AGENDA OF THE FINANCE COMMITTEE

TUESDAY, MARCH 12, 2019, 4:30 PM
CITY HALL, ROOM 207
AMENDED

A. Roll Call.

B. Approval of the Agenda.

C. Approval of Minutes.

1. Approval of the minutes from the February 26, 2019 meeting.

D. Regular Business.

1. Resolution authorizing 2019 transfer of $3,575.58 from contingency account for one-time costs related to equipment repairs on air conditioner pump and Halon control panel in IT server room.
2. Discuss with possible action on a request from the Finance Director to approve contingency funding of $12,500 for a comprehensive Financial Management Planning report using an outside service.
3. Resolution authorizing transfer of 2019 budgeted revenue and expenses between accounts.
4. Request that the City of Green Bay Sustainability Commission Renewable Energy work plan be referred to the Finance Committee and Finance Director to review cost estimates associated with this work plan. Renewable energy is very expensive so having a transition plan to move toward renewable energy for the City of Green Bay will require large capital budget requests at a time when the City can't afford these costs.

5. Consideration with possible action on Notice of Decision from the US Dept of the Interior regarding the intent to take land into trust – Kolb parcel.

   The Committee may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

6. Report of the Claims Committee.

   The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

E. Report of the Finance Director.

F. Informational.

1. The next Finance Committee meeting will be held on Tuesday March 26, 2019 at 4:30 PM.
2. 2019 Contingency Account:
   $112,076.00

G. Adjournment.

1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Finance Committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Report to the
Finance Committee of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.1.

Resolution authorizing 2019 transfer of $3,575.58 from contingency account for one-time costs related to equipment repairs on air conditioner pump and Halon control panel in IT server room.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Resolution - Authorizing Transfer from Contingency to IT repairs

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

March 19, 2019

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

Pursuant to the recommendation of the Finance Committee at its meeting of March 12, 2019, the following transfer of funds is hereby authorized:

	ACCOUNT		AMOUNT
From:	101099-59001	Contingency	$ 3,575.58
To:	101106-55101	IT Equipment Repairs /Halon Control Panel	$ 2,395.46
	101106-55101	IT Equipment Repairs /Air Conditioner Pump	$ 1,180.12

Adopted ____________________________

Approved ___________________________

____
Mayor

____
Clerk

VAN'S FIRE & SAFETY, INC.
Fire Fighting and Safety Equipment
787 Mike McCarthy Way * P.O. Box 12055
Green Bay, WI 54307-2055
Phone:(920)494-3346*(800)242-6359

Telephone: (920) 494-3346
Fax: (920) 494-2224
Federal ID: 39-1144453

INVOICE

Bill To:

CITY OF GREEN BAY
100 N. JEFFERSON ST.
ROOM 105 - CITY HALL
GREEN BAY WI 54302

Location

INFO TCHNOLOGY SERVICE DEPT
100 NORTH JEFFERSON STREET
ROOM 16
GREEN BAY WI 54301-5026

Invoice #	Invoice Date	W/O #	Customer #	Customer P.O.
4120433	03/01/19		3367	

Terms	Ship Via	Salesman
NET 15 DAYS		TONY J. LAPERRIERE

Quantity	Item/Description		Price	Extended
	****** DUPLICATE COPY ******			
	Work Ord # : 12492			
1	A10058 430525 AUTOPULSE Z-10 CONTROL SYSTEM, RED	EA	1,169.00	1,169.00
1	A12014 430529 RELAY MODULE FIRE SUPPRESSION SYSTEM	EA	190.50	190.50
1	A12070 430687 2 AMP COIL SUPERVISE	EA	36.00	36.00
4	A12264 430559 PHOTO DETECTOR 2.8%ULI	EA	73.50	294.00
4	D20001 430567 DETECTOR BASE 2 - WIRE	EA	12.50	50.00
1	C34011 SERVICE CALL BY MIKE HRONEK WITH ANSUL FIRE CONTROL PANEL 4TH FLOOR DATA CENTER FOUND MAIN MOTHER BOARD BURNED	EA	85.00	85.00

(Continued on Page 2)

VAN'S FIRE & SAFETY, INC.
Fire Fighting and Safety Equipment
787 Mike McCarthy Way * P.O. Box 12055
Green Bay, WI 54307-2055
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4120433	03/01/19		3367	

Terms	Ship Via	Salesman
NET 15 DAYS		TONY J. LAPERRIERE

Quantity	Item/Description		Price	Extended
	(Page 2) OUT IN ANSUL CONTROL PANEL LABOR 02/25/2019			
5	*NA LABOR - INSTALL NEW PANEL AND DEVICES	HR	85.00	425.00
1	A18001 ON SITE MOBILE SERVICE	EA	21.00	21.00

WE ACCEPT VISA-MASTERCARD-AMERICAN EXPRESS-DISCOVER CARD

PLEASE INCLUDE SECURITY CODE FROM BACK OF CARD	
☐ MASTERCARD ☐ VISA ☐ DISCOVER ☐ AMERICAN EXPRESS	AMOUNT
CARD NUMBER	SIGNATURE CODE
SIGNATURE	EXP DATE

Subtotal	**2,270.50**
Sales Tax	**.00**
Total Due On 03/16/19	**2,270.50**

US Alarm & Detection Supply, LLC

1033 - 7th Street, Suite 3
East Moline, IL 61244-1465

Invoice

Date	Invoice #
2/27/2019	33247

PAID 02/27/2019

Bill To	Ship To
City of Green Bay WI Mike Hronek 100 North Jefferson Green Bay, WI 54303	City of Green Bay WI Mike Hronek 100 North Jefferson Green Bay, WI 54303

P.O. Number	Terms	Ship Date	Via	Sales Order #
Verbal Mike	Credit Card	2/27/2019	UPS RED	31950

Quantity	Item	Description	Price Each	Amount
2	M501M..	Mini Module, Addressable, System Sensor	38.50	77.00
1	US Alarm Line Card	Line Card listing all of the Fire Alarm Manufacturers we carry.	0.00	0.00
1	US Alarm Pen	US Alarm & Detection Supply Blue Ink Pen with Felt Sheath.	0.00	0.00
1	US Alarm Screw Drive...	Screw Driver Set with 4 different head attachments. Magnetized hole to hold the head in place.	0.00	0.00
1	Freight Charges	Freight Charges	47.96	47.96
		UPS Tracking #1ZAX43780198795955		

Thank you for your business.

Total $124.96

Invoice

ACCESS CUSTOMER SUPPORT INC
844 EHLERS ROAD
NEENAH, WI 54956
(920) 729-5900

Invoice Number: 0002420-IN
Invoice Date: 2/18/2019
Salesperson: LEH
Customer Number: 00-GRNBAY

Work Order #: 1079

Sold To:	Ship To:
CITY OF GREEN BAY PURCHASING DEPARTMENT 100 N JEFFERSON STREET RM101 GREEN BAY, WI 54301-5026	CITY OF GREEN BAY 100 N JEFFERSON STREET RM101 GREEN BAY, WI 54301-5026

Confirm To:
MIKE HRONEK

Customer P.O.			Terms
Signed Agreement			Net 30

Item Number	Unit			Quantity	Price	Amount
/M						525.00

Evaluate high head alarm
on Liebert AC system, tag 10784.

DO NOT WRITE ABOVE THIS LINE

EXPIRATION DATE CHECKED

Form 38-0024-0303

[redacted] 8060
Exp [redacted]
CVV [redacted]

SIGN HERE
X

The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.

PLEASE DO NOT WRITE ABOVE THIS LINE

QTY.	CLASS	DESCRIPTION	PRICE	AMOUNT
		Invoice 0002420-IN		525 00

DATE	AUTHORIZATION 053198	SUB TOTAL	
REFERENCE NO.	SERVER	TAX	
ID-FOLIO / CHECK NO. / LIC. NO. STATE	REG./DEPT CLERK	TIP / MISC.	
2080386		TOTAL	525 00

SALES SLIP ORIGINAL

Net Invoice:	525.00
Less Discount:	0.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	525.00

Access Inc
Invoice SO #10191
Sold by mvanoss@access-inc.com
01/30/2019 at 09:28 am

Express Item - Base Price	**$628.95**
Sub-total	$628.95
Tax	$0.00
Total	**$628.95**

Phone in
Order

Sold to Mike H **$628.95**

Visa *8060 (Keyed)

Auth Code: 063433

PUMP COND DUAL FLOAT

Access Inc
23400 Commerce Drive
Farmington Hills, AK 48335
248.616.9200

Picking Sheet

Warehouse: 000 WISCONSIN

Order Number: 0010191
Customer Number: 00-GRNBAY

Order Date: 1/30/2019
Salesperson: LEH

Sold To:
CITY OF GREEN BAY
PURCHASING DEPARTMENT
100 N JEFFERSON STREET RM101
GREEN BAY, WI 54301-5026
Confirm To: GENE HONZIK

Ship To:
CITY OF GREEN BAY
100 N JEFFERSON STREET RM416
ATTN: MIKE
GREEN BAY, WI 54301-5026

Customer P.O.	Ship VIA	F. O. B.	Terms
CREDIT CARD	UPS		Net 30

Location	Item Number	Unit	Ordered	Shipped	Backordered
	LZ-1A19271P1S	EACH	1	/	0

PUMP COND DUAL FLOAT REPLACES

Email us at parts@access-inc.com

ACCESS INC

844 Ehlers Road
Neenah, WI 54956-1415
Phone: (920) 729-5900

Invoice

Invoice Number: 0039795-IN
Invoice Date: 1/29/2019

Order Number: 0010074
Order Date 1/22/2019
Salesperson: LEH
Customer Number: 00-GRNBAY

Sold To:
CITY OF GREEN BAY
PURCHASING DEPARTMENT
100 N JEFFERSON STREET RM101
GREEN BAY, WI 54301-5026

Ship To:
CITY OF GREEN BAY
100 N JEFFERSON STREET RM 416
GREEN BAY, WI 54301

Customer P.O.	Ship VIA	F.O.B.	Terms
GENE	BESTWAY		Net 30

Item Number	Unit	Ordered	Shipped	Back Ordered	Price	Amount
LZ-H-0450S	EACH	1	1	0	12.07	12.07
SAFETY SWT THERM (QTY 2)						
M# BE061G-CAEI5816						
S# N08D740103						

mikehr@greenbaywi.com 920 448 3427

DO NOT WRITE ABOVE THIS LINE

PLEASE DO NOT WRITE ABOVE THIS LINE

Visa
[redacted]
Auth# 089003
code 796

EXPIRATION DATE CHECKED

QTY.	CLASS	DESCRIPTION	PRICE	AMOUNT
		Inv# 0039795IN		

DATE | AUTHORIZATION | SUB TOTAL
REFERENCE NO. | SERVER | TAX
ID-FOLIO/CHECK NO./LIC.NO.STATE | REG./DEPT. | CLERK | TIP MISC.
2395518 | TOTAL | 26 17

SALES SLIP ORIGINAL

SIGN HERE
X Per Phone Call

The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.

Net Invoice:	12.07
Less Discount:	0.00
Freight:	14.10
Sales Tax:	0.00
Invoice Total:	26.17

Please Remit Payment To: Access, Inc., 844 Ehlers Road, Neenah, WI 54956

Original

Report to the
Finance Committee of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.2.

Discuss with possible action on a request from the Finance Director to approve contingency funding of $12,500 for a comprehensive Financial Management Planning report using an outside service.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. FMP - Ehlers contingency request

CITY OF GREEN BAY
MEMO

TO: Members of the Finance Committee

FROM: Diana Ellenbecker, Finance Director

SUBJECT: Financial Management Plan

DATE: March 12, 2019

Finance Committee members:

This communication is to discuss with possible action on a request from the Finance Director to approve funding to complete a Financial Management Planning (FMP).

Ehlers proposes to assist the City of Green Bay to prepare a FMP for $18,750.

Ehlers is an industry-leading municipal advisor firm servicing Minnesota, Wisconsin, Colorado, and Kansas since 1955. They work with more than 1,500 local governments, schools and public agencies. Ehlers leverages centuries of combined experience and specialized expertise to deliver innovative, fully-integrated public finance solutions that help governments and public agencies build strong, vibrant and sustainable communities.

Scope of work:

- Confirm City's planning objective and gather required information.
- Prepare a Client Based financial planning model to include:
    - Credit Profile Evaluation – analysis of Moody's credit rating to help identify areas of strength and potential weakness in the City's profile
    - Valuation Forecast – project growth in equalized value, and anticipate potential for timing of new development based on current projects, and impact of TID closures will be considered
    - Fund Forecast – will forecast revenues and expenditures for future budget planning for the funds receiving direct levy support
    - Capital Planning Model – using department's Capital Improvement requests to prepare various models including the funding sources to create a comprehensive 5-year CIP

- Debt Model – use current debt service schedule and project future tax levy requirements for general fund and other funding sources. Project debt financing required for capital improvement plan.
- Consolidated Tax Levy and Rate Projection Model – forecast future tax levy required to support the General, Capital, Debt, and other levy supported funds. Projected future levy requirements will be tested against Levy Limits and Expenditure Restraint.
- Include several workshops to present data, observations, findings, alternatives and recommendations, and to seek input during the process
- Final Report – receive a summary report that includes and explains all primary elements of the forecast model. Report will include key observations and recommendations, including modifications to policies if needed.

Total compensation for these services is $18,750 not budgeted.

- $12,500 from 2019 Contingency account
- $6,500 from debt service fund

Timing:

- If funding is approved at 3/19/19 Common Council meeting, the process of sharing information with Ehlers could start shortly after
- Generally speaking about 120 days to Final report
- Estimated June bond issuance

We request $12,500 contingency to help move the City of Green Bay forward to have a comprehensive analysis of our Financials. With the external expertise and years of experience provided by Ehlers this widespread project can be completed faster than city staff could produce.

EHLERS

LEADERS IN PUBLIC FINANCE

BUILDING FINANCIALLY SUSTAINABLE COMMUNITIES

DEBT ISSUANCE

- Debt Planning and Issuance
- Debt Management
- Debt Planning Prior to Referendum
- Rating Reviews

ECONOMIC DEVELOPMENT

- Tax Increment Financing
- *Pro Forma* Analysis
- Development Agreements
- Business Districts

FINANCIAL PLANNING

- Long-Term Financial Management Plans
- Utility Rate Studies
- Fiscal Impact Studies
- Cash Flow Analysis

POST ISSUANCE SERVICES

- Continuing Disclosure
- Paying Agent Services
- Investment of Governmental Funds
- Arbitrage Monitoring Services and Examination

Appendix B
Financial Management Planning Services

Scope of Service

Client has requested that Ehlers to prepare a Financial Management Plan ("Project"). Ehlers proposes and agrees to provide the following scope of services:

Confirm Planning Objectives

- Prior to commencing the work, we will review our approach with Client staff to ensure that we have a full understanding of the Client's objectives, any particular areas of concern or focus, and desired process outcomes. If necessary, we can modify our Scope of Services to meet specific Client needs.

Gather Required Information

- To complete our work, we will need to gather certain information which may include: prior year audits and budgets (generally five years); current year budget; capital improvement plans; existing debt service schedules and allocations; strategic planning documents; staffing plans; and policies pertaining to fund balance, debt management; post-issuance compliance and financial management (Ehlers may already have some or all of this information on file).

Prepare Financial Model

- Based on the Client's objectives and the information available, we will prepare a Client-specific Excel based financial planning model that includes:

    - Credit Profile Evaluation. An assessment of selected financial, debt and demographic indicators will be prepared comparing Client to the State wide median indicators for its rating peer group, and to other governmental entities of comparable size or location. If applicable, the assessment will also include a comparison with the medians of the next higher rating classification and to representative governmental entities in that class. Analysis will be provided to identify areas of strength and potential weakness in the Client's credit profile.

    - Valuation Forecast. We will project growth in equalized value based on historical valuation trends, and anticipated potential for and timing of new development based on Client input. If applicable, "TID IN" and "TID OUT" forecasts will be provided. The impact of TID closure will be considered based on Client direction. One or more potential growth scenarios may be modeled based on Client's objectives.

    - Fund Forecasts. We will forecast revenues and expenditures the following funds based on prior year budgetary trends These are the funds receiving direct levy support per your 2017 financial statements. . Based on the Client's objectives and the information available to us, one or more alternate fund forecasts may be developed to reflect adjustments to service levels and staffing.

        - General Fund
        - Debt Service Fund
        - Capital Improvement Fund
        - Community Development Fund
        - Information Fund
        - Police Equipment Replacement
        - Fire Equipment Replacement Fund
        - Park Equipment Replacement Fund

    - Capital Planning Model. Using Client's capital improvement plans, we will prepare one or more models identifying funding sources for identified projects. Fund balances, tax levy, debt proceeds, and annual revenues will be evaluated as funding sources.

    - Debt Model. We will prepare a current debt service schedule including projected debt abatement sources and tax levy requirements. To the extent that debt financing is required for capital improvement projects, the projected impact of that financing will be modeled. The model will also forecast debt limit capacity utilization and the projected impact of future debt obligations on selected debt profile indicators (for General Obligation debt).

    - Consolidated Tax Levy and Rate Projection Model. A summary forecast will be provided that projects the future tax levy that would be required to support the General Fund, Capital Projects Fund, Debt Service Fund, and other levy supported funds. Based on the valuation projection model, a forecasted equalized tax rate will be provided. Future levy requirements will be tested against applicable levy and rate limits. A similar summary forecast will be provided for any enterprise funds included in the model, and will include a projection of any additional revenue requirements needed to support the forecast.

Conduct Staff Workshops

- A total of 3 to 4 workshops will be conducted concurrent with development of the financial model. The purpose of the workshops will be to present key data, observations, findings, alternatives and recommendations, and to seek input of key staff at periodic intervals before the model is finalized. Specific workshop dates, and the points at which they occur in the process, will be established in consultation with the Client based on the objectives of Client, the availability of the key staff, and the availability of information needed to complete the plan. Workshop duration is typically two hours, with three to four week intervals between workshops.

Final Report

- Following completion of the model and workshops, we will prepare a summary report that includes and explains all primary elements of the forecast model. The report will include a summary of key observations and recommendations. If applicable, we will recommend modifications to existing Client policies pertaining to fund balance, debt management; post-issuance compliance and financial management.

Compensation

In return for the services set forth in the "Scope of Service," Client agrees to compensate Ehlers in the amount of $18,750. Should the City like to include an analysis of any or all Tax Increment District (TIF) Funds requiring support form the General Fund, the fee would increase an additional $750 per each TIF. We base this on a per TIF basis to give you the flexibility to determine which TIF's you would like included.

For any service directed by Client and not covered by this, or another applicable Appendix, Ehlers will bill Client at an hourly rate that is dependent upon the task/staff required to meet Client request at no less than $125.00/hour and not to exceed $300.00/hour.

Payment for Services

For all compensation due to Ehlers, Ehlers will invoice Client for the amount due at the completion of the work. Our fees include our normal travel, printing, computer services, and mail/delivery charges. The invoice is due and payable upon receipt by the Client.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

March 19, 2019

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

Pursuant to the recommendation of the Finance Committee at its meeting of March 12, 2019, the following transfer of funds is hereby authorized:

	ACCOUNT	AMOUNT
From:	101099-59001 Contingency	$ 12,500.00
To:	101100-53001 Finance – Contractual Services Financial Management Planning (FMP)	$ 12,500.00

Adopted ____________________________

Approved ____________________________

____
Mayor

____
Clerk

Report to the
Finance Committee
of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.3.

Resolution authorizing transfer of 2019 budgeted revenue and expenses between accounts.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Resolution - Authorizing Transfer of Funds 2019 Revenues for PRF

RESOLUTION AUTHORIZING
TRANSFER OF FUNDS

MARCH 19, 2019

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

Pursuant to the recommendation of the Finance Committee at its meeting of March 12, 2019, the following transfer of 2019 budget is hereby authorized:

	ACCOUNT			AMOUNT
From:				
101620	46914	TSA CONCESSION REVENUE		$3,643.00
101620	54072	TSA CONCESSION EXPENSE		($1,494.00)
101620	56202	TSA PROPANE EXPENSE		($2,000.00)
101620	59013	TSA CASH OVER AND SHORT		($20.00)
101640	53038	RECREATION CREDIT CARD FEES		($12,200.00)
To:				
101640	46911	REC CONCESSIONS REVENUE		($3,643.00)
101640	54072	REC CONCESSIONS EXPENSE		$1,494.00
101630	56202	PARKS PROPANE EXPENSE		$2,000.00
101640	59013	REC CASH OVER AND SHORT		$20.00
101600	53038	PRF ADMIN CREDIT CARD FEES		$12,200.00

Adopted ____________________________

Approved ___________________________

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Mayor

____
Clerk

Report to the
Finance Committee
of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.4.

Request that the City of Green Bay Sustainability Commission Renewable Energy work plan be referred to the Finance Committee and Finance Director to review cost estimates associated with this work plan. Renewable energy is very expensive so having a transition plan to move toward renewable energy for the City of Green Bay will require large capital budget requests at a time when the City can't afford these costs.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Sustainability Communication

3/5/19 - Late Communication from Alderman John S. Vander Leest

Request that the City of Green Bay Sustainability Commission Renewable Energy work plan be referred to the Finance Committee and Finance Director to review cost estimates associated with this work plan. Renewable energy is very expensive so having a transition plan to move toward renewable energy for the City of Green Bay will require large capital budget requests at a time when the City can't afford these costs.

Report to the
Finance Committee
of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.5.

Consideration with possible action on Notice of Decision from the US Dept of the Interior regarding the intent to take land into trust – Kolb parcel.

The Committee may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. INTENT TO TAKE INTO TRUST

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Midwest Regional Office
Norman Pointe II
5600 American Boulevard West, Suite 500
Bloomington, Minnesota 55437

RECEIVED
MAR 11 2019

MAR - 7 2019

IN REPLY REFER TO:
Division of Fee to Trust
Kolb

NOTICE OF DECISION
INTENT TO TAKE INTO TRUST

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 91 7199 9991 7038 0545 2642

Honorable Tehassi Hill
Chairman, Oneida Nation
Post Office Box 365
Oneida, Wisconsin 54155

Dear Chairman Hill:

On June 20, 2017 the Oneida Nation (hereinafter "Nation"), submitted a fee-to-trust application[1] for land known as Kolb parcel (hereinafter "subject parcel"), which is located in Brown County, Wisconsin. We have consulted with the local and state governments as required and have completed our analysis of the application and all comments received. This letter serves as our *Notice of Decision* to approve the application and to acquire the land in trust status on behalf of the Nation.

Specifically, this fee-to-trust acquisition is supported by the Oneida Nation Tribal Resolution No. 7-5-06-K, dated July 5, 2006. The following is the legal description of the Kolb parcel:

> Lot Twelve (12) and the South 3 feet of Lot Eleven (11), according to the recorded Plat of Hazelwood Heights; said Plat being part of the Northeast Quarter (NE ¼) of Section Thirty-two (32), Township Twenty-four (24) North, Range Twenty (20) East of the Fourth Principal Meridian, in the City of Green Bay, West side of Fox River, Brown County, Wisconsin, containing 0.29 acres more or less.
>
> Property Address: 1965-1967 Belmont Drive Green Bay, WI 54304
> Tax Parcel Number: 6H-2453

<u>Regulatory Authority</u>

The applicable regulations are set forth in the Code of Federal Regulations (CFR) Title 25, INDIANS, Part 151, as amended. The regulations specify that it is the Secretary's policy to

[1] Letter from Cristina S. Danforth, Chairwoman, Oneida Nation, to Tammie Poitra, (Acting) Regional Director, BIA, Midwest Regional Office (June 20, 2017) (on file with the Midwest Regional Office).

accept lands "in trust" for the benefit of Tribes[2] when such acquisition is authorized by an Act of Congress; and, (1) when such lands are within the exterior boundaries of the Tribe's reservation, or adjacent thereto, or within a Tribal consolidation area; or (2) when the Tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate Tribal self-determination, economic development, or Indian housing.[3]

Analysis of maps provided with the application show the subject parcel to be within the exterior boundary of the reservation. Also, this acquisition facilitates Indian housing. Thus, the request for trust status is within the land acquisition policy as set forth by the Secretary of the Interior.

Accordingly, pursuant to 25 CFR § 151.10, *On-reservation acquisitions*, we are required to provide notice to state and local governments, and then consider the following criteria in evaluating requests for the acquisition of land in trust status when the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated:

(a) The existence of statutory authority;
(b) Need of the tribe for additional land;
(c) The purpose for which the land will be used;
(e) Impact on the State and its political subdivisions resulting from removal of the land from the tax rolls;
(f) Jurisdictional problems and potential conflicts of land use which may arise;
(g) Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status; and
(h) Compliance with 516 DM 6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.

<u>25 CFR § 151.10 – Notice and Comments</u>

Upon receipt of a written request to have lands taken in trust, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state and local governments that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local governments respond within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision.[4]

On June 20, 2017, the City of Green Bay, Brown County, and the State of Wisconsin were consulted to solicit comments regarding potential impacts as a result of removal of this property from the tax rolls.[5]

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[2] A "tribe" is any group of Indians recognized by the Secretary as eligible for the programs and services from the Bureau of Indian Affairs. The Nation is currently listed as eligible to receive services from BIA. <u>See</u> 25 CFR § 151.2(b) and 84 Fed. Reg. 1202 (February 1, 2019).

[3] 25 CFR § 151.3.

[4] 25 CFR § 151.10.

[5] <u>Notice of (Non-Gaming) Land Acquisition,</u> (June 20, 2017) (on file with the Midwest Regional Office).

On, August 18, 2017, the City of Green Bay provided written response to the Notice of Application (NOA).[6] The City provided information regarding property taxes, the impact of loss of tax revenue, special assessments, services provided, and zoning. Specifically, the City provided the following information and comments:

- The amount of property taxes levied on the properties for 2016;
- Removal of these properties from the tax rolls has a severe impact on the City's tax revenue;
- There are well over 150 properties currently located within the city representing "millions upon millions of dollars in assessed values";
- The community is divided because of an "inequitable tax burden" and jurisdictional checkerboarding;
- The city's operating expense is not reduced regardless of ownership or trust status, services are still required;
- There are no outstanding special assessments on the property;
- The City currently provides all standard public works services to the property, and residents are entitled to use and benefit from all public services regardless of taxation status;
- The Service Agreement between the city and the Nation, adopted in 2009, was terminated in April 2016. Consequently, the city is without means of mitigating impact to the city and the city's residents;
- There is great potential for land use conflicts; one of the primary reasons for terminating the 2009 service agreement was difficulty ensuring consistent land use;
- The city's enforcement of zoning restrictions has been limited, and the piecemeal application of zoning restrictions results in a non-cohesive residential community;
- The properties should not be removed from the tax rolls until a workable solution is implemented.

Comments from the City were forwarded to the Nation.[7] On March 5, 2018, the Nation provided a single response letter[8] for nine pending applications located within Green Bay; one of the nine properties listed are included in this decision and described above. No comments were received from the State of Wisconsin or Brown County for the June 20, 2017 NOA.

<u>25 CFR § 151.10 (a) – Statutory authority for the acquisition of the property.</u>

The subject parcel is eligible for trust acquisition pursuant to Section 5 of the Indian Reorganization Act (IRA) of June 18, 1934, now codified as 25 U.S.C. § 5108. Section 5 of the IRA authorizes the Secretary of the Interior, or the authorized representative, to acquire land for the benefit of recognized Indian Tribes. A Tribe must be recognized at the time of the Secretary

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[6] Letter from Mayor James J. Schmitt, City of Green Bay, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (August 18, 2017) (on file with the Midwest Regional Office). The city provided a single response letter for nine pending applications located within Green Bay; one of the nine properties listed are included in this decision and described above.
[7] Letter from Scott Sufficool, Acting Regional Director, BIA, Midwest Regional Office, to Tehassi Hill, Chairman, Oneida Nation (January 3, 2018) (on file with the Midwest Regional Office).
[8] Letter from Kelly M. McAndrews, Oneida Law Office, to Scott Sufficool, Interim Director, BIA, Midwest Regional Office (March 5, 2018) (on file with the Midwest Regional Office).

of the Interior decides to take land into trust pursuant to the IRA.[9] Because the Oneida Nation is currently listed as a federally recognized tribe eligible to receive services from the Bureau of Indian Affairs,[10] the "recognized" requirement of Section 19 of the IRA is satisfied.[11]

Also, on February 24, 2009, the United States Supreme Court issued its decision in Carcieri v. Salazar, 555 U.S. 379 (2009). The decision held that Congress granted discretionary authority to the Secretary of the Interior under the Indian Reorganization Act (IRA) to acquire land-in-trust for Indian tribes. To acquire land-in-trust pursuant to 25 U.S.C. § 5108, a tribe must have been "under Federal jurisdiction" at the time the IRA was passed in June 1934.

The Interior Board of Indian Appeals recently held that one bright-line test for determining whether a tribe was under Federal jurisdiction in 1934 turns on whether an IRA election was held for a tribe.[12] Additionally, on March 12, 2014, the Office of the Solicitor issued an Opinion on the meaning of "under federal jurisdiction" for purposes of the IRA, which states that the "calling of a Section 18 election for an Indian Tribe between 1934 and 1936 should unambiguously and conclusively establish that the United States understood that the particular tribe was under federal jurisdiction in 1934."[13] According to the Opinion, IRA elections held between 1934 and 1936 are "such an example of unambiguous federal actions that obviate the need to examine the tribe's history prior to 1934."[14]

On December 15, 1934, a Federal election was held by the Department of Interior for the Oneidas to vote on whether to reject the IRA (IRA election).[15] Because the Secretary held an IRA election for the nation in 1934, we conclude that the Nation was under Federal jurisdiction at the time the IRA was enacted and that the Secretary of Interior is authorized, pursuant to 25 U.S.C. § 5108, to take land into trust for the tribe.

Further, in 2013 the Interior Board of Indian Appeals (IBIA) held that the Oneida Nation "was under Federal jurisdiction at the time IRA was enacted and the Regional Director is authorized pursuant to 25 U.S.C. § [5108] to take land into trust for the Tribe."[16]

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[9] Memo from the Office of the Solicitor to the Secretary of the Interior, re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, M-37029 at 25 (March 12, 2014) ("A tribe need only be "recognized" at the time the statute is applied").

[10] List of entities eligible to receive services from BIA, 84 Fed. Reg. 1202 (February 1, 2019).

[11] Memo from the Office of the Solicitor to the Secretary of the Interior, re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, M-37029 at 25 (March 12, 2014).

[12] Shawano County, Wisconsin v. Acting Midwest Regional Director, BIA, 53 IBIA 62, 71-72 (2011).

[13] Memo from the Office of the Solicitor to the Secretary of the Interior, re: The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act, M-37029 at 25 (March 12, 2014).

[14] Id.

[15] Ten Years of Tribal Government Under I.R.A., Theodore H., Haas, United States Indian Service (1947).

[16] Village of Hobart, Wisconsin v. Acting Midwest Regional Director, BIA, 57 IBIA 4, 22 (2013).

25 CFR § 151.10 (b) – The need of the Tribe for additional land.

The fee-to-trust land acquisition regulations require the BIA to consider the Tribe's need for additional land. Currently, there are approximately 14,182.60 acres held in trust[17] for the Nation and approximately 17,268 tribal members.[18]

The subject parcel was allotted land lost by the Oneida Nation through the General Allotment Act and repurchased by the Nation in 1995 to expand the Nation's land base. The application states that "returning the land to its original status as inalienable, to forever be held by the United States for the benefit of the Oneida Nation, ensures that tribal investments within the Oneida Reservation will never be lost." This acquisition will "expand Oneida Nation land base and provide a future site for continued residential use."[19]

We have determined that the Nation has established a need for additional land, supported by the Nation's obligation to provide housing for tribal members.

25 CFR § 151.10 (c) – Purpose for which the property will be used.

The fee-to-trust land acquisition regulations require the BIA to consider the purpose for which the land will be used. In examining the purpose(s) or use(s), the BIA "must first determine the current use of the property, then ascertain the Tribe's plans for the property," which not only "facilitates a clear understanding for BIA of how the property will be used for purposes of determining whether to grant the fee-to-trust applications, but also assists local jurisdictions in their planning for any ongoing services that may be needed and in commenting on a proposed fee-to-trust land acquisition."[20] Considering the purpose for which the land will be used "also informs and facilitates BIA's consideration of whether there may be jurisdictional or land use conflicts (§ 151.10 (f)) and determines the level of environmental review required under the National Environmental Policy Act (NEPA)."[21]

The purpose for the land acquisition is clearly stated in the Nation's application, the parcel has "historically…been used for residential purposes" and will "provide a future site for continued residential use."[22]

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[17] Trust Asset Accounting & Management System, List of Tribally Owned Tracts Report, (February 25, 2019). Tribally owned fractional interests in allotted tracts were not included.
[18] Socioeconomic Conditions within the Reservation of the Oneida Nation, (April 4, 2018) (on file with the Midwest Regional Office).
[19] Letter from Cristina S. Danforth, Chairwoman, Oneida Nation, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (June 20, 2017) (on file with the Midwest Regional Office).
[20] Thurston County, Nebraska v. Great Plains Regional Director, BIA, 56 IBIA 296, 307 (2013).
[21] Id at 308.
[22] Letter from Cristina S. Danforth, Chairwoman, Oneida Nation, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (June 20, 2017) (on file with the Midwest Regional Office).

25 CFR § 151.10 (e) – Impact on the State and its political subdivisions resulting from the removal of this property from the tax rolls.

The NOA provides State and local governments the opportunity to submit comments regarding the proposed trust acquisition in the areas of regulatory jurisdiction, real property taxes, and special assessments. In its response to the NOA, the City states that it would realize $11,263.81 for tax year 2016 from the subject properties.[23]

According to the 2017 Town, Village and City Taxes Report, the County's property tax levy was $90,676,736 and the City's levy was $26,695,175.[24] The gross property tax charged against the subject parcel for 2017 was $4,320.60,[25] of which the County received $787.60[26] and the City received $1585.40.[27]

Jurisdiction	Total Tax	% Levy
Brown County	$787.60	0.000869%
City of Green Bay	$1585.40	0.005939%

The city states that there are no outstanding special assessments on the property.[28] Additionally, on December 17, 2018, updated tax records[29] were retrieved for the subject parcel; which concurred with the city's statement that there are currently no delinquent past due assessments assigned to this property.

The city also states that although the removal of each individual property from the tax rolls has "a negligible impact on the city's operations," the removal of all of these properties will have a "severe impact on the City's tax revenue" and "inequitable tax burden among Green Bay residents." The City states that there are well over 150 trust properties located within the City of

[23] Letter from Mayor James J. Schmitt, City of Green Bay, to Tammie Poitra, Acting Regional Director, BIA Midwest Regional Office (August 18, 2017) (on file with the Midwest Regional Office). The city provided a single response letter for nine pending applications located within Green Bay; one of the nine properties listed is included in this decision and described above.

[24] Wisconsin Department of Revenue Division of State and Local Finance Bureau of Local Government Services, Town, Village and City Taxes levied in 2017 and collected in 2018 (on file with the Midwest Regional Office).

[25] Brown County, WI Property Tax Record for parcel No. 6H-2453 (December 17, 2018), http://www.public.applications.co.brown.wi.us/treas/landrecordssearch/entryform.asp (on file with the Midwest Regional Office).

[26] Email from Lauren Hartman, Oneida Nation, to Pamela Butterfield, Realty Specialist, BIA, Midwest Regional Office (October 24, 2018) (on file with the Midwest Regional Office).

[27] Id.

[28] Letter from Mayor James J. Schmitt, City of Green Bay, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (August 18, 2017) (on file with the Midwest Regional Office).

[29] Brown County, WI Property Tax Record for parcel No. 6H-2453 (December 17, 2018), http://www.public.applications.co.brown.wi.us/treas/landrecordssearch/entryform.asp (on file with the Midwest Regional Office).

Green Bay that are currently held in trust, and which represent "millions upon millions of dollars in assessed values removed from the tax rolls."[30]

The BIA is only required to consider the present impact on the tax rolls of a proposed acquisition, i.e., the taxes currently assessed.[31] The city will experience a reduction to their tax base of 0.005939% respectively, when calculated based on the tax bill and levy.

25 CFR § 151.10 (f) – Jurisdictional problems and potential conflicts of land use.

In accordance with 25 CFR Part 151, BIA must consider jurisdictional problems or potential conflicts but is not required to resolve those problems or issues.[32] The subject parcel contains 0.29 acres,[33] currently being used[34] and zoned[35] Low Density Residential (R-1). The City has stated that there is currently no incompatible zoning.[36]

The city provided a list of services it currently provides to the property, including solid waste/recycling collection, seasonal yard waste/snow removal, street maintenance and repair, water/sewer service, use and benefit from public parks, recreational facilities, law enforcement, community policing, fire, inspections, and neighborhood services.[37] The City has stated that operating expenses will not be reduced regardless of ownership or trust status, since services are still required.[38]

Direct services provided by the Nation for tribal members and their families include social services program that offers alcohol, tobacco, and other drug abuse (AODA) counseling, mental health counseling, Indian Child Welfare, Tribal Child Support, catastrophic funding, domestic abuse program, emergency food and shelter, and a child placement program. Other direct services provided by the Nation for tribal members and their families include: waste and recycling pickup, health care, elderly services, public safety, education and library services, recreation programs, public works, utilities, public transportation, housing, and mortgage loans and rentals.[39]

The Nation provides many community services to non-tribal residents of the Oneida reservation. Services provided by the Oneida Police Department include first responders, traffic violations,

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30 Letter from Mayor James J. Schmitt, City of Green Bay, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (August 18, 2017) (on file with the Midwest Regional Office).

31 City of Eagle Butte, South Dakota v. Acting Great Plains Regional Director, BIA, 49 IBIA 75, 81-82 (2009).

32 Thurston County, Nebraska v. Great Plains Regional Director, BIA, 56 IBIA 296, 307 (2013).

33 Leon W. Chmura, Acting Chief Cadastral Surveyor, Bureau of Land Management, Land Description Review Certificate (May 7, 2018) (on file with the Midwest Regional Office).

34 Letter from Cristina S. Danforth, Chairwoman, Oneida Nation, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (June 20, 2017) (on file with the Midwest Regional Office).

35 Letter from Mayor James J. Schmitt, City of Green Bay, to Tammie Poitra, Acting Regional Director, BIA, Midwest Regional Office (August 18, 2018) (on file with the Midwest Regional Office).

36 Id.

37 Id.

38 Id.

39 Socioeconomic Conditions within the Reservation of the Oneida Nation, (April 4, 2018) (on file with the Midwest Regional Office).

criminal arrests, investigations, pick-ups and transportation. The Nation does not receive any reimbursement for these services. Fines from traffic tickets issued by the Nation go to the county and/or state. The Nation also provides utility services (sewer and water) within the Oneida Sanitary District. Parks and recreation areas have been constructed and maintained by the Nation for the benefit of tribal and non-tribal residents. Additionally, the environmental programs of the Nation (such as, non-tribal land-use hunting permits, protection of endangered species, and wetland/woodland/habitat restoration) benefit all residents of the Reservation, including non-tribal members.[40]

The Nation has entered into a law enforcement agreement for mutual aid with the City of Green Bay.[41] Fire protection services also will be provided by the City of Green Bay.[42] Additionally, Brown County has an executed service agreement with the Nation for the sole purpose of enhancing emergency response services throughout the County.[43] On May 29, 2008, the Oneida Nation and Brown County entered into a service agreement which includes mutual aid in the form of back-up/secondary assistance for police, ambulance, emergency medical or rescue services.[44]

On March 9, 2009, the Oneida Nation and the City of Green Bay entered into a service agreement, which included mutual aid for secondary assistance in law enforcement and emergency services. On September 25, 2015, the Nation received a request from the City of Green Bay to meet to negotiate the existing 2009 Service Agreement amendment. An amendment was not executed and the agreement was unilaterally terminated by the City of Green Bay.[45]

The City also states that "a piecemeal application of zoning restrictions results in disjointed neighborhoods..." and this is "counterproductive to... a cohesive community in the residential neighborhoods at issue here." The "checkerboard" pattern of jurisdiction, however, is an "awkward" but "familiar feature of American government;" in fact, "federal facilities of all sorts, ranging from post offices to military bases, are scattered throughout the United States...a similar scatter is common throughout Indian County."[46] The City's assertions concerning jurisdictional problems are insufficient to show that trust acquisition of this land would alter that pattern or worsen any existing problems with the pattern."[47]

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40 Socioeconomic Conditions within the Reservation of the Oneida Nation, (April 4, 2018) (on file with the Midwest Regional Office).

41 Law Enforcement Mutual Aid Agreement between Oneida Nation in Wisconsin and City of Green Bay, (October 16, 1996) (on file with the Midwest Regional Office).

42 Email from James Bittdorf, Attorney, Oneida Nation (June 8, 2016) (on file with the Midwest Regional Office).

43 Exchange of Services Agreement between Oneida Tribe of Indians of Wisconsin and Brown County, (September 17, 2012) (on file with the Midwest Regional Office).

44 Service Agreement between Oneida Tribe of Indians of Wisconsin and Brown County, (May 29, 2008 (amended September 18, 2008 and July 2, 2010)) (on file with the Midwest Regional Office).

45 Letter from Kelly M. McAndrews, Oneida Law Office, to Scott Sufficool, Interim Director, BIA, Midwest Regional Office (March 5, 2018) (on file with the Midwest Regional Office).

46 Oneida Tribe of Indians of Wis. v. Village of Hobart, 732 F.3d 837, 839 (7th Cir. 2013).

47 Ziebach County, South Dakota v. Acting Great Plains Regional Director, Bureau of Indian Affairs, 38 IBIA 227, 231 (2002).

Since there is no change in land use, and the Nation has intergovernmental agreements in place to cover the provision of services to trust property, we do not foresee any jurisdictional problems or potential land use conflicts.

25 CFR § 151.10 (g) – Is the Bureau of Indian Affairs (BIA) equipped to discharge the additional responsibilities and duties resulting from the acquisition of this land in trust status.

The Great Lakes Agency, BIA has reviewed the trust application for the parcel of land identified as the Kolb Fee to Trust Acquisition and determined they will be able to discharge the additional responsibilities associated with the acceptance of land into trust. The subject parcel is located in Brown County, Wisconsin, and consist of 0.29 acres. The following staff located at the Great Lakes Agency, are readily available to assist the Tribe in their proposed uses of the property:

- Four Realty Specialists in the Branch of Realty, who are responsible for the overall administration and protection of Indian Trust land Resources;
- Eight foresters, one fire management officer, and one fire operations specialist in the Branch of Forestry, who are responsible for managing and protecting reservation forests;
- Nine engineers/technicians in the Branch of Roads, who are responsible for the maintenance and construction of BIA roads and bridges to provide a safe and adequate transportation system to Indian Reservations; and
- An Environmental Protection Specialist.

In addition, there are realty specialists, foresters, road engineers/technicians, and environmental specialists in the Midwest Regional Office who are available for additional consultations and guidance in the overall protection and management of these lands.

Any additional responsibilities resulting from the transaction are foreseen to be minimal. Acceptance of this property in trust status will not impose any significant additional responsibilities or burdens upon the Great Lakes Agency beyond those already inherent in the federal trusteeship over the existing trust lands.[48]

25 CFR § 151.10 (h) – Environmental Hazards.[49]

National Environmental Policy Act Compliance
No further compliance with NEPA is required. The BIA-Midwest Region Office (BIA-MRO) determined that no change in land use is anticipated; therefore, the Kolb contemplated Fee-to-Trust acquisition will not have a significant effect on the quality of the human environment (individually or cumulatively) and neither an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required (40 CFR 1508.4; 43 CFR 46.205) and can be categorically excluded. BIA-MRO issued the Categorical Exclusion on October 25, 2017.

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48 Memo from Kimberly Bouchard, Superintendent, BIA, Great Lakes Agency, to Timothy LaPointe, Regional Director, BIA, Midwest Regional Office (December 14, 2018) (on file with the Midwest Regional Office).
49 Memo from Martin Lorenzo, Environmental Protection Specialist, BIA, Midwest Regional Office, to Russell Baker, Supervisory Realty Specialist, BIA, Midwest Regional Office (April 10, 2018) (on file with the Midwest Regional Office).

National Historic Preservation Act (NHPA) Compliance
No further compliance with NHPA is required. The BIA-MRO determined that the Kolb parcel trust acquisition does not have the potential to cause effects on historic properties [36 CFR 800.3 (a) (1)]. The BIA-MRO issued this determination on October 24, 2017.

Endangered Species Act (ESA) Compliance
No further compliance with ESA is required. The Nation recognizes the US Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) Report for a listing of Threatened and Endangered Species for each defined project area. BIA-MRO also reviews the IPaC report in consultation and determination of Threatened and Endangered Species. The BIA-MRO determined that the Kolb parcel trust acquisition supports a "No Effect" determination based on the intent of the Nation to maintain current land use. The BIA-MRO issued this determination on October 25, 2017.

602 DM 2 using ASTM International E 1527-13
Recognized Environmental Conditions (RECs) were not found on the Kolb parcel. This assertion is supported by the following assessment(s) dated: 10/25/2017 (Initial) and 4/9/2018 (Update 1) Phase I Environmental Site Assessment(s) (ESA) for the Kolb property prepared by BIA-MRO.

In accordance with 602 DM 2, an additional pre-acquisition Phase I ESA will be completed within 180 days prior to the acquisition of title and acceptance into trust status.

Conclusion

Based on the foregoing, we issue notice of our intent to accept the Kolb parcel into trust status. Title will vest in the United States of America in trust for the Oneida Nation, in accordance with Section 5 of the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 5108, provided the Nation delivers marketable title to the property in a manner as required in 25 CFR Part 151, Land Acquisition Regulations. In accordance with 25 CFR § 151.13, we have requested an examination of the title evidence by the Office of the Field Solicitor, Bloomington, Minnesota, to determine whether title to the parcel is marketable. The parcel will not be accepted in trust until all identified title exceptions have been met.

Appeal Rights

This decision may be appealed to the Interior Board of Indian Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203, in accordance with 43 CFR §§ 4.310-4.340. Your notice of appeal to the Board must be signed by you or your attorney and **must be mailed within 30 days of the date that you receive this decision.** It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your notice of appeal to (1) the Assistant Secretary – Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240; (2) each interested party known to you, and (3) this office. Your notice of appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a notice of appeal, the Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Please do not hesitate to contact Pamela Butterfield, Acting Realty Specialist at (612) 725-4536 if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Timothy LaPointe

Regional Director

CC: BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED:

Office of the Governor of Wisconsin
Post Office Box 7863
115 East State Capitol
Madison, Wisconsin 53702

91 7199 9991 7038 0545 2455

Office of the Executive
Brown County
Post Office Box 23600
Green Bay, Wisconsin 53707

91 7199 9991 7038 0545 2448

Office of the Mayor
City of Green Bay
100 North Jefferson Street Rm. 106
Green Bay, Wisconsin 54301-5026

91 7199 9991 7038 0680 2815

CC: BY FIRST CLASS MAIL:

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Superintendent, Great Lakes Agency
Bureau of Indian Affairs
916 West Lake Shore Drive
Ashland, Wisconsin 54806

Report to the
Finance Committee
of the City of Green Bay

MEETING DATE	PREPARED BY
March 12, 2019	

AGENDA ITEM # D.6.

Report of the Claims Committee.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None