

MINUTES AUGUST 11, 2007

Special General Tribal Council Meeting

Regarding: Establish office of General Tribal Council to review/monitor all aspects of tribal operations, Pay \$100 to eligible voters attending GTC meetings, Develop \$5,000 to \$10,000 Per Capita payment for FY2008

August 11, 2007

Turtle School – 11:15 a.m.

Present: Gerald Danforth – Chair, Kathy Hughes – Vice Chair, Mercie Danforth – Treasurer, Patty Hoeft – Secretary, Paul Ninham, Trish King, Vince Dela Rosa, Melinda J. Danforth, Ed Delgado – Council Members

Parliamentarian: Jo Anne House

Quorum: 824

Opening by Mark Powless

Approval of Agenda

Action Motion by John Powless to place Per Capita first on agenda and place the \$100 payment second on the agenda, and the creation of a GTC office as the third item, have the Business Committee present first, himself second, and temporarily dispense with Robert Rules of Order during discussion period, then going back into it when we're done, leaving time period for discussion up to the Chair, seconded by Corrine Zhuckkahosee. Motion carried.

Develop \$5,000 to \$10,000 per capita payment for FY2008

Presentations

Business Committee Presentation

Treasurer Presented financial statements using a Power Point presentation which stated the assumptions and impact of a per capita payment. Spoke regarding the fiscal year budget and investments. Used the FY07 budget as an example to identify where funds came from and where funds go toward, ie, education resolution, etc.

Spoke of all the subtractions that need to occur from the \$411.1 million. Broke down what was in government programs, current resolutions long-term effects, elder per capita, ability to receive future loans for future projects such as assisted living, high school, etc. Broke down investment portfolios and touched upon what was in investment portfolios.

Provided information regarding the general reserves that needed to be operative for one year of operations in the event there was no revenue generated.

Note Power Point presentation can be obtained from the Treasurer's office for the detailed information provided.

Bill Gollnick Spoke of having well thought out plans, stable government and long term solutions that didn't require us to keep revisiting this every few years. Provided information on the need to be in compliance with the Indian Gaming Regulatory Act, stated definition of net revenues and how to fund tribal government operations or programs as well as promotion of economic stability.

John Powless It's a great honor to be here before Oneida people. Part of his efforts was to strengthen General Tribal Council and exercise its powers as the supreme governing body of the Oneida tribe.

I decided to put together a petition to increase the per capita payment for a number of reasons. I wanted to do it mainly to help Oneida people who we don't seem to see all the time. There is an invisible group amongst us. Those that are poor, the elders, single parents. People have come up to me stating they don't have enough money to pay for expenses, utilities, gas, new tires for a car.

We do have a lot of people who are not here, giving up hope, struggling to get by the best they can. A lot of us were there at one point before we had all this wealth. In Milwaukee, Chicago, Appleton. We had to leave here because there were no jobs.

The people who supported him the most were the people from Milwaukee. We had 83 signatures that were verified, but there were up to 120 signatures on the petition. I want to thank them. When you look around, think about how important you are as an individual tribal member and what you can do to bring about change in the tribe.

One person decided to put a petition together and go out and get signatures, and look what happened. I could have said, I'm just going to take care of myself or try to do something about problems I see existing in the community. I decided to do something through the petition process.

You should all become familiar with the constitution and bylaws. One of the purest forms of democracy in the United States is right here in Oneida. You can't do this anywhere else. The United States ideas for democracy came from us. Just as they stole our land, they stole our political system. Just know that is coming out of what we provided in terms of democracy.

I bring all this before you to vote and decide. We had a lot of figures provided and they are hard to digest quickly. I looked at the number of people over 62. There are 1,524 people age 62 and over. Those under 62 are 14, 277. Roughly 10% are 62 and over, under the age of 62 is roughly 90%.

\$86 million makes an increased per capita. That's money above the \$800.00. What I'm talking about is on top of what you are already receiving.

There are ways to help elders get around getting this money for the federal government taxing this revenue. There are professionals out there that can help us with this. The United States government cares little for the elderly. Most of us take advantage of the health insurance we have here. The United States federal government can't even figure out a health care system for elders.

He showed all the prescriptions he received from the Health Center. His point in this is that he relies on the health center for all the medication he showed. People are dying because of these illnesses as I speak. I think the tribe can do more in terms of helping the people and the way we do that is by giving the people more money to do things for themselves. We don't need more programs, services, or more consultants.

We want the Oneida people to become self-sufficient and the tribe to put their money where their mouth is. I come before you, I don't have access to all the figures. One figure said we made \$2 billion before we pay out everyone from gaming, I don't know. When I ask for information, I get denied information. I'm told I have to submit a letter explaining why I want the information. You need to start looking at yourself as the owners of all this stuff, don't forget that.

As an owner, I do not want to pay to have my name put on Lambeau Field, to see a Hall of Fame Legends for the Packers, us spending all our money over there when they really don't care if we're there or not.

We keep trying to be good neighbors, but we keep getting rejected by all these neighbors. Why should we keep giving money when this money should be spent on ourselves? Thank you.

Discussion

- Vince Dela Rosa** Asked the Treasurer if the annual budget was \$411 million, wanted her to explain the difference between gross to net.
- Mercie Danforth** Before, we use to show gaming net. Now, we show gaming revenue portion, the number before operations expenses are taken out. Then we show the gaming net.
- Nancy Skenandore** Back in 1999, she had addressed per capita then and we received it. I'm quite worried about the investments. How many bad investments have we made? I've never seen a budget meeting that we profited from. I would like you to give me my own money and I'll invest it myself.
- Grants to the tribe. Can you explain if grants are for local or total membership?
- Chair** The Tribe contributes 50 percent to the health care budget. Annually, that's 30 million based on the service population to this area.

- Nancy Skenandore** I'm bringing that up because all of us don't live here. Isn't it the goal of our tribe to be self-sufficient? If the Ho-Chunk do it, how come we can't?
- Sherrole Benton** I remember when we had nothing and there was only 3,000 enrolled Oneidas. I think everyone is proud of how our nation has grown. I agree with many points John has made, but not with everything.
- I understand where a lot of the urban Indians are coming from, you feel that the tribe isn't providing enough. We need to come together and find a compromise. With the last per capita, we met about 2-3 times regarding what we could afford. I think we can do that again this time, negotiate something that is reasonable. What can we do to extend more services to Milwaukee, Chicago? What can we give them from home to make them feel like their part of the community?
- I think there is something we must find to compromise to help us maintain our nation. I don't believe it's a \$5,000 per capita. Provide tangible, meaningful programs for other areas not here.
- Madelyn Genskow** Asked for clarification of net profit and what net profit means and what is our total debt for past failed ventures such as Airdigm, etc. Wanted clarification of what John's proposal is. There was a difference from what Mercie and John spoke of regarding the numbers given.
- Chair** Clarified the per capita issue. It was for the development of a per capita between \$5,000 up to \$10,000 one time payment for FY08 over and above existing payments.
- John Powless** The petition called for a payment for FY08. If I went beyond that, the action would be out of order, I had to limit it to that year for FY08, but that doesn't mean we can't get together and do it for FY09.
- Mercie Danforth** Gaming net income, if you take gaming specifically, you take the net revenue which is before operating expenses. It's around \$236 million, then you take out employees which is around \$124 million. The General Fund support is \$112 million. That's the differences between those.
- Madelyn Genskow** I think you mis-spoke when you spoke on gross and net during your presentation.
- Mercie Danforth** I'm trying to keep within the same language that is within budget packet.
- Hugh Danforth** I look at the figures and can get a different feeling from the budget which is \$411 million dollars. \$112 million is the operational budget. If you have a budget of \$411 million and \$211 million goes into programs, and the current per cap which is around \$20 million, and a new one which is \$80 million, that leaves about \$14 million that will go into the budget.
- Mercie Danforth** Clarified and explained what figures added up to the \$411 million and the expenses taken out.

- Hugh Danforth** \$112 million is what is put toward government programs. I'm glad to see John included within his resolution that no one would lose jobs and no programs would be decreased. However, that would leave only \$14 million which is still part of the budget. I think with \$98 million for the current per capita coming out of the \$112 million.
- Mercie Danforth** Explained that \$12.7 million is for per capita with \$3.1 million toward elders for a total per capita payment of \$15.8 million.
- Hugh Danforth** That, with an additional \$86 million is over \$102 million. My point is, are we going to be losing jobs and will there be any decrease in services?
- Mercie Danforth** If we go with an additional, depending of where it is, there will be services, etc. reduced.
- Chair** Please respect the floor.
- Mercie Danforth** The available funds is the \$2.1 million in the General Reserve, if we used the General Reserve at this time, the assumption is that no jobs or services would be lost.
- Hugh Danforth** This would effect employment and services.
- Marge Stevens** I hope everyone is concerned about the well being of Oneida people. I want to advocate for our services. Particularly drug and alcohol abuse. The services are not effective. We send our people to other treatment centers in other states. The only services we have here is out-patient services. Green Bay and Wisconsin are concerned with drunk driving. She felt that Oneida needed a Wellness center that promotes healing, culture and identity. We need to learn who we are as a people to have self-confidence.
- Mike Mouso** I was not an Oneida enrolled member until 5 years ago. I came from one of the poorest tribes in the nation. Getting a per capita check was a gift. I would not agree with the amount of money asked for. Jobs will be cut, right now we are a nation moving forward. If you approve this, we'll be a nation that stops. I realize some services are for here, but we also extend our services out to Milwaukee. I apologize to those living in areas such as Minnesota, but it wasn't our choice for you to move. For those that agreed to this, those from Milwaukee won't feel the ramifications of those being cut here. I would stick with what we got, we elected the officials to help guide us. Can we put trust in them and listen to what they say? We as General Tribal Council elected these officials.
- Lois Powless** Don't let General Tribal Council lose its power. We need to direct the Business Committee to put a plan together so we get more people at these meetings. I understood three emails was sent out because they wanted their people here. We did have a quorum at the last GTC meeting without an email sent out. I hope you are at all General Tribal Council meetings.
- Lorel McKensie** I was born in Chicago and returned about 30 years ago. This tribe is my family. Gaming portion has brought so much to my family and I'm proud to be a part of this nation. We don't need to spend money outside the tribe. I propose we budget

our money accordingly, find out what is in it when a line item states \$3m in miscellaneous. Do we need to rubber stamp budgets without knowing what is in it? How long is the casino going to be here? How deep are others going to reach into our pockets? It's up to \$11.5 million to the outside world, how long are we going to do this? John Powless, we need to start from the higher up and work our way down. The way the budget is set, we don't have enough money to go around for the next several years.

Elders, think of your family, how many children do you have? If we take the money now, where will the money come from when the babies are our age now? I'm a future pusher, not a now pusher. We need to worry about the future, who is going to run our tribe? We need to stand together. You can laugh if you like, but that's how I feel. The \$800 is a gift, not a source of income. You are healthy individuals to get a job.

Loretta V. Metoxen I haven't seen it all, but I've seen a great deal. I've seen it come from \$900 a year, when the Business Committee didn't get paid and when we had to provide our own transportation. I agree with John about 80%. I believe in self-government, making the laws, deciding on what you want, what is yours and mine future. I agree with the expenses at Lambeau and Walk of Legends. I agree with our giving to the local governments up to \$500,000 a year to each jurisdiction, \$1.5 million for real estate taxes, contributions to fire and police protection. The tickets collected from our police department goes to counties and not to the tribe. I heard we got a box at Lambeau and Rattlers, but not for the ordinary Oneidas. One other comment, about 10-11 years ago, one of our attorneys developed a tax code that would tax non-Indians on the reservation. We now take 5 to 5.2%. We could supplant the state tax, how many millions is that? None. This issue was never explored that could raise money for some kind. In the world of economics, you have to cover all of the bases. I agree with taking care of those who are poor, without housing. I agree we should give a certain amount to the people.

The Trust Committee takes care of the monies paid to elders and minors. We cannot invade the Trust monies. You need a 2/3 vote from the Trust Committee, Business Committee and General Tribal Council to invade those monies.

Bill Gollnick I wanted to clarify that the tribe as a government functions to provide services to its members in a number of different ways. Health, per capita, prescriptions to Milwaukee. The tribe has inter-governmental agreements with the governments around us. We look at those lands in which those governments do not receive taxes and the services that we receive and are provided to us. It's not a gift, it's something that is based on actual services. I don't want the membership to think we just give money to those that oppose us. It's compensation to services offered. Fire for one, police, we demand take away for costs provided by the tribe. Health and Human services, we provide services based on state contracts, etc.

Cathy Metoxen I appeal your decision in the manner in which you pick people to speak, there is a lot of elderly. It's time to get to the vote.

Chair Restated the motion carried regarding approval of the agenda. There are over 30 people who wish to speak yet. We've been in discussion over an hour. This list continues to grow. It's going to take us another 1.2 hours to exhaust this list. I'm going to suggest we wrap our discussion up. Asked who would like to end discussion. General Tribal agreed to end discussion. The discussion has ended.

Action

John Powless Motion by John Powless, Jr. for a per capita payment for FY08 separate from any existing per capita resolution in the amount of \$5,000 under 62 years and \$10,000 to 62 and over. To be taken from net revenues and mailed no later than October 12, 2007. No loss of employment or reduction in services for all tribal members, seconded by Stacey Greeno.

Linda Dallas Call for the question.

Sherrole Benton Motion by Sherrole Benton to amend the motion to a \$1,000 per capita in FY09, seconded by (inaudible).

Point of order A call for the question is that there is no further discussion.

Chair Explained the difference between voting with ballot box. Suggested a hand count vote.

Privileged Question Asked GTC not to have a hand vote, when you raise your hand you could be
Linda Dallas singled out and you could pay the price.

Chair Three types of voting: voice, hand or ballot. Due to the nature, I would not recommend a voice vote. We need a hand or ballot vote. I'm suggesting a hand count vote.

Privileged Question Wanted to amend the motion.
John Powless

Chair Called it out of order.

Privileged Question Appealed the decision of the chair, you can recommend, but General Tribal
Linda Dallas Council determines how the vote is taken.

Chair The impression I got is General Tribal Council wanted a hand vote. Those who prefer to vote on this motion by hand vote, raise your hand. By ballot raise your hand. Very clearly, the assembly prefers to vote by hand vote.

Privileged Question Concerned the way the motion was written. It talks of net revenue, if it's 2008,
Lloyd Powless there is no way it can be implemented. There would be lay offs, we would have to take it from our 2007 budget.

Chair Spoke of the approval process and how it would need to be processed locally and through the Bureau of Indian Affairs. I'll defer to Treasurer and law office. I believe it can't be done in the time frame mentioned. If the assembly wants this done, you need to know if it can be done before you vote.

Treasurer The motion identifies the \$10,000 and \$5,000 payments to be taken from net revenues. Concerned with the dollar amount it equals up to. It doesn't give us the opportunities to go into the General Reserves. I need clarification of net revenues.

Law Office Made reference to 25CFR and certain section within. Answered the question on how long would it take to approve the plan, 60 days from receiving it. If you do not receive approval within 60 days, you can appeal.

Chair The time stipulation of the motion, we cannot do this.

Cathy Metoxen In order to be able to do this, the budget has not been passed yet, this can be done.

Chair This is targeting FY08 budget, but even if internally we can work out details of amending what has been done with the FY08 budget, it still needs to go through the BIA process in which we don't have control over. I might need to overrule with these stipulations placed on it.

Nancy Skenandore Can it come out of the General Reserve Fund and not go through the BIA and borrow like other tribes and pay it back next year?

Privileged Question I came here to support with the understanding that no jobs or services would be
Ed Delgado lost or reduced. Can John modify his motion regarding restriction only from net revenues?

Chair It cannot be done at this point due to the call for the question. The motion has to go for a vote.

Privileged Question Would pull back the call for the question so the motioner can amend is motion so
Linda Dallas we can vote.

GTC Shouted "To modify."

Chair Rescinded the call for the question.

Leyne Orosco There are non-tribal members in this assembly, I ask that they be removed or excused at this time.

Chair Please leave the assembly if you are not enrolled.

John Powless Modified the motion that it includes the elimination of net revenues and replace it from general reserves so we don't have to be concerned with the BIA taking money from our general reserves. Make it through general reserves and paid out by November 12, 2007, seconded by Cathy Metoxen.

- Chair** With your limiting dates, it might not be done.
- Privileged Question** There is not enough money in the general reserves to pay this out, it will be
Bill Gollnick problematic because it's not there. It states it's different from existing resolutions. Need to clarify the Trust for minors.
- Privileged Question** I think there needs to be clarification of funding allocation of this per capita
Mark Powless payment. If you are saying under IGRA, an allocation plan, yes you do go through the process. If you are using funds from the general fund you can do this, are you stating that it can't be done that way?
- Chair** Yes.
- Mark Powless** Quoted the 1988 Federal Regulatory Act which passed provisions of allocation of revenues that the tribe submits to the Department of Interior. If we do this from gaming operation funds we need to adhere to IGRA.
- Brenda Dakota Bear** Inaudible
- Chair** Called the GTC to refocus to the motion on the floor.
- Privileged Question** Is there enough money in the general fund?
Sherrole Benton
- Chair** Need to have the motion on the screen.
- Privileged Question** Is it possible to find other monies so we don't have to go through BIA process?
Nancy Skenandore
- Note** Various call for the questions, privileged questions, shouting out from multiple General Tribal Council members, non release of the mic were occurring at the same time.
- Chair** Called the assembly back into order and read the motion.
- Vote** Motion by John Powless, Jr. for a special per capita payment for FY2008, separate from any existing per capita payment and resolutions, in the amount of \$5,000 to those Oneida Tribally enrolled members under 62 years of age, and \$10,000 to those Oneida tribally enrolled members 62 years of age and older, to be taken from the general reserves and other tribal resources and to be mailed no later than December 12, 2007, with no loss of employment, no reduction in wages and no reduction/loss of services for all Oneida tribally enrolled members, seconded by Cathy Metoxen.
- Hand Vote** For: 571 Opposed, 164 Abstained, 7 Total Votes, 742 Motion carried. Pay \$100 to eligible voters attending GTC meetings
- Madelyn Genskow** Could she make a vote to go right to the vote?
- Chair** Out of order due to the main motion approving the agenda.

- Madelyn Genskow** Would like to see us move forward quickly, there are a number of elders that have been sitting a number of hours.
- Chair** If the motion was to pay \$100 immediately, it would need a budget modification for FY07.
- Madelyn Genskow** Motion by Madelyn Genskow that a stipend of \$100 be paid to any eligible member who stays for the entire meeting effective January 1, 2008, seconded by Nancy Skenandore.
- Call for the Question
- Sherrole Benton** Motion by Sherrole Benton to amend the main motion to reduce the payment from \$100 to \$50 dollars, seconded by Christine Klemmet.
- Call for the Question
- Privileged Question** If boards, committees and commissions get paid \$100 every time they meet, is
Linda Dallas General Tribal Council going to settle for \$50?
- Privileged Question** Who attends General Tribal Council meetings and how do you know who stays to
Hugh Danforth the end?
- Privileged Question** Didn't understand the difference between the main and amended motions.
Donna Isabard
- Privileged Question** Spoke of process. Right now there is a main motion, if we vote on the amendment,
Tina Danforth it cancels out the main motion. Would like a parliamentary ruling.
- Parliamentarian** It does not cancel out the main motion.
- Vote** **Vote on Motion by Sherrole Benton to amend the main motion to reduce the Amended Motion: payment from \$100 to \$50 dollars, seconded by Christine Klemmet. Motion failed.**
- Note** It was obvious by the Chair that a hand count wasn't necessary.
- Vote** **Vote on Main Motion: Motion by Madelyn Genskow that a stipend of \$100 be paid to any General Tribal Council member who attends a GTC meeting and is eligible to vote and stays until the end of the meeting effective in calendar year 2008 and for all time, seconded by Nancy Skenandore.**
- Hand Vote** **For: 366, Opposed: 134, Abstained: 10, Total Vote: 510. Motion carried.**
- Establish an Office of General Tribal Council to review/monitor all aspects of tribal operations
- Madelyn Genskow** Motion by Madelyn Genskow to table the establishment of an office of General Tribal Council and discuss at a future date, seconded by Linda Dallas. Motion carried.

Adjourn at 1:36 p.m.