

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: (414) 869-2214

Oneida, WI 54155



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

Resolution 7-24-96-N Emergency Adoption of Bingo Pass Policy

WHEREAS, the Oneida General Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the General Tribal Council has been delegated the authority of the constitution of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Oneida Business Committee has granted requests for Bingo Passes for various reasons to programs and enterprises within the Oneida Tribes and for charity groups outside the Oneida Tribe, and

WHEREAS, there have been raised concerns regarding the possibility of abuse of the Bingo Passes because of a lack of a system for tracking or monitoring the use of the Bingo Passes; and

WHEREAS, there has been placed a limitation on the number of Bingo Passes that may be awarded in a month at 25 to allow some control while a policy was being developed; and

WHEREAS, there has been developed a policy by a Task Force assigned this responsibility which meets the needs of monitoring the requests and use of the Bingo Passes while allowing an opportunity to utilize these passes in an appropriate manner; and

WHEREAS, there is a need to monitor the use of this policy prior to final implementation while Public Hearings are scheduled;

NOW THEREFORE BE IT RESOLVED, that the attached Bingo Pass Policy is hereby adopted for six months on an Emergency Basis in accordance with the Administrative Procedures act to be effective fourteen days after adoption; and

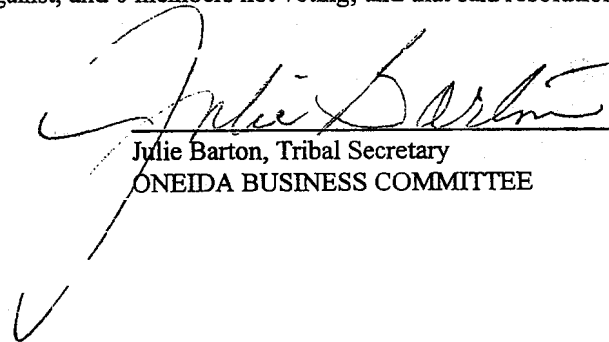
NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Business Committee shall have a notice published in the Kalihwisaks indicating a change in procedures for requesting Bingo Passes and forward all current requests to the appropriate parties as indicated in the policy; and

7-24-96-N

NOW THEREFORE BE IT FINALLY RESOLVED, that the Legislative Operating Committee shall schedule a Public Hearing to be held three months after this emergency adoption with testimony to be presented by the Oneida Bingo Director, members of the Task Force indicating the changes which may be needed as a result of monitoring this policy in effect.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 constitute a quorum. 5 members were present at a meeting duly called, noticed and held on the 24th day of July, 1996; that the foregoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Julie Barton, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Bingo Pass Policy

Article I. Purpose and Policy

1-1. It is the purpose of this policy to standardize the format and procedures for obtaining bingo passes for persons, groups, events, and other similar donations.

1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to support entities, persons, programs, and other fund-raising or community support activities by the most productive means possible. To this end, the Oneida Tribe of Indians of Wisconsin approves of the use of bingo pass donation by Oneida Bingo through the utilization of this policy and the procedures herein.

Article II. Adoption, Amendment, Repeal

2-1. This policy is adopted by the Oneida Business Committee by resolution # _____.

2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other portions of this policy which are considered to have legal force and effect without the invalid portions.

2-4. All other Oneida policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

2-5. This policy is adopted under authority of the Constitution of the Oneida tribe of Indians of Wisconsin.

Article III. Definitions

3-1. This Article shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

Article IV. General Provisions

4-1. All bingo passes donated to individuals, groups, or entities, whether or not an employee or subsidiary entity of the Oneida Tribe of Indians of Wisconsin, shall utilize the procedures set out herein to obtain such bingo passes.

4-2. Request for bingo passes shall be forwarded to the Oneida Bingo Director or designee for approval. The Oneida Bingo Director or designee shall be responsible for setting forth appropriate standard operating procedures as necessary to implement this policy in a consistent manner within the bingo enterprise.

4-3. Bingo passes shall be numbered consecutively and color coded as necessary to fulfill security and accounting needs as defined by the Oneida Bingo Director, or as may be directed by applicable laws or policies.

4-4. Bingo Passes shall have an expiration date and be appropriate for purposes given. Not to exceed ninety (90) days.

Article V. Request Forms

5-1. Bingo pass request forms shall contain the following minimum information:

- a. Name of person, group, entity requesting bingo passes
- b. Number of bingo passes requested
- c. Date of request

d. Reason for request shall include common categories listed below or as determined from time to time by the Oneida Bingo Director

1. Elder (person age 55 or over)
2. Community Groups
3. Tribal Program or Enterprise
4. Outside Organization

e. Space for administrative use only to include the following

1. Number of passes approved
2. The numbers of the passes, beginning and ending numbers
3. Approval signature and printed name
4. Date of approval

f. Space for identification of the person picking up the bingo passes

5-2. All request forms shall contain the following statement:

"The bingo passes presented as a result of this request are a gift/donation on the part of the Oneida Tribe of Indians of Wisconsin. The party signing below agrees that no portion or part of these bingo passes shall be sold or exchanged and that these bingo passes shall be used for the reasons set out in this request."

5-3. All bingo pass requests must have attached appropriate back-up indicating the purpose for which the passes will be used. Examples of back-up materials include fliers, brochures, or memos.

Article VI. Miscellaneous

6-1. Bingo pass requests shall be limited to the amounts as established through the budgeting process by the Oneida Bingo Director for purposes of business management, need, or other reasons as set out in the standard operating procedures.

6-2. Under no circumstances shall the number of bingo passes granted be in excess of the number of persons in the group or 100 bingo passes, whichever is less.

6-3. The Oneida Bingo Director shall report the number of bingo passes granted on a monthly statement to be forwarded to the Finance Committee. This report shall indicate how many requests were made and the number of passes granted, as well as how long, on average, it took to redeem the bingo pass once granted. The report shall include other such necessary information as may be deemed appropriate by the Oneida Bingo Director or as requested by the Finance Committee. The purpose of the report shall be to assist the Finance Committee in monitoring the donations made by the Oneida Tribe of Indians of Wisconsin.

F COUNSEL
WALD L. HILL
ITY C
A. SW

ONEIDA LAW OFFICE

P.O. BOX 209
ONEIDA, WISCONSIN 54155

(414) 869-2345

(414) 869-2214

FAX (414) 869-1534

ATTORNEYS AURENE M. MARTIN
MICHAEL J. LOKENSGARD
JO ANNE HOUSE
LORETTA F. LIVINGSTON
KRIS M. GOODWILL

STATEMENT OF EFFECT Resolution Regarding Emergency Adoption of Bingo Pass Policy

Summary

This resolution adopts the Bingo Pass Policy on an emergency basis for six months.

*Requested
Emergency*

Analysis

This resolution proposes adoption of the Bingo Pass Policy on an emergency basis for six months to allow review of the procedures for corrections to be made prior to final adoption. The resolution further requires that a Public Hearing be set three months after adoption, with testimony required from parties who were involved in drafting the procedures as well as the Oneida Bingo Director who will be directly involved in implementing the policy. Finally, the resolution requires that notification of the new procedures be placed in the Kaliwhisaks.

The Bingo Pass Policy standardizes how bingo passes will be issued, as well as sets out reporting requirements for monitoring use of bingo passes. In addition, the Task Force has developed a form for requesting bingo passes. For monitoring and security purposes, the policy requires that passes be numbered, appropriately color coded, and have an expiration date.

The policy directs the Oneida Bingo Director to develop Standard Operating Procedures on how passes shall be requested, and how security identification will take place. In addition, it is the responsibility of the Oneida Bingo Director to budget appropriately for these passes, as the limitation on the number of passes issued for any given fiscal year will be set in the budgeting process. There is one limitation on the number of passes issued - the lesser of 100 or the number of persons in the group requesting the passes.

It is unclear as to whether the current limitations on the number of passes and processes on issuing bingo passes is insufficient that an emergency adoption is necessary. Further, it is unclear as to whether the Standard Operating Procedures have been developed, or the color coding on the bingo passes has been decided.

The Administrative Procedures Act defines emergency as, "an unexpected or unforeseen occurrence or condition; a sudden or unexpected occasion for action; pressing necessity." APA. III(G). Further, an emergency adoption also requires that immediate adoption, "...is necessary for the preservation of public health, safety, or general welfare of the reservation population, and that observance of ... [the Public Hearing] requirements would be contrary to public interest[.]" APA. VI(A). It is not clear if failure to adopt this policy would result in destruction of public health, safety, or the general welfare of the reservation population.

There are no legal issues within the Bingo Pass Policy that would prohibit adoption of the policy. However, as it has not had a Public Hearing, and it is unclear whether an emergency exists, it may be a violation of the Administrative Procedures Act to adopt on an emergency basis. It is recommended that the policy be returned to the Task Force for review of the emergency nature and to forward appropriate reasons for the need for emergency adoption. Further, it is unclear whether the Standard Operating Procedures have been developed for this policy.

Conclusion

There are no legal issues within the Bingo Pass Policy that would prohibit adoption of the policy. It is recommended that the policy not be adopted on an emergency basis at this time as no reasons exist which would fall within the categories of emergency as defined by the Administrative Procedures Act.