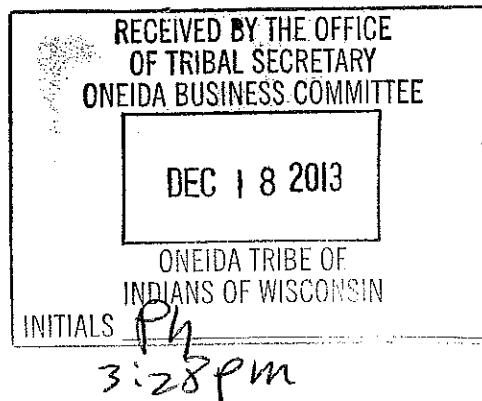


Service Notice

Notice Provided By: Racquel Hill
Date, Time & Place of Service: December 18, 2013 : AM / PM
Form of Service: In Person
Received By: *Racquel Hill*
Regarding: Injunctive Relief Re: Motion to Dissolve 7 Generations Corp.

This document serves as notice to the Oneida Business Committee, mailing address of P.O. Box 365 Oneida, WI 54155, that a request for Injunctive Relief to the Oneida Tribal Judicial System Re: Dissolution of the 7 Generations Corporation has been delivered.

Enclosures: 1. Request for Injunctive Relief dated December 18, 2013



Oneida Tribal Judicial System

ON^YOTE? A•KA TE? SHAKOTIYA? TOLE' HTE

RACQUEL L HILL
Petitioner

ORIGINAL COMPLAINT

v.

Docket # _____

BC/GTC
Respondent

Date 12/17/13

Provide the name, address and phone number of:

Petitioner (and Advocate/Attorney)

Respondent (and Advocate/Attorney)

RACQUEL L HILL
2691 HENIS RA LAVE
GREEN BAY WI 54304
920-819-8322

BUSINESS COMMITTEE
PO Box 365
ONEIDA WI 54155
920-869-4364

Instructions: Please attach your responses to the questions listed below to this form. List all responses in short, clear and plainly written statements. All statements of the complaint should be set forth in separate paragraphs and should be numbered. Each paragraph should address a single occurrence, event, circumstance or issue. Please use 8.5 X 11 inch paper and type with 1.5 or double spacing, leaving at least a one inch margin on all sides. Include any written exhibits or attachments that you may have with this form and complaint. Also, it is advised that parties refer to the Oneida Tribal Judicial System Rules of Civil Procedure for further information.

- 1. Jurisdiction** Establish who you are, who the respondent is, and the authority of the Oneida Tribal Judicial System trial court to hear the case.
- 2. What happened?** Give the facts surrounding your claim. Describe what happened, who did it, where it took place and when it occurred. List each statement in a separate, numbered paragraph.
- 3. What laws apply?** Explain, in short numbered paragraphs which rule(s), law(s), regulation(s), etc. apply to your facts and exactly how each was violated.
- 4. How were you harmed by the violation(s)?** Explain the causal link between the violation(s) and damages that you suffered.
- 5. What damages did you suffer?** Explain how you were harmed and describe your damages in detail. What do you want?

Petitioner's Signature and Date Racquel Hill 12-18-13

SPECIAL NOTICE: The Petitioner is required to file an original plus five copies of this form and all attachments for use by the Judicial System. In addition, a filing fee of \$25.00 must accompany the complaint. This fee may be waived upon a showing that the petitioner is unable to pay the fee.

1. Jurisdiction – Petitioner is Racquel L. Hill, Oneida Tribal enrolled member (#7103). Respondent is the Oneida Business Committee, governing body of the Oneida Tribe of Indians of WI. The Administrative Procedures Act (APA), approved by GTC 08-19-91A; BC-09-07-94-A; BC-07-05-95 (Ratified by GTC); and GTC-01-07-13A in 1.6-1. Declaratory Ruling and Judgments on Validity of Ordinance/Rule.
2. A) What happened – On Sunday, December 15, 2013 in a duly called meeting with 1,875 registered Tribal members in attendance at 1:15 p.m., was held at the Radisson Hotel & Conference Center. The meeting began at approximately 12:54 p.m. with the start of the posting of the colors and flags, with Councilman Paul Ninham saying the opening prayer. The discussion on taking action on the motion to approve the agenda and whether or not to accept amendments to the main motion took approximately 45 minutes to one hour thus leaving approximately 45 minutes to one hour for presentations and have discussion, therefore I am challenging the action to dissolve the Seven Generations corporation.

B) Upon the conclusion of presentation of McGladrey and Pullam, Cathy L. Metoxen made the motion “ To dissolve the Seven Generations Corporation and for Frank Cornelius to assist and work with the Business Committee on the dissolution” seconded by Scharlene Kasee . GTC members were first asked to vote with a show of hands for yes, followed by a show of hands for no, followed by show of hands for abstentions. It was stated by Chairman Delgado that the main room looked as though the majority were opposed; however in the overflow room, it appeared there were more yeses than nos. The Election Board to do a count was called for by the Chair. The result of that vote was 819 yes, 649 no, and 69 abstentions .

C) Forty-five minutes to an hour is not an ample amount of time for General Tribal Council to make an Informed, educated decision on such an important matter involving a multi-million dollar corporation. A two-thirds majority vote is required as this affects the budget of the Oneida Tribe which was approved at a duly called meeting of the General Council Meeting on the date of September 21, 2013.

D) The Business Committee and others were not able to present any counter points to the detriment that will result from dissolving the Seven Generations Corporation

E) The legal opinion dated September 25, 2013 is flawed in that it states “*Action to dissolve the corporation would require a simple majority vote as it affects no prior actions of the General Tribal Council.*” I respectfully disagree as it affect the Tribal budget, and contradicts the language of the Authority of the Administrative Procedures Act.

i) At a duly called GTC special meeting of May 5, 2013 under Section 4. Petitions, a motion was made by Yvonne Metivier to accept the \$1,500 per cap for FY2014, FY2015, and FY2016, seconded by Brenda Archiquette. Chairman Delgado ruled the motion out of order.

F) The motion made to dissolve the Seven Generations Corporation on December 15, 2013 by GTC should have been ruled out of order based upon the facts listed above.

G) In addition, it is quite possible that the GTC meeting duly called for on December 15, 2013 was illegal due the fact there are reasons to charter a corporations that involve protection of the Tribe's general assets. The legal opinion's assertion ruling that the meeting could be held placed the protections in jeopardy.

H) In minutes of duly called GTC special meeting of May 4, 2013 the Parliamentarian stated the following: *Under the motion that was made, in order to make a motion, you need to have a call to end discussion first.*

Ed Delgado: Ok, your motion is not in order, Donna. Before we can make a motion, we have to call, have a call and a vote on whether or not we want to end discussion. Ok, we have Loretta Metoxen.

In addition to that, the motion made by Yvonne Metivier at said duly called GTC special meeting of May 5, 2103, the following occurred:

Yvonne Metivier: I make a motion that we accept the \$1,500 per cap for 2014, 15 and 16.

Brenda Archiquette: I second that motion.

Ed Delgado: I'm not going to recognize that motion. You can overrule me.

Yvonne Metivier: I appeal the decision of the Chair. I appeal the decision of the Chair. Parliamentarian, please.

Ed Delgado: You have that right, at least it won't be on my conscience.

Yvonne Metivier: I appeal the decision of the Chair.

*Ed Delgado: Ok, you do, ok. I've made the decision to not recognize that motion because of the **financial stability of the Tribe**. She's appealing me, so we'll see. What is the process? If I'm being appealed, we're going to vote now on whether or not you want to appeal my decision, **not to recognize that motion for financial reasons**.*

In a later part of the discussion, *Ed Delgado: It's on the agenda. We have motions all the time, we have discussions all the time, and we have decisions all the time where the Chair does not recognize a motion if he feels that it is out of order. **I feel it is out of order. It causes financially instability for the Tribe and threatens our future.** But this issue is not going to come to you, you can say we want to be able to enter discussion and decided on Yvonne's motion with a yes vote.*

This action of the Chair sets precedence as well, and the motion of December 15, 2013 to dissolve the Seven Generations Corporation should have been ruled out of order for financial reasons just as the previous motion was ruled out of order.

3. What laws apply – A) The authority of the Administrative Procedures Act states it is the “...responsibility as a government to protect the health, safety, welfare, and economy of the Oneida Reservation lands and all persons who either reside on the reservation...” The action of the General Tribal Council conflicts and causes great harm to the Oneida Reservation and all of its members.

B) Roberts Rules of Order are commonly used at General Tribal Council meetings. The motion made by Cathy L. Metoxen, seconded by Scharlene Kasee requires two-thirds majority vote as it impacts previous action of the General Tribal Council i.e., budget approval, Administrative Procedures Act, and Oneida Constitution.

As found on the Oneida website at : <https://oneida-nsn.gov/Templates/OneColumn.aspx?id=85>
Robert’s Rules of Order As Used by the General Tribal Council

Voting

Majority Vote - used in most instances and requires a simple majority of the members voting, excluding those who choose to abstain. The abstentions are asked for to complete the record, not to include them in the count.

Two-Thirds Vote - used to overturn a previous action as identified in the *Ten Day Notice Policy*. Requires two-thirds of those voting to take action, excluding those who choose to abstain. The total number of votes, divided by three, multiplied times two. Fragments are included in the ‘yes’ votes as that is where two-thirds of the vote lies.

Note: an action of the membership to overturn a prior action taken at a meeting which was concluded by the Business Committee on behalf of the General Tribal Council, because no quorum was met, falls within the *Ten Day Notice Policy* requirements.

C) The Oneida Constitution states in Article IV - Powers of the General Tribal Council (h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power; and

Section 2. Future Powers. - The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers. - Any rights and powers heretofore vested in the Oneida Tribe of Indians of Wisconsin but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Tribe of Wisconsin through the adoption of appropriate By-Laws and constitutional amendments.

Section 4. Manner of Review. - Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall hereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 10 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within 10 days after its enactment, he shall advise the Council of his reasons therefore. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Oneida Seven Generations Corporation is a chartered entity.

D) According to Robert's Rules of Order that General Tribal Council runs its meeting by, 48. Motions requiring more than a Majority Vote. *Two-thirds Vote*. There has been established as a compromise between the rights of the individual and the rights of the assembly the principle that a **two-thirds vote is required to adopt any motion that suspends or modifies a rule of order previously adopted**; or prevents the introduction of a question for consideration; or closes, or limits, or extends the limits of debate; or limits the freedom of nomination or voting; or closes nominations or the polls; or deprives one of membership or office. It will be found that every motion in the following list belongs to one of the classes just mentioned.

4. How were you harmed by the violations – The entire membership of the Oneida Tribe of Indians of WI and future generations will be harmed from this action. The motion on the floor causes detrimental loss to assets and will create disparity for the Tribe as it has the potential to result in layoffs and job loss for Oneida members, loss of economy, loss of revenue, and loss of credibility. This action will also have a paramount affect for all of Indian Country. The Oneida elders, the children will feel the repercussion of this action that was not an educated, informed, or rational decision of the membership that should be ruled out of order as it requires two-thirds majority vote to have passed.
5. What damages did you suffer – The petitioner did not specify any detailed reasoning for request of dissolutionment and an ample amount of time was not provided to counter or provide the membership with the severe ramifications that would result from dissolving this corporation. As a member of the Tribe, I am worried about the financial implications that can be a result of the dissolving of the Seven Generations Corporation and the loss of protection of the health, safety, welfare and economy of the entire membership of the Tribe.
 - a) The majority of loan agreements will now be the obligation of the Oneida Tribe.
 - b) An immediate impact of \$7.8 million would be incurred by the Tribe with potential of Tribe being forced to pay down all debts of the Seven Generations Corporation and its entities in the amount of \$25.4 million.

- c) Veil pierced of Tribe's other corporations unknown
- d) No bond issuance for at least 5-10 years (Civic center remodeling will not happen).
- e) Potential for litigation
- f) Ability to assist in financing/credit of Kenosha off-reservation gaming facility is diminished
- g) No additional housing development or financing for homes for Oneida people and families.
- h) Potential compliance issues with Bank of America Credit facility.
- i) Inability to refinance Oneida Airport Hotel Corporation that is needed in two years.
- j) Perpetual cost containment
- k) Food Hub diminished
- l) No funding available for Oneida Golf Enterprise for capital plan to increase revenue
- m) Reputational damage for public and private partnerships
- n) Funding for Community Development and Planning Committee diminished

The motion made to dissolve the Seven Generations Corporation should be ruled out of order as it did not attain the two-thirds majority vote and the action become moot. In addition, I am requesting a stay on any Business Committee action until the case is completed adjudicated.