 times 5 members at a cost of \$320.00
Mileage: 260 miles roundtrip \$139.10 times 5 members at a cost of \$695.50

Total Request: \$2,750.10

We thank you for your consideration to support the Veterans travel request.

July 5, 2017

To: Oneida Nation Color Guard
Oneida Nation Veterans Department
Oneida, WI.

Fr: Indian Summer Festival Veterans Program
Milwaukee, WI.

Subj: Request for Oneida Nation Color Guard and Veterans Department Support

The Indian Summer Festival Board and Organization would like to invite your Color Guard and Veterans Department to the Indian Summer Festival in Milwaukee, Wi., on September 8, 9, & 10, 2017.

We appreciate your support and attendance at our event. If you have any questions, please contact Nate Nez, our Indian Summer Festival Board member and Veterans Coordinator.

You can reach him at 715-820-2121 (cell or text) or by email at Nnate643@gmail.com to coordinate activities.

Thank you in advance for your support.

Indian Summer Festival Veterans Coordinator, Nate Nez
Indian Summer Festival Board Members

Cc: Nate Nez
715-820-2121
Nnate643@gmail.com



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

Resolution # 07-22-09-B

Oneida Nation Veterans Affairs Committee

Paid Time For Selected Color Guard Members Who Are Employees

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

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

WHEREAS, Oneida Tribal veteran employees support numerous government to government functions, dedications, flag raisings, color guard duties, funerals and other ceremonial events, and

WHEREAS, from time to time Oneida veterans (four members for color guard) are called to perform these functions nationwide, (i.e. NCAI and other National Conferences), and are officially represented by the Oneida Nation Veterans Affairs Committee (ONVAC) and

WHEREAS, it is desired and encouraged that veterans attend and participate in events that are approved by the Oneida Veterans Office, and

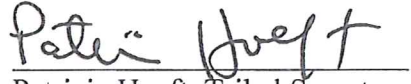
WHEREAS, the Oneida Tribe has committed a budget for travel and per diem for special events through the Oneida Nation Veterans Service Office, and

BE IT RESOLVED, that officially selected veterans who are employed by the Oneida Tribe of Indians of Wisconsin be allowed to participate in funeral honors and special events with pay as official tribal representatives without loss of vacation and/or personal time, and

BE IT FURTHER RESOLVED, that veterans make timely arrangements with their supervisor to attend these events, and that all supervisors are authorized to accommodate such request, citing this resolution as authority.

ONEIDA BUSINESS COMMITTEE CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 constitute a quorum. 6 members were present at a regular meeting duly called, noticed, and held on 22nd day of July 2009; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, 0 members abstaining; and that said resolution has not been amended or rescinded in any way.



Patricia Hoeft, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."



Language is Culture



Robert Uecke

Indian Summer FESTIVAL

The **largest Native American festival** of its kind in the country, offers family fun and unique entertainment and experiences highlighting traditional and contemporary American Indian culture.

SEPTEMBER 8-10, 2017

Summerfest Grounds on Milwaukee's Beautiful Lakefront

- | | | | | |
|------------------------|--------------------------------------|-----------------------------------|-------------------|-------------------------------------|
| 2017 HIGHLIGHTS | - Brulé | - Living Cultures of the Woodland | - Genealogy | - Indian Summer Music Awards (ISMA) |
| | - Multi ethnic Drum Jam | - Boxing | - Lacrosse | - Education Day Friday |
| | - Living Cultures of the Great Lakes | - Circle of Art | - Marketplace | - Prayer Ceremony |
| | | | - Contest Pow Wow | |

For current information, check indiansummer.org

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 08 / 09 / 17 e-poll requested

2. General Information:

Event Name: 2017 Bemidji Area Partnership for Family Wellness Conference

Event Location: New Buffalo, MI Attendee(s): To be determined

Departure Date: Sep 11, 2017 Attendee(s): To be determined

Return Date: Sep 15, 2017 Attendee(s): To be determined

3. Budget Information:

- Funds available in individual travel budget(s)
 Unbudgeted
 Grant Funded or Reimbursed

Cost Estimate: \$ 665.00/traveler

Registration: unknown

Mileage/Fuel Allowance: \$50

Per Diem: \$54/full day

Hotel: \$93/night by Aug. 21

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onnyote?a-ka Principles Creating a Positive Organizational Culture
 Committing to Building a Responsible Nation Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

This three-day conference will bring together a dynamic partnership around family wellness. Federal, State, Tribal and Urban programs will be on site to provide training, information and resources for culturally informed strategies that focus on building and sustaining family wellness. Tribes will be provided training and support to develop their Tribal Action Plan geared towards capacity building. Special emphasis will focus on program sustainability by engaging technology, business practices and revenue enhancement.

5. Submission

Sponsor: Melinda J. Danforth, Tribal Vice Chairwoman

- 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

Subject: FW: Bemidji Area Partnership for Family Wellness conference save the date.

From: Poole, Chris A (IHS/BEM) <Chris.Poole@ihs.gov>

Sent: Friday, July 14, 2017 5:25 PM

Subject: Bemidji Area Partnership for Family Wellness conference save the date.

SAVE THE DATE

September 12-14, 2017



Four Winds Casino Resort New Buffalo, MI

This three-day conference will bring together a dynamic partnership around family wellness. Federal, State, Tribal and Urban programs will be on site to provide training, information and resources for culturally informed strategies that focus on building and sustaining family wellness. Tribes will be provided training and support to develop their Tribal Action Plan geared towards capacity building. Special emphasis will focus on program sustainability by engaging technology, business practices and revenue enhancement.

Conference Registration: <https://www.surveymonkey.com/r/2017partnershipforfamilywellness>

For more information about this conference, contact: chris.poole@ihs.gov

Reservations can be made by calling 1-866-4WINDS1 (494-6371). The room rate is \$93/night. Use the group code 0917GLATHB. This group rate will be good until August 21st, 2017 (8/21/17).

Item deleted at adoption of the agenda.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept travel report - Secretary Lisa Summers - Tribal Consultation Wisconsin Department of Corrections - Hayward, WI - May 8-9, 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: Submitted by: 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:	Tribal Consultation with WI Department of Corrections		
Travel Location:	Hayward, WI		
Departure Date:	05/08/2017	Return Date:	05/09/2017
Projected Cost:	\$345.07	Actual Cost:	\$345.07
Date Travel was Approved by OBC:	04/12/2017		

Narrative/Background:

This travel was the annual consultation session with the State of Wisconsin's Department of Corrections. Below are some key points of discussion that took place with the state representatives who were present during the consultation:

Jon Litscher - Secretary, WI DOC

- Continue to work w/tribal nations regarding reentry and individuals to come back to each nation's respective community. Goal continues to be to work with the individual for them to return ready to be a functioning member of the community and be positioned better than when they left,
- Let the tribes know about the data dashboard that is now available (e.g. to complete research information for grants, etc.)

Sylvia Jackson - Reentry Director, WI DOC

- Went over the outline for the reentry presentation provided: Begins at "prerelease", uses the COMPAS tool, reentry is using evidence-based practices,
- Substance Abuse and Mental Health Services Administration (SAMHSA Group)
- OARS (Opening Avenues to Reentry Success)
 - Assists individuals who are severely mentally ill, at high risk to reoffend, returned to 1 of 37 counties
 - Address each individual's needs (like a wraparound program)
 - Program is voluntary (the individual has to want it)
 - Cost is just over \$16,000/person
- Application for BadgerCare workers are done via phone interview

- Free of charge to the inmate
- Call to one of the 11 consortium network programs
- \$660,000 in budget for expand the services
 - Also continue to look at cost savings by supporting this effort - it does costs less for an individual to be invested on the front end, than be supported by state tax payer dollars in the system
- COMPAS has been used by state of WI for the past 6 years
 - Shared across at 72 counties
 - 3 levels of risk
 - General risk, Violent risk, Pretrial risk (how likely will individual abscond from trial)
 - Looks at criminogenic needs, including an automated case plan, etc.
 - Opportunity for tribes to use the COMPAS system (ho-chunk is already using)
 - Training is a 2 day training; offered in Madison (if numbers justify, will do a local)
- Ho-Chunk project:
 - Treatment alternative diversion (program w/Jackson Co.) and a CJCC Coordinator;

Cari Taylor - Assistant Administrator, Division of Community Corrections, WI DOC

- FY'16 - 67,000 people on supervision
 - 21,000 have a misdemeanor or other
 - Disproportionate minority confinement
- Working on the evaluation of performance-based standards (7 areas) - Lincoln Hills & Copper Lake institutions
 - Reduction of confinement, Reduction of OC, Reduction of mechanical restraints
- AODA programming is expanding the earned release program (hopefully expanding w/additional money in gov. budget)
- The copy for adult institutions report is on the DOC website: updated as of this year so far which can be referenced by the Nations.

Item(s) Requiring Attention:

- Continued monitoring of re-entry gap
- Continue to assign BC member to the Inter-Tribal Criminal Justice Coordinating Council to assist with on-going work with state Department of Corrections

Requested Action:

1. Accept the travel report

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Travel Report

[Text box containing "Travel Report"]

Accept as Information only

Action - please describe:

1. Accept travel report - Secretary Lisa Summers and Councilwoman Jennifer Webster - 31st Annual Wisconsin Indian Education Association (WIEA) Conference - Minocqua, WI - May 11-14, 2017
2. Assign the identified items to the appropriate areas/offices

3. Supporting Materials

Report Resolution Contract

Other:

1. WI Act 31 Celebration - Save the Date 3. [Empty text box]
2. [Empty text box] 4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jennifer Webster, Council Member
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for:	Lisa Summers	Jennifer Webster
Travel Event:	31 st Annual Wisconsin Indian Education Association (WIEA) Conference	
Travel Location:	Minocqua, WI	
Departure Date:	05/11/2017	Return Date: 05/14/2017
Projected Cost:	LS - \$684.11 JW - \$348.49	Actual Cost: LS - \$647.49 JW - not filed
Date Travel was Approved by OBC:	02/08/2017	

Narrative/Background:

This travel was completed as part of the Nation's ongoing effort to support Native education in the state of WI. Over the past year, the state/tribal relations committee has been revisiting Indian education issues within the state; specifically with a focus on ensuring Act 31 is being implemented properly.

Brian Jackson, who is the WIEA President, has been providing presentations on the issues to the many tribes in WI through various group venues, including the tribal caucus and Great Lakes Inter-Tribal Council. Mr. Jackson has stressed the urgent need for tribes in WI to support WIEA and have a presence throughout the year and at the annual conference and annual ACT 31 recognition.

Finally, Councilwoman Jennifer Webster and I both attended the recognition banquet for students, educators and parents who provided "above and beyond" service or excelled academically.

Item(s) Requiring Attention:

- Continued participation with Wisconsin Indian Education Association and advocacy of Indian education needs in the state of WI.
- Would like the BC to fully explore the opportunity of an immersion program which can be administered through Menominee or LCO.

- Participate in the ACT 31 celebration on Thursday, August 17, 2017 at 4:30 p.m.

Requested Action:

1. Accept the travel report; and
2. Assign the identified items to the appropriate areas/offices.

Celebrate 28 years of Wisconsin Act 31 with us!

- Activities
- Feast/Dinner
- Speakers

Wisconsin Act 31 is a state law requiring all public school districts and pre-service teacher programs to provide instruction on the history, culture, and tribal sovereignty of the American Indian nations and tribal communities in the state of Wisconsin.

Save the Date

Thursday,
August 17, 2017
4:30 pm - 8:30 pm



Sponsored by:

- Menominee Indian Tribe of Wisconsin
- Wisconsin Indian Education Association

Location:

Menominee Casino Resort
N277 Hwy. 47/55
Keshena, WI 54135
Phone: 800-343-7778
info@menomineeresortcasino.com

Contact:

Shannon Chapman
Education Director
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI 54135
715-799-5110
715-799-5102 Fax
smchapman@mitw.org

Agenda and additional details to follow

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 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:

1. Accept travel report - Secretary Lisa Summers, Councilwoman Jennifer Webster, and Councilman Tehassi Hill - National Congress of American Indians (NCAI) Mid-year Conference - Uncasville, CT - June 11-15, 2017
2. Defer the two identified items to Inter-governmental Affairs & Communication for monitoring and assistance where needed

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: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jennifer Webster, Council Member
Name, Title / Dept.

Additional Requestor: Tehassi Hill, Council Member
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for:	Lisa Summers	Jennifer Webster
	Ron "Tehassi" Hill, Jr.	
Travel Event:	National Congress of American Indians - Mid-year Conference	
Travel Location:	Uncasville, CT	
Departure Date:	06/11/2017	Return Date: 06/15/2017
	LS - \$2,101.60	LS - \$2,108.64
	TH - \$ 2,127.60	TH - \$ 2,141.64
Projected Cost:	JW - \$2,391.00	Actual Cost: JW - not filed
Date Travel was Approved by OBC:	04/26/2017	

Narrative/Background:

This travel was to attend the annual National Congress of American Indian (NCAI) mid-year convention. Specific sessions include topics about Health, Land into Trust, Agriculture, Dept. of Interior Reorganization, Tax Credits, Family and Children Services, Tribal Justice Support, an update on Supreme Court projects and Education. A primary update needed and obtained was logistics for the next convention which will be held in Milwaukee, WI. Oct. 15 - 20.

Regarding the Department of Interior reorganization, Associate Deputy Secretary Jim Cason was available to take in comments. Primarily the Nations expressed concerns about not having any real solid information to provide feedback from. This is an area that may impact land into trust processing and should continue to be monitored by Inter-governmental Affairs & Communications (IGAC).

As one of the 11 host Nations, it is important that Oneida be included in the planning and welcoming of Nations from across the country for this event. Rodger Rader - Councilmember from the Pokagon Band of Potawatomi is the Mid-West delegate, and because Oneida has preplanned for this event, I let him know that Oneida would be prepared to have team members available to assist if needed. The recommendation is to give this task to IGAC to be the lead on Oneida's behalf, and also designation up

to three OBC member to work with IGAC. Potawatomi and Ho-Chunk will also be assisting as needed. I have reached out to Councilman Rader's office to ensure we are beginning to make the proper connections with the planning/host committee and will provide that information to IGAC.

Item(s) Requiring Attention:

- Continued monitoring of the Department of Interior reorganization efforts;
- Assisting with the annual convention in Milwaukee October 15-20 as one of the 11 hosting Nations in Wisconsin

Requested Action:

1. Accept the travel report; and
2. Defer the two identified items to Inter-governmental Affairs & Communication for monitoring and assistance where needed.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept travel report - Secretary Lisa Summers and Councilwoman Fawn Billie - North American Indigenous Games 2017 - Toronto, ON Canada - July 14-23, 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: Submitted by: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Billie, Council Member
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for:	Lisa Summers	Fawn Billie
Travel Event:	North American Indigenous Games 2017	
Travel Location:	Toronto, Ontario Canada	
Departure Date:	07/14/2017	Return Date: 07/23/2017
Projected Cost:	\$0	Actual Cost: \$0
Date Travel was Approved by OBC:	07/12/2017	

Narrative/Background:

I and Councilwoman Fawn Billie attended the North American Indigenous Games (NAIG). This event is held every three years and is an athletic competition between native nations located throughout North America. The Canadian government has recognized the importance of youth development through sports and the need for native youth to network and build long-lasting relationships while honing athletic abilities and developing leadership skills.

Through Canada's study, commitment and now action plan(s) to remedying hundreds of years of abuses suffered by indigenous peoples, the NAIG will be an international event that can be built upon to continue providing a venue for youth growth and development. Attached is the Canadian government's full report and #88 is the specific reference to the NAIG, which states:

"We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel."

An initial debrief of the week's events has already taken place with Oneida's organizers who are the staff of Oneida Fitness and Recreation - a full debrief is being scheduled which will include all coaches, staff and chaperones. Lastly, Oneida's athletes were recognized at the Oneida Business Committee meeting on July 26, 2017 and team Wisconsin came home with over 50 medals in swimming, archery, golf, softball, basketball and volleyball.

Item(s) Requiring Attention:

- Oneida may want to consider providing a similar proclamation which identifies the benefits of youth development through sports.
 - This may assist in continued fundraising efforts of non-profit entities or the recently approved and implemented 7871 board as Oneida strives to ensure meaningful mechanism are in place for youth development.

Requested Action:

1. Accept the travel report as information.





Truth and
Reconciliation
Commission of Canada

Truth and Reconciliation Commission of Canada: Calls to Action



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2015

Truth and Reconciliation Commission of Canada, 2012

1500-360 Main Street

Winnipeg, Manitoba

R3C 3Z3

Telephone: (204) 984-5885

Toll Free: 1-888-872-5554 (1-888-TRC-5554)

Fax: (204) 984-5915

E-mail: info@trc.ca

Website: www.trc.ca

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

CHILD WELFARE

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and
 - publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

EDUCATION

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

2 | Truth and Reconciliation Commission of Canada

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.
9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving education attainment levels and success rates.
 - iii. Developing culturally appropriate curricula.
 - iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.
 - v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.
 - vi. Enabling parents to fully participate in the education of their children.
 - vii. Respecting and honouring Treaty relationships.
11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.
12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

LANGUAGE AND CULTURE

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
 - i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
 - ii. Aboriginal language rights are reinforced by the Treaties.
 - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
 - iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
 - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.
16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.
17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

HEALTH

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.
19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.
21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
 - ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.
 - iii. Provide cultural competency training for all health-care professionals.
24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

JUSTICE

25. We call upon the federal government to establish a written policy that reaffirms the independence of the

Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

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33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.
34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
- i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
 - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
 - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
 - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.
35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.
36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.
37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.
40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.
41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
- i. Investigation into missing and murdered Aboriginal women and girls.
 - ii. Links to the intergenerational legacy of residential schools.
42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

CANADIAN GOVERNMENTS AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

ROYAL PROCLAMATION AND COVENANT OF RECONCILIATION

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
 - ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.
46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:
- i. Reaffirmation of the parties' commitment to reconciliation.
 - ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
 - iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.
 - iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
 - v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.
 - vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

SETTLEMENT AGREEMENT PARTIES AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:
- i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.
49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

EQUITY FOR ABORIGINAL PEOPLE IN THE LEGAL SYSTEM

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

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understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.
52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:
 - i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.
 - ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

NATIONAL COUNCIL FOR RECONCILIATION

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:
 - i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.
 - ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.
 - iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.
55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:
 - i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.
 - ii. Comparative funding for the education of First Nations children on and off reserves.
 - iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.
 - iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.
 - v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.
 - vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.
 - vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.
56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR PUBLIC SERVANTS

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

CHURCH APOLOGIES AND RECONCILIATION

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.
59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.
60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.
61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:
- i. Community-controlled healing and reconciliation projects.

- ii. Community-controlled culture- and language-revitalization projects.
- iii. Community-controlled education and relationship-building projects.
- iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

EDUCATION FOR RECONCILIATION

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:
- i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.
 - ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.
 - iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.
 - iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.
63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:
- i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.
 - ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.
 - iii. Building student capacity for intercultural understanding, empathy, and mutual respect.
 - iv. Identifying teacher-training needs relating to the above.
64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

YOUTH PROGRAMS

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

MUSEUMS AND ARCHIVES

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.
68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.
69. We call upon Library and Archives Canada to:
- i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
 - ii. Ensure that its record holdings related to residential schools are accessible to the public.
 - iii. Commit more resources to its public education materials and programming on residential schools.
70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orientlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

MISSING CHILDREN AND BURIAL INFORMATION

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.
72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.
73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.
74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.
75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:
- i. The Aboriginal community most affected shall lead the development of such strategies.
 - ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
 - iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.
78. We call upon the Government of Canada to commit to making a funding contribution of \$10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

COMMEMORATION

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:
- i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
 - ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

- iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.
81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.
82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.
83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

MEDIA AND RECONCILIATION

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:
- i. Increasing Aboriginal programming, including Aboriginal-language speakers.
 - ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.
 - iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:
- i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.
 - ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.
86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

SPORTS AND RECONCILIATION

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.
88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.
89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.
90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:
- i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse

cultures and traditional sporting activities of Aboriginal peoples.

- ii. An elite athlete development program for Aboriginal athletes.
 - iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
 - iv. Anti-racism awareness and training programs.
91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

BUSINESS AND RECONCILIATION

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
- i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
 - ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
 - iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

NEWCOMERS TO CANADA

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Truth and Reconciliation Commission of Canada

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 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"/>	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: _____
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:

Environmental Health & Safety Division 3rd Quarter Report.

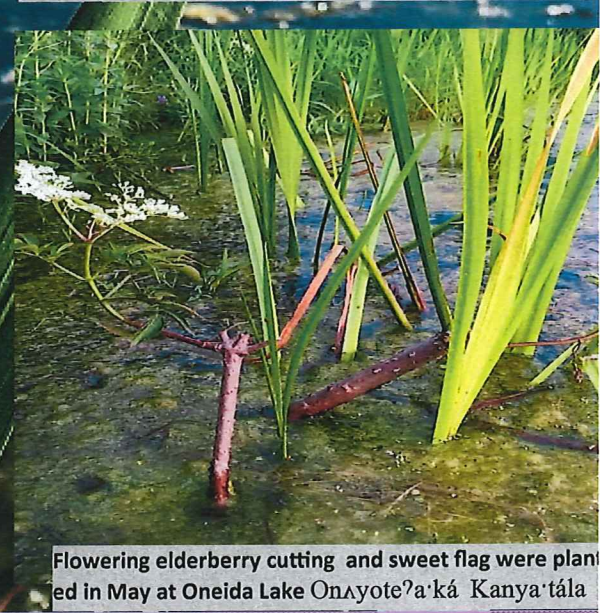
1) Save a copy of this form for your records.

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



Torpedo shovels borrowed from Conservation were used to create an opening in the muck for local youth and EHSD staff to plant culturally significant plants at Oneida Lake.



Flowering elderberry cutting and sweet flag were planted in May at Oneida Lake Onlayote?a'ká Kanya'tála

Note the similarity between the leaves of sweet flag (right) and this blue flag iris (above), photographed on the shore of Quarry Lake. The leaf of the Sweet flag, also known as bitterroot, has a very distinctive smell, always be mindful of look-alikes when harvesting wild plants.

FY2017

Third Quarter Report

Oneida Environmental, Health, and Safety Division

August 1, 2017



ONEIDA

A good mind. A good heart. A strong fire.

Overall Impressions of the Third Quarter

In the third quarter of FY2017, EHSD was very busy as monitoring and peak community outreach seasons began. We are finishing up on planning for two very important projects. Our second phase of the design for construction for Oneida Lake is near completion. We are in the process of submitting this for grant consideration. The second project is starting the construction phase for our Solar Deployment Projects. We are very excited about seeing these two large multi-projects developed and they are the largest ones we have undertaken as a Division. We are getting help from Development Division, ERB, DPW, DOLM and the Finance Area.

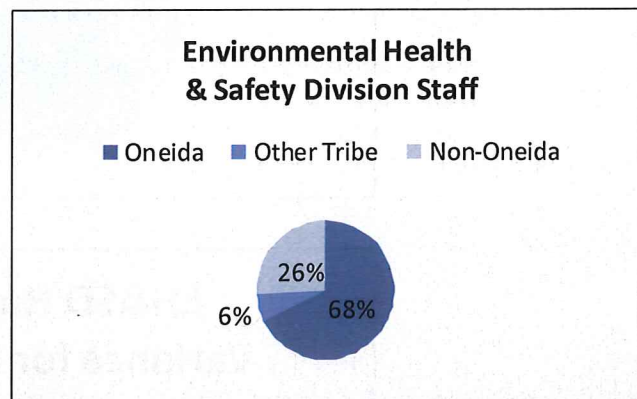
<p>An engaged community</p>	<p>The 1st Garlic Mustard (invasive plant) pull event took place in Oneida where hundreds of pounds of an invasive species was removed with the help of 16 community members. Water Resource Team committed to providing at least one article each month as part of the Environmental page in Kalihwisaks. This is an important way to keep the community informed of our activities and also to open dialogue regarding current issues. On May 31, Oneida youth from the Wise Women Gathering Place programs gathered at Oneida Lake to plant onulu (Sweet Flag) and ala'sék (Elderberry). Staff taught worm composting to ONES kindergarten and first grade classes and equipped their classrooms with worm bins during Culture Days.</p>
<p>Accountable & effective government</p>	<p>Presented at conferences and meetings highlighting the great work that Oneida's Environmental Health & Safety staff accomplish using grant funds. Continuing work on rewriting the Recycle and Solid Waste Law. Enhancing data management systems to demonstrate accountability and effectiveness of service delivery.</p>
<p>Leaders who promote positive social change</p>	<p>Provide training to Tribal Electricians to work on O&M for energy projects. Promote energy efficiency and renewable energy as a means to provide a clean energy future. The Oneida Nation continues to be viewed a leader in underground storage tank compliance assistance, environmental response program development and environmental data management. This is demonstrated by the number of times we are asked to present at national conferences about these activities</p>
<p>Living a good mind, Ka?nikuh·liyo</p>	<p>Going to conferences helped newer staff to gain new insights and ideas about how to manage water quality and also better engage the community.</p>
<p>Volunteerism</p>	<p>Two Adopt A Highway clean up's in Oneida took place in the 3rd quarter and the Garlic Mustard Pull gave community members a chance to practice volunteerism. Youth volunteers via Outagamie County's Youth and Family Services program assisted with cultural plants garden clean up weekly over the summer months. EHSD staff volunteered several hours of time to help Tsyunhehkwa meet it commitments to the community, to assist the Oneida White Corn Growers Group, and Volunteered hours at the Aquaponics Greenhouse</p>

<p>Long term sustainability plans</p>	<p>Long-term sustainability of natural resources depends upon wise use and ultimately, valuing of resource by the community. All outreach events build community appreciation of Oneida natural areas and waters. By implementing managed grazing, we are working with farmers to produce a healthier food source while also reducing sediment and nutrient runoff into the surface waters of the reservation. Planting culturally significant plants along the shoreline of Oneida Lake in addition to medicinal and cultural values, adds an ecological benefit. Non-native, invasive plants like giant phragmites and purple loosestrife thrive in areas that have been disturbed (like the shores of the new lake), but can barely get a foothold where the native plant community is healthy and intact. Project planning of the 420 acre restoration and the many other GLRI and BIA funded projects will help build a resilient ecosystem, especially in light of climate change .</p>
<p>Create economic systems</p>	<p>Installing a fence around agricultural fields will allow the cattle to graze more fields creating lower cost farming opportunities though rotational grazing. Developing the solar deployment project as a revenue generator through savings; funds redirected to future energy work . Applying for grants helps fund staff and lowers Tribal contribution to Division’s budget.</p>

Personnel

Time-Off Accrual Management

We have 9 employees over the 200 hours for vacation and personal time accruals. These employees are encouraged to take time off monthly by their supervisor and to review their hours on the Employee Self Services computer site

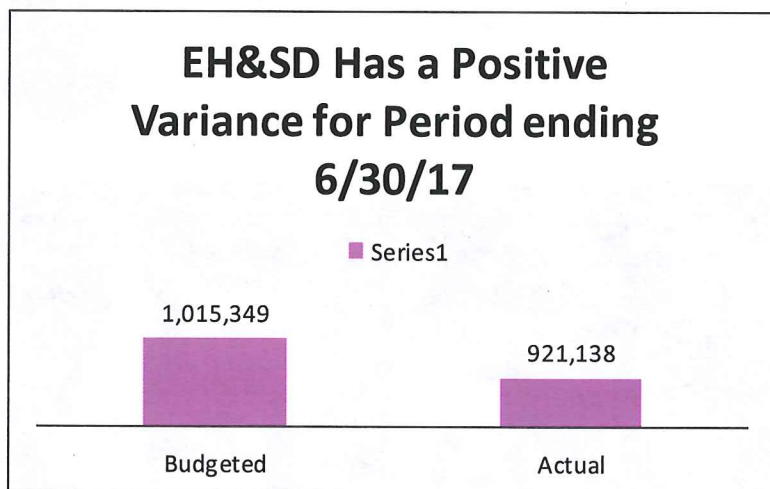
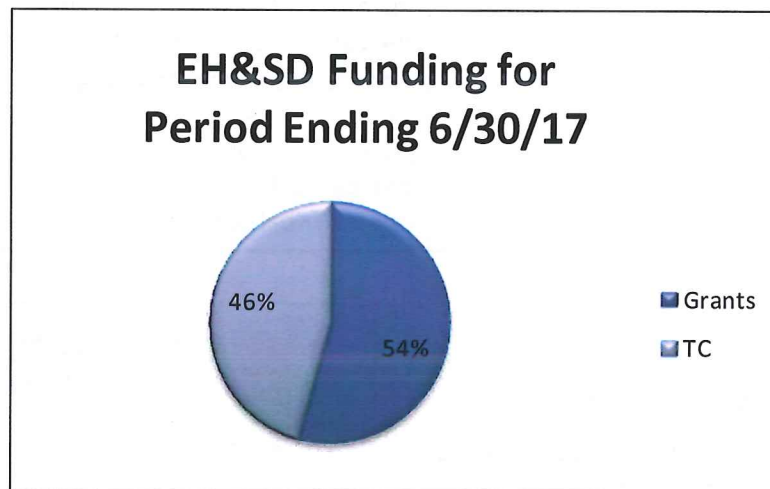


The EH & S Division hosted the annual Oneida Youth and Elder fishing day was held on Saturday, May 20th and attended by 100 community members. Trout were stocked in Osnuhsa Lake prior to the event with the help of US Fish & Wildlife Service.



Grants Applied for or Received in the Third Quarter		
Agency	Activities	Amount
BIA , EPA	Water Team was awarded three grants during this period 1. Bioassessment, 2. Study and improve brook trout habitat in Lancaster system 3. Fund our Water Quality Monitoring Program and salaries	\$10,000 \$10,000 \$155,000
BIA	Set up a managed grazing and learning center on the reservation that serves Tribes in Wisconsin and farmers in NE Wisconsin who are interested in grazing	\$416,000.00
GLC	To do enhanced nutrient management on all tribal farm lands.	\$125,000
WDNR	Summer Tribal Youth Program hired 4 Oneida Youth summer workers	\$21,262
Public service commission of Wi	Used to support the Solar Deployment Project. Used for professional services, equipment, and training. Will support a regional solar training opportunity for Midwest Tribes.	\$23,000

Budget Update



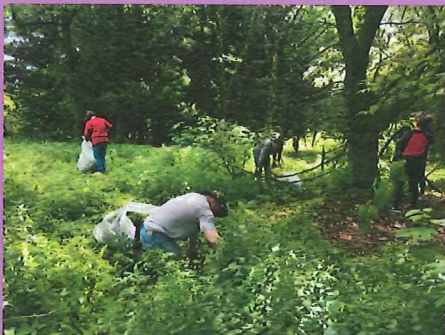
Travel & Training

EH&S Division Travel for 3rd Quarter

Staff	Event	Location	Cost	Funding
Environmental Specialist	2017 Tribal Env. Program Mgmt Conf	Chicago, IL	1,040.89	Grant
Environmental Specialist	Tribal Disaster Debris Mgmt Training	Cloquet MN	248.27	Grant
Environmental Specialist	2017 Tribal Response Programs Brownfield Computer Workshop & Roundtable	Lower Brule South Dakota	1,074.00	Fgrant
Environmental Specialist	TWARP Steering Committee	Tulsa OK	202.20	Grant
Environmental Specialist	ITEP UST Training	San Diego, CA	328.00	Grant
Water Resource Supervisor	2017 Tribal Env. Program Mgmt Conf	Chicago, IL	1,040.89	Grant
Water Resource Supervisor	Society for Freshwater Science Annual Mtg	Raleigh, NC	2,013.64	Grant
Water Resources Specialist	Region 5 Tribal Monitoring Strategy Workshop	Carlton, MN	365.84	Grant
Water Resources Specialist	Blue Mind 7 the Seven ages of Water	Stevens Point, WI	80.38	Grant
EH&S Div Director	WTCAC Meeting	Bad River	Expense Free	
EH&S Div Director	WTCAC Meeting	Mole Lake, WI	Expense Free	
Project Manager	Inter-Tribal -Business of Energy Projects/Policy & regulatory Structures	Anchorage, Alaska	1,358.69	Grant
EH&S Area Manager	WI Tribal Env Managers Meeting	Crandon, WI	159.50	Grant
EH&S Area Manager	2017 Tribal Env. Program Mgmt Conf	Chicago, IL	1,234.94	Grant
EH&S Area Manager	National Adaptation Forum	St. Paul, MN	1,446.41	Grant
EH&S Area Manager	National Tribal Forum on Air Quality	Tucson, AZ	395.50	Grant
BC Council Member	2017 Tribal Env. Program Mgmt Conf	Chicago, IL	1,040.89	Grant
Env Specialist Polution/ Recycling	Regions 5, 7 & 8 Triple Pollution Prevention	Minneapolis, MN	817.57	Grant
Master Electrician	Solar Training Academy	Milwaukee, WI	231.92	Grant
Master Electrician	Solar Training Academy	Milwaukee, WI	200.00	Grant
Natural Resources Tech Trainee	2017 Tribal Env. Program Mgmt Conf	Chicago, IL	1,040.89	Grant
Natural Resources Tech Trainee	ITEP UST Training	San Diego, CA	288.00	Grant

Notable Accomplishments for the third Quarter:

- Oneida Nation High School ACM window Replacement
- EHSD held the 18th Annual Oneida Youth and Elder Fishing Day on May 20th, 2017 with 100 attendees.
- Creating, editing and updating a series of forms that contribute to more efficient data entry and management in multiple programs and departments. These forms are fillable PDFs and were created for Terrestrial Invasive Species control and assessment forms, a Land Use Permit Application form for Zoning, Clearance Letter and Lease Assignment forms for the Oneida Cultural Historic Preservation Office, an Underground Storage Tank Compliance Assistance form, and a sign off sheet for the HIP process with digital signature functionality.
- Worked with EHSD staff, Law Office, Risk Management, Development, Retail, and DOLM on acquisition and tank removal at former Grand Central Station. Compliance Assistance staff was onsite to document and observe the UST removal and installation at the former Grand Central Station to ensure the work was performed to industry standards
- EHSD had busy quarter doing community outreach and teaching including Silver Creek Outreach event in May; Bugs and Wetlands Class in June; Salamander trapping in April; Frog Surveys all three months of quarter three. Elder birding, April 6; Community Birding, April 17; Spring Wildflower Walk and identification, April 21; Oneida White Corn Growers Group, April 28; Indigenous Planning Summer Institute, May 07; NEW Waters Student Water Monitoring Day, May 12; Community Garlic Mustard Pull, May 16; Youth and Elder Fishing Day, May 20; Culture Days worm composting for ONES in May; Community Sweet Flag Planting, May 31; Green Bay Packers "First Downs for Trees" tree planting at Oneida Lake with high School Students on May 3; Annual Earth Day/ Arbor Day Tree Giveaway (1,200+ tree seedlings) at Oneida Lake on May 13; and a Tree ID Class for Oneida Women's Group at the Quarry on June 27.
- Three grants were successfully procured to continue restoration, monitoring and paying water team salaries.
- Putting together the IFB and selecting a contractor that will be able to construct the fence at Tsyunhehkwa. Obtained an additional \$416,000 from the BIA-GLRI for grazing projects.
- The Institute for Tribal Environmental Professionals (ITEP) requested Oneida Compliance Assistance Program (OCAP) to provide underground storage tank training to Tribal staff on UST regulations, system maintenance, record keeping requirements, and spill response in Pala, CA from April 25th-27th. The training had 25 participants. Avis/Midwestern Wheels requested OCAP staff to provide compliance assistance for new employees. Presented at the Tribal Environmental Program Management Conference on "Using Technology to Advance Invasive Species Management" and "Pollinator Protection in Indian Country".
- Presented on Oneida's Invasive Species Program at the GB Phragmites Advisory Council meeting on 5/10.
- Progress was made with the NRCS Agricultural Conservation Easement Program (ACEP). The final contract will be signed during the next quarter. This will allow us to implement a 420 acre habitat restoration project and receive funding for salaried positions and management of restored lands.

**VOLUNTEERISM**

The first annual Garlic Mustard Pull was held on May 20th, 2017 behind the Norbert Hill Center and had 15 attendees and resulted in over 700 pounds of the invasive species being removed from the NHC woods. The Oneida High School girls softball team assisted EHSD with removal

Third Quarter Accomplishments Contd.

- Solar Program held a community meeting, and presented at ONCOA meeting on solar deployment. Received technical assistance extension for solar deployment project; land use license for solar approved.
- Two Adopt-a-highway/reservation clean ups completed.
- Continuing work on establishing collection service for the Town of Oneida, working with Outagamie County and with Brown County to determine a solution to tonnage.
- Edge of the Woods tree planting of 7,500 tree seedlings on 10 acres in an effort to control the non-native common reed grass (*Phragmites australis*);
- OCC completion of 50 community work requests (hazard tree removals, tree prunings, brush removals); 124 picnic tables requests from tribal programs; acquisition of NHC Pond maintenance and preparation for public use (coordinate aerator and fence repairs, control invasive species, repair beach area erosion, install arbor canopy); assist with install of new playground and beach expansion at the Oneida Lake; new install of information kiosk and fire pit/ring at the Quarry; 11 face cords of firewood delivered for funeral ceremonies
- hired 6 Oneida youth summer staff (4-DNR STYP Grant, and 2-TANF) between the age of 16-19 to introduce and encourage career interests in Natural Resources.
- Hunter Recruitment Program hosted a number of spring turkey hunts during the months of April and May. The hunts consisted of taking women and children new to the sport and introducing them to the outdoors and spending time in field. Participants harvested five (5) Tom turkeys and two (2) Jake turkeys. This event assisted the Tsyunhekwa Farm with reducing the population numbers on the site and provided a quality hunt for the program participants.
- Amendment and approval of the 2017 Hunting, Fishing, and Trapping laws. These changes are a direct reflection of the changing times and management practices that the Nation is dealing with when it comes to the harvest practices of our natural resources. The Department also worked with the Law Office and the Environmental Resources Board to establish strong consequences for illegal or threatening actions toward a Conservation Officer, including the ability to regulate issuance of Oneida Sportsman license.
- Established a working agreement with the Internal Security Department to assist with monitoring and securing the Oneida Lake site at each evening and on weekends/holidays. This agreement will reduce the overall vandalism and negative events at the Lake site and provide the membership and community with a quality recreational experience.
- Permits, contracts and NEPAs for 4 demo projects. Barn demo at W2636 Cty Rd. EE.



AN ENGAGED COMMUNITY

Wetland bugs and water quality monitoring classes were done in quarter 3 by the Water Team for a group of youth that came up from SEOTS.



Plans for FY17 Fourth Quarter

- Forest Inventory/Management planning – inventory Oneida Nation forests and develop forest management recommendations for public review; Final Draft of Oneida Nation Tree Protection Ordinance w/ invasive species protocols.
- Completion of the Cultural Center traditional Longhouse
- Solar Program to finalize and present Solar Deployment operating agreement to CDPC and BC; commence installation of solar projects on Tribal buildings.
- Underground Injection Control (UIC) Class V Well Inventory Project as part of Direct Implementation Tribal Cooperative Agreement (DITCA) with the Environmental Protection Agency. This project will identify and locate potential facilities with UIC wells which if in noncompliance could pollute underground sources of drinking water. This inventory will aid licensed UIC inspectors with their compliance efforts and guide future tribal water quality monitoring. This information will also go on the Oneida Property Profile Database which will help to streamline interdepartmental research needs.
- Member of National Advisory Council on Environmental Policy and Technology, working to develop recommendations on citizen science and working with UW Nelson Institute to complete on-line climate change training for health care professionals.
- Planning for Lancaster habitat enhancement, Habitat enhancement in the South Branch of the Suamico, planning for Silver Creek restoration, and inspecting construction sites for EPA.
- Project managing the fence and livestock pipelines being installed at Tsyunhehkwa, Installing fence at the former State Farm and ONF, finishing up the Robertson Farm grazing project with the last of the waterline.
- Compliance Assistance for UST facilities within the Oneida Reservation
- Continue invasive species control activities, work with Oneida Wastewater Treatment Facility to control spread of non-native phragmites, Apply for BIA grant to fund a designated pesticide/herbicide mixing shelter and rotary mower, present at the Tribal Lands and Environment Forum
- Harvest dates for tribal member personal use for wild bergamot and sweet grass in July and August.
- Continuing work on the ISWMP and meeting with the Clean Sweep Committee to determine how we will continue with the Clean Sweep event for the future.
- Finalizing the ACEP contract and implementation of the project will occur during the next quarter.
- Hunter Recruitment program will have participants experience waterfowl and pheasant hunts this coming quarter. Establishing a Veterans “Hunt for Heroes”, which will have selected Veterans participate in special hunts, devoted to their comfort and success.
- There will also be a number of deer surveys conducted to analyze the deer herd’s health, population, and overall vitality of our deer.



SUSTAINING OUR RESOURCES

Left: Youth workers and staff visit a natural area for drone demonstration and to flag small trees that need maintenance

Right: Wild Bergamot is in full bloom in mid July as seen from this drone photo



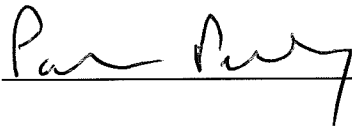
Fourth Quarter Plans Continued...

- Finalize plans for bidding- Phase 2 of Oneida Lake, get consensus on the ONHS sugar camp plan
- BC approval of Solar Deployment operating agreement and initiate construction of solar.
- Work with a team from DOLM, Development Division and MIS to coordinate and standardized project and property information for display and access through a GIS application.

Current local or regional collaborations

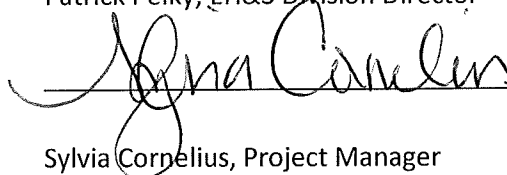
UWGB; Outagamie County Youth and Family Services; NEW Waters; U.S. Fish and Wildlife Service; Brown and Outagamie Counties; WDNR; USGS; DOE; Tilth Agronomy; Institute for Tribal Environmental Professionals (ITEP); Green Bay Phragmites Advisory Council; Wisconsin Tribal Conservation Advisory Council; Federal Aviation Administration; The Nature Conservancy; Ducks Unlimited; Natural Resource Conservation Service; Bureau of Indian Affairs; US Environmental Protection Agency; Oneida White Corn Growers Group; Town of Oneida; Green Bay Packers First Downs for Trees; Wisconsin Tribal Conservation Advisory Council/Forestry Sub-Committee (forestry issues); Karma Group (LPGA Oneida Village planning) to purchase and set up 21 live trees for display during the LPGA event; ERB; Law Office; OPD; Judiciary; NAF&WS; WDNR; APHIS; Tsyunhekwa; OTIE; National Renewable Energy Lab, Dept. of Energy; Alaskan villages; FAA/airport; GBMSD; Public Service Commission of WI; Midwest Tribal Energy Resources Assoc; Avant Energy; SunVest LLC; Kansas State University

Report Prepared By:



July 28, 2017

Patrick Pelky, EH&S Division Director



July 28, 2017

Sylvia Cornelius, Project Manager

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

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Agenda Header: DOLM 3RD QUARTER REPORT

Accept as Information only

Action - please describe:

APPROVE REPORT

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Patrick Pelky, Division Director/DOLM

Primary Requestor: LORI ELM, DOLM OFFICE MANAGER
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DIVISION OF LAND MANAGEMENT

3rd Quarter FY 2017

OVERALL IMPRESSION 3RD QUARTER

- MORATORIUM OF PURCHASING NEW DREAM HOMES CONTINUES
- HIP PROGRAM, CLOSED ON 16 HOMES FY 17
- COMPREHENSIVE HOUSING CONTINUES TO MOVE FORWARD
- APPLICATIONS WERE UPDATED TO MAKE THEM USER FRIENDLY
- CURRENTLY—14 VACANT HOMES
 - ⇒ 2 CLOSING IN AUGUST
 - ⇒ 1 MOVE-IN READY OPEN HOUSE THIS FALL
 - ⇒ 9 PENDING CLASSIFICATION
 - ⇒ 2 PENDING DEMOLITION
- SOLD 8 HOMES AND CONVERTED 2 MORE TO RENTAL PROPERTIES, USING THE MOVE-IN READY PROCESS, WHICH WAS IMPLEMENTED IN 2015



MISSION: *To acquire all lands within the 1838 original boundaries and distribute according to the needs of the GTC*

WEBSITE: <https://oneida-nsn.gov/business/land-management>

EMPLOYEES AS OF DECEMBER 2016

- 22.5 regular full-time
- 1 Interim Division Director
- 100% enrolled Nation Members

ACCRUAL TIME-OFF MANAGEMENT FOR STAFF:

2 employees over 200 hours of vacation/personal accruals, will use their time off to stay in compliance.

3RD QTR KEY INITIATIVE-COMMUNITY DEVELOPMENT

- Comprehensive Housing Division— The pilot project continues to collaborative like-services-programs under one area to handle all Rental duties and processes.
 - ⇒ The 1st General Renting Open House was held in June, for one bedroom apartment, we had 21 people attend and received 14 applications.
- 89% Rental Occupant rate for the quarter— 11 vacancies pending,
- Open House at 3374 Belmar & 2564 Zak Lane—Both in process of being sold
- Working with Planning, and Land Commission to assesses the needs of Upper Oneida, and other key areas
- 94 Commercial Lease (internal/external) 67 Agricultural Leases

COMMITTING TO BUILD A RESPONSIBLE NATION

ACQUISITION

We acquired 43.67 acres the third quarter. 209.73 in Outagamie County and 133.94 in Brown County.

- 4 HIP
- 2 vacant and wooded lands
- 1 retail site

We currently own 26,733.83 acres which is 40.90% of the reservation

ACQUIRED	ADDRESS	ACREAGE	TYPE
4/13/2017	2572 Zak Lane	0.27	HIP
4/13/2017	4450 Nakoma Tr	0.76	HIP
5/11/2017	Rear Crestwood	0.39	Vacant
5/11/2017	Rear Crestwood	0.4	Vacant
5/15/2017	2310 S. Overland	1.59	DREAM Trust
6/1/2017	N7890 Cooper Rd	129.58	Vacant
6/1/2017	2151 King James Dr	0.22	HIP
6/13/2017	1071 Riverdale Drive	130.46	Vacant/Env/Ag
6/15/2017	2782 Oakwood	0.43	HIP
6/22/2017	278 & 2797 W. Mason	2.24	Retail
6/27/2017	W1396 Pearl Street	80.15	Vacant

FEE TO TRUST

- ◇ Continue with goal of 25 applications into trust for 2017
- ◇ 9 new fee to trust applications that are residential and located in the City of Green Bay submitted to BIA for the third quarter

ADVANCING ONVYOTE?A.KA PRINCIPLES

- 695 Residential Leases
- 21 New Residential Leases
- 8 RL Cancellations
- 2 Land Use License
- Maintenance over sees all properties and completes work orders in a timely manner
- Demo Team has the following sites on their agenda; 1970 Belmont & 2578 Hazelwood

CREATING A POSITIVE ORGANIZATIONAL CULTURE

FY 2016 LAND MANAGEMENT OPERATION BUDGET INFO.

** We are spending according to FY 2016 amounts until FY 2017 Budget is approved.*

Loan Report FY 2017 3rd Quarter			
TYPE	LOANS CLOSED	TOTAL # OF LOANS	TOTAL LOAN RE- CEIVABLE
DREAM	\$0	163	\$11,935,881
THRIL	\$0	28	\$332,854
TLC	\$798,800	125	\$7,214,943
VET-TLC	\$118,500	73	\$5,750,134
VET-THRIL	\$0	7	\$101,047
	\$917,300	396	\$25,334,859

IMPLEMENTING GOOD GOVERNANCE PROCESSES

LAND TITLE AND TRUST is responsible for providing Technical assistants to the Individual Trust Owners.

- * 145 Individual Trust files maintained
- * 3 Deeds have been sent to BIA for approval
- * Continue to assist with 3 sales, 2 development, 1 Partition and 1 Easement
- * 3 Individual Fee to Trust Applications at BIA
- * 40 Title Reports completed and approved
- * 935 Probates files maintained,
- * 5 New Probates Opened/3 Probates closed
- * Processed 20 Utility Forms, 35 owner/address verifications and 2 WHEAP Forms
- * Worked with Judicare to completed Last Will and Testaments for 24 Clients
- * Assisting with Roads Department to corrections to the placement of Takwatetha Ct.
- * TAAMS Computer went to Shawano to get the newest updates and certificate updates

* 4 TAAMS employees completed required training

*70 Documents recorded with Register of Deeds

TRAINING: Attended National Reality Conference in Albuquerque, NM. 6-5-2017 thru 6-8-2017.

Completed DOI Privacy Awareness Training, Controlled Unclassified Information Awareness Training & Records Management Awareness & Section 508 training. 3 hours on 6-26-2017

BC Action Needed: Request OBC to accept the 3rd Quarter Report for the Division of Land Manage-

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

Housing 3rd Quarter Direct Reports

Agenda Header: Reports

Accept as Information only

Action - please describe:

Request OBC approval of Oneida Housing Authority 3rd Quarter Direct Report.

3. Supporting Materials

Report Resolution Contract

Other:

1. OHA 3rd Quarter Direct Report for Housing 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Dale Wheelock, Executive Director/OHA

Primary Requestor/Submitter: Your Name, Title / Dept. or Tribal Member

Additional Requestor: Name, Title / Dept.

Additional Requestor: Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

In compliance of the 2017 Reporting Schedule for OBC Direct Reports. The Executive Director of OHA is submitting the 3rd Quarter Direct Report for review and approval.

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

Memorandum

To: Oneida Business Committee
 From: Dale Wheelock, Executive Director Oneida Housing Authority
 Date: August 1, 2017
 Subject: FY 2017 3rd quarter Direct reports – Oneida Housing Authority

Demographic Information:

The Oneida Housing Authority housing stock as of June 30, 2017 has served an average of 1,154 rental and homebuyer family members each quarter.

OHA Operations Quarterly Report Input – 3rd Quarter FY 2017

Provided by Scott Denny & Operational Staff

OHA Vacancy Overview Period Ending June 30, 2017			
	Number of Units in Housing Inventory	Number of Vacant Units	Number of Eligible Applicants on Wait List
Family & Single Rental	249	19	89
Elder/Disabled Rental	68	3	20
Home Buyers	49	1	45
Totals	366	23	154
Occupancy Rate of 94%			

Wait List Breakdown – Rental Program - 109 TotalFamily & Single Rentals -

- 1 bedroom =23
- 2 bedroom =22
- 3 bedroom = 30
- 4 bedroom = 14 2 five bedroom apps

Elder/Disabled Rentals -

- 1 bedroom =19
- 2 bedroom = 1

Wait List Numbers – Family Home Ownership Program – 45 Total

- 3 bedroom = 24
- 4 bedroom = 14
- 5 bedroom = 7

Inventory Management

There is a constant challenge in balancing the utilization of housing inventory for both existing tenants and wait list applicants. As a current tenant's household size changes or a household members physical needs change, OHA does whatever we can to better accommodate the current tenant which in turn will open up units for other tenants and wait list applicants.

3rd Quarter Move-In and Move-Out Facts

- A total of 13 tenant move-ins
- A total of 13 move-outs

Collections

OHA collection efforts focus on unpaid balances from past rental and homeownership tenants, and current rental and homeownership tenants.

Unpaid balances consist of one or combination of the follow:

- Unpaid rent
- Green Bay Water Utility tax liens, unpaid by tenant
- Property damage

3rd Quarter Unpaid Balances Key Facts

Unpaid balances from existing tenants	\$23,330.65
Number of tenants issued warning letters to include warnings of unpaid balances	105 – Rental & Home Ownership
Number of tenants bringing accounts current	40
Number of tenants remaining in arrears	59 – Rental 6 – Home Ownership
Number of repayment agreements	9 (4 of 9 paid in full within 3 rd quarter)
Number of Judiciary Court appearances regarding unpaid balances, and Court outcomes	3 – Rental <ul style="list-style-type: none"> • 1 Dismissed due to satisfaction • 1 Eviction due to unpaid rent • 1 Court ordered extension to become current with unpaid rent & utilities

Collection Challenges – Existing Tenants

- Repayment agreements are established in effort to provide tenants an opportunity to avoid termination and eviction due to breach of the rental agreement. A tenant repeated request for “a chance” and their promise to pay can accumulate total arrears.
- Tenant habits of heavily relying on per capita and/or tax returns to pay rent develop poor payment habits while being in breach of the rental agreement.

- Tenant habits of heavily relying on assistance from program providers develop poor payment habits while being in breach of the rental agreement and utility service providers.

Working with the Tenant

- Warning letters are issued when a tenant falls behind or has an unpaid balance.
- A meeting is established to discuss the situation and hear the tenants plan of action
- OHA refers tenants to program providers that may provide assistance
 - Community Support
 - Utility assistance
 - Temporary Assistance for Needy Families (TANF)
 - Budgeting at Community Education Center (CEC)
- OHA Resident Services Staff offers basic budgeting when possible and also refers tenant to local agencies that offer budget training
- Repayment Agreements are established
 - Weekly installments
 - Per Capita (when applicable)
 - Tax returns (when applicable)

Collection Challenges – Past Tenants

- Details related to establishing a judgment
- Tenants that have filed bankruptcy
- Tenant who are deceased
- Statute of Limitations (7yrs)

Concerning Tenant Matters

Unpaid rent and/or utilities continue to be the primary reason for involuntary termination of OHA Rental Agreements. Social concerns are often a significant part of noncompliance of the rental agreement, which places the agreement at risk and in some cases results in eviction.

The reasons behind an eviction are often complex, comprising of multiple compliance concerns with OHA having provided ample opportunity for tenants to make choices necessary to avoid eviction.

OHA continues to work with other departments and internal referrals to OHA's High Risk Tenant Case Worker in effort to guide tenants to resources that may assist the tenant with the necessary training, education, or counseling needed to make decisions to avoid placing their housing at risk of termination.

OHA Crime Prevention & THVASH Quarterly Report: 3rd Quarter FY 2017

Provided by Justine Hill & Staff

Crime Prevention Program: Our purpose is to strengthen our neighborhoods and support our families through programs and services that provide for a healthy mind, body, and spirit.

Our goal is to strengthen neighborhood watch, increase community involvement, provide youth social programs, and increase parent participation and contribute to the reduction of crime.

Three Sisters Community Center

- Average attendance is 15 children – Ages 7-12 Crime Prevention Summer Program
- Programming: Crime Prevention Videos, Be the Best of Me, Danger Zone, Character Building, Hand Drumming, Bowling Classes, Healthy & Unhealthy Lifestyles
- Women’s Group- Activities and Support group for women. Confidential. Meet twice a month.
- Intergenerational Bingo- Youth and Elders socialization
- Thursdays is fieldtrip days. Museum, Rola Rena, Nature Walk, Wildlife Sanctuary, etc.
- Food in the Park Program going well through Green Bay School District at Three Sisters Park

Flying Leaf Community Center

- Average attendance is 9 children - Ages 7-12 years old Crime Prevention Summer Program.
- Self-Awareness Videos and discussions on Dating Violence, Proud Choices, Conflict Resolution, Anger Management, Self Esteem, Daughters of Tradition, ToP Facilitation for Lock-in in June.
- Programming: STEM (Science, Technology, Engineering & Math) through Green Earth Library. Literacy Program: diabetic recipes shared, literacy at the lake, literacy in the park, Safety Picnic
- Peace Making is for community service- resumes, job skills, job applications, referral to CEC, community service hours referral to Tsyunhehkwa Farm
- YES Summer Youth Program 8:00-12:00 for the month of June was successful
- TRAILS did a presentation on hygiene
- Participating in the Food Program in the Park at Three Sisters Park

Tribal HUD VASH

- Eligible Participants – 21
- Housed – 8
 - 120 day Extensions expires August 8, 2017

- King VA is closing in September and we have two veterans looking to find a place
- Some participants are having a difficult time finding a unit due to location and one has some disabilities
- Update:
 - Updated our original policy as this is a Pilot Program
 - We have started our waiting list
 - Landlord outreach efforts are continuing
 - Case Worker is transferring to another position

Administration – Key activities for the past quarter include:

- OHA administration has maintained positive communications and relationships with the Chicago HUD grant staff during the past quarter through reports, training attendance and requests for information.
- OHA has written and submitted the Oneida Nation grant application for a Indian Community Development Block Grant of \$600,000 for the Oneida Life Sustenance Community Center with a Tribal contribution of \$200,000 to be located in upper central Oneida. The award of grants is to take place in early October, 2017.
- The Oneida Business Committee approved the Oneida Nation FY 2018 Indian Housing Plan with a budget of \$4,075,713. The Indian Housing Plan was submitted before the HUD due date of July 17, 2017. HUD has noticed the Oneida Nation that the IHP has been received on time and meets the submission criteria.
- HUD has noticed the Oneida Nation that the FY 2017 Indian Housing Plan budget has been reduced to \$3,703,722 for Fiscal Year 2017. The original budget for FY 2017 was \$4,075,713, but the new approved funding allocations will be available for drawdown in August, 2017.

New Construction Development:

- The new construction of three - 4 plexes at Uskah Village is progressing. The first 4 plex has been framed up and foundation work has been started on the second 4 plex. Kevin Housing, Project Manager from the Development Division is leading this development of phase II at Uskah Village.

- The new construction of units for Elder Village has been delayed in the design phase and it is anticipated to be sending out the bid notices in September. The project called for 12-14 units to be constructed at Elder Village this year. But the number of units to be construction will be reduced by at least two units due to the reduction of HUD funding for FY 2017.
- The reduction in HUD funding allocations is anticipated to occur in the future. Therefore, housing administration is researching other funding opportunities and leveraging of other housing program funds will become a necessity for future housing in the Oneida community.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 09 / 17

2. General Information:

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

[Empty text box]

Agenda Header: Reports

Accept as Information only

Action - please describe:

[Large empty text box for description]

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Geraldine R Danforth 7/28/17
Geraldine Danforth, HRD Area Manager

Primary Requestor:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Submission of HRD 3rd Quarter Apr-Jun Report for FY'17

- 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



Geraldine R. Danforth
HRD Area Manager

Human Resources Department (*HRD*) 3rd QUARTER REPORT April - June, FY'17

ADMINISTRATION

- **Budget:** HRD submitted the following budget for FY' 17:

Department	Budget Amount	Funding Source	Spending YTD	Variance
HRD	\$2,355,685	Indirect Cost	\$1,659,348	\$ 696,337
Employee Assistance	202,468	Tribal Contribution	117,426	85,042
Workforce Development	256,345	Grant 79% & TC	165,583	90,762
Student Intern Program	410,909	Tribal Contribution	43,765	367,144
Employee Incentive & Testing	17,641	Tribal Contribution	7,476	10,165

- The Employee Incentive and Testing budget is used to recognize employees who have 25, 30, 35, and 40 or more years of service (*YOS*) with a *YOS* gift. To date we have given out 54 blankets for *YOS* and 4 blankets for Retirement with 25 or more *YOS*.
- The Student Intern Program budget will roll out the new program for five college graduates to be hired as limited-term employees with the Nation for two years. Supervisors are required to complete a job description for us to post and attract college graduates looking to gain work experience in their field of study.
- HRD currently has 35 employees, Workforce Development has 3 employees and EAP has 2 employees.

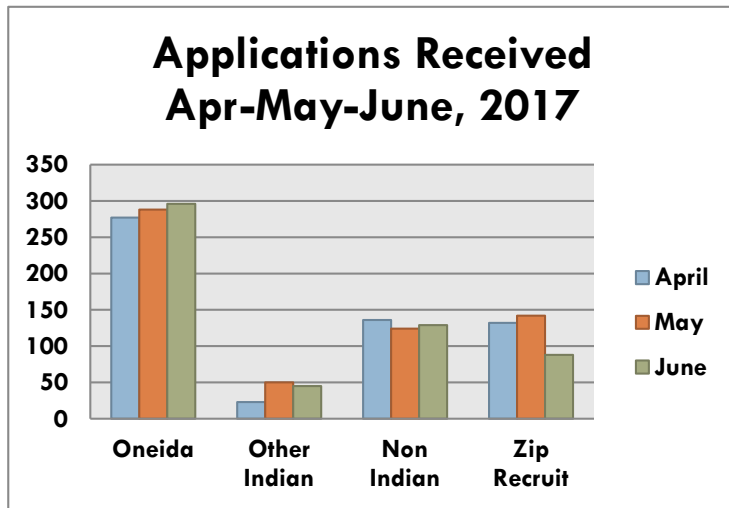
EMPLOYEE INCENTIVE AND EMPLOYMENT LEVELS: HRD was assigned to come back with an incentive plan for the program side of the organization. A team was formed and includes: Joanie Buckley-Internal Services, Susan House-GSD, Ralinda Ninham-Lambries-ACFO, Chad Fuss-Gaming, Jacque Boyle-DPW, and Geraldine Danforth-HRD. This team will be responsible for assessment of vacant and new position requests and developing an incentive for the program side. Gaming has an approved incentive plan.

VACATION AND PERSONAL TIME ACCRUALS – 3rd Quarter – FY 17

The accruals for the 3rd quarter show employees whose hours are at maximum of 280 hours are 6.69% or 46 employees. Total hour accruals for all employees are 273,149 hours and payout of \$6,185,815. Average hours per employee 103.70; with an average payout of \$2,348.

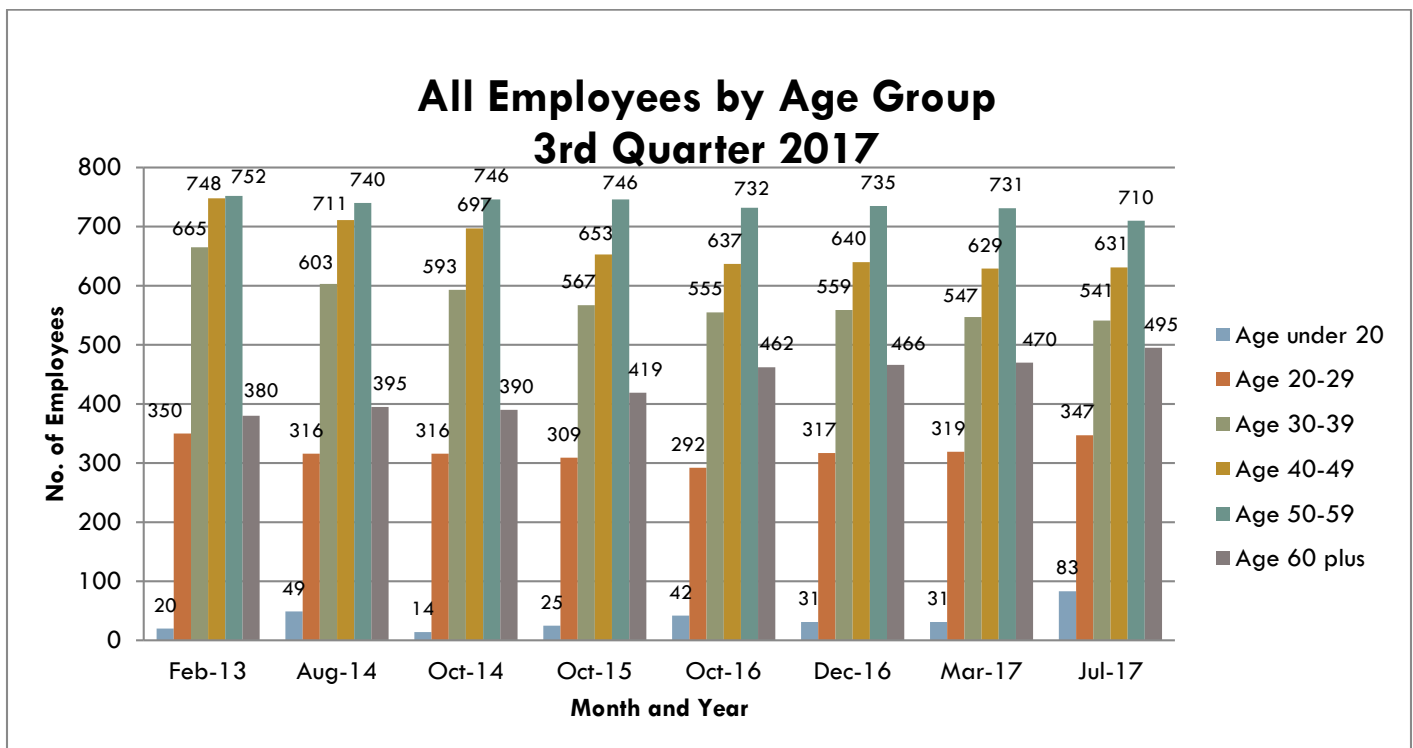


The sign is intended to attract more people to apply for employment with the Oneida Nation. The sign is placed on the front lawn of the Skenandoah Complex and another at Employee Services on Airport Drive. We will also be looking at other avenues for posting jobs such as Craig's list, Casino Careers, and a recruiting firm.

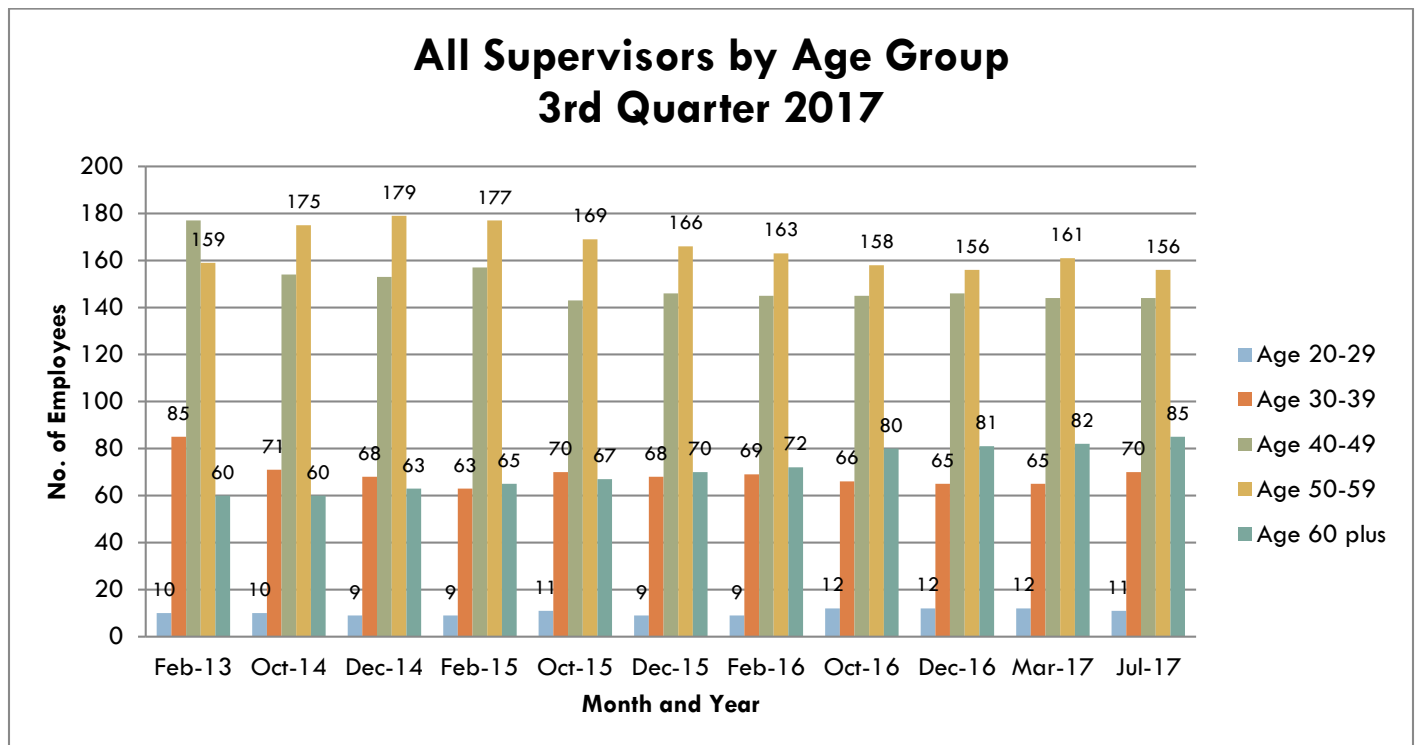


*HRD Administrative Staff at Skenandoah Complex
Left to Right: Megan White, Yasiman Metoxen, Gina Gutierrez*

AGE REPORTS



This chart represents all 2807 employees of the Nation. The trend is steady for most age groups. The age group of 60 and over have gone from 380 in 2013 to 470 in 2017.



Currently, there are 464 supervisors; in 2013 there were 491, decrease of 25 supervisors. Of the 466 supervisors, 33.48% of the supervisors are in the age group 50-59. Supervisors in the 60 plus age group are at 18.24% of the total supervisors, increase of 3 employees. Succession planning is needed to ensure the critical positions will have a replacement. HRD has requested Talent Management to assist in identifying potential and future leadership.

- **SUCCESSION PLANNING. PURPOSE:** A succession planning process helps prevent the loss of vital organizational history or knowledge due to retirements, vacancies, and/or resignations. The succession planning process will assess all employees. HRD is working on a Succession Plan to present to the OBC in the near future to address filling any critical positions that may become vacant as a result of an employee retirement. See age charts.

It is important to follow a succession planning process to ensure employees are recruited and properly developed so they have the competencies, skills, education, certifications/licenses, and experience necessary to fill vital positions. The HRD management team will look at the following:

- Identifying critical positions which are instrumental to achieving strategic and operational goals.
- Anticipating gaps in those positions due to retirement and other factors.
- Defining the qualifications and competencies required to perform successfully in the position.
- Implementing focused strategies to attract and develop pools of qualified candidates who will be ready for emerging opportunities.
- Ensuring that support for the strategies and processes are in place to retain and fully engage employees.
- Align with the Nation's Branding initiative.
- Update: HRD has placed the Talent Management software in the FY 18 budget. This software will be a system measures the effectiveness of a performance system in supporting the strategic goals of our nation. The system is a performance system with will support motivation, learning, coaching, mentoring, recognition, and communication between employees and their immediate supervisor.

- EMPLOYMENT LAWS:
 - **Employment Law/Employee Handbook.** The project approval is on hold per GTC to allow the newly elected Business Committee to review and bring back for approval.
 - **Drug and Alcohol Free Workplace.** The law was modified due to remove post-accident for employees. Post-accident testing did not change for those positions requiring a Commercial Driver's License (CDL). Training has been updated for employees and notification sent to the organization of the change.
 - **Vehicle Driver Certification and Fleet Management Law.** HRD is preparing training for Vehicle Driver safety certification. The HRD system will be set up to give an annual notification update train. The first training to the organization will be a classroom. Annual training will be on the E-Learning system.
 - **Conflict of Interest.** All employees are required to complete annually. HRD has included the reminders to notify the employees they have to update their conflict of interest form.
 - **Violence in the Workplace.** Recently adopted the law to provide all Oneida Nation employees and visitors a safe and secure environment free of violence and the threat of violence. HRD staff are developing the flow charts, standard operating procedures, and training to roll out the training to the organization. All employees will be required to attend the training and will be given access to the law for their reference.

HUMAN RESOURCE INFORMATION SYSTEMS/RECORDS (HRIS)

The team consists of Melinda K. Danforth-HRIS Manager, Terry Skenandore-HRIS Specialist and Vicki Cornelius-Records Technician.

We ensure the HRIS Systems and applications, such as Supervisor Inquiry, Self-Service, Internal Reference Directory and Workforce Detail support the needs of the HRD. Enter all personnel data into the HRD/Payroll System (Infinium); provide personnel data reports (Cognos) to management, complete verification of employment and unemployment requests and oversee the HRD personnel files (On Base).

Data entry of salary changes was high priority; Participated with the Learning Organization Team and Incentive team meetings; Assisted with the RFP for Recruitment; Tested the Time Off Request tool within Employee Self Service.

Functions	Apr	May	June	Total
*HRD/Payroll Entry Transactions	1883	622	659	3164
Employee Self-Service Entries	50	44	43	137
Employment Verifications	172	211	215	598
Unemployment Requests	30	36	17	83

*April transactions included all salary changes for new wage charts/adjustments.

EMPLOYEE INSURANCES

During the third quarter of FY17, a correction file for the 1095C insurance statements was submitted to the IRS. Employee Insurance continues to monitor potential health care changes/laws that are being discussed by the US Federal Government and what those impacts may mean for us an employer.

The Employee Insurance Department provides benefit administration and employee assistance for: medical, dental, vision, disability, retirement plans, voluntary benefits, flex spending, orientation, and workers compensation.

Insurance Requests Processed – Third Quarter FY17		
Type of Requests	# of Requests Processed	
	Third Quarter	FY17
Leaves/Return to Work	199	524
Applications, Insurance Changes, Beneficiary, etc.	143	458
Disability	58	158
RAS Completions	84	311
Wellness Incentives	160	554
Note: This is not a complete listing of requests and does not take into account phone calls, walk-ins, emails, and other miscellaneous requests.		

MONTHLY INSURANCE COUNT – June 2017

	Breakdown		COBRA count	Breakdown		COBRA count
	Employee Count	COBRA count		Employee Count	COBRA count	
The	401K / 401Roth	1,777		Medical – Single	862	1
	LIF52	2,543		Medical - Limited Family	457	
	Short Term Disability	2,058		Medical – Family	591	
	Long Term Disability	2,073				
	Delta Dental – Single	666	5	Vision - Single	792	1
	Delta Dental- Limited Family	454	1	Vision - Limited Family	527	
	Delta Dental - Family	613		Vision - Family	702	
	Dental Associates – Single	139				
	Dental Associates – Limited Family	71				
	Dental Associates - Family	94				

Employee Insurance Department consists of: Christina Blue Bird, Kimberly Schultz, Kristin Jorgenson and Josh Cottrell

COMPENSATION, HIRING AND WORKFORCE DEVELOPMENT

WORKFORCE DEVELOPMENT

Workforce Development Report for April, May and June 2017				
	April	May	June	TOTAL
TrANS	4	2	3	9
Work Certified	0	0	0	0
Outstanding Applicant	0	0	0	0
NWTC	23	6	17	46
Youth Employment Solution Success	21	2	0	23
Supportive Services	14	34	14	62
Mock Interviews	14	18	12	44
Presentations	20	3	11	34
Client Outreach	56	46	124	226
Collaboration with partners	5	14	9	28
Total	157	125	190	472

During the 2nd Quarter, Workforce Development did outreach to a total of 472 clients and partners. Our Vision is to **Build a Strong Oneida Workforce** and our project has two (2) objectives:

Objective 1: By October 2018, we will build an Oneida workforce by providing classes and training that will increase the knowledge, skill set, employability and earning potential for 180 Oneida community members

Objective 2: By October 2018, build both internal and external partnerships with employers and colleges to help 120 program participants obtain Full-time employment within the community.

During this past quarter the staff attended:

- Green Bay Area Workforce Development, presented on job readiness for Native students in area schools.
- Collaborated with Wise Women Gathering Place opportunities for our target clientele (homeless, unemployed and under employed).
- Attended the National Assoc. of Workforce Development for Professionals.
- Recruitment efforts to students completing their clinical requirement at AJRCCC in Certified Nursing Assistant.
- Coordinated the Post Graduate Program for five college graduates in a two-year training program.
- We continue to review resumes, provide mock interviews, and assist in finding positions.

Transportation Alliance for New Solutions (TrANS) Program:

Collaborate in their networking session with contractors to hire graduates and hiring rate is 90% placement.

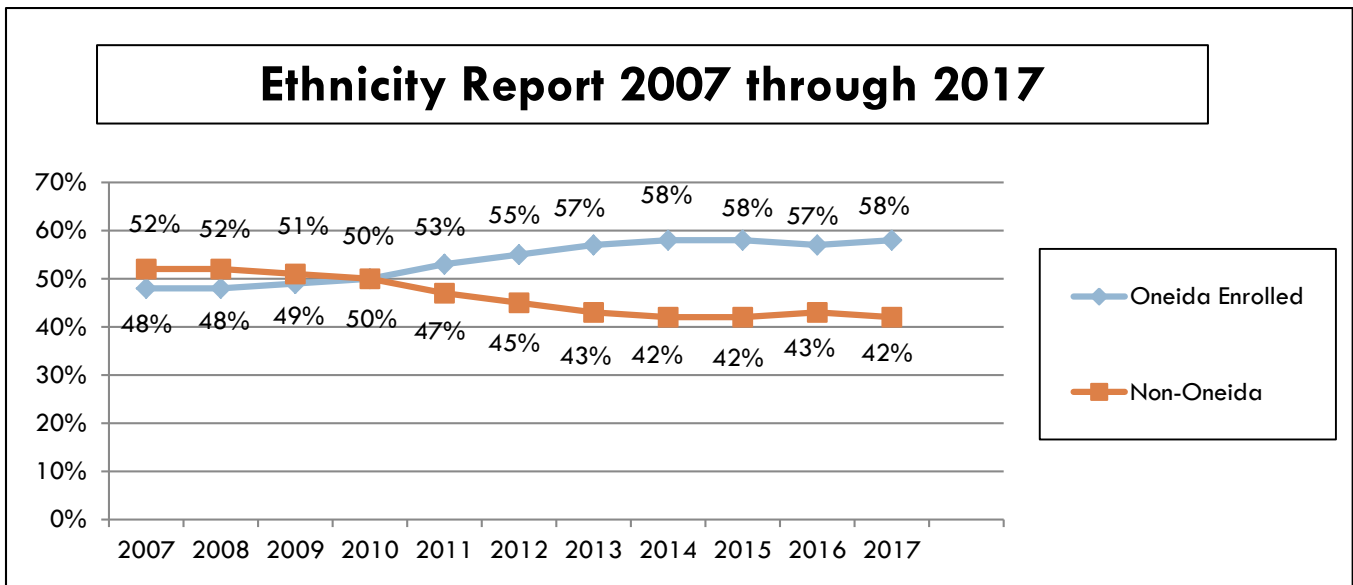
NWTC Partnerships:

- 1) Forklift Certification – A one day certification. We have 45 people signed up for the class. By earning this certification it can help to get their foot in the door to entry-level positions.
- 2) Assist clients that were in need of tools and clothing for starting new job
- 3) Participate in Nursing Assistant Open House and recruit Certified Nursing Assistants to vacant position within the Oneida Nation.
- 4) Collaborate on classes and training which may help the Nation fill employment gaps.

CMN Partnerships:

We continue to recruit for classes.

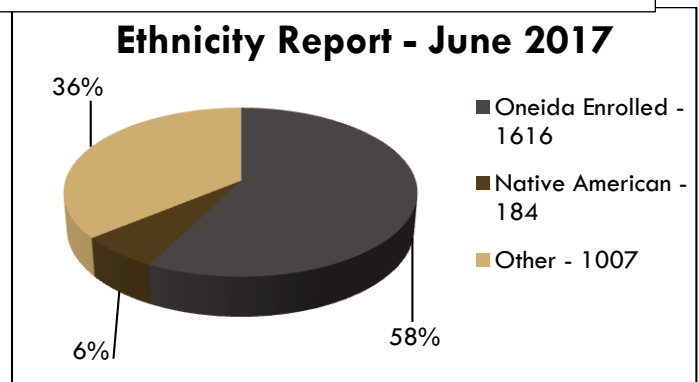
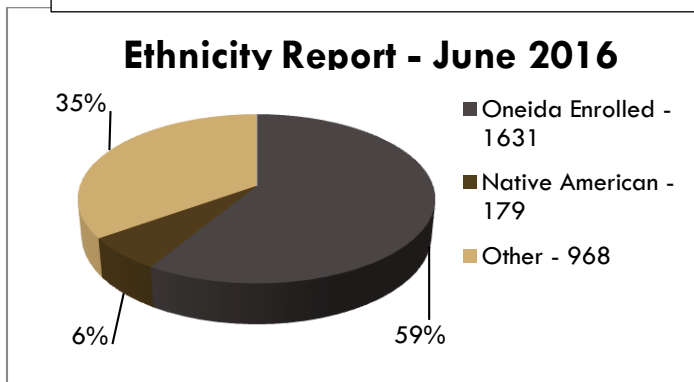
WFD advertises on our Facebook page current job openings, job fairs, tips on how to present yourself for a job interviews, and what employers want in an employee.



The Ethnicity report

Increase in Number of Employees in comparison to the previous year. There were 2778 employees in June of 2016 and 2,807 employees in June 2017. This is an increase of twenty-nine (29) employees in comparison to the previous year.

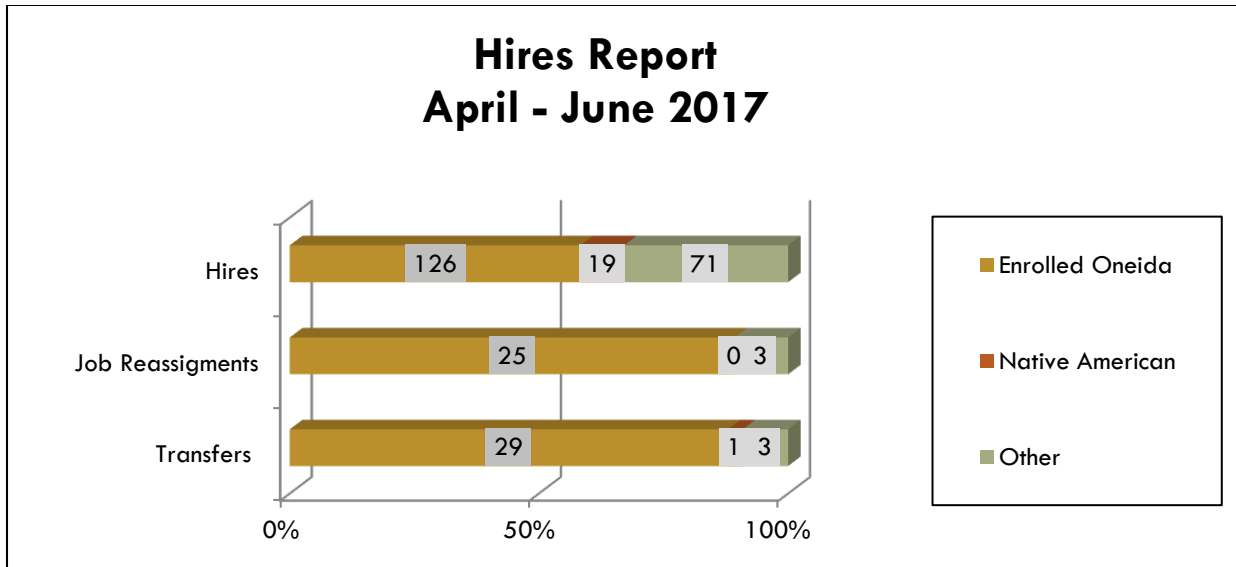
There was a one (1) percent decrease in the number of enrolled Oneida Tribal members working which went from 59% to 58%.



Hires Report

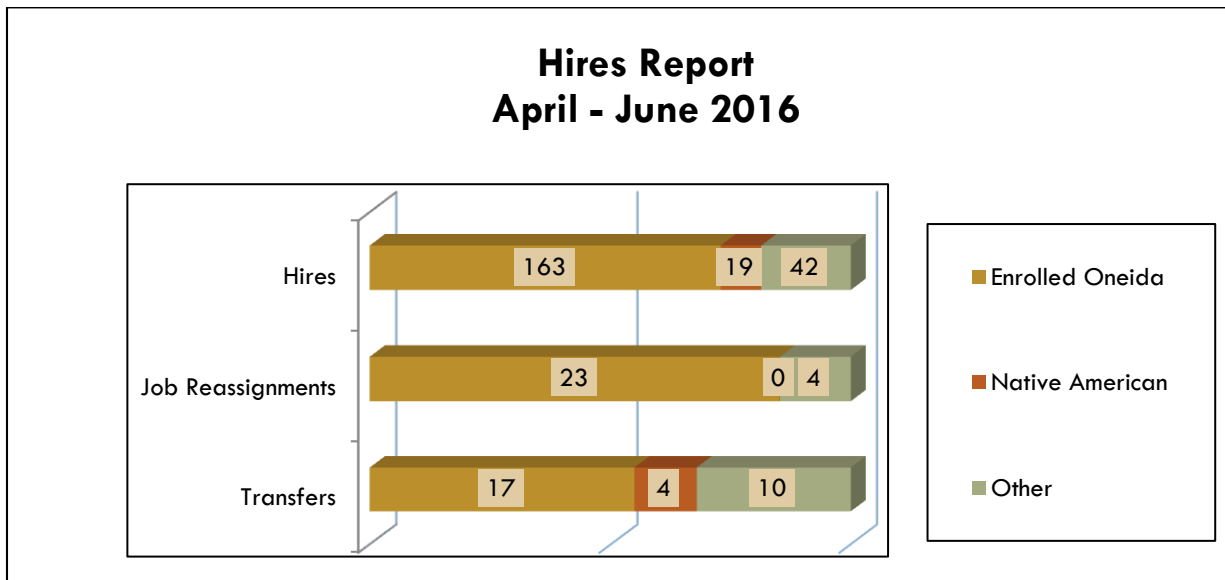
For April – June 2017

- 58% of all hires were filled with enrolled Oneida Tribal members.
- 89% of all job reassignments were filled with enrolled Oneida Tribal members.
- 88% of all transfers were filled with enrolled Oneida Tribal members.



For April – June 2016

- 73% of all hires were filled with enrolled Oneida Tribal members.
- 85% of all job reassignments were filled with enrolled Oneida Tribal members.
- 55% of all transfers were filled with enrolled Oneida Tribal members.

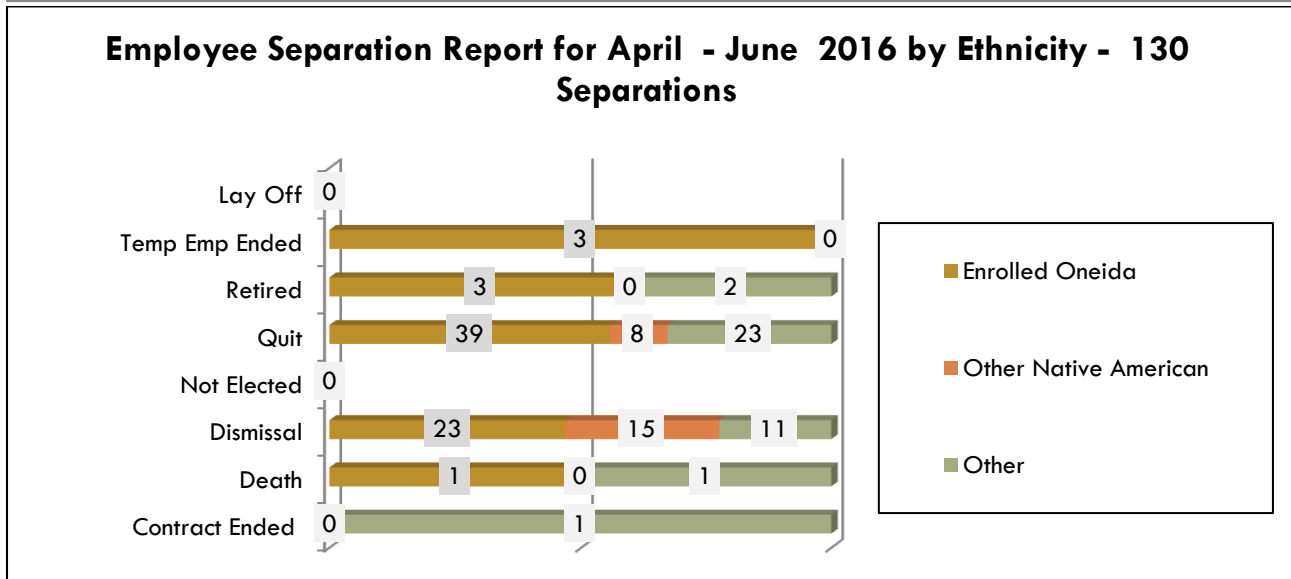
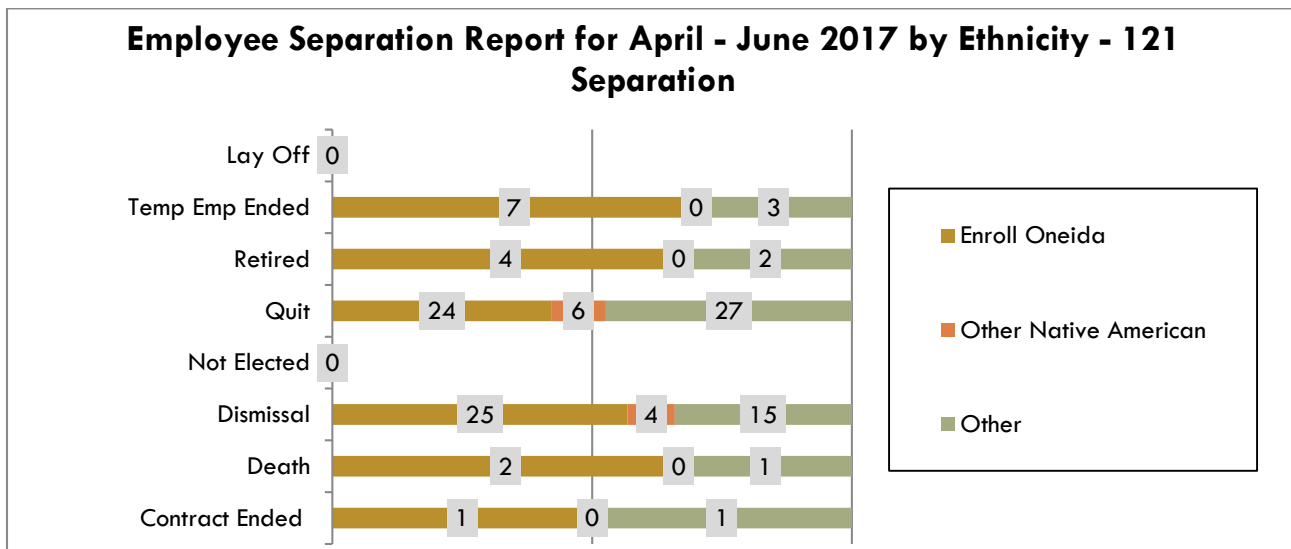
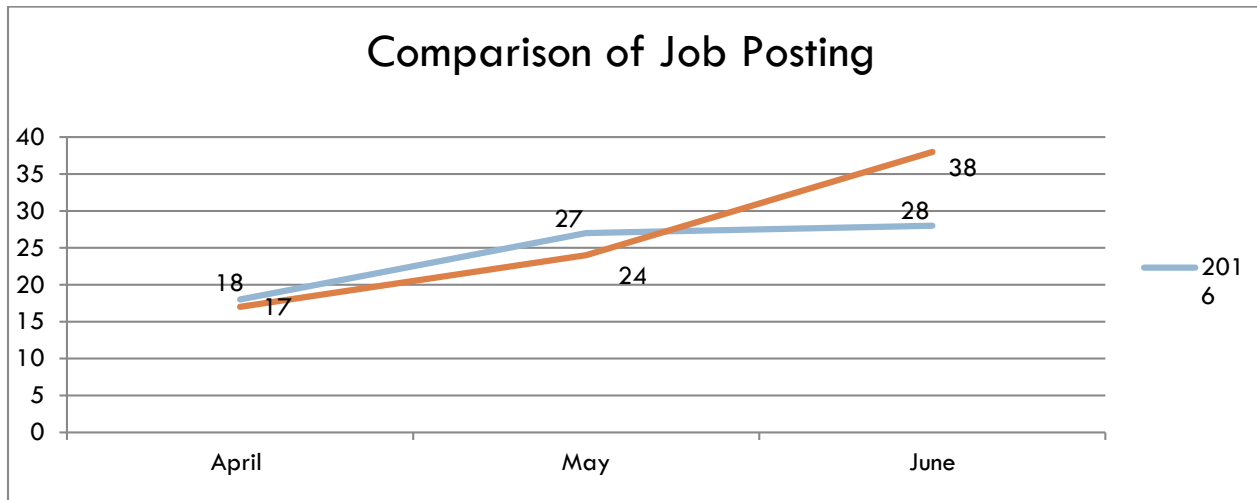


NOTE: There were Summer Youth Workers and 25 Student Interns hired during the month of June. Although there were more hires for this quarter this year in comparison to last year, there were only an overall total of six (6) more total employees in comparison to the previous year during this time period.

Job Postings by Division for April, May and June 2017				
	April	May	June	TOTAL
Gaming	2	3	4	9
Comprehensive Health	4	5	8	17
Development	1	2	4	7
Land Management	0	0	3	3
Environmental, Health & Safety	1	0	0	1
Internal Services	0	6	3	9
Enterprise	0	0	0	0
Finance	0	0	0	0
Non-Divisional	3	3	8	11
Governmental Services	6	5	8	19
Total	17	24	38	79

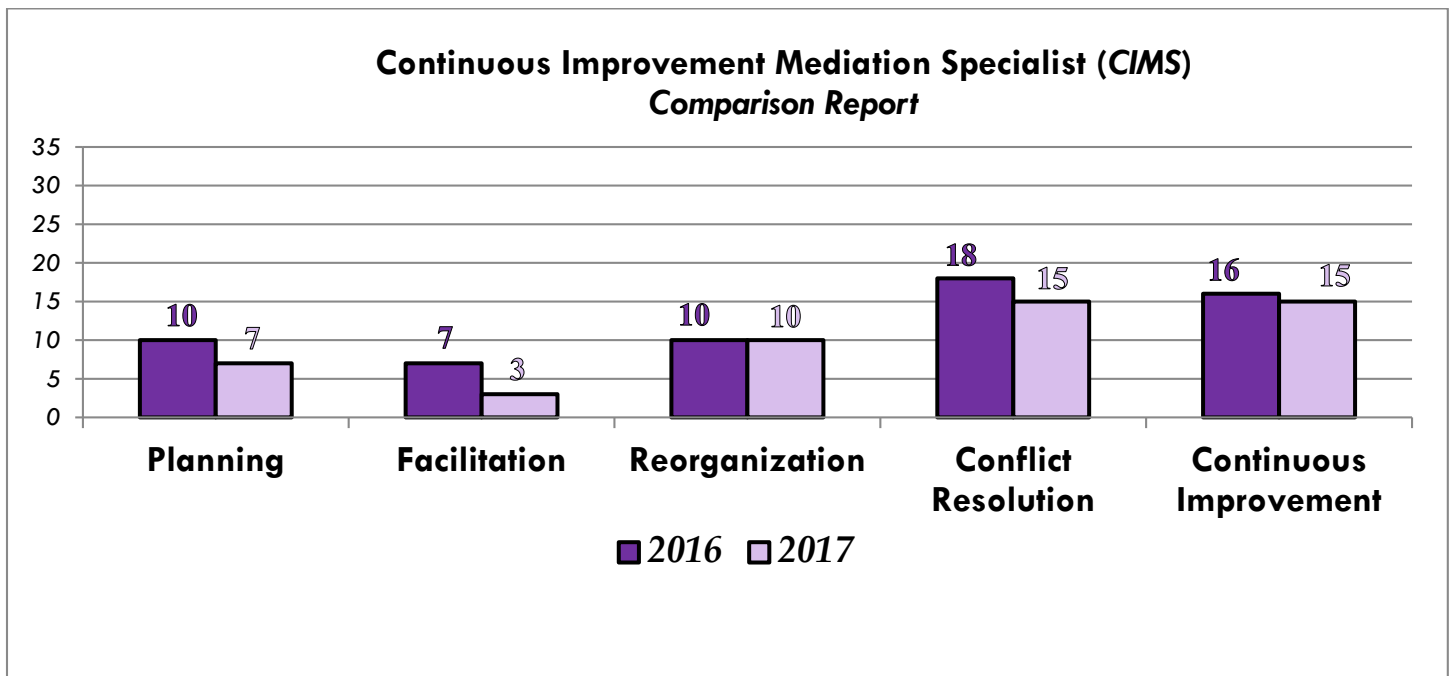
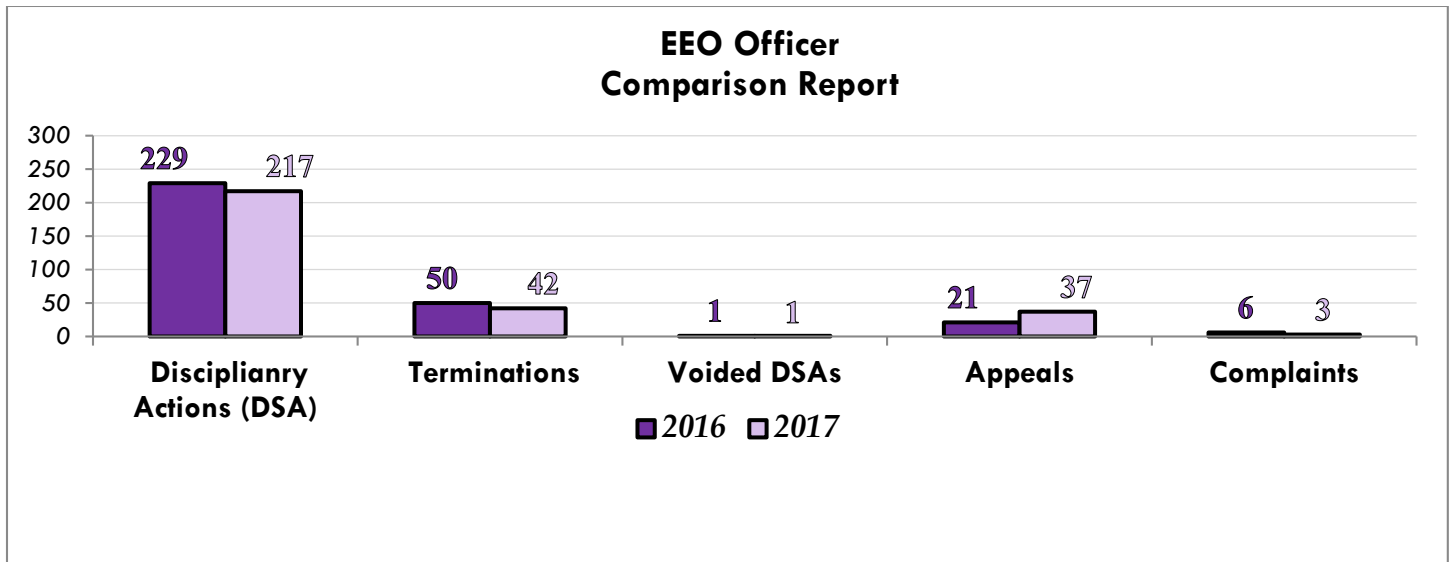
Job Postings by Division for April, May and June 2016				
	April	May	June	TOTAL
Gaming	8	8	11	27
Comprehensive Health	1	4	6	11
Development	1	1	0	2
Land Management	0	0	0	0
Environmental, Health & Safety	1	1	0	2
Internal Services	0	1	0	1
Enterprise	0	0	0	0
Finance	0	0	0	0
Non-Divisional	5	6	4	15
Governmental Services	2	6	7	15
Total	18	27	28	73

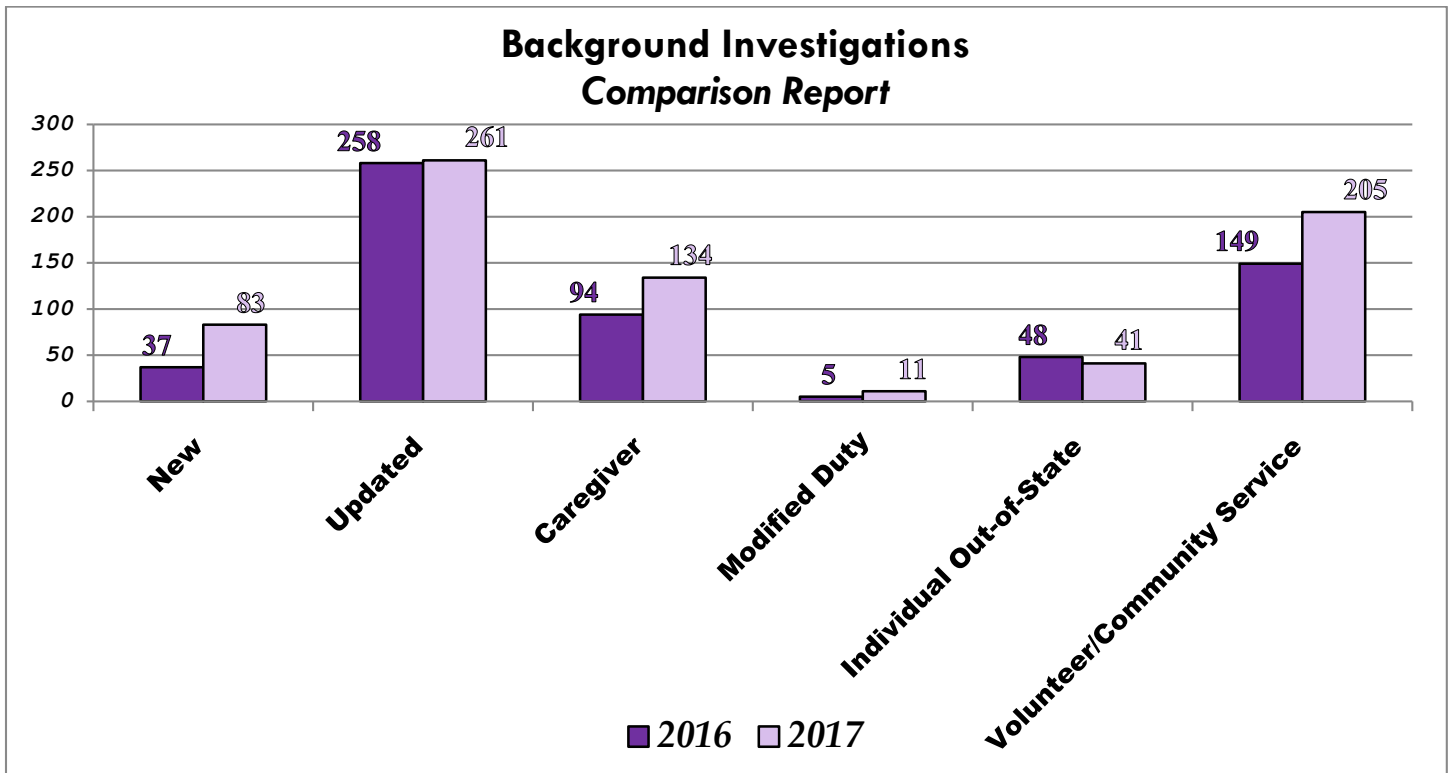
There were six (6) more jobs posted during this quarter in FY2017 in comparison to FY2016.



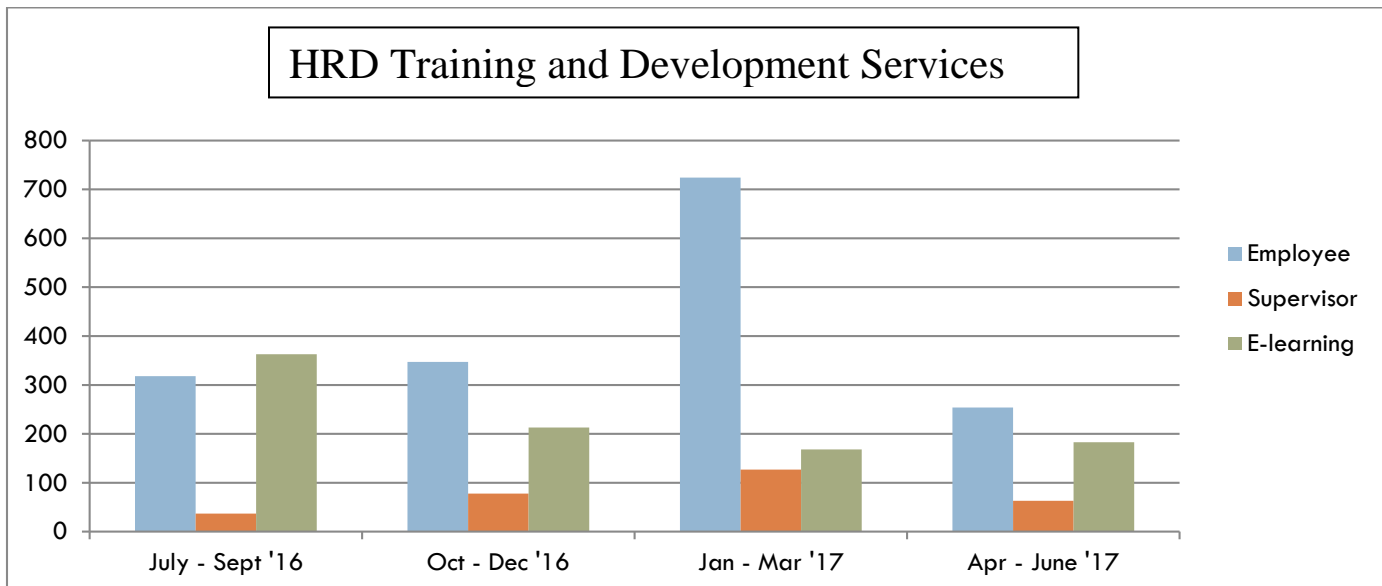
There were a total of 121 employee separations for the period April through June 2017 in comparison to 130 employee separation for the period April through June 2017.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) DEPARTMENT



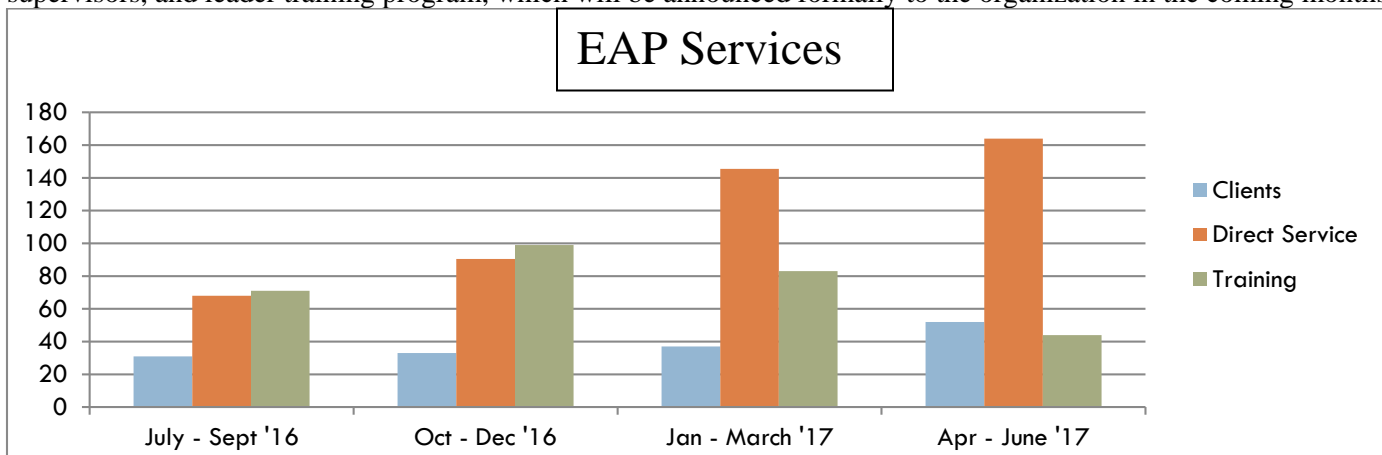


TRAINING AND DEVELOPMENT DEPARTMENT



Training & Development Updates:

Overall utilization of training in the 3rd quarter of FY2017 is lower. This may be due to some changes to advertising of training, the surge in participation in the previous quarter, or other factors. T&D has entered into a phase of evaluation of training offered and is seeking feedback regarding the strategic direction of training moving into the future. In addition, T&D has begun preparations for several organization-wide training initiatives, and is preparing to launch a new employee, supervisors, and leader training program, which will be announced formally to the organization in the coming months.



EAP Training includes: Book Clubs, Brown Bag lunch topics, Grief Circle.

* DAFWP Return to Work Agreements First violation – 3, Second violations – 0.

EAP Updates:

Over the course of the last year, the number of direct service hours with customers has increased. This is due to several factors: (1) In recent months EAP has changed its approach with customers, (2) Stress (from internal and external factors), deaths, and other situations affecting the employee base have increased, and (3), the number of self-referrals has increased. Oneida EAP sees approximately 5% of employees per year, more than the national average for EAP providers (this does not include employees seen at the ERC).

[Deadlines](#)

Oneida Business Committee Agenda Request

[Instructions](#)

1. Meeting Date Requested: 8 / 9 / 19

2. General Information:

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

Other - type reason

Agenda Header:

Accept as Information only

Action - please describe:

Present the Oneida Retail Division FY 2017 Quarter 3 Report

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Sarah White, Assistant Retail Profit Manager
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

[Deadlines](#)

Oneida Business Committee Agenda Request

[Instructions](#)

6. Cover Memo:

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

Present the Oneida Retail Division FY 2017 Quarter 3 Report

- 1) Save a copy of this form for your records. [Save a Copy...](#)
- 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 Retail Report

Oneida Tribe of Indians
of Wisconsin

3rd Quarter FY 17
April 1, 2017 – June 30, 2017

The following is a brief update on projects and happenings within Retail and is not meant to cover the day to day detail, but an overview of Oneida Retail Enterprise activities.



Vision Statement

A Nation of strong families built on
Tsi⁹ niyukwalihot⁹ and a
strong economy

Mission Statement

"To generate profit for the prosperity of the
Oneida Tribe"



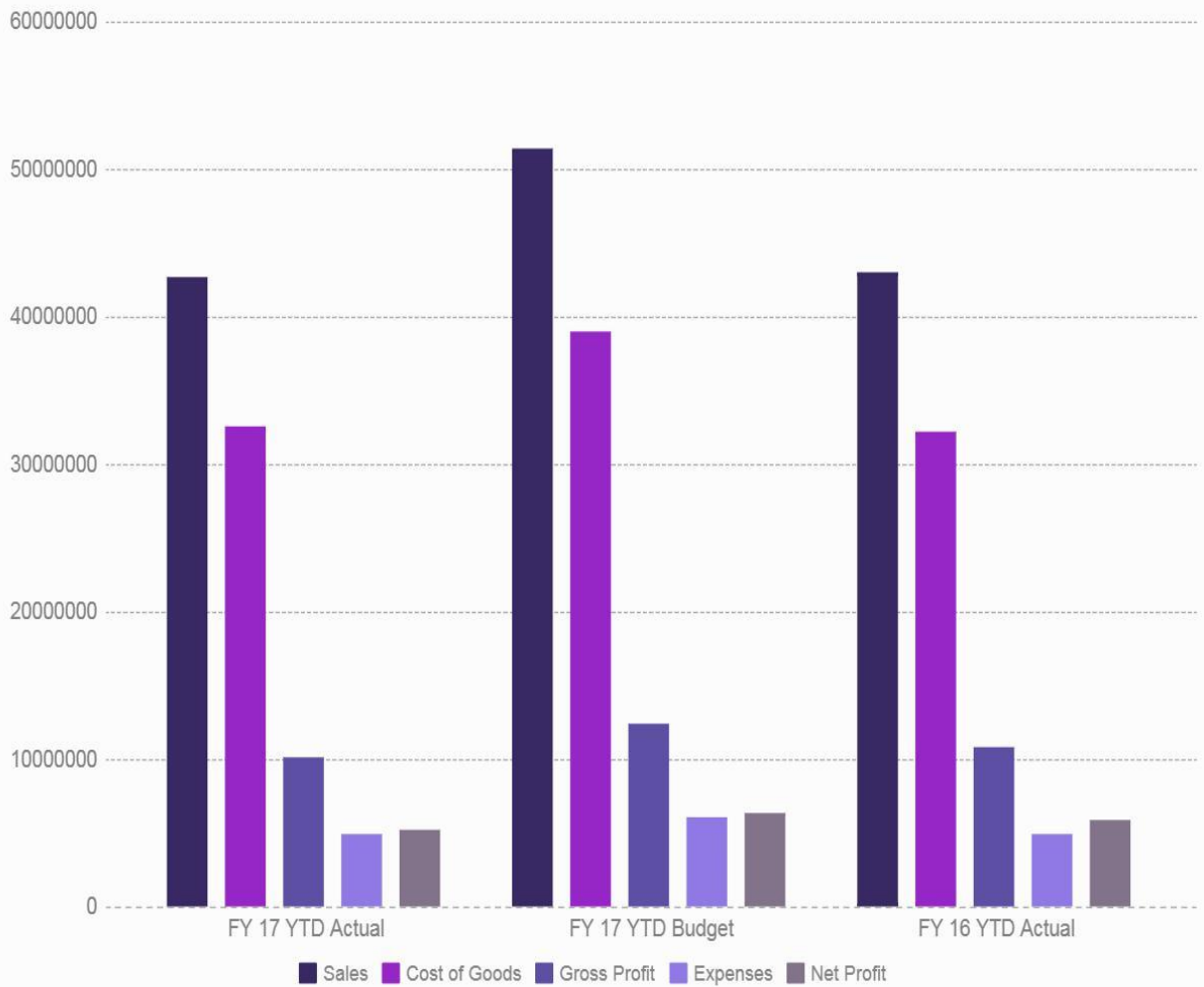
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General Updates 5
Marketing Updates 6

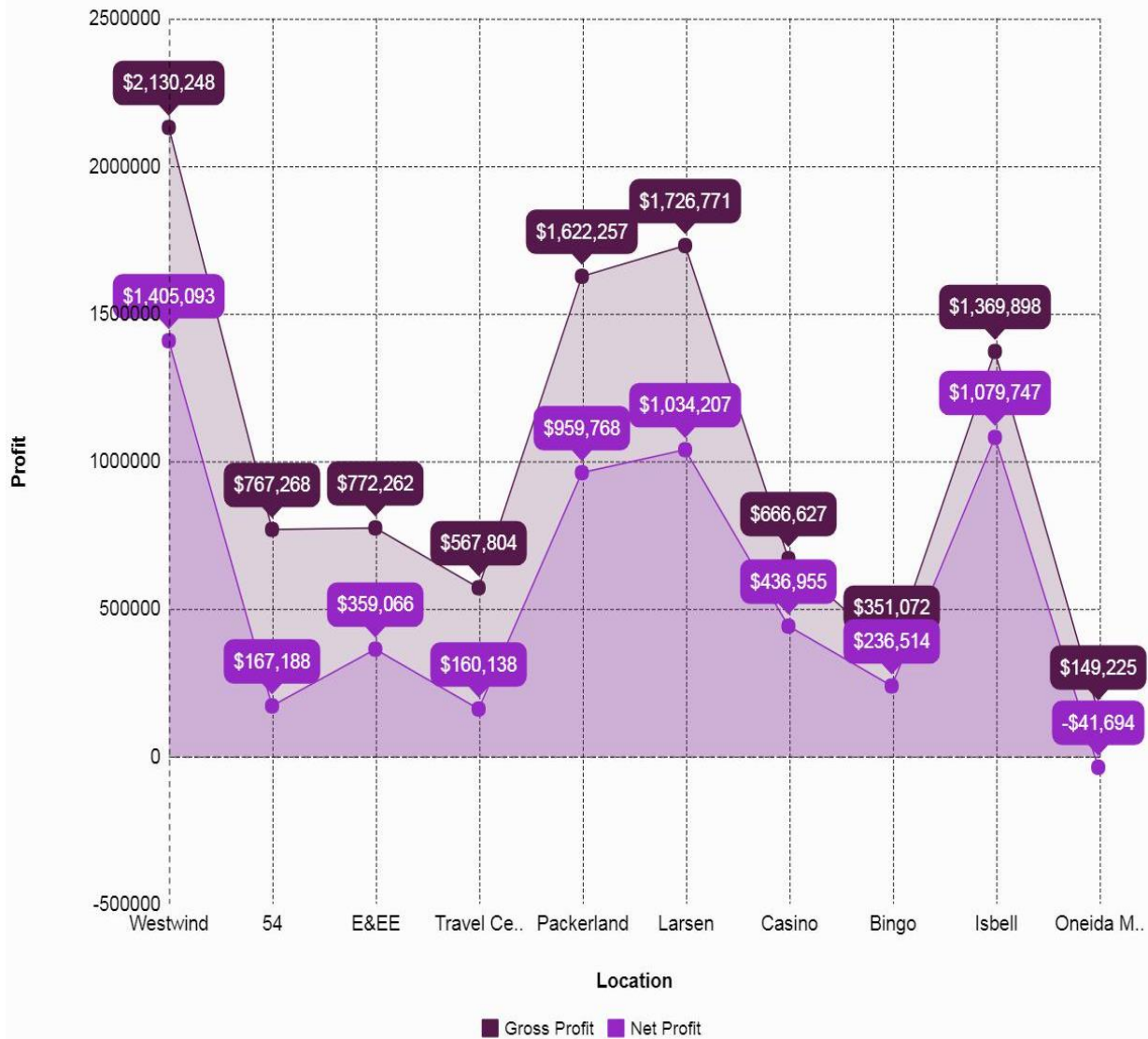
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FY 17 June Profit & Loss Statements

Actual vs. Budget Comparison	Actual FY 17	Budget FY 17	Actual FY 16
Sales	\$42,674,020	\$51,383,627	\$42,996,008
Cost of Goods	\$32,550,592	\$38,982,047	\$32,185,138
Gross Profit	\$10,123,428	\$12,401,580	\$10,810,870
Expenses	\$4,918,061	\$6,058,198	\$4,939,704
Net Profit	\$5,205,367	\$6,343,382	\$5,871,166




2 YTD Gross Profit vs. Net Profit by Location



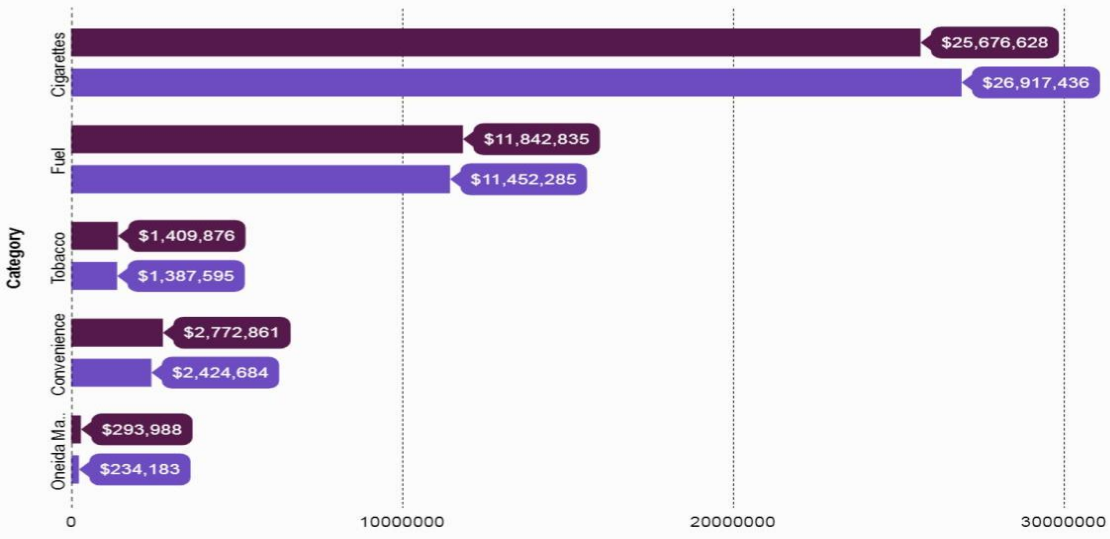
 Westwind has been #1 in sales, gross profit & net profit for over 20 years.

Westwind sells the most cigarettes followed by Packerland and Isbell

 Gross Profit %

Westwind - 24.01% Larsen - 21.06%
 54 - 18.67% Casino - 31.12%
 E&E - 24.32% Bingo - 32.13%
 Travel Center - 15.87% Isbell - 31.38%
 Packerland - 24.84% Oneida Market - 24.21%

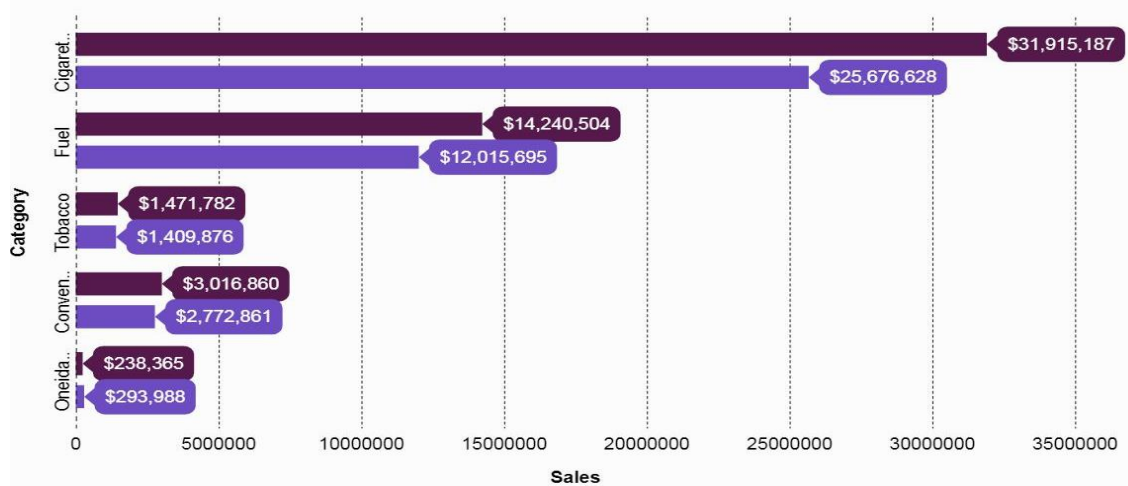
2 YTD Sales by Category YOY



\$ Cigarettes continue to dominate sales & gross profit. Followed by Mobile branded fuel.

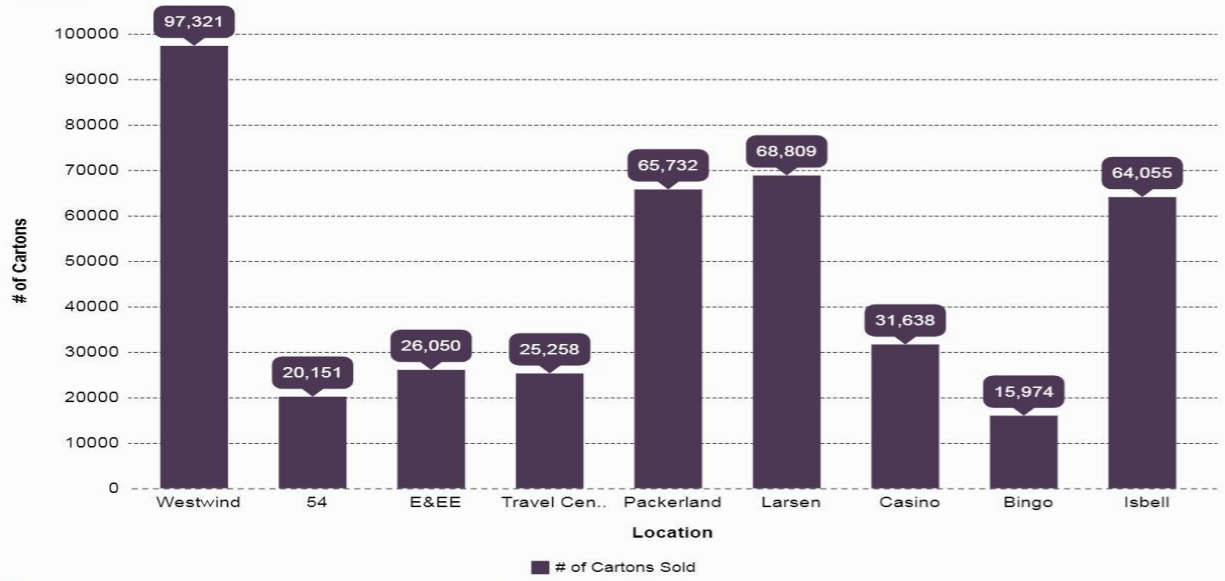
\$ Cigarettes GP% - 30.94%
 Fuel GP% - 5.58%
 Tobacco GP% - 37.27%
 Convenience GP% - 26.92%
 Market GP% - 24.21%
 Overall GP% - 23.72%

2 YTD Sales by Category Actual vs Budget



\$ Actual Sales is behind budget \$8,709,607
 Actual Sales is down \$321,988 YOY

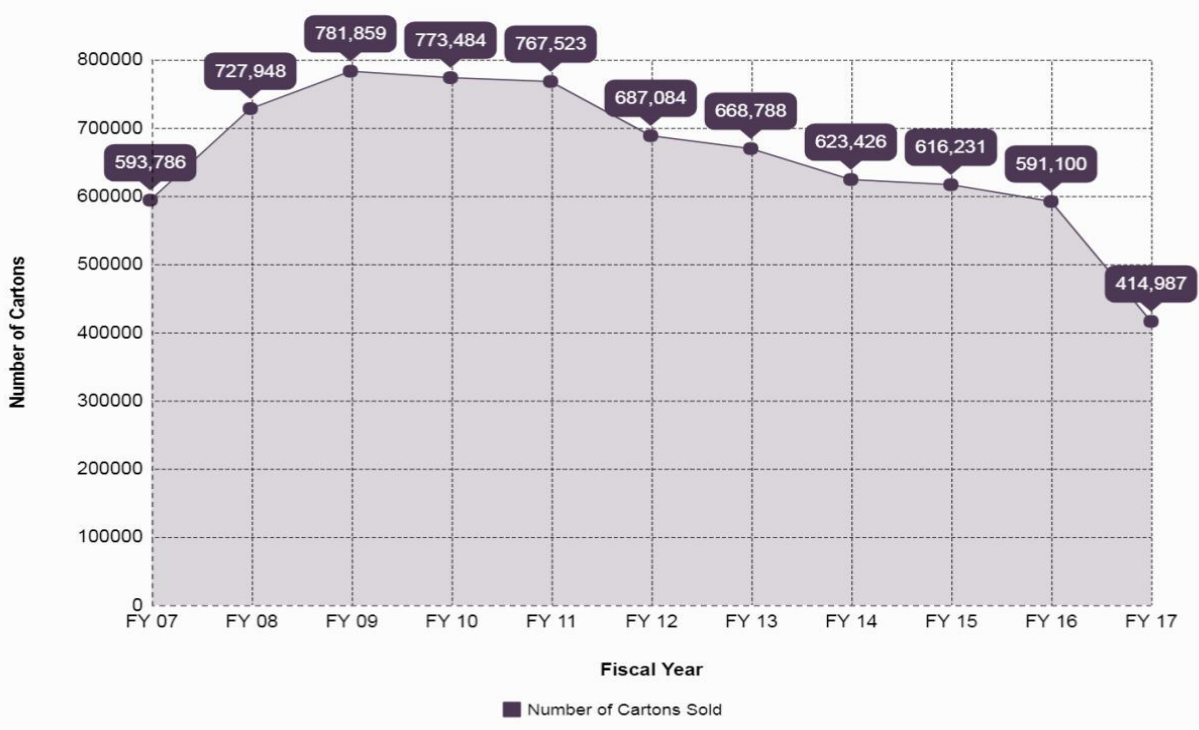
2 YTD Carton Sales by Location



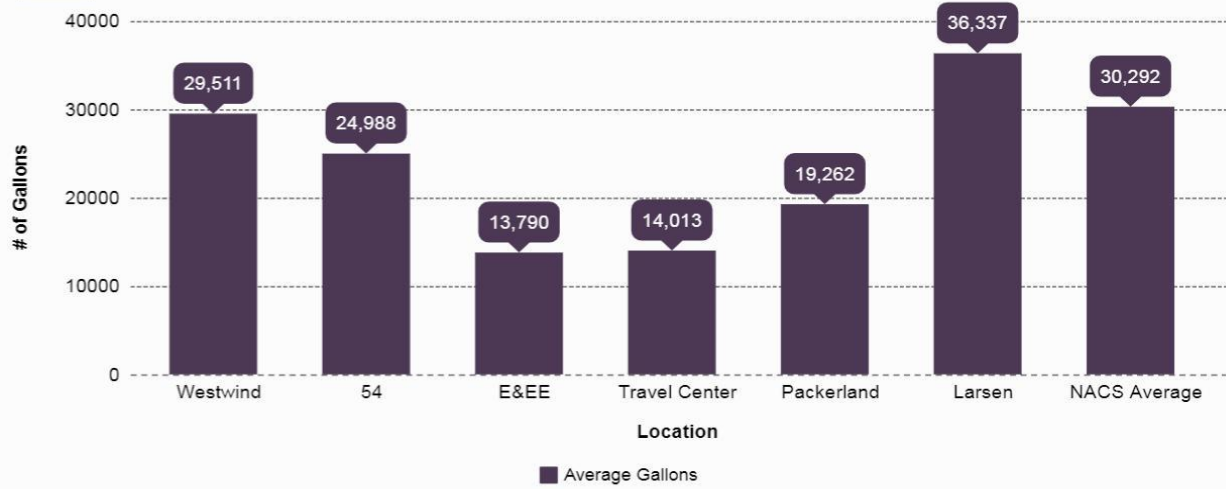
 The average convenience store sells 106 cartons per week (S. Abraham & Sons) in the state of Wisconsin.


 Westwind 2,703 avg 54 560 avg
E&E 724 avg Isbell 1,779 avg
Larsen 1,911 avg Packerland 1,826 avg
Casino 879 avg Bingo 444 avg
Travel Center 702 avg

2 YTD Ten Year Carton Sales



2 Average Gallons Per Week



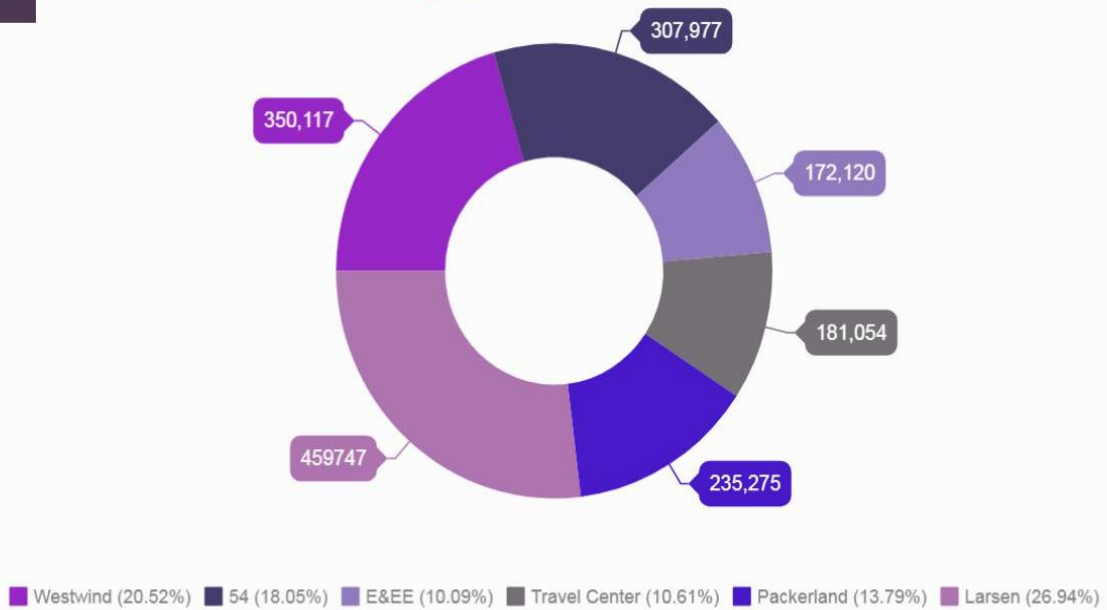


In general, there are three factors in determining the retail price of fuel:

1. Cost of Fuel
2. Pricing
3. Fuel in Ground

The number of gallons sold increased 30,491 compared to FY 16

2 Qtr. 3 Gallon Sales by Location

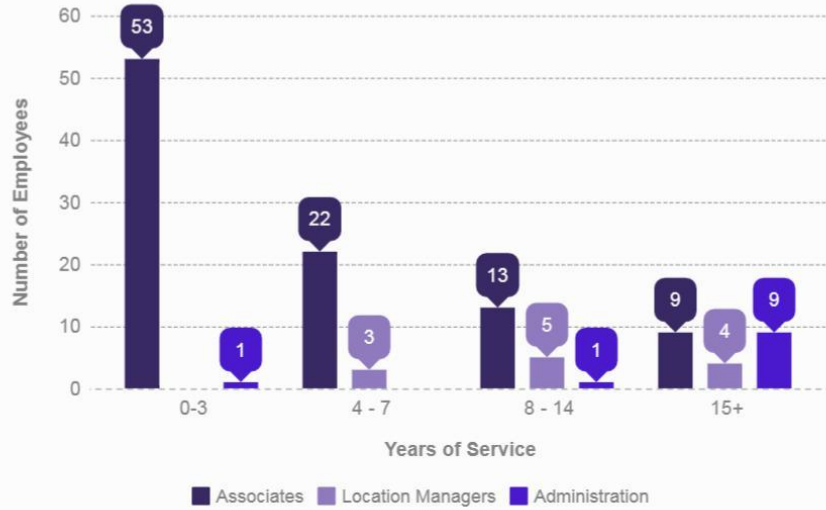


3 Retail Employees Years of Service



On June 30, 2017, there were 118 Retail Employees with an average of 7 years of service.

Vacation Accruals 4,927.50
PT Accruals 2,988.35
Total Accruals 7,915.85



3 Retail Employees Disciplinary Actions

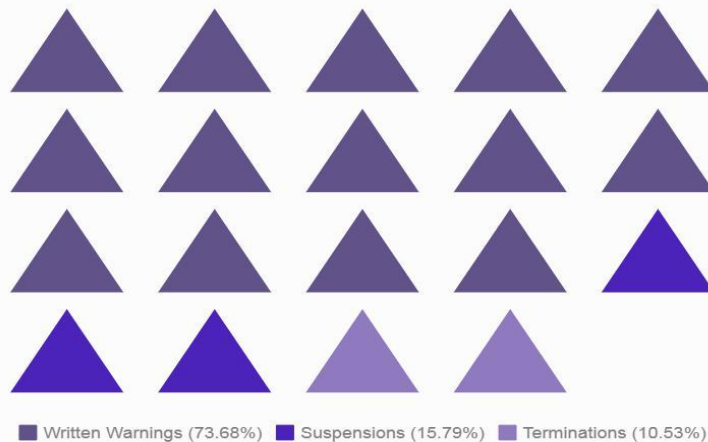


Written Warnings
Attendance 10
Work Performance 1
Personal Actions 2
Use of Property 1

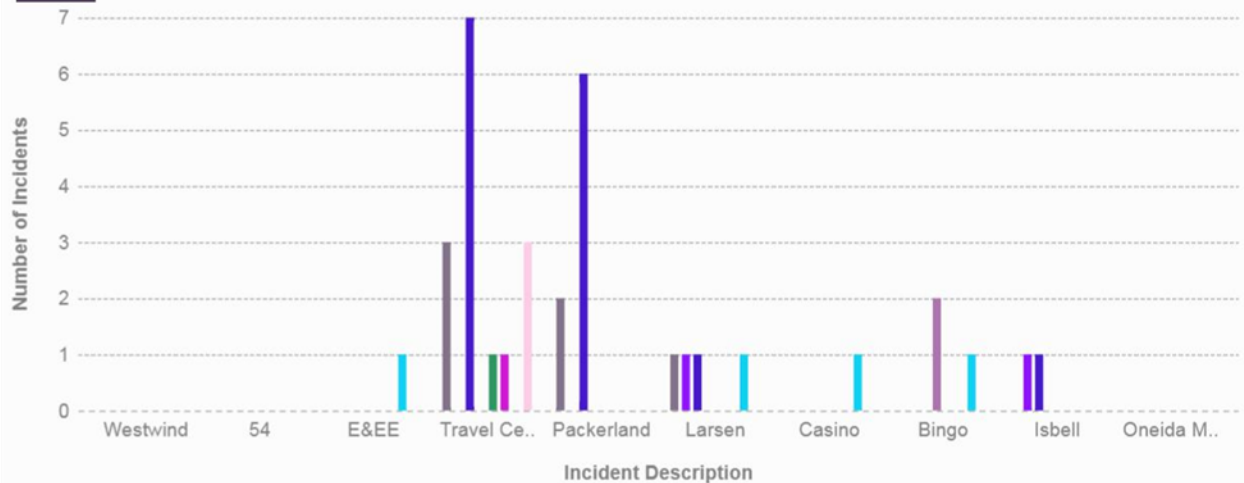
Suspensions
Attendance 2
Work Performance 1

Terminations
Attendance 1
Theft 1

Disciplinary Action Qtr. 3



4 Internal Security Incident Reports



Legend: Cellphone Use (Grey), Eating behind counter (Purple), No Badge (Blue), Keys (Light Purple), Uniform (Green), Unattended Counter (Pink), Suspicious Activity (Cyan), Late Open/Close (Light Pink)

Violations
 Cellphone Use 6
 Eating behind Counter 2
 No Badge 15
 Keys 2
 Uniform 1
 Unattended Counter 1
 Late Open/Close 3
 Suspicious Activity 4
 Total Violations 34

Violations By Location
 Westwind 0
 54 0
 E&EE 1
 Travel Center 15
 Packerland 8
 Larsen 4
 Casino 1
 Bingo 3
 Isbell 2
 Oneida Market 0

5 General Updates

Four Paths Update

Smet will soon be releasing information for bid to subcontractors.

Fuel system is 80% complete. The tanks have been set, fuel lines/components have been installed and concrete poured.

Agency permits will be submitted to start the demolition of the clock tower and interior phases.

Gas Drive-Offs

Retail is working with Internal Security, OPD and Accounting to revise the Gas Drive Off Procedure.

Focus on the following:
 Evaluation of the Fuel Sales Business Process.

Accounting will take all payments at Skenandoah Complex to ensure accurate accounting of all payments.

Internal Security & OPD to be advised when customer does not full-fill payment obligation.

HRD Recruitment

Active Recruitment to bring staffing levels to appropriate levels to include staff for the Shell Four Paths Location.

Efforts to include:
 Advertisement at all locations

Applications available at store locations

Hiring Events

FY 18 Budget Update

Sales
\$79,568,149

Cost of Goods
\$62,979,183

Gross Profit
\$16,588,966

Expenses
\$8,985,373

Net Profit
\$7,603,593

6 Marketing Updates

Diamonds for Dollars

The Oneida Food Pantry is the next Diamonds for Dollars recipient.

The event will run August 28 - September 17, 2017.

All locations will sell customers \$5 and \$1 Diamonds.

All proceeds will be utilized by the food pantry.

Open Roads

The Marketing Team, Operations and MIS are working with Open Roads to optimize the use of the rewards program.

Focus on the following:
Evaluation of the Rewards Program Business Process

Active communication of the Rewards Program to current and potential rewards members

MIS actively involved in all technology issues to better support the locations.

Oneida Market

Retail will work on strategies to increase the Gross Profit Margins in many categories.

Focus on the following:

- Agriculture Pricing
- Tea Pricing
- Merchandising
- New Product Mix
- Marketing Plan specific to Market

- Staffing Analysis on Daily Hours of Operation & Hours of Operations on Holidays

Inventory System

The Marketing Team is working on getting the inventory system implemented to optimize efficiency and profitability.

Focus on the following:
Clean Sales
Store Transfers
SAS Receiving
Procurement
Handheld Receiving
Shrink
Multi-pack Items

Standard Operating Procedures to be created and implemented.

Thank you for reading the report, should you have any questions please feel free to call me at 920.496.7301 or by email at mdoxtat3@oneidanation.org.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution

Transfer of Language Department to Oneida Nation School System

- 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 and General Tribal Council have always identified the value and priority of the language as representing who we are as a people, *see for example resolution # GTC-07-06-93-A directive of the General Tribal Council to publish hymnal books in the Oneida language and Oneida Business Committee actions creating a pilot linguistics program by resolution # BC-09-10-73, recognition of language speakers Mary Jourdan and Melinda Doxtator by resolutions # BC-05-04-90-A and B, creation of the Language Revitalization Fund by resolution # BC-01-28-04-A;* and
- WHEREAS,** the Oneida language learning programs have been located within various departments and divisions of the Oneida Nation organizational structure and is currently housed in the following location:
Governmental Services Division
Cultural Heritage Area Manager
Language Department Director; and
- WHEREAS,** the Oneida School Board has been committed to teaching the Oneida language throughout the K-12 school programming since the creation of the tribal school; and
- WHEREAS,** the Language Department met with the Oneida School Board in January of 2017, *see January 18, 2017, Oneida School Board meeting minutes,* to discuss more fully integrating the language programming and instructors to provide greater opportunities to both learn and speak the language by youth, teachers, adult learners, and language program staff; and
- WHEREAS,** the Oneida School Board endorsed this concept on March 6, 2017 and recommended forwarding the concept to the Oneida Business Committee for consideration; and
- WHEREAS,** the Oneida Business Committee received a presentation from the Oneida School Board and the Language Department regarding the proposed concept at the May 10 and 24, 2017, regular meetings and agreed that this transition would provide greater learning and speaking opportunities for the youth and adult population, greater measurements of success and review of programming goals and processes; provided that the Oneida School Board must commit to maintaining, measuring and improving adult Oneida language learning and speaking opportunities; and

WHEREAS, the Oneida Business Committee, having received a commitment to maintain adult learning and speaking opportunities, agrees that the transfer of the Language Department to the Oneida Nation School System is in the best interests of providing Oneida language learning and speaking opportunities, measuring success, and providing ongoing improvements to programming;

Authorizing Transition

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby directs that the Language Department shall be transferred from the Governmental Services Division to the Oneida Nation School System to be placed in the appropriate organizational location and supervision by the Oneida School Board.

BE IT FURTHER RESOLVED, that the transition shall be effective on October 1, 2017, with all supervision and budget authority and responsibility transferred on that date.

Transition Management

BE IT FURTHER RESOLVED, that the Oneida School Board shall identify a single representative to act as the Transition Manager to be responsible for managing the transition on behalf of the Oneida Nation School System and all correspondence, information, and reporting actions set forth in this resolution shall be identified as the responsibility of the Oneida School Board through the Transition Manager.

Reporting and Implementation

BE IT FURTHER RESOLVED, that the transition shall begin with the submission of the following reports the Oneida Business Committee for review by no later than the first Executive Session Oneida Business Committee meeting in September of 2017; and these reports shall be forwarded to the Oneida School Board by the following business day after review:

- The Human Resources Department Manager shall submit a report which identifies every employee, employee number, and job description for the Language Department, including all payroll related information; so that the Oneida School Board may finalize corrections to the job descriptions regarding supervision.
- The Treasurer, or designee, shall, after consultation with the Language Department Director; submit a report which identifies the Language Department budget, accounting line numbers, and any related grants or obligations, so that the School Board may finalize corrections to the accounting, expense, and authorization. Provided that, any changes in the budget shall not result in additional Tribal contribution and any savings shall be returned to the General Fund.
- The Oneida School Board shall identify appropriate offices and programming space in the Oneida Nation School System which shall provide integration with K-12 programming and adult language education.

BE IT FURTHER RESOLVED, that the Oneida School Board shall ensure that the transfer to the new offices is completed in a timely and organized manner.

Close-Out Report

BE IT FINALLY RESOLVED, that the Oneida School Board shall file with the Oneida Business Committee a consolidated close-out report, identifying how the transition was finalized, including any recommendations to improve this process for other transitions; by the last Executive Session Oneida Business Committee meeting in October of 2017, as it may contain financial and/or personnel related information.



Statement of Effect

Resolution Transferring the Oneida Language Department to the Oneida Nation School System

Summary

This resolution would change the Nation's organizational structure by transferring the Oneida Language Department from the Governmental Services Division to the Oneida School System; with the transfer directed to be completed by the first day of Fiscal Year 2018 (October 1, 2017).

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

Analysis by the Legislative Reference Office

This resolution makes various findings which recognize the value and priority of the Oneida language, and of providing Oneida language learning and speaking opportunities for both students and adults.

This resolution directs that the Language Department be transferred from the Governmental Services Division to the Oneida Nation School System.

The resolution specifically states that any changes in the budget may not result in additional Tribal contribution and any savings must be returned to the General Fund.

School Board Responsibilities

The resolution identifies various responsibilities and requirements relating to the transfer. The School Board will be responsible for:

- Placing the Language Department in the appropriate organizational location and supervision.
- Ensuring that the transfer to the new offices is completed in a timely and organized manner.
- Identifying one representative to act as the Transition Manager, who will be responsible for managing the transition on behalf of the School System; and for handling all correspondence, information and reporting actions required by this resolution, on behalf of the School Board.

Pre-Transition Reports

The transition will begin with the submission of three reports to the Oneida Business Committee (OBC) for review by no later than the first Executive Session OBC meeting in September 2017. These reports must then be forwarded to the School Board by the following business day after OBC review:

- The Human Resources Department (HRD) Manager must submit a report which identifies every employee, employee number, and job description for the Language Department, including all payroll related information. The School Board will use this information to finalize corrections to the job descriptions regarding supervision.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 9 / 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 July 19, 2017 LOC meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

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

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, Director, Legislative Reference Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The purpose of this request is to ask the OBC to accept the attached LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approval by the LOC [See LOC Bylaws, 4-2(a)].

Action Requested:

Accept the LOC meeting minutes of July 19, 2017.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org



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

July 19, 2017

9:00 a.m.

Present: Brandon Stevens, Jennifer Webster, David P. Jordan

Excused: Tehassi Hill and Fawn Billie

Others Present: Candice Skenandore, Tani Thurner, Clorissa Santiago, Maureen Perkins, Jen Falck, Rae Skenandore, Lee Cornelius, Krystal John, Kelly McAndrews, Bradley Graham, Bill Graham, Nancy Barton, Bonnie Pigman, Mike Debraska, Ed Delgado, Cathy L. Metoxen, Cathy Bachhuber, JoAnne House, Susan White

I. Call to Order and Approval of the Agenda

Brandon Stevens called the July 19, 2017 Legislative Operating Committee meeting to order at 9:05 a.m.

Motion by Jennifer Webster to adopt the agenda with the addition of the Landlord-Tenant Emergency Amendments, seconded by David P. Jordan. Motion carried unanimously.

II. Minutes to be approved

1. June 21, 2017 LOC Meeting Minutes

Motion by David P. Jordan to approve the June 21, 2017 LOC meeting minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Cemetery Law Amendments (01:40-42:01)

Motion by Jennifer Webster to approve the adoption packet and forward the Cemetery Law Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

2. Hunting, Fishing, and Trapping Law Amendments (42:01-42:33)

Motion by Jennifer Webster to accept the public meeting comments and forward the Hunting, Fishing, and Trapping Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

3. All-Terrain Vehicle Law Amendments (42:34-43:36)

Motion by David P. Jordan to accept the public meeting comments and forward the All-Terrain Vehicle Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

4. Public Use of Tribal Land Law Amendments (43:37-46:03)

Motion by Jennifer Webster to accept the public meeting comments and forward the

Public Use of Tribal Land Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

5. **On-Site Waste Disposal Law Amendments (46:04-57:50)**

Motion by David P. Jordan to accept the public meeting comments and forward the On-Site Waste Disposal Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

6. **Tribal Environmental Response Law Amendments (57:51-58:18)**

Motion by Jennifer Webster to accept the public meeting comments and forward the Tribal Environmental Response Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

7. **Well Abandonment Law Amendments (58:20-58:44)**

Motion by Jennifer Webster to accept the public meeting comments and forward the Well Abandonment Law Amendments adoption packet to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

8. **Water Resources Ordinance Amendments (58:45-59:15)**

Motion by Jennifer Webster to accept the public meeting comments and forward the Water Resources Ordinance Amendments adoption packet to the Oneida Business Committee for their consideration; seconded by David P. Jordan. Motion carried unanimously.

9. **Business Committee Meetings Law (59:16-1:31:57)**

Motion by Jennifer Webster to approve the adoption packet and forward to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

Motion by David P. Jordan to recess at 10:37a.m. until 11:15 a.m., seconded by Jennifer Webster.

LOC went back into session at 11:37 a.m.

10. **Petition: Child Care Department Consumer Complaint Policy (1:32:40-1:33:34)**

Motion by Jennifer Webster to accept the public meeting comments regarding the Petition: Child Care Department Consumer Complaint Policy and defer to a work meeting; seconded by David P. Jordan. Motion carried unanimously.

11. **Administrative Rulemaking Amendments (1:33:35-1:34:02)**

Motion by David P. Jordan to accept the public meeting comments regarding the Administrative Rulemaking Amendments and defer the public meeting comments to a work meeting; seconded by Jennifer Webster. Motion carried unanimously.

12. **Sanctions and Penalties Law (1:34:03-1:35:22)**

Motion by Jennifer Webster to accept the memo regarding the Sanctions & Penalties Legislative Analysis and direct the LRO to bring the analysis back when it's complete; seconded by David P. Jordan. Motion carried unanimously.

Note: it is the recommendation of the Legislative Operating Committee that when this item is presented to the Business Committee, that the Business Committee then present this item to General Tribal Council.

13. **Comprehensive Policy Governing Boards, Committees and Commissions Amendments** (1:35:23-1:35:48)

Motion by Jennifer Webster to accept the public meeting comments regarding the Comprehensive Policy Governing Boards, Committees and Commissions and defer to a work meeting; seconded by David P. Jordan. Motion carried unanimously.

14. **Children's Code** (1:35:49 -1:37:23)

Motion by Jennifer Webster to approve the adoption packet and forward the Children's Code to the Oneida Business Committee for their consideration; seconded by David P. Jordan. Motion carried unanimously.

15. **Audit Law Amendments**

(1:36:44-1:37:53)

Motion to David P. Jordan move Audit Law Amendments to the bottom of the agenda.

(1:42:23 -1:54:45)

Motion by David P. Jordan to accept the public meeting comments memo and approve the adoption packet with the noted changes and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

The noted changes include:

- *Line 70: insert comma and add "except gaming compliance audits"*
- *Line 131 revised to read "notice of the time requirements for response, including the deadline for requesting an extension"*
- *Line 139 – broadened to cross out (b) starting with "within 14 days" and replace with "within the timeframe provided within the written request"*
- *Line 158 (section 106.6-6) changed from 14 days to "within the timeframe provided"*
- *Section 108.6-6 line 161 – include revisions to capture that the preliminary consultation is required to be done with the internal audit department prior to requesting a consultation with the Audit Committee*
- *Line 179 – "once the Audit Committee has reviewed the management response and approved the final audit report, the approved audit report is forwarded to the Oneida Business Committee for acceptance, and revising this section to recognize that the report would be released as a whole, except for the redacted portions approved by the law office.*
- *Line 205 to change to read "directing the appropriate corrective action,*

which may include discipline”

- *108.8-3 - revised to recognize that the annual financial audit is available at all of those locations, but that all other external audits are with the entity.*

Noted for the record: The Fiscal Impact Statement will be provided for the OBC when it is brought forward for adoption. The LOC will approve the full and updated adoption packet, including the Fiscal Impact Statement, by e-poll.

IV. New Submissions

V. Additions

1. Landlord Tenant Emergency Amendments Extension (1:37:54 -1:40:18)

Motion by David P. Jordan to approve the emergency amendments extension adoption packet and forward the Landlord-Tenant Emergency Amendments Extension Resolution to the Oneida Business Committee for their consideration; seconded by Jennifer Webster. Motion carried unanimously.

Noted for the record: This item extends the existing adoption of emergency amendments for an additional six months.

VI. Administrative Updates

1. LOC Quarterly Report (1:40:18-1:41:15)

Motion by David P. Jordan to approve the LOC Quarterly Report and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

2. Legal Resource Center Public Meeting Packet E-Poll (1:41:15-1:42:19)

Motion by David P. Jordan to enter the July 5th E-poll results into the record which updated the public meeting packet for the Legal Resource Center; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by David P. Jordan to adjourn the July 19, 2017 Legislative Operating Committee meeting at 12:03 p.m.; seconded by Jennifer Webster. Motion carried unanimously.

Business Committee Meeting

8:30 a.m. Wednesday, August 9, 2017

Thank you for printing clearly

William F. [unclear]

Donald [unclear]

Buenostro

Bonnie [unclear]

Cheryl Stevens

Tami Fleisner

Lisa Liggins

Cathy Bachhuber

Nancy Cook

David P. Wheeler OHA

Michele Doxtator

Matt Donny

Manning