

# Oneida Nation

**Legislative Reference Office**  
P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214  
<http://oneida-nsn.gov/LOC>



**Committee Members**  
Brandon Stevens, Chairperson  
Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

## **LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

August 5, 2015 9:00 a.m.

### **I. Call To Order and Approval of the Agenda**

### **II. Minutes to be approved**

1. July 15, 2015 LOC Meeting Minutes

### **III. Current Business**

1. Tribal Hearing Bodies/Administrative Court
2. Election Board Bylaws Amendments
3. Oneida Flag Policy
4. GTC Meetings Law
5. Higher Education
6. Petition: Cornelius-4 Resolutions (Investigate 7 Gens, 7 Gens Return Money, Freedom of Press, Impose Tax on OBC)
7. Petition: Constitution Amendments in regards to Membership
8. Petition: Powless-Per Capita Payments

### **IV. New Submissions**

1. Garnishment Ordinance Amendments
2. Cemetery Law Amendments

### **V. Additions**

### **VI. Administrative Updates**

1. Krystal John Travel Request
2. LRO Budget
3. LOC Priority List Update

### **VII. Executive Session**

### **VIII. Recess/Adjourn**

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## **LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
July 15, 2015 9:00 a.m.

**PRESENT:** Tehassi Hill, David P. Jordan, Fawn Billie, Jennifer Webster

**EXCUSED:** Brandon Stevens

**OTHERS PRESENT:** Candice Skenandore, Krystal John, Douglass McIntyre, Taniquelle Thurner, Rae Skenandore, Lisa Kelly Skenandore, Michelle Mays, Terry Cornelius, Jo Anne House, Rhiannon Metoxen, Danelle Wilson, Leyne Orosco, Bonnie Pigman, Caroyl Long

### **I. Call To Order and Approval of the Agenda**

Tehassi Hill called the July 15, 2015 Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by Jennifer Webster to approve the agenda with the following changes: add the Per Capita Law Emergency Amendments and the Rules of Civil Procedure Emergency Amendments and delete current business item 4) Petition: Constitution Amendments Regarding Membership; seconded by Fawn Billie. Motion carried unanimously.

### **II. Minutes to be approved**

#### **1. July 1, 2015 LOC Meeting Minutes (01:10-1:37)**

Motion by David P. Jordan to approve the July 1, 2015 LOC meeting minutes; seconded by Fawn Billie. Motion carried with Jennifer Webster abstaining.

### **III. Current Business**

#### **1. Children's Code (01:42-29:44)**

Motion by Fawn Billie to continue developing the Children's Code; seconded by David P. Jordan. Motion carried unanimously.

#### **2. Election Law Emergency Amendments (29:51-30:15)**

Motion by Jennifer Webster to approve the ratification of the e-poll for the Election Law Emergency Amendments; seconded by David P. Jordan. Motion carried unanimously.

**3. Petition: Child Care Department Consumer Complaint Policy Election Board Bylaws Amendments (30:15-41:56)**

Motion by Jennifer Webster to defer the Petition: Child Care Department Consumer Complaint Policy back to the Legislative Reference Office to make changes; seconded by David P. Jordan. Motion carried unanimously.

**4. Petition: Constitution Amendments Regarding Membership**

*Item was deleted from the agenda*

**IV. New Submissions**

**1. Per Capita Law Amendments (42:06-44:55)**

Motion by Jennifer Webster to add the Per Capita Law Amendments to the active files list with David P. Jordan as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

**V. Additions**

**1. Per Capita Emergency Amendments (45:00-55:42)**

Motion by Fawn Billie to deny the Per Capita Emergency Amendments; seconded by David P. Jordan. Motion carried unanimously.

**2. Rules of Civil Procedure Emergency Amendments (45:00-54:01)**

Motion by David P. Jordan to add the Rules of Civil Procedure Amendments to the active files list as a non-emergency item; seconded by Fawn Billie. Motion carried unanimously.

Note: David P. Jordan will sponsor the Rules of Civil Procedure Emergency Amendments.

**VI. Administrative Updates**

**1. Kalihwisaks LOC Update (54:08-59:11)**

Motion by Fawn Billie to accept the Kalihwisaks LOC Update as a FYI; seconded by David P. Jordan. Motion carried unanimously.

Motion by Jennifer Webster to include an introductory article for the new staff attorneys in the Kalihwisaks; seconded by Fawn Billie. Motion carried unanimously.

**VII. Executive Session**

**VIII. Recess/Adjourn**

Motion by David P. Jordan to adjourn the July 17, 2015 Legislative Operating Committee Meeting at 10:02a.m.; seconded by Fawn Billie. Motion carried unanimously.



# Legislative Operating Committee

## August 5, 2015

### Tribal Hearing Bodies

**Submission Date:** 9/17/14

Public Meeting:  
Emergency Enacted:  
Expires:

**LOC Sponsor:** Jennifer Webster

**Summary:** *This item was originally submitted to the LOC on November 15, 2013, and the item was carried over into the current term by the LOC. This was a request for the LRO to conduct research on Tribal Boards, Committees and Commissions to find out which are also hearing bodies and where the hearing body authority comes from.*

**9/17/14 LOC:** Motion by Jennifer Webster to add Tribal Hearing Bodies to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

**10/15/14 LOC:** Motion by Jennifer Webster to accept the verbal update on the Personnel Commission Legislation; seconded by Fawn Billie. Motion carried unanimously

**6/3/14 LOC:** Motion by Jennifer Webster for the Legislative Operating Committee to send a memorandum to the Oneida Business Committee, to be on their agenda, for the recommendation from the Legislative Operating Committee requesting authority to develop legislation for an administrative court, also drafting a letter to be sent to elected and appointed boards, committees and commissions requesting full cooperation in submitting the data that is asked for; seconded by Fawn Billie. Motion carried unanimously.

**6/10/15 OBC:** Motion by David Jordan to approve the creation of an administrative court and endorse a letter of co-operation to be created that directs the Tribe's boards, committees and commissions to assist the LOC in the creation of the administrative court, seconded by Fawn Billie. Motion carried unanimously.

Motion by Lisa Summers that the LOC create an action plan to be brought back to the Business Committee in 60 days, seconded by Melinda J. Danforth. Motion carried unanimously.

**6/17/15 LOC:** Motion by David P. Jordan to forward the Tribal Hearings Bodies/Administrative Court to an LOC work meeting(s) to discuss the 60-day action plan; seconded by Fawn Billie. Motion carried unanimously.

**7/27/15:** Work meeting held. Attendees include: Brandon Stevens, Tehassi Hill, David P. Jordan, Jennifer Webster, Rhiannon Metoxen, Candice Skenandore, Taniquelle Thurner, Krystal John, Douglass McIntyre.

#### Next Steps:

- Defer to the Business Committee to decide how to proceed.

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## Committee Members

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Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

## Memorandum

**TO:** Oneida Business Committee  
**FROM:** Brandon Stevens *BS*  
**DATE:** August 12, 2015  
**RE:** Tribal Hearing Bodies/Administrative Court Action Plan

With adoption of the Judiciary Law, it has been recommended that some Oneida boards, committees and commissions should have their hearing authority transferred to an administrative court that would be created under the Judiciary. At a previous request of the Oneida Business Committee (OBC), the Legislative Operating Committee (LOC) completed research regarding current Oneida boards, committees and commissions and their hearing authority. On June 10, 2015, that research was sent to the OBC through a memorandum from LOC Chair Brandon Stevens. There are currently eleven (11) boards, committees and commissions that have some level of hearing authority:

- |   |  |
|---|--|
| <input type="checkbox"/> Oneida Child Protective Board              | <input type="checkbox"/> Oneida Personnel Commission       |
| <input type="checkbox"/> Oneida Election Board                      | <input type="checkbox"/> Oneida Police Commission          |
| <input type="checkbox"/> Oneida Environmental Resource Board        | <input type="checkbox"/> Oneida Nation School Board        |
| <input type="checkbox"/> Oneida Gaming Commission                   | <input type="checkbox"/> Oneida License Commission         |
| <input type="checkbox"/> Oneida Land Commission                     | <input type="checkbox"/> Oneida Trust/Enrollment Committee |
| <input type="checkbox"/> Pardon and Forgiveness Screening Committee |  |

The OBC requested that an action plan be developed and brought back to the OBC. On July 27, 2015, a work meeting was held to develop this action plan:

## Timeline

Taking in to consideration the number of boards, committees and commissions involved, the number of laws that will need to be changed, the likely high public comment and drafting to establish an administrative court, the following timeline is provided as an estimate of the earliest time that the hearing authority could be officially transferred if there are no significant hurdles:

| <b>Activity</b>   | <b>Timeline</b>         |
|---|-------------------------|
| OBC determines which Board, Committee and Commissions should not have hearing authority   | July to August 2015     |
| LRO drafts, holds a work meeting with OBC/Board, Committee and Commissions/Court/other interested parties                       | August to November 2015 |
| Send out finished draft for Fiscal Impact Statement/Legislative analysis  | December 2015           |
| Public Comment Period (LOC approves taking to Public Meeting, giving notice, holding public meeting, end of the comment period) | January 2016            |
| LRO review PM comments, edits to draft, send to LOC for comments<br>LOC review PM comments, recommend changes                   | February 2016           |
| Sent to LOC for referral to OBC; Sent to OBC for adoption/referral  | March 2016              |

### **Transfer of Hearing Authority**

The difficulty of transferring each of the boards, committees and commissions was assessed at the work meeting. It was determined that it would be difficult to transfer four (4) of the entities hearing body authority to an administrative court:

- **Oneida Gaming Commission:** Under the Indian Gaming Regulatory Act, any changes to ONGO require the approval from the Chairperson of the National Indian Gaming Commission. There is the possibility of issues with compliance with Federal laws if the hearing authority was transferred.
- **Pardon and Forgiveness Screening Committee:** The Committee operates as a fact finding body for the OBC gathering the necessary information, including testimony at a hearing, which is forwarded with the Committee's recommendation to the OBC for a final non-appealable determination.
- **Oneida Police Commission:** The Police Commission primarily handles appeals of disciplinary action of the Police Chief. Given the nature of the relationship between the Police Department and the Commission it would be difficult to transfer to an administrative court.
- **Oneida Nation School Board:** The Oneida Nation School handles hearing appeals of disciplinary action and termination. Given the nature of the relationship between the School Board and the School it would be difficult to transfer to an administrative court. Additionally, for transfer of hearing body authority, the MOA would need to be changed through GTC action.

For the remaining seven (7), the **Oneida Child Protective Board**, the **Oneida Election Board**, the **Oneida Environmental Resource Board**, the **Oneida Land Commission**, the **Oneida Personnel Commission**, the **Oneida License Commission** and the **Oneida Trust/Enrollment Committee**, transfer of hearing body authority would be practicable and should be explored.



These boards, committees and commissions are not regulated by an outside entity that would prevent transfer, are not dealing with internal disciplinary actions of a single specialized group, and the hearing body authority could easily be transferred over to an administrative court. Additionally, it is believed that any added cost of an administrative court would be less than the current stipends, training costs and other expenses needed for the boards, committees and commissions.

To accomplish the transfer of authority, several laws would need to be amended or repealed. The attached chart lays out the entity, the legislation that would need to be changed and the body with authority to make those changes for the entities.

### **Replacement for the Administrative Procedures Act**

As it is likely that not all boards, committees and commissions will have their hearing body authority transferred, legislation for a hearing process for those entities needs to be passed. Currently, there is emergency legislation in place with an expiration date of September 1, 2015. This will likely be a one-time extension of this emergency legislation for an addition six (6) months. By that expiration date of March 1, 2016 new legislation will need to be in place.

### **Requested Action**

- Accept the action plan for the Tribal Hearing Bodies/Administrative Court; and
- Direct the Oneida Child Protective Board, the Oneida Election Board, the Oneida Environmental Resource Board, the Oneida Land Commission, the Oneida Personnel Commission, the Oneida License Commission and the Oneida Trust/Enrollment Committee to retrieve their financial expenses for the last three (3) years (including, but not limited to, the amount of stipends received, training costs and other expenses) and turn the information over to OBC to help in evaluating which entities should retain their hearing body authority.



# Legislative Operating Committee

## August 5, 2015

# Election Board Bylaws Amendments

**Submission Date:** March 18, 2015

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** Brandon Stevens

**Summary:** *The Election Board had requested amendments to their Bylaws per the current Election Law and previous GTC action.*

**3/18/15 LOC:** Motion by Jennifer Webster to add the Election Board Bylaws Amendments to the active files list, and to defer this item to the Legislative Reference Office for processing and to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

**5/20/15 LOC:** Motion by Fawn Billie to accept the Election Board Bylaws Amendments memorandum; seconded by David P. Jordan. Motion carried unanimously.

**6/17/15 LOC:** Motion by David P. Jordan to defer the Election Board Bylaws Amendments to the sponsor to bring back a report in two weeks; seconded by Fawn Billie. Motion carried unanimously.

**Next Steps:**

- Accept the sponsor's report and defer to the sponsor.



# Oneida Tribe of Indians of Wisconsin

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Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

## Memorandum

**TO:** Legislative Operating Committee  
**FROM:** Brandon Stevens, LOC Chairperson  
**DATE:** August 5, 2015  
**RE:** Election Board Update

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This memo serves as an update to the progress of the Election Board Bylaw Amendments. I have met with the Election Board designee and they have requested that I provide them with written correspondence that outlines our issues in the June 17<sup>th</sup> memo I provided to the LOC. As the July 12<sup>th</sup> Special Election created recusals from the officers of the Board I waited for the conclusion of the election to hold a meeting with the Board officer(s). I am asking for a two week deferral to hold that meeting and to seek input from the Board.



# Legislative Operating Committee

## August 5, 2015

### Oneida Flag Policy

**Submission Date:** April 22, 2015

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** Jennifer Webster

**Summary:** *The OBC requested that the LOC develop a flag code policy. ONVAC received complaints from non-Tribal members about how the Tribal Flag is displayed. ONVAC's concerns are there is no protocol for those who oversee flag responsibilities to follow, no one is identified as the person that has the authority to lower the flag to half-staff, what should the height and position of the Tribal Flag be compared to the US Flag, etc.*

- 4/22/15 OBC:** Motion by Jennifer Webster to request the Legislative Operating Committee to develop a flag code policy and consider adding it to the active files list, seconded by Lisa Summers. Motion carried unanimously
- 5/6/15 LOC:** Motion by Jennifer Webster to add the Tribal Flag Code to the active files list with herself as the sponsor and defer the Tribal Flag Code to a Legislative Operating Committee work meeting; seconded by Fawn Billie. Motion carried unanimously.
- 6/8/15:** Work Meeting held. Attendees included John Breuninger, Kerry Metoxen, Lynn Franzmeier, Candice Skenandore, Brandon Stevens, Tehassi Hill, Jenny Webster, Fawn Billie, Danelle Wilson, David Jordan, Apache Danforth, RC Metoxen.
- 6/30/15:** Work Meeting held. Attendees included John Breuninger, Douglass McIntyre, Candice Skenandore.
- 7/1/15 LOC:** Motion by David P. Jordan to accept the memorandum regarding the Flag Code update as FYI; seconded by Tehassi Hill. Motion carried unanimously.
- 7/24/15:** Work meeting held. Attendees included Jennifer Webster, David P. Jordan, Candice Skenandore, Douglass McIntyre.

**Next Steps:**

- Review the draft and consider forwarding for analysis.

## Oneida Flag Policy

Article I. Purpose and Policy  
Article II. Adoption, Amendment, Repeal  
Article III. Definitions  
Article IV. General  
Article V. Procedures

Article VI. Display of the Oneida Flag within the  
Reservation  
Article VII. Respect for flag  
Article VIII. Display of the Oneida Flag off Reservation

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### Article I. Purpose and Policy

1-1. The purpose of this Policy is to govern the proper rules, display and customs of the flag of the Oneida Nation, the flag of the United State of America and of other sovereigns displayed by the Nation's entities and employees.

1-2. It is the policy of the Oneida Nation to proudly display the rich cultural heritage of the Nation as a sovereign and to provide the respect and dignity owed to the flags of the Oneida Nation, the United States of America and the flags of other sovereigns.

### 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 or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set forth in the Legislative Procedures Act.

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 provisions of this Policy which are considered to have legal force without the invalid portion(s).

2-4. In the event of a conflict between a provision of this Policy and a provision of another Policy, the provisions of this Policy shall control.

2-5 This Policy is adopted under the Constitution of the Oneida Nation.

### 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.

(a) "Half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.

(b) "Nation" means the Oneida Nation.

(c) "Oneida Flag" means the flag of the Oneida Nation.

(d) "Reservation" means all the land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

### Article IV. General

4-1. This Policy is an embodiment of the Oneida Nation's fundamental right to exercise self-determination.

4-2. The Nation endorses the United States Federal Flag code with the exception of the changes made within this Policy.

4-3. All Oneida Nation entities and Oneida owned buildings within the Reservation that currently possess flagpoles, stationary flagstaffs or other means to display a flag and those entities and those Oneida owned buildings that later establish the means to display a flag will adhere to this Policy.

**Article V. Procedures**

5-1. The supervisor of each Oneida owned building described in section 4-3 will appoint a designee responsible for the duties under this Policy. 5-2. Complaints concerning the failure to follow this Policy will first be forwarded to the Oneida Business Committee and then to the Oneida Veteran's Department which is hereby delegated authority to conduct investigations regarding alleged violations of this policy. The Oneida Veteran's Department will report the findings of the investigation to the Oneida Business Committee.

5-3 Failure to abide by this Policy may subject the designee named pursuant to section 5-1 to discipline under the personnel procedures and policies.

**Article VI. Display of the Oneida Flag within the Reservation**

6-1. *Location, time and occasions for display.* As the Oneida Flag represents the Nation's sovereignty, it should be displayed as follows:

- (a) The Oneida Nation flag should be displayed on all days.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if it is an all-weather flag and it is properly illuminated during the hours of darkness.
- (c) The Oneida Flag shall be proudly displayed on or near all government owned buildings within the interior bounds of the Reservation possessing the equipment to display the flag.
- (d) The Oneida Flag shall be displayed during school days near every schoolhouse and inside each classroom.
- (e) The Oneida Flag shall be displayed in or near every polling place on election days.

6-2. *Conduct during hoisting, lowering or passing of flag.* The flag shall be hoisted briskly and lowered ceremoniously.

6-3. *Position of the Flag.* As the position of a flag among others is an important symbol of prominence and sovereignty, the following should be adhered to:

- (a) No other flag, except the flag of the United States, shall be displayed at the same height as the Oneida Flag.
- (b) No flag shall be displayed to the right, in a position of superior prominence, of the Oneida Flag.
- (c) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags shall be of approximately equal size.
- (d) When the flags are flown from adjacent staffs, the Oneida Flag shall be hoisted first and lowered last.
- (e) When flags of other Indian Nations, States, cities, or localities, or pennants of societies are flown on the same halyard with the Oneida Flag, the latter shall always be at the top.

6-4. *Manner of Display.* The flag should be displayed as follows:

- (a) The Oneida Flag, when carried in a procession with another flag or flags, shall be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, or in front of the center of that line.

(b) The flag of the Oneida Nation, when it is displayed with another flag against a wall from crossed staffs, shall be on the right, the flag's own right, and its staff shall be in front of the staff of the other flag.

(c) The flag shall only be displayed horizontally against a wall, the flag shall be placed in the upright position. When displayed in a window, the flag shall be displayed in the upright position facing the appropriate way to an observer in the street.

(d) When the flag is displayed over the middle of the street, it shall be suspended horizontally.

(e) When used on a speaker's platform, the flag, if displayed flat, shall be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the Oneida Nation shall hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed shall be placed on the left of the clergyman or speaker or to the right of the audience.

(f) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it shall be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag shall be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union shall be to the east.

(g) The flag shall form a distinctive feature of the ceremony of unveiling a statue or monument, but it shall never be used as the covering for the statue or monument.

6-5. *Display of Respect.* At certain times, the Oneida Flag shall be lowered to Half-staff as a sign of respect. In doing so, the Oneida Flag shall be first hoisted to the peak for an instant and then lowered to the Half-staff position. The flag shall be again raised to the peak before it is lowered for the day.

(a) On the following days, the flag must be lowered to Half-staff:

(i) Oneida Code Talker Day

(ii) Memorial Day but only until noon, which it shall be raised to top of the staff again.

(b) As a sign of respect, when the United States flag is lowered to Half-staff, the Oneida Flag will also be lowered.

(c) By a directive of the Chairperson, or the the Vice chairperson if the Chairperson is not available, the flag shall be flown at Half-staff upon the death of a tribal member and remain at Half-staff until after the funeral.

(d) The flag may be lowered to Half-staff by directive of the Chairperson for other reasons he or she deems needed.

## **Article VII. Respect for flag**

7-1. No disrespect shall be shown to the flag of the Oneida Nation, the United States flag or flags of any other sovereigns.

- (a) During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present shall face the flag and stand at attention.
- (b) The Oneida Flag and United States flag shall not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.
- (c) The Oneida Flag shall never be displayed upside down.
- (d) The flag shall never touch anything beneath it, such as the ground, the floor, or water.
- (e) The Oneida Flag shall never be carried flat or horizontally, but always aloft and free.
- (f) The Oneida Flag shall never be festooned, drawn back, nor up, in folds, but always allowed to fall free.
- (g) The Oneida Flag shall never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (h) The Oneida Flag shall never be used as a covering for a ceiling.
- (i) The Oneida Flag shall never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
- (j) The Oneida Flag shall never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (k) No part of the Oneida Flag shall ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, shall be worn on the left lapel near the heart.
- (l) The Oneida Flag, when it is in such condition that it is no longer a fitting emblem for display, shall be destroyed in a dignified way, preferably by burning.

**Article VIII. Display of the Oneida Flag off Reservation**

8-1. When outside of the boundaries of the Oneida Nation Reservation, the proper display protocol of the jurisdiction shall be followed.

*End.*

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# Legislative Operating Committee

## August 5, 2015

### GTC Meetings Law

**Submission Date:** 9/17/14

☐ Public Meeting:  
☐ Emergency Enacted:  
 Expires:

**LOC Sponsor:** Fawn Billie

**Summary:** *This item was carried over into the current term by the LOC. This proposal is for a new law to govern the scheduling and conducting of GTC meetings, including: a standard agenda format and a code of conduct for those in attendance; outlining the duties of those preparing and assisting with GTC meetings, and establishing how petitions would be processed. The Law went through the LOC process, a public meeting was held on December 6, 2012 and this item was placed on the July 7, 2014 GTC meeting agenda; however, that GTC meeting adjourned before the Law was presented.*

**9/17/14 LOC:** Motion by Fawn Billie to add the following five items to the Active Files List: GTC Meetings Law; Petition: Directing a “Stall Mall” be Created; Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts; Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe; Petition: Responding to Questions and Comments from the Floor at GTC; seconded by Tehassi Hill. Motion carried unanimously.

*Note: Fawn Billie will be the sponsor for the GTC Meetings Law, and Brandon Stevens will be the sponsor for the petitions.*

**4/3/15 LOC:** Motion by Jennifer Webster to forward the GTC Meetings Law to the Oneida Business Committee to put on the next GTC agenda; seconded by Tehassi Hill. Motion carried unanimously.

**4/22/15 OBC:** Deleted from the agenda at the adoption of the agenda since this item was already included in the July 6, 2015 GTC backup.

**7/6/15 GTC:** *Tentative Motion by Madelyn Genskow that the General Tribal Council Meetings Law be remanded back to the Legislative Operating Committee for changes, including Public Meetings for comments, and that the mailing be provided to all voting members. Seconded by Sherrole Benton. Motion carried by show of hands.*

#### **Next Steps:**

Review the memorandum, consider incorporating the suggested changes to the Law as appropriate and defer the GTC Meetings Law to the LRO for further drafting.



**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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**Memorandum**

**TO:** Legislative Operating Committee  
**FROM:** Candice E. Skenandore  
**DATE:** August 5, 2015  
**RE:** GTC Meetings Law

On July 6, 2015, a General Tribal Council (GTC) meeting was held regarding the GTC Meetings Law (Law). The Law is a new law that provides for a schedule of GTC meeting dates; sets the agenda for GTC meetings; outlines the petition process; requires analyses of items the Chairperson requests to be placed on a GTC meeting agenda; sets standards of conduct for those that attend GTC meetings and outlines the duties of those preparing and assisting with GTC meetings.

This memorandum is submitted as a review of the suggested changes to the Law made by GTC members arising from the discussion at the GTC meeting. The draft and analysis that was included in the July 6, 2015 GTC meeting packet has been attached for your reference.

**Suggestion 1. Constitutional Amendments.**

- The Law will need to be amended to comply with the changes made to the Constitution pursuant to the Secretarial Election.
- The voting age found on lines 99-100 should be changed from 21 years old to 18 years old.

Response:

This comment is referring to the legislative analysis. At the time the analysis was written the voting age was 21 years old or older; however, with the amendments made to the Constitution, the voting age is now 18 years old or older. The legislative analysis should be updated. The Law itself states those eligible to attend GTC members must, among other things, be Tribal members eligible to vote per the Constitution. Lowering the voting age does not require any additional amendments to the Law [See 11.7-3 (a) (1)].

**Suggestion 2. Agenda.**

- The Law should include standards for setting the agenda. These standards should include streamlining the agenda process by incorporating past practices into the Law such as placing time limits on presentations.

**Suggestion 3. Items not Addressed before Adjournment.**

- Section 11.8-7 of the Law allows the Oneida Business Committee (OBC) to take action on items not completed by the adjournment of a GTC meeting. It was recommended that

this language be replaced with language that states that items not discussed by adjournment should be tabled until the next GTC meeting.

#### **Suggestion 4. Violations to Constitution.**

- This Law violates the Constitution and gives the OBC more authority than it should have.
- The Law requires the OBC to approve the GTC meeting date after the Chairperson calls a special GTC meeting; the Constitution does not require OBC approval for special GTC meetings called by the Chairperson [*See 11.6-2 and Constitution, Article III, Section 6*].
- It was requested that an explanation be made to GTC the next time the Law is presented to GTC as to why the OBC has the authority to determine if and when a special GTC meeting takes place when the Chairperson calls a special GTC meeting.

#### **Suggestion 5. Petitions**

- The petition language is too vague. The question was asked as to what happens to petitions after they are turned in? Are they forwarded, who are they passed along too?
- The petition process should be separated from the Law; the petition process is phase 2 and does not belong in the Law. Having the petition process within the Law loses focus.
- Language should be added to the petition process stating that if the petitioner cannot attend the GTC meeting due to personal or family health issues, that the petitioner can designate someone from the floor to present the petition item(s). It is not just the petitioner that wants the item(s) to move forward but the 50+ members that signed the petition.
- The Law should require that the petitioner be consulted with prior to scheduling a GTC meeting to determine if the petitioner will be available for the meeting.
- The Law should allow the petitioner to include information in the mail out.

#### **Suggestion 6. Standard Operating Procedures**

- This Law has standard operating procedures (SOPs) within it; in the mid-90s the LOC attorney said laws should not include SOPs.

#### **Suggestion 7. Interactive Voting System.**

- A recommendation was made to allow for “clickers” to be used when voting at GTC meetings. It was stated that there is a need for GTC accountability and allows each GTC member’s vote to remain confidential.

#### **Requested Action:**

Consider incorporating the suggested changes to the Law as appropriate and defer the GTC Meetings Law to the LRO for further drafting.

## Chapter 11 General Tribal Council Meetings

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### *Analysis by the Legislative Reference Office*

The proposed General Tribal Council Meetings law (the Law) is a new Tribal law that establishes standard procedures and rules to govern various aspects of General Tribal Council (GTC) meetings. The Law states that the policy of the Tribe is to hold consistent, organized GTC meetings and to enable members to participate and provide input in a respectful and meaningful way. The Law establishes rules intended to support that policy. *See 11.1-1 and 11.1-2.*

### **Summary of the Law**

This law identifies various GTC meetings that must or may be held each year, and establishes requirements for various aspects of those meetings, including:

- Registration and attendance at GTC meetings.
- Conducting GTC meetings, including a standard meeting agenda format.
- Submitting, processing and presenting petitions.
- Identifying the process by which the Chairperson or 50 qualified voters can “call” special GTC meetings, in accordance with the Tribal Constitution.
- Identifying the meeting-related responsibilities of the Tribal Secretary and other entities, including behavior expectations for members attending meetings.
- Cancelling and re-scheduling GTC meetings.
- Establishing a new position for a Sergeant of Arms, and identifying its responsibilities.

This Law would be adopted by the GTC. Therefore, in accordance with the Ten Day Notice Policy, once it is adopted, it would require a 2/3 vote to amend or overturn.

### **Potential Considerations**

Section 11.4 appears to identify the different types of GTC meetings. Section 11.4-3 states that special meetings shall be scheduled at least twice a year in order to address General Tribal Council business, including petitions. However, this revised draft of the Law not only identifies a process for how 50 Tribal members can petition to add an item to a GTC agenda, but it also identifies how the Tribal Chair can bring an item to the GTC (which is referred to in the Law as “calling” a meeting, but appears to actually mean the Chair’s item would be added to a GTC agenda). The language “including petitions” raises the question of whether this would also include items submitted by the Chair; or if meetings called by the Chair are a separate type of meeting.

Section 11.4 also states: “Additional special meetings may be called in accordance with the Constitution.” However, the Constitution only states that the Chair or 50 qualified voters can call meetings. If the intent of this Law is to set out the process by which the Chair or 50 qualified voters can call meetings, then that last sentence may cause confusion, because it appears to refer to a different process for calling a meeting “in accordance with the Constitution”, as opposed to the process set out in this Law.

The Law is not clear about what a Sergeant at Arms entails. The term is not defined. This position appears to be created by this Law, and has never been mentioned in previous Tribal laws. The general definition found in online dictionaries is “a person who is appointed to keep, maintain or preserve order within an organization, such as a legislative, judicial or social body.” However, the various related details vary by organization. It is recommended that, since this position only appears to apply for GTC meetings, that the provisions related to the Sergeant of



Arms be expanded to identify things related to this position, such as the term of service, the extent of the Sergeant of Arms' authority/powers, who has supervisory/oversight authority over this position, how a Sergeant of Arms could be removed from this position, and to more clearly identify how this person would be chosen – “designate” does not identify whether this is an appointment, an employee, etc.

### Related Laws and Policies

The GTC has adopted other Tribal laws/policies that also contain requirements that relate to GTC meetings. Those laws/policies will remain in effect and it is not intended that they be affected by this new Law. Specifically:

|   | Relevant History  | What the Law/Policy does  |
|---|---|---|
| <b>Removal Law</b>                        | GTC adopted on January 9, 2006  | Sets a process of petitioning for a GTC meeting to consider the removal of an elected official.     |
| <b>GTC Meeting Stipend Payment Policy</b> | Created by GTC directive on August 11, 2007   | Governs the process of paying stipends to GTC members who attend a GTC meeting.                     |
| <b>GTC Ten Day Notice Policy</b>          | GTC adopted on March 4, 1991  | Addresses how notice will be provided of business to be conducted or action taken at a GTC meeting. |
| <b>Election Law</b>                       | Originally adopted on June 19, 1993; most recent amendments adopted by GTC on January 4, 2010 | Governs elections, referenda, and the petition process for being placed on a ballot for elections.  |

There are some overlapping or parallel provisions between those other laws/policies and this proposed Law. For example, the Ten Day Notice Policy, I.3., states that its purpose is to “Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings,” which also seems to be the purpose of this Law. That policy also addresses how *resolutions* are introduced to the GTC, while this Law addresses how *petitions* are introduced to the GTC.

### Meetings

The Oneida Tribal Constitution (the Constitution) requires that two GTC meetings be held each year, on the first Mondays in January and July. This Law states that annual and semi-annual GTC meetings will be held in January and July, in accordance with the Constitution. *See 11.4-1 and the Constitution, Art. III, Sec. 4.*

The Law also requires additional GTC meetings that are not mentioned in the Constitution; so in total, at least five GTC meetings would be required to be held or scheduled each year, and more meetings may be held as necessary. In addition to the semi-annual and annual meetings, this Law provides for:

- A special GTC meeting for the primary purpose of adopting the budget for the upcoming fiscal year(s). *See 11.4-2.*
- Special meetings must be scheduled at least twice a year to address GTC business, including petitions. *See 11.4-3.*
- Additional special meetings may be called in accordance with the Constitution, which provides that the Tribal chairman or 50 qualified voters may, by written notice, call special GTC meetings. *See 11.4-3 and the Constitution, Article III, section 4.*

This Law requires notice for a GTC meeting to be provided in accordance with the Ten Day Notice Policy. *See 11.7-1.*

### Registration and Attendance

All individuals attending a GTC meeting are required to register with the Enrollment Department (Enrollments), which is required to verify the identity of all individuals who will

attend the meeting, even those ineligible to vote. Tribal or state-issued identification may be required to verify identity. *See 11.7-4 and 11.7-5.*

The Law only authorizes two categories of people to attend a GTC meeting. Any person who is not eligible to attend the meeting is required to be escorted out by the Sergeant of Arms or a designee. *See 11.7-3.*

Under the Law, the only people who can attend a GTC meeting are:

- Tribal members eligible to vote per the Constitution. This means all enrolled members age 21 or over. Enrolled members who are less than 21 years old would not be able to attend GTC meetings, unless their attendance is business-related.
- Other individuals who have a business-related need to attend the meeting and are approved to attend either certain parts of the meeting, or the entire meeting, by a majority vote of the GTC. *See 11.7-3.*

### Conducting GTC Meetings

The Law sets out a model agenda that must be used for all GTC meetings, and makes the Tribal Secretary's Office (the Secretary) responsible for developing a process to address GTC meeting agenda development. *See 11.8-1.*

The model agenda set out in the Law includes the following requirements:

1. Before the meeting opens (with an opening prayer and/or color guard), the Chair may allow for announcements which do not directly relate to the agenda, as long as they last no more than 15 minutes and do not delay the start of the meeting. *See 11.8-2.*
2. **Opening Prayer and/or Color Guard.** *See 11.8-1(a).*
3. **Call to Order.** The Chair must call a meeting to order at the noticed meeting time or once it is confirmed that there is quorum, whichever is later. If quorum is not met within 15 minutes after the scheduled meeting start time, the meeting will not be held<sup>1</sup>. Quorum shall be established by the Constitution, which in turn provides that 75 members constitute a quorum. *See 11.8-3, 11.7-2 and the Constitution, Art. III Sec.4.*
4. **Agenda.** Amendments may be made before the agenda is adopted. *See 11.8-4.*
5. **Unfinished Business and New Business.** Each item under each of these categories must be presented in the following order:
  - a. A brief summary. This includes the purpose of the request and the action requested. *See 11.8-5(a).*
  - b. A full presentation of the item. This includes the legal, fiscal, administrative and legislative impacts of the item. *See 11.8-5(b).*
  - c. Question-and-answer period. *See 11.8-5(c).*
  - d. Action. The Law states that GTC action taken in accordance with the Constitution and Tribal law is binding on the OBC or other appropriate Tribal program, division, department, board, committee, commission and similar business unit<sup>2</sup>. *See 11.8-5(d) and 11.3-1(d).*
6. **Reports.** The Law requires each Tribal program, division, department, board, committee, commission and similar business unit; and each Tribally-chartered corporation, to file an Annual and Semi Annual report with the Secretary, to be made available to the GTC either electronically or in the meeting materials. The OBC identifies the format for such reports, as well as what information must be included. *See 11.8-6 and 11.3-1(d).*
7. **Adjourn.** Items not completed by the time a meeting adjourns will be forwarded to the OBC for action. *See 11.8-7.*

<sup>1</sup> This is also stated in the GTC Stipend Payment Policy.

<sup>2</sup> This is similar to language in section VI.5.a of the Ten Day Notice Policy, which states that "Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC."

### Code of Conduct for GTC Meetings

In line with the traditional Good Mind Principle of Kalihwi-yó, people who attend GTC meetings are expected to treat each other with respect and kindness.

The Law also specifically prohibits attendees from:

1. Using profanity, interrupting others, heckling or threatening people, disrespecting property or behaving disruptively or in a way that endangers others.
2. Being under the influence of alcohol or illegal drugs.
3. Having a weapon in violation of any applicable law. This would apply to most weapons, as OBC Resolution #10-26-11-C prohibits weapons at any Tribally-sponsored event.
4. Taking action that violates Tribal law. *See 11.9-2.*

The OBC is required to designate an individual to serve as the Sergeant of Arms at GTC meetings. The Sergeant of Arms is required to oversee the Security Department during GTC meetings. *See 11.9-1.*

Any person that violates the conduct requirements above may be prohibited from attending a GTC meeting, or may be removed from a meeting for the remainder of the meeting. Upon discovery of a violation, or if directed to do so by the Chairperson of the meeting, the Sergeant of Arms or their designee is responsible for prohibiting the person from attending the meeting or for removing the person from the meeting. *See 11.9-2(b).*

### Calling a GTC Meeting – The Petition Process and Chairman Authority

Article III, section 4 of the Constitution provides that “The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council.” This Law sets out the processes by which the Tribal chair or 50 qualified voters can exercise that Constitutional right; but these processes don’t specifically enable the fifty qualified voters or the Chair to call a specific meeting. Instead, these processes enable the Chair or 50 qualified voters to add an item(s) to a GTC meeting agenda, and leave the OBC responsible for scheduling meetings and determining when an item will be placed on an agenda.

The Law uses different terminology for the Chair than it does for the 50 qualified voters, and identifies slightly different requirements for each process.

| 50 qualified voters (section 11.5)  | Chairman (section 11.6)  |
|---|--|
| A Tribal member may <b>request to place an item(s) on a GTC meeting agenda</b> by submitting a completed petition to the Secretary’s Office. <i>11.5-1</i><br>If at least 50 qualified voters have signed the petition, the Secretary’s Office must: <ul style="list-style-type: none"> <li>Place the verified petition on the next available OBC agenda for review and determination of the meeting date when the petition will be considered by GTC. <i>11.5-3(c)(1)</i></li> </ul> | If the Chairperson of the Tribe calls a special GTC meeting in accordance with the Constitution, <b>to address an item(s)</b> the Secretary’s Office must: <ul style="list-style-type: none"> <li>Place the item(s) on the next available OBC agenda for review and determination of the meeting date when the item(s) will be considered by the GTC. <i>11.6-1</i></li> </ul> |
| The [OBC] shall determine the meeting date when a petition will be considered. <ul style="list-style-type: none"> <li>Petitions submitted at least 60 days before an upcoming GTC meeting must be placed on that meeting’s agenda.</li> <li>A petition must be considered by the GTC no more than six months after it is submitted to the Secretary. <i>11.5-4</i></li> </ul>   | After the Chairperson calls a special GTC meeting, the OBC shall approve the meeting date when the item(s) will be addressed. <i>11.6-2</i>  |
| If at least 50 qualified voters have signed the petition, the Secretary’s Office shall request the petitioner attend an OBC meeting to discuss the issues raised by the petition. <i>11.5-3(c)(3)</i>   | <i>No similar requirement.</i>   |

As the chart above shows, there are a few differences.

- Although the Constitution grants identical rights to both the 50 qualified voters and the Chairman; the Law sets out how the Chairman can “call” a meeting, and how the 50 qualified voters can “request to place an item on a GTC agenda”.
- The OBC will “determine” the meeting date when a petition will be considered, but must both “determine” and “approve” a GTC meeting date when the Chairman has submitted an item. This appears to specifically require OBC determination and approval of the date of any GTC meeting called by the Chair. The Constitution does not require OBC approval of a meeting date when the Chair calls a meeting, so this is a new requirement.
- A petition must be considered by GTC within six months after it is submitted to the Secretary, and petitions submitted at least 60 days before an upcoming GTC meeting must be placed on that meeting’s agenda. By comparison, the Law does not identify a timeline or deadlines for the Chair’s item to be considered by the GTC.
- For petitions, the Law also requires the Secretary to request the petitioner attend an OBC meeting to discuss the issues raised by the petition.

#### *Special Provision – Cancelling a GTC Meeting*

As discussed below, this Law gives the OBC authority to cancel a GTC meeting in various circumstances, including when there are no agenda items to discuss or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. However, the Law also provides that this particular provision shall not apply to a meeting called by the Chairperson. This appears to mean that once the OBC has set a date for a GTC meeting called by the Chair, it cannot be cancelled, even if there are no agenda items to discuss or if there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. *See 11.7-6(c).*

#### *“Calling” a GTC Meeting*

In August of 2002, a job description was issued for the Tribal Chair position. One of the items identified as a responsibility of the Tribal Chair was to “Call any special meetings of the Tribal Council or General Tribal Council” – this appears to require all special GTC meetings to be called by the Chair, even when the meeting is called to address a petition submitted by 50 qualified voters. That description may conflict with this Law, and with the Tribal Constitution, because it does not address the constitutional right of 50 qualified voters to call a meeting.

Overall, there may be some difficulty with this Law, in identifying exactly what the act of calling a meeting entails – who calls it, what is the specific action done to call a meeting, etc.

#### *Required Statement of Effect and Analyses*

For both petitions and the Chairman’s items, the Law contains the same analysis requirement: The Secretary must forward a copy of the verified petition (for the 50 qualified voters) or a copy of the “item(s)” (for a meeting called by the Chair) to the appropriate individuals who directly report to the OBC. These individuals are required to prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses. The Secretary must provide those individuals with a deadline for submitting those to the Secretary’s Office. The deadline has to be at least 10 business days after the petition or item(s) are forwarded to those individuals. *See 11.5-3(c)(2).*

The Secretary is required to forward a *petition* to those appropriate individuals within one business day after Enrollments verifies the petition. There is no deadline for the Secretary to forward *item(s)* when the Tribal Chair calls a meeting. *See 11.5-3(c)(2) and 11.6-1(b).*

The Law also defines what each of these items will include:



| Item   | Who prepares?  | Description   | Similar requirements in other Tribal Legislation  |
|--|--|---|---|
| <b>Statement of effect</b><br><i>11.3-1(i)</i>     | <i>Not stated in the Law.</i>                          | An analysis to explain the effect that adopting a resolution will have on the Tribe.  | This definition is similar to the language found in OBC Resolution #06-01-05-C, which requires a statement of effect for most OBC/GTC resolutions.  |
| <b>Administrative analysis</b><br><i>11.3-1(a)</i> | Affected Tribal divisions, departments or other areas. | <ul style="list-style-type: none"> <li>• How that area would be affected by the changes sought by the petition – administrative processes, Tribal resources, etc.</li> <li>• How to implement the petition.</li> <li>• The benefits/risks of implementing the petition</li> <li>• Alternatives to any action requested in the petition.</li> </ul>                | No similar requirements or definitions were found in other Tribal legislation.  |
| <b>Legislative analysis</b><br><i>11.3-1(g)</i>    | Legislative Reference Office                           | <ul style="list-style-type: none"> <li>• How a petition will affect current Tribal legislation, or how the petition would result in new legislation.</li> <li>• The petition's terms, substance, intent, key issues, potential impacts and subjects involved.</li> <li>• It <u>may</u> identify policy considerations and/or conflicts with other laws</li> </ul> | This is similar to requirements found in the Legislative Procedures Act (LPA), which requires legislative analyses for proposed laws and policies (or changes to laws and policies) that are sent to the OBC for consideration or published for public review. However, the LPA <i>requires</i> a legislative analysis to identify policy considerations and/or conflicts with other laws. <i>See the LPA, 16.3-1.</i>  |
| <b>Fiscal analysis</b><br><i>11.3-1(e)</i>         | Finance Department                                     | <ul style="list-style-type: none"> <li>• Total fiscal year financial effects associated with the petition.</li> <li>• An estimate of the amount of time necessary for an individual or agency to comply with the proposed changes.</li> </ul>   | This is similar to requirements found in the LPA, which requires one or more <i>fiscal impact statements</i> for nearly all proposed laws or amendments to existing laws. The LPA defines <i>fiscal impact statements</i> almost exactly like this Law defines a <i>fiscal analysis</i> , but the LPA requires fiscal impact statements to be prepared by any potentially affected Tribal department, division or other entity. Under the LPA, the Finance Department may also prepare a fiscal impact statement, but only upon request of the LOC. |
| <b>Legal analysis</b><br><i>11.3-1(f)</i>          | Tribe's Law Office                                     | Discusses the ability to legally take action requested by the petition, based on parliamentary issues, including prior GTC actions, conflicts with federal law and/or the Tribal Constitution and Tribal law).  | The definition is new and there are no similar requirements or definitions in other Tribal legislation.   |

#### *Incomplete Analyses*

For petitions, if any required analyses are not completed in time for the GTC meeting, then any completed analyses and an explanation for any incomplete analyses must still be placed on the agenda for that scheduled meeting, and then the petition and all completed analyses must also be placed on the subsequent GTC agenda. The Law does not identify a process for what

would happen if any of the analyses of an item requested by the Chair are not completed in time for the GTC meeting. *See 11.5-5.*

#### *Additional Requirements for the Petition Process*

The petition process contains additional, procedural requirements which are not addressed for the process of the Chair calling a special GTC meeting:

- Petitions must be on forms approved by the Tribal Secretary's Office. *11.5-1.*
- Upon request, the Legislative Reference Office must assist a Tribal member with drafting a petition. *11.5-1(a).*
- Completed petitions must contain the petitioner's name, address, and enrollment number; a summary of the reason for the petition and the action requested; any supporting documentation; and at least 50 original signatures from Tribal members who are qualified voters; including their printed names, addresses and enrollment numbers or birth dates. *11.5-2.*
- Within one business day after a petition is submitted, the Secretary must forward it to Enrollments, who must return the verification results to the Secretary within five business days after receiving the petition. *11.5-3.*
- The Secretary must provide various notices and information to a petitioner – including:
  - the date of the GTC meeting where the petition will be considered
  - the deadline for submitting any additional information to be included in the packet
  - the date that any analyses are due
  - copies of any analyses that are submitted to the Secretary
  - Notice when any required analyses are not completed in time. *See 11.5-5 and 5-6.*

#### **Responsibilities of the Secretary's Office**

This Law identifies GTC meeting-related responsibilities of the Secretary's Office. Although other responsibilities are listed throughout the Law, section 11.9-4 identifies five different and specific responsibilities, which are:

1. Ensuring each GTC meeting is recorded. The Secretary's Office must also make any video and audio recordings available to Tribal members within five business days after a GTC meeting.
2. Placing draft minutes from previous GTC meetings on the agenda for approval.
3. Creating an action report, transcript and draft minutes of each meeting.
  - The action report, which must contain a summary of the actions taken by GTC, must be available in accordance with the Open Records and Open Meetings law within five business days after the meeting.
  - The transcript and draft minutes must be available within 60 days after a GTC meeting. The draft minutes must contain, at a minimum, the meeting start/end times, a quorum count, actions taken, and the signature of the person submitting the minutes for approval.
4. Placing all GTC actions that require follow-up before the OBC within 30 days after a GTC meeting.
5. Scheduling and organizing GTC meetings. The Secretary's Office must create and approve standard operating procedures to determine specific roles and responsibilities to carry out and enforce this Law; including procedures involving those entities that assist with the meetings.

In August of 2002, a job description was created for the Tribal Secretary position, which identifies various responsibilities of the Tribal Secretary. The Secretary duties identified in this Law all appear to fall under that job description, either under particular identified duties, or through item #22 on that list, which makes the Secretary responsible for "All other job related

duties as assigned by the” GTC. By adopting this Law, the GTC would be assigning these duties to the Tribal Secretary.

### **Cancelling/Rescheduling GTC Meetings**

The Law authorizes the OBC to cancel a GTC meeting in three circumstances:

1. Neither the OBC Chair, nor the Vice Chair, can be present due to circumstances beyond their control.
2. Holding the meeting would endanger attendees, due to circumstances that cannot be controlled, (i.e. weather or public health dangers).
3. There are no agenda items or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting (however, as discussed above, this would not apply to meetings called by the Chairperson.) *See 11.7-6.*

GTC meetings must be cancelled at least 24 hours before the scheduled starting time, if possible. The OBC is required to give as much advance notice of cancellations as possible through any practicable media outlet, such as newspapers, internet, mail, radio and television. *See 11.7-6.*

When a GTC meeting is canceled, the OBC is required to either reschedule the meeting as soon as practicable, or to place the items from the cancelled meeting’s agenda on to the next available GTC meeting agenda or agendas. *See 11.7-7.*

### **Other**

A public hearing was held on December 6, 2012, and the comments received during the Public Comment Period have been incorporated into this draft.

Submitted by: Taniquelle J. Turner, Legislative Analyst  
Legislative Reference Office

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## **Chapter 11**

### **General Tribal Council Meetings**

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#### **11.1. Purpose and Policy**

11.1-1. *Purpose.* The purpose of this law is to create a schedule of General Tribal Council meeting dates, set a general agenda for those meetings, outline the petition process, set standards of conduct for those attending meetings and outline the duties of those preparing and assisting with the meetings.

11.1-2. *Policy.* It is the policy of the Tribe to hold consistent, organized General Tribal Council meetings to enable General Tribal Council members to participate and provide input in a respectful and meaningful way.

#### **11.2. Adoption, Amendment, Repeal**

11.2-1. This law was adopted by the General Tribal Council by resolution \_\_\_\_\_.

11.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

11.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

11.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

11.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

### 11.3. Definitions

11.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Administrative analysis” means an analysis prepared by the appropriate division(s), department(s) or other area(s) of the Tribe which describes the effect a petition would have on that division, department or area, the Tribe’s administrative processes, and/or Tribal resources, including employees, equipment and/or finances; discusses how to implement the petition, benefits and risks of implementing the petition and alternatives to any action requested in the petition.

(b) “Chairperson” means the Chairperson of the Tribe, or in the Chairperson’s absence, the Vice-Chairperson of the Tribe.

(c) “Constitution” means the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin, as amended.

(d) “Entity” means a Tribal program, division, department, board, committee, commission or similar business unit.

(e) “Fiscal analysis” means an analysis, prepared by the Tribe’s Finance Department, of the total fiscal year financial effects associated with a petition, and shall include startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the petition after implementation.

(f) “Legal analysis” means an analysis prepared by the Tribe’s Law Office which discusses the ability to legally take action requested in a petition, based on parliamentary issues, including prior GTC actions and conflicts with federal law and/or the Constitution or Tribal law.

(g) “Legislative analysis” means an analysis prepared by the Legislative Reference Office describing how a petition will affect current Tribal laws or policies or result in new legislation being developed. A legislative analysis may also include a statement of the petition’s terms and substance; intent of the petition; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the petition and policy considerations.

(h) “Petition” means a document signed by not less than fifty (50) Tribal members who are eligible voters which requests a special General Tribal Council meeting be held, in accordance with the Constitution, to address a specific item(s).

(i) “Statement of effect” means the analysis prepared to explain the effect adopting a resolution will have on the Tribe.

(j) “Tribe” means the Oneida Tribe of Indians of Wisconsin.

### 11.4. Setting General Tribal Council Meeting Dates

11.4-1. *Annual and Semi-Annual Meetings.* Annual and semi-annual General Tribal Council meetings shall be held in January and July, in accordance with the Constitution.

11.4-2. *Budget Meeting.* A special General Tribal Council meeting shall be held as required for the primary purpose of adopting the Tribal budget for the upcoming fiscal year(s).

11.4-3. *Special Meetings.* Special meetings shall be scheduled at least twice a year in order to address General Tribal Council business, including petitions. Additional special meetings may be called in accordance with the Constitution.

### 11.5. Petitions

11.5-1. *Petition Requests.* A Tribal member may request to place an item(s) on a General Tribal Council meeting agenda by submitting a completed petition to the Tribal Secretary’s Office.

Petitions shall be on the forms approved by the Tribal Secretary's Office.

(a) At a Tribal member's request, the Legislative Reference Office shall assist the Tribal member with drafting a petition.

11.5-2. *Completed Petitions.* A completed petition shall contain the following:

(a) Name, address and enrollment number of the petitioner;

(b) A summary of the reason for the petition, including the action being requested and whether additional documents are attached;

(c) Any additional documents, if applicable; and

(d) At least fifty (50) original signatures from Tribal members who are qualified voters. In order for a Tribal member's signature to count towards the minimum requirement, an individual shall:

(1) sign and print his or her name;

(2) provide his or her address; and

(3) provide his or her enrollment number or birth date.

11.5-3. *Processing a Petition.*

(a) The Tribal Secretary's Office shall forward a completed petition to the Enrollment Department no later than one (1) business day after receiving the petition.

(b) The Enrollment Department shall verify the number of qualified voters that have signed the petition and return the petition and the verification results to the Tribal Secretary's Office no later than five (5) business days after receiving the petition.

(c) If at least fifty (50) qualified voters have signed the petition, the Tribal Secretary's Office shall:

(1) place the verified petition on the next available Oneida Business Committee agenda for review and determination of the meeting date when the petition will be considered by the General Tribal Council; and

(2) forward a copy of the verified petition to the appropriate individuals who directly report to the Oneida Business Committee within one (1) business day of receiving the verification results from the Enrollment Department.

(A) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.

(B) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the petition to the appropriate individuals.

(3) request the petitioner attend an Oneida Business Committee meeting to discuss the issues raised by the petition

11.5-4. *Placing a Petition on a General Tribal Council Meeting Agenda.* The Oneida Business Committee shall determine the meeting date when a petition will be considered.

(a) A petition submitted at least sixty (60) days before an upcoming General Tribal Council meeting shall be placed on that meeting's agenda.

(b) A petition shall be considered by the General Tribal Council no later than six (6) months after it is submitted to the Tribal Secretary's Office.

11.5-5. *Incomplete Analyses.* In the event that the required analyses of the petition are not completed in time for the General Tribal Council meeting the Tribal Secretary's Office shall:

(a) notify the petitioner and place the petition, any completed analyses and the reasons for the incomplete legal, fiscal, administrative and/or legislative analyses on the General Tribal Council meeting agenda.



(b) place the petition and the required analyses on the subsequent General Tribal Council meeting agenda.

11.5-6. *Notification to the Petitioner.* The Tribal Secretary's Office shall provide the petitioner with the following information as soon as it becomes available:

- (a) the meeting date when the petition will be considered;
- (b) the date the required analyses are due to the Tribal Secretary's Office;
- (c) any analyses that are submitted to the Tribal Secretary's Office; and
- (d) the deadline date for the petitioner to provide any additional information to be included in the General Tribal Council meeting packet.

#### **11.6. Special General Tribal Council Meetings Called by the Chairperson**

11.6-1. If the Chairperson of the Tribe calls a special General Tribal Council meeting in accordance with the Constitution, to address an item(s) the Tribal Secretary's Office shall:

- (a) place the item(s) on the next available Oneida Business Committee agenda for review and determination of the meeting date when the item(s) will be considered by the General Tribal Council; and
- (b) forward a copy of the item(s) to the appropriate individuals who directly report to the Oneida Business Committee.

(1) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.

(2) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the item(s) to the appropriate individuals.

11.6-2. *Setting a General Tribal Council Meeting Date.* After the Chairperson calls a special General Tribal Council meeting, the Oneida Business Committee shall approve the meeting date when the item(s) will be addressed.

#### **11.7. Holding a General Tribal Council Meeting**

11.7-1. *Notice.* Notice of a General Tribal Council meeting shall be provided in accordance with the Oneida General Tribal Council Ten Day Notice Policy.

11.7-2. *Quorum.* The quorum for a General Tribal Council meeting shall be established by the Constitution.

11.7-3. *Eligibility to Attend a General Tribal Council Meeting.*

- (a) The following individuals are eligible to attend a General Tribal Council meeting:

(1) Tribal members eligible to vote per the Constitution.

(2) Other individuals who have a business-related need to attend the meeting and are approved to attend the meeting by majority vote of the General Tribal Council. When an individual received General Tribal Council approval to attend the meeting, the General Tribal Council shall approve the individual to attend either all or a certain part(s) of the meeting.

- (b) Any individual who is not approved to attend the meeting in accordance with this section shall be escorted from the meeting by the Sergeant of Arms, or designee.

11.7-4. *Verifying Eligibility to Attend a General Tribal Council Meeting.* The Enrollment Department shall verify the identity of all individuals attending a General Tribal Council meeting, even those individuals who are ineligible to vote.

- (a) An Oneida Tribal Identification Card or state issued identification card may be required to verify the identity of an individual attending a General Tribal Council meeting.

11.7-5. *Registration.* All individuals who attend a General Tribal Council meeting shall be required to register with the Enrollment Department.

11.7-6. *Canceled a Meeting.* When a General Tribal Council meeting is canceled, it shall be canceled at least twenty-four (24) hours in advance of the meeting start time unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given. Notice shall be provided through any practicable media outlet, including, but not limited to: newspapers, internet, mail, radio and television. The Oneida Business Committee may cancel a meeting if one (1) of the following occurs:

(a) Neither the Chairperson nor the Vice-Chairperson of the Oneida Business Committee can be present due to circumstances beyond their control.

(b) Holding the meeting would endanger those individuals who attend the meeting, due to circumstances that cannot be controlled, such as the weather or public health dangers.

(c) There are no agenda items to discuss or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. However, this shall not apply to a meeting called by the Chairperson in accordance with 11.6.

11.7-7. *Rescheduling a Meeting.* When a General Tribal Council meeting is canceled, the Oneida Business Committee shall:

(a) re-schedule the meeting as soon as practicable; or

(b) place the agenda items from the meeting on the next available General Tribal Council meeting agenda(s).

## **11.8. General Tribal Council Meeting Agenda**

11.8-1. The Tribal Secretary's Office shall develop a process to address General Tribal Council meeting agenda development. The order of the agenda for each General Tribal Council meeting shall be as follows, provided when there is no business in a listed category, it shall be noted on the agenda:

(a) Opening Prayer and/or Color Guard

(b) Call to Order

(c) Approval of Agenda

(d) Approval of Minutes

(e) Unfinished Business

(f) New Business

(g) Reports

(h) Other

(i) Adjourn

11.8-2. *Announcements.* The Chairperson may allow time, prior to the opening prayer and/or color guard, for announcements to be made which do not directly relate to the agenda, provided the announcements last no more than fifteen (15) minutes and do not delay the start of the meeting.

11.8-3. *Call to Order.* The Chairperson shall call General Tribal Council meetings to order at the noticed meeting time or upon confirmation of a quorum, whichever occurs later. If a quorum has not been established within fifteen (15) minutes after the noticed meeting time, the meeting shall not be held.

11.8-4. *Approval of Agenda.* Amendments to the agenda may be made prior to the agenda being adopted.

11.8-5. *Unfinished Business and New Business.* Each item under Unfinished Business and New Business shall be presented in the following order:

(a) Summary of item being presented.

(1) Should be no longer than five (5) minutes in length.



(2) Shall include the purpose of the request and the action requested of the General Tribal Council.

(b) A presentation of the item, including, at a minimum, the legal, fiscal, administrative and legislative impacts of the item.

(c) Question and answer period.

(d) Action. General Tribal Council action taken in accordance with the Constitution and Tribal law shall be binding on the Oneida Business Committee or other appropriate entity.

11.8-6. *Reports.* Each entity and Tribally chartered corporation shall file an Annual and Semi Annual Report with the Tribal Secretary's Office to be made available to Tribal members, either electronically or through inclusion in the meeting materials provided to Tribal members. Reports shall conform to the format and contain information as required by the Oneida Business Committee.

11.8-7. *Adjourn.* Items not completed by the adjournment of a meeting shall be forwarded to the Oneida Business Committee for action.

## **11.9. Additional Responsibilities**

11.9-1. *Sergeant of Arms.* The Oneida Business Committee shall designate an individual to serve as the Sergeant of Arms at General Tribal Council meetings. The Sergeant of Arms shall oversee the Security Department during General Tribal Council meetings.

11.9-2. *General Tribal Council Meeting Attendees.*

(a) Keeping in line with the Oneida principle of Kalihwi-yó,<sup>3</sup> General Tribal Council meeting attendees are expected to treat each other with respect and kindness. In addition, General Tribal Council meeting attendees shall not:

(1) Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees.

(2) Be under the influence of alcohol or illegal drugs.

(3) Have a weapon on their person in violation of any applicable law.

(4) Take action that violates Tribal law.

(b) Any individual who violates 11.9-2(a) may be prohibited from attending a General Tribal Council meeting or may be removed from a General Tribal Council meeting by the Sergeant of Arms, or designee, upon discovery of a violation or at the direction of the Chairperson of the meeting. An individual removed from a General Tribal Council meeting shall not be allowed to return for the duration of the meeting.

11.9-3. *Tribal Secretary's Office.* The Tribal Secretary's Office shall be responsible for:

(a) Scheduling and organizing General Tribal Council meetings. The Tribal Secretary's Office shall create and approve standard operating procedures to determine specific roles and responsibilities to carry out and enforce this law, including procedures involving those entities which assist with the General Tribal Council meetings.

(b) Ensuring each General Tribal Council meeting is recorded and making any video and audio recordings available to Tribal members within five (5) business days after a General Tribal Council meeting.

(c) Creating an action report, transcript and draft minutes of the General Tribal Council meeting.

(1) The action report shall be available in accordance with the Open Records and Open Meetings law within five (5) business days after a General Tribal Council

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<sup>3</sup> The use of the good words about ourselves, our Nation, and our future.

meeting and shall contain a summary of action taken by the General Tribal Council.

(2) The transcript and draft minutes shall be available in accordance with the Open Records and Open Meetings law within sixty (60) days after a General Tribal Council meeting. The draft minutes shall contain, at a minimum:

(A) The start and end time of the meeting;

(B) A quorum count from the meeting;

(C) Action taken by the General Tribal Council; and

(D) Signature of the person submitting the minutes for approval.

(d) Placing draft minutes from previous General Tribal Council meetings on the agenda for approval.

(e) Placing General Tribal Council actions which require follow-up before the Oneida Business Committee within thirty (30) days after the General Tribal Council meeting.

*End.*

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# Legislative Operating Committee

## December 17, 2014

### Higher Education

**Submission Date:** October 15, 2014

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** Fawn Billie

**Summary:** *Higher Education proposed funding changes for Fall 2014-2015. The OBC requested a legislative analysis of the changes which were made to the Student Handbook. Following this action, the OBC directed the LOC to look at codifying the rules created by the Higher Education Office, which currently govern how Higher Ed disburses higher education funding in accordance with GTC directives.*

**08/23/14 OBC:** Motion by Vince Delarosa request the BC to direct the proposed Higher Education changes be put on hold until 1) A legal review and legislative analysis are completed and 2) A notice of the amendments and the effects of the amendments are provided to the GTC at an Annual or Semi-Annual meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by David Jordan to direct Higher Education and Governmental Division to send out a notification in the next Kalihwisaks and to include all the students that are within their database who are applying for financial assistance in that notification, saying that the new proposed changes are being put on hold, seconded by Vince Delarosa. Motion carried unanimously.

**10/01/14 LOC:** Motion by Fawn Billie to approve the memo and forward to the Oneida Business Committee for acceptance; seconded by Jennifer Webster. Motion carried unanimously.

**10/08/14 OBC:** Motion by Lisa Summers to send this issue back to LOC for a draft law or policy to come back to the Business Committee when ready, seconded by Trish King. Motion carried unanimously.

**10/15/14 LOC:** Motion by Jennifer Webster to add Higher Education to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

*Note: Fawn Billie will be the sponsor.*

**12/17/14 LOC:** Motion by Jennifer Webster to accept the memorandum regarding the status of the Higher Education Law as FYI; seconded by Fawn Billie. Motion carried unanimously.

**5/20/15:** Work meeting held, attendees include: Pat Garvey, Candice Skenandore, Mitchell Metoxen, Fawn Billie, David P. Jordan, Leyne Orosco, Fawn Cottrell.

**7/17/15:** Work meeting held, attendees include: Fawn Billie, David Jordan, Tehassi Hill, Jennifer Webster, Cheryl Vandenberg, Paula Ripple, Don White, Mistylee Herzog, Mitchel Metoxen, Fawn Cottrell, Krystal John, Candice Skenandore.

**7/24/15:** Strategy meeting held, attendees include: David Jordan, Tehassi Hill, Jennifer Webster, Brandon Stevens, Krystal John, Candice Skenandore.

**Next Steps:**

- Review the draft of the Oneida Higher Education Law and request a legislative and financial analysis.

## Chapter 305 Oneida Higher Education Scholarship

305.1. Purpose and Policy  
305.2. Adoption, Amendment, Repeal  
305.3. Definitions  
305.4. Higher Education Office

305.5. Higher Education Scholarship  
305.6. Eligibility and Requirements  
305.7. Enforcement  
305.8. Appeals

### 305.1. Purpose and Policy

305.1-1. *Purpose.* The purpose of this law is:

- (a) To implement a scholarship program that is compliant with General Tribal Council resolution 08-12-96-A.
- (b) To specify the funding requirements and procedural controls.

305.1-2. *Policy.* It is the policy of this law to protect and prevent the misuse and/or abuse of Tribal resources and to have a consistent methodology for awarding of the Higher Education Scholarship.

### 305.2. Adoption, Amendment, Repeal

305.2-1. This Law was adopted by the Oneida Business Committee by resolution \_\_\_\_\_.

305.2-2. This Law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

305.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

305.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law shall control.

305.2-5. This Law is adopted under authority of the Constitution of the Oneida Nation.

### 305.3. Definitions

305.3-1. This section shall govern the definitions of words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Accredited vocational program, college or university" means any United States educational institution eligible for federal financial aid or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) "Citizen" means a descendant of the Oneida Nation identifiable by an official enrollment number.

(c) "Financial Needs Analysis" (FNA) is a form which reports a school's cost of attendance and eligible Financial Aid awards, which is sent by the Oneida Higher Education Office directly to the school's financial aid office for completion.

(d) "Free Application for Federal Student Aid" (FAFSA) is an application which determines eligibility for any financial resources such as state and federal funding.

(e) "Grade Point Average (GPA)" is a measure of a student's academic achievement arrived at by dividing the total grade points received by the total grade points attempted.

(f) The "Higher Education Student Handbook" provides the rules and regulations for carrying out this Law as further described in Section 305.4-1(b).

(g) "Scholarship" means monetary funds awarded to a student through the Oneida Higher Education program.

**305.4. Higher Education Office**

305.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and enforce the provisions of this Law. The Higher Education Office shall:

- (a) Award scholarships in accordance with this Law.
- (b) Develop and maintain rules and regulations designed to carry out this Law and shall make such rules and regulations available in the Higher Education Student Handbook.
  - (1) At a minimum, the rules and regulations relating to the eligibility requirements, funding caps in accordance with General Tribal Council resolution 08-12-96-A, and the enforcement and appeals provisions must comply with the provisions of this Law.
  - (2) The Higher Education Student Handbook and any revisions thereto must be approved by the Oneida Business Committee.
- (c) Develop and maintain a system of internal controls for the Higher Education Office.

**305.5. Eligibility and Requirements**

305.5-1. *Eligibility.* In order to be eligible for a Scholarship award, applicants must:

- (a) Be a Citizen.
- (b) Be in Good Standing where good standing means the student has met the Oneida GPA requirements as determined in the Higher Education Student Handbook and completed the total number of credits within the semester/term for which the Scholarship was provided and has meet the standards of the Financial Aid Academic good standing and Satisfactory Progress (SAP) Policy based on federal required regulations.
- (c) Be accepted to an Accredited vocational program, college or university.
- (d) Not be seeking the Scholarship for semesters/terms which have already ended or been completed.
- (e) Not be seeking the Scholarship for continuous degrees at any level, unless the continuous degrees sought at the same level are pursued concurrently and within the allowable length of funding pursuant to Section 305.6-1.

305.5-3. *Requirements.* In order for a Scholarship to be awarded, applicants must:

- (a) File the Free Application for Federal Student Aid (FAFSA), unless the applicant will be taking less than six (6) credits or will be attending an Oneida specific culture and/or language based program in Canada.
- (b) Submit a complete student file to the Oneida Higher Education Office based on the requirements of the Higher Education Student Handbook.

**305.6. Higher Education Scholarship**

305.6-1. *Length of Funding.* The following provides maximum funding periods, which are based on the achievement sought, pursuant to the Higher Education Student Handbook, for eligible applicants:

- (a) 2.5 years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.
  - (1) Vocational Program Completion is successful fulfillment of a course of work from a vocation or trade school, which is a higher-level learning institution providing students with skills based on job-specific training.
  - (2) An Associate Degree is an undergraduate academic degree which may be

awarded by community colleges, junior colleges, technical colleges, bachelor's degree-granting colleges and universities upon completion of a course of study.

(3) Certificate Program Completion is successful fulfillment of a course of work focusing on specialized skills, professional development, and advanced training.

(b) 5 years for an Undergraduate (Bachelor's) Degree.

(1) An Undergraduate (Bachelor's) Degree is an academic degree for completing an undergraduate course of study.

(c) 3 years for a Graduate (Master's) Degree.

(1) A Graduate (Master's) Degree is an advanced academic degree which requires that students have previously earned an undergraduate degree

(d) 5 years for a Doctoral (Doctorate) Degree.

(1) A Doctoral (Doctorate) Degree is the most advanced academic or professional degree which requires that students have previously earned an undergraduate degree and qualifies the holder to teach at the university level in the degree's field, or to work in a specific profession, such as medicine or law for example.

305.6-2. *Tiered Funding System.* Consists of the following three levels:

(a) Vocational or undergraduate.

(b) Masters.

(c) Doctorate.

305.6-3. *Award.* Is based upon:

(a) The funding caps for each tier, which are contained in the Higher Education Student Handbook.

(1) Amendments to these funding caps require General Tribal Council approval, but do not require this Law to be amended.

(b) The Financial Needs Analysis.

### **305.7. Enforcement**

305.7-1. *Accountability.* The Higher Education Office shall place students on probation or suspension as required by the Higher Education Student Handbook and in accordance with the Oneida Higher Education system of internal controls.

### **305.8. Appeals**

305.8-1. A student who has been denied funding from the Oneida Higher Education Scholarship program may file an appeal with the Oneida Higher Education Office in accordance with the Higher Education Student Handbook.

305.8-2. *Appeals.* Must be sequentially directed through the following two (2) levels of review:

(a) Oneida Higher Education Office three (3) party review panel, which is to include the student's Higher Education Advisor, the Higher Education Manager and the Education and Training Area Manager.

(b) The Division Director of Governmental Services.

305.8-3. The decision of the Division Director of Governmental Services is final; no further appeals may be heard.

*End.*

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Pursuant to GTC Resolutions: 8-12-96-A; 10-24-01-K; 05-09-01-B; 7-24-02-AA; and 1-30-10-A.  
Adopted: BC-





# Legislative Operating Committee

## August 5, 2015

# Petition: Cornelius - 4 Resolutions (Investigate 7 Gens, 7 Gens Return Money, Freedom of Press, Impose Tax on OBC)

**Submission Date:** May 13, 2015

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:** David P. Jordan

**Summary:** *The Petition is to allow the petitioner to hold a special GTC meeting to report on 7 Gens and present four (4) resolutions to be voted on by GTC.*

**5/13/15 OBC:** Motion by Trish King to acknowledge receipt of the petition submitted by Frank Cornelius, seconded by Fawn Billie. Motion carried unanimously.

Motion by Trish King to send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance and Legislative Offices to submit the analyses to the Tribal Secretary within 60 days and a that a progress report is submitted in 45 days, seconded by David Jordan.

Motion by David Jordan to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary within 30 days, seconded by Trish King. Motion carried unanimously.

**5/20/15 LOC:** Motion by Fawn Billie to accept the Petition: Cornelius- Special GTC meeting to address 4 Resolutions and to add to the active files list; seconded by Tehassi Hill. Motion carried unanimously.

*Note: David P. Jordan will be the sponsor*

Motion by Fawn Billie to forward a memorandum to the OBC addressing concerns that the Resolutions are not attached to petition; seconded by Tehassi Hill. Motion carried unanimously.

**5/27/15 OBC:** Motion by David Jordan to direct the Tribal Secretary to reach out to Petitioner Frank Cornelius to request the four resolutions mentioned in the petition be submitted in 30 days, seconded by Lisa Summers. Motion carried unanimously.

**6/24/15 OBC:** Motion by Fawn Billie to defer this item to the next regular Business Committee meeting and direct the Tribal Secretary to work with the petitioner to find a solution to the concerns, seconded by Tehassi Hill. Motion carried unanimously.

**7/8/15 OBC:** Motion by Tehassi Hill to accept the update as information and defer this item to the July 22, 2015, regular Business Committee meeting as agreed upon by the Business Committee members and the petitioner, seconded by David Jordan. Motion carried unanimously.

**7/22/15 OBC:** Motion by Brandon Stevens to table this item, seconded by David Jordan. Motion carried unanimously.

### Next Steps:

- Forward the LOC Update Memo to the Business Committee.

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson


Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

## Memorandum

**TO:** Oneida Business Committee  
**FROM:** Brandon Stevens, LOC Chairperson   
**DATE:** August 12, 2015  
**RE:** Petition: Cornelius-Special GTC Meeting to Address Four Resolution – Update

A petition was submitted to the Tribal Secretary's Office on April 28, 2015 and was verified by the Enrollment Department. This Petition was submitted to the Oneida Business Committee (OBC) agenda and accepted at the May 13, 2015 meeting. This Petition requests a Special GTC meeting allowing the petitioner to present on and address four resolutions.

This Petition reached the Legislative Operating Committee (LOC) during the May 20, 2015 LOC meeting in which it was added to the active files list. At that same meeting, a motion was made to forward a memorandum to the OBC addressing concerns that the four resolutions were not attached to the petition; the motion carried unanimously.

At the next OBC meeting on May 27, 2015, it was directed that the Tribal Secretary reach out to the petitioner in order to request the resolutions and that they be submitted within 30 days. When this Petition next made the OBC agenda, on June 24, 2015, the resolutions still had not been provided to the Tribal Secretary. During this meeting Chief Counsel expressed concerns relating to the validity of the petition because it was not possible to determine whether those whom had signed the petition had actually seen and endorsed any resolutions that may be presented by the petitioner since the resolutions had not been presented to the Tribal Secretary in conjunction with the verified petition. The petitioner asserted that there had not been any resolutions included with his original petition, but that he could present some if that was required. There was a motion to direct the Tribal Secretary to work with the petitioner relating the resolutions; the motion carried unanimously.

At the July 8, 2015 OBC meeting there was an update on this Petition; a meeting was held with the petitioner on June 29, 2015, and more time was needed. A motion was made and carried unanimously to defer this Petition to the July 22, 2015 OBC meeting.

At the July 22, 2015 OBC meeting the Tribal Secretary presented a memorandum to the OBC. The memorandum stated that a meeting was held with the petitioner on June 29, 2015 during which it was agreed that the Tribal Secretary would research whether any resolutions could have possible been

submitted with the petition. The memorandum stated that further research confirmed that her office had not received any resolutions with the original petition. Lastly, the memorandum stated that the petitioner submitted a report to the Tribal Secretary on the day of their meeting, June 29, 2015; the report was attached to the Secretary's July 22, 2015 memorandum as a handout. At July 22, 2015 OBC meeting discussion ensued and petitioner asserted that he had in fact presented resolutions to the Tribal Secretary's Office and the Tribal Secretary's office maintained that she had not yet received any resolutions. On July 22, 2015, at 11:35 PM the Tribal Secretary's office received the petitioner's four resolutions.

Having now received the resolutions, the Legislative Reference Office will now proceed to prepare statements of effect for each of the four resolutions and will submit for the OBC's consideration for the August 26, 2015 OBC meeting.



# Legislative Operating Committee

## August 5, 2015

# Petition: Constitution Amendments in Regard to Membership

**Submission Date:** August 13, 2014

☐ Public Meeting:  
☐ Emergency Enacted:

**LOC Sponsor:**

**Summary:** *The Petition is to change the Oneida Constitution and Bylaws in regards to membership.*

- 8/13/14 OBC:** Motion by Vince DelaRosa to accept the petition and send it on for the appropriate analyses to be completed and to come back to the Business Committee in 30 days, seconded by Melinda J. Danforth. Motion carried unanimously.
- 9/24/14 OBC:** Motion by Fawn Billie to defer Michelle Danforth's Petition to change the Oneida Constitution and By-Laws in regards to membership to the next regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.
- 10/01/14 LOC:** Motion by Tehassi Hill to forward the memo to the Oneida Business Committee regarding amending the Constitution and Bylaws; seconded by Fawn Billie. Motion carried unanimously.
- 10/8/14 OBC:** Motion by Trish King to defer Michelle Danforth's Petition to change the Oneida Constitution and By-Laws in regards to membership to the next regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.
- 10/22/14 OBC:** Motion by Melinda J. Danforth to accept the legislative, fiscal and legal analyses as provided for this petition and direct the Tribal Secretary to provide an update at the next Business Committee meeting on the update of the conversation with the petitioner, seconded by Tehassi Hill. Motion carried unanimously.
- 11/12/14 OBC:** Motion by Melinda J. Danforth to accept the update as information and to direct the Tribal Secretary to provide a final recommendation on this item at the December 10, 2014, Business Committee meeting, seconded by Jenny Webster. Motion carried unanimously.
- 12/10/14 OBC:** Motion by Jenny Webster to accept the update as information and direct the Tribal Secretary to bring back the final recommendation when it is ready, seconded by Tehassi Hill. Motion carried unanimously.
- 6/15/15:** Work Meeting Held. Attendees include: Brandon Stevens, Tehassi Hill, Cheryl Skolaski, Jordyn Rasmussen, Krystal John, RC Metoxen, Bonnie Pigman, Norbert Hill, Candice Skenandore.

**Next Steps:**

- Forward the status update memorandum and research memorandum to the Business Committee for consideration and final recommendation from the Tribal Secretary.

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

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## Committee Members

Brandon Stevens, Chairperson  
Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

## Memorandum

**TO:** Oneida Business Committee  
**FROM:** Brandon Stevens, LOC Chairperson *BS*  
**DATE:** August 12, 2015  
**RE:** Petition: Constitution Amendments in regards to Membership – Progress Update

A petition regarding the Oneida Nation's membership requirements found in the Tribe's constitution was submitted and verified on June 30, 2014. The petitioner notes that because she is only  $\frac{1}{4}$  Oneida of Wisconsin, her son is not eligible for enrollment despite her involvement and membership with the Nation, but if we allowed inclusion of Oneida blood from all locations (Wisconsin, New York and Canada) that she would actually be  $\frac{1}{2}$  Oneida and therefore her children would still qualify for membership. Accordingly, her petition requests revisions to the Membership Ordinance that would make members eligible that have  $\frac{1}{4}$  Oneida blood quantum (no change to percentage), however, in order to reach  $\frac{1}{4}$  blood quantum, potential members could use any combination of blood from our Nation, the Oneida Nation of the Thames (Canada), and the Oneida Indian Nation of New York, so long as there is the presence any amount of blood from our Nation.

A brief synopsis of this Petition's most recent progress is provided by the following timeline:

- 10/22/14 OBC:** Motion by Melinda J. Danforth to accept the legislative, fiscal and legal analyses as provided for this petition and direct the Tribal Secretary to provide an update at the next Business Committee meeting on the update of the conversation with the petitioner, seconded by Tehassi Hill. Motion carried unanimously.
- 11/12/14 OBC:** Motion by Melinda J. Danforth to accept the update as information and to direct the Tribal Secretary to provide a final recommendation on this item at the December 10, 2014, Business Committee meeting, seconded by Jenny Webster. Motion carried unanimously.
- 12/10/14 OBC:** Motion by Jenny Webster to accept the update as information and direct the Tribal Secretary to bring back the final recommendation when it is ready, seconded by Tehassi Hill. Motion carried unanimously.

**6/15/15:** Work Meeting Held. Attendees include: Brandon Stevens, Tehassi Hill, Cheryl Skolaski, Jordyn Rasmussen, Krystal John, RC Metoxen, Bonnie Pigman, Norbert Hill, Candice Skenandore

Based on the most recent proceedings, without the Tribal Secretary having provided her final recommendation to the Oneida Business Committee, the Legislative Operative Committee has not directed any revisions to the Membership Ordinance. However, we have still been working on and discussing this Petition. As noted above, we conducted a work meeting on June 15, 2015 and at that work meeting directed our Staff Attorney to prepare the attached memorandum to the Legislative Operating Committee noting the obstacles to implementing the petitioners requested revisions to the membership requirements that were discussed in our meeting and also considering models that other tribes have pursued in revising their membership requirements.

**Requested Action:** That the Tribal Secretary provide a final recommendation at the September 9, 2015 Oneida Business Committee meeting and that Tribal Secretary consider the attached research memorandum in making the said recommendation.



# Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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## Memorandum

**TO:** Legislative Operating Committee (LOC)  
**FROM:** Krystal L. John, Staff Attorney, Legislative Reference Office (LRO)  
**DATE:** August 5, 2015  
**RE:** Research: Membership Qualification Changes

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You have requested a research report regarding changing the membership qualifications. In part, this is based on a petition regarding the Oneida Nation's membership requirements found in the Nation's constitution that was submitted and verified on June 30, 2014.

### Background

The petitioner notes that because she is only  $\frac{1}{4}$  Oneida of Wisconsin, her son is not eligible for enrollment despite her involvement and membership with the Nation, but if the Nation allowed inclusion of Oneida blood from all Oneida communities (Wisconsin, New York and Canada) that she would actually be  $\frac{1}{2}$  Oneida and therefore her children would still qualify for membership. The petitioner correctly notes that her request would not affect very many children's eligibility for membership, but rather, would make a matter of a hundred or less additional children eligible for membership.

The petition also touches upon a topic that the Trust/Enrollment Committee has been discussing with the Sustain Oneida initiative; if the Oneida Nation continues to use blood quantum to determine membership, the Nation may run out of enrolled members as soon as one century's time.

### Analysis

The petitioner's assertion that there are more  $\frac{1}{4}$  blood quantum Oneidas than Oneidas having half or more blood quantum is verified by Enrollment's latest statistics. These statistics report that currently 45.7% of the membership is  $\frac{1}{4}$  blood quantum and another 13.0% are greater than  $\frac{1}{4}$  but less than  $\frac{1}{2}$  blood quantum. Meanwhile 23.4% are  $\frac{1}{2}$  blood quantum, 10.1% are more than  $\frac{1}{2}$  but less than full blood quantum, and only 7.8% are full blood quantum.<sup>1</sup> Another notable piece of data from the recent enrollment statistics is that the Nation's membership is beginning to die at a faster rate than it has been enrolling. From 2010-2014 there were an average of 109 deaths per year (549 deceased in the entire period) and 619 enrolled in the same period.<sup>2</sup> So far,

<sup>1</sup> See, Skolaski, Cheryl, 2015 06 23 Enrollment Statistics, 25 (June 2015).

<sup>2</sup> Skolaski, Cheryl, 2015 06 23 Enrollment Statistics, 3, 21 (June 2015).

in 2015, 63 members have deceased and only 10 new members have enrolled.<sup>3</sup> Sustain Oneida brings forward the notion that in order to maintain membership, the membership ordinance will eventually need to be amended to allow us to sustain membership as opposed to steadily lose members, which is the only possible trajectory when enrollment is based on blood quantum. Based on Enrollment's estimate, the petition will add an estimated 100 or less additional children eligible as new members, but in comparison to the magnitude of the declining enrollment of new membership and rapidly dropping blood quantum it cannot serve as the sole solution.

It was mentioned at the work meeting held on June 15, 2015, that perhaps the Nation and the Oneida Business Committee should take this opportunity to make this Petition the launching pad for a larger discussion. This report is broken into two sections. The first section attempts to identify a broad range of obstacles facing the Nation should the qualifications for membership be amended. The second section highlights issues found/addressed/researched by a tribe considering implementation of a similar change in membership qualifications.

This report is intended to provide discussion points and does not include recommendations or legislative language. In order to provide a basis for the discussion, this report utilizes the petition submitted by Michelle Danforth to begin the discussion. It is likely any other type of change to the membership qualifications would raise the same issues.

## **WHAT WOULD THE ENROLLMENT REQUIREMENTS BE PURSUANT TO THE SUBJECT PETITION AND WHAT OBSTACLES DOES THE NATION FACE IN IMPLEMENTING THESE CHANGES?**

In order to understand the obstacles and policy decisions that will need to be addressed in order to implement the petitioner's request, it is important to understand the actual request of the petition. As I understand the petition, the new membership requirements would make members eligible that have  $\frac{1}{4}$  Oneida blood quantum (no change to percentage), however, in order to reach  $\frac{1}{4}$  blood quantum, potential members could use any combination of blood from our Nation, the Oneida Nation of the Thames (Canada) (hereinafter "Thames"), and the Oneida Indian Nation of New York, so long as there is the presence any amount of blood from our Nation.

The following is a list of obstacles the Nation will face in implementing the petitioner's request with more in-depth explanations following in chronological order.

- 1) **Dual Enrollment** – will the Nation require relinquishment of membership from the other tribes and, if so, what impact might that have on the Nation's relationships with the other Oneida Nations?
- 2) **Retrieving Blood Quantum Percentages** – the Thames and New York Oneidas have not been very open to sharing information with us and may not follow the same enrollment practices.
- 3) **Benefit Sharing** – the Nation's budget is already tight and expanding the membership criteria to other Oneida nations could incentivize transitioning to this community for economic reasons alone.

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<sup>3</sup> Skolaski, Cheryl, 2015 06 23 *Enrollment Statistics*, 3, 21 (June 2015).

- 4) **Impacts on Federal Funding** – while most, if not all, federal funding programs allow tribes to self-define their membership, are there programs that require ¼ blood quantum from a federally recognized tribe?
- 5) **Policy Considerations** – should the Nation change its membership ordinance to affect such a small population when it is clear that the petitioner’s request cannot serve as the sole solution to the Nation’s larger issue of declining membership and the Nation has not decided how to address the larger issue yet?

## Dual Enrollment

It is understood that the intent of this Petition is to allow individuals who may not have enough Oneida Wisconsin blood to use Thames and/or New York Oneida blood to supplement their Oneida Wisconsin blood so they may enroll with the Nation. However, if the Nation’s membership requirements are revised according to the petitioner’s request, members already enrolled in the other two Oneida tribes may decide to enroll in our Nation to take advantage of various benefits that the Nation provides. Because the Nation does not allow dual enrollment, and other Oneida tribes also likely prohibit dual enrollment, the other Oneida tribal members choosing to enroll with us may have to disenroll from their current tribe. The decision to disenroll in another tribe in order to enroll in our Nation is entirely an individual choice. Since benefits may play a deciding role in making that choice and it is not possible to identify all the possible nuances of the effect on available benefits, this report simply notes this issue.<sup>4</sup>

As the Membership Ordinance is currently written, dual enrollment, which is enrollment in more than one tribe or band,<sup>5</sup> is expressly prohibited by Section 10.4-1(c). Accordingly, if the Nation were going to allow Thames and New York Oneidas that have any portion of Oneida Wisconsin blood to become enrolled members of our Nation, the current law would minimally require that the New York Oneidas relinquish their membership in the Oneida Indian Nation of New York, which is a federally recognized tribe. Additionally, because the law does not specifically limit the consideration of dual enrollment to enrollment in federally recognized tribes, it could be interpreted as forbidding dual membership, regardless of federal recognition. Under such an interpretation, the Nation would also be requiring the Thames Oneidas to relinquish their membership in the Oneida Nation of the Thames. Even if the Nation changed its law, it is likely that in order to enroll in our Nation, the new potential members would be required to relinquish their current tribal membership because their tribes likely have similar provisions prohibiting dual enrollment.

Another option that has been discussed is considering enrollment in another Oneida tribe “joint enrollment” rather than “dual enrollment.” This may sound like a better option than lifting the ban on dual enrollment or excluding the other Oneida tribes from the definition of “dual enrollment.” Without the cooperation of the other Oneida tribes, in practice, it amounts to the

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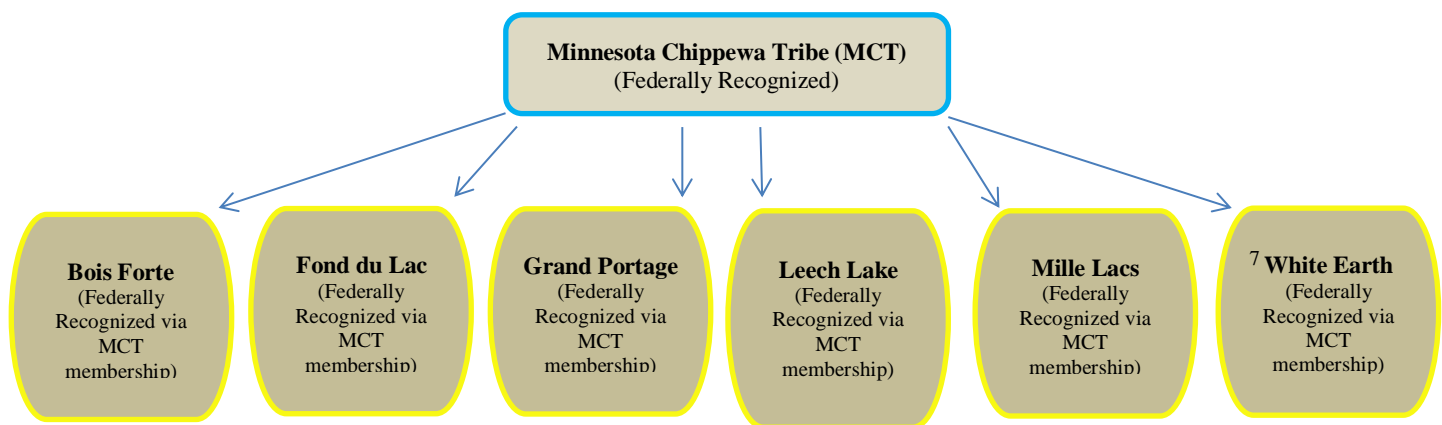
<sup>4</sup> This question of benefits includes benefits received from each of the tribes (Wisconsin, Canada, New York) as well as those federal benefits (United States or Canada) that may be conveyed to the tribe or the individual.

<sup>5</sup> “Dual Enrollment” is not specifically defined as enrollment in more than one *federally recognized* tribe in the Constitution or the Nation’s By-laws, the Membership Ordinance, or the Oneida Trust/Enrollment Committee By-laws.

same thing as “dual enrollment” and may negatively impact the enrollment in Thames or New York Nations resulting in the member being disenrolled.

This is because in order to create a joint membership status in all three nations, it is possible three-party agreement would be needed in which each Oneida tribe acknowledges “joint membership” for all Oneidas, similar to the Chippewa in Minnesota where all six bands are members of the Minnesota Chippewa Tribe, but also members of their individual tribes.<sup>6</sup> Such an agreement could be approached by either moving to an organization similar to the Minnesota Chippewa Tribe or agreeing on joint membership, but enacting the joint membership solely through each nation’s respective membership requirements and avoiding the overarching “all Oneida” organization.

The first option is not likely feasible for multiple reasons. First, our federal recognition is as individual tribes and the recognition for the Chippewa in Minnesota is at their higher level through the overarching Minnesota Chippewa Tribe as represented in the chart below.



Second, even if the Nation wanted recognition at an overarching communal Oneida level, the Oneida Nation of the Thames could not be included because they are not located within the continental United States. Lastly, even if the Nation just wanted to create “joint membership” organization between the Nation and the New York Oneidas for federal recognition purposes, it is very questionable whether it would be approved by the Bureau of Indian Affairs due to how geographically separate the two are. Both Tribes are treaty tribes and have made separate decisions regarding the Indian Reorganization Act. Any decision such as this impacts fee-to-trust applications, self-governance contracts, gaming compacts, and other tribal governmental agreements.

The second option would be much more practicable, but again, requires the cooperation of all three tribes. Without all three tribes cooperation, what amounts to “joint enrollment” for us, will still be dual enrollment for members already enrolled with another tribe and therefore would still

<sup>6</sup> It should be noted that this Research report does not address the enrollment, disenrollment, dual enrollment process of Canadian Indians.

<sup>7</sup> As discussed in the second section of this memorandum, White Earth is currently debating whether it could establish its own constitution separate from the constitution of the Minnesota Chippewa Tribe and maintain federal recognition.

require potential members currently enrolled in another Oneida tribe to disenroll in that tribe in order to enroll in ours.<sup>8</sup>

### **Retrieving Blood Quantum Percentages**

In order to allow potential members to supplement their Oneida Nation of Wisconsin blood quantum with Oneida blood from Thames or New York the Nation would need a reliable information source certifying the potential members blood quantum from either Thames or New York. That means the Nation would need for the Thames and New York Oneida Nations to “open their rolls” to the Enrollment Department so that it could be ascertained whether a prospective member is a descendant from the respective nation. In the alternative, it would require us to develop an acceptable certification process regarding the enrollment and blood quantum in the Thames and New York nations.

Thus far, the Nation has not had any success communicating with the Oneida Indian Nation of New York regarding their enrollment practices or an estimate of how many New York Oneidas may become eligible for membership in the Nation should the Nation make the suggested revisions. In order to move forward in considering the potential of supplementing Oneida Wisconsin blood with Oneida New York blood, extensive information gathering from the Oneida Indian Nation of New York is necessary, which will likely require a good deal of diplomatic efforts on the Oneida Business Committee’s behalf.

While communicating with the Oneida Nation of the Thames has not proven as difficult as communicating with the New York Oneidas, getting reliable blood quantum may be difficult for very different reasons. I am still waiting on confirmation from their enrollment department, but initial research has indicated that the Oneida Nation of the Thames does not determine membership based on blood quantum. Instead, they determine membership based on descendants. Descendant enrollment considers someone with both parents containing any percentage of Oneida Thames blood “full-blooded” even though their Oneida Thames blood quantum may not be 100%; likewise, someone with only one parent containing any percentage of Oneida Thames blood would be considered “half-blooded” again even though their Oneida Thames blood quantum may not actually be half. The largest problem that descendant enrollment poses for the proposed revisions to the membership requirements is that the Nation would have no way to know with any certainty how much Oneida Thames blood a person has to contribute to their Oneida Wisconsin blood to reach the requisite  $\frac{1}{4}$  blood quantum. Without blood quantum from Thames, the Nation would have to accept the often false  $\frac{1}{2}$  or full blooded at face value.

The take away here is that based on the information currently available, making an informed decision remains difficult. If the Nation were to move forward with revising the Membership Ordinance before it knew whether the New York and Thames Oneidas would be cooperative and the was ultimately unsuccessful in getting the other Oneida communities to share their enrollment information, the time and money spent moving the law through the amendment process will have been wasted.

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<sup>8</sup> This assumes that the Oneida Indian Nation of New York prohibits dual enrollment. We have literally had no communication with the New York Oneidas, so I am still not certain.

## **Benefit Sharing**

This concern is rather straight forward. Because the Nation offers extensive services and benefits to its members, including an annual per capita payment, and because I have not confirmed the extent of benefits offered by the Oneida Nation of the Thames or the Oneida Indian Nation of New York, the Nation must be cognizant of the possibility that qualifying people may relinquish membership in their current tribes to join ours only to share in the benefits. Again, because I have such little information about the enrollment process from Thames and New York it is hard to say how many people may become eligible for our membership based on the revisions requested in this petition. Without such information, it is nearly impossible to estimate the impact enacting the petition's proposed changes may have on the Nation's costs to provide its members with social service benefits and the annual per capita payment.

However, in regards to Thames, it is important to note that the Nation would not be enrolling members that otherwise would not be eligible for membership in either nation and have only become eligible for our membership by pooling all of their Oneida blood (from Wisconsin and Thames) in order to reach the ¼ requirement. Rather, the members the Nation would be enrolling would be entirely eligible for membership in the Oneida Nation of the Thames, a nation which does not provide per capita payments or may not offer as extensive social services as the Nation currently provides. In this circumstance, it would be reasonable to anticipate an influx in membership for benefit status alone.

## **Impacts on Federal Funding**

Another important consideration is how changing the Nation's blood quantum requirements may affect the Nation's eligibility for federal funding. To my knowledge, all of the federal programs the Nation is involved in recognize its sovereignty by accepting its membership requirements at face value and provide funding based on tribal enrollment alone. However, it is possible that some sources of federal funding may have their own eligibility requirements and may require ¼ blood quantum from a federally recognized tribe. It is unclear whether a ¼ blood quantum from a blend of federally recognized tribes (if Oneida of Wisconsin and Oneida of New York) would suffice and even less clear if ¼ blood quantum of from a blend of one federally recognized tribe and one unrecognized tribe would suffice. Because this analysis is still in its preliminary phases, how the Nation's current and potential funding may be impacted has not yet been thoroughly researched and analyzed, but such an analysis is recommended in order to allow for the best possible information when it comes times to make a decision.

## **Policy Considerations**

Lastly, as a policy consideration, it is worthwhile to consider if this change to the membership ordinance is beneficial to the Nation as a whole. In light of the Sustain Oneida initiative, it is apparent that the suggestions contained in this petition will not solve the declining membership issue that the Nation has begun to face. As a part of the big picture, the changes found in the petition, based on rough estimates provided by the enrollment department, would likely make



less than 100 children eligible for enrollment. It needs to be considered whether the Nation wants to take such a piecemeal approach to the overarching issue presented by Sustain Oneida and whether it is premature to make any decisions relating membership requirements before it have had the discussion on what the strategic approach will be to address the larger issue of declining membership for generations to come.

### **A SHORT SYNOPSIS OF WHITE EARTH'S MEMBERSHIP ORDINANCE CHANGES AND THEIR OBSTACLES IN IMPLEMENTATION.**

The White Earth Nation, a member nation of the Minnesota Chippewa Tribe, recently passed a major constitutional change which changed their membership requirements from a blood quantum standard to a lineal descent standard centered on their base roll. Prior to approving such revisions to their constitution, the Minnesota Chippewa Tribe (MCT) hired Wilder Research to perform a MCT population projection both on the MCT as whole, containing six bands of Chippewa, and also on each band individually.

#### ***Wilder Research Results on White Earth Nation:***<sup>9</sup>

When the study was performed (2013) the White Earth Nation, like our Nation, had a ¼ blood quantum enrollment requirement and had 18,746 members (1,687 more members than our Nation currently has<sup>10</sup>). Also like us, they were considering changing their enrollment requirements to combat a rapidly declining membership. Their population projection considered five different membership scenarios, as described below:<sup>11</sup>

- 1) Scenario 1: Maintain blood quantum requirement at ¼ MCT blood
- 2) Scenario 2: Change blood quantum requirement to ¼ MCT + other Ojibwe blood (this is functionally the same as Michelle's petition)
- 3) Scenario 3: Change blood quantum requirement to ¼ MCT + other American Indian or Canadian First Nation blood
- 4) Scenario 4: Reduce blood quantum requirement to 1/8 MCT blood
- 5) Scenario 5: Eliminate blood quantum requirement and change the enrollment standard on lineal descent (from 1941 base roll)

Under Scenario 1, in which they maintained their current ¼ MCT blood quantum requirement, membership, was anticipated to decline as follows:

| <b>Year</b> | <b>White Earth Members</b> |
|-------------|----------------------------|
| 2013        | 18,746                     |
| 2033        | 14,179                     |

<sup>9</sup> *Wilder Research: MCT Populations Projections*, (March 2, 2015)

<https://www.youtube.com/watch?v=HnWuOliOajs#t=1428>.

<sup>10</sup> *Id.*

<sup>11</sup> It is important to note that while White Earth's population demographics may be similar to ours based on region and population size, White Earth does not offer per capita payments so the Nation may be able to anticipate more eligible members would actually enroll, however, White Earth has have 5 other bands of Chippewa to draw from for options 2 and 3 whereas the Nation has only two, so its eligible membership increases would likely be much lower.

|      |                             |
|------|-----------------------------|
| 2058 | 6,741                       |
| 2078 | 3,930                       |
| 2098 | 2,271 – half over age of 65 |

Under Scenario 2, in which they maintained their current  $\frac{1}{4}$  MCT blood quantum requirement but allowed people to use any combination of Ojibwa blood so long as there was some MCT blood, membership was anticipated to increase somewhere between the following total possible population ranges:

| <b>Year</b> | <b>White Earth Members</b> |
|-------------|----------------------------|
| 2013        | 18,746 - 26,648            |
| 2033        | 14,303 - 21,817            |
| 2058        | 7,022 - 12,111             |
| 2078        | 4,309 - 7,989              |
| 2098        | 2,691 - 5,048              |

Under Scenario 3, in which they maintained their current  $\frac{1}{4}$  MCT blood quantum requirement but allowed people to use any combination American Indian or Canadian First Nation blood so long as there was some MCT blood, membership was anticipated to increase somewhere between the following total possible population ranges:

| <b>Year</b> | <b>White Earth Members</b> |
|-------------|----------------------------|
| 2013        | 18,746 – 26,648            |
| 2033        | 14,406 – 21,747            |
| 2058        | 7,266 – 12,080             |
| 2078        | 4,649 – 8,013              |
| 2098        | 3,081 – 5,091              |

Under Scenario 4, in which they reduced their blood quantum requirement to  $\frac{1}{8}$  MCT blood, membership was anticipated to increase somewhere between the following total possible population ranges:

| <b>Year</b> | <b>White Earth Members</b> |
|-------------|----------------------------|
| 2013        | 18,746 – 29,837            |
| 2033        | 15,554 – 25,513            |
| 2058        | 10,669 – 17,228            |
| 2078        | 10,315 – 15,064            |
| 2098        | 11,012 – 13,882            |

Under Scenario 5, in which they eliminated their blood quantum requirement and switched their enrollment requirement to lineal descent with the base roll as the standard, membership was anticipated to increase somewhere between the following total possible population ranges:

| <b>Year</b> | <b>White Earth Members</b> |
|-------------|----------------------------|
| 2015        | 39,717                     |

|      |                  |
|------|------------------|
| 2035 | 50,848 – 53, 975 |
| 2060 | 62,474 – 75,087  |
| 2080 | 70,360 – 98,065  |
| 2100 | 77,308 – 129,665 |

Ultimately, White Earth voted to amend their constitution to change their enrollment requirements from a ¼ MCT blood quantum standard to a lineal descent standard using their base roll. Even though such changes have been approved by an 80% vote, their council has thus far blocked implementation of such changes for fear that implementation would spread their already thin social benefits thinner and that they may lose federal recognition under the claim that they are only recognized as a member of the Minnesota Chippewa Tribe and not as a stand-alone nation with its own constitution. Those arguing in favor of implementation insist that there is sufficient evidence to support White Earth's federal recognition on its own merits even after its withdrawal from MCT.

In regards to the Petition currently before the Oneida Business Committee and considering the Nation's declining membership issue, the obstacles facing the Nation should it pursue amendments to its membership requirements and the White Earth experience, only one thing is clear: there are many decisions yet to be made and several moving parts to consider in making such decisions. The data collected from White Earth's population projection strengthens the notion that the membership petition currently under consideration cannot solve the larger issue of declining membership. If the Nation decides that enacting the changes requested in the petition is the best interest of the Nation at this time, then it is important to recognize the immediate obstacles to implementing such amendments. If the Nation decides that it is either premature or not in the best interest to implement amendments to the membership requirements, at the very least, this Petition has drawn more attention to a very important issue that merits extensive public discussion.



# Legislative Operating Committee

## August 5, 2015

### Petition: Powless Per Capita

**Submission Date:** 9/17/14

**LOC Sponsor:** Brandon Stevens

☐ Public Meeting:  
☐ Emergency Enacted:  
 Expires:

**Summary:** *Petition for a per capita payment of \$3,000 for everyone over 18 years of age and \$5,000 for those over 62 years of age. Per capita payment to go directly to the tribal member and is exempt from child support payments. Per capita to be paid out by December 1, 2015.*

**6/24/15 OBC:** Motion by David Jordan to acknowledge receipt of the verified petition submitted by John E. Powless, Jr.; to send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for the legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance and Legislative Reference Offices to submit the analyses to the Tribal Secretary's office within 60 days, and that a progress report be submitted in 45 days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's office within 30 days, seconded by Tehassi Hill. Motion carried unanimously.

**7/1/15 LOC:** Motion by Tehassi Hill to add the Petition: Powless Per Capita Payments to the active files list with Brandon Stevens as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

**Next Steps:**

- Accept the legislative analysis.

# Oneida Nation Legislative Reference Office

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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## Statement of Effect

*Petition: Powless Per Capita Payments*

### Summary

This Petition requests that a special per capita payment of five-thousand dollars (\$5,000) for those over sixty-two (62) years of age and three-thousand dollars (\$3,000) for everyone else over eighteen (18) years of age be distributed by December 1, 2015. Further this per capita payment would go directly to the Tribal Member and be exempt from child support attachment. In order to implement the Petition several Tribal Laws would need to be amended.

*Submitted by Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

### *Analysis by the Legislative Reference Office*

On June 17, 2015, a Petition was submitted to the Tribal Secretary's Office and verified by the Enrollment Department. The Petition requests:

- A per capita payment of three-thousand dollars (\$3,000) for everyone over eighteen (18) years of age and five-thousand dollars (\$5,000) for those over sixty-two (62) years of age;
- The per capita payment goes directly to the tribal member and is exempt from child support payments; and
- The per capita to be paid by December 1, 2015.

The first component (special per capita payment) and third component (being paid by December 1, 2015) have no legislative impact on any current Laws. However, having the per capita payment go directly to the tribal member and be exempt from child support payments would conflict with several current Laws.

The Per Capita law (Chapter 9) was adopted by the OBC by resolution BC-7-12-00-B and amended by resolution BC-11-06-02-A, BC-6-16-04-C, BC-04-22-09-A, BC-05-09-12-B and BC-08-14-13-D. The Law currently provides for attachment of per capita payments for child support:

9.4-6. *Attachments.* Per capita payments are considered benefits offered by the Tribe to the membership. **All per capita payments, except payments to or from a trust account, are subject to attachment prior to distribution** in accordance with this section.

(a) Per capita attachments may only be ordered by the Tribe's judicial system for the following purposes, and in the following order:

(1) Child support arrears ordered by a court of competent jurisdiction

...

(emphasis added)

In order to implement the Petition section 9.4-6 of the Per Capita Payment Law would need to be amended.

Further, the language of the Petition provides "[p]ercapita payment goes directly to the tribal member" which could be construed as avoiding the attachment process entirely. In addition to attachment for child support, the Per Capita Law provides for attachment for debt owed to a Tribal entity and a federal tax levy. The per capita payment is first used to satisfy any attachments before the remaining amount is given to the tribal member. Under this interpretation, the all of section 9.4-6 would need to be amended.

The required amendments to the Per Capita Law would also have an effect on other legislation. The Child Support Law (Chapter 78) was adopted by the OBC by resolution BC-06-24-09-B and amended by resolutions BC-02-24-10-G, BC-02-23-11-E, BC-06-22-11-K, BC-10-10-12-C, and 08-13-14-E. Rule CS 2 was issued with the purpose of establishing the enforcement tools that may be used when child support is not being paid. The first tool under rule 2.7-1 is attachment of per capita payments.

### **Conclusion**

In order for this Petition to be implemented several amendments would need to be completed. Additionally, these amendments would likely have legal ramifications outside of the scope of this legislative analysis.

### **Requested Action**

Accept the legislative analysis of the Petition: Powless Per Capita Payments.



# Legislative Operating Committee



## Agenda Request Form

- 1) Request Date: 7/28/15
- 2) Contact Person(s): Layatalati Hill Dept: Judiciary  
Phone Number: 920-496-7202 Email: Lhill14@oneidanation.org
- 3) Agenda Title: Garnishment Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
Currently the Garnishment Ordinance is silent as to including interest when a garnishment is ordered  
For civil money judgments in Wisconsin, the federal prime reserve plus 1% is used as the interest  
rate. For garnishments some creditors ask for interest to be included, but the Judiciary has not been including it  
because the ordinance is silent. Amend the ordinance to include it or say that it cant be included.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Redline Draft version.
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) Please List any laws, ordinances or resolution that might be affected:  
Garnishment Ordinance
- 6) Please List all other departments or person(s) you have brought your concern to:  
\_\_\_\_\_
- 7) Do you consider this request urgent? ☐ Yes ☒ No  
If yes, please indicate why: \_\_\_\_\_

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Layatalati Hill

Digitally signed by Layatalati Hill  
DN: cn=Layatalati Hill, o, ou, email=lhill14@oneidanation.org, c=US  
Date: 2015.07.27 14:49:09 -05'00'

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
*or*  
**Legislative Operating Committee (LOC)**  
P.O. Box 365  
Oneida, WI 54155  
Phone 920-869-4376

**Chapter 58**  
**Garnishment Ordinance**  
Lotihwist@hkwa Olihw@·ke  
The matter of taking money out

58.1-1. Purpose and Policy  
58.2-1. Adoption, Amendment, Repeal  
58.3-1. Definitions  
58.4-1. Garnishment Action Procedure

58.5-1. Garnishment Action Fee  
58.6-1. Irrevocable Voluntary Payroll Deduction  
58.7-1. Recognition of Order  
58.8-1. Discharge from Employment

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**58.1-1. Purpose and Policy.** The purpose of this Ordinance is to utilize the authority of the Oneida ~~Tribe~~Nation of Indians to provide an effective mechanism for creditors to access an employee's income for reduction of personal debt.

58.1-2. It is the policy of the Oneida ~~Tribe of Indians of Wisconsin~~Nation to afford all individuals due process.

**58.2-1. Adoption, Amendment, Repeal.** This law is adopted by the Oneida Business Committee by resolution # BC-4-2-97-G and amended by resolution BC-06-25-14-B.

58.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or Oneida General Tribal Council.

58.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

58.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically reenacted after adoption of this policy.

58.2-5. This law may be cited as the "Garnishment Ordinance."

58.2-6. This law may be interpreted to allow the fullest protections available to respondents available by the federal Consumer Protection Act, 16 U.S.C. §1671, et seq., state laws protecting respondents in Child Support Orders, and other federal laws.

**58.3-1. Definitions.** 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.

58.3-2. "Compensation" shall mean remuneration paid or payable for personal services and travel, denominated as wages, bonuses, salary, expenses, and/or mileage. Compensation shall include any trade-back-for-cash benefit or final paycheck involving pay-out of benefits for a discharged employee.

58.3-3. "Creditor" shall refer to one who seeks payment from the respondent through the process of garnishment, pursuant to a Final Judgment through a garnishment action. The Oneida ~~Tribe~~Nation is not excluded from being the creditor. This includes all departments, programs, enterprises, authorities, or other bodies created pursuant to Tribal law. Should the Oneida ~~Tribe~~Nation be the creditor, a designee of the department, program or enterprise shall represent the claim of indebtedness.

58.3-4. "Employee" shall mean any employee of the Oneida ~~Tribe~~Nation.

~~58.3-5. "Oneida Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.~~

58.3-~~65~~. “Garnishment” shall mean the process in which money in the hands of the Oneida ~~TribeNation of Indians of Wisconsin~~ as employer, due to the respondent and are being claimed by a creditor.

58.3-~~76~~. “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the ~~TribeNation~~.

58.3-~~87~~. “Reservation” shall mean all lands within the Oneida Indian Reservation of Wisconsin as established by the Treaty with the Oneida, 1838.

58.3-~~98~~. “Respondent” also known as “Debtor” shall mean the employee of the Oneida ~~TribeNation~~ who is subject to a garnishment action within the Oneida ~~TribeNation~~ or person subject to a repayment action.

58.3-~~109~~. “~~Hearing Officer~~Judge” shall mean the ~~Judiciary and the representative Judge~~ designated assigned to hear the garnishment action.

58.3-~~1110~~. “Accounting Department” means that department of the Oneida ~~TribeNation~~ charged with managing the finances of the Oneida ~~TribeNation~~, specifically, the office charged with responsibility for the payroll of the Oneida ~~TribeNation~~. That office shall designate a representative for receiving garnishment orders, ~~irrevocable voluntary payroll deduction agreements~~, and child support orders, which shall be forwarded to the ~~Hearing Body~~Judiciary.

**58.4-1. Garnishment Action Procedure.** Judgement Required. A creditor shall begin a garnishment action against an employee of the Oneida ~~TribeNation~~ by first obtaining a final judgment from an appropriate court. A garnishment action under this section shall not begin unless the creditor has already obtained a valid final judgment and can show proof of judgment to the ~~Hearing Officer~~Judge.

58.4-2. Filing Action. The creditor shall be responsible for notifying the ~~Hearing Officer~~Judiciary of its intent to begin the garnishment action.

~~(a) 58.5-1. Garnishment Action Fee. At the time of creditor’s first notice to the Hearing Officer~~Judiciary, the creditor shall pay a fee in an amount as established by the Judiciary, of \$25.00 which shall be known as the Garnishment Action Fee. The Hearing Officer~~Judiciary is not required to begin any action on the claim until the fee is paid. The fee shall be charged to the respondent should a decision be made to garnish. The fee will be applicable in each case, except that in cases where indebtedness is with a department, program or enterprise of the Oneida Tribe.~~

~~(ab)~~ A written notice shall be ~~mailed or given to~~filed with the ~~Hearing Officer~~Judiciary indicating the creditor, the intended respondent, the reason for the claim and the amount of the claim.

~~(bc)~~ The ~~Hearing Officer~~Judiciary shall, within ten days, set a date and time for a garnishment hearing. The date for the hearing shall be within sixty days of receipt of the first notification to the Hearing Officer.

~~(cd)~~ It is the responsibility of the ~~Hearing Officer~~Judiciary to notify the creditor, respondent, and any other parties in interest as to the date, time and place of the garnishment hearing.

58.4-3. Hearing. The ~~Hearing Officer~~Judiciary shall establish a designated date, time, and place to hear evidence in order to render a determination as to the validity of a claim by the creditor in a garnishment action and the amount of the garnishment order to be entered. Hearings shall not be utilized to challenge the validity of the final judgement other than the authenticity of the

document. The time may be used to resolve one or more deduction claims of one or more employees. However, each claim shall be heard and determined separately. This hearing will be known as the Garnishment Hearing.

(a) ~~58.5-2. Administrative Fee. An administrative fee of \$15.00 shall be deducted monthly per pay period along with the ordered garnishment until the amount claimed is paid in full. This fee is to cover the cost of garnishing as expended by the Accounting Department.~~

(b) ~~58.5-3. Amount of Garnishment. The Hearing Officer~~Judge may order the employee's compensation to be subject to a garnishment of up to twenty percent of the employee's disposable weekly wage, the remainder to be identified as a protected subsistence allowance. Provided that, in calculating twenty percent, the ~~Hearing Officer~~Judge shall not include amounts garnished regarding child support orders. The employee may voluntarily request more to be deducted. The request shall be made directly to the ~~Accounting Department~~Judiciary.

(c) ~~58.5-4. Exceptions to 20 % Presumption. It is presumed that the beginning amount to be deducted in any garnishment hearing shall begin at twenty percent of the employee's weekly wages. The respondent is responsible for presenting evidence that it is unreasonable to require the full twenty percent to be deducted. Examples of exceptions shall include, but not be limited to, pre-existing garnishment orders, child support orders that would leave less than 50% of the debtor's wages, receiving or eligible to receive public assistance, or other evidence presented which would cause garnishments such that additional garnishment orders would cause undue harm.~~

~~(e)~~(d) Post Judgment Interest. [LH1]

58.4-4. Final Decision. The ~~Hearing Officer~~Judge will make the final decision as to the garnishment action within five days of the garnishment hearing and notify by formal order all parties within ten days of the decision.

58.4-5. Representation. The respondent and creditor may represent themselves or be represented by someone who is admitted to practice before the Judiciary~~to speak on their behalf, if they so choose~~. Both parties shall have an equal opportunity to present evidence as to the action to be taken before a ~~Hearing Officer~~Judge at the garnishment hearing.

58.4-6. Notice of Garnishment. The ~~Hearing Officer~~Judiciary will notify the Accounting Department should a decision to garnish an employee's compensation be made. Such notice shall be forwarded after the deadline for an appeal has passed. Provided that, no garnishments shall be allowed where an appeal has been filed by an employee within the appeal deadline. The notice shall contain the amount to be garnished, how long the garnishment will take place or the number of garnishment and any related fees authorized under this Ordinance.

58.4-7. Garnishment Implementation. The Accounting Department shall begin garnishments within ten days of notification of the judgment. The Accounting Department shall then:

(a) Send to the creditor the allowable amount garnished from the employee's paycheck following each payroll period.

(b) Notify the employee and creditor when the garnishments are terminated.

58.4-8. Summary Process. Where the claim of indebtedness is \$50.00 or less, it shall be processed summarily by the ~~Hearing Officer~~Judiciary unless the debtor formally requests a hearing.

58.4-9. Appeals. A respondent has ten days from the date of receipt of the notice to file an appeal of a garnishment order with the Judiciary.

58.4-10. Records. The ~~Hearing Officer~~ Judiciary shall keep complete records of all garnishment actions

that are started and/or completed. The records shall contain:

- (a) Correspondence and notices to all parties involved.
- ~~(b) Bookkeeping records.~~
- ~~(c) Garnishment evidence presented by all parties.~~
- ~~(d) Decisions made by the Hearing Officer.~~

~~58.5-1. Garnishment Action Fee. At the time of creditor's first notice to the Hearing Officer, the creditor shall pay a fee of \$25.00 which shall be known as the Garnishment Action Fee. The Hearing Officer is not required to begin any action on the claim until the fee is paid. The fee shall be charged to the respondent should a decision be made to garnish. The fee will be applicable in each case, except that in cases where indebtedness is with a department, program or enterprise of the Oneida Tribe.~~

~~58.5-2. Administrative Fee. An administrative fee of \$5.00 shall be deducted monthly along with the ordered garnishment until the amount claimed is paid in full. This fee is to cover the cost of garnishing as expended by the Accounting Department.~~

~~58.5-3. Amount of Garnishment. The Hearing Officer may order the employee's compensation to be subject to a garnishment of up to twenty percent of the employee's disposable weekly wage, the remainder to be identified as a protected subsistence allowance. Provided that, in calculating twenty percent, the Hearing Officer shall not include amounts garnished regarding child support orders. The employee may voluntarily request more to be deducted. The request shall be made directly to the Accounting Department.~~

~~58.5-4. Exceptions to 20 % Presumption. It is presumed that the beginning amount to be deducted in any garnishment hearing shall begin at twenty percent of the employee's weekly wages. The respondent is responsible for presenting evidence that it is unreasonable to require the full twenty percent to be deducted. Examples of exceptions shall include, but not be limited to, pre-existing garnishment orders, child support orders that would leave less than 50% of the debtor's wages, other evidence presented which would cause garnishments such that additional garnishment orders would cause undue harm.~~

**58.6-1. Irrevocable Voluntary Payroll Deduction** <sup>[LH2]</sup>. An employee may request an irrevocable

voluntary payroll deduction negotiated with a creditor for legal debts. The request must be signed by the employee and submitted to the Accounting Department.

58.6-2. Preemption of Garnishment Action. If the request is made prior to a garnishment action decision or during a garnishment action:

- (a) The irrevocable voluntary payroll deduction request must be made to the Hearing Officer.
- (b) The Hearing Officer shall notify the creditor of the request.
- (c) If the parties agree, the Hearing Officer may then cancel the hearing, notify all parties and forward the executed agreement to the Accounting Department.

58.6-3. Administrative Fee. An administrative fee of \$5.00 shall be assessed monthly so long as the irrevocable voluntary payroll deduction is in effect.

**58.7-1. Recognition of Order.** Orders for child support against any employee shall be

recognized and enforced, provided that the order has been issued from a court of competent jurisdiction.

58.75-2. Authenticity of Order. The ~~Hearing Officer~~Judiciary shall receive such orders, and verify the authenticity of the order. Upon verification of the child support order, the Judiciary shall forward such order to the Accounting Department for action.

58.75-3. Administrative Fee. An administrative fee of \$5.00 shall be assessed monthly so long as the child support deduction is in effect.

**58.86-1. Discharge from Employment.** The Oneida ~~Tribe~~Nation shall not discharge an employee because an employee is being subjected to garnishment actions.

58.86-2. Jurisdiction. ~~All creditor filing a garnishment action must sign a Jurisdiction Submission Statement. The statement will indicate that~~ By filing a garnishment action with the Judiciary, the creditor is submitting to the jurisdiction of the Oneida ~~Tribe~~Nation in that particular action.

*End.*

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Adopted - BC-6-2-92  
Adopted - BC-6-10-92  
Adopted - BC-4-2-97-G  
Amended - BC-06-25-14-B



# Legislative Operating Committee



## Agenda Request Form

- 1) Request Date: July 31, 2015
- 2) Contact Person(s): Michelle L. Mays Dept: Law Office  
Phone Number: 869-4499 Email: mmays@oneidanation.org
- 3) Agenda Title: Cemetery Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
On May 11, 2015 the Oneida Land Commission, by resolution, changed the name of the  
cemetery to be "Oneida Sacred Burial Grounds", which is translated into TS? TYEYA?TATaLIH  
"The Place Where One Puts Bodies In". The law should be amended to have the correct name of the cemetery.  
Other changes may be necessary to change who is responsible for maintenance.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Resolution from Oneida Land Commission
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) Please List any laws, ordinances or resolution that might be affected:  
Cemetery Law
- 6) Please List all other departments or person(s) you have brought your concern to:  
Oneida Trust and Enrollment Committee, Oneida Enrollment Department
- 7) Do you consider this request urgent? ☐ Yes ☒ No  
If yes, please indicate why: \_\_\_\_\_

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: \_\_\_\_\_

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**

or

**Legislative Operating Committee (LOC)**

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376



# Oneida Nation of Wisconsin

## Division of Land Management

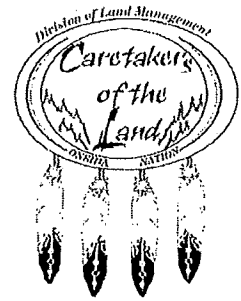
P.O. Box 365 • Oneida, Wisconsin 54155

<http://land.oneidanation.org>

(920) 869-1690

(920) 869-1689 Fax

(800) 684-1697 Toll Free



**RE-NAMING ONEIDA SACRED BURIAL GROUNDS AS THE OFFICIAL NAME  
OF CEMETERY AND BE TRANSLATED INTO "THE PLACE WHERE ONE PUTS BODIES IN"  
FOR ONEIDA NAME TSI' TYEYA'TAT'ALIH  
RESOLUTION # 05-11-15-J**

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and Treaty Tribe recognized by the laws of the United States, and

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

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

WHEREAS, under the Constitution of the Oneida Tribe of Indians of Wisconsin, the Oneida Business Committee has been delegated the responsibility of promulgating and enforcing ordinances relating to management of all lands coming under the jurisdiction of the Oneida Tribe; and

WHEREAS, the Oneida Tribe of Indians of Wisconsin's Division of Land Management is responsible for managing all tribal real property assets through regulations promulgated in Oneida Real Property Law; and

WHEREAS, the Oneida Tribe of Indians of Wisconsin's Division of Land Management has established a process for naming buildings, highways, subdivisions, water resources and other areas owned by the Oneida Tribe of Indians of Wisconsin, and

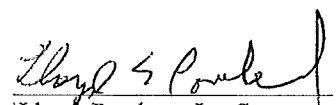
WHEREAS, when a name has been chosen for a particular site, that name may be translated into our Oneida language, and

WHEREAS, request was made to designate a name for Oneida Cemetery 110, 200 Blk W. Adam, parcel HB-240, HB-253, HB-253-1

NOW, THEREFORE BE IT RESOLVED the Oneida Land Commission in Regular session assembled, hereby approves the designation of **ONEIDA SACRED BURIAL GROUNDS AS THE OFFICIAL NAME OF CEMETERY AND BE TRANSLATED INTO TSI' TYEYA'TAT'ALIH "THE PLACE WHERE ONE PUTS BODIES IN"** as the name for Oneida Cemetery 110, 200 Blk W. Adam.

### C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Land Commission, hereby, certify the Oneida Land Commission is composed of 7 Members, of whom 4 Members, constituting a quorum were present at a meeting duly called, noticed, and held on the 11th day of May, 20 15; that the foregoing resolution was duly adopted at such meeting by a vote of 5 Members for, 0 Members against, 0 Members not voting, and that said resolution has not been rescinded or amended in any way.

  
 Lloyd Powless, Jr., Secretary  
 Oneida Land Commission

## Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
(920) 869-4375  
(800) 236-2214

<https://oneida-nsn.gov/Laws>

### Memorandum

**TO:** Legislative Operating Committee (LOC)  
**FROM:** Krystal L. John, Staff Attorney, Legislative Reference Office (LRO)  
**DATE:** August 5, 2015  
**RE:** Travel to Minneapolis, MN for the Tribal Lands and Environment Forum

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This memorandum is to inform the Legislative Operative Committee that I will be out of the office on travel from August 17<sup>th</sup>-20<sup>th</sup> in order to attend the 2015 Tribal Lands and Environment Forum. The cost of my attendance is being provided for by the Oneida Environment Health & Safety Division's grant funds.

The forum is taking place in Minneapolis, Minnesota and will feature special trainings, field trips, breakout sessions focused on solid/hazardous waste management, brownfields, UST/LUSTs, Superfund sites, emergency response, and breakout session tracks related to tribal water programs – water quality, drinking water, and habitat restoration (including wetlands, streams and fisheries).

My attendance at this forum will help me to work with the Environmental Health and Safety Division and the Law Office in order to develop innovative strategies and laws to make the Oneida Nation an environmental leader and responsible caretaker of our lands and resources.

LEGISLATIVE OPERATING COMMITTEE - X272X10  
REPORT FOR COMPLETE FISCAL YEAR

| ACCOUNT NAME                   | ACCOUNT NUMBER | FISCAL 2013<br>ACTUAL | FISCAL 2014<br>ACTUAL | ANNUAL 2015<br>BUDGET | ANNUAL 2016<br>PROPOSED BUDGET | ANNUAL 2017<br>PROPOSED BUDGET | ANNUAL 2018<br>PROPOSED BUDGET |
|--------------------------------|----------------|-----------------------|-----------------------|-----------------------|--------------------------------|--------------------------------|--------------------------------|
| Revenue - External             |                |                       |                       |                       |                                |                                |                                |
| Sub-Total                      |                |                       |                       |                       |                                |                                |                                |
| Revenue/Contribution- Internal |                |                       |                       |                       |                                |                                |                                |
| TRIBAL CONTRIBUTION            | 000-458100-000 | 441,031               | 353,859               | 399,026               | 485,751                        | 498,075                        | 524,919                        |
| Sub-Total                      |                |                       |                       |                       |                                |                                |                                |
| Labor/Payroll Expense          |                |                       |                       |                       |                                |                                |                                |
| PERSONNEL                      | 000-502100-000 | 256,744               | 207,710               | 272,245               | 305,049                        | 305,049                        | 305,049                        |
| WAGE ACCRUAL EXPENSE           | 000-502100-999 | 1,014                 | 492                   |                       |                                |                                |                                |
| SALARIES - TRAINING            | 000-502110-000 | 1,477                 | 458                   |                       |                                |                                |                                |
| PAID TIME OFF                  | 000-504000-000 | 42,352                | 36,077                |                       |                                |                                |                                |
| FRINGE BENEFIT                 | 000-505000-000 | 77,967                | 54,400                | 57,780                | 117,260                        | 120,311                        | 147,155                        |
| FRINGE ACCRUAL EXPENSE         | 000-505000-999 | 282                   | 49                    |                       |                                |                                |                                |
| Sub-Total                      |                |                       |                       |                       |                                |                                |                                |
| Cost of Sales                  |                |                       |                       |                       |                                |                                |                                |
| Sub-Total                      |                |                       |                       |                       |                                |                                |                                |
| External Expenses              |                |                       |                       |                       |                                |                                |                                |
| SUPPLIES & MATERIALS           | 000-700001-000 | 142                   | 455                   | 2,500                 | 408                            | 2,500                          | 2,500                          |
| COPY CHARGES                   | 000-700010-000 | 1,470                 | 1,472                 | 1,600                 | 1,600                          | 1,600                          | 1,600                          |
| TRANSP. & PER DIEM             | 000-701000-000 |                       |                       | 5,000                 |                                | 5,000                          | 5,000                          |
| TRAVEL - LODGING               | 000-701000-200 |                       | 168                   |                       |                                |                                |                                |
| TRAVEL - MEALS                 | 000-701000-300 |                       | 103                   |                       |                                |                                |                                |
| TRAVEL - REGISTRATION          | 000-701000-600 |                       | 300                   |                       |                                |                                |                                |
| MILEAGE EXPENSE                | 000-701001-000 |                       |                       | 100                   |                                | 100                            | 100                            |
| OUTSIDE SERVICES               | 000-702010-000 | 146                   | 155                   | 155                   | 160                            | 165                            | 165                            |
| TRAINING & EDUCATION           | 000-705010-000 |                       | 1,800                 | 1,329                 | 1,370                          | 1,411                          | 1,411                          |
| RENTAL USAGE                   | 000-705202-000 | 856                   | 1,107                 | 1,030                 | 1,060                          | 1,092                          | 1,092                          |
| HEAT & LIGHTS                  | 000-705211-000 | 2,941                 | 2,999                 | 3,342                 | 3,107                          | 3,442                          | 3,442                          |
| TELEPHONE                      | 000-705213-000 | 936                   | 1,269                 | 1,300                 | 1,300                          | 1,300                          | 1,300                          |
| LICENSE, CERT, FEES            | 000-705401-000 | 1,453                 | 1,060                 | 1,575                 | 1,610                          | 1,658                          | 1,658                          |
| INSURANCE                      | 000-705500-000 | 462                   | 755                   | 515                   | 532                            | 775                            | 775                            |
| Sub-Total                      |                |                       |                       |                       |                                |                                |                                |

REPORT NAME: BD\_T\_FYRPA  
REF:C/B

LEGISLATIVE OPERATING COMMITTEE - X272X10  
REPORT FOR COMPLETE FISCAL YEAR

| ACCOUNT NAME                  | ACCOUNT NUMBER | FISCAL 2013<br>ACTUAL | FISCAL 2014<br>ACTUAL | ANNUAL 2015<br>BUDGET | ANNUAL 2016<br>PROPOSED BUDGET | ANNUAL 2017<br>PROPOSED BUDGET | ANNUAL 2018<br>PROPOSED BUDGET |
|-------------------------------|----------------|-----------------------|-----------------------|-----------------------|--------------------------------|--------------------------------|--------------------------------|
| -----                         |                |                       |                       |                       |                                |                                |                                |
| Internal Expenses             |                |                       |                       |                       |                                |                                |                                |
| I/T - PRINTING                | 000-750009-000 |                       |                       | 100                   | 100                            | 100                            | 100                            |
| I/T RENT EXPENSE              | 000-755201-000 | 3,573                 | 3,573                 | 4,200                 | 3,573                          | 4,800                          | 4,800                          |
| I/T UTILITIES EXPENSE         | 000-755210-000 | 149                   | 128                   | 300                   | 150                            | 300                            | 300                            |
| INDIRECT COSTS                | 000-758300-000 | 48,903                | 39,250                | 45,955                | 48,472                         | 48,472                         | 48,472                         |
| INDIRECT COST ACCRUAL EXPENSE | 000-758300-999 | 165                   | 79                    |                       |                                |                                |                                |
| -----                         |                |                       |                       |                       |                                |                                |                                |
| Sub-Total                     |                | 52,790                | 43,030                | 50,555                | 52,295                         | 53,672                         | 53,672                         |
| -----                         |                |                       |                       |                       |                                |                                |                                |
| NET PROFIT OR (LOSS)          |                | (1)                   |                       |                       |                                |                                |                                |
| =====                         |                |                       |                       |                       |                                |                                |                                |

August 5, 2015

Below is the LOC priority list that the LOC submitted to the 2/11/15 OBC meeting. Based on this list, the OBC took the following action: Motion by Lisa Summers to accept the Legislative Operating Committee priority list, seconded by Trish King. Motion carried unanimously. Note: The following were suggested priority items: Organizational Restructure Regulations (Trish King), Membership Ordinance (Lisa Summers), and Fit for Duty Regulations (Melinda J. Danforth). A “second tier” priority list was also suggested.

The LOC re-evaluated the priority list on June 17, 2015 and made several changes. This list incorporates those changes.

*(Highlighted portions indicates that LOC work is complete; however, item is still awaiting consideration/approval)*

## GTC DIRECTIVES

### **Budget Management and Control Law**

Summary: Budget Management and Control Law was deferred to the OBC by the GTC. The request was to develop a law to provide a consistent manner to govern the Tribal budget process, establish a procedural framework and oversee Tribal expenditures.

*Next Steps: Continue to draft the Law*

### **GTC Meetings Law**

Summary: Develop a new law to govern the scheduling and conducting of GTC meetings, including: a standard agenda format and a code of conduct for those in attendance; outlining the duties of those preparing and assisting with GTC meetings, and establishing how petitions would be processed.

*Next Steps: GTC deferred to LOC to make changes and hold public meetings.*

### **Petition: Child Care Department Consumer Complaint Policy**

*Next Steps: Draft deferred to LRO for redrafting*

### **Petition: Constitution Amendments in Regards to Members**

*Next Steps: Analysis accepted by OBC on October 22, 2014; Tribal Secretary is to bring back a final recommendation when ready. LOC to review memo regarding membership sustainability*

### **Petition: Cornelius-4 Resolutions (Investigative 7 Gens, 7 Gens Return Money, Freedom of Press, Impose Tax on OBC)**

*Next Steps: Update to OBC due August 12, 2015; SOEs due August 24, 2015*

### **Petition: Genskow- 3 Resolutions (OBC Accountability, Repeal Judiciary and Open Records Law)**

*Next Steps: Analysis submitted to OBC on June 24, 2015; awaiting GTC consideration*

### **Petition: Genskow- 4 Resolutions (Budget Cuts, Swimming Lessons, GTC Directives and Home Repairs for Elders)**

\*items the OBC suggested be priorities

August 5, 2015

*Next Steps: Analyses submitted, waiting for GTC consideration*

**Petition: Genskow-6 Resolutions (GTC Meetings, Fee to Trust Applications, Elder Services Program, Recording OBC Sub-Committee meetings, Chain of Command System, Allocation of Unclaimed Per Capita Payments)**

*Next Steps: Analysis accepted by OBC on April 22, 2015; awaiting GTC consideration*

**Petition: Judiciary Support System**

*Next Steps: Analysis accepted by OBC on November 26, 2014; item was presented at July 6, 2015 GTC meeting but was tabled*

**Petition: Powless-Per Capita Payments**

*Next Steps: Update to OBC due August 12, 2015; SOEs due August 24, 2015*

## OBC DIRECTIVES

### Back Pay Policy Amendments

Summary: Amendments to the Back Pay Policy were proposed by the OBC Officers. The OBC met to consider a settlement proposal for a direct report and during the review of the settlement, 2 issues were discovered: 1) Article 4-1 (g) (1)- if an employee is being reinstated for employee health care benefits as if they were never terminated, the employee should be mandated to reimburse the Tribe for any CHS claims they may have had during the time they were off of work and 2) Article 4-1 (g) (1)- this is unclear how to apply this section as it relates to terminations.

*Next Steps: Begin drafting amendments to the Back Pay Policy to clarify Article 4-1 (g)(1)*

### Comprehensive Policy Governing Boards, Committees and Commissions Amendments

Summary: Clarify the appointment process, include language on what happens when a publishing notice mistake is made and consider the following: prohibit individuals on service on multiples boards, committees and commissions; set term limits and prohibit Tribal employees from serving on boards, committees or commissions.

*Next Steps: LRO is making amendments to the draft based on the work meeting held on June 8, 2015; draft will be presented to the LOC on August 19, 2015*

### Furlough Policy

Summary: Develop a permanent policy that allows for furloughs.

*Next Steps: Awaiting SOPs from HRD then forward to OBC for consideration.*

### Higher Education

Summary: The LOC was directed to look at codifying the rules created by the Higher Education Office, which currently governs how Higher Ed disburses funding in accordance with GTC directives.

*Next Steps: LOC to review draft and consider forwarding for analysis*

August 5, 2015

## **Flag Code**

Summary: A Code that includes: protocol for those who oversee flag responsibilities, identify who the authority to lower the flag to half-staff, determine the height and position of the Tribal Flag as compared to the US Flag, etc.

*Next Steps: LOC to review draft and consider forwarding for analysis*

## **LOC PRIORITIES (based on June 17, 2015 LOC meeting)**

### **Children's Code**

Summary: Develop a Code which would enable the Tribe to take jurisdiction of child welfare matters involving Tribal children.

*Next Steps: Make changes to draft*

### **Code of Ethics Law Amendments**

Summary: Seeks to amend the current Code of Ethics to strengthen accountability of employees, elected officials and appointed officials.

*Next Steps: Meet with sponsor and determine changes to the draft*

### **Employment Law**

Summary: Develop a law that may replace the Personnel Policies and Procedures

*Next Steps: Waiting on HRD to send rules pertaining to the Employment Law and continue working with Sponsor on changes to the draft*

### **Membership Ordinance**

Summary: Trust/Enrollment Department requested amendments to the Ordinance to include an individual's New York Oneida blood and Oneida of the Thames blood when determining blood quantum for Tribal membership.

*Next Steps: Wait until the Sustain Oneida initiative gathers information and the Trust/Enrollment Department decide on how to proceed or make possible changes based on the Petition: Constitution Amendments in regard to Membership*

### **Removal Law Amendments**

Summary: Give the OBC the ability to remove elected members of boards, committees and commissions upon petition.

*Next Steps: Making changes to the draft based on LOC's consideration of the public meeting comments, draft will be brought back to August 19, 2015 LOC meeting*

### **Rulemaking Law**

Summary: Develop a new Law in order to have a consistent process for Tribal agencies that have been granted rulemaking authority under Tribal laws to adopt of administrative rules.

*Next Steps: Sponsor is reviewing draft*

### **Sanctions and Penalties Law**

Summary: Proposal for a consistent process that would provide for members of the OBC and other boards, committees and commissions to face sanctions for misconduct.

\*items the OBC suggested be priorities



August 5, 2015

*Next Steps: Research how this item affects the Code of Ethics, Removal Law and Comprehensive Policy Governing Boards, Committees and Commissions and decide to either combine this item with one or more of the mentioned legislation or continue to work on this item separately*

## **Tribal Hearing Bodies/Administrative Court**

Summary: This was a request for the LRO to conduct research on Tribal Boards, Committees and Commissions to find out which are also hearing bodies and where the hearing body authority comes from.

*Next Steps: An action plan is due to the OBC by August 12, 2015*

## **Emergencies**

### **Administrative Procedures Act Emergency Amendments**

Summary: The APA was repealed by GTC on March 1, 2015; however, the APA housed rules governing how Tribal hearing bodies conduct their hearings. A new law was created on an emergency basis which provides procedures for Tribal boards, committees and commission that do not have procedures in place under other Tribal law, to conduct hearings for disputes arising under Tribal law.

*Expires: September 1, 2015 and can be extended for an additional 6 months. Administrative Court may have an effect on APA.*

### **Election Law Emergency Amendments**

Summary: The Election Law was amended on an emergency basis to lower the voting age to 18 and change the “Oneida Tribe of Indians of Wisconsin” to “Oneida Nation”.

*Next Steps: Emergency amendments expire December 28, 2015 and can be extended for an additional 6 months. Permanent considerations include amending the Law to prohibit Tribal members from running for more than one seat per election and serving on more than one board, committee or commission; add enforcement provisions for campaign violations; streamline the role of Election Board, require a Milwaukee polling site; add provisions regarding election observations and clarify the referendum process.*

### **ONGO Emergency Amendments**

Summary: ONGO was amended on an emergency basis in order to comply with the National Indian Gaming Commission regulations. These amendments went into effect on November 14, 2014 and have been extended for an additional six months on May 1, 2015. Emergency Amendments expire November 1, 2015 and permanent amendments are currently being made. Permanent amendments have been incorporated into the ONGO.

*Next Steps: Public meeting was held on July 30, 2015*

### **Public Use of Tribal Land Emergency Amendments**

Summary: The Public Use of Land was amended on an emergency basis to allow ERB to prescribe permissible and prohibited uses for tribal lands that is designated as Oneida Community Access, Oneida Tribal Member Access or Open Access to allow for the enforcement of prescriptions on such lands.

\*items the OBC suggested be priorities

August 5, 2015

*Next Steps: Emergency Amendments expire January 8, 2016 and can be extended for an additional 6 months*

## ACTIVE FILES LIST

### **Agriculture Law**

Summary: Consider legislation that would enable the Tribe to identify agricultural products that can be grown on the Reservation.

*Next Steps: Begin working on a draft.*

### **Audit Committee Bylaws**

Summary: The previous LOC deferred a draft of the Bylaws to the Audit Committee for review and were awaiting a response when the term ended.

*Next Steps: Draft was sent to the Audit Committee for review.*

### **Audit Law Amendments**

Summary: The Audit Committee requested establishing a standard requirement for correcting high risk findings. The Committee also requested that the OBC clarify roles and responsibilities related to Audit issue interpretations and resolutions, including: who is the primary authority to determine whether audit issues are pursued or closed, who can enforce the need for management action and what process should be adopted to achieve results so past audits can be resolved and closed.

*Next Steps: LRO and sponsor discussed changes to Law, changes are being developed and will be brought to the LOC when ready.*

### **Capping Damages and Awards from the Judicial System**

Summary: Develop legislation that would cap damages and awards that can be rendered by the Judicial System

*Next Steps: Review proposed draft and either continue work on the draft or create a new draft*

### **Community Support Fund Policy Amendments**

Summary: There was a discrepancy between the adopting resolution and Policy. The Policy is being revised to not require someone who receives assistance from the Community Support Fund to cost share if they are at or below the federal poverty guidelines.

*Next Steps: The Policy will be returning to the LOC on August 19, 2015*

### **Election Board Bylaws Amendments**

Summary: The Election Board requested amendments be made to their Bylaws per the current Election Law and previous GTC action.

*Next Steps: Review report from Sponsor*

### **Employee Advocacy Law**

Summary: Develop a new Law that formally codifies the rules and requirements for Tribal employees who wish to serve as an advocate for other Tribal employees who are challenging disciplinary action.

August 5, 2015

*Next Steps: Review proposed draft and either continue work on the draft or create a new draft*

## **Environmental, Health and Safety Law**

Summary: Develop a new Law that enables the Environmental, Health and Safety Department (EHSD) to protect land, water, air, people and safety on the Reservation. EHSD shall have the authority to protect the Reservation, promote public health & safety and do business on the Reservation as well as perform duties such as creating rules in implementing this Law.

*Next Steps: The sponsor is reviewing the proposed draft and will determine whether it is ready to move forward for an analysis or if changes should be made*

## **Family Court Amendments: Bench Warrants**

Summary: Amendments to the Family Court to explicitly include bench warrant authority.

*Next Steps: Waiting on input for implementation from the appropriate departments*

## **\*Fitness For Duty Policy**

Summary: Develop a policy that allows supervisors to send employees for an assessment when it is believed that an employee presents a health and/or safety hazard to themselves, others or the Tribe.

*Next Steps: Work meeting scheduled on August 5, 2015*

## **Guardianship Law**

Summary: Develop a Guardianship Law for minor children because the Child Custody, Placement and Visitation Law permits a third party (i.e. a non-parent) to petition for custody of a minor child, but does not address third-party guardianships.

*Next Steps: Review proposed draft and either continue work on the draft or create a new draft*

## **Hunting, Fishing and Trapping Law Amendments**

Summary: Streamline the Law and separate policy making and management decisions from the Law to avoid yearly/bi-yearly updates to the Law.

*Next Steps: Work meetings held, draft is being revised.*

## **Industrial Hemp Law**

Summary: 2013 Farm Bill authorizes institutions of higher education or State Departments of Agriculture, in states where it is legal to grow hemp, to grow hemp for research or agriculture pilot programs. A new Law is being developed to govern how industrial hemp will be grown on the Reservation, pending the appropriate federal permits are obtained.

*Next Steps: Consideration of supporting AB 215 was held in executive session, no further direction was given*

## **Law Enforcement Ordinance Amendments: Conservation Officers**

Summary: In order to avoid confusion when it comes to issuing fines, OPD and the Law Office are asking that the Ordinance clarify that Conservation Wardens are not sworn police officers.

*Next Steps: Begin making amendments to the Ordinance*

\*items the OBC suggested be priorities

August 5, 2015

## **Leasing Law**

**Summary:** Develop a new law which would allow the Tribe to approve surface leases at their discretion, instead of the Secretary of Interior, so long as the Secretary of Interior has approved Tribal surface lease regulations.

**Next Steps:** *Leasing Law was forwarded to the Department of Interior for consideration on May 18, 2015.*

## **Per Capita Law Amendments**

**Summary:** The Trust Department requests that several provisions of the Law be clarified. In addition they are asking to modify the frequency of form requirements in elder distributions and incorporate fees for stop payments and closed bank accounts.

**Next Steps:** *An automatic 60-day return will require this item to be brought back on September 16, 2015*

## **Personnel Commission Bylaws Amendments**

**Summary:** The Personnel Commission has identified the need to revise its Bylaws in order to outline more specifically the qualifications for appointed commissioners.

**Next Steps:** *Changes to draft are being made based on a work meeting held with the Personnel Commission on July 14, 2015*

## **Rules of Civil Procedure Amendments**

**Summary:** A request from the Land Commission was made to remove the filing fee requirement when a Tribal entity is filing and modifying the requirements of service for Tribal entities.

**Next Steps:** *An automatic 60-day return will require this item to be brought back on September 16, 2015*

## **Tribally-Owned Business Organization Code**

**Summary:** Because the Tribe has several Tribally-owned entities, a proposal seeks the adoption of a Tribal corporation code.

**Next Steps:** *Develop the Code*

## **Vehicle Driver Certification and Fleet Management**

**Summary:** Risk Management requests a new Law to govern employee/Tribal official use of vehicles while on Tribal business and replace the current Vehicle Driver Certification Policy and Fleet Management Policy.

**Next Steps:** *Making revisions on the Law based on LOC's consideration of public meeting comments.*

## **Violence Against Women Act (VAWA)**

**Summary:** Look at how the Tribe can exercise jurisdiction over non-Indians in domestic abuse cases on the Reservation being that the State of Wisconsin is PL 280 state.

**Next Steps:** *Develop the Law*

## **Whistleblower Law**

# LOC Priority List

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August 5, 2015

Summary: Develop a new Law that will replace the Employee Protection Law which would provide a more comprehensive avenue for complaints to be processed in a confidential manner.

*Next Steps: Review proposed draft and either continue work on the draft or create a new draft*

## **Workplace Violence Policy**

Summary: Develop a new Policy that provides guidance to Tribal employees to maintain an environment at and within the Tribe's property and events that is free of violence and the threats of violence.

*Next Steps: Develop the Policy*

# August 2015

| August 2015 |    |    |    |    |    |    | September 2015 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa | Su             | Mo | Tu | We | Th | Fr | Sa |
| 2           | 3  | 4  | 5  | 6  | 7  | 1  | 6              | 7  | 1  | 2  | 3  | 4  | 5  |
| 9           | 10 | 11 | 12 | 13 | 14 | 8  | 13             | 14 | 8  | 9  | 10 | 11 | 12 |
| 16          | 17 | 18 | 19 | 20 | 21 | 15 | 20             | 21 | 15 | 16 | 17 | 18 | 19 |
| 23          | 24 | 25 | 26 | 27 | 28 | 22 | 27             | 28 | 22 | 23 | 24 | 25 | 26 |
| 30          | 31 |    |    |    |    | 29 |                |    | 29 | 30 |    |    |    |

|            | Sunday        | Monday    | Tuesday      | Wednesday   | Thursday  | Friday    | Saturday     |
|------------|---------------|-----------|--------------|---|-----------|-----------|--------------|
|            | <b>Jul 26</b> | <b>27</b> | <b>28</b>    | <b>29</b>   | <b>30</b> | <b>31</b> | <b>Aug 1</b> |
| 7/26 - 31  |               |           |              |   |           |           |              |
|            | <b>2</b>      | <b>3</b>  | <b>4</b>     | <b>5</b>  | <b>6</b>  | <b>7</b>  | <b>8</b>     |
| 8/2 - 7    |               |           |              | 9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar<br>3:00pm 4:30pm FW: Fitness for Duty Wor |           |           |              |
|            | <b>9</b>      | <b>10</b> | <b>11</b>    | <b>12</b>   | <b>13</b> | <b>14</b> | <b>15</b>    |
| 8/9 - 14   |               |           |              | BC Meeting (BCCR)   |           |           |              |
|            | <b>16</b>     | <b>17</b> | <b>18</b>    | <b>19</b>   | <b>20</b> | <b>21</b> | <b>22</b>    |
| 8/16 - 21  |               |           |              | 9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar   |           |           |              |
|            | <b>23</b>     | <b>24</b> | <b>25</b>    | <b>26</b>   | <b>27</b> | <b>28</b> | <b>29</b>    |
| 8/23 - 28  |               |           |              | BC Meeting (BCCR)   |           |           |              |
|            | <b>30</b>     | <b>31</b> | <b>Sep 1</b> | <b>2</b>  | <b>3</b>  | <b>4</b>  | <b>5</b>     |
| 8/30 - 9/4 |               |           |              |   |           |           |              |

# September 2015

| September 2015 |    |    |    |    |    |    |
|----------------|----|----|----|----|----|----|
| Su             | Mo | Tu | We | Th | Fr | Sa |
| 6              | 7  | 1  | 2  | 3  | 4  | 5  |
| 13             | 14 | 15 | 16 | 17 | 18 | 19 |
| 20             | 21 | 22 | 23 | 24 | 25 | 26 |
| 27             | 28 | 29 | 30 |    |    |    |

| October 2015 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|
| Su           | Mo | Tu | We | Th | Fr | Sa |
| 4            | 5  | 6  | 7  | 1  | 2  | 3  |
| 11           | 12 | 13 | 14 | 8  | 9  | 10 |
| 18           | 19 | 20 | 21 | 15 | 16 | 17 |
| 25           | 26 | 27 | 28 | 22 | 23 | 24 |
|              |    |    |    | 29 | 30 | 31 |

|                | Sunday        | Monday                                   | Tuesday      | Wednesday                                       | Thursday     | Friday    | Saturday               |
|----------------|---------------|--|--------------|---|--------------|-----------|------------------------|
| Aug 30 - Sep 5 | <b>Aug 30</b> | <b>31</b>                                | <b>Sep 1</b> | <b>2</b>  | <b>3</b>     | <b>4</b>  | <b>5</b>               |
|                |               |  |              | 9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar |              |           |                        |
| Sep 6 - 12     | <b>6</b>      | <b>7</b>                                 | <b>8</b>     | <b>9</b>  | <b>10</b>    | <b>11</b> | <b>12</b>              |
|                |               | Labor Day Holiday                        |              | BC Meeting (BCCR)                               |              |           | GTC Meeting (Radisson) |
| Sep 13 - 19    | <b>13</b>     | <b>14</b>                                | <b>15</b>    | <b>16</b>                                       | <b>17</b>    | <b>18</b> | <b>19</b>              |
|                |               |  |              | 9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar |              |           |                        |
| Sep 20 - 26    | <b>20</b>     | <b>21</b>                                | <b>22</b>    | <b>23</b>                                       | <b>24</b>    | <b>25</b> | <b>26</b>              |
|                |               | 6:00pm 10:00pm GTC Budget Mtg (Radisson) |              | BC Meeting (BCCR)                               |              |           |                        |
| Sep 27 - Oct 3 | <b>27</b>     | <b>28</b>                                | <b>29</b>    | <b>30</b>                                       | <b>Oct 1</b> | <b>2</b>  | <b>3</b>               |
|                |               |  |              |   |              |           |                        |