

# Oneida Business Committee



**Executive Session**  
**8:30 AM Tuesday, September 24, 2024**  
 BC Conference Room, 2nd floor, Norbert Hill Center

**Regular Meeting**  
**8:30 AM Wednesday, September 25, 2024**  
 BC Conference Room, 2nd floor, Norbert Hill Center

## Agenda

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*Meeting agenda is available here: [oneida-nsn.gov/government/business-committee/agendas-packets/](https://oneida-nsn.gov/government/business-committee/agendas-packets/). Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the Government Administrative Office, 1st floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.*

### **I. CALL TO ORDER**

### **II. OPENING**

- A. Special recognition for years of service - JoAnne King**  
 Sponsor: Mark W. Powless, General Manager

### **III. ADOPT THE AGENDA**

### **IV. MINUTES**

- A. Approve the September 11, 2024, regular Business Committee meeting minutes**  
 Sponsor: Lisa Liggins, Secretary

### **V. RESOLUTIONS**

- A. Adopt resolution entitled Tribal Tourism Grant Application**  
 Sponsor: Mark W. Powless, General Manager
- B. Adopt resolution entitled Amendment to BC Resolution 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds**  
 Sponsor: Mark W. Powless, General Manager
- C. Adopt resolution entitled Amendments to the Vehicle Driver Certification and Fleet Management Law**  
 Sponsor: Jameson Wilson, Councilman

- D. **Adopt resolution entitled Safe Shelter donation for \$15,000 from the Economic, Development, Diversification and Community Development Fund**  
Sponsor: Justin Nishimoto, Economic Strategy Coordinator

## VI. **STANDING COMMITTEES**

### A. **FINANCE COMMITTEE**

1. **Accept the August 15, 2024, regular Finance Committee meeting minutes**  
Sponsor: Lawrence Barton, Treasurer
2. **Accept the August 29, 2024, regular Finance Committee meeting minutes**  
Sponsor: Lawrence Barton, Treasurer

### B. **LEGISLATIVE OPERATING COMMITTEE**

1. **Accept the September 4, 2024, regular Legislative Operating Committee meeting minutes**  
Sponsor: Jameson Wilson, Councilman

## VII. **TABLED BUSINESS**

- A. **Adopt resolution entitled Affordable Home Ownership Strategy**  
Sponsor: Jo Anne House, Chief Counsel

## VIII. **TRAVEL REPORTS**

- A. **Approve the travel report - Vice-Chairman Brandon Yellowbird-Stevens and Councilman Kirby Metoxen - Democratic National Convention - Chicago, IL - August 19-22, 2024**  
Sponsor: Brandon Yellowbird-Stevens, Vice-Chairman, Kirby Metoxen, Councilman

## IX. **TRAVEL REQUESTS**

- A. **Approve the travel request - Councilman Jonas Hill - Tribal Nations Resiliency Conference - Box Elder, SD - October 8-11, 2024**  
Sponsor: Jonas Hill, Councilman
- B. **Approve the travel request - Councilman Kirby Metoxen - Native American Tourism, of WI and Great Lakes Inter-Tribal Council Meeting - Milwaukee, WI - October 9-10, 2024**  
Sponsor: Kirby Metoxen, Councilman
- C. **Approve the travel request - Councilman Jameson Wilson - 2025 Reservation Economic Summit - Las Vegas, NV - March 9-14, 2025**  
Sponsor: Jameson Wilson, Councilman

**X. NEW BUSINESS**

- A. Approve seven (7) actions regarding the Tribal Contribution Savings report**  
Sponsor: Lisa Liggins, Secretary
- B. Approve an exception to BC resolution # 04-08-20-K for CIP #15-001 Oneida Community Cannery**  
Sponsor: Mark W. Powless, General Manager
- C. Defer the initial report regarding GWA payments to the October 9, 2024, regular Business Committee meeting**  
Sponsor: Lisa Liggins, Secretary
- D. Approve the U.S. Indian Health Service-Bemidji Area - Oneida Nation Buyback for HIM Billing/Coding Review FY-2025 - file # 2024-1035,**  
Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

**XI. GENERAL TRIBAL COUNCIL**

- A. Cancel the tentatively scheduled special General Tribal Council meeting on November 4, 2024**  
Sponsor: Lisa Liggins, Secretary

**XII. EXECUTIVE SESSION****A. REPORTS**

- 1. Accept the General Manager report (8:30 a.m.)**  
Sponsor: Mark W. Powless, General Manager
- 2. Defer the Treasurer Report September 2024 to the October 9, 2024, Business Committee meeting**  
Sponsor: Lawrence Barton, Treasurer
- 3. Accept the Intergovernmental Affairs and Self-Governance September 2024 report**  
Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

**B. AUDIT COMMITTEE**

- 1. Accept the July 16, 2024, regular Audit Committee meeting minutes**  
Sponsor: Lisa Liggins, Secretary
- 2. Accept the Craps Rules of Play compliance audit and lift the confidentiality requirement**  
Sponsor: Lisa Liggins, Secretary

3. **Accept the Mississippi Stud Rules of Play compliance audit and lift the confidentiality requirement**  
Sponsor: Lisa Liggins, Secretary
4. **Accept the Card Games and Poker Rules of Play compliance audit and lift the confidentiality requirement**  
Sponsor: Lisa Liggins, Secretary

**C. NEW BUSINESS (8:30 a.m.)**

1. **Accept the July 3, 2024, Business Committee Officers session notes**  
Sponsor: Lisa Summers, OBC Area Manager
2. **Accept the September 4, 2024. Business Committee Officers session notes**  
Sponsor: Lisa Summers, OBC Area Manager
3. **Adopt resolution entitled Approval of FY 2025 Annual Limited Waiver of Sovereign Immunity for Real Estate Transactions Insured by First American Title Insurance Company**  
Sponsor: Mark W. Powless, General Manager
4. **Adopt resolution entitled Self-Governance FY 2024-2028 Multi-Year Funding Agreement between the Oneida Nation and U.S. Department of Health and Human Services**  
Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

**XIII. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov) pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

For information about this meeting, please call the Government Administrative Office at (920) 869-4364 or (800) 236-2214

Approve the September 11, 2024, regular Business Committee meeting minutes

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## Business Committee Agenda Request

**1. Meeting Date Requested:** 09/25/24

**2. General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
 Justification: *Choose reason for Executive.*

**3. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**4. Budget Information:**

- Budgeted  Budgeted – Grant Funded  Unbudgeted  
 Not Applicable  Other: *Describe*

**5. Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN

**DRAFT****Oneida Business Committee**

**Regular Meeting**  
**8:30 AM Wednesday, September 11, 2024**  
**BC Conference Room, 2nd floor, Norbert Hill Center**

**Minutes****REGULAR MEETING**

**Present:** Vice-Chairman Brandon Yellowbird-Stevens, Treasurer Lawrence Barton, Secretary Lisa Liggins, Council members: Jonas Hill, Kirby Metoxen, Marlon Skenandore, Jameson Wilson;

**Not Present:** Chairman Tehassi Hill, Councilwoman Jennifer Webster;

**Arrived at:** n/a

**Others present:** Jo A. House, RaLinda Ninham-Lamberies, Mark W. Powless, Todd Vanden Heuvel (via Microsoft Teams<sup>1</sup>), Lisa Summers (via Microsoft Teams), Katsitisyo Danforth (via Microsoft Teams), Melanie Burkhart (via Microsoft Teams), Justin Nishimoto (via Microsoft Teams), Melinda J Danforth (via Microsoft Teams), Clorissa Leeman (via Microsoft Teams), Grace Elliott (via Microsoft Teams), Sidney White (via Microsoft Teams), Melissa Alvarado (via Microsoft Teams), Maureen Metoxen (via Microsoft Teams), Derick Denny (via Microsoft Teams), Carolyn Salutz (via Microsoft Teams), Nicole Rommel (via Microsoft Teams), Michelle Hill (via Microsoft Teams), Patricia King (via Microsoft Teams), Stacie Cutbank (via Microsoft Teams), Joyce King (via Microsoft Teams), Danelle Wilson (via Microsoft Teams), Fawn Billie (via Microsoft Teams), Fawn Cottrell (via Microsoft Teams), Janice Decorah (via Microsoft Teams), Maureen Perkins (via Microsoft Teams), David Jordan (via Microsoft Teams), Kristal Hill (via Microsoft Teams), Debbie Melchert (via Microsoft Teams), Rae Skenandore (via Microsoft Teams), Lori Hill (via Microsoft Teams), Tavia James-Charles (via Microsoft Teams), Brooke Doxtator (via Microsoft Teams), Shannon Davis (via Microsoft Teams), Amber Martinez (via Microsoft Teams), Carol Silva (via Microsoft Teams), Mary Graves (via Microsoft Teams), Tracy Metoxen (via Microsoft Teams), Pearl Webster (via Microsoft Teams), Jeanette Ninham (via Microsoft Teams), Gina Powless-Buenrostro (via Microsoft Teams), Candace House (via Microsoft Teams), Connor Kestell (via Microsoft Teams), Winnifred Thomas, Barbara Cornelius, Edward Delgado, Lynn Metoxen, Russell Metoxen, Frederick Muscavitch, Garth Webster, Teresa Schuman, Nancy Barton, Marie Cornelius, Jennifer Hill-Kelley, Jeremy King, Michelle Braaten, Reynold Danforth, Debbie Thundercloud, Kimberly Skenandore-Goodrich, Mark Powless, Neoma Orsburn, Billie Jo Cornelius-Adkins, Gerald Hill, Linda Dallas, Cathy L Metoxen, Melissa Skenandore, Jeff House, Arlinda Locklear (via Microsoft Teams), James Bittorf (via Microsoft Teams), Louise Cornelius, Chad Fuss, Bonnie Pigman (via Microsoft Teams)

**I. CALL TO ORDER**

*Meeting called to order by Vice-Chairman Brandon Yellowbird-Stevens at 8:32 a.m.*

*For the record: Chairman Tehassi Hill is out on vacation. Councilwoman Jennifer Webster is out on approved travel to attend the Health and Human Services Secretary's Tribal Advisory Committee in Portland, OR - September 9-13, 2024.*

**II. OPENING (00:00:22)**

*Opening provided by Councilman Kirby Metoxen.*

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<sup>1</sup> Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

**DRAFT****III. ADOPT THE AGENDA (00:00:48)**

Motion by Kirby Metoxen to adopt the agenda with four (4) additions and two (2) deletions [1) under the Oath of Office section, add item entitled Oneida Election Board Ad-Hoc Committee - Nancy Barton; 2) under the Resolutions section, add item Adopt resolution entitled Authorization to Open an Operating Bank Account for the Oneida Hotel; 3) add section entitled General Tribal Council and add item entitled Accept the fiscal impact statement - petition # 2024-02; 4) under the General Tribal Council section, add item entitled Approve the notice and materials for the October 23, 2024, tentatively scheduled General Tribal Council meeting; 5) under the Resolutions section, delete item VI.C. Adopt resolution entitled Continued Support for the Tribal Elder Food Box Program; and 6) under the Travel Requests section, delete item VII.A. Approve the travel request - Marlon Skenandore - WhyHunger Midwest Cohort Gathering 2024 - Columbus, OH - October 17-18, 2024], seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

**IV. OATH OF OFFICE**

*Oaths of office administered by Secretary Lisa Liggins. Lynn Metoxen, Billie Jo Cornelius-Adkins, Gerald Hill, Linda Dallas, Teresa Schuman, Jeremy King, Chris Cornelius, Deborah Thundercloud, Ethel Marie Cornelius, Russell Metoxen Jr., Frederick Muscavitch, Cathy Metoxen, Neoma Orsburn, Melissa Skenandore, Jennifer Hill-Kelley, Kimberly Skenandore-Goodrich were present. Jeanette Ninham, Candace House, Gina Buenrostro-Powless, Pearl Webster, Tracy Metoxen were present via Microsoft Teams.*

- A. Anna John Resident Centered Care Community Board - Lynn Metoxen, Jeanette Ninham (00:02:43)**  
Sponsor: Lisa Liggins, Secretary
- B. Legal Resource Center - Billie Jo Cornelius-Adkins and Gerald Hill**  
Sponsor: Lisa Liggins, Secretary
- C. Oneida Election Board - Linda Dallas, Candace House, Teresa Schuman**  
Sponsor: Lisa Liggins, Secretary
- D. Oneida Gaming Commission - Jeremy King**  
Sponsor: Lisa Liggins, Secretary
- E. Oneida Land Claims Commission - Chris Cornelius, Candace House, Deborah Thundercloud**  
Sponsor: Lisa Liggins, Secretary
- F. Oneida Land Commission - Gina Buenrostro Powless, Ethel Marie Cornelius, Russell Metoxen Jr., and Frederick Muscavitch**  
Sponsor: Lisa Liggins, Secretary
- G. Oneida Nation Commission on Aging - Cathy Metoxen, Neoma Orsburn, and Pearl Webster**  
Sponsor: Lisa Liggins, Secretary

**DRAFT**

- H. **Oneida Nation School Board - Tracy Metoxen, Teresa Schuman, and Melissa Skenandore**  
Sponsor: Lisa Liggins, Secretary
- I. **Oneida Trust Enrollment Committee - Jennifer Hill-Kelley, Tracy Metoxen, and Teresa Schuman**  
Sponsor: Lisa Liggins, Secretary
- J. **Pardon and Forgiveness Screening Committee - Kimberly Skenandore-Goodrich**  
Sponsor: Lisa Liggins, Secretary
- K. **Oneida Election Board Ad-Hoc Committee - Nancy Barton**  
Sponsor: Lisa Liggins, Secretary

**V. MINUTES**

- A. **Approve the August 28, 2024, regular Business Committee meeting minutes (00:18:41)**  
Sponsor: Lisa Liggins, Secretary

Motion by Jonas Hill to approve the August 28, 2024, regular Business Committee meeting minutes, seconded by Lawrence Barton. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**VI. RESOLUTIONS**

- A. **Adopt resolution entitled Authorizing Participation in the U.S. Department of Transportation Tribal Transportation Self-Governance Program (00:19:10)**  
Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

Motion by Lawrence Barton to adopt resolution 09-11-24-A Authorizing Participation in the U.S. Department of Transportation Tribal Transportation Self-Governance Program, seconded by Kirby Metoxen. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

- B. **Adopt resolution entitled Digital Equity Competitive Grant Program Application (00:21:05)**  
Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to adopt resolution 09-11-24-B Digital Equity Competitive Grant Program Application, with one (1) correction [add "Application" to the end of line 1], seconded by Marlon Skenandore. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster



**DRAFT**

- C. Adopt resolution entitled Authorizing Use of Carry Over Funds for Capital Expenditures for Oneida Hotel Prior to Consolidation (00:21:50)**  
Sponsor: Louise Cornelius, Gaming General Manager

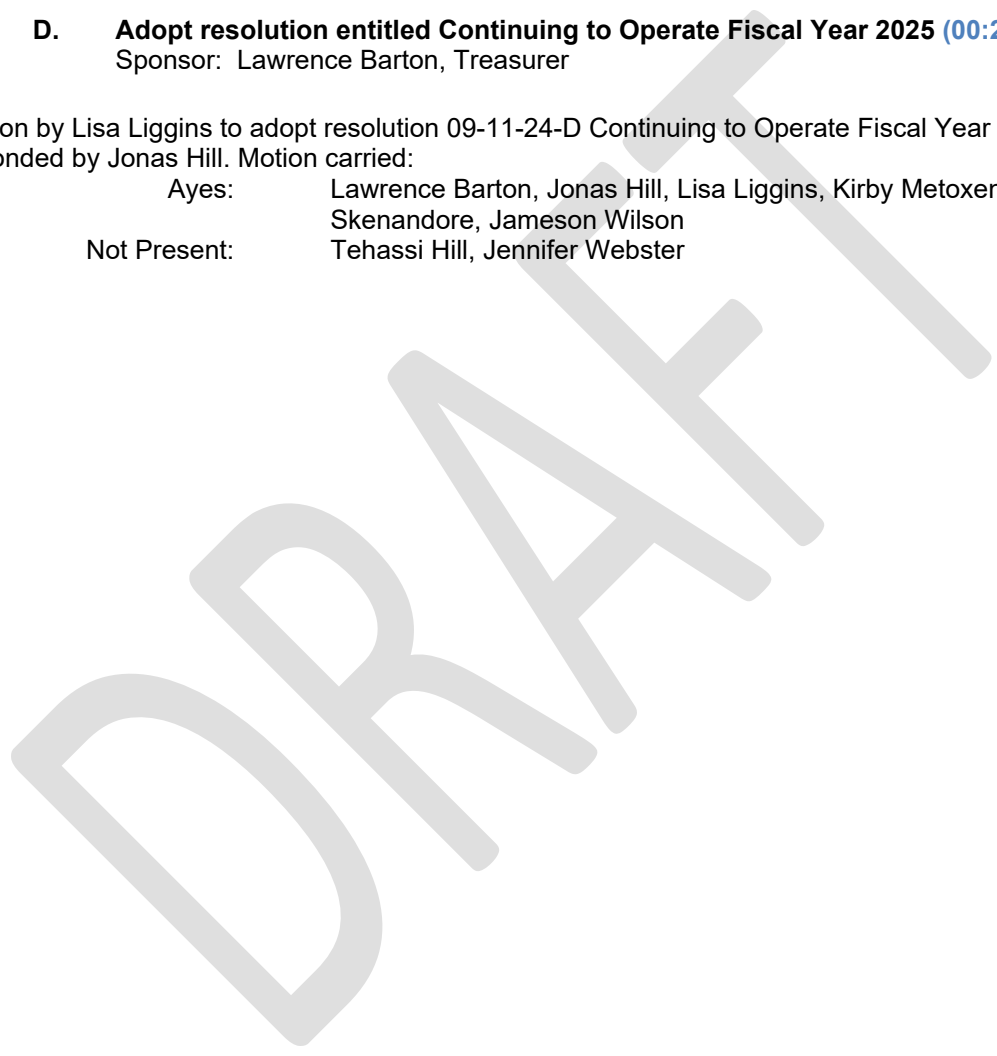
Motion by Lawrence Barton to adopt resolution 09-11-24-C Authorizing Use of Carry Over Funds for Capital Expenditures for Oneida Hotel Prior to Consolidation, seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

- D. Adopt resolution entitled Continuing to Operate Fiscal Year 2025 (00:27:36)**  
Sponsor: Lawrence Barton, Treasurer

Motion by Lisa Liggins to adopt resolution 09-11-24-D Continuing to Operate Fiscal Year 2025, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster



**DRAFT****E. Adopt resolution entitled Affordable Home Ownership Strategy (00:31:31)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lawrence Barton to table this item, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

*For the record: Secretary Lisa Liggins stated, On July 10<sup>th</sup> the General Manager and the Comprehensive Housing Division presented the "Affordable Home Ownership Strategy" to the Oneida Business Committee which contained four (4) parts; a budget request specifically for Comprehensive Housing Division's in house revolving home program to assist with Homeownership by Independent Purchase Program (HIPP) and For Sale by Owner Program; collaboration with the [Oneida] Land Commission to purchase ready to sell homes for the Residential Sales Program; collaboration with internal areas to revamp and create a successful Home Building Opportunity Program (HBO) that prepares and provides Oneida members with vacant lots to build homes; and collaboration with Bay Bank to administer the construction loan program on behalf of the Division, in which the Nation guarantees the construction loan. The areas completed the directive as requested. Additional direction was given for the Law Office to work with Finance to identify funds to fund the \$8 million dollars that was requested and required to make this Affordable Home Ownership Strategy a success and that was what was completed today so therefore I oppose the tabling of this resolution. Thank you.*

*For the record: Councilman Jameson Wilson stated, Mine was more along the lines of the conclusion of the statement of effect as the resolution, as is, directs the General Manager to create rules for mortgage programs which include requirements specific to the Veterans Housing Programs among other loan recipients. The Business Committee does not have authority to delegate that type of authority to the General Manager and those authorities would actually lie within the, for that law, with the Comprehensive Housing Division and Land Management. and Land Commission. If the resolution were restated to reflect "monitoring", have General Manager monitor the administrative rulemaking authority that's delegated to those affected entities, then I think we would be in compliance. But as the Legislative Operating Committee Chairman that's why I decided to support the tabling of the item. Thank you.*

*For the record: Vice-Chairman Brandon Yellowbird-Stevens stated, I believe if we're able to have discussion on the resolution, I think we could have rectified all of that. Have the conversation, talk about it, and make motions to that effect. That's why, I am not in a position to vote, but my counsel would have said, "talk about the issues, get a better understanding of what we need to see coming back here to this table if the resolution wasn't ready". Simply tabling an item doesn't allow for that, that's why I would have pressed to just to talk about it and could have brought it back in 30 days.*

**F. Adopt resolution entitled Authorization to Open an Operating Bank Account for the Oneida Hotel (00:44:35)**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Lawrence Barton to adopt resolution 09-11-24-E Authorization to Open an Operating Bank Account for the Oneida Hotel, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**DRAFT****VII. APPOINTMENTS****A. Post one (1) vacancy - Southeastern Wisconsin Oneida Tribal Services Advisory Board (00:58:07)**

Sponsor: Lisa Liggins, Secretary

Motion by Lawrence Barton to post one (1) vacancy on the Southeastern Wisconsin Oneida Tribal Advisory Board in accordance with § 105.7-1(c)(2), seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**IX. NEW BUSINESS**

*Councilman Kirby Metoxen left at 9:56 a.m.*

*Councilman Kirby Metoxen returned at 9:58 a.m.*

**A. Rescind BC resolution # 04-08-20-K Appointing Oneida ESC Group LLC as Nation's General Contractor for Construction Projects (00:58:30)**

Sponsor: Lawrence Barton, Treasurer

Motion by Lawrence Barton to rescind BC resolution # 04-08-20-K *Appointing Oneida ESC Group LLC as Nation's General Contractor for Construction Projects*, as amended, seconded by Jonas Hill. Motion carried:

Ayes: Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Opposed: Lawrence Barton

Abstained: Jonas Hill

Not Present: Tehassi Hill, Jennifer Webster

Amendment to the main motion by Jameson Wilson to not rescind BC resolution # 04-08-20-K *Appointing Oneida ESC Group LLC as Nation's General Contractor for Construction Projects* and forward to a Business Committee work session for further discussion, seconded by Kirby Metoxen. Motion carried:

Ayes: Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson,

Opposed: Lawrence Barton

Abstained: Jonas Hill

Not Present: Tehassi Hill, Jennifer Webster

*Councilman Marlon Skenandore left at 10:18 a.m.*

**B. Enter the e-poll results into the record regarding the approved Selection Criteria for the Oneida Head Start Program (01:47:59)**

Sponsor: Lisa Liggins, Secretary

Motion by Jonas Hill to enter the e-poll results into the record regarding the approved Selection Criteria for the Oneida Head Start Program, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Jameson Wilson

Not Present: Tehassi Hill, Marlon Skenandore, Jennifer Webster

*Councilman Marlon Skenandore returned at 10:20 a.m.*

**DRAFT****X. GENERAL TRIBAL COUNCIL****A. PETITIONER LINDSEY BLACKOWL – New Recreation/Community Center Build - petition # 2024-02****1. Accept the fiscal impact statement regarding petition # 2024-02 (01:48:24)**

Sponsor: Lawrence Barton, Treasurer

Motion by Lisa Liggins to accept the fiscal impact statement regarding petition # 2024-02, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

**B. Approve the notice and material for the October 23, 2024, tentatively scheduled special General Tribal Council meeting (01:50:02)**

Sponsor: Lawrence Barton, Treasurer

Motion by Lisa Liggins to approve the notice and material for the October 23, 2024, tentatively scheduled special General Tribal Council meeting with one (1) noted change to include a memorandum from the Budget Manager regarding Tribal Member access to the full budget, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

*The Oneida Business Committee, by consensus, took a five (5) minute recess at 10:37 a.m.*

**XI. EXECUTIVE SESSION (01:58:23)**

Motion by Lawrence Barton to go into executive session at 10:42 a.m., seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

Motion by Lawrence Barton to come out of executive session at 1:07 p.m., seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson  
 Not Present: Tehassi Hill, Jennifer Webster

**DRAFT****A. REPORTS****1. Accept the Hotel to Gaming Transition Committee September 2024 report (01:58:54)**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Lisa Liggins to accept the Hotel to Gaming Transition Committee September 2024 report, seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**2. Accept the General Manager report (01:59:16)**

Sponsor: Mark W. Powless, General Manager

Motion by Lisa Liggins to accept the General Manager report, seconded by Lawrence Barton. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**3. Accept the Chief Counsel report (01:59:55)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Liggins to accept the Chief Counsel report, to approve the correspondence regarding the September 8, 2024, special General Tribal Council meeting outcomes, and approve the recommendations in the September 3, 2024, memorandum, seconded by Marlon Skenandore. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

**XII. ADJOURN (02:00:27)**

Motion by Lawrence Barton to adjourn at 1:08 p.m., seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

Minutes prepared by Bonnie Pigman, Information Management Specialist.  
Minutes approved as presented on \_\_\_\_\_.

\_\_\_\_\_  
Lisa Liggins, Secretary  
ONEIDA BUSINESS COMMITTEE

Adopt resolution entitled Tribal Tourism Grant Application

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### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

*Enter the requested motion related to this item.*

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: Tourism

5. Additional attendees needed for this request:

Mark W. Powless, General Manager

Michelle Danforth-Anderson, Marketing & Tourism Director

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: Memo

**7. Budget Information:**

- Budgeted – Tribal Contribution
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

**8. Submission:**

**Mark W. Powless** Digitally signed by Mark W. Powless  
Date: 2024.09.12 13:51:11 -05'00'

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: Michelle Danforth-Anderson, Marketing & Tourism Director

A good mind. A good heart. A strong fire.



**Date: September 17, 2024**

**To: Tribal Secretary**

**From: Donald Miller, Grants Office**

**Re: Request: Resolution - "Tribal Tourism Grant Application"**

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Good day,

The nature of this request is for a Business Committee resolution authorizing Tourism's grant application for the BIA – Tribal Tourism Grant Program. The purpose of this grant is to support Tribal efforts to educate the community about the Tribes history and culture and to support tourism related economic development. The grant in question will have a value of between \$75,000 and \$150,000. The grant will be for a one-time infusion of cash to kick-off or continue an existing Tribal tourism effort.

This grant is due on October 25, 2024.

We respectfully request authorization to submit this resolution to the Business Committee for their consideration.

Thank you

If there are further questions, please contact:

Don Miller  
920-496-7329  
Dmiller1@oneidanation.org



**GRANT PROPOSAL AUTHORIZATION FORM**

ONEIDA GRANTS OFFICE  
 PH: (920) 496-7330 FAX: (920) 496-7494

*Form instructions: Fill in all information requested. To enter data in the grey areas; a drop down called "form field option" 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 "check box form field" box will appear, in "under default value" click on "checked" then ok.*

**PROGRAM INFORMATION**

Department: Tourism	Division/Non-Division: Internal Services
Program: Cultural Tourism Activities	Program Accountant:
Person Responsible for proposal development: Michelle Danforth-Anderson	Phone: (920) 496-5624
Person Responsible for grant administration: Michelle Danforth-Anderson	Phone: (920) 496-5624
Project Title: Presentation and Preservation of Oneida Culture	

**GRANT INFORMATION**

Name of Funding Source: DOI - Bureau of Indian Affairs		Type (pick one): Federal
Title of Grant: Tribal Tourism Grant Program		CFDA No: 15.032
Application Deadline: October 25, 2024		Maximum Grant Amount: \$150,000.00
Project Period (dates): 1/2/25 – 12/31/ 26	Budget Period (dates): 1/2/25 – 12/31/ 26	Type of Project (pick one): New
Maximum Match Requested (% or \$): N/A		Match Type (pick one): None
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		
Will this grant create a: New position No Committee No Commission No Board No		
If Yes to new position has HRD been informed? No		
If Yes to any of above, has MIS been informed for computer needs? No		
If Yes to any of above, has Facilities Management been informed for space needs? No		
Will this grant fund an existing position? No Name of Position(s):		
If YES, attach draft job description for all grant funded positions.		
<b><u>PLEASE NOTE: Position/employee will be phased out when grant funding ends.</u></b>		

**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: The Purpose of this grant is to support the development of the Oneida Nation’s tourism industry by supporting the development of a plan or program designed to do so. The grant requires no match and will not affect Tribal contribution.

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 X

Reporting:              Semi-Annually X              Narrative X              Financial X

**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.*

 9/7/24  
1. Supervisor Signature              Date  
SIGNATURE VERIFIES & APPROVES ANY MATCH

Mark W. Powless Digitally signed by Mark W. Powless  
Date: 2024.09.06 10:12:06 -05'00'

2. Division/Non-Division Director Signature              Date  
SIGNATURE APPROVES GRANT PROJECT & ANY MATCH

*Donald Miller*              9/7/2024

3. Grants Office Signature              Date  
FINAL SIGNATURE PRIOR TO OBTAINING OBC SIGNATURES

Revised: 4/22/2021  
GO-001

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # 09-25-24-X Tribal Tourism Grant Application

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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,** To educate the public about the culture of the Oneida Nation in Wisconsin, the Oneida community has maintained a tourism program focused on sharing our history and cultural ways (Tsi? Niyukwaliohota) with others; and

**WHEREAS,** The Oneida Nation has a long history of sharing the Oneida Nation's history and celebrating the part it has played in the development and freedom of the United States both as a part of this nation and as active defenders of it; and

**WHEREAS,** The Department of the Interior – Bureau of Indian Affairs is offering a grant opportunity intended to support Tribal efforts to educate the public about their culture, history, and to promote economic development through the use of tourism; and

**WHEREAS,** The grant offered by the BIA does not require the commitment of Tribal funds to the project and/or program; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee authorizes and supports the application by the Oneida Tourism department for the Bureau of Indian Affairs Tribal Tourism Grant.

Adopt resolution entitled Amendment to BC Resolution 08-25-21-D Obligation for CIP #21-111,...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Action noted on attached memo.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

Lisa Rauschenbach – CHD Director

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: *Describe*

**7. Budget Information:**

- Budgeted – Tribal Contribution
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

**Mark W. Powless** Digitally signed by Mark W. Powless  
Date: 2024.09.17 15:49:22 -05'00'

**8. Submission:**

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: Paul J. Witek – Engineering Director/Senior Architect

September 17, 2024

## Business Committee Agenda Request - Memo

**Project No.:** 21-111      **Project Title:** Multi-Family Housing

### Purpose:

The project team is seeking an amendment to BC Resolution #08-25-21-D to change the project conclusion date from September 30, 2024, to December 31, 2025 and clarify the funding source title.

### Background:

The approved project is to develop a total of 12 apartment units (2 buildings with 6 units per building) with a mixture of two and three bedroom units to address the housing needs of the Oneida Community.

The Business Committee approved Resolution # 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds (*aka: Tribal Contribution Savings funds*), for the purpose of funding for this project.

The project is under construction, and the time extension is needed to complete the construction phase.

### Attachments:

- BC Resolution # 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds.
- Draft Amendment to BC Resolution # 08-25-21-D.
- Statement of Effect.

**Action Requested:**

1. Approval of Amendment to BC Resolution # 08-25-21-D.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # 08-25-21-D

### Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Nation has received federal funds through the American Rescue Plan Act of 2021 (*ARPA*) funds to address matters arising out of the COVID-19 pandemic; and
- WHEREAS,** the Oneida Business Committee has approved application of ARPA funds to lost revenue and allocation of tribal funds to the ARPA Federal Rescue Funds to investments in the “Lost Revenue” line (*ARPA FRF LR*) in the Investment Report;
- WHEREAS,** the Oneida Business Committee has determined that these funds should be used as set out in resolution # BC-06-09-21-B, as amended by resolution # BC-06-23-21-C which designates percentage allocations of ARPA FRF LR to eight areas of use (*percentages rounded*) –
- Direct Membership Assistance, 45% of funds;
  - Housing, 17% of funds;
  - Food and Agriculture, 12% of funds;
  - Education, 6% of funds;
  - Culture and Language, 10% of funds;
  - Revenue Generations, 2% of funds;
  - Government Roles and Responsibilities, 3% of funds;
  - Overall Priority – Land, Infrastructure, Sovereignty, 5% of funds; and
- WHEREAS,** CIP #21-111 is a construction project to build apartments made up of two- and three-bedroom units; and
- WHEREAS,** the Project Owner for the proposed project is requesting \$7,367,335.72 million obligated from the ARPA FRF LR, Housing category; and
- WHEREAS,** this project will be concluded no later than September 30, 2024; and
- WHEREAS,** the Oneida Business Committee has reviewed the proposed project; and



**BC Resolution # 08-25-21-D**  
**Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021**  
**Federal Relief Funds**  
**Page 2 of 2**

**NOW THEREFORE BE IT RESOLVED**, that CIP #21-111, Multi-Family Housing project, in the amount of \$7,367,335.72 million from ARPA FRF LR, Housing category with Mark W. Powless, General Manager, assigned as the Project Owner.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 25<sup>th</sup> day of August, 2021; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Liggins, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."

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<sup>i</sup> ARPA FRF LR as utilized in this resolution refers to Tribal Contribution Savings



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
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### Statement of Effect

*Amendment to BC Resolution # 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds*

### Summary

The resolution amends resolution BC-08-25-21- D, *Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds*, to extend the date in which the project needs to be completed by from September 30, 2024, to December 31, 2025.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*  
*Date: August 20, 2024*

### Analysis by the Legislative Reference Office

The Oneida Nation received federal funds through the American Rescue Plan Act of 2021 (ARPA) funds to address matters arising out of the COVID-19 pandemic. The Oneida Business Committee has approved application of ARPA funds to lost revenue and allocation of tribal funds to the ARPA Federal Rescue Funds to investments in the “Lost Revenue” line (ARPA FRF LR) in the Investment Report. The savings from the application of these funds has resulted in tribal funds being placed in the line “Tribal Contribution Savings” in the Investment Report presented in the Treasurer’s Report” The Oneida Business Committee determined that these funds should be used as set out in resolution BC-06-09-21-B, *Setting Goals for Application of Funding from the American Rescue Plan Act of 2021 to Direct Support to Individuals, Families, Community and the Oneida Nation*, as amended by resolution BC-06-23-21-C, *Amendment # 1 to the American Rescue Plan Act of 2021 Investment Allocation to Direct Membership Assistance*.

After the adoption of resolution BC-06-09-21-B, the Oneida Business Committee received information which indicated that there was a more immediate need to address the pandemic’s twelve (12) to fifteen (15) month negative impact on the membership’s access to jobs, education, healthcare, and housing. The Oneida Business Committee then adopted resolution BC-06-23-21-C, *Amendment # 1 to the American Rescue Plan Act of 2021 Investment Allocation to Direct Membership Assistance*, which amended resolution BC-06-09-21-B to reflect its decision, which, more specifically, was to apply the 45% Direct Membership Assistance payment of three thousand dollars (\$3,000) in the current fiscal year, with any remaining funds after the payment to be allocated in Fiscal Years 2022 and 2023. Additionally, resolution BC-06-23-21-C provided clarification on the eligibility for membership assistance general welfare exclusion payments, application period, obligation, and ability to approve projects across fiscal years; and directed that the allocations be reviewed at least each fiscal year to determine whether modifications should be made. The work sheet that was attached to resolution BC-06-09-21-B was also deleted by resolution BC-06-23-21-C and replaced with the work sheet attached thereto, entitled, *American Recovery Plan Act – FRF; Lost Revenue; ARPA FRF LR Investments – Updated June 23, 2021*.

The Oneida Business Committee was then presented with recommended amendments to the processes based on implementation of the June 2021 resolutions, application of ARPA FRF through the lost revenue formula, identification of direct use and Tribal Contribution Savings. The Oneida Business Committee reviewed the recommendations and determined that the recommended amendments offer clarification in the processes and provide reporting at intervals that will keep all parties informed on the status of approved projects. The Oneida Business Committee then adopted resolution BC-03-30-22-A, *Updating Tribal Contribution Savings Processes and Allocations*, which superseded the processes identified in Resolve #6 of resolution BC-06-09-21-B, as amended by Resolve #2 of resolution BC-06-23-21-C and adopted a new project approval process which was to be supplemented with needed Standard Operating Procedures approved by the FRF Program Office.

Resolution BC-03-30-22-A had certain responsibilities delegated to the Strategic Planner. For the 2023-2026 term the Oneida Business Committee has removed the Strategic Planner from the approved positions for the support of the Oneida Business Committee. The Oneida Business Committee has identified a need to amend the reporting process and provide the membership reporting on the status of the TC Savings projects funds.

Through the adoption of resolution BC-05-22-24-A, *Amending BC Resolution 03-30-22-A Updating Tribal Contribution Savings Processes and Allocations*, the Oneida Business Committee updated the reporting process identified in resolution BC 03-30-22-A.

The Oneida Business Committee adopted resolution BC-08-25-21-D, *Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds*, which approved CIP #21-111, Multi-Family Housing project, in the amount of \$7,367,335.72 million from ARPA FRF LR, Housing category with Mark W. Powless, General Manager, assigned as the Project Owner. Resolution BC-08-25-21-D was exempt from the statement of effect requirement in accordance with resolution BC-07-28-21-L, *Amending Requirement for a Statement of Effect to Exclude Resolutions Obligor ARPA FRF LR Funds for Projects Approved Through the FRF Office*.

This resolution amends resolution BC-08-25-21-D, *Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds*, to extend the date in which the project needs to be completed by from September 30, 2024, to December 31, 2025, and also changes the reference to the obligated funds from “ARPA FRF LR” to “Tribal Contribution Savings.”

### ***Conclusion***

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

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # 09-25-24-X

### Amendment to BC Resolution # 08-25-21-D Obligation for CIP #21-111, Multi-Family Housing, Utilizing American Rescue Plan Act of 2021 Federal Relief Funds

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

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

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

**WHEREAS,** the Oneida Nation has received Fiscal Recovery Funds (*FRF*) through the American Rescue Plan Act of 2021 (*ARPA*) funds to address matters arising out of the COVID-19 pandemic; and

**WHEREAS,** the Oneida Business Committee has approved application of ARPA FRF through the revenue loss formula set forth in 31 CFR 35.6(d)(2) which applied these federal funds throughout the Nation’s budget to governmental programs business units beginning with “42#####”; and

**WHEREAS,** the savings from the application of these funds has resulted in tribal funds being placed in the line “Tribal Contribution Savings” in the Investment Report presented in the Treasurer’s Report”; and

**WHEREAS,** the Oneida Business Committee has determined that Tribal Contribution Savings funds should be used as set out in resolution # BC-06-09-21-B, as amended by resolution # BC-06-23-21-C which designates percentage allocations to eight categories (*percentages rounded*) –

- Direct Membership Assistance, 45% of funds;
- Housing, 17% of funds;
- Food and Agriculture, 12% of funds;
- Education, 6% of funds;
- Culture and Language, 10% of funds;
- Revenue Generations, 2% of funds;
- Government Roles and Responsibilities, 3% of funds;
- Overall Priority – Land, Infrastructure, Sovereignty, 5% of funds; and

**WHEREAS,** CIP #21-111 is a construction project to build apartments made up of two- and three-bedroom units; and

**WHEREAS,** the Project Owner for the proposed project is requesting \$7,367,335.72 obligated from the Tribal Contribution Savings, Housing category; and

**BC Resolution # 09-25-24-X**  
**Amendment to BC Resolution # 08-25-21-C Obligation for CIP #23-005, Residential Home Sites, Utilizing American Rescue**  
**Plan Act of 2021 Federal Relief Funds**  
**Page 2 of 2**

44 **WHEREAS,** this project will be concluded by December 31, 2025; and

45

46 **WHEREAS,** the Oneida Business Committee has reviewed the proposed project; and

47

48 **NOW THEREFORE BE IT RESOLVED,** that CIP #21-111, Multi-Family Housing project, in the amount  
49 of \$7,367,335.72 from Tribal Contribution Savings, Housing category with Mark W. Powless, General  
50 Manager, assigned as the Project Owner.

Adopt resolution entitled Amendments to the Vehicle Driver Certification and Fleet Management Law

**Business Committee Agenda Request**

1. Meeting Date Requested: 09/25/24

2. Session:

Open  Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Adopt the resolution entitled, Amendments to the Vehicle Driver Certification and Fleet Management Law

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Bylaws                                 | <input checked="" type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)                   | <input checked="" type="checkbox"/> Law                     | <input type="checkbox"/> Report                         |
| <input checked="" type="checkbox"/> Correspondence              | <input type="checkbox"/> Legal Review                       | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice                       | <input type="checkbox"/> Minutes                            | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet                       | <input type="checkbox"/> MOU/MOA                            | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up                 | <input type="checkbox"/> Petition                           | <input type="checkbox"/> Travel Documents               |
| <input checked="" type="checkbox"/> Other: Legislative Analysis |   |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

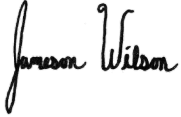
Authorized Sponsor: Jameson Wilson, Councilmember

Primary Requestor: Clorissa N. Leeman, LRO Senior Staff Attorney



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
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TO: Oneida Business Committee  
 FROM: Jameson Wilson, LOC Chairperson   
 DATE: September 18, 2024  
 RE: Adoption of Amendments to the Vehicle Driver Certification and Fleet Management Law

---

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Vehicle Driver Certification and Fleet Management law:

1. Resolution: Amendments to the Vehicle Driver Certification and Fleet Management Law
2. Statement of Effect: Amendments to the Vehicle Driver Certification and Fleet Management Law
3. Vehicle Driver Certification and Fleet Management Law Amendments Legislative Analysis
4. Vehicle Driver Certification and Fleet Management Law Amendments Draft (Redline)
5. Vehicle Driver Certification and Fleet Management Law Amendments Draft (Clean)
6. Vehicle Driver Certification and Fleet Management Law Amendments Fiscal Impact Statement

### *Overview*

The purpose of the Vehicle Driver Certification and Fleet Management law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. Amendments to the Vehicle Driver Certification and Fleet Management law are being sought to remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].

The Legislative Operating Committee developed the proposed amendments to the Vehicle Driver Certification and Fleet Management law through collaboration with representatives from the Oneida Law Office, Human Resources Department, General Manager, Finance Administration, Public Works Division, and Automotive Department. The Legislative Operating Committee held one (1) work meeting on the development of the amendments to the Vehicle Driver Certification and Fleet Management law.

The development of the amendments to the Vehicle Driver Certification and Fleet Management law complies with all processes and procedures required by the Legislative Procedures Act, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Vehicle Driver Certification and Fleet Management law on July 15, 2024. No individuals provided



public comments during this public meeting. The public comment period was then held open until July 22, 2024. No written comments were received during this public comment period.

The amendments to the Vehicle Driver Certification and Fleet Management law will become effective on October 9, 2024.

**Requested Action**

Adopt the Resolution: Amendments to the Vehicle Driver Certification and Fleet Management Law



## Statement of Effect

### *Amendments to the Vehicle Driver Certification and Fleet Management Law*

#### *Summary*

This resolution adopts amendments to the Vehicle Driver Certification and Fleet Management law to remove the responsibility of the Fleet Management Department to purchase fleet vehicles.

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

*Date: September 12, 2024*

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

This resolution adopts amendments to the Vehicle Driver Certification and Fleet Management law. The purpose of the Vehicle Driver Certification and Fleet Management law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. Amendments to the Vehicle Driver Certification and Fleet Management law are being sought to remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Vehicle Driver Certification and Fleet Management law amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Vehicle Driver Certification and Fleet Management law on July 15, 2024. No individuals provided public comments during this public meeting. The public comment period was then held open until July 22, 2024. No written comments were received during this public comment period.

The amendments to the Vehicle Driver Certification and Fleet Management law will become effective on October 9, 2024.

#### *Conclusion*

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



# VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LAW AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	Remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].
<b>Purpose</b>	The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1].
<b>Affected Entities</b>	Fleet Management Department, Finance
<b>Public Meeting</b>	A public meeting was held on July 15, 2024. The public comment period was held open until July 22, 2024. No public comments were received.
<b>Fiscal Impact</b>	A fiscal impact statement was provided by Finance on September 5, 2024.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Vehicle Driver Certification and Fleet Management law was originally adopted by the Oneida Business Committee in 2017 through resolution BC-06-28-17-C, and then amended through resolution BC-04-08-20-H. The purpose of the Vehicle Driver Certification and Fleet Management law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. It is the policy of the Nation to ensure the safety of the community and employees of the Nation; minimize the Nation’s liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness of the use of vehicles owned by the Nation. [2 O.C. 210.1-2].
- B. Request for Amendments.** On the April 29, 2024, the Legislative Operating Committee received a request from Ralinda Ninham-Lamberies, the Chief Financial Officer, to consider an amendment to this law to remove the word "purchase" and the responsibility to purchase from the Fleet Management Department as currently provided for in section 210.6-1 of the Vehicle Driver Certification and Fleet Management law. Finance provided that the requirement for the Fleet Manager to be involved in the purchasing process has led to unintended delays that can be avoided by reverting this responsibility back to the existing cap ex purchasing process. The Legislative Operating Committee added the Vehicle Driver Certification and Fleet Management law amendments to its Active Files List on May 15, 2024.

## SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the development of the amendments to the Vehicle Driver Certification and Fleet Management law and this legislative analysis:
- Oneida Law Office;
  - Human Resources Department;

- 25           ▪ General Manager;
- 26           ▪ Finance Administration;
- 27           ▪ Public Works Division; and
- 28           ▪ Automotive Department.

29 **B.** The following laws were reviewed in the drafting of this analysis:

- 30           ▪ Vehicle Driver Certification and Fleet Management law;
- 31           ▪ Oneida Personnel Policies and Procedures;
- 32           ▪ Oneida Travel and Expense Policy;
- 33           ▪ Clean Air law; and
- 34           ▪ Drug and Alcohol Free Workplace law.

35

## 36 **SECTION 4. PROCESS**

37 **A.** The development of the proposed amendments to the Vehicle Driver Certification and Fleet  
38 Management law complies with the process set forth in the Legislative Procedures Act (LPA).

- 39           ▪ On May 15, 2024, the Legislative Operating Committee added the Vehicle Driver Certification  
40 and Fleet Management law amendments to the Active Files List with Jonas Hill as the sponsor.
- 41           ▪ On June 5, 2024, the Legislative Operating Committee approved the Vehicle Driver  
42 Certification and Fleet Management law amendments draft, legislative analysis, and public  
43 meeting notice, and forwarded the Vehicle Driver Certification and Fleet Management law  
44 amendments to a public meeting to be held on July 15, 2024.
- 45           ▪ On July 15, 2024, the public meeting was held for the proposed amendments to the Vehicle  
46 Driver Certification and Fleet Management law. No one provided public comments during the  
47 public meeting.
- 48           ▪ On July 22, 2024, the public comment period closed. No one provided public comments during  
49 the public comment period.
- 50           ▪ On July 29, 2024, the Legislative Operating Committee conducted an e-poll entitled, Approval  
51 of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment  
52 Review Memo, Draft, and Fiscal Impact Statement Request. The requested action of this e-poll  
53 was to: approve the public comment review memorandum, draft, and legislative analysis for  
54 the proposed amendments to the Vehicle Driver Certification and Fleet Management law; and  
55 approve the fiscal impact statement request memorandum and forward to the Finance  
56 Department directing that a fiscal impact statement be prepared and submitted to the LOC by  
57 August 28, 2024. This e-poll was approved by Jennifer Webster, Jonas Hill, Kirby Metoxen.  
58 Wilson did not provide a response. Marlon Skenandore is on a personal leave and therefore did  
59 not provide a response to the e-poll.
- 60           ▪ On September 4, 2024, the Legislative Operating Committee entered into the record the results  
61 of the July 29, 2024, e-poll entitled, Approval of the Vehicle Driver Certification and Fleet  
62 Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact  
63 Statement Request.
- 64           ▪ On September 5, 2024, the Finance Administration provided the Legislative Operating  
65 Committee the fiscal impact statement for the proposed amendments to the Vehicle Driver  
66 Certification and Fleet Management law.

67 **B.** At the time this legislative analysis was developed the following work meetings had been held  
68 regarding the development of the amendments to this Law:

- 69       ▪ May 30, 2024: LOC work session with the Oneida Law Office, Human Resources Department,  
70       General Manager, Finance Administration. Public Works Division, and Automotive Department.  
71

## 72 SECTION 5. CONTENTS OF THE LEGISLATION

- 73       ▪ *Removal of the Fleet Management Department’s Responsibility to Purchase.* Currently, the  
74       Nation’s Fleet Management Department is delegated the authority and responsibility to purchase,  
75       manage, and monitor the use of the Nation’s fleet vehicles. [2 O.C. 210.6-1]. The proposed  
76       amendment to the Law would remove the word “purchase” from section 210.6-1 of the Law thus  
77       eliminating the responsibility of the Fleet Management Department to purchase all fleet vehicles.  
78       ▪ *Effect.* The inclusion of the responsibility of the Fleet Management Department to purchase all  
79       vehicles for the Nation has led to unintended delays that can be avoided by reverting this  
80       responsibility back to the existing cap expenditure purchasing process.  
81

## 82 SECTION 6. EXISTING LEGISLATION

- 83 A. *References to the Other Laws of the Nation.* The following laws of the Nation are referenced in the  
84       Vehicle Driver Certification and Fleet Management law.  
85       ▪ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and  
86       Procedures is to provide for the Nation’s employee related policies and procedures including  
87       recruitment, selection, compensation and benefits, employee relations, safety and health, program  
88       and enterprise rules and regulations, and record keeping.  
89               ▪ The Vehicle Driver Certification and Fleet Management law provides that “In addition to  
90               the suspension of driver certification, a supervisor may take disciplinary action against an  
91               individual in accordance with the Nation’s laws and policies governing employment if an  
92               employee...” [2 O.C. 210.8-7].  
93               ▪ Any disciplinary action against an employee for a violation of the Vehicle Driver  
94               Certification and Fleet Management is required to be conducted in accordance with the  
95               Oneida Personnel Policies and Procedures.  
96       ▪ *Oneida Travel and Expense Policy.* The Oneida Travel and Expense Policy establishes policies  
97       governing the reimbursement of travel and expenses incurred during the conduct of company  
98       business. [2 O.C. 219.1-1].  
99               ▪ The Vehicle Driver Certification and Fleet Management law provides that “A vehicle shall  
100              be rented in accordance with the Nation’s laws and policies governing travel. Every vehicle  
101              rented shall include the purchase of the maximum collision damage waiver offered by the  
102              rental company.” [2 O.C 210.6-9(a)].  
103              ▪ The Oneida Travel and Expense Policy states that “insurance on all car rentals is covered  
104              by the Oneida Tribe’s insurance policy.” [2 O.C 219.8-3].  
105              ▪ Section 219.8-3 of the Oneida Travel and Expense Policy does not reflect current practice.  
106              The Travel and Expense Policy conflicts with the current Vehicle Driver Certification and  
107              Fleet Management law which requires the purchase of maximum collision damage waiver  
108              from the rental company, as this is more cost effective for the Nation.  
109              ▪ *Recommendation:* The LOC and LRO should note the discrepancy in the Travel and  
110              Expense Policy and identify that section of the Travel and Expense Policy as an area for  
111              future amendments.

112 **B. *Other Laws that Reference the Vehicle Driver Certification and Fleet Management Law.*** The  
113 following laws of the Nation reference the Vehicle Driver Certification and Fleet Management law.  
114 The proposed amendment to the Law does not conflict with any of the referenced laws.

115     ▪ *Drug and Alcohol Free Workplace Law.* The Drug and Alcohol Free Workplace law applies to all  
116 applicants for employment, whether external or internal, and all employees during working hours,  
117 when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation.  
118 *[2 O.C. 202.4-1]*. An employee is prohibited from the use of prohibited drugs and alcohol during  
119 working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented  
120 by the Nation. *[2 O.C. 202.4-2]*.

121     ▪ *Clean Air Law.* The Clean Air law provides that no person may smoke in any vehicle owned or  
122 operated by the Nation.” *[4 O.C. 411.4-1(c)]*.  
123

## 124 **SECTION 7. OTHER CONSIDERATIONS**

125 **A. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all  
126 legislation except emergency legislation *[1 O.C. 109.6-1]*. Oneida Business Committee resolution BC-  
127 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
128 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
129 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
130 completing the fiscal impact statement.

131     ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement be completed  
132 from the Finance Administration on September 5, 2024.

133

**Title 2. Employment - Chapter 210**

**Lotí'sles Kayanl'ásla Khale? Nya?teka?sléhtake Lonatlíhute? Kayanl'ásla**  
*they're driving law and a variety of vehicles the responsibility is attached to them*  
**VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT**

- 210.1. Purpose and Policy
- 210.2. Adoption, Amendment, Repeal
- 210.3. Definitions
- 210.4. Driver Certification

- 210.5. Responsibilities of a Certified Driver
- 210.6. Fleet Vehicles
- 210.7. Motor Vehicle Crashes or Damage to Vehicles
- 210.8. Suspension of Driver Certification and Other Enforcement

**210.1. Purpose and Policy**

210.1-1. *Purpose.* The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation.

210.1-2. *Policy.* It is the policy of the Nation to ensure the safety of the community and employees of the Nation; minimize the Nation's liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness of the use of vehicles owned by the Nation.

**210.2. Adoption, Amendment, Repeal**

210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C, and amended by ~~resolution~~ resolutions BC-04-08-20-H, and BC- - - -.

210.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

210.2-3. 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.

210.2-4. 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.

210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**210.3. Definitions**

210.3-1. 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) "Area manager" means an employee's supervisor's supervisor; or, an individual designated to be the area manager by a General Manager position.

(b) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding the Nation's holidays.

(c) "Employee" means an individual employed by the Nation, but does not include elected or appointed officials, or employees of a chartered corporation of the Nation.

(d) "Entity" means a department, enterprise, program, board, committee or commission of the Nation.

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

(f) "Fleet vehicle" means a vehicle owned or leased by the Nation.

(g) "Moving violation" means any violation of motor vehicle or traffic law that is committed by the driver of a vehicle while the vehicle is moving. A moving violation does

40 not include parking violations, equipment violations, or paperwork violations relating to  
41 insurance, registration or inspection.

42 (h) “Nation” means the Oneida Nation.

43 (i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
44 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
45 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
46 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
47 medicine when used in an unauthorized or unlawful manner.

48 (j) “Supervisor” means the direct supervisor of an employee. For volunteers, elected or  
49 appointed officials, or employees without a direct supervisor, it means the Human  
50 Resources Department or any party who has been designated by the Human Resources  
51 Department as responsible for performing a supervisor’s responsibilities under this law.

52 (k) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended  
53 to cause harm to oneself or others.

54

#### 55 **210.4. Driver Certification**

56 210.4-1. An individual shall obtain driver certification from the Human Resources Department  
57 before operating a fleet vehicle or personal vehicle on official business.

58 210.4-2. *Qualifications for Certification.* In order to receive driver certification a person shall:

59 (a) Be eighteen (18) years of age or older;

60 (b) Hold a valid Wisconsin driver’s license;

61 (1) A person who holds a valid driver’s license from a state other than Wisconsin  
62 shall have thirty (30) days after his or her first day of employment or service to  
63 obtain a Wisconsin driver’s license.

64 (c) Have a driving record that does not reflect any of the following conditions:

65 (1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in  
66 the past two (2) years; and/or

67 (2) An operating while intoxicated (OWI), driving under the influence (DUI), or  
68 prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

69 (d) Complete all driver training requirements imposed by the Nation or any federal or state  
70 agency regulations;

71 (e) Satisfy any other requirements specific to the job description and/or vehicle that may  
72 be used by or assigned to the person; and

73 (f) Maintain one (1) of the following minimum insurance requirements for a personal  
74 vehicle if the individual may use his or her personal vehicle to conduct official business:

75 (1) the individual’s insurance covers:

76 (A) one hundred thousand dollars (\$100,000) per person;

77 (B) three hundred thousand dollars (\$300,000) per motor vehicle crash for  
78 bodily injury; and

79 (C) twenty-five thousand dollars (\$25,000) property damage; or

80 (2) the individual’s insurance covers two hundred and fifty thousand dollars  
81 (\$250,000) combined single limit.

82 210.4-3. The Nation’s Human Resources Department shall be responsible for determining whether  
83 an individual meets all the qualifications before approving or denying a driver certification.

84 (a) An individual shall provide his or her appropriate license, training certification, and  
85 insurance information to the Human Resources Department.

86 (b) The Human Resources Department shall have the authority to check the driving record  
87 of an individual at any time.



88 (c) The Human Resources Department shall maintain a current list of all certified drivers  
89 and provide the list to Fleet Management, Risk Management, and Central Accounting on a  
90 regular basis.

91 210.4-4. A supervisor shall ensure that an individual has received his or her driver certification  
92 from the Human Resources Department before allowing the individual to drive a fleet vehicle or a  
93 personal vehicle on official business.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,  
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor  
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when  
97 this law is less stringent than the said motor vehicle operation policy.

98

### 99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official  
101 business, an individual shall:

- 102 (a) Abide by all traffic laws;  
103 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;  
104 (c) Not drive while under the influence of prohibited drugs and/or alcohol;  
105 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
106 driver's motor skills, reaction time, or concentration;  
107 (e) Not carry a weapon, whether in the open or concealed;  
108 (1) *Exemption.* An individual who is carrying a weapon in the course of performing  
109 his or her official duties, or is participating in cultural activities or ceremonies is  
110 exempt from this requirement.  
111 (f) Not transport prohibited drugs and/or alcohol;  
112 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs  
113 and/or alcohol in the course of performing his or her job duties is exempt from this  
114 requirement.  
115 (g) Not deliver goods or services for personal gain, or operate private pools where the  
116 riders pay the driver; and  
117 (h) Not use electronic devices in an unlawful manner.

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the  
119 driver safety training provided and monitored by the Human Resources Department every three  
120 (3) years.

121 (a) *Exemption.* An individual who is required to maintain compliance with any specialized  
122 driver safety training requirements imposed by state or federal regulatory agencies shall be  
123 exempt from the requirement to complete the driver safety training provided by the Human  
124 Resources Department.

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

- 126 (a) Complete a vehicle mileage log;  
127 (b) Not transport unauthorized passengers;  
128 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
129 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
130 inability of a fleet vehicle to complete a trip;  
131 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
132 similar expense related to vehicle use;  
133 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
134 fuel before it can be taken to an Oneida Retail location;  
135 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
136 electronic smoking devices in the fleet vehicle; and

137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.  
138 210.5-4. *Personal Vehicle Responsibilities*. When operating a personal vehicle on official  
139 business, an individual shall:

140 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
141 business; and

142 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
143 for miles driven while conducting official business, within thirty (30) days of driving the  
144 miles or by the end of the current fiscal year, whichever is sooner.

145 (1) Not seeking mileage reimbursement does not exempt an individual from the  
146 provisions of this law.

147 210.5-5. *Notification Requirements*. An individual shall notify his or her supervisor if he or she:

148 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
149 driver's license become invalid for any other reason;

150 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
151 and/or

152 (c) Has any impairment by a medical or physical condition or other factor that affects his  
153 or her motor skills, reaction time, or concentration.

154

## 155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department*. The Nation's Fleet Management Department shall  
157 ~~purchase,~~ manage, and monitor the use of the Nation's fleet vehicles. The Fleet Management  
158 Department's responsibilities shall include, but are not limited to:

159 (a) Maintain a list of all fleet vehicles that are available for use, including vehicles  
160 permanently assigned to specific entities of the Nation;

161 (b) Remove unsafe vehicles from the fleet;

162 (c) Obtain estimates of and schedule fleet vehicle repairs when necessary;

163 (d) Install or remove equipment on fleet vehicles;

164 (e) Ensure the Nation's logo is on all fleet vehicles; and

165 (f) Ensure that all fleet vehicles are equipped with a mileage log and an auto incident kit  
166 which contains forms and instructions for reporting any incident.

167 210.6-2. *Automotive Department*. The Automotive Department shall service and maintain fleet  
168 vehicles according to factory recommendations, or the maintenance schedule established by the  
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive  
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department*. The Risk Management Department shall be responsible  
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities  
173 of the Risk Management Department shall include, but is not limited to:

174 (a) Providing auto insurance identification cards in every fleet vehicle;

175 (b) Processing all submitted vehicle claims and related information; and

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle*. A fleet vehicle may be permanently assigned to an entity for use  
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official  
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for  
180 incidental purposes such as travel to and from lodging and/or meal sites.

181 (a) *Prohibited Use of a Fleet Vehicles*. A fleet vehicle shall not be used for any of the  
182 following purposes:

183 (1) Personal use for non-business purposes;

184 (2) Towing cargo for personal reasons;

185 (3) Hauling loads that could structurally damage the vehicle; and/or

186 (4) Jump starting vehicles, other than fleet vehicles.  
187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may  
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
189 established by the Fleet Management Department.

190 (a) *Exception to Minimum Mileage Criteria.* The Fleet Management Department may  
191 grant an entity an exception to the minimum mileage criteria.

192 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
193 maintenance work and safety checks with the Automotive Department.

194 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
195 any individual who drives the vehicle has his or her driver certification.

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently  
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official  
198 business by submitting a request to the Fleet Management Department.

199 (a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance,  
200 unless urgent circumstances arise.

201 (b) Before determining whether a fleet vehicle is available, or approving the use of a fleet  
202 vehicle, the Fleet Management Department shall confirm that:

203 (1) The individual requesting the fleet vehicle has his or her driver certification;

204 (2) The individual has authorization to use the fleet vehicle from his or her  
205 supervisor, if an employee, or by the individual's entity, if the individual is an  
206 elected or appointed official of the Nation or volunteer; and

207 (3) Any passengers are authorized to travel in a fleet vehicle.

208 (c) The Fleet Management Department may combine vehicle use for travel to the same  
209 destination.

210 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
211 timely manner.

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or  
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized  
214 to be a passenger in a fleet vehicle:

215 (a) Individuals being transported as part of a program or service of the Nation;

216 (b) Individuals being transported during the normal and ordinary course of representing  
217 and/or conducting business on behalf of the Nation; and/or

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the  
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are  
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the  
222 approval of the Fleet Management Department.

223 (a) Radar detection devices shall not be installed or used in fleet vehicles.

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a  
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the  
226 same responsibilities and restrictions as a fleet vehicle.

227 (a) A vehicle shall be rented in accordance with the Nation's laws and policies governing  
228 travel. Every vehicle rented shall include the purchase of the maximum collision damage  
229 waiver offered by the rental company.

230

## 231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal  
233 vehicle driven on official business, an individual shall be subject to the following reporting  
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

235 reporting deadlines identified herein; the driver shall instead make the required reports as soon as  
236 he or she is able to do so:

237 (a) immediately report the crash or damage to local law enforcement if it results in any of  
238 the following:

239 (1) death of a person;

240 (2) an injury to the driver or another person that requires medical attention;

241 (3) damage to property that does not belong to the driver or the Nation; or

242 (4) a vehicle being disabled and/or needing to be towed.

243 (b) immediately report the motor vehicle crash or damage to his or her supervisor; and

244 (c) provide the Fleet Management Department and Risk Management Department with a  
245 completed auto incident report by the end of the next business day immediately following

246 the motor vehicle crash or damage.

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department  
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash  
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual  
251 should be subject to disciplinary action and/or a driver safety training requirement based  
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

253 (b) The internal review shall be completed as soon as possible after a motor vehicle crash  
254 has been reported.

255 (c) Following an internal review, Fleet Management and Risk Management shall issue a  
256 report. Copies of the report shall be:

257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;  
258 and

259 (2) provided to the Human Resources Department if the Fleet Management  
260 Department and Risk Management Department recommend disciplinary action.

261

## 262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a  
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of  
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver  
267 certification if the individual's driver's license is suspended or revoked by the State or becomes  
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance  
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a  
272 time in which the individual has obtained a valid driver's license and meets the qualifications for  
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources  
275 Department in writing if he or she suspends the driver certification of an individual and shall  
276 provide the basis for the suspension. Once notified of a suspension of driver certification the  
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver  
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take  
280 one of the following actions:

281 (a) Reassign the individual to a position which does not require driving;

282 (b) Provide non-driving accommodation within the position;

283 (c) Remove the driving requirement from the job description;

284 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
285 certification; or

286 (e) Terminate the individual because a valid driver’s license is an essential requirement of  
287 the position.

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver  
289 certification reinstated upon a review by the Human Resources Department that the individual  
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

291 210.8-7. *Other Enforcement Actions.* A supervisor may take disciplinary action against an  
292 individual in accordance with the Nation’s laws and policies governing employment if the  
293 individual is an employee, or in accordance with the laws and policies of the Nation governing  
294 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
295 of the following actions:

- 296 (a) Failing to comply with any provision of this law;
- 297 (b) Failing to complete any applicable driver training requirements;
- 298 (c) Driving a fleet vehicle without being certified under the provisions of this law;
- 299 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
300 crash involving vehicle damage, property damage, or personal injury; and
- 301 (e) Not maintaining the minimum insurance requirements for a personal vehicle.

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete  
303 an additional applicable driver safety training, at his or her own expense, if the individual:

- 304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or  
305 personal vehicle driven on official business;
- 306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on  
307 official business; and
- 308 (c) has his or her driver’s license suspended or revoked by the State or becomes invalid  
309 for any other reason.

310  
311 *End.*

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312 Adopted BC-06-28-17-C.  
313 Amended BC-04-08-20-H.  
314 Amended BC- - - - .

Title 2. Employment - Chapter 210

Lotí'sles Kayanl'ásla Khale? Nya?teka?sléhtake Lonatlíhute? Kayanl'ásla they're driving law and a variety of vehicles the responsibility is attached to them

VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT

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1
2 210.1. Purpose and Policy
3 210.1-1. Purpose. The purpose of this law is to establish standards that certify employees, elected
4 and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official
5 business and regulate the use of all vehicles owned and leased by the Nation.

6 210.1-2. Policy. It is the policy of the Nation to ensure the safety of the community and employees
7 of the Nation; minimize the Nation's liability when physical damage to vehicles and/or property
8 damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness
9 of the use of vehicles owned by the Nation.

10
11 210.2. Adoption, Amendment, Repeal
12 210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C,
13 and amended by resolutions BC-04-08-20-H and BC- - - - -.

14 210.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida
15 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

16 210.2-3. Should a provision of this law or the application thereof to any person or circumstances
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
18 to have legal force without the invalid portions.

19 210.2-4. In the event of a conflict between a provision of this law and a provision of another law,
20 the provisions of this law shall control.

21 210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

22
23 210.3. Definitions
24 210.3-1. This section shall govern the definitions of words and phrases used within this law. All
25 words not defined herein shall be used in their ordinary and everyday sense.

26 (a) "Area manager" means an employee's supervisor's supervisor; or, an individual
27 designated to be the area manager by a General Manager position.

28 (b) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding
29 the Nation's holidays.

30 (c) "Employee" means an individual employed by the Nation, but does not include elected
31 or appointed officials, or employees of a chartered corporation of the Nation.

32 (d) "Entity" means a department, enterprise, program, board, committee or commission of
33 the Nation.

34 (e) "Employee Assistance Program" means a professional counseling program staffed by
35 clinical social workers licensed by the State of Wisconsin which offers services to the
36 Nation's employees and family members.

37 (f) "Fleet vehicle" means a vehicle owned or leased by the Nation.

38 (g) "Moving violation" means any violation of motor vehicle or traffic law that is
39 committed by the driver of a vehicle while the vehicle is moving. A moving violation does

40 not include parking violations, equipment violations, or paperwork violations relating to  
41 insurance, registration or inspection.

42 (h) “Nation” means the Oneida Nation.

43 (i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
44 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
45 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
46 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
47 medicine when used in an unauthorized or unlawful manner.

48 (j) “Supervisor” means the direct supervisor of an employee. For volunteers, elected or  
49 appointed officials, or employees without a direct supervisor, it means the Human  
50 Resources Department or any party who has been designated by the Human Resources  
51 Department as responsible for performing a supervisor’s responsibilities under this law.

52 (k) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended  
53 to cause harm to oneself or others.

54

#### 55 **210.4. Driver Certification**

56 210.4-1. An individual shall obtain driver certification from the Human Resources Department  
57 before operating a fleet vehicle or personal vehicle on official business.

58 210.4-2. *Qualifications for Certification.* In order to receive driver certification a person shall:

59 (a) Be eighteen (18) years of age or older;

60 (b) Hold a valid Wisconsin driver’s license;

61 (1) A person who holds a valid driver’s license from a state other than Wisconsin  
62 shall have thirty (30) days after his or her first day of employment or service to  
63 obtain a Wisconsin driver’s license.

64 (c) Have a driving record that does not reflect any of the following conditions:

65 (1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in  
66 the past two (2) years; and/or

67 (2) An operating while intoxicated (OWI), driving under the influence (DUI), or  
68 prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

69 (d) Complete all driver training requirements imposed by the Nation or any federal or state  
70 agency regulations;

71 (e) Satisfy any other requirements specific to the job description and/or vehicle that may  
72 be used by or assigned to the person; and

73 (f) Maintain one (1) of the following minimum insurance requirements for a personal  
74 vehicle if the individual may use his or her personal vehicle to conduct official business:

75 (1) the individual’s insurance covers:

76 (A) one hundred thousand dollars (\$100,000) per person;

77 (B) three hundred thousand dollars (\$300,000) per motor vehicle crash for  
78 bodily injury; and

79 (C) twenty-five thousand dollars (\$25,000) property damage; or

80 (2) the individual’s insurance covers two hundred and fifty thousand dollars  
81 (\$250,000) combined single limit.

82 210.4-3. The Nation’s Human Resources Department shall be responsible for determining whether  
83 an individual meets all the qualifications before approving or denying a driver certification.

84 (a) An individual shall provide his or her appropriate license, training certification, and  
85 insurance information to the Human Resources Department.

86 (b) The Human Resources Department shall have the authority to check the driving record  
87 of an individual at any time.

88 (c) The Human Resources Department shall maintain a current list of all certified drivers  
89 and provide the list to Fleet Management, Risk Management, and Central Accounting on a  
90 regular basis.

91 210.4-4. A supervisor shall ensure that an individual has received his or her driver certification  
92 from the Human Resources Department before allowing the individual to drive a fleet vehicle or a  
93 personal vehicle on official business.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,  
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor  
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when  
97 this law is less stringent than the said motor vehicle operation policy.

98

### 99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official  
101 business, an individual shall:

- 102 (a) Abide by all traffic laws;
- 103 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;
- 104 (c) Not drive while under the influence of prohibited drugs and/or alcohol;
- 105 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
106 driver's motor skills, reaction time, or concentration;
- 107 (e) Not carry a weapon, whether in the open or concealed;

108 (1) *Exemption.* An individual who is carrying a weapon in the course of performing  
109 his or her official duties, or is participating in cultural activities or ceremonies is  
110 exempt from this requirement.

- 111 (f) Not transport prohibited drugs and/or alcohol;

112 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs  
113 and/or alcohol in the course of performing his or her job duties is exempt from this  
114 requirement.

- 115 (g) Not deliver goods or services for personal gain, or operate private pools where the  
116 riders pay the driver; and

- 117 (h) Not use electronic devices in an unlawful manner.

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the  
119 driver safety training provided and monitored by the Human Resources Department every three  
120 (3) years.

121 (a) *Exemption.* An individual who is required to maintain compliance with any specialized  
122 driver safety training requirements imposed by state or federal regulatory agencies shall be  
123 exempt from the requirement to complete the driver safety training provided by the Human  
124 Resources Department.

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

- 126 (a) Complete a vehicle mileage log;
- 127 (b) Not transport unauthorized passengers;
- 128 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
129 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
130 inability of a fleet vehicle to complete a trip;
- 131 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
132 similar expense related to vehicle use;
- 133 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
134 fuel before it can be taken to an Oneida Retail location;
- 135 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
136 electronic smoking devices in the fleet vehicle; and



137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.  
138 210.5-4. *Personal Vehicle Responsibilities.* When operating a personal vehicle on official  
139 business, an individual shall:

140 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
141 business; and

142 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
143 for miles driven while conducting official business, within thirty (30) days of driving the  
144 miles or by the end of the current fiscal year, whichever is sooner.

145 (1) Not seeking mileage reimbursement does not exempt an individual from the  
146 provisions of this law.

147 210.5-5. *Notification Requirements.* An individual shall notify his or her supervisor if he or she:

148 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
149 driver's license become invalid for any other reason;

150 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
151 and/or

152 (c) Has any impairment by a medical or physical condition or other factor that affects his  
153 or her motor skills, reaction time, or concentration.

154

## 155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department.* The Nation's Fleet Management Department shall  
157 manage and monitor the use of the Nation's fleet vehicles. The Fleet Management Department's  
158 responsibilities shall include, but are not limited to:

159 (a) Maintain a list of all fleet vehicles that are available for use, including vehicles  
160 permanently assigned to specific entities of the Nation;

161 (b) Remove unsafe vehicles from the fleet;

162 (c) Obtain estimates of and schedule fleet vehicle repairs when necessary;

163 (d) Install or remove equipment on fleet vehicles;

164 (e) Ensure the Nation's logo is on all fleet vehicles; and

165 (f) Ensure that all fleet vehicles are equipped with a mileage log and an auto incident kit  
166 which contains forms and instructions for reporting any incident.

167 210.6-2. *Automotive Department.* The Automotive Department shall service and maintain fleet  
168 vehicles according to factory recommendations, or the maintenance schedule established by the  
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive  
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department.* The Risk Management Department shall be responsible  
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities  
173 of the Risk Management Department shall include, but is not limited to:

174 (a) Providing auto insurance identification cards in every fleet vehicle;

175 (b) Processing all submitted vehicle claims and related information; and

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle.* A fleet vehicle may be permanently assigned to an entity for use  
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official  
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for  
180 incidental purposes such as travel to and from lodging and/or meal sites.

181 (a) *Prohibited Use of a Fleet Vehicles.* A fleet vehicle shall not be used for any of the  
182 following purposes:

183 (1) Personal use for non-business purposes;

184 (2) Towing cargo for personal reasons;

185 (3) Hauling loads that could structurally damage the vehicle; and/or

186 (4) Jump starting vehicles, other than fleet vehicles.  
187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may  
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
189 established by the Fleet Management Department.

190 (a) *Exception to Minimum Mileage Criteria.* The Fleet Management Department may  
191 grant an entity an exception to the minimum mileage criteria.

192 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
193 maintenance work and safety checks with the Automotive Department.

194 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
195 any individual who drives the vehicle has his or her driver certification.

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently  
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official  
198 business by submitting a request to the Fleet Management Department.

199 (a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance,  
200 unless urgent circumstances arise.

201 (b) Before determining whether a fleet vehicle is available, or approving the use of a fleet  
202 vehicle, the Fleet Management Department shall confirm that:

203 (1) The individual requesting the fleet vehicle has his or her driver certification;

204 (2) The individual has authorization to use the fleet vehicle from his or her  
205 supervisor, if an employee, or by the individual's entity, if the individual is an  
206 elected or appointed official of the Nation or volunteer; and

207 (3) Any passengers are authorized to travel in a fleet vehicle.

208 (c) The Fleet Management Department may combine vehicle use for travel to the same  
209 destination.

210 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
211 timely manner.

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or  
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized  
214 to be a passenger in a fleet vehicle:

215 (a) Individuals being transported as part of a program or service of the Nation;

216 (b) Individuals being transported during the normal and ordinary course of representing  
217 and/or conducting business on behalf of the Nation; and/or

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the  
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are  
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the  
222 approval of the Fleet Management Department.

223 (a) Radar detection devices shall not be installed or used in fleet vehicles.

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a  
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the  
226 same responsibilities and restrictions as a fleet vehicle.

227 (a) A vehicle shall be rented in accordance with the Nation's laws and policies governing  
228 travel. Every vehicle rented shall include the purchase of the maximum collision damage  
229 waiver offered by the rental company.

230

## 231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal  
233 vehicle driven on official business, an individual shall be subject to the following reporting  
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

235 reporting deadlines identified herein; the driver shall instead make the required reports as soon as  
236 he or she is able to do so:

237 (a) immediately report the crash or damage to local law enforcement if it results in any of  
238 the following:

239 (1) death of a person;

240 (2) an injury to the driver or another person that requires medical attention;

241 (3) damage to property that does not belong to the driver or the Nation; or

242 (4) a vehicle being disabled and/or needing to be towed.

243 (b) immediately report the motor vehicle crash or damage to his or her supervisor; and

244 (c) provide the Fleet Management Department and Risk Management Department with a  
245 completed auto incident report by the end of the next business day immediately following  
246 the motor vehicle crash or damage.

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department  
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash  
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual  
251 should be subject to disciplinary action and/or a driver safety training requirement based  
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

253 (b) The internal review shall be completed as soon as possible after a motor vehicle crash  
254 has been reported.

255 (c) Following an internal review, Fleet Management and Risk Management shall issue a  
256 report. Copies of the report shall be:

257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;  
258 and

259 (2) provided to the Human Resources Department if the Fleet Management  
260 Department and Risk Management Department recommend disciplinary action.

261

## 262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a  
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of  
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver  
267 certification if the individual's driver's license is suspended or revoked by the State or becomes  
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance  
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a  
272 time in which the individual has obtained a valid driver's license and meets the qualifications for  
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources  
275 Department in writing if he or she suspends the driver certification of an individual and shall  
276 provide the basis for the suspension. Once notified of a suspension of driver certification the  
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver  
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take  
280 one of the following actions:

281 (a) Reassign the individual to a position which does not require driving;

282 (b) Provide non-driving accommodation within the position;

283 (c) Remove the driving requirement from the job description;

284 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
285 certification; or

286 (e) Terminate the individual because a valid driver's license is an essential requirement of  
287 the position.

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver  
289 certification reinstated upon a review by the Human Resources Department that the individual  
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

291 210.8-7. *Other Enforcement Actions.* A supervisor may take disciplinary action against an  
292 individual in accordance with the Nation's laws and policies governing employment if the  
293 individual is an employee, or in accordance with the laws and policies of the Nation governing  
294 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
295 of the following actions:

296 (a) Failing to comply with any provision of this law;

297 (b) Failing to complete any applicable driver training requirements;

298 (c) Driving a fleet vehicle without being certified under the provisions of this law;

299 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
300 crash involving vehicle damage, property damage, or personal injury; and

301 (e) Not maintaining the minimum insurance requirements for a personal vehicle.

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete  
303 an additional applicable driver safety training, at his or her own expense, if the individual:

304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or  
305 personal vehicle driven on official business;

306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on  
307 official business; and

308 (c) has his or her driver's license suspended or revoked by the State or becomes invalid  
309 for any other reason.

310  
311 *End.*

---

312 Adopted – BC-06-28-17-C.

313 Amended – BC-04-08-20-H.

314 Amended – BC-\_\_-\_\_-\_\_-\_\_.

FINANCE ADMINISTRATION  
Fiscal Impact Statement



# MEMORANDUM

TO: Ralinda Ninham-Lamberies, Chief Financial Officer  
 FROM: Rae Skenandore, Senior Analyst/Budget Coordinator  
 DATE: September 5, 2024  
 RE: **Fiscal Impact of the Amendments to the Vehicle Driver Certification and Fleet Management Law**

## I. Estimated Fiscal Impact Summary

<b>Law:</b> Amendments to the Vehicle Driver Certification and Fleet Management Law		Draft 1
<b>Implementing Agency</b>	Purchasing Fleet Management	
<b>Estimated time to comply</b>	10 days, in compliance with the Legislative Procedures Act	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>10 Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	<b>No Fiscal Impact</b>	<b>No Fiscal Impact</b>

## II. Background

This Law was originally adopted by the Oneida Business Committee in 2017 through resolution BC-06-28-17-C, and then amended through resolution BC-04-08-20-H.

The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. The amendments to the legislation are to remove the word "purchase" and the responsibility to purchase from the Fleet Management Department.

## III. Methodology and Assumptions

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.

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

The analysis was completed based on the information provided as of the date of this memo.

### **III. Findings**

As stated, this Law has been in place since 2017. There are no start-up costs, no increases in personnel are needed, and no increases in office or documentation costs. The implementing agencies are prepared to implement all changes when approved.

### **III. Financial Impact**

There is no fiscal impact of implementing this legislation.

### **IV. Recommendation**

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

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 09-25-24-X Amendments to the Vehicle Driver Certification and Fleet Management Law**

- 1
- 2
- 3
- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 5 recognized by the laws of the United States of America; and
- 6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 8
- 9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 11
- 12 **WHEREAS,** the Vehicle Driver Certification and Fleet Management law (“the Law”) was adopted by the
- 13 Oneida Business Committee through resolution BC-06-28-17-C and then amended
- 14 through resolution BC-04-08-20-H; and
- 15
- 16 **WHEREAS,** the purpose of this Law is to establish standards that certify employees, elected and
- 17 appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official
- 18 business and regulate the use of all vehicles owned and leased by the Nation; and
- 19
- 20 **WHEREAS,** the amendments to the Law remove the responsibility of the Fleet Management
- 21 Department to purchase fleet vehicles; and
- 22
- 23 **WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law
- 24 through collaboration with representatives from the Oneida Law Office, Human Resources
- 25 Department, General Manager, Finance Administration, Public Works Division, and
- 26 Automotive Department; and
- 27
- 28 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
- 29 statement were completed for the proposed amendments to the Law; and
- 30
- 31 **WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments
- 32 to the Law on July 15, 2024, with no individuals providing oral comments, and the public
- 33 comment period for the amendments to this Law was held open until July 22, 2024, with
- 34 no submission of written comments received; and
- 35
- 36 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments
- 37 to the Vehicle Driver Certification and Fleet Management law which shall become effective on October 9,
- 38 2024.

Adopt resolution entitled Safe Shelter donation for \$15,000 from the Economic, Development,...

---

## Business Committee Agenda Request

1. **Meeting Date Requested:** 1/10/24

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR Enter the requested motion related to this item.

Accept Resolution for Safe Shelter donation for \$15,000 from the EDDCD Fund.

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other:

5. **Additional attendees needed for this request:**

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input checked="" type="checkbox"/> Report      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution  |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other:                 |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                     | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other:                         |  |

**8. Submission:**

Authorized Sponsor: Justin Nishimoto, Business Analyst

Primary Requestor: \_\_\_\_\_

Economic Development, Diversification, and Community Development Fund (EDDCD) Request

Name: Pearl Webster

Date Requested: 9/17/24

Department:

Please Select  use for the funds:

- Social Wellness       Housing       Community Design       Parks and Recreation
- Transportation, Facilities & Utilities       Economic Development       Agriculture
- Natural Resources       Land Use       Public Safety

Detailed Description (Please attach any supporting documents to form and dollar amounts needed):

Please see attached.

\*For more information please refer to the 2014 Comprehensive Plan, Land Use Plan, Neighborhood Development Plan, Live, Sustain, Grow Plan, and the Economic Development Plan.

Does this project already exist or have been approved for CIP? No

If "YES" please indicate the CIP or project number:

Responsible employee for authorizing expenditures:

Accept the August 15, 2024, regular Finance Committee meeting minutes

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### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Accept the FC Minutes for 8/15/24 & E-Poll

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: All areas that require FC approval

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Lawrence Barton, Treasurer

Primary Requestor: Melissa Alvarado, Office Manager



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## INTERNAL MEMORANDUM

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**TO:** FINANCE COMMITTEE  
**FROM:** MELISSA ALVARADO, OFFICE MANAGER  
**SUBJECT:** E-POLL RESULTS – FC MINUTES OF AUGUST 15, 2024  
**DATE:** 08/16/24

---

An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of August 15, 2024. The E-Poll and minutes were sent out today August 16, 2024 and concluded today. The results of the completed E-Poll are as follows:

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**E-POLL RESULTS:**

**There was a Majority of 5 FC members voting to approve the August 15, 2024 Finance Committee Meeting Minutes. FC Members voting included: *RaLinda Ninham-Lamberies, Lisa Liggins, Jennifer Webster, Jonas Hill, and Sarah White.***

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These Finance Committee Minutes of August 15, 2024 will be placed on the next Finance Committee agenda to acknowledge this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for BC acceptance.



**ONEIDA**  
**FINANCE COMMITTEE**  
**REGULAR MEETING**  
**AUGUST 15, 2024 • Time: 8:30 A.M.**  
**Business Committee Conference Room**

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**REGULAR MEETING MINUTES**

**FC MEMBERS PRESENT:**

Larry Barton, BC Treasurer/FC Chair                      RaLinda Ninham-Lamberies, CFO/FC Vice-Chair  
Lisa Liggins, BC Secretary                                      Chad Fuss, Asst. Gaming CFO  
Sarah White, Purchasing Director

**FC MEMBERS EXCUSED:** Jennifer Webster, BC Council Member, Jonas Hill, BC Council Member, and Melissa Alvarado

**OTHERS PRESENT:** Eric Boulanger, Stacy Coon, Frank Noble, Kurt Jordan, Kyle Skenandore, Nicole Rommel, Jamie Willis, David Emerson, Sharon Mousseau, Linda Jenkins, and Paul Truttman,

**I. CALL TO ORDER:** The FC Regular Meeting was called to order by the FC Chair at 8:28 A.M.

**II. APPROVAL OF AGENDA:** AUGUST 15, 2024

Motion by RaLinda Ninham-Lamberies to approve the August 15, 2024 Finance Committee Meeting Agenda with one deletion under New Business #12 along with two add-ons one under New Business #13 and the other under Executive Session #3. Seconded by Chad Fuss. Motion carried unanimously.

**III. FC MINUTES:** July 25, 2024 (Approved via E-Poll on 07/25/24)

Motion by Chad Fuss to acknowledge the FC E-Poll action taken on July 25, 2024 approving the July 25, 2024 Finance Committee Meeting Minutes. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

**IV. SPECIAL FC E-POLL:**

1. TCS John Huxley – New Chairs for Table Games                      Amount: \$97,750.00  
Lambert Metoxen, Table Games (Approved via E-Poll on 08/02/24)

Motion by RaLinda Ninham-Lamberies to acknowledge the Special FC E-Poll action taken on August 2, 2024 approving the TCS John Huxley – New Chairs for Table Games in the amount of \$97,750.00. Seconded by Sarah White. Motion carried unanimously.

Lisa Liggins arrived at 8:31 am.

**V. CAPITAL EXPENDITURES:** None

**VI. NEW BUSINESS:**

1. FY25 Blkt PO – GSA Government Vehicle Lease Program      Amount: \$217,800.00  
Eric Boulanger, OPD

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – GSA Government Vehicle Lease Program in the amount of \$217,800.00. Seconded by Lisa Liggins. Motion carried unanimously.

2. City of Green Bay – FY24 Annual Gov. Agreement Payment      Amount: \$525,000.00  
Melinda J. Danforth, Legislative Affairs

Motion by RaLinda Ninham-Lamberies to approve the City of Green Bay – FY24 Annual Government Agreement Payment in the amount of \$525,000.00. Seconded by Lisa Liggins. Motion carried unanimously.

3. Scott Hill – Stone Sculpture Museum Project      Amount: \$150,000.00  
Paul Truttman, Engineering

Motion by Lisa Liggins to defer the Scott Hill – Stone Sculpture for the Museum Project to the General Manager for further consideration and review. Seconded by Sarah White. Motion carried unanimously.

4. Foundation Service Corp – Install Piers (Oneida Nation Farm)      Amount: \$70,000.00  
Paul Truttman, Engineering

Motion by RaLinda Ninham-Lamberies to approve the Foundation Service Corp – Install Piers at the Oneida Nation Farm in the amount of \$70,000.00. Seconded by Sarah White. Motion carried unanimously.

5. FY25 Blkt PO – Houghton Mifflin Harcourt Amount: \$63,100.00  
Sharon Mousseau, ONES

Motion by Chad Fuss to approve the FY25 Blanket PO – Houghton Mifflin Harcourt in the amount of \$63,100.00. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

6. FY25 Blkt PO – Brain Power Wellness Amount: \$112,850.00  
Sharon Mousseau, ONES

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – Brain Power Wellness in the amount of \$112,850.00. Seconded by Lisa Liggins. Motion carried unanimously.

7. Mavid Construction LLC – SSB New Flooring Amount: \$58,355.00  
Paul Truttman/Kyle Skenandore, Engineering

Motion by RaLinda Ninham-Lamberies to approve the Mavid Construction LLC – Social Services Building-New Flooring in the amount of \$58,355.00. Seconded by Sarah White. Motion carried unanimously.

8. Oneida Construction Services – Big Bear Media Building Repairs Amount: \$107,050.00  
Nicole Rommel, Land Management

Motion by Lisa Liggins to approve the Oneida Construction Services – Big Bear Media Building Repairs in the amount of \$107,050.00. Seconded by Chad Fuss. Motion carried unanimously.

9. FY25 Blkt PO – Bay Towel Inc. Amount: \$60,000.00  
Jamie Willis, Comp. Health

Motion by Lisa Liggins to approve the FY25 Blanket PO – Bay Towel Inc. in the amount of \$60,000.00 with a sole source justification. Seconded by Chad Fuss. Motion carried unanimously.

10. FY25 Blkt PO – Prevea Clinic Inc. Amount: \$227,136.00  
Jamie Willis, Comp. Health

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – Prevea Clinic Inc.



in the amount of \$227,136.00 with a sole source justification. Seconded by Lisa Liggins.  
Motion carried unanimously.

11. FY25 Blkt PO – STAT Temporary Services Inc. Amount: \$100,000.00  
Jamie Willis, Comp. Health

Motion by Lisa Liggins to approve the FY25 Blanket PO – STAT Temporary Services Inc. in the amount of \$100,000.00 with a sole source justification. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

12. Infinite Campus – License Renewal Amount: \$69,601.80  
Sharon Mousseau, ONES

Deleted from the Agenda.

13. **ADD ON:** Oneida Construction Services – Sidewalk Installation Amount: \$93,615.00  
Paul Truttman, Engineering

Motion by RaLinda Ninham-Lamberies to deny the Oneida Construction Services – Sidewalk Installation in the amount of \$93,615.00. Seconded by Lisa Liggins. Motion carried unanimously.

For the Record: Today's denial doesn't prevent the requester from perfecting their request with the narrative regarding the request and the letter from the granting agency allowing the preemption of the three-bid process.

## VII. ONEIDA FINANCE FUND / DONATION:

### Report:

1. Oneida Finance Fund Report – August 2024  
Melissa Alvarado, Office Manager

Motion by Lisa Liggins to accept the Oneida Finance Fund Report for August 2024. Seconded by Chad Fuss. Motion carried unanimously.

### Requests:

1. The Megan Kelley Foundation Amount: ~~\$500.00~~

Requester: Bev Kelley-Miller, President

\$1,000.00

Motion by Lisa Liggins to approve from the Finance Committee Donations the request from The Megan Kelley Foundation - Sponsorship in the amount of \$1,000. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

### **VIII. EXECUTIVE SESSION:**

Motion by RaLinda Ninham-Lamberies to go into Executive Session. Seconded by Lisa Liggins. Motion carried unanimously. Time: 9:12 A.M.

Motion by Chad Fuss to come out of Executive Session. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously. Time: 10:02 A.M.

1. Consolidated Health - FY25 Blkt PO – Independent Contract 2012-1259  
Jamie Willis, Comp. Health

Motion by Chad Fuss to approve the Consolidated Health – FY25 Blanket PO-Independent Contract 2012-1259 in the amount requested. Seconded by Lisa Liggins. Motion carried unanimously.

2. Consolidated Health - FY25 Blkt PO – Independent Contract 2024-0155  
Jamie Willis, Comp. Health

Motion by Lisa Liggins to approve the Consolidated Health – FY25 Blanket PO-Independent Contract 2024-0155 in the amount requested. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

3. **ADD ON:** Cornerstone Community Center Arena – Agreement  
Chad Fuss, Gaming-Admin

Motion by Lisa Liggins to approve the Cornerstone Community Center Arena – Agreement in the amount requested contingent upon splitting the payment over more than one fiscal year and upon negotiations for additional community benefits in the agreement. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

**IX. ADMINISTRATIVE /INTERNAL:** None

**X. FOLLOW UP:** None

**XI. FOR INFORMATION ONLY:**

1. FY25 Blanket POs for Gaming Slots  
David Emerson, Gaming-Slots

Motion by RaLinda Ninham-Lamberies to accept the FY25 Blanket POs for Gaming Slots as FYI. Seconded by Lisa Liggins. Motion carried unanimously.

**XII. ADJOURN:** Motion by Lisa Liggins to adjourn. Seconded by Sarah White.

Motion carried unanimously. Time: 10:10 A.M.

Minutes submitted by:

RaLinda Ninham-Lamberies

Transcribed by:

Melissa Alvarado, Office Manager

& Finance Committee Contact/Recording Secretary

*Finance Committee Approval Date of Minutes via E-Poll:* August 16, 2024

Accept the August 29, 2024, regular Finance Committee meeting minutes

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### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Accept the FC Minutes for 8/29/24 & E-Poll

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: All areas that require FC approval

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                  | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>            |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Lawrence Barton, Treasurer

Primary Requestor: Melissa Alvarado, Office Manager



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## INTERNAL MEMORANDUM

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**TO:** FINANCE COMMITTEE  
**FROM:** MELISSA ALVARADO, OFFICE MANAGER  
**SUBJECT:** E-POLL RESULTS – FC MINUTES OF AUGUST 29, 2024  
**DATE:** 08/29/24

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An E-Poll vote of the Finance Committee was conducted to approve the Finance Committee meeting minutes of August 29, 2024. The E-Poll and minutes were sent out today and concluded today. The results of the completed E-Poll are as follows:

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**E-POLL RESULTS:**

**There was a Majority of 5 FC members voting to approve the August 29, 2024 Finance Committee Meeting Minutes. FC Members voting included: *RaLinda Ninham-Lamberies, Lisa Liggins, Jennifer Webster, Chad Fuss, and Sarah White.***

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These Finance Committee Minutes of August 29, 2024 will be placed on the next Finance Committee agenda to acknowledge this E-Poll action. Per the FC By-Laws all Minutes of the FC will be submitted to the Secretary's Office once a month for BC acceptance.



## ONEIDA

### FINANCE COMMITTEE

#### REGULAR MEETING

AUGUST 29, 2024 • Time: 8:30 A.M

Business Committee Conference Room/ Microsoft Teams

### REGULAR MEETING MINUTES

#### FC MEMBERS PRESENT:

Larry Barton, BC Treasurer/FC Chair

RaLinda Ninham-Lamberies CFO/FC Vice-Chair

Lisa Liggins, BC Secretary

Jennifer Webster, BC Council Member

Jonas Hill, BC Council Member

Chad Fuss, Asst. Gaming CFO

Sarah White, Purchasing Director

#### FC MEMBERS EXCUSED:

**OTHERS PRESENT:** Bridget John, Carla Witkowski, Linda Jenkins, Tony Doxtator, Maureen Perkins, and Melissa Alvarado taking notes

**I. CALL TO ORDER:** The FC Regular Meeting was called to order by the FC Chair at 8:26 A.M.

**II. APPROVAL OF AGENDA:** AUGUST 29, 2024

Motion by Jonas Hill to approve the August 29, 2024 Finance Committee Meeting Agenda with one deletion under For Information Only #1. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

**III. MINUTES:** AUGUST 15, 2024 (Approved via E-Poll on 08/16/24)

Motion by Jennifer Webster to acknowledge the FC E-Poll action taken on August 16, 2024 approving the August 15, 2024 Finance Committee Meeting Minutes. Seconded by Chad Fuss. Motion carried unanimously.

**IV. TABLED BUSINESS:** None

**V. CAPITAL EXPENDITURES:** None

**VI. NEW BUSINESS:**

1. FY25 Blkt PO – Casino Cash Trac-Contracted Lease Payments      Amount: \$198,768.00  
Josephine Skenandore, Gaming-DTS

Motion by Jennifer Webster to approve the FY25 Blanket PO – Casino Cash Trac – Contracted Lease Payments in the amount of \$198,768.00. Seconded by Sarah White. Motion carried unanimously.

2. FY25 Blkt PO – Light & Wonder Gaming Inc.–Mthly Maint. Fees     Amount: \$792,000.00  
Josephine Skenandore, Gaming-DTS

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – Light & Wonder Gaming Inc. – Monthly Maintenance Fees in the amount of \$792,000.00. Seconded by Sarah White. Motion carried unanimously.

Lisa Liggins arrived at 8:29 AM

3. FY25 Blkt PO – Pace LLP     Amount: \$495,000.00  
Melinda Danforth, Legislative Affairs

Motion by Jennifer Webster to approve the FY25 Blanket PO – Pace LLP in the amount of \$495,000.00. Seconded by RaLinda Ninham-Lamberies. Abstained by Jonas Hill. Motion carried.

4. FY25 Blkt PO – Harters – Refuse & Recycling Services     Amount: \$225,000.00  
Bridget John, Utilities

Motion by Jonas Hill to approve the FY25 Blanket PO – Harters – Refuse & Recycling Services in the amount of \$225,000.00. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

5. FY25 Blkt PO – CESA 7     Amount: \$67,607.18  
Carla Witkowski, Early Intervention

Motion by Jonas Hill to approve the FY25 Blanket PO – CESA 7 in the amount of \$67,607.18. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

6. FY25 Blkt PO – New Directions Solutions–School Psychologist     Amount: \$149,625.00  
Sharon Mousseau, ONES

Motion by Jonas Hill to approve the FY25 Blanket POs for New Directions Solutions – School Psychologist, New Directions Solutions – Special Education Teachers, and New



Directions Solutions – Special Education Co-Teachers in the amounts requested.

Seconded by Jennifer Webster. Motion carried unanimously.

7. FY25 Blkt PO – New Directions Solutions – Special Ed Teachers Amount: \$250,800.00  
Sharon Mousseau, ONES

- See Action in New Business #6.

8. FY25 Blkt PO – New Directions Solutions–Special Ed Co-Teachers Amount: \$241,024.50  
Sharon Mousseau, ONES

- See Action in New Business #6.

9. FY25 Blkt PO – 1822 Land & Development – OGC Rent Lease Amount: \$86,400.00  
Mark A. Powless, Gaming Commission

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – 1822 Land & Development – OGC Rent Lease in the amount of \$86,400.00. Seconded by Chad Fuss. Motion carried unanimously.

Amendment to the main motion by Jennifer Webster to request a space needs assessment by the Engineering Department. Seconded by Sarah White. Motion carried unanimously.

10. Wire Technologies Inc. – Fiber Moving Amount: \$131,595.46  
Tony Doxtator, DTS

Motion by Jennifer Webster to approve the Wire Technologies Inc. – Fiber Moving in the amount of \$131,595.46. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

#### **VIII. DONATIONS / ONEIDA FINANCE FUND:**

##### **Report:**

1. FC Donation Report – August 2024  
Melissa Alvarado, Office Manager

Motion by Jennifer Webster to accept the FC Donation Report for August 2024. Seconded by Jonas Hill. Motion carried unanimously.

Jennifer Webster left at 8:58 AM

**Requests:**

1. The Bellin Health Foundation Inc. Amount: \$3,000.00  
Requester: Ashley Jones, Director

Motion by Jonas Hill to approve from the Finance Committee Donations the request from The Bellin Health Foundation Inc. Donation in the amount of \$3,000. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

**VII. EXECUTIVE SESSION:**

Motion by RaLinda Ninham-Lamberies to go into Executive Session. Seconded by Lisa Liggins. Motion carried unanimously. Time: 8:59 A.M.

Motion by Chad Fuss to come out of Executive Session. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously. Time: 9:00 A.M.

1. FY25 Blkt PO - Independent Contract for Legal Services Contract #2022-0730  
Mark A. Powless, Gaming Commission

Motion by RaLinda Ninham-Lamberies to approve the FY25 Blanket PO – Independent Contract for Legal Services Contract #2022-0730 in the amounts requested. Seconded by Lisa Liggins. Abstained by Jonas Hill. Motion carried.

**X. ADMINISTRATIVE /INTERNAL:**

1. FY25 Finance Committee Meeting Schedule  
Melissa Alvarado, Office Manager

Motion by Jonas Hill to accept the FY25 Finance Committee Meeting Schedule as FYI. Seconded by RaLinda Ninham-Lamberies. Motion carried unanimously.

2. FY25 OFF Request Packets and Finance Committee Donation Request Packet  
Melissa Alvarado, Office Manager

Motion by RaLinda Ninham-Lamberies to accept the FY25 OFF Request Packets and Finance Committee Donation Request Packet as FYIs and to forward to the next scheduled work session. Seconded by Jonas Hill. Motion carried unanimously.

**XI. FOLLOW UP:** None

**XII. FOR INFORMATION ONLY:**

1. FY25 Blkt POs for Gaming Sports Book  
Tonia Skenandore, Gaming-Sports Book

Deleted from the Agenda.

**XIII. ADJOURN:** Motion by Jonas Hill to adjourn. Seconded by RaLinda Ninham-Lamberies.

Motion carried unanimously. Time: 9:18 A.M.

Minutes submitted by:  
Melissa Alvarado, Office Manager  
& Finance Committee Contact/Recording Secretary

*Finance Committee Approval Date of Minutes via E-Poll:* August 29, 2024

Accept the September 4, 2024, regular Legislative Operating Committee meeting minutes

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### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Accept the September 4, 2024, Legislative Operating Committee meeting minutes.

4. Areas potentially impacted or affected by this request:

- Finance
- Law Office
- Gaming/Retail
- Other: *Describe*
- Programs/Services
- MIS
- Boards, Committees, or Commissions

5. Additional attendees needed for this request:

- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice       | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i> |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded   |
| <input type="checkbox"/> Unbudgeted                     | <input checked="" type="checkbox"/> Not Applicable |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Jameson Wilson, Councilmember

Primary Requestor: Clorissa N. Leeman, LRO Senior Staff Attorney



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
 September 4, 2024  
 9:00 a.m.

**Present:** Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Leeman, Carolyn Salutz

**Others Present on Microsoft Teams:** David P. Jordan, Eric Boulanger, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie, Michelle Braaten, Ralinda Ninham-Lamberies, Ronald Vanschyndel, Peggy Helm-Quest, Tavia James Charles, Todd Vanden Heuvel, Carl Artman, Rae Skenandore, Sarah White, Evan Doxtator, Lisa Moore, Eric McLester, Amber Martinez, Marie Cornelius, Kaylynn Gresham

**I. Call to Order and Approval of the Agenda**

Jameson Wilson called the September 4, 2024, Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

**II. Minutes to be Approved**

**III. Current Business**

**1. Computer Resources Ordinance Amendments**

Motion by Kirby Metoxen to approve the public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Computer Resources Ordinance; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the fiscal impact statement request memorandum and forward the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by September 18, 2024; seconded by Kirby Metoxen. Motion carried unanimously.

**2. Oneida Law Enforcement Ordinance Amendments**

Motion by Jonas Hill to approve the draft of the proposed amendments to the Oneida Law Enforcement Ordinance and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.



**3. Oneida General Welfare Law Amendments**

Motion by Kirby Metoxen to accept the memorandum entitled, Removal of the Oneida General Welfare Law from the Active Files List, and remove the Oneida General Welfare law from the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

**4. Oneida Life Insurance Plan Law Amendments**

Motion by Kirby Metoxen to accept the memorandum entitled, One (1) Year Review of the Oneida Life Insurance Plan Law; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the draft of proposed amendments to the Oneida Life Insurance Plan law and direct that a legislative analysis be developed; seconded by Jonas Hill. Motion carried unanimously.

**IV. New Submissions****1. Workplace Violence Law Amendments**

Motion by Jonas Hill to accept the request for amendments to the Workplace Violence law as information, noting the Workplace Violence law is already on the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

**2. Oneida General Welfare Law Amendments**

Motion by Kirby Metoxen to deny the request to add the Oneida General Welfare law amendments to the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

**V. Additions****VI. Administrative Items****1. E-Poll Results: Approval of the Canceled July 17, 2024 LOC Meeting Materials**

Motion by Kirby Metoxen to enter into the record the results of the July 17, 2024, e-poll entitled, Approval of the Canceled July 17, 2024 LOC Meeting Materials; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**2. E-Poll Results: Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request**

Motion by Jonas Hill to enter into the record the results of the July 29, 2024, e-poll entitled, Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request; seconded by Kirby Metoxen. Marlon Skenandore abstained. Motion carried.

**3. E-Poll Results: Approval of the Investigative Leave Policy Amendments Public Meeting Packet**

Motion by Jonas Hill to enter into the record the results of the July 30, 2024, e-poll entitled, Approval of the Investigative Leave Policy Amendments Public Meeting Packet; seconded by Kirby Metoxen. Marlon Skenandore abstained. Motion carried.

**4. E-Poll Results: Approval of the September 4, 2024 LOC Community Meeting**

Motion by Kirby Metoxen enter into the record the results of the July 30, 2024, e-poll entitled, Approval of the September 4, 2024 LOC Community Meeting; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**5. E-Poll Results: Certification of the Landlord Tenant Law Rule No. 2 Amendments**

Motion by Kirby Metoxen to enter into the record the results of the August 1, 2024, e-poll entitled, Certification of the Landlord Tenant Law Rule No. 2 Amendments; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**6. E-Poll Results: Statement of Effect for the Petition: L. Blackowl – New Recreation/Community Center Build**

Motion by Kirby Metoxen to enter into the record the results of the August 1, 2024, e-poll entitled, Statement of Effect for the Petition: L. Blackowl – New Recreation/Community Center Build; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Jonas Hill to adjourn at 9:48 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Adopt resolution entitled Affordable Home Ownership Strategy

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## Business Committee Agenda Request

1. **Meeting Date Requested:** *Click or tap to enter a date.*

2. **Session:**

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. **Requested Motion:**

Accept as information; OR

Accept report and consider action.

4. **Areas potentially impacted or affected by this request:**

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. **Additional attendees needed for this request:**

RaLinda Ninham Lamberies, Chief Financial Officer

Mark W. Powless, General Manager

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution  |
| <input type="checkbox"/> Draft GTC Notice          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other: <i>Describe</i>    |  |   |

**7. Budget Information:**

- |   |  |
|---|--|
| <input type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input checked="" type="checkbox"/> Unbudgeted          | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>         |  |

**8. Submission:**

Authorized Sponsor: Jo Anne House, Chief Counsel

Primary Requestor: (Name, Title/Entity)

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

Carl J. Artman  
Krystal L. John  
Peggy A. Van Gheem

Law Office



**MEMORANDUM**

**TO:** Oneida Business Committee

**FROM:** Jo Anne House, Chief Counsel

**DATE:** August 28, 2024

**SUBJECT:** Resolution – *Affordable Home Ownership Strategy*

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On July 10, 2024, the Oneida Business Committee adopted a motion, “to accept the report on Affordable Home Ownership Strategy/Veteran Loan Assessment and direct the Treasurer, Chief Financial Officer, General Manager, and Chief Counsel to work together to identify/recommend funds to be used for the program in the amount of four (4) million dollars for each of the two (2) programs.”

A draft resolution (see attached) was reviewed by Mark Powless, General Manager, and the Comprehensive Housing Division, to identify any recommended amendments to clarify the resolution. The revised resolution was forwarded to the RaLinda Ninham Lamberies, Chief Financial Officer, and the final draft was presented for a Statement of Effect.

The proposed action utilizes APRA-FRF-LR-TCS funds in the amount of \$8 million for the purposes of creating two programs – Revolving Affordable Mortgage Fund and Home Construction Support Services. The funds are combined into a single fund to reduce administration time and costs. Finally, the resolution directs rulemaking to be conducted to develop the program and allow the funds to be released. The General Manager is directed to report monthly on the status of the rulemaking to the Oneida Business Committee.

If you have further questions, please contact me.



**Statement of Effect**  
*Affordable Home Ownership Strategy*

***Summary***

Through the adoption of this resolution the Oneida Business Committee:

- obligates eight million dollars (\$8,000,000) of APRA FRF LR Tribal Contribution Savings for the purpose of funding the Comprehensive Housing Division’s Revolving Affordable Mortgage Loan Fund;
- directs the General Manager to create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients; report at the second Oneida Business Committee meeting of each month on the status of the rulemaking amendments until the programs are fully developed; and upon submission of the amended rule(s) the General Manager shall request the Revolving Affordable Mortgage Loan Fund be made accessible; and
- directs the General Manager to work collaboratively with Bay Bank to identify services that could be provided to members to make home construction more accessible through training, guides, and support services to homeowners to obtain necessary permits and inspections.

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

*Date: September 6, 2024*

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

Through the adoption of this resolution the Oneida Business Committee obligates eight million dollars (\$8,000,000) of APRA FRF LR Tribal Contribution Savings for the purpose of funding the Comprehensive Housing Division’s “Revolving Affordable Mortgage Loan Fund” from which the repayments on mortgage loans will be repaid into this revolving loan which shall become accessible for programming use as identified in this resolution and shall be tracked and accounted for separately from all existing mortgages.

This resolution identifies that the General Manager and the Comprehensive Housing Division have identified amendments to existing rules regarding land and housing to create better programming options which will be supported by this request, and that the Oneida Business Committee directs the General Manager to move forward with the amendments to create the proposed programming under the Administrative Rulemaking law.

This resolution thereby directs the General Manager to create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients; report at the second Oneida Business Committee meeting of each month on the status of the rulemaking amendments until the programs are fully developed; and upon submission of the amended rule(s) the General Manager shall request the Revolving Affordable Mortgage Loan Fund be made accessible.

The Administrative Rulemaking law provides an efficient, effective, and democratic process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1, 106.1-2]. The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. An authorized agency is any board, committee, commission, department, program, or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)]. A rule is a set of requirements enacted by an authorized agency in order to implement, interpret and/or enforce a law of the Nation, which may include citation fee and penalty schedules. [1 O.C. 106.3-1(h)]. A rule developed in accordance with the Administrative Rulemaking law has the same force and effect as the law which delegated the authorized agency rulemaking authority, and cannot conflict or supersede a law, policy, or rule of the Nation or a resolution adopted by the Oneida Business Committee or General Tribal Council. [1 O.C. 106.4-1(a)-(b)].

The Mortgage and Foreclosure law sets the standards and requirements for participation in the mortgage programs and prescribes the foreclosure process required to be used in the event of a default of a mortgage. [6 O.C. 612.1-1]. The Mortgage and Foreclosure law provides that consistent with available funds, the Comprehensive Housing Division is responsible for providing mortgage programs for the following purposes and is required to establish rules naming said programs and providing the specific requirements for each program:

- Financing the purchase or down payment of existing homes and lands;
- Construction of new homes;
- Repairs and improvements to existing homes; and
- Refinancing existing mortgages. [6 O.C. 612.4-1].

The Mortgage and Foreclosure law then delegates joint administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission for the purpose of governing:

- The selection of applicants for the issuance of a mortgage [6 O.C. 612.4-3];
- The requirements of mortgages entered into by the Comprehensive Housing Division [6 O.C. 612.4-4];
- The disposition of personal property [6 O.C. 612.7-5(a)(3)(B)]; and
- The razing of a foreclosed upon property. [6 O.C. 612.7-5(d)(2)].

The resolution also mentions the “Residential Sales Rule,” which is being interpreted to mean the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales. The Real Property law delegates administrative rulemaking authority to the Oneida Land Commission and the Comprehensive Housing Division to exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property. [6 O.C. 601.12-1].

This resolution’s directive that the General Manager create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients conflicts with the Administrative Rulemaking law. The Administrative Rulemaking law provides that only authorized agencies may promulgate rules. [1 O.C. 106.4-1]. Additionally, the Administrative Rulemaking law requires that authorized agencies be delegated rulemaking authority through a law of the Nation, not a resolution. [1 O.C. 106.4-1].

The General Manager is not delegated administrative rulemaking authority through the Mortgage and Foreclosure law, the Real Property law, or any other law of the Nation that addresses property or land. Therefore, the General Manager is not an authorized agency under the Administrative Rulemaking law and has no authority to develop rules regarding mortgage programs. This resolution's directive that the General Manager develop rules regarding mortgage programs also conflicts with the Mortgage and Foreclosure law's very clear delegation of rulemaking authority to the Comprehensive Housing Division, and the Oneida Land Commission in certain circumstances. Additionally in accordance with the Administrative Rulemaking law, this resolution cannot confer administrative rulemaking authority to the General Manager.

It is also important to note that the Administrative Rulemaking law provides that the authorized agency has the authority to decide if amendments to a rule are necessary to pursue, and the law further clarifies that the Oneida Business Committee cannot compel an authorized agency to amend a rule. [1 O.C. 106.12-3]. Therefore, the Oneida Business Committee cannot, through adoption of this resolution, compel the amendment of any existing rule. If the Comprehensive Housing Division and the Oneida Land Commission were to decide that amendments to a rule should be made, any amendments made to the rule would need to follow the process provided for in the Administrative Rulemaking law. [1 O.C. 106.4-3].

This resolution also directs the General Manager to work collaboratively with Bay Bank to identify services that could be provided to members to make home construction more accessible through training, guides, and support services to homeowners to obtain necessary permits and inspections.

### ***Conclusion***

Adoption of this resolution would conflict with the Administrative Rulemaking law and the Mortgage and Foreclosure law.

The conflict in this resolution could be eliminated if instead of directing the General Manager to "create rules for mortgage programs which include requirements specific to veteran's housing programs among other loan recipients" which the Oneida Business Committee lacks the authority to do, the resolution instead directed the General Manager to monitor the progress of the Comprehensive Housing Division to create or amend rules for mortgage programs which include requirements specific to veteran's housing programs among other loan recipients, and then report at the second Oneida Business Committee meeting of each month on the status of the Comprehensive Housing Division's rulemaking progress until the programs are fully developed

**DRAFT****E. Adopt resolution entitled Affordable Home Ownership Strategy (00:31:31)**

Sponsor: Jo Anne House, Chief Counsel

Motion by Lawrence Barton to table this item, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

*For the record: Secretary Lisa Liggins stated, On July 10<sup>th</sup> the General Manager and the Comprehensive Housing Division presented the "Affordable Home Ownership Strategy" to the Oneida Business Committee which contained four (4) parts; a budget request specifically for Comprehensive Housing Division's in house revolving home program to assist with Homeownership by Independent Purchase Program (HIPP) and For Sale by Owner Program; collaboration with the [Oneida] Land Commission to purchase ready to sell homes for the Residential Sales Program; collaboration with internal areas to revamp and create a successful Home Building Opportunity Program (HBO) that prepares and provides Oneida members with vacant lots to build homes; and collaboration with Bay Bank to administer the construction loan program on behalf of the Division, in which the Nation guarantees the construction loan. The areas completed the directive as requested. Additional direction was given for the Law Office to work with Finance to identify funds to fund the \$8 million dollars that was requested and required to make this Affordable Home Ownership Strategy a success and that was what was completed today so therefore I oppose the tabling of this resolution. Thank you.*

*For the record: Councilman Jameson Wilson stated, Mine was more along the lines of the conclusion of the statement of effect as the resolution, as is, directs the General Manager to create rules for mortgage programs which include requirements specific to the Veterans Housing Programs among other loan recipients. The Business Committee does not have authority to delegate that type of authority to the General Manager and those authorities would actually lie within the, for that law, with the Comprehensive Housing Division and Land Management. and Land Commission. If the resolution were restated to reflect "monitoring", have General Manager monitor the administrative rulemaking authority that's delegated to those affected entities, then I think we would be in compliance. But as the Legislative Operating Committee Chairman that's why I decided to support the tabling of the item. Thank you.*

*For the record: Vice-Chairman Brandon Yellowbird-Stevens stated, I believe if we're able to have discussion on the resolution, I think we could have rectified all of that. Have the conversation, talk about it, and make motions to that effect. That's why, I am not in a position to vote, but my counsel would have said, "talk about the issues, get a better understanding of what we need to see coming back here to this table if the resolution wasn't ready". Simply tabling an item doesn't allow for that, that's why I would have pressed to just to talk about it and could have brought it back in 30 days.*

**F. Adopt resolution entitled Authorization to Open an Operating Bank Account for the Oneida Hotel (00:44:35)**

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Lawrence Barton to adopt resolution 09-11-24-E Authorization to Open an Operating Bank Account for the Oneida Hotel, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jameson Wilson

Not Present: Tehassi Hill, Jennifer Webster

Approve the travel report - Vice-Chairman Brandon Yellowbird-Stevens and Councilman Kirby Metoxen -.

## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open  Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve travel request - Vice Chairman Brandon Yellowbird & Councilman Kirby Metoxen - Democratic National Convention- Chicago, IL, Aug. 19-22 2024

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: OBC

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*



**6. Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)                      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input type="checkbox"/> Correspondence                            | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice                          | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet                          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up                    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input checked="" type="checkbox"/> Other: DNC info, Travel Report |  |   |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>                    |  |

**8. Submission:**

Authorized Sponsor: Kirby Metoxen, Councilman

Primary Requestor: (Name, Title/Entity)

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Kirby Metoxen                      Brandon Yellowbird-Stevens  
**Travel Event:** Democratic National Convention  
**Travel Location:** Chicago, IL  
**Departure Date:** 08/19/2024                      **Return Date:** 08/22/2024  
**Projected Cost:** KM 2514                      **Actual Cost:** KM 853  
**Date Travel was Approved by OBC:** 06/10/2024

### Narrative/Background:

Tolls/Hotel Invoice not received. Actual Cost will increase once received/paid. Councilman Metoxen's talking points consisted of: Land legislation, Indian Child Welfare, and Expansion of Self Governance Authority throughout Federal Agencies. Attended: speeches, receptions, convention, and updates to listen to the party's message: "Democrats across the country are working hard to build a better America. We're fighting to build an economy that works for everyone by lowering costs for working families and investing in the middle class. Democrats are dedicated to ensuring a stronger and more just future for every American."

### Item(s) Requiring Attention:

[Click here to enter text.](#)

### Requested Action:

Approve the travel report - Vice Chairman Brandon Yellowbird-Stevens & Councilman Kirby Metoxen - Democratic National Convention - Chicago, IL - August 19-22, 2024

# General

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## What is the DNC?

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The Democratic National Convention is the formal event where Democrats from all 50 states and the U.S. territories will gather in Chicago to rally behind Vice President Kamala Harris and Governor Tim Walz, our Democratic nominees for President and Vice President of the United States. Democrats will celebrate our achievements under the Biden-Harris Administration and chart a path for the future. Primetime programming will be held at the United Center and other party activities will be conducted at the McCormick Place Convention Center, both planned in close coordination with the Chicago Host Committee, City of Chicago, State of Illinois, and the Democratic National Committee.

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## Why is the DNC in Chicago this year?

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Chicago is the perfect place to bring the story of Vice President Harris, Governor Walz, and the Democratic Party to the American people. Chicago represents the diversity of the Democratic Party and the country. It's a union city that sits at the heart of the Midwest, and it's a Democratic stronghold that was part of the "blue wall" crucial to the Biden-Harris victory in 2020 and will be for a Harris-Walz victory in November. Across the city and entire region, Midwesterners are seeing the progress that is possible under Democratic leadership, including a manufacturing boom that has created good-paying jobs and uplifted communities who have been left behind.

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CHICAGO – As Vice President Harris, Governor Walz, and voices from across the Democratic coalition took to the convention stage last week in Chicago, voters across the country were seeing and hearing the story of the Harris-Walz ticket. Throughout the four days of convention, the American people read about how this historic event made the case for Vice President Harris and Governor Walz, told the story of Democrats' achievements, and drew a sharp contrast between the Harris-Walz ticket, which represents freedom and possibility, and the chaos and division of extreme MAGA Republicans.

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## At the 2024 Democratic National Convention in August, Delegates from all 50 states and US territories will convene in Chicago \*

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Democrats will rally around our Democratic nominees for President and Vice President of the United States.

The 2024 Democratic Convention in Chicago will show America what Democrats stand for and tell the story of our proven track record of delivering progress for real people. But the story is far from over.

This summer, Democrats will come together to build on our progress, lay out what's at stake in this election, and unite around our shared values of democracy and freedom to create a future for all Americans.

Approve the travel request - Councilman Jonas Hill - Tribal Nations Resiliency Conference - Box Elder, SD

### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve the travel request for Councilman Jonas G. Hill to Box Elder, SD, October 8 -11, 2024 to attend the Tribal Nations Resiliency Conference focusing on Community Emergency Management.

4. Areas potentially impacted or affected by this request:

- Finance
- Law Office
- Gaming/Retail
- Other: OBC
- Programs/Services
- DTS
- Boards, Committees, or Commissions

5. Additional attendees needed for this request:

- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*
- Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)      |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect         |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> |  |  |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>                    |  |

**8. Submission:**

Authorized Sponsor: Jonas Hill, Councilman

Primary Requestor: (Name, Title/Entity)

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested:  09 / 25 / 24

e-poll requested

2. General Information:

Event Name: Tribal Nations Resiliency Conference, focusing on Community Emergency Management

Event Location: Box Elder, SD Attendee(s): Jonas Hill

Departure Date: Oct 8, 2024 Attendee(s):

Return Date: Oct 11, 2024 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \$1,704.41

4. Justification:

Describe the justification of this Travel Request:

\$1,041.25 Mileage  
 \$456.66 Hotel  
 \$206.5 Per Diem

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\$1,704.41

Learn from public safety, tribal and community leaders as we discuss and educate how to prepare tribal communities and plan for emergency response while also building resiliency with tools, resources and sustainable infrastructure.

Additionally, the Leading Tribal Nations Executive Leadership at Harvard Business School cohort that Councilman Hill is a part of will be having a meeting after this training.

5. Submission

Sponsor: Jonas Hill, Councilman

- 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



# TRIBAL NATIONS RESILIENCY CONFERENCE

presented by  
**BRUNTON**



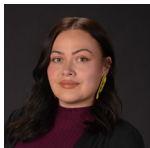


**TRIBAL NATIONS  
RESILIENCY  
CONFERENCE**

# COMMUNITY EMERGENCY MANAGEMENT

October 9, 2024 | 8 am – 5:00 pm followed by a reception  
October 10, 2024 | 8 am – Noon  
The Box (631 WaTiki Way, Box Elder, SD 57719)

Join the Brunton team as they host the inaugural Tribal Nations Resiliency Conference, focusing on Community Emergency Management. Learn from public safety, tribal and community leaders as we discuss and educate how to prepare tribal communities and plan for emergency response while also building resiliency with tools, resources and sustainable infrastructure.



**FRANKEE HALL**  
Tribal Division Sector Lead  
frankeeh@bruntonarchitects.com



**JERRY STREICH**  
Market Director of Public Safety  
jerrys@bruntonarchitects.com



SCAN TO  
REGISTER





Approve the travel request - Councilman Kirby Metoxen - Native American Tourism, of WI and Great...

### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve travel request – Councilman Kirby Metoxen – Native American Tourism of WI and Great Lakes Inter-Tribal Council Meetings- Milwaukee, WI – October 09 & 10 2024

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

MIS

Gaming/Retail

Boards, Committees, or Commissions

Other: OBC

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)      |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect         |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> |  |  |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: )                                  |  |

**8. Submission:**

Authorized Sponsor: Kirby Metoxen, Councilman

Primary Requestor: (Name, Title/Entity)

**ONEIDA NATION - OBC**  
**TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Kirby Metoxen		
<i>Legal name as it appears on Travelers Driver's License or State ID, no nicknames</i>			
Employee Number			
Destination	Milwaukee, WI		
Departure date	10/09/2024	Return date	10/10/2024
Purpose of travel	Native American Tourism of WI and Great Lakes Inter-Tribal Council Meeting		
Charged GL Account			

**GSA (General Services Administration) Rates are linked on SharePoint under Employee Resources**

Per Diem rate per day	\$ 64.00		
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**Cost Estimate Information**

## Personal Automobile Mileage Expenses

Total miles	246	Multiply by the Mileage rate	\$ .625	\$ 153.75
<b>Description</b>	<b>Rate</b>	<b>Factor</b>	<b>Days</b>	<b>Total</b>
Per Diem for initial travel date	\$ 64.00	0.75	1	\$ 48.00
Per Diem full day at destination	\$ 64.00	1.00	0	\$ 0.00
Per Diem for return travel date	\$ 64.00	0.75	1	\$ 48.00
Subtract included meals				
Miscellaneous expenses: taxi, parking, fees, etc.				
<b>Subtotal = Advance to Traveler</b>				\$ 249.75
Lodging including room, taxes, fees, and hotel parking				\$ 130.00
Airfare				
Luggage Fees				
Car Rental				
Registration				
<b>Subtotal</b>				\$ 130.00
<b>Total Trip Cost Estimate</b>				\$ 379.75

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses.  
I also understand that if this advance is not cleared within 10 calendar days after my travel return date, the Nation has the authority to withhold any advanced funds from future wages.

**Signatures / Approvals**

	Signature	Date
Traveler		
Supervisor		

Send all travel related items to: [CentralAccounting\\_Travel@oneidanation.org](mailto:CentralAccounting_Travel@oneidanation.org)

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 8 / 14 / 24

e-poll requested

#### 2. General Information:

Event Name: Native American Tourism of WI and Great Lakes Inter-Tribal Council Meetings- Milwaukee, WI

Event Location: Milwaukee, WI

Attendee(s): Kirby Metoxen

Departure Date: 10/09/2024

Attendee(s):

Return Date: 10/10/2024

Attendee(s):

#### 3. Budget Information:

Funds available in individual travel budget(s)

Unbudgeted

Grant Funded or Reimbursed

Cost Estimate: 379.75

#### 4. Justification:

Describe the justification of this Travel Request:

Approve travel request Councilman Kirby Metoxen Native American Tourism of WI and Great Lakes Inter-Tribal Council- Milwaukee, WI October 09 & 10 2024  
 Councilman Metoxen will be providing a NATOW update at GLITC.  
 Note: Agendas to come.  
 NATOW's mission is to promote tribal tourism and economic development, while highlighting the beauty, diversity and cultural dynamism of the 11 federally recognized tribes of Wisconsin. Tourism is the leading industry in tribal economies and plays a critical role in generating employment and revenues for essential governmental services for tribes and their members, including healthcare, housing, education, elder services, pre-K and more. NATOW is comprised of representatives from each tribe who meet to discuss and implement its strategic initiatives.  
 The Great Lakes Inter-Tribal Council, Inc. (GLITC) is a consortium of federally recognized Indian tribes in Wisconsin and the Upper Peninsula of Michigan. GLITC uses a broad range of knowledge and experience to advocate for the improvement and unity of tribal governments, communities and individuals. The first four decades of GLITC's existence have demonstrated that there is strength in unity. Presenting a united face on issues of critical importance to all Indian communities has enabled tribes to deal more effectively with state and local governments, academic institutions and other agencies.

#### 5. Submission

Sponsor: Kirby Metoxen, Councilmember

- 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

Approve the travel request - Councilman Jameson Wilson - 2025 Reservation Economic Summit - Las...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Approve travel request for Councilman Jameson Wilson to attend 2025 Reservation Economic Summit, March 9-14, 2025.

4. Areas potentially impacted or affected by this request:

- |  |   |
|--|---|
| <input type="checkbox"/> Finance               | <input type="checkbox"/> Programs/Services                  |
| <input type="checkbox"/> Law Office            | <input type="checkbox"/> DTS                                |
| <input type="checkbox"/> Gaming/Retail         | <input type="checkbox"/> Boards, Committees, or Commissions |
| <input checked="" type="checkbox"/> Other: OBC |   |

5. Additional attendees needed for this request:

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Bylaws                 | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                |
| <input type="checkbox"/> Contract Document(s)   | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                      |
| <input type="checkbox"/> Correspondence         | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Draft GTC Notice       | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)      |
| <input type="checkbox"/> Draft GTC Packet       | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect         |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition                | <input checked="" type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> |  |  |

**7. Budget Information:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Budgeted – Tribal Contribution | <input type="checkbox"/> Budgeted – Grant Funded |
| <input type="checkbox"/> Unbudgeted                                | <input type="checkbox"/> Not Applicable          |
| <input type="checkbox"/> Other: <i>Describe</i>                    |  |

**8. Submission:**

Authorized Sponsor: Jameson Wilson, Councilman

Primary Requestor: Fawn Cottrell, Executive Assistant to Councilman Wilson

### Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 09 / 25 / 24  e-poll requested

#### 2. General Information:

Event Name: 2025 Reservation Economic Summit

Event Location: Las Vegas, NV Attendee(s): Jameson Wilson

Departure Date: Mar 9, 2025 Attendee(s):

Return Date: Mar 14, 2025 Attendee(s):

#### 3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \$3,000.00

#### 4. Justification:

Describe the justification of this Travel Request:

RES 2025 is the Summit to attend for those looking for high caliber networking, winning teaming opportunities, business development sessions, one-on-one consulting, all centered around American Indian Enterprise. The event features tribal leaders, members of Congress, federal agency representatives, state and local officials, and top CEO's on a national platform. It important to introduce myself throughout Indian Country by attending this summit and establish a network as leader of the Oneida Nation. This is one of the largest summits in Indian Country held annually.

#### 5. Submission

Sponsor: Jameson Wilson, Councilmember

- 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



# RES 2025

March 10-13, 2025

Location: Caesars Palace Hotel & Casino, Las Vegas

**SIGN UP FOR UPDATES AT [RES.NCAIED.ORG](https://res.ncaied.org)**



Approve seven (7) actions regarding the Tribal Contribution Savings report

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## Business Committee Agenda Request

1. **Meeting Date Requested:** 09/25/24

2. **General Information:**

Session:  Open  Executive – must qualify under §107.4-1.  
Justification:

3. **Supporting Documents:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                            | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation                   |
| <input type="checkbox"/> Contract Document(s)              | <input type="checkbox"/> Law                     | <input checked="" type="checkbox"/> Report              |
| <input type="checkbox"/> Correspondence                    | <input type="checkbox"/> Legal Review            | <input checked="" type="checkbox"/> Resolution          |
| <input type="checkbox"/> Draft GTC Notice                  | <input type="checkbox"/> Minutes                 | <input type="checkbox"/> Rule (adoption packet)         |
| <input type="checkbox"/> Draft GTC Packet                  | <input type="checkbox"/> MOU/MOA                 | <input checked="" type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up            | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents               |
| <input checked="" type="checkbox"/> Other: Attachments A-F |  |   |

4. **Budget Information:**

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i>  |                                     |

5. **Submission:**

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_


Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS



## Memorandum

To: Oneida Business Committee  
From: Secretary Lisa Liggins   
Date: September 17, 2024  
Re: Tribal Contribution Savings Report

---

### Background

At the August 28, 2024, regular Oneida Business Committee (OBC) meeting, the following actions were taken by the OBC:

“...to request the Secretary to schedule a special BC Work Session with a single topic to discuss the financial report of the tribal contribution savings derived from ARPA funding and invite the General Manager and Chief Financial Officer to attend...”

“...to direct the Secretary to bring back an open session report on the status of the Tribal Contribution Savings projects, balance, and submission portal to the September 25, 2024, regular Business Committee meeting...”

### Work Session Discussion and Consensus Agreements

The OBC held a special work session on Thursday, September 12, 2024, during which the OBC reviewed the following materials:

- Memorandum dated September 10, 2024, regarding Tribal Contribution Savings Portal – Next Steps from the Chief Counsel (attachment A)
- Tribal Contribution Savings report dated June 27, 2024, from the Chief Financial Officer (attachment B)
- Tribal Contribution Savings report dated September 12, 2024 (attachment C)
  - This report indicates there is a total of \$13,999,788.44 remaining Tribal Contribution Savings

The OBC determined, by consensus, the amount of remaining Tribal Contribution Savings make reopening the portal ineffective and identified that strategically obligating the remaining funds would be more appropriate. The resolution entitled *Tribal Contribution Savings – Final Obligation Opportunities* has been drafted to formally adopt the OBC’s consensus agreement.

The OBC reviewed three (3) proposals for use of the remaining Tribal Contribution Savings:

1. *FY2025 GWA Payment for Food (attachment D)*
  - a. The OBC determined, by consensus, this proposal would not move forward and that an analysis needs to be completed to ensure adequate resources are being directed to the Emergency Food Pantry, Food Distribution program, and Elder Food Box program to address the need in the community.
2. *Boundary Signage, CDC #19-007 (attachment E)*
  - a. The OBC determined, by consensus, this proposal would move forward; however, there was concern regarding the amount of the contingency and the inclusion of Engineering Department Fees.
  - b. The resolution entitled *Tribal Contribution Savings – Final Obligation Opportunities - Boundary Signage Project, CDC #19-007* has been drafted to formally adopt the OBC's consensus agreement.
3. *Affordable Home Ownership Strategy (attachment F)*
  - a. The OBC came to a consensus agreement to support this proposal, noting the is a related resolution included in attachment F is tabled on the OBC meeting agenda<sup>1</sup>; additional due diligence is being completed by the General Manager regarding the program parameters.
  - b. The resolution entitled *Tribal Contribution Savings – Final Obligation Opportunities - Affordable Home Ownership Strategy Revolving Loan Program* has been drafted to formally adopt the OBC's consensus agreement.
    - i. This draft resolution is included for information only and will be presented for adoption after the additional due diligence noted above is completed.

The OBC also discussed what additional information they would need to assess the current obligations and projects funded by Tribal Contribution Savings and communicated these needs to the Chief Financial Officer for upcoming reporting.

Lastly, the OBC determined that, providing adequate time for reporting is needed and they would discuss current obligations and projects at a work session in January 2025.

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<sup>1</sup> See September 11, 2024, regular BC meeting minutes

**Requested Action**

1. Accept the Tribal Contribution Savings Report dated September 17, 2024, as information
2. Direct the General Manager to complete an assessment of the Emergency Food Pantry, Food Distribution program, and Elder Food Box program to determine if adequate resources are being directed to these programs to address the need in the community and to submit an open session report on the assessment be submitted to the <date> regular Oneida Business Committee meeting
3. Adopt resolution entitled *Tribal Contribution Savings – Final Obligation Opportunities*
4. Adopt resolution entitled *Tribal Contribution Savings – Final Obligation Opportunities - Boundary Signage Project, CDC #19-007*
5. Direct the General Manager and Intergovernmental Affairs Director to review the contingency budget of Boundary Signage Project, CDC #19-007
6. Direct the General Manager to review practice of including “Engineering Department Fees” in the budget estimates for projects being processed through the Capital Improvement Process to determine the reasoning/need for these fees and to submit a report on the review to the <date> BC Work Session for further discussion
7. Defer the discussion regarding the assessment of current obligations and projects funded by Tribal Contribution Savings to the January 2025 BC work session

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # 09-25-24-X**  
**Tribal Contribution Savings – Final Obligation Opportunities**

- 1
- 2
- 3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 4 recognized by the laws of the United States of America; and
- 5
- 6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 7
- 8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 10
- 11 **WHEREAS,** the Oneida Nation received approximately \$144 million in ARPA-FRF funds from the
- 12 federal government to address issues resulting from the recent COVID pandemic; and
- 13
- 14 **WHEREAS,** the Oneida Business Committee adopted resolutions # BC-06-09-21-B, as amended by
- 15 resolution # BC-06-23-21-C and resolution # BC-03-20-22-A, which identified the goal of
- 16 how these funds could be used based on the eight groups of allocations and how those
- 17 funds could be accessed for obligations to implement projects through an electronic portal;
- 18 and
- 19
- 20 **WHEREAS,** the Oneida Business Committee adopted resolution # BC-05-22-24-A, which amended
- 21 the reporting process identified in resolution # BC-03-30-22-A; and
- 22
- 23 **WHEREAS,** there are many single activity and more complex projects presented such as
- 24 development of digital store fronts to make transactions easier, support for educational
- 25 costs for re-training or new careers, construction of multi-family housing; and
- 26
- 27 **WHEREAS,** the remaining funds make reopening the portal ineffective and the Oneida Business
- 28 Committee has identified that strategically obligating the remaining funds would be more
- 29 appropriate; and
- 30
- 31 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee permanently closes the Tribal
- 32 Contribution Savings Portal.
- 33
- 34 **BE IT FURTHER RESOLVED,** the Oneida Business Committee has identified that obligations of
- 35 remaining Tribal Contribution Savings Funds consistent with Native Nation Building principles adopted by
- 36 the Oneida Business Committee.
- 37
- 38 **BE IT FINALLY RESOLVED,** that any remaining obligations shall be by resolution which identifies the
- 39 amount, the policy issue being addressed, project owner and completion date.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # 09-25-24-X**  
**Tribal Contribution Savings – Final Obligation Opportunities**  
**Boundary Signage Project, CDC #19-007**

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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 resolutions # BC-06-09-21-B, as amended by resolution # BC-06-23-21-C and resolution # BC-03-20-22-A, which identified the goal of how these funds could be used based on the eight groups of allocations and how those funds could be accessed for obligations to implement projects through an electronic portal; and

**WHEREAS,** the Oneida Business Committee adopted resolution # BC-05-22-24-A, which amended the reporting process identified in resolution # BC-03-30-22-A; and

**WHEREAS,** the Oneida Business Committee has adopted resolution # \_\_\_\_\_, *Tribal Contribution Savings – Final Obligation Opportunities*, which identifies that strategically obligating the remaining funds would be more appropriate; and

**WHEREAS,** the Oneida Business Committee has identified that obligations of remaining Tribal Contribution Savings Funds shall be consistent with Native Nation Building principles adopted by the Oneida Business Committee; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee obligates \$502,900 in Tribal Contribution Savings for the Boundary Signage Project, CDC #19-007.

**BE IT FINALLY RESOLVED,** Melinda J. Danforth, Intergovernmental Affairs Director, is identified as the project owner, and the project shall be completed on or before December 31, 2025.

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



**BC Resolution # Leave this line blank  
 Tribal Contribution Savings – Final Obligation Opportunities  
 Affordable Home Ownership Strategy Revolving Loan Program**

- 1
- 2
- 3
- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
- 5 recognized by the laws of the United States of America; and
- 6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- 8
- 9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
- 10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- 11
- 12 **WHEREAS,** the Oneida Business Committee adopted resolutions # BC-06-09-21-B as amended by
- 13 resolution # BC-06-23-21-C and resolution # BC-03-20-22-A, which identified the goal of
- 14 how these funds could be used based on the eight groups of allocations and how those
- 15 funds could be accessed for obligations to implement projects through an electronic portal;
- 16 and
- 17
- 18 **WHEREAS,** the Oneida Business Committee adopted resolution # BC-05-22-24-A, which amended
- 19 the reporting process identified in resolution # BC-03-30-22-A; and
- 20
- 21 **WHEREAS,** the Oneida Business Committee has adopted resolution # \_\_\_\_\_, *Tribal Contribution*
- 22 *Savings – Final Obligation Opportunities*, which identifies that strategically obligating the
- 23 remaining funds would be more appropriate; and
- 24
- 25 **WHEREAS,** the Oneida Business Committee has identified that obligations of remaining Tribal
- 26 Contribution Savings Funds shall be consistent with Native Nation Building principles
- 27 adopted by the Oneida Business Committee;
- 28
- 29 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee obligates \$8 million in Tribal
- 30 Contribution Savings for the revolving loan program for the Affordable Home Ownership Strategy from
- 31 which the repayments on mortgages shall be made back to the fund and which shall become accessible
- 32 for programming use as after rules are amended and shall be tracked and accounted for separately from
- 33 all existing mortgages.
- 34
- 35 **BE IT FURTHER RESOLVED,** the General Manager is directed to monitor the progress of the
- 36 Comprehensive Housing Division to create or amend rules for mortgage programs which require
- 37 improvements specific to veteran’s housing programs among other loan recipients, and then report at the
- 38 second Oneida Business Committee meeting of each month on the status of the Comprehensive Housing
- 39 Division’s rulemaking programs until the programs are fully developed.

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

Carl J. Artman  
Krystal L. John  
Peggy A. Van Gheem

Excerpt from 9/12/24 special BC Work Session -- Attachment A  
Law Office



## MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** Jo Anne House, Chief Counsel

**DATE:** September 10, 2024

**SUBJECT:** Tribal Contribution Savings Portal – Next Steps

---

The Oneida Business Committee adopted resolution # BC-03-22-23-F, *Consolidating All Remaining ARPA FRF TCS Allocations and Closing Portal*, which was amended by resolution # BC-04-26-23-D, *Adding Group 3 to Approved ARPA FRF TCS Allocations*. This resulted in ‘closing the portal’ for the purpose of obligating the remaining funds, the status of current projects, and closure of the projects identifying any remaining funds as well as the value of the obligation when applied.

The initial decision by the Oneida Business Committee was made after the federal legislation was adopted and identification of estimated amount of funding to be received. In addition, the experience of the COVID funds that were received earlier identified that additional oversight and awareness of the scope of ARPA funding availability throughout the Nation’s business units was necessary.

The first set of obligations were required to fit within the categories established by the Oneida Business Committee. Requests for obligations were submitted to the ‘portal’ and then placed on a Work Session agenda for review and action at an Oneida Business Committee meeting via a resolution. The expectation was that project owners would report on the progress and outcomes of each obligation, and the total cost which may have resulted in application of other funding to complete, or unexpended funds ‘de-obligated’ and available for another use.

When the TCS funds reached about \$10 million remaining unobligated funds, the Oneida Business Committee closed the portal and directed final reports to be submitted. Because of transition in personnel, many of those reports were not received until recently. This resulted in the remaining balance of approximately \$14 million. There are large projects over \$1 million that are outstanding which could result in additional TCS being de-obligated.

- CIP #15-001 Food Innovation Center - \$7,155,000 – the last report identified that there was \$326,000 expended with an expected completion date in May 2025.
- CIP # 23-005 Residential Home Sites - \$1,579,000 – the last report identified that there was \$169,000 expended with an expected completion date in October 2024.
- CIP #21-111 Multi Family Housing - \$7,367,335 – the last report identified \$6.2 expended with an expected completion date in January 2025.



- Government Infrastructure - \$2, 214,218 – the update and expenditures were not identified and were expected at the March 2024 work session.
- Early Childhood Programs - \$2,500,000 – the last report identified \$122,000 expended, approximately 10% complete, no completion date identified.
- A. Cornelius Park, Veteran’s Wall and CIP #19-004 - \$2,682,210 – the last report identified \$1,073,000 expended and 60% completion. The Oneida Business Committee received notice of underfunding of this obligation and the need to re-identify the scope.
- Home Infrastructure Program - \$3,000,000 – the last report identified \$1,000,000 expended.
- OLD & TLN Expansion Project - \$9,685,027 – there has been no reporting on this project, accounting records identify no expenditures made, Oneida Business Committee to action to place a hold on this obligation until a project plan/report is submitted.
- Farm Office - \$1,846,000 – the last report identified \$1,670,000 in expenditures, estimated 55% completed, and an expected completion date in January 2025.
- Change Management Initiatives - \$1,134,256 – the last report identified \$89,000 in expenditures, 10% completion, no completion date identified.
- Upgrade 800Mhz - \$1,198,735 – the last report identified no expenditures and a completion date after bid opening in late summer 2024.
- Orchard Retail Building - \$1,500,000 – the last report identified no expenditures, 38% complete, no completion date identified.

Assuming that all of the above projects are de-obligated, and the funds made available for new obligations, this is about \$30,000,000. However, there may be costs to close obligated activities that are in process. It is assumed that this is not the action and that approximately \$14 million is available for obligation, with a smaller amount identified when all obligations are closed, and any excess funds returned. There is no trending which would identify what to expect when an obligation is closed as there have been both expenses exceeding and not meeting the obligated amount.

### *Next Steps*

The background information above gives you an overview of what is remaining and what could be returned after closure of an obligation. This is necessary to understand to identify how you would like to proceed. I have outlined some options below for discussion.

- Re-open the portal to accept obligation requests until all funds are obligated. This would be on a first-come-first-served basis.
- Permanently close the portal, identify a policy on how all remaining TCS funds will be obligated and adopt a resolution clarifying the new process and policy.
- Some combination of the two options.

At this point, the portal is closed, you do not have to re-open it, but you need to identify what the next steps are. Once that is identified, a resolution can be drafted for implementation of that decision.

If you have further questions, please contact me.



To: Oneida Business Committee  
 From: Ralinda R. Ninham-Lamberies, CFO  
 Date: June 27, 2024  
 RE: ARPA FRF/TC Savings Report

Digitally signed by RaLinda  
 Ninham-Lamberies  
 Date: 2024.06.27 17:13:23 -05'00'

The Oneida Nation received an allocation of \$144,663,715 in ARPA FRF funds. As of June 27<sup>th</sup> reporting date, an update on allocations, expenses, obligations, and unobligated funds is below.

**Completed Direct Membership Assistance**

A total of \$88,351,000 was allocated by various Oneida Business Committee resolutions for Direct Member Assistance payments. A total of \$78,409,744 has been spent on the projects and these projects are considered closed out and completed.

Resolution	Project	Allocation	Actual Expenses
BC 06-30-21 B	Direct membership Assistance	\$43,800,000	\$38,027,000
BC 07-13-22-R	Food Assistance Program	\$14,000,000	\$13,050,500
BC 07-13-22-Q	Home Repair and Improvement Program	\$12,000,000	\$12,000,000
B C 06-30-21 C and 12-08-21 C	Membership Vaccine Incentive	\$7,857,500	\$4,697,500
BC 10-13-21-B and 12-02-21-A	Food Cards	\$4,693,500	\$4,693,500
BC 12-08-21-D	Student Relief Program	\$4,000,000	\$4,000,000
BC 07-13-22-O	Student Relief Program	\$2,000,000	\$1,941,244
<b>Subtotal</b>		<b>\$88,351,000</b>	<b>\$78,409,744</b>

The obligated and unspent balance of \$9,941,256 has been unobligated and can be made available for future projects.

**Completed Business Unit Projects**

A total of \$4,735,898 was allocated by various Oneida Business Committee resolutions for specifically identified projects within the business units of the Oneida Nation. A total of \$3,511,126 has been spent on the projects and these projects are considered closed out and completed.

Resolution	Project	Allocation	Actual Expenses
BC-10-13-21-C	Pandemic Pay	\$2,000,000	\$948,151
BC 10-12-22-B	Farm Combine	\$635,500	\$635,500
BC 09-14-22-F	200 Year Commemoration	\$250,000	\$201,259
BC 03-22-23-G	Air Drill	\$249,375	\$249,168
BC 04-12-23-C	Senior Center Vehicles	\$234,890	\$130,834
BC 03- 22- 23- J	Class 8 Tractor	\$162,382	\$162,382
BC 03-23-22-F	DTS Cybersecurity	\$160,000	\$148,917
BC 07-13-22-J	6155M Cab Tractor	\$132,160	\$132,160
BC 07-13-22 I	110HP Mixer Tractor	\$130,200	\$130,200
BC 03-23-22-E	Digital Store Front	\$93,847	\$93,847
BC 03-22-23-I	Class 7 Tractor	\$93,324	\$93,324
BC 07-13-22-H	110HP Loader Tractor	\$88,000	\$88,000
BC 10-12-22-A	Beef Discount Project	\$75,000	\$72,055
BC 03-22-23-L	Semi Truck	\$79,165	\$79,165
BC 04-13-22-D	OPD Retention/Pandemic Pay	\$68,000	\$68,000
BC 07-27-22-N	ONSS STEM Lab	\$67,277	\$67,277
BC 04-12-23-D	Great Law Recital	\$63,790	\$57,899
BC 03-22-23- M	Tsy Cattle Trailer	\$52,028	\$52,028
BC 07-13-22-K	MS 400 VB Spreader	\$50,960	\$50,960
BC-11-01-21-A	Adolescent Wellness Treatment Center Tribal Partnership	\$50,000	\$50,000
<b>Subtotal</b>		<b>\$4,735,898</b>	<b>\$3,511,126</b>

The unspent amount of \$1,224,772 will be made available for future project consideration.

**Direct Membership Assistance In Process**

A total of an additional \$10,12,500 has been allocated by Oneida Business Committee resolution for Direct Membership Assistance. As of month-ended April 2024, actual expenses of \$1,014,230 has been reported for the initiatives. It is anticipated these projects will remain open until all funds are spent.

Resolution	Project	Allocation	Actual Expenses
BC 08-10-22-D	Home Infrastructure Program	\$3,000,000	\$1,014,230
BC 04-12-23-A	GWA Food Payment	\$7,012,500	\$0
<b>Subtotal</b>		<b>\$10,012,500</b>	<b>\$1,014,230</b>

It is anticipated these funds will not be available for future projects. At the June 26, 2024, Oneida Business Committee meeting the General Welfare Assistance Food program for \$7,012,500 was approved. The close out date for the is project is expected to be June 2025.

**Capital Improvement Projects In Process**

A total of \$23,550,491 was allocated to various capital improvement projects (CIP) by Oneida Business Committee resolutions. The actual expenses on the projects as of the month-ended April 2024 was \$12,014,609.

Resolution	Project	Allocation	Actual Expenses
BC 08-25-21-D	CIP #21-111 Multi-Family Housing	\$7,367,336	\$6,224,414
BC 08-25-21-B and BC 10-25-23-A	CIP #15-001 Food Center Innovation Center	\$7,155,000	\$326,969
BC-03-23-22-D	CIP 19-004 A Cornelius Park & Veteran's Wall	\$2,682,210	\$1,072,894
BC 10-12-22-C	Farm Office	\$1,846,000	\$1,669,723
BC 08-25-21-C and BC 11-08-23-A	CIP #23-005 Residential Home Sites	\$1,579,000	\$169,204
BC 03-22-23-J	Orchard Retail Building	\$1,500,000	\$1,500,000
BC 04-26-23E	CDP 22-105 Mission Park Renovations	\$598,945	\$598,945

BC 04-12-23-B	CIP 22-101 Pow Wow Arbor	\$500,000	\$452,460
BC 04-26-23-G	Skenandoah Security	\$250,000	\$0
BC 10-26-22-G	CIP #04-022 Transit Garage	\$72,000	\$0
BC 02-08-23-D	Upgrade 800MHZ	\$1,198,735	\$0
<b>Subtotal</b>		<b>\$23,550,491</b>	<b>\$12,014,609</b>

Due to the nature of these projects, it is anticipated all allocated funds will be utilized for these projects and none of these funds would be available for future projects.

### **Business Units Projects In Process**

A total of \$13,299,606 was allocated by various Oneida Business Committee resolutions for specifically identified projects within the business units of the Oneida nation. A total of \$293,243 has been spent on the projects. These projects are considered in process and are not completed or closed out. Estimation of the amount of funds that will be available for future projects is indeterminate at this time.

Resolution	Project	Allocation	Actual Expenses
BC-07-13-22-L	Regenerative Ag Consultant	\$280,588	\$63,213
BC 07-13-22-M and BC -08-10-22-C	Public Arts and Arts Survey	\$155,000	\$32,275
BC 07-13-22-N	Oneida National Treasures Recognition	\$530,000	\$27,688
BC 07-27-22-O	OLD & TLN Expansion Project	\$9,685,027	\$0
BC 10-26-22-E	Change Management Initiatives	\$1,134,256	\$88,990
BC 10-26-22-F	Onyoteka Project Plan	\$150,000	\$4,957
BC03-22-23-K	Orchard Pruning	\$100,000	\$59,385
BC 04-26-23-F	TAP Events	\$66,000	\$16,735
<b>Subtotal</b>		<b>\$13,299,606</b>	<b>\$293,243</b>

The Oneida Business Committee identified projects for \$139,949,495 of the \$144,663,715 ARPA FRF/TC Savings funding. This leaves a balance of unallocated funds of \$4,714,220. The total of obligated and allocated funds returned for closed out projects is \$11,166,028. These two amounts added together total \$15,880,248 and is the amount of funding that would be available for projects should the Oneida Business Committee decide to reopen the portal.

There is a total of \$33,540,515 in approved TC Savings funds for projects that are still in process. These are the projects that require more active follow-up and reporting to ensure the utility of the funds is maximized. Reporting process will require the project owners to provide a narrative of the purpose of the project; reporting of the expenses during the current quarter, total expenses since project inception, and planned timeline for future expenses. As reporting progresses, if there is a significant variance between actual and budgeted expenses project owners will be requested and required to provide justification.

September 12, 2024 ARPA Worksheet - Percentage Allocations OBC ARPA LR Investments - Obligation Tracking -MASTER FILE

Attachment C - Page 1 of 2

End Date	Project Owner	Closed	Tribal Contribution Savings - Obligations				Notes				Clarification Notes	
			Resolution Project #	Project	Amount	Original Obligation	Unexpended Returned	Expended	OBC WS Report Date	Internal		
12/31/2024	Delia M. Smith	x	BC-06-30-21-B	DMA (\$3000*14,600)	\$ 43,800,000.00	\$ 43,800,000.00	\$ 5,773,000.00	\$ 38,027,000.00	October 18, 2022	Utilized ARPA FRF direct application. Remaining balance - \$1,051,849		
3/31/2022	GM	x	BC-06-30-21-C							Utilized ARPA FRF direct application; extended from 9/30/21 to end date 3/31/22. GM Report 9395		
			BC-12-08-21-G	Member Vac (\$500*15,715)	\$ 7,857,500.00	\$ 7,857,500.00	\$ 3,160,000.00	\$ 4,697,500.00	September 20, 2022	members vaccinated. Added additional funds.		
9/30/2023	GM	x	BC-08-25-21-B	CIP #15-001 Food Innovation Center	\$ 7,155,000.00	\$ 7,155,000.00		\$ 326,968.75		March 7, 2024 - 55% complete (\$328,968.75) CIP obligated, start June, complete May 2025		
9/30/2023	GM	x	BC-08-25-21-C	CIP #23-005 Residential Home Sites	\$ 1,579,000.00	\$ 1,579,000.00		\$ 169,203.75		March 7, 2024 - 55% complete (\$169,203.25) CIP obligated, start June, complete October 2024		
9/30/2024	GM	x	BC-08-25-21-D	CIP #21-111 Multi-Family Housing	\$ 7,367,335.72	\$ 7,367,335.72		\$ 6,224,413.75		March 7, 2024 - 55% complete (\$6,224,413.75) CIP obligated, start April, complete January 2025		
12/31/2024	GM	x	BC-10-13-21-B							NOTE: The original request was for a three year period, the approved action was for a single year.		
3/31/2022	Todd VanDen Heuvel	x	BC-12-02-21-A	Food Cards 2021	\$ 4,693,500.00	\$ 4,693,500.00		\$ 4,693,500.00	September 20, 2022	Unexpended \$225,525 - Transferred to Pantry by resolution # BC-08-24-22-A. Remaining balance - \$0		
			BC-10-13-21-C	Pandemic Pay	\$ 2,000,000.00	\$ 2,000,000.00	\$ 1,051,849.00	\$ 948,151.00	September 20, 2022	Utilized ARPA FRF direct application. Remaining balance - \$1,051,849		
No end date	Tehassi Hill	x	BC-11-01-21-A	Adolescent Wellness-Treatment Center Tribal Partnership	\$ 50,000.00	\$ 50,000.00		\$ 50,000.00	March 7, 2024	Update 3/29/23 - Danelle will contact GLITC to see if this funding is still needed and approximate time when the new business plan will be submitted. Update at April 19, 2023 Work Session if necessary. March 7, 2024 - Completed.		
No end date	Jackie Smith	x	BC-12-08-21-D	Student Relief Fund	\$ 4,000,000.00	\$ 4,000,000.00		\$ 4,000,000.00	December 20, 2022	Obligated until all funds are utilized.		
9/30/2023	Lisa Summers		BC-11-10-21-E							March 7, 2024 Work Session - update will be presented at April work session.		
3/15/2025	Jackie Smith	x	BC-03-23-22-C	Government Infrastructure Early Childhood Programs	\$ 2,214,218.09	\$ 2,214,218.09		\$ 122,188.00		Presented at March 7, 2024 Work Session - 10% complete (\$122,188)		
12/31/2024	Michelle Danforth-Anderson	x	BC-03-23-22-D	A. Cornelius Park & Veteran's Wall, #19-004	\$ 2,682,210.00	\$ 2,682,210.00		\$ 1,072,893.79		Presented at March 7, 2024 Work Session - 60% complete (\$1,072,893.79). (CIP 19-004, 22-108, 22-109, and 24-104)		
9/30/2023	Michelle Danforth-Anderson	x	BC-03-23-22-E	Digital Store Front	\$ 93,847.00	\$ 93,847.00		\$ 93,847.00	May 2, 2024	Close-out report submitted at May 2, 2024 Work Session. Total project cost was \$96,154, overage paid by TC.		
6/23/2022	Jason Dextator	x	BC-03-23-22-F	DTS - Cybersecurity	\$ 160,000.00	\$ 160,000.00	\$ 11,082.92	\$ 148,917.08	January 25, 2023			
4/20/2022	Eric Boulanger	x	BC-04-13-22-D	OPD Retention/Pandemic Payment	\$ 68,000.00	\$ 68,000.00		\$ 68,000.00	September 20, 2022	Remaining balance - \$0		
12/31/2022	Vanessa Miller	x	BC-07-13-22-H	140HP Loader Tractor	\$ 88,000.00	\$ 88,000.00		\$ 88,000.00	December 20, 2022			
12/31/2022	Vanessa Miller	x	BC-07-13-22-I	140HP Mixer Tractor	\$ 130,200.00	\$ 130,200.00		\$ 130,200.00	May 2, 2024	Close-out report submitted at May 2, 2024 Work Session.		
12/31/2022	Vanessa Miller	x	BC-07-13-22-J	6155M Cab Tractor	\$ 132,160.00	\$ 132,160.00	\$ 0.14	\$ 132,159.86	May 2, 2024	BC-05-10-23-A, amended to allow additional equipment within the same allocation amount. Close-out report submitted at May 2, 2024 Work Session.		
12/31/2022	Vanessa Miller	x	BC-07-13-22-K	MS 400 VB Spreader	\$ 50,960.00	\$ 50,960.00		\$ 50,960.00	December 20, 2022			
12/31/2025	Vanessa Miller	x	BC-07-13-22-L	Regenerative AG Consultation	\$ 280,588.00	\$ 280,588.00		\$ 63,213.00		Presented at March 7, 2024 Work Session - 23% complete (\$63,213) contract end December 2025		
12/31/2027	Sherrole Benton	x	BC-07-13-22-M	Public Arts and Arts Survey	\$ 155,000.00	\$ 155,000.00		\$ 32,274.88		Amended by BC-08-10-22-C to correct \$50,000 to \$155,000 and extend conclusion date December 31, 2025 to December 31, 2027. Presented at March 7, 2024 Work Session - 21% complete (\$32,274.88) general survey completed.		
12/31/2028	Sherrole Benton	x	BC-07-13-22-N	Oneida National Treasures Recognition	\$ 530,000.00	\$ 530,000.00		\$ 27,688.00		Presented at March 7, 2024 Work Session - 5% complete (\$27,688)		
12/31/2022	Jacqueline Smith	x	BC-07-13-22-O	Student Relief Fund	\$ 2,000,000.00	\$ 2,000,000.00	\$ 58,756.00	\$ 1,941,244.00	December 20, 2022			
12/31/2023	Mark W. Powless	x	BC-08-10-22-D	Home Infrastructure Program	\$ 3,000,000.00	\$ 3,000,000.00		\$ 1,014,230.15		BC-08-10-22-D rescinds and replaces BC-07-13-22-P. Presented at March 7, 2024 Work Session - 30% complete (\$1,014,230.15) year 2 notice sent March 2024.		
No end date	Mark W. Powless	x	BC-07-13-22-Q	Home Repair and Improvement Program	\$ 12,000,000.00	\$ 12,000,000.00		\$ 12,000,000.00	January 1, 2023	All of the funds have been transferred, a final report will be submitted (January 24 2023). Complete Program adopted by BC-09-01-22-A. Presented at March 7, 2024 Work Session. Original obligation was \$13,195,291 from Direct Membership and \$804,709 from Food & Agriculture. All utilized funds taken from Direct Membership allocation.		
12/31/2023	Keith Dextator	x	BC-07-13-22-R	Food Assistance Program	\$ 14,000,000.00	\$ 14,000,000.00	\$ 949,500.00	\$ 13,050,500.00	March 7, 2024			
6/30/2023	Jen Tenor/Aaron Manders	x	BC-07-27-22-N	ONSS STEM Lab	\$ 67,277.42	\$ 67,277.42		\$ 67,277.42	March 7, 2024	Presented at March 7, 2024 Work Session		
9/30/2028	Tracy Williams	x	BC-07-27-22-O	OLD & TLN Expansion Project	\$ 9,685,027.00	\$ 9,685,027.00		\$ -				
9/30/2023	Michelle Danforth-Anderson		BC-09-14-22-F	200 Year Commemoration	\$ 250,000.00	\$ 250,000.00	\$ 48,741.00	\$ 201,259.00	May 2, 2024	Close-out report submitted at May 2, 2024 Work Session.		
9/30/2023	Vanessa Miller	x	BC-10-12-22-A	Beef Discount Project	\$ 75,000.00	\$ 75,000.00	\$ 2,945.00	\$ 72,055.00				
1/31/2023	Vanessa Miller	x	BC-10-12-22-B	Farm Combine	\$ 635,500.00	\$ 635,500.00		\$ 635,500.00	January 25, 2023			
4/30/2025	Vanessa Miller	x	BC-10-12-22-C	Farm Office	\$ 1,846,000.00	\$ 1,846,000.00		\$ 1,669,723.00		complete January 2025		
9/30/2025	Todd VanDen Heuvel	x	BC-10-26-22-E	Change Mgmt Initiatives	\$ 1,134,256.00	\$ 1,134,256.00		\$ 88,990.00		Presented at October 18, 2022 Work Session; March 7, 2024 - 10% complete (\$88,990)		
12/31/2027	Lisa Liggins & Jenny Webster	x	BC-10-26-22-F	Onyoteka Project Plan	\$ 150,000.00	\$ 150,000.00		\$ 4,957.00		Presented at October 18, 2022 Work Session; March 7, 2024 <5% complete (\$4,957)		
2/28/2025	Carol Moore	x	BC-10-26-22-G	Transit Garage, #04-022	\$ 72,000.00	\$ 72,000.00		\$ -		construction start May, complete June 2025.		
2/28/2023	Jason Dextator	x	BC-02-08-23-D	UpGrade 800MHZ	\$ 1,198,735.00	\$ 1,198,735.00		\$ -		2024		
2/28/2025	John J. Danforth	x	BC-04-12-23-A	GWA Food Payment	\$ 7,012,500.00	\$ 7,012,500.00		\$ -		BC Resolution 06/26/2024		
2/28/2025	Anderson	x	BC-04-12-23-B	Pow Wow Arbor, #22-101	\$ 500,000.00	\$ 500,000.00		\$ 452,460.00		Presented March 7, 2024 Work Session - 70% complete (\$452,460) complete early summer 2024		
6/30/2023	Elijah G. Metoxen	x	BC-04-12-23-C	Senior Center Vehicles	\$ 234,892.00	\$ 234,892.00	\$ 104,058.50	\$ 130,833.50	May 2, 2002	Close-out report submitted at May 2, 2024 Work Session.		

10/1/2023	Vanessa Miller	x	BC-03-22-23-J	Class 8 Tractor	\$ 162,382.00	\$ 162,382.00	\$ 0.47	\$ 162,381.53	May 2, 2024	Close out report submitted at May 2, 2024 Work Session.
12/31/2024	Vanessa Miller	x	BC-03-22-23-K	Orchard Pruning	\$ 100,000.00	\$ 100,000.00		\$ 59,385.00		Presented March 7, 2024 Work Session - 59% complete (\$59,385)
12/31/2024	Vanessa Miller	x	BC-03-22-23-L	Semi-Truck	\$ 79,165.00	\$ 79,165.00	\$ 0.50	\$ 79,164.50	May 2, 2024	Close out report submitted at May 2, 2024 Work Session.
12/31/2024	Vanessa Miller	x	BC-03-22-23-G	Air Drill	\$ 249,375.00	\$ 249,375.00	\$ 206.08	\$ 249,168.92	May 2, 2024	Close out report submitted at May 2, 2024 Work Session.
2/28/2025	Suzanna Jordan	x	BC-04-26-23-E	Mission Park Renovations, CDP 22-105	\$ 598,944.73	\$ 598,944.73		\$ 598,944.73		Presented March 7, 2024 Work Session - 90% complete (\$598,944.73) remaining work completed spring 2024
12/31/2027	Vanessa Miller	x	BC-03-22-23-H	Orchard Retail Building	\$ 1,500,000.00	\$ 1,500,000.00		\$ -		Presented at March 7, 2024 Work Session - 38% complete (\$0) CIP obligated.
10/1/2023	Vanessa Miller	x	BC-03-22-23-I	Class 7 Tractor	\$ 93,324.00	\$ 93,324.00	\$ 0.25	\$ 93,323.75	May 2, 2024	Close out report submitted at May 2, 2024 Work Session.
12/31/2023	Vanessa Miller	x	BC-03-22-23-M	Tsy Cattle Trailer	\$ 52,028.00	\$ 52,028.00	\$ 0.63	\$ 52,027.37	May 2, 2024	Close out report submitted at May 2, 2024 Work Session.
9/30/2023	Cultural Heritage Clan Managers	x	BC-04-12-23-D	Great Law Recital	\$ 63,790.00	\$ 63,790.00	\$ 5,890.65	\$ 57,899.35	March 7, 2024	March 7, 2024 Work Session - Completed. Final expenditures submitted. Final report to be submitted in April on the program outcomes.
2/28/2025	Leslie Doxtator TAP	x	BC-04-26-23-F	TAP Community Events	\$ 66,000.00	\$ 66,000.00		\$ 16,735.29		Presented at March 7, 2024 Work Session - 25% complete (\$16,735.29)
2/28/2025	Todd VanDen Heuvel	x	BC-04-26-23-G	Skenandoah Security	\$ 250,000.00	\$ 250,000.00		\$ -		Presented at March 7, 2024 Work Session - 0% complete, start date of remodel in April
					<b>Total Obligations</b>	<b>Original Obligation</b>	<b>Unexpended Returned</b>	<b>Expended</b>		
					Remaining Funds	\$ 144,663,714.96	\$ 11,166,031.14	\$ 93,865,138.37	\$	105,031,169.51
					\$ 144,663,714.96	\$ 131,361,278.43	\$ 133,497,683.82	\$	29,968,830.49	
					<b>Total Allocations</b>	<b>Original - Returned</b>				

End Date	Project Owner
----------	---------------

Total Remaining Funds	\$ 13,999,788.44	Notes				Clarification Notes
Interest Income	\$ -	Original Obligation	Unexpended Returned	Expended	OBC WS Report Date	Internal
Final Year Availability*	\$ 13,999,788.44					



**DRAFT**  
Excerpt from 9/12/24 special BC Work Session -- Attachment D

Page 14 of 45

- F. **Enter the e-poll results into the record regarding the approved travel request for Chairman Tehassi Hill to attend the National Tribal Housing Ecosystem Summit in Boise, ID August 27-29, 2024 (02:19:08)**  
Sponsor: Lisa Liggins, Secretary

Motion by Jonas Hill to enter the e-poll results into the record regarding the approved travel request for Chairman Tehassi Hill to attend the National Tribal Housing Ecosystem Summit in Boise, ID August 27-29, 2024, seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

## X. NEW BUSINESS

Item X.B. addressed next.

- A. **Accept the 2024 Special Election final report and declare the official results (02:34:10)**  
Sponsor: Ray Skenandore, Chair/Oneida Election Board

Jonas Hill left 11:04 a.m.

Motion by Jennifer Webster to approve the 2024 Special Election final report and declare the official results, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

Not Present: Jonas Hill

Item X.C. addressed next.

- B. **Review Tribal member request regarding 2025 Food Assistance General Welfare Exclusion Program (02:20:00)**  
Sponsor: Nancy Barton

Motion by Jameson Wilson to forward this item to the work session discussed in item VI.A., seconded by Jennifer Webster. Motion carried:

Ayes: Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

Abstained: Lawrence Barton

Motion by Jennifer Webster to extend the public comment period for Nancy Barton for one (1) additional minute, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

Motion by Lisa Liggins to direct the Secretary to bring back an open session report on the status of the Tribal Contribution Savings projects, balance, and submission portal to the September 25, 2024, regular Business Committee meeting, seconded by Lawrence Barton. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

# Memo

**To:** Oneida Business Committee

**From:** Nancy Barton

**Date:** April 15, 2024

**Re:** 2025 Food GWA Payment

---

## Request

Due to previous funds that were allocated during COVID-19 that returned to normal standards, inflation, high costs of food, lack of food sustainability/sovereignty on the Reservation, people are still struggling to meet their basic food needs.

## Action

BC to direct the CFO to provide an updated financial report regarding Tribal Contribution Savings projects to include remaining balance for each project line and remaining balance overall. To identify unspent funds to be allocated to the 2025 Food GWA Payment.

To come back with an updated report by the May 22, 2024, BC meeting.

**DRAFT**  
Excerpt from 9/12/24 special BC Work Session -- Attachment E

Page 16 of 45  
V. MINUTES

**A. Approve the August 2, 2024, special Business Committee meeting minutes (00:30:34)**

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to approve the August 2, 2024, special Business Committee meeting minutes, seconded by Lisa Liggins. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

**B. Approve the August 14, 2024, regular Business Committee meeting minutes (00:30:48)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to approve the August 14, 2024, regular Business Committee meeting minutes with three (3) corrections [1) correct XIII.A. to "PETITIONER LINDSEY BLACKOWL – petition 2024-02"; 2) correct XIII.A.2. to "Accept the statement of effect regarding petition # 2402-02; and 3) for XIII.A.2., delete "status update" from the motion], seconded by Lawrence Barton. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

Abstained: Kirby Metoxen

**VI. RESOLUTIONS**

**A. Adopt resolution entitled Obligation of ARPA FRF LR Overall Priority for CDC Package # 19-007 (00:32:18)**

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Lawrence Barton to request the Secretary to schedule a special BC Work Session with a single topic to discuss the financial report of the tribal contribution savings derived from ARPA funding and invite the General Manager and Chief Financial Officer to attend, seconded by Jameson Wilson. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

**B. Adopt resolution entitled Authorizing Use of \$21,590,695 Carry Over Funds to Balance the Fiscal Year 2025 Budget (00:42:55)**

Sponsor: RaLinda Ninham-Lamberies, Chief Financial Officer

*Councilman Marlon Skenandore left 9:16 a.m.*

*Councilman Marlon Skenandore returned 9:18 a.m.*

Motion by Lisa Liggins to adopt resolution entitled Authorizing Use of \$21,590,695 Carry Over Funds to Balance the Fiscal Year 2025 Budget, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

Not Present: Marlon Skenandore



## MEMORANDUM

TO: Oneida Business Committee

FROM: Melinda J. Danforth, Director  
Intergovernmental Affairs

Cc: CDC 19-007 Team

DATE: August 28, 2024

SUBJECT: Resolution: "Obligation of ARPA FRF LR Overall Priority for CDC Package #19-007"

The attached proposed resolution entitled "Obligation of ARPA FRF LR Overall Priority for CDC Package #19-007" will allow for the use of ARPA FRF LR dollars to be used to fund the attached Boundary Signage CDC package that was approved by the Business Committee on July 24, 2024.

Contained within the approved CDC #19-007 Boundary Signage (attached), the budget information noted that the team would work with the Chief Financial Officer to identify the funding source. Two recommendations were provided.

1. To include in Fiscal Year 2025 CIP budget
2. To utilize Prior Year Carry Over or TC Savings (aka ARPA FRF LR)

The recommendation to use ARPA FRF LR was due to the FY25 budget reconciliation that was occurring.

To move this project along to meet the deadlines associated with getting signage complete prior to the NFL Draft occurring in April 2025, we appreciate the Business Committee's consideration of obligating dollars.

Yaw^ko



July 11, 2024

## Business Committee Agenda Request - Memo

**Project No.:** 19-007      **Project Title:** Boundary Signage

### Purpose:

The project team is seeking approval of the project through the Capital Improvement Process (CIP).

### Background:

The intent of the project is to develop reservation boundary monuments that assert the Nation's presence and position as a Sovereign Nation. The signage will assert this presence through an expression of cultural symbolism reflective of our values and beliefs.

Project need and justification are denoted in the attached CDC #19-007 CDC Approval Package.

Phase II of the CIP has various tribal entities review the project's CDC Approval Package and provide comments on its impacts to the Oneida Reservation. Since the project's specific signage sites have not been determined yet and Phase I is desired to be completed for April 2025 (NFL Draft), we feel it is appropriate to forgo Phase II of the CIP process and proceed directly into Phase III – Design. The standard procedures will be followed to determine site selection.

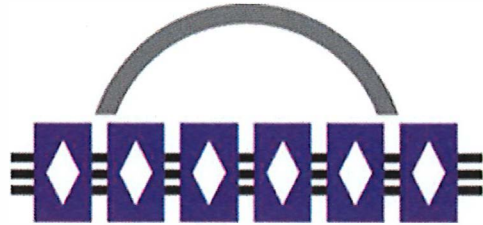
### Attachments:

- 19-007 CDC Approval Package with CIP Form-05.

**Action Requested:**

1. Approval of procedural exception to forgo Phase II of the CIP process of routing the CDC Approval Package to the various review entities.
2. Approval of the CDC Approval Package for CDC #19-007 Boundary Signage.

# Boundary Signage



# ONEIDA

**CDC #19-007**

**CDC APPROVAL PACKAGE**





**Project Client: Intergovernmental Affairs**

**Project Team:**

Melinda Danforth	Director Intergovernmental Affairs / Office of Legislative Affairs
Tana Aguirre	Lobbyist / OIA Legislative Affairs
David Jordan	Specialist / Government Relations
Barbara Webster	Director of Public Affairs / Office of Public Relations
Crystal Holtz	Senior Public Relations Specialist / Communications
Michelle Danforth-Anderson	Director / Marketing & Tourism
Troy Parr	Area Manager / Community Development
Stephanie Skenandore	Technician / GIS
Paul Truttman	Project Manager / Engineering Dept.
Paul J. Witek	Engineering Director/Senior Architect / Engineering Dept.

**Table of Contents**

PROJECT EXECUTIVE SUMMARY .....6

I. Needs Assessment and Project Justification .....8

II. Business Plan .....9

III. Management Plan.....9

IV. Facility Concept and Space Requirements .....10

V. Site Selection Criteria .....11

VI. Environmental .....11

VII. Budget Estimate.....12

VIII. Financial Plan .....13

IX. Communication Plan.....13

X. Project timeline.....13

XI. Appendix .....13

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# PROJECT EXECUTIVE SUMMARY

**Project Title:** Boundary Signage

**Project Description:**

The Oneida Nation Business Committee directed a branding initiative to reinforce the presence of the Oneida Nation. The jurisdiction of the Nation’s sovereign status has been continually challenged by adjoining municipalities. The intent of the project is to assert the Nation’s presence and position as a Sovereign Nation and strengthen the qualities of pride and self of our people. The signage will assert this presence through an expression of cultural symbolism reflective of our values and beliefs.

The project development will be phased in over several years.  
See page 9 of CDC Approval Package.

**Management/Business Plan:**

The program’s management structure would not change as a result of this project.

The Office of Intergovernmental Affairs is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.

**Site Selection:**

There are various proposed sites selected for this project, mainly near major gateways onto the reservation.  
See page 10 of CDC Approval Package.

**Project Budget Estimate:** (also see page 11 of CDC Approval Package)

Soft & Misc. Costs:	\$60,200
Construction:	\$386,400
Furniture, Fixtures & Equipment (FFE):	\$0
Contingency:	\$89,300
<b>Total (rounded):</b>	<b>\$536,000</b>

**Financial Plan:**

Project funding options for Phase I are being evaluated with the CFO. Activation of identified funds will be a separate request to the Business Committee.  
See page 12 of CDC Approval Package.

**Communication Plan:**

The standard process will be used for communicating the project status to the community.  
See page 12 of CDC Approval Package.

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I. Needs Assessment and Project Justification

A. **Introduction:** The Oneida Nation has been in consistent discussions and lawsuits with adjoining and overlapping municipalities relative to issues of sovereignty, existence, jurisdictional rights, and tribal boundary location. It is important on many levels to convey our existence as a sovereign nation. As the Nation continues to advance our 2030 Land Acquisition Plan and with our land ownership approaching 50%, place branding is essential to communicate the existence of the Nation’s reservation and our people.

The proposed project is intended to reinforce the presence of the Oneida Nation and the Nation’s reservation and identification of tribal lands reinforced with the current branding standards as adopted through Business Committee resolution.

The Oneida Nation Reservation is uniquely proclaimed as a Purple Heart Reservation and will host a Purple Heart Monument which recognizes the many Oneida Tribal members who are recipients of this prestigious medal for acts of heroism and bravery too numerous to tell.

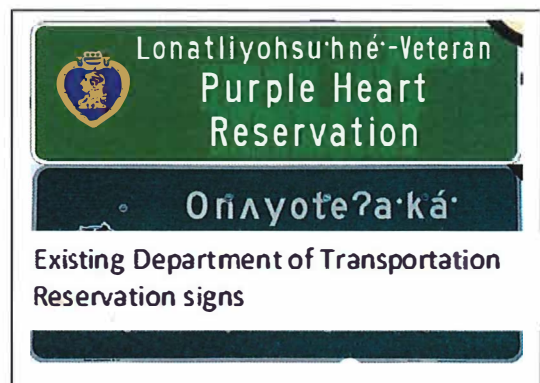
In 2023, The State of WI also approved Bill 284, Section 2. 89.19 (1), coined as Tribal Nation Welcome Sign Bill, allowing welcome signage to be placed within highway right-of -ways.

The purpose of this initiative is to address multiple needs:

1. To reinforce the presence of the Oneida Nation Reservation.
2. To strengthen the statement of sovereignty.
3. To provide delineation marker of identifying boundary limits of the Oneida Nation Reservation.
4. To serve as a branding and marketing strategy that enhances the major gateways into the Oneida Nation Reservation through landscaping and attractive signage.
5. Incorporation of current Reservation branding standards.

B. **Present Facilities:** After working with the Wisconsin Department of Transportation, we have been able to replace the typical state standard signage with dual language signs and tribal graphics at major roadways. There are continued efforts to expand this initiative to additional locations.

The Communications Department coordinates tribal content on several digital billboards throughout the area.



C. **Problem:**

- 1. There is a lack of identification of the reservation and where it exists it isn't distinguished from other road signs.
- 2. Residents and travelers lack awareness that they are on the Nation's reservation.

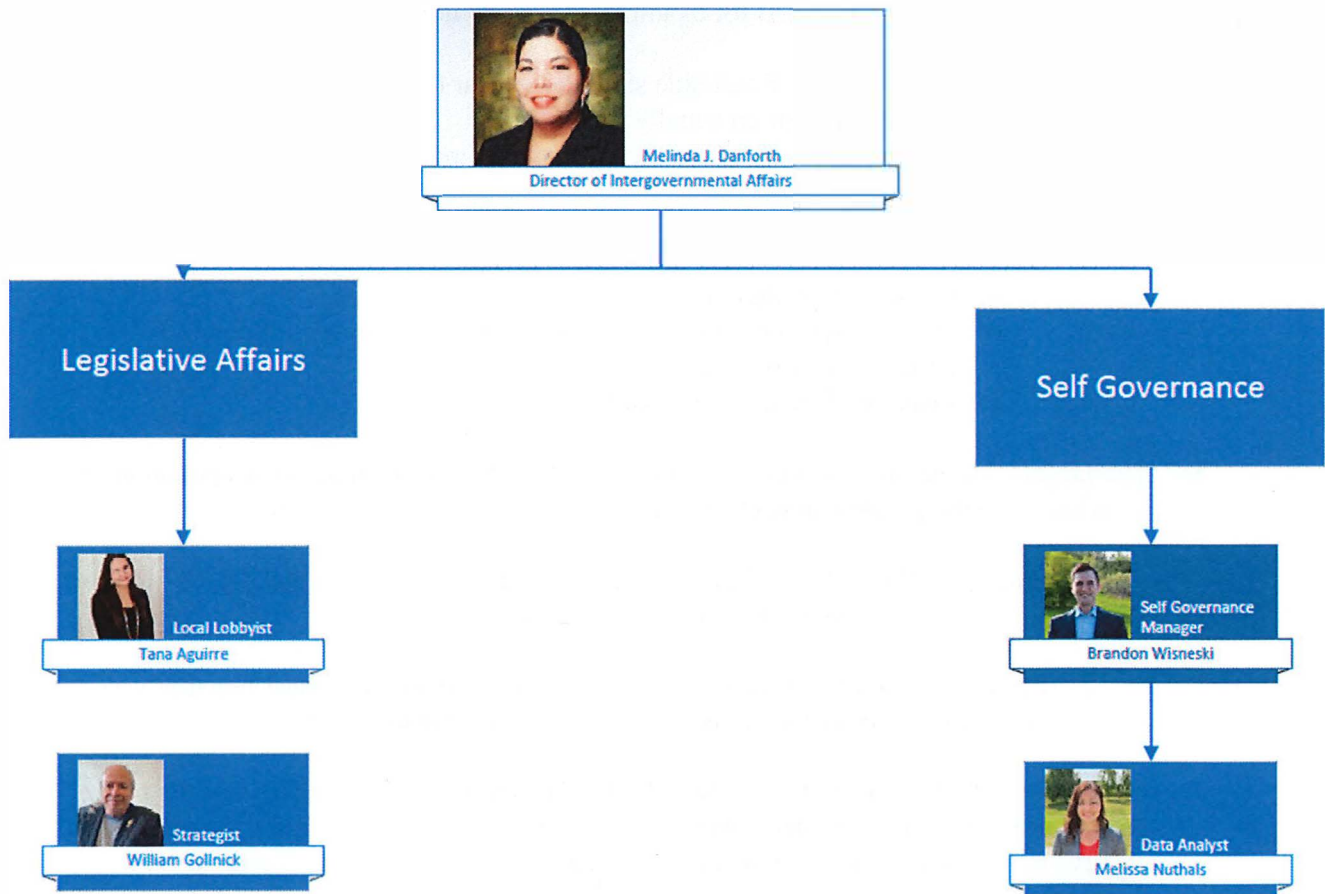
II. **Business Plan**

A. The Intergovernmental Affairs Department is a tribal service entity not structured to accumulate profits; therefore, a Business Plan is not applicable for this project per the Capital Improvement Process.

III. **Management Plan**

A. Management: The department's management structure would not change as a result of this project.

B. Organizational Chart:



- C. Staffing, Requestor: Current staffing will not change as a result of this project.
- D. Staffing, Service Departments: The tribal service departments that are impacted by this project include the following. Their need for additional staffing due to this project is noted:
  - 1. DPW – Facilities: no additional position(s) needed.
  - 2. DPW – Groundskeeping: no additional position(s) needed.
  - 3. DPW – Custodial: no additional position(s) needed.
  - 4. DTS: no additional position(s) needed.

#### IV. Facility Concept and Space Requirements

- A. The proposed project would develop and install boundary monuments, signage and billboards at various locations near major gateways to the reservation. Proposed signage/identification would consist of the following options:
  - 1. Monument – A large statue or structure that would amplify the entrance to the Nation’s reservation boundary that wouldn’t comply with DOT or WI legislative actions and would be located on tribally owned land.
    - a) See Appendix B for example images of monument types possible.
  - 2. Monument Signage – Road-side signage, similar to other municipalities located in the Right-of-Way or on tribally owned land.
    - a) See Appendix B for example images of monument signage types possible.
  - 3. Billboard – similar to typical billboard with digital messaging.
    - a) Oneida controlled messaging.
    - b) Oneida-owned billboard – working with OESC to see if there is a partnership opportunity.
    - c) Leasing of existing billboards.
- B. The project will be phased over several years as the Project Team identifies potential site locations with the greatest impact and funding is allocated.
  - 1. Phase 1 will install the signage at strategic locations prior to the 2025 NFL Draft.
    - a) See Appendix A for potential locations.
  - 2. Phase 2 will address locations that were not a priority in Phase 1 but still constitute valuable locations to further reach the project goals.
- C. Consistent with the Oneida Design Standards, it is our intention to utilize sustainable design principles on this project. Meaning, we will design, and construct, the monument signage to minimize negative impacts to the natural environment and health, while optimizing long-term costs.



## Page 29 of 45

**V. Site Selection Criteria**

- A. Zoning – appropriate for signage.
- B. Site characteristics (topography, drainage, soils, etc.) – appropriate for signage.
- C. Infrastructure – Utilities – available electrical.
- D. Adjacency requirements – along major gateways to reservation.
- E. Existing Ownership.
- F. Land Use Analysis: This is a process where a multi-departmental team consisting of members of Planning, Environmental, Land Management, and GIS Departments inventory and review land parcels. The land use recommendation is presented to the Land Commission for approval.
- G. The site selections for the various phases will be reviewed and determined by the Project Team following necessary processes for zoning and building code requirements.

**VI. Environmental**

- A. If needed, an Environmental Assessment will be initiated once the project has been approved and the design is at a stage where there is sufficient information to request the assessment.

Page 30 of 45  
**VII. Budget Estimate**

A. The Project Budget Estimate follows:

**SOFT and MISCELLANEOUS COSTS**

Engineering Dept. Fees		33,100
Design Fees & Reimbursables		19,300
Soil Borings, Testing and Surveys		7,000
Agency Review and Approval Fees		400
Insurance - Builders Risk	covered by property insurance	
Historical/Cultural/Archaeological Review		350

Sub-total: 60,200

**CONSTRUCTION**

(5) Locations Site Work & Landscape		33,000
(1) Monument		181,000
(4) Monument Signs		148,000

Sub-total: 362,000

Oneida Preference Amount		9,500
Sustainable Design Premium	0%	0
Inflation Factor: 1 years	4% per year	14,900

Sub-total: 386,400

**FIXTURES, FURNISHINGS AND EQUIPMENT**

Division 10 - Specialties		0
Division 11 - Equipment		0
Division 12 - Furnishings		0
Division 27 - Communications		0
Division 28 - Electronic Safety & Security		0

Sub-total: 0

<b>TOTAL:</b>		<b>446,600</b>
Contingency:	20.0%	89,300
Finance Costs:	0.0%	0

**ESTIMATED TOTAL PROJECT BUDGET: \$ 536,000**

Page 31 of 45  
**VII. Financial Plan**

A. Tribal Financing:

- 1. The Project Team is working with the Chief Financial Officer to identify funding options for Phase I.
- 2. Funding for future phases will be requested through the Capital Improvement Process (CIP) budget

B. The Project Team has been researching possible grant opportunities for the project and has identified the following potentials”

- 1. None.

**IX. Communication Plan**

A. Information included in a communication plan for this project will include:

- 1. CIP project number
- 2. Project title
- 3. Brief description of the project scope
- 4. Project schedule

B. The Project Information will be communicated to the community and staff as follows:

- 1. Reports on Oneida website (Construction Manager)
- 2. Periodic articles in the Kalihwisaks based upon the specific needs of the project. (Construction Manager)

**X. Project timeline**

A. Upon approval of the CDC Approval Package and allocation of budget funding:

- 1. CIP Phase III - Design 28 weeks
- 2. CIP Phase IV - Bidding & Construction 15 weeks

**XI. Appendix**

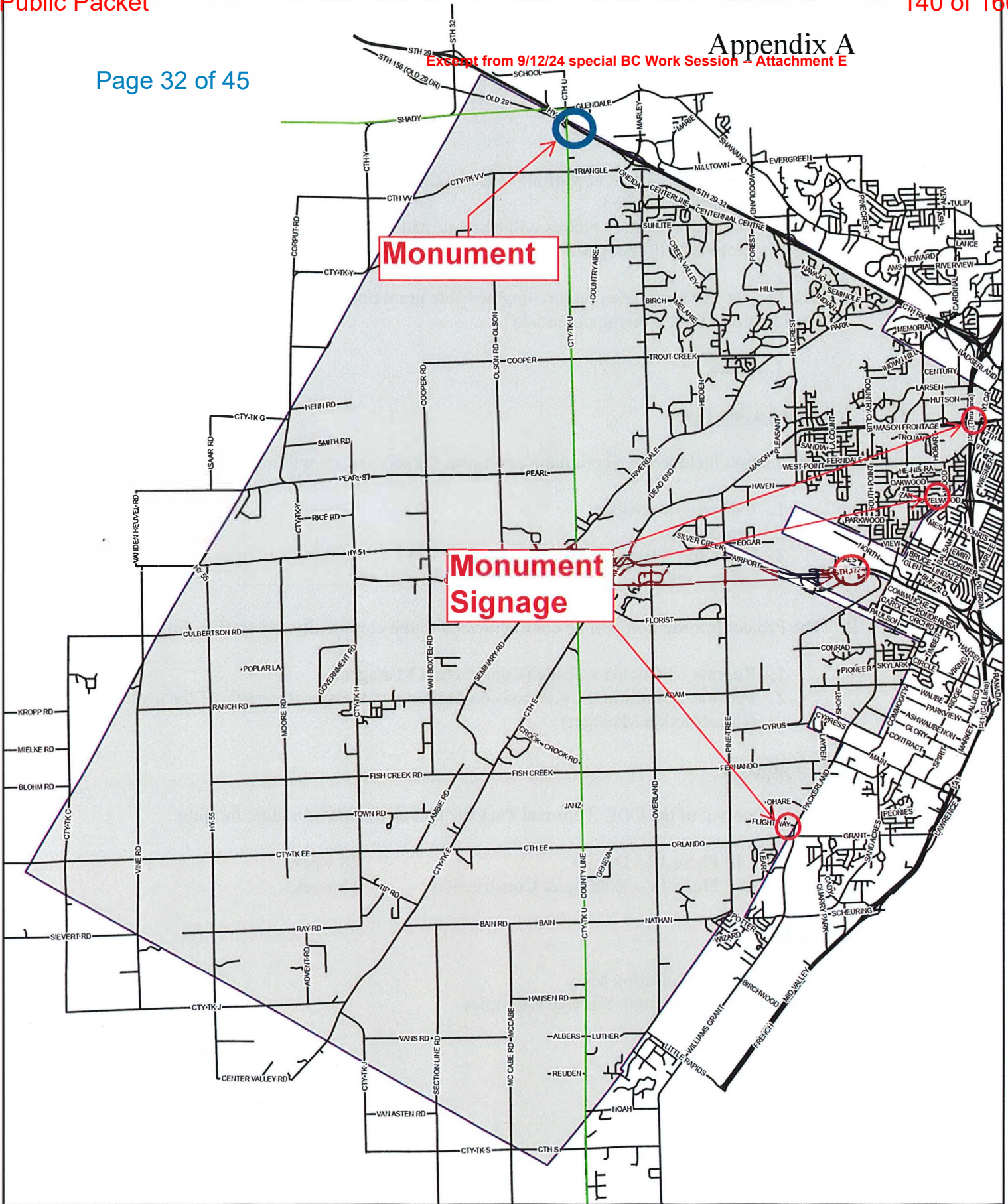
- A. Phase I Signage Location Map
- B. Monument & Monument Signage Examples

# Appendix A

Excerpt from 9/12/24 special BC Work Session - Attachment E

**Monument**

**Monument Signage**



GEOGRAPHIC INFORMATION SYSTEM  
 N7332 Water Cir Pl,  
 Oneida, WI 54155  
 920-869-4563

Road Signs\_2023-0724

Date: 6/13/2024

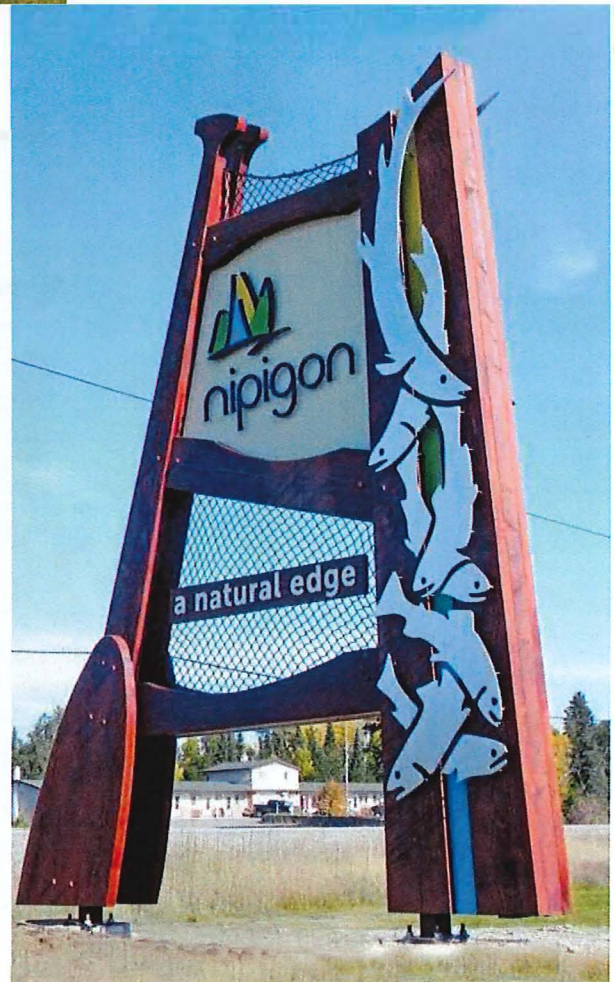
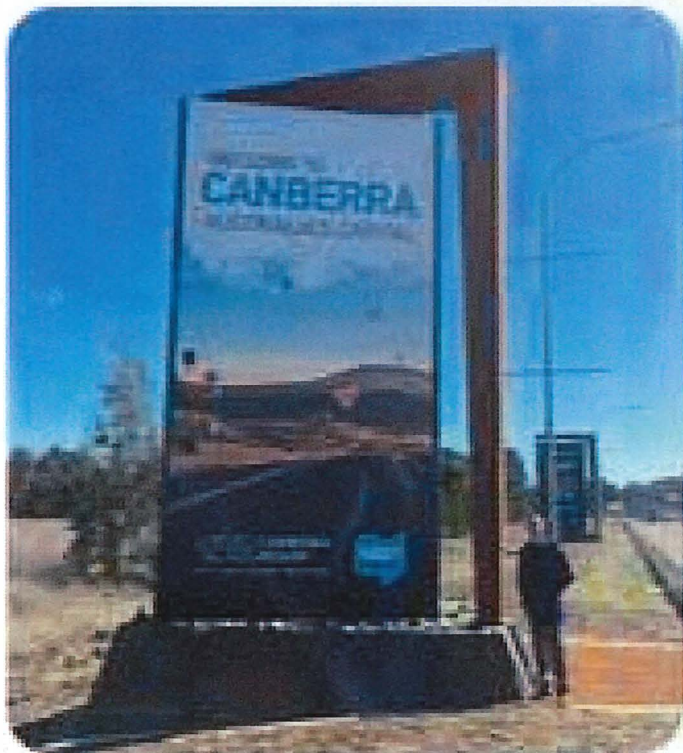
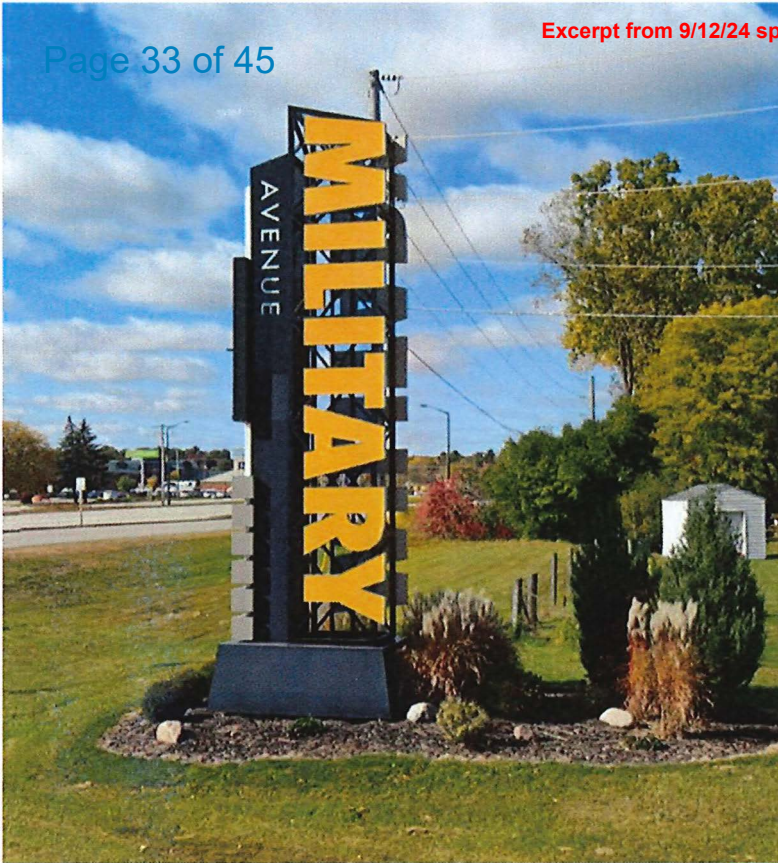


Source: DOLM & Photography 2018  
 Coordinate System: Wisconsin State Plane, Central Zone  
 Lambert Projection, U.S. Foot  
 Horizontal Datum: NAD83  
 Vertical Datum: Nav88

Page 33 of 45

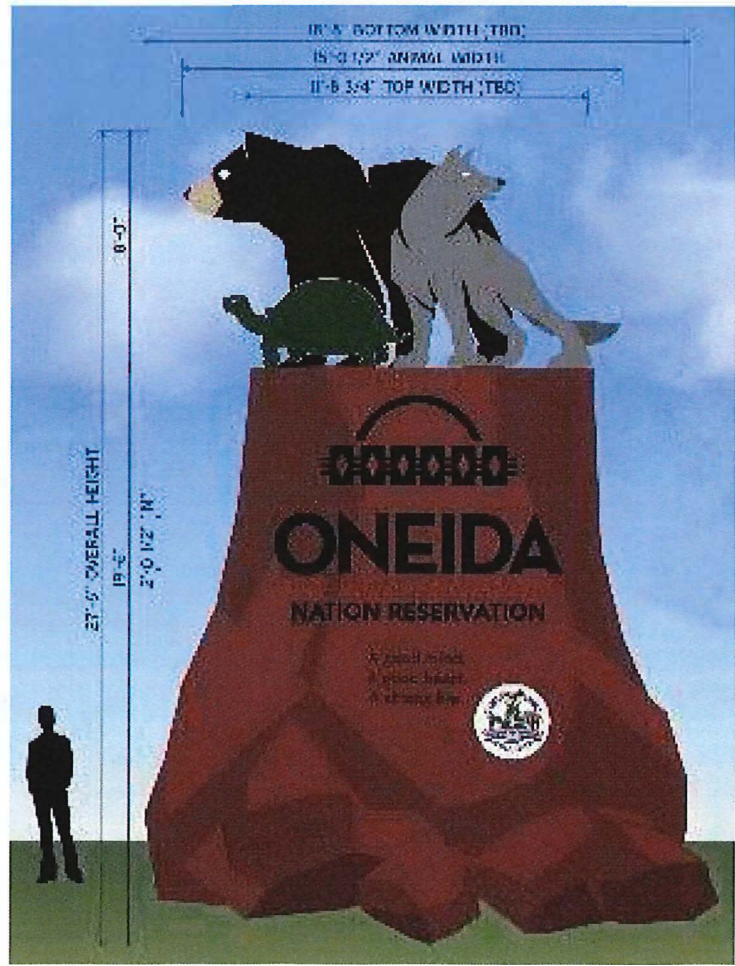
Excerpt from 9/12/24 special BC Work Session -- Attachment E

# Appendix B Monument Examples



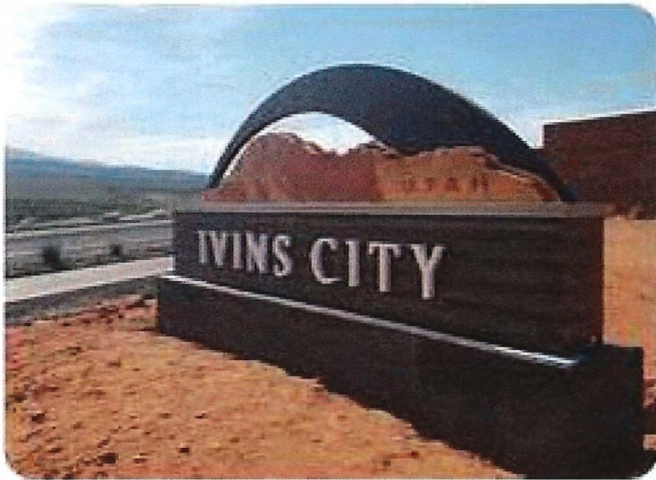
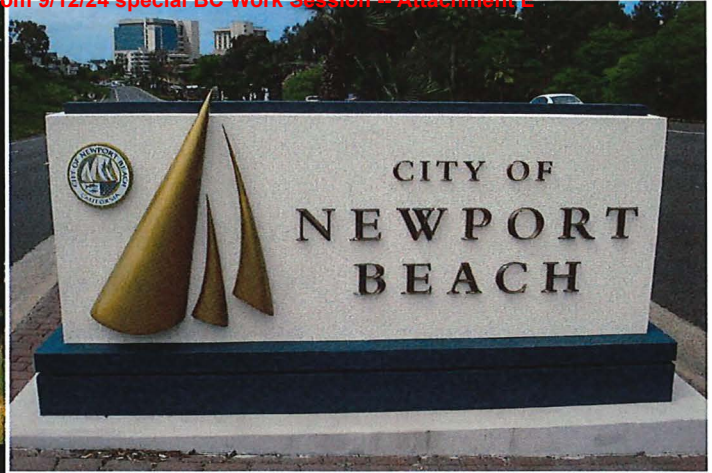
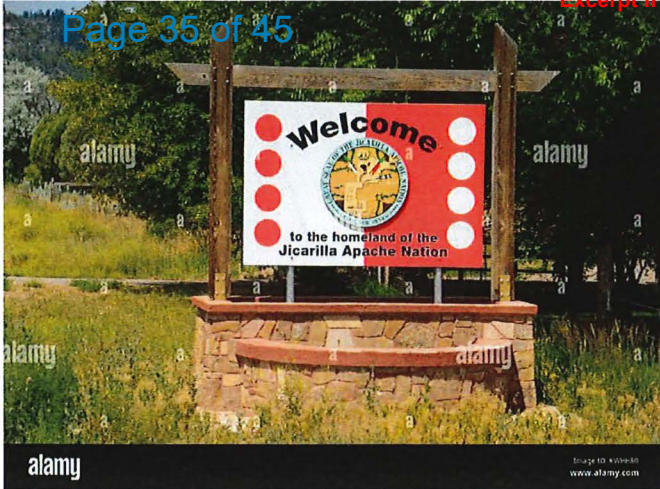
Page 34 of 45

Excerpt from 9/12/24 special BC Work Session -- Attachment E



Page 35 of 45

Excerpt from 9/12/24 special BC Work Session — Attachment E





## Capital Improvement Process (CIP) - Client Division Director Approval Form

To: Melinda Danforth, Director Intergovernmental Affairs

Through: n/a

From: Paul Truttman, Construction Manager

Date: July 11, 2024

Re: Boundary Signage CDC #19-007

I have reviewed the attached Capital Improvement Process (CIP) document identified below for the above noted project and approve of the project moving into the next phase of the CIP Process.

- Concept Paper – dated: n/a
- CDC Approval Package – dated: July 11, 2024

Melinda J.  
Danforth

Digitally signed by  
Melinda J. Danforth  
Date: 2024.07.11  
09:01:55 -05:00

Melinda Danforth, Director Intergovernmental Affairs

Date

Form CIP-05  
Rev. Dec. 4, 2017



**BC Action from 9/11/2024:**

- **Motion by Lawrence Barton to table the resolution entitled Affordable Home Ownership Strategy, seconded by Jonas Hill.**

This topic is being added for to the 9/12/24 special BC Work Session discussion because the resolution is requesting to use some of the remaining ARPA FRF TCS, which is the main topic of for this special BC Work Session.

Please note: I've asked Jo Anne and Mark to work together to put together the materials for the policy discussion for the programming associated with this resolution; this was discussed at today's BC meeting as well.

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

Page 38 of 45

Carl J. Artman  
Krystal L. John  
Peggy A. Van Gheem

Excerpt from 9/12/24 special BC Work Session -- Attachment F  
Law Office



## MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** Jo Anne House, Chief Counsel

**DATE:** August 28, 2024

**SUBJECT:** Resolution – *Affordable Home Ownership Strategy*

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On July 10, 2024, the Oneida Business Committee adopted a motion, “to accept the report on Affordable Home Ownership Strategy/Veteran Loan Assessment and direct the Treasurer, Chief Financial Officer, General Manager, and Chief Counsel to work together to identify/recommend funds to be used for the program in the amount of four (4) million dollars for each of the two (2) programs.”

A draft resolution (see attached) was reviewed by Mark Powless, General Manager, and the Comprehensive Housing Division, to identify any recommended amendments to clarify the resolution. The revised resolution was forwarded to the RaLinda Ninham Lamberies, Chief Financial Officer, and the final draft was presented for a Statement of Effect.

The proposed action utilizes APRA-FRF-LR-TCS funds in the amount of \$8 million for the purposes of creating two programs – Revolving Affordable Mortgage Fund and Home Construction Support Services. The funds are combined into a single fund to reduce administration time and costs. Finally, the resolution directs rulemaking to be conducted to develop the program and allow the funds to be released. The General Manager is directed to report monthly on the status of the rulemaking to the Oneida Business Committee.

If you have further questions, please contact me.



**Statement of Effect**  
*Affordable Home Ownership Strategy*

***Summary***

Through the adoption of this resolution the Oneida Business Committee:

- obligates eight million dollars (\$8,000,000) of APRA FRF LR Tribal Contribution Savings for the purpose of funding the Comprehensive Housing Division’s Revolving Affordable Mortgage Loan Fund;
- directs the General Manager to create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients; report at the second Oneida Business Committee meeting of each month on the status of the rulemaking amendments until the programs are fully developed; and upon submission of the amended rule(s) the General Manager shall request the Revolving Affordable Mortgage Loan Fund be made accessible; and
- directs the General Manager to work collaboratively with Bay Bank to identify services that could be provided to members to make home construction more accessible through training, guides, and support services to homeowners to obtain necessary permits and inspections.

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

*Date: September 6, 2024*

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

Through the adoption of this resolution the Oneida Business Committee obligates eight million dollars (\$8,000,000) of APRA FRF LR Tribal Contribution Savings for the purpose of funding the Comprehensive Housing Division’s “Revolving Affordable Mortgage Loan Fund” from which the repayments on mortgage loans will be repaid into this revolving loan which shall become accessible for programming use as identified in this resolution and shall be tracked and accounted for separately from all existing mortgages.

This resolution identifies that the General Manager and the Comprehensive Housing Division have identified amendments to existing rules regarding land and housing to create better programming options which will be supported by this request, and that the Oneida Business Committee directs the General Manager to move forward with the amendments to create the proposed programming under the Administrative Rulemaking law.

This resolution thereby directs the General Manager to create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients; report at the second Oneida Business Committee meeting of each month on the status of the rulemaking amendments until the programs are fully developed; and upon submission of the amended rule(s) the General Manager shall request the Revolving Affordable Mortgage Loan Fund be made accessible.

The Administrative Rulemaking law provides an efficient, effective, and democratic process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1, 106.1-2]. The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. An authorized agency is any board, committee, commission, department, program, or officer of the Nation that has been granted rulemaking authority. [1 O.C. 106.3-1(a)]. A rule is a set of requirements enacted by an authorized agency in order to implement, interpret and/or enforce a law of the Nation, which may include citation fee and penalty schedules. [1 O.C. 106.3-1(h)]. A rule developed in accordance with the Administrative Rulemaking law has the same force and effect as the law which delegated the authorized agency rulemaking authority, and cannot conflict or supersede a law, policy, or rule of the Nation or a resolution adopted by the Oneida Business Committee or General Tribal Council. [1 O.C. 106.4-1(a)-(b)].

The Mortgage and Foreclosure law sets the standards and requirements for participation in the mortgage programs and prescribes the foreclosure process required to be used in the event of a default of a mortgage. [6 O.C. 612.1-1]. The Mortgage and Foreclosure law provides that consistent with available funds, the Comprehensive Housing Division is responsible for providing mortgage programs for the following purposes and is required to establish rules naming said programs and providing the specific requirements for each program:

- Financing the purchase or down payment of existing homes and lands;
- Construction of new homes;
- Repairs and improvements to existing homes; and
- Refinancing existing mortgages. [6 O.C. 612.4-1].

The Mortgage and Foreclosure law then delegates joint administrative rulemaking authority to the Comprehensive Housing Division and the Oneida Land Commission for the purpose of governing:

- The selection of applicants for the issuance of a mortgage [6 O.C. 612.4-3];
- The requirements of mortgages entered into by the Comprehensive Housing Division [6 O.C. 612.4-4];
- The disposition of personal property [6 O.C. 612.7-5(a)(3)(B)]; and
- The razing of a foreclosed upon property. [6 O.C. 612.7-5(d)(2)].

The resolution also mentions the “Residential Sales Rule,” which is being interpreted to mean the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales. The Real Property law delegates administrative rulemaking authority to the Oneida Land Commission and the Comprehensive Housing Division to exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property. [6 O.C. 601.12-1].

This resolution’s directive that the General Manager create rules for mortgage programs which include requirements specific to veteran’s housing programs among other loan recipients conflicts with the Administrative Rulemaking law. The Administrative Rulemaking law provides that only authorized agencies may promulgate rules. [1 O.C. 106.4-1]. Additionally, the Administrative Rulemaking law requires that authorized agencies be delegated rulemaking authority through a law of the Nation, not a resolution. [1 O.C. 106.4-1].

The General Manager is not delegated administrative rulemaking authority through the Mortgage and Foreclosure law, the Real Property law, or any other law of the Nation that addresses property or land. Therefore, the General Manager is not an authorized agency under the Administrative Rulemaking law and has no authority to develop rules regarding mortgage programs. This resolution's directive that the General Manager develop rules regarding mortgage programs also conflicts with the Mortgage and Foreclosure law's very clear delegation of rulemaking authority to the Comprehensive Housing Division, and the Oneida Land Commission in certain circumstances. Additionally in accordance with the Administrative Rulemaking law, this resolution cannot confer administrative rulemaking authority to the General Manager.

It is also important to note that the Administrative Rulemaking law provides that the authorized agency has the authority to decide if amendments to a rule are necessary to pursue, and the law further clarifies that the Oneida Business Committee cannot compel an authorized agency to amend a rule. [1 O.C. 106.12-3]. Therefore, the Oneida Business Committee cannot, through adoption of this resolution, compel the amendment of any existing rule. If the Comprehensive Housing Division and the Oneida Land Commission were to decide that amendments to a rule should be made, any amendments made to the rule would need to follow the process provided for in the Administrative Rulemaking law. [1 O.C. 106.4-3].

This resolution also directs the General Manager to work collaboratively with Bay Bank to identify services that could be provided to members to make home construction more accessible through training, guides, and support services to homeowners to obtain necessary permits and inspections.

### ***Conclusion***

Adoption of this resolution would conflict with the Administrative Rulemaking law and the Mortgage and Foreclosure law.

The conflict in this resolution could be eliminated if instead of directing the General Manager to "create rules for mortgage programs which include requirements specific to veteran's housing programs among other loan recipients" which the Oneida Business Committee lacks the authority to do, the resolution instead directed the General Manager to monitor the progress of the Comprehensive Housing Division to create or amend rules for mortgage programs which include requirements specific to veteran's housing programs among other loan recipients, and then report at the second Oneida Business Committee meeting of each month on the status of the Comprehensive Housing Division's rulemaking progress until the programs are fully developed

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



## BC Resolution # 09-11-24-X Affordable Home Ownership Strategy

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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

*Background*

**WHEREAS,** the Oneida Business Committee has received and reviewed reports regarding housing needs of members, the market activity within the Oneida Reservation, and programming of the Comprehensive Housing Division; and

**WHEREAS,** housing programming within the Nation addresses a broad array of needs from income-based to market-based programs, as well as home construction programs; and

**WHEREAS,** the Oneida Business Committee has been made aware of housing issues from members, Bay Bank mortgage lending reporting, funding shortfalls, increasing home prices and mortgage interest rates, and identification of a request to increase Veteran’s home purchase opportunities; and

**WHEREAS,** the Comprehensive Housing Division, a consolidated single point of entry for all home sales and rentals, has researched a proposed strategy to address current and short-term housing needs; and

**WHEREAS,** on July 10, 2024, the General Manager and the Comprehensive Housing Division presented the “Affordable Home Ownership Strategy” to the Oneida Business Committee which contained four parts:

- a. A budget request specifically for Comprehensive Housing Division’s in-house revolving loan program to assist with Homeownership by Independent Purchase Program (*HIP*) and For Sale by Owner (*FSBO*) Program;
- b. Collaboration with Land Commission to purchase ready to sell homes for the Residential Sales Program;
- c. Collaboration with internal areas to revamp and create a successful Home Building Opportunity (*HBO*) Program that prepares and provides Oneida members with vacant lots to build homes; and
- d. Collaboration with Bay Bank to administer a Construction Loan Program on behalf of the Division, in which the Nation guarantees the construction loan; and

- 42 **WHEREAS,** the Oneida Business Committee adopted a motion, “to accept the report on Affordable  
43 Home Ownership Strategy/Veteran Loan Assessment and direct the Treasurer, Chief  
44 Financial Officer, General Manager, and Chief Counsel to work together to  
45 identify/recommend funds to be used for the program in the amount of four (4) million  
46 dollars for each of the two (2) programs”; and  
47  
48 *Proposed Programming*
- 49 **WHEREAS,** upon review of available funds (current revenue resources, carry-over funds, and ARPA  
50 FRF LR Tribal Contribution Savings) and current mortgage funding activities the Treasurer,  
51 Chief Financial Officer, General Manager, and Chief Counsel have recommended CHD’s  
52 revolving loan fund be funded with Tribal Contribution Savings as a single resource of \$8  
53 million rather than two loan resources of \$4 million each to reduce accounting steps and  
54 increase programming re-evaluation should changes be needed in the future through  
55 rulemaking;  
56
- 57 **WHEREAS,** the Comprehensive Housing Division currently has existing mortgages issued either by the  
58 former Division of Land Management before it was consolidated into CHD or, since the  
59 establishment of CHD, pursuant to the Residential Sales Rule; and  
60
- 61 **WHEREAS,** the Oneida Business Committee has identified the General Tribal Council directive of July  
62 1, 2024, which “direct[ed] the Land Commission to bring back a revised 2033 land  
63 acquisition plan that prioritizes residential housing and to bring to the General Tribal  
64 Council at the semi-annual meeting in 2025” and believes that this is in alignment with  
65 this directive to create more homeownership opportunities; and  
66
- 67 **WHEREAS,** the General Manager and the Comprehensive Housing Division have identified  
68 amendments to existing rules regarding land and housing to create better programming  
69 options which will be supported by this request and will require input under the  
70 Administrative Rulemaking Law, 1 O.C. 106, allowing members to review, recommend  
71 and comment on proposed rules; and  
72
- 73 **WHEREAS,** the Oneida Business Committee directs the General Manager to move forward with the  
74 amendments to create the proposed programming under the Administrative Rulemaking  
75 Law;  
76

77 *Obligation of Funds – Revolving Affordable Mortgage Loan Fund*

78 **NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee obligates \$8 million of APRA FRF  
79 LR Tribal Contribution Savings for the purpose of funding CHD's "Revolving Affordable Mortgage Loan  
80 Fund" from which the repayments on mortgage loans will be repaid into this revolving loan which shall  
81 become accessible for programming use as identified in this resolution and shall be tracked and accounted  
82 for separately from all existing mortgages; and

83

84 *Rulemaking*

85 **BE IT FURTHER RESOLVED**, the General Manager is directed to:

- 86 a. create rules for mortgage programs which include requirements specific to veteran's housing  
87 programs among other loan recipients;
- 88 b. report at the second Oneida Business Committee meeting of each month on the status of the  
89 rulemaking amendments until the programs are fully developed; and
- 90 c. upon submission of the amended rule(s) the General Manager shall request the Revolving  
91 Affordable Mortgage Loan Fund be made accessible; and

92

93 *Home Construction Support Services*

94 **BE IT FINALLY RESOLVED**, the General Manager is directed to work collaboratively with Bay Bank to  
95 identify services that could be provided to members to make home construction more accessible through  
96 training, guides, and support services to homeowners to obtain necessary permits and inspections.

97

98





## Statement of Effect

### *Tribal Contribution Savings – Final Obligation Opportunities*

#### **Summary**

Through the adoption of this resolution the Oneida Business permanently closes the Tribal Contribution Savings Portal. The Oneida Business Committee identified that obligations of remaining Tribal Contribution Savings Funds consistent with Native Nation Building principles adopted by the Oneida Business Committee and provides that any remaining obligations shall be by resolution which identifies the amount, the policy issue being addressed, project owner and completion date.

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

*Date: September 20, 2024*

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

To provide guidance to the organization, as well as awareness to the membership, on how the Nation intends to apply the ARPA FRF to its recovery efforts once received, the Oneida Business Committee adopted resolution BC-06-09-21-B, *Setting Goals for Application of Funding from the American Rescue Plan Act of 2021 to Direct Support to Individuals, Families, Community and the Oneida Nation*. In resolution BC-06-09-21-B, the Oneida Business Committee identified that the primary applications for the use of ARPA FRF would be to aid members and create tangible benefits related to housing, food sovereignty, education, and culture. In addition, the Oneida Business Committee directed the ARPA FRF to be spread across a three (3) year period in eight (8) specific categories to guide expenditures to meet such primary applications in an informed and transparent manner through the approval of projects by resolution.

After the adoption of resolution BC-06-09-21-B, the Oneida Business Committee received information which indicated that there was a more immediate need to address the pandemic's twelve (12) to fifteen (15) month negative impact on the membership's access to jobs, education, healthcare, and housing. The Oneida Business Committee then adopted resolution BC-06-23-21-C, *Amendment # 1 to the American Rescue Plan Act of 2021 Investment Allocation to Direct Membership Assistance*, which amended resolution BC-06-09-21-B to reflect its decision, which, more specifically, was to apply the 45% Direct Membership Assistance payment of three thousand dollars (\$3,000) in the current fiscal year, with any remaining funds after the payment to be allocated in Fiscal Years 2022 and 2023. Additionally, resolution BC-06-23-21-C provided clarification on the eligibility for membership assistance general welfare exclusion payments, application period, obligation, and ability to approve projects across fiscal years; and directed that the allocations be reviewed at least each fiscal year to determine whether modifications should be made. The work sheet that was attached to resolution BC-06-09-21-B was also deleted by resolution BC-06-23-21-C and replaced with the work sheet attached thereto, entitled, *American Recovery Plan Act – FRF; Lost Revenue; ARPA FRF LR Investments – Updated June 23, 2021*.

The Oneida Business Committee was then presented with recommended amendments to the processes based on implementation of the June 2021 resolutions, application of ARPA FRF through the lost revenue formula, identification of direct use and Tribal Contribution Savings. The Oneida Business Committee reviewed the recommendations and determined that the recommended amendments offer clarification in the processes and provide reporting at intervals that will keep all parties informed on the status of approved projects. The Oneida Business Committee then adopted resolution BC-03-30-22-A, *Updating Tribal Contribution Savings Processes and Allocations*, which superseded the processes identified in Resolve #6 of resolution BC-06-09-21-B, as amended by Resolve #2 of resolution BC-06-23-21-C and adopted a new project approval process which was to be supplemented with needed Standard Operating Procedures approved by the FRF Program Office.

Resolution BC-03-30-22-A had certain responsibilities delegated to the Strategic Planner. For the 2023-2026 term the Oneida Business Committee removed the Strategic Planner from the approved positions for the support of the Oneida Business Committee. The Oneida Business Committee identified a need to amend the reporting process and provide the membership reporting on the status of the TC Savings projects funds. Through the adoption of resolution BC-05-22-24-A, *Amending BC Resolution 03-30-22-A Updating Tribal Contribution Savings Processes and Allocations*, the Oneida Business Committee amended the reporting process identified in resolution BC 03-30-22-A, and provided that the updated Tribal Contributions Savings Allocation spreadsheet is the last approved Tribal Contribution Savings Allocation spreadsheet and is attached to resolution BC-05-22-24-A.

This resolution provides that there are many single activity and more complex projects presented ,such as development of digital store fronts to make transactions easier, support for educational costs for re-training or new careers, construction of multi-family housing; and therefore the remaining funds make reopening the portal ineffective and the Oneida Business Committee has identified that strategically obligating the remaining funds would be more appropriate.

Through the adoption of this resolution the Oneida Business Committee permanently closes the Tribal Contribution Savings Portal. The Oneida Business Committee has identified obligations of remaining Tribal Contribution Savings Funds consistent with Native Nation Building principles adopted by the Oneida Business Committee, and provides that any remaining obligations shall be by resolution which identifies the amount, the policy issue being addressed, project owner and completion date.

### ***Conclusion***

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

Approve an exception to BC resolution # 04-08-20-K for CIP #15-001 Oneida Community Cannery

### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. Session:

Open     Executive – must qualify under §107.4-1.

Justification: *Choose or type justification.*

3. Requested Motion:

Accept as information; OR

Action noted on attached memo.

4. Areas potentially impacted or affected by this request:

Finance

Programs/Services

Law Office

DTS

Gaming/Retail

Boards, Committees, or Commissions

Other: *Describe*

5. Additional attendees needed for this request:

Vanessa Miller, Food and Ag Area Manager

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

*Name, Title/Entity OR Choose from List*

**6. Supporting Documents:**

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect
- E-poll results/back-up
- Petition
- Travel Documents
- Other: *Describe*

**7. Budget Information:**

- Budgeted – Tribal Contribution
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

**Mark W. Powless**

Digitally signed by Mark W. Powless  
Date: 2024.09.17 15:51:09 -05'00'

**8. Submission:**

Authorized Sponsor: Mark W. Powless, General Manager

Primary Requestor: Paul J. Witek – Engineering Director/Senior Architect

September 17, 2024

## Business Committee Agenda Request - Memo

**Project No.:** 15-001      **Project Title:** Oneida Community Cannery

### **Purpose:**

The project team is seeking a waiver of the requirements of *BC Resolution 04-08-20-K Appointing Oneida ESC Group LLC as Nation's General Contractor for Construction Projects*.

### **Background:**

The project will entail constructing a new building to house the Community Cannery and move it from its current location in the Norbert Hill Center to the new facility located in the Business Park.

The project was fully designed by McMahon Engineers-Architects, the completed documents were sent to Oneida Construction Services (OCS) for a quote on the construction as required by *BC Resolution 04-08-20-K*.

The Engineering Department reviewed the OCS quote received and it exceeded the project's available budget for construction. In discussion with McMahon Engineers-Architects we feel there are opportunities for some cost savings by sending the documents out for competitive bidding.

### **Action Requested:**

1. Approval of a waiver of the requirements of *BC Resolution 04-08-20-K Appointing Oneida ESC Group LLC as Nation's General Contractor for Construction Projects* for CIP #15-001 Oneida Community Cannery allowing the project to be released for competitive bidding.

Defer the initial report regarding GWA payments to the October 9, 2024, regular Business Committee...

## Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bylaws                    | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation           |
| <input type="checkbox"/> Contract Document(s)      | <input type="checkbox"/> Law                     | <input type="checkbox"/> Report                 |
| <input checked="" type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review            | <input type="checkbox"/> Resolution             |
| <input type="checkbox"/> Draft GTC Notice          | <input checked="" type="checkbox"/> Minutes      | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet          | <input type="checkbox"/> MOU/MOA                 | <input type="checkbox"/> Statement of Effect    |
| <input type="checkbox"/> E-poll results/back-up    | <input type="checkbox"/> Petition                | <input type="checkbox"/> Travel Documents       |
| <input type="checkbox"/> Other:                    |  |   |

4. Budget Information:

- |  |  |                                     |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted                  | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other:                  |                                     |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS



## Memorandum

To: Oneida Business Committee

From: Secretary Lisa Liggins

Date: September 20, 2024

Re: Defer the initial report regarding GWA payments to the October 9, 2024, regular Business Committee meeting

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### Background

On August 28, 2024, the Oneida Business Committee (OBC) took the following action:

“Motion to direct the General Manager, Intergovernmental Affairs and Communications and the Law Office to create a project team with the General Manager as the lead to identify where GWA payments are included as income within the Nation's programs and services and to take steps to amend program and service requirements to exclude GWA payments as income whether funded by Tribal Contribution, federal or state funding, or third party funding and to report quarterly on the status of this project team and an initial report due the second Business Committee meeting in September to identify the programs, income formula, and funding source.”

The second Business Committee meeting is on September 25, 2024; the deadline to submit materials for the that meeting was September 17, 2024. No report was submitted by the deadline. The Information Management Specialist followed up with the General Manager on September 18, 2024, and was informed by the General Manager that there was no report; the group had two meetings on this topic and there is no significant update at this point.

The initial report was due September 2024; reporting would occur quarterly after that. I'm requesting the initial report be deferred to the next regular Business Committee meeting on October 9, 2024, and that reporting be submitted quarterly after that date (January 8, 2025; March 12, 2025; etc.)

### Requested Action

Defer the initial report regarding GWA payments to the October 9, 2024, regular Business Committee meeting

- D. Adopt resolution entitled Adoption of Fiscal Year 2025 Draft Budget and Directive to Present Budget to the General Tribal Council for Approval (01:05:57)**  
Sponsor: RaLinda Ninham-Lamberies, Chief Financial Officer

*Councilman Kirby Metoxen left 9:37 a.m.*

*Councilman Kirby Metoxen returned 9:42 a.m.*

*Secretary Lisa Liggins left 10:15 a.m.*

*Secretary Lisa Liggins returned 10:20 a.m.*

*Councilwoman Jennifer Webster left 10:26 a.m.*

*Councilwoman Jennifer Webster returned 10:30 a.m.*

Motion by Lisa Liggins to adopt resolution 08-28-24-C Adoption of Fiscal Year 2025 Draft Budget and Directive to Present Budget to the General Tribal Council for Approval, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

- E. Adopt resolution entitled Exclude All Benefits Pursuant to the Oneida General Welfare Law from Income Calculation for Income based Inside and Outside the Nation programs (01:21 ;02)**  
Sponsor: Jonas Hill, Councilman

Motion by Jonas Hill to direct the General Manager, Intergovernmental Affairs and Communications and the Law Office to create a project team with the General Manager as the lead to identify where GWA payments are included as income within the Nation's programs and services and to take steps to amend program and service requirements to exclude GWA payments as income whether funded by Tribal Contribution, federal or state funding, or third party funding and to report quarterly on the status of this project team and an initial report due the second Business Committee meeting in September to identify the programs, income formula, and funding source, seconded by Lawrence Barton. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

## VII. APPOINTMENTS

- A. Determine next steps regarding two (2) appointments - Anna John Resident Centered Care Community Board (02:00:26)**  
Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the selected applicants, to appoint Lynn Metoxen and Jeanette Archiquette-Ninham to the Anna John Resident Centered Care Community Board with terms ending July 31, 2028, seconded by Jennifer Webster. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens



Approve the U.S. Indian Health Service-Bemidji Area - Oneida Nation Buyback for HIM Billing/Coding...

### Business Committee Agenda Request

1. Meeting Date Requested: 09/25/24

2. General Information:

Session:  Open  Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- Bylaws
- Contract Document(s)
- Correspondence
- Draft GTC Notice
- Draft GTC Packet
- E-poll results/back-up
- Other: *Describe*
- Fiscal Impact Statement
- Law
- Legal Review
- Minutes
- MOU/MOA
- Petition
- Presentation
- Report
- Resolution
- Rule (adoption packet)
- Statement of Effect
- Travel Documents

4. Budget Information:

- Budgeted
- Not Applicable
- Budgeted – Grant Funded
- Unbudgeted
- Other: *Describe*

5. Submission:

Authorized Sponsor: Melinda J. Danforth, Intergovernmental Affairs Director

Primary Requestor: \_\_\_\_\_

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: BPIGMAN

# ONEIDA LAW OFFICE

*CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Melissa L. Nuthals  
Self Governance Department

*Use this number on future correspondence:*

## 2024-1035

FROM: James R. Bittorf, Deputy Chief Counsel

**James R. Bittorf** Digitally signed by James R. Bittorf  
Date: 2024.09.09 12:42:12 -05'00'

DATE: September 9, 2024

RE: U.S. Indian Health Service-Bemidji Area – Oneida  
Nation Buyback for HIM Billing/Coding Review FY  
2025

Purchasing Department Use

~~Contract Approved~~

~~Contract Not Approved~~

*(see attached explanation)*

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*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please review for compliance with the current budget resolution prior to entering said contract. Please note the following:

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval prior to execution.

# CONTRACT REVIEW REQUEST FORM

This form must be filled out **COMPLETELY**.

**General Instructions:**

1. Contract must be submitted to the Law Office no less than ten (10) business days prior to commencement of the contract.
2. Please read the contract prior to submission. If the contract language does not make sense to you, request an explanation from the contractor.
3. **DO NOT SIGN** the contract prior to attorney approval. Any contract signed or services started prior to legal approval are reported to the Division Director.
4. The contract must be submitted with a completed and signed Conflict of Interest Disclosure Form.
5. **CONSOLIDATE** all related contract documents as a **SINGLE** document in “.pdf” format with this form on top as the 1st page.
6. **E-mail** the full package as a single attachment to: **Oneida\_Law@oneidanation.org**.
7. If you need immediate review of a contract, please call the Law Office at 869-4327 **PRIOR** to sending the contract for review.
8. Upon receipt of the contract, the Law Office will assign a file number and will send a notification of receipt within 1-2 business days along with the assigned file number. Any future communication concerning this contract should reference this file number.
9. You will receive an e-mail notification when the review of your contract is complete.

Date: 9/5/2024 Telephone: 920-619-9289

Contact Person: Melissa Nuthals Extension: Extension

Department: Self-Governance Response Needed By: 9/20/2024

Name of Contractor: Menominee MOU Addendum #2

Contract Start Date: 10/1/2024 Contract Total Amount: \$5,568

Contract End Date: 9/30/2025

Does this contract have an automatic renewal clause? (Yes or No) No

If yes, indicate the advance notice (in days) that must be given to terminate contract. Number of Days days.

Special Instructions, if any: Oneida is contracting with IHS to conduct an evaluation of Oneida Health’s billing and coding processes.

**ONEIDA NATION BUYBACK for HIM Billing/Coding Review****Section 1. Generally.**

Pursuant to 25 U.S.C. § 5388(f) and 42 C.F.R. § 137.95 Oneida Nation ("Contractor") and the IHS on behalf of Secretary of Health and Human Services of the United States of America ("Secretary") hereby enter into this Buyback Agreement for FY 2025. Oneida Nation has determined that it wishes to carry out its responsibility to provide certain programs, services, functions and activities (or portions thereof) ("PSFAs") included in its Funding Agreement utilizing personnel, goods, and services of the Federal Government (hereinafter "services"). These services may include some services that are expected to be used throughout the year, those that may be used for a more limited period, and other more incidental services that may be identified by Oneida Nation on an as needed basis. The parties agree that services must be paid for in advance with subsequent adjustment to avoid violation of the Anti-Deficiency Act and are subject to full cost recovery in accordance with the relevant appropriations act authority. If the IHS is unable to provide a service described in this Agreement for any reason, including lack of available IHS resources, it will notify Oneida Nation as far in advance as is feasible so Oneida Nation can make alternate arrangements. The amounts noted will be due upon complete execution of this Agreement at a total estimated buyback amount of \$5,568.

This Agreement is not incorporated into Contractor's ISDEAA compact or Multi-Year Funding Agreement.

**Section 2. Determination of Cost.**

2.1 Initial Cost. The estimated cost of each service that Oneida Nation has identified as a potential buyback for FY 2025, was determined by IHS to assure full cost recovery that Oneida Nation may wish to buy back. The estimated costs determined by IHS are set forth in this Agreement or are identified in other documents identified herein.

2.2 Adjustment in Costs. The IHS Bemidji Area Office (BAO) will determine the actual costs on an annual basis including any required adjustments and increases to the services herein and IHS will notify Oneida Nation at the earliest opportunity prior to Oneida Nation incurring higher costs than are estimated in this Agreement so that Oneida Nation can determine whether to continue buying back the service at the increased cost. If the cost will decrease, the IHS will notify the Oneida Nation when the new costs are determined and adjust the withheld amount as appropriate to the applicable year.

2.3 Full Cost Recovery Administrative Fee. There shall be no additional administrative charges imposed by IHS for managing the buyback, including the costs associated with reconciliation, billing, and refunds, unless such charges are expressly set forth in this Agreement.

**Section 3. Terms.**

3.1 Prior to the beginning of services, the IHS will inform Oneida Nation in advance of the estimated full recovery cost of those services.

3.2 Payment. After the execution of this agreement, Oneida Nation will receive a bill of collection from the Bemidji Area Office for the full amount of the requested service.

3.3 Reconciliation and Adjustment. Except to the extent other terms regarding reconciliation and/or adjustment are set forth in Section 4 [Services ONEIDA NATION Has Opted to Buy Back] regarding a particular service, IHS BAO will provide Oneida Nation with a full accounting of all costs and any required adjustments for each category of service on an annual basis. The buyback amounts stated herein are estimates only and the final amount of such costs will be based upon an annual reconciliation of documented costs provided by the IHS at the end of each fiscal year.

#### **Section 4. Services ONEIDA NATION Has Opted to Buy Back**

4.1 **Health Information Management (\$5,568)** provides assistance and consultation on all aspects of Billing and Coding associated with the administration of Tribal ISDEAA health programs. This involves interpretation of regulations, clean coding best practices, and revenue enhancement.

#### **Section 5. Amendment.**

5.1 Generally. This Agreement may be amended by mutual written agreement of the parties during the term of its effect. Should Oneida Nation fail to make required advance payments or to fully cover the cost of services provided to it by IHS, Oneida Nation shall be considered in default and, subject to the conditions in Section 3, services may be terminated by IHS. IHS will provide reasonable notice of any decision it makes to terminate or change the terms of services.

5.2 Modification of Services. If Oneida Nation decides to increase its buyback of services, Oneida Nation shall contact the BAO Office of Tribal Services and the Agency Lead Negotiator to request a breakdown of cost of the services. If Oneida Nation decides to increase its buyback, this Agreement will be amended to reflect this, including amendment to reflect the full cost recovery of the service. The foregoing provision does not apply to Intergovernmental Personnel Agreements, or details of Commissioned Corps Officers, which are governed by the Public Health Service Act. If Oneida Nation decides to reduce or terminate a pre-scheduled service prior to the expiration of this Agreement, Oneida Nation shall notify IHS in writing 30 days prior to the date Oneida Nation desires that services be reduced or terminated. IHS will use best efforts to reduce or terminate that service within 30 days of its receipt of written notice, and the parties shall amend this Agreement to reflect the reduction or termination. Oneida Nation shall be responsible for reasonable and unavoidable costs associated with the provision of pre-scheduled services to be reduced or terminated prior to the date the services are actually reduced or terminated by IHS. The requirement for advance notice does not apply to pharmaceutical and supply purchases from IHS, nor to services made available only upon specific request.

**Section 6. Term.**

This Agreement shall be effective October 1, 2024, through September 30, 2025, except to the extent it is amended pursuant to Section 5 of this Agreement or terminated earlier by one or both parties.

Oneida Nation

\_\_\_\_\_  
Chairman  
Oneida Nation

\_\_\_\_\_  
Date Signed

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; INDIAN HEALTH SERVICE BY:

\_\_\_\_\_  
Area Director or Designee  
Bemidji Area, IHS

\_\_\_\_\_  
Date Signed