

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

LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
January 6, 2016 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. December 16, 2015 LOC Meeting Minutes
- III. Current Business**
 - 1. Petition: Food Pantry
 - 2. Audit Committee Bylaws Amendments
 - 3. Oneida Flag Policy
 - 4. Marriage Law Amendments
 - 5. Cemetery Law Amendments
 - 6. Oneida Higher Education Scholarship
 - 7. Public Use of Tribal Land Amendments
 - 8. Land Commission Bylaws Amendments
- IV. New Submissions**
 - 1. Trust/Enrollment Committee Bylaw Amendments
 - 2. Eviction Law
- V. Additions**
- VI. Administrative Updates**
 - 1. Oneida Code Reorganization
- VII. Executive Session**
- VIII. Recess/Adjourn**

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LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center
December 16, 2015 9:00 a.m.

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

OTHERS PRESENT: Taniquelle Thurner, Candice Skenandore, Krystal John, Douglass McIntyre, Maureen Perkins, Rae Skenandore, Bradley Graham, Bill Graham, RC Metoxen, Mike Debraska, Nancy Barton, Bonnie Pigman, Michelle Mays, Cathy L. Metoxen

I. Call To Order and Approval of the Agenda

Brandon Stevens called the December 16, 2015 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda; seconded by Tehassi Hill. Motion carried unanimously.

II. Minutes to be approved

1. December 2, 2015 LOC Meeting Minutes

Motion by Jennifer Webster to approve the December 2, 2015 LOC meeting minutes; seconded by Fawn Billie. Motion carried with David P. Jordan and Tehassi Hill abstaining.

III. Current Business

1. Petition: Food Pantry (1:17-11:19)

Motion by Jennifer Webster to accept the Petition: Food Pantry update and to forward the memorandum to the Oneida Business Committee; seconded by Tehassi Hill. Motion carried unanimously.

2. Cemetery Law Amendments (11:22-1:08:13)

Motion by Jennifer Webster to accept the Cemetery Law Amendments memorandum B and to include language which requires communication pertaining to the history of the land and possible issues that may result if encasements are not used; seconded by David P. Jordan. Motion carried unanimously.

3. Probate Law (1:08:15-1:08:49)

Motion by David P. Jordan to accept the memorandum update and to defer the Probate Law to the sponsor's office and bring back when ready; seconded by Jennifer Webster. Motion carried unanimously.

4. **Research Protection Act** (1:08:52-1:09:31)

Motion by Jennifer Webster to accept the status update as FYI and defer the Research Protection Act back to sponsor to bring back when ready; seconded by David P. Jordan. Motion carried unanimously.

5. **Election Board Bylaws Amendments** (1:09:33-1:33:06)

Motion by David P. Jordan to defer the Election Board Bylaws Amendments to the Legislative Reference Office for an updated analysis; seconded by Tehassi Hill. Motion carried unanimously.

6. **Landlord-Tenant Law** (1:33:07-1:34:30)

Motion by Fawn Billie to accept the memorandum update as FYI and to defer the Landlord-Tenant Law back to the sponsor and to bring back when ready; seconded by Jennifer Webster. Motion carried unanimously.

7. **Mortgage Law** (1:34:36-1:36:55)

Motion by David P. Jordan to accept the memorandum update as FYI and to defer the Mortgage Law back to the sponsor and to bring back when ready; seconded by Fawn Billie. Motion carried unanimously.

8. **Real Property Law Amendments** (1:37:00-1:47:35)

Motion by Jennifer Webster to accept the memorandum update as FYI and to defer the Real Property Law Amendments back to the sponsor and to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.

9. **Garnishment Amendments** (1:47:38-1:49:13)

Motion by Jennifer Webster to approve the public meeting packet and to forward the Garnishment Amendments to a public meeting date of January 21, 2016; seconded by David P. Jordan. Motion carried unanimously.

10. **Land Commission Bylaws Amendments** (1:49:18-1:49:59)

Motion by David P. Jordan to accept the Land Commission Bylaws Amendments memorandum update and to defer this item back to the sponsor and to bring back when ready; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Updates

1. **Administrative Rulemaking Law and Comprehensive Policy Governing Boards, Committees and Commissions Amendments E-poll** (1:50:35-1:51:02)

Motion by David P. Jordan to enter the Administrative Rulemaking Law and Comprehensive Policy Governing Boards, Committees and Commissions Amendments e-poll into the record; seconded by Jennifer Webster. Motion carried unanimously.

2. LOC Quarterly Report (1:51:03-1:51:23)

Motion by Jennifer Webster to forward the LOC Quarterly Report to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by David P. Jordan to adjourn the December 16, 2015 Legislative Operating Committee meeting at 10:52 a.m.; seconded by Tehassi Hill. Motion carried unanimously.



Legislative Operating Committee

January 6, 2016

Petition: Food Pantry

Submission Date: 10/28/2015

LOC Sponsor: Brandon Stevens

☐ Public Meeting:
☐ Emergency Enacted:
 Expires:

Summary: *This Petition concerns the establishment and operation of an emergency food pantry containing specific requirements. Additionally, the Petition provides for specific supplies and funding from other Tribal entities.*

10/28/15 OBC: Motion by David Jordan to accept the verified petition submitted by Nancy Barton: To open an Emergency Food Pantry; 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 sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Fawn Billie. Motion carried unanimously.

11/4/15 LOC: Motion by Jennifer Webster to add the Petition: Food Pantry to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

12/16/15 LOC: Motion by Jennifer Webster to accept the Petition: Food Pantry update and to forward the memorandum to the Oneida Business Committee; seconded by Tehassi Hill. Motion carried unanimously.

12/23/15 OBC: Motion by Jennifer Webster to accept the progress report as information and to defer the legal and financial analyses to the February 24, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously

Next Steps:

- Accept the Statement of Effect and forward to the OBC for consideration.

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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Statement of Effect

Petition: Food Pantry

Summary

This Petition concerns the establishment and operation of an emergency food pantry containing specific requirements. Additionally, the Petition provides for specific supplies and funding from other Tribal entities.

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

Analysis by the Legislative Reference Office

On October 7, 2015, a Petition was submitted to the Tribal Secretary's Office and verified by the Enrollment Department. At an Oneida Business Committee meeting on October 28, 2015, the verified petition was accepted and referred to the Legislative Reference Office for a Statement of Effect with a due date of January 13, 2016.

The Petition is a full page containing the specific requirements, but can be broken down into three separate sections:

- Establishing
- Funding and Supplying
- Operating

1. Establishing the Food Pantry

- a. The location of the food pantry be at the now vacant former Tower Foods.
- b. The food pantry be opened on October 1, 2016.
- c. That three (3) positions be filled: a manager and two (2) warehouse workers.
 1. These jobs are Enrolled Oneida members only.
 2. The additional workforce be made of volunteers.

The requirement in (1)(c)(1) that the two (2) warehouse workers be enrolled Oneida members is in conflict with Section III(a) of the Personnel Policies & Procedures. This section provides:

The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. However, the Oneida Tribe exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled Oneida Tribal Members where such preference is

not otherwise prohibited. **All General Managers and top administrative positions, as defined by HRD, shall be held by enrolled Tribal members. In all other instances, the Tribe applies the following priorities** of Indian Preference in staffing decisions:

1. Enrolled Oneida Tribal member;
2. Oneida Indians eligible for enrollment in the Oneida Tribe;
3. Documented first generation Oneida descendant;
4. Other Native American Indian;
5. Other (non-Indian).

“Oneida-only” positions have been created through various resolutions and directives of the General Tribal Council and Oneida Business Committee, such as all retail employees or specific positions within gaming. The requested positions do not fall under any of these. Therefore, this portion of the Petition would be in conflict with the Personnel Policies & Procedures. The remaining portion of the Petition establishing a food pantry has no legislative impact on any other current Tribal laws.

2. Funding and Supplying the Food Pantry

- a. The emergency food pantry be funded by:
 1. transferring \$50,000 from Center for Self Sufficiency (Festival Food Cards) to the food pantry.
 2. suspending all food purchases at the Oneida Radisson for meetings, conferences, summits.
 3. transferring any and all other funding sources, including grants to the food pantry.
 4. a reinstatement of the 2008 budget for the food pantry.
- b. The food pantry would be supplied by:
 1. the Oneida Nation Farm providing buffalo, grass-fed beef, eggs, chicken, Tsyunhekwa, Cannery white corn and other products.
 2. the Apple Orchard providing apples.
- c. Additional supplies and equipment be supplied by the Tribe:
 1. A van.
 2. A forklift.
 3. Two (2) dollies.
 4. Freezer.
 5. Refrigerators.
 6. Computer software.
 7. Office supplies.

Without knowing the specific funding source that would be effected by (2)(a)(4) “transferring any and all other funding sources, including grants to the food pantry”, it is impossible to determine if this would have any effect on current law. The remaining portion of the Petition concerning the supplying and funding of the food pantry has no legislative impact on any current Tribal laws.

3. Operating the Food Pantry:

- a. Hours of pickup would be from 9:00 a.m. to 12:00 p.m. Monday through Friday.

- b. The food pantry would have the following restrictions:
 - 1. Will only serve households where an enrolled Tribal member resides.
 - 2. Will only serve those with income guidelines consistent with state and federal eligibility, but with the flexibility to review a case-by-case basis.
 - 3. Circumstances of eligibility include, but are not limited to, interruption of family income, job loss, change in family composition, homelessness.
- c. Reporting policy be implemented:
 - 1. The manager would be required to report quarterly to the Oneida Business Committee.
 - 2. The manager would be required to submit a report form to the General Tribal Council at the annual and semiannual meetings.

The portion of the Petition concerning the operation of the food pantry does not conflict with and has no legislative impact on any other current Tribal laws.

Conclusion

The Petition does not have an impact on current legislation except in potentially two (2) areas. First, the language providing that the warehouse worker positions be Oneida-only is in conflict with the priority list found within the Personnel Policies & Procedures. However, this could be remedied by General Tribal Council clarifying that these positions are Oneida-only in the adopting resolution. Second, the vague language concerning the transfer of funding sources makes it impossible to determine what current laws, if any, might be affected.



Legislative Operating Committee

January 6, 2016

Audit Committee Bylaws Amendments

Submission Date: September 17, 2014

<input type="checkbox"/> Public Meeting:	N/A
<input type="checkbox"/> Emergency Enacted:	

LOC Sponsor: Fawn Billie

Summary: *This item was deferred to the LOC by the OBC on April 27, 2011 and it was carried over into the current term by the LOC. Originally, the OBC deferred the Audit Committee Charter to the LOC for review of authority and review under the context as bylaws. The Audit Committee is a standing committee of the OBC currently operating under a charter adopted by the Audit Committee. The previous LOC deferred a draft of the Bylaws to the Audit Committee for review and was awaiting a response from the Audit Committee when the term ended. The Audit Committee's last action on this item occurred on May 3, 2013 and was to "defer until after the GTC Meeting regarding enforcement authority," which refers to amendments to the Audit Law that were anticipated would be sent to GTC for review.*

- 9/17/14 LOC:** Motion by Fawn Billie to add the Audit Committee Bylaws Amendments to the Active Files List with Fawn Billie as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.
- 6/3/15 LOC:** Motion by Jennifer Webster to forward the draft to the Audit Committee; seconded by David P. Jordan. Motion carried unanimously.
- 6/11/15:** Audit Committee Meeting: Bylaws included on agenda.
- 8/13/15:** Audit Committee Meeting: Bylaws draft approved at meeting.
- 11/12/15:** Audit Committee Meeting: Bylaws draft approved at meeting.
- 12/2/15 LOC:** Motion by Jennifer Webster to forward the Audit Committee Bylaws Amendments to the Legislative Reference Office for a legislative analysis; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Accept the legislative analysis and consider forwarding to the Oneida Business Committee for consideration.

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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, LOC Chairperson 
DATE: January 13, 2016
RE: Audit Committee Bylaw Amendments

Please find attached the following for your consideration:

1. Audit Committee Charter
2. Audit Committee Bylaw Legislative Analysis
3. Audit Committee Bylaw (clean)

Overview

On September 17, 2014, the Legislative Operating Committee (LOC) approved a request from the Audit Committee (Committee) to draft Bylaws to replace the charter the Committee was operating under. The Committee approved the attached Bylaws on November 12, 2015. These Bylaws will put the Committee in compliance with the Comprehensive Policy Governing Boards, Committees and Commissions. Key differences from the charter include:

- Providing specific duties for the officers;
- Providing for emergency and special meetings;
- Expanding the reporting requirements;
- Establishing standards for meetings include a regulate order of business, voting threshold requirements, among others; and
- Clarifying the responsibilities of the Committee.

The LOC approved forwarding the attached Bylaws to the Oneida Business Committee on January 6, 2016.

Requested Action

Approve the Audit Committee Bylaws.

AUDIT COMMITTEE CHARTER

PURPOSE

The purpose of the Audit Committee is to ensure the integrity of the financial reporting and audit systems of The Oneida Tribe: assist in the maintenance of adequate financial reporting, information technology and audit systems; supervise the recruitment and recommendation to retain a public accounting firm for special and annual audits; and to fulfill its oversight responsibilities for the financial reporting process, the system of internal control, the audit process and the Tribe's process for monitoring compliance with laws and regulations and the code of conduct.

To report to the Oneida Business Committee and to the General Tribal Council, when appropriate, relative to audits, financial reports, management reports and recommended corrective measures.

AUTHORITY

Source - The Audit Committee has been delegated the authority from the Oneida Business Committee, through the Audit Law, to ensure the integrity of the Tribe's financial reporting and audit systems.

- The Audit Committee shall be responsible for evaluating and recommending to the Oneida Business Committee, an independent public accounting firm for the annual or any special audit, unless there is a prior alternative written agreement in place delegating the responsibility for a given special audit.

Oversight - The Audit Committee shall have the responsibility of oversight over the Tribal audit processes and the process of investigation into alleged or suspected improprieties and violations of fiscal and ethics policies, codes, regulation, and directives.

- The Audit Committee shall conduct oversight over the activities of the internal audit function in independent assignments related to auditing, evaluating, and special investigations related to detecting fraudulent financial reporting and conducting investigations into fraud and theft in the Tribe's businesses, enterprises and programs.

Enforcement - The Audit Committee will have the ability to utilize all existing enforcement authorities to carry out their responsibilities to achieve their purpose.

- Compel Executive Management and Chairpersons of Boards, Committees and Commissions to attend meetings representing issues as needed.
- Compel Management, Boards, Committees and Commissions to comply with audit requests and reply to audit reports.
- The Audit Committee shall instruct the independent external auditor and the internal auditor that the Committee expects to be advised if there are any areas that require its special attention.

- Issue notices of noncompliance, as appropriate, to Executive Management in accordance with the Employee Manual Negligence provision.
- Issue notices of violation of Oath of Office, as appropriate to Board, Committee and Commission members.
- Seek legislative improvements to assure the Tribe's code of ethics, code of conduct and conflict of interest are current and adequate to ensure fairness for all and equity by protecting the resources.

COMPOSITION

Audit Committee - The Audit Committee will consist of at least five (5) members who are age 21 and above and are enrolled members of the Oneida Nation of Wisconsin. Four members will consist of Business Committee members and one committee member will be a community member. The Chair and Vice-Chair will be determined by nomination at the first meeting after appointment. Each committee member will be both independent and financially literate or have access to financial expertise, whether in the form of a single individual serving on the committee, or collectively among committee members.

Defining independence of each Audit Committee member is important for the Tribe including:

- Not employed by any Tribal entity
- Does not provide contract services to the Tribe
- Not a member of any other Tribal Board, Committee or Commission
- Represents only the interests of the Tribe at large while in session

The Audit Committee shall strictly adhere to the Oneida Tribe's Code of Ethics, Rules of Conduct and Conflict of Interest Policies.

At least one member shall be designated as the "financial expert," as defined by employment experience in finance and accounting, certification or other comparable background and experience. Components of financial expertise include:

- The ability to assess the general application of the principles and standards in connection with the accounting for estimates, accruals, and reserves.
- An understanding of internal controls.
- An understanding of the procedures for financial reporting.
- An understanding of audit committee functions and responsibilities.

MEETINGS

The Audit Committee shall require appropriate administration, through the chain of authority, to appear at Audit Committee meetings. All committee members are expected to attend each meeting.

The Audit Committee shall meet on a monthly basis and special meetings may be called as circumstances require. The Committee shall meet privately with the internal auditor, independent auditor, legal counsel and management as required.

The committee will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary in open session. It will hold private meetings and executives sessions with auditors.

RESPONSIBILITIES

Financial Statements

Review and discuss annual and quarterly statements and Managements Discussion & Analysis (MD&A) with management and auditors.

Internal Control

The audit committee's role is to ensure that management has developed and follows an adequate system of internal control, including:

- Monitoring compliance with legal and regulatory requirements
- Risk assessment and risk management.
- Adopt a code of ethics for senior financial officers which includes monitoring and enforcement.
- Establish procedures for the receipt, retention, and treatment of complaints; establish a confidential anonymous submission by employees for concerns regarding questionable matters.
- Ensure open communication and information flow with management, internal auditors and external auditors.

Internal Audit

The Internal Audit Department shall be responsible to the Audit Committee. The Internal Audit Department shall have delegated authority from the Audit Committee and shall have the greatest ability to obtain information reasonably related to an audit.

- Perform all work in accordance with the International Professional Practices Framework.
- All information collected or derived from an audit, upon closure, shall be retained for seven years in a secure location in accordance with the Records Management Law.
- The Internal Audit Department shall make reports available to the Audit Committee, Oneida Business Committee and Administration on a need to know basis.
- Reports accepted by the Business Committee shall be made available for review by Tribal Members who make a request.

External Audit

The Audit Committee shall:

- Ensure auditor qualifications.
- Oversee performance of external auditor.
- Assure all reports go directly to the Audit Committee

Compliance

Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.

Special Audits may be recommended by the Audit Committee from time to time, but such audits shall be requested in writing to the Business Committee.

Reporting Responsibilities

The Audit Committee shall report, as deemed appropriate, to the Oneida Business Committee.

- Approved Audit Committee minutes, appropriate supporting information and audit reports shall be presented to the Business Committee for consideration and acceptance.
- There shall be an open avenue of communication between internal audit, the external auditors and the Business Committee.

Other Responsibilities

The Audit Committee should complete a self-evaluation annually to identify improvement opportunities. This involves comparing the committee's performance to its charter, any formal guidelines and rules and against best practices. Such a review is confidential and may or may not include evaluations of particular members.



Audit Committee Bylaws Analysis Draft

<i>Analysis by the Legislative Reference Office</i>					
Entity	Audit Committee (Committee)				
Requestor	Internal Audit	Drafter	Douglass McIntyre	Analyst	Candice E. Skenandore / Maureen Perkins
Reason for Request	On April 27, 2011, the OBC referred the Audit Committee Charter to the LOC for review of authority and review under the context as bylaws				
Members	5 members total, 4 OBC, 1 other	Stipends	\$50 a month	Elected/ Appointed	Elected & appointed
Authority	Audit Law delegates authority to the Committee to ensure the integrity of the Tribe's financial reports and audit systems by overseeing the Tribal audit processes and the process of investigation into any alleged or suspected improprieties and violations of fiscal and ethical policies, codes, regulations and directives. In addition, the Audit Law provides the Committee with the ability to utilize all existing enforcement authorities to carry out its responsibilities [See Audit Law 8.5-1 through 8.5-3].				
Hearing Authority	Neither the bylaws nor the Audit Law provide the Committee with hearing authority.				

Overview

The Committee is a standing committee of the Oneida Business Committee (OBC) which has been operating pursuant to the Oneida Internal Audit Committee Charter that was approved by the Committee on February 24, 2011. The Committee is composed of four OBC members and one community member who is appointed. The proposed Bylaws mirror the current charter with the exception of the following:

- Language has been added and formatting changes have been made to the Bylaws which are consistent with the requirements set out in the Comprehensive Policy Governing Boards, Committees and Commissions.
- The Charter requires at least one Committee member to be designated as the “financial expert” while these Bylaws require Committee members to have access to financial expertise be it the Chief Financial Officer, a Committee member or collectively amongst the Committee members [See 1-4 (d) (2)].
- The Chairperson and Vice Chairperson are nominated at the first meeting after the appointment; however, language has been added that requires the Chairperson and Vice Chairperson be OBC representatives [See 2-4]. The appointed community member cannot hold an officer position.
- The Committee must recruit and hire a qualified Internal Audit Director [See 2-5].
- The Charter provides the Committee with enforcement authority to carry out its responsibilities which includes compelling the appropriate entities to attend meetings and comply with audit requests as well as issuing notices of non-compliance and oath violations. The proposed Bylaws will require the Committee to request the OBC to perform these duties [See 6-2 (a, b, d & e)].
- The responsibilities of the Internal Audit Department have been omitted from the

Committee's Bylaws. The Internal Audit Department is no longer required to 1)) make reports available for review by Tribal members who make a request after the OBC accepts the reports and 2) work in accordance with the International Professional Practices Framework. According to the Interim Internal Audit Manager, the Internal Audit Department's internal audit reports to the Audit Committee adhere to the Professional Practices Framework of the Institute of Internal Auditors.

Considerations

This section will briefly list concerns the LOC may want to consider:

- These Bylaws require the Committee to recruit and hire an Internal Audit Director *[See 2-5]*. The LOC may want to consider adding language that states that if the Internal Audit Director position is vacant, the Committee must fill the vacancy with a qualified applicant.

Miscellaneous

A public meeting is not required for bylaws. The Bylaws comply with Section 8-4 of the Comprehensive Policy Governing Boards, Committees and Commissions.

AUDIT COMMITTEE BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this committee shall be the Audit Committee, hereinafter referred to as "Committee."
- 1-2. *Authority.* By the authority of the Oneida Business Committee, the Committee was created by adoption of the Audit Law Resolution BC-07-15-98-C. Through the Audit Law, the Committee has been delegated the authority to ensure the integrity of the Tribe's financial reporting and audit systems. Definitions for the words used throughout these bylaws shall be taken from the Audit Law. All words not defined in the Audit Law shall be used in their ordinary and everyday sense.
- 1-3. *Office.* The office of the Committee shall be located within the exterior boundaries of the Oneida Reservation and its mailing address shall be P.O. Box 365, Oneida, WI 54155.
- 1-4. *Membership.*
 - a. Number of members. The Committee shall consist of five (5) members.
 - b. How elected or appointed.
 1. Four (4) Committee members shall be Oneida Business Committee members, excluding the Treasurer, selected by a majority of the Oneida Business Committee.
 - A. Any member of the Business Committee, with the exception of the Treasurer, may serve as Ad Hoc when needed.
 2. One (1) Committee member shall be a member of the community who meets the qualifications of 1-4(d). This member shall be appointed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
 - c. How vacancies are filled. Vacancies on the Committee shall be filled in accordance with section 1-4(b) for the remainder of the outstanding term.
 - d. Qualifications of members.
 1. The appointed Committee member shall be at least twenty-one (21) years of age and be an enrolled member of the Oneida Tribe of Indians of Wisconsin.
 2. Committee members shall be both independent and financially literate or have access to financial expertise, whether in the form of the Chief Financial Officer, a single individual serving on the Committee, or collectively among Committee members. Components of financial expertise include:
 - A. The ability to assess the general application of the principles and standards in connection with the accounting for estimates, accruals, and reserves.
 - B. An understanding of internal controls.
 - C. An understanding of the procedures for financial reporting.
 - D. An understanding of Audit Committee functions and responsibilities.
 - e. Term of office.
 1. The terms of the Oneida Business Committee members shall coincide with the term of the Oneida Business Committee.
 2. The term of the appointed community member shall expire midway through the term of the Oneida Business Committee.
 3. Defining independence of each Committee member is important for the Tribe and no Committee member may:
 - A. Be employed by any Tribal entity.
 - B. Provide contract services to the Tribe.
 - C. Be a member of any other Tribal Board, Committee or Commission, other than the Oneida Business Committee members.

D. Represent any interests other than the Tribe's while acting as a member of the Committee.

4. Committee members shall strictly adhere to the Tribe's laws and policies establishing ethical standards and/or conflicts of interest, and any code of conduct. Failure to do so may result in the removal from the Committee or termination of an appointment.

Article II. Officers

- 2-1. The Committee shall have two (2) officers: Chairperson and Vice-Chairperson. The terms of office for the officers shall coincide with the terms of the Oneida Business Committee members.
- 2-2. *Chairperson Duties.* The Chairperson shall preside over all meetings and may not vote except in the case of a tie. The Chairperson shall be responsible for calling meetings and notifying members with the assistance of the Internal Audit Department.
- 2-3. *Vice-Chairperson Duties.* The Vice-Chairperson shall assist the Chairperson with his or her duties, at the request of the Chairperson, and shall preside over all meetings in the Chairperson's absence.
- 2-4. *How Officers are Chosen.* The Chairperson and Vice-Chairperson shall be chosen from the Oneida Business Committee representatives by all Committee members present at the first meeting held after the Committee is appointed.
- 2-5. *Personnel.* The Committee shall recruit and hire a qualified Internal Audit Director to lead the internal audit function and to assure unbiased audit and investigative processes and reporting.

Article III. Meetings

- 3-1. The Committee shall meet on a monthly basis within the Reservation boundaries.
- All Committee members are expected to attend each meeting.
 - The Committee may invite entity representatives, auditors or others to attend meetings and provide pertinent information, as necessary in open session.
 - The Committee may hold meetings in executive session with auditors, legal counsel, and entity representatives as required.
- 3-2. *Emergency and Special Meetings.* Emergency or special meetings of the Committee may be called by the Chairperson or upon written request of any two (2) members. The Chairperson shall designate a time and place for holding an emergency or special meeting.
- 3-3. *Notice of Emergency or Special Meeting.* Notice of an emergency or special meeting shall be
- Members.* The Committee shall provide notice to members at least forty-eight (48) hours prior to the date set for any such meeting. Notice may be communicated in person, by facsimile or other wire or wireless communication, or by mail.
 - Public.* The Committee shall provide public notice of special meetings by submitting the date, time and location of the special meeting to the Intergovernmental Affairs and Communications Department to be included on the community calendar on the Tribe's website no later than twenty-four (24) hours prior to the time of the special meeting.
- 3-4. *Quorum.* A quorum shall consist of a majority of current members of the Committee and shall include the Chairperson or Vice-Chairperson.
- 3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business as set out herein:
- Call to Order.

- b. Approval of Agenda
- c. Approval of Minutes
- d. Old Business
- e. New Business
- f. Executive Session
- g. Adjourn

- 3-6. *Voting.* Decisions of the Committee shall be based on a majority of a quorum of members present at a meeting. The officer presiding at a meeting shall vote only in case of a tie.
- 3-7. *Stipends.* The appointed Committee member shall be paid a meeting stipend in accordance with Section 11-3 of the Comprehensive Policy Governing Boards, Committees and Commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the Committee member collecting the stipend was present for at least one (1) hour of the established quorum.

Article IV. Reporting

- 4-1. Agenda items shall be in an identified format.
- 4-2. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Committee.
- 4-3. Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.
- 4-4. The Committee shall report to the Oneida Business Committee and to the General Tribal Council, when appropriate, relative to audits, financial reports, management reports and recommended corrective measures.
- 4-5. The Committee shall report to the Oneida Business Committee, as often as deemed appropriate, the approved Committee minutes, audit reports and appropriate supporting information.
- a. Minutes and audit reports require Oneida Business Committee approval in order to finalize the audit records.

Article V. Amendments

- 5-1. The Bylaws of the Committee shall be amended with the approval of a quorum of the Committee and upon subsequent approval by the Oneida Business Committee.

Article VI. Responsibilities

- 6-1. The Committee shall have oversight of the activities of the internal audit function in independent assignments related to auditing, evaluating, and special investigations related to detecting fraudulent financial reporting and conducting investigations into fraud and theft in the Tribe's entities.
- 6-2. *Enforcement.* The Committee shall have the ability to utilize all existing enforcement authorities to carry out their responsibilities to achieve their purpose, including:
- a. Request the Business Committee to compel entity representatives to attend meetings in order to represent issues.
 - b. Request the Business Committee to compel entity representatives to comply with audit requests and reply to audit reports.
 - c. Instruct the external auditor and the internal auditor that the Committee expects to be advised if there are any areas that require its special attention.

- d. Request the Business Committee to issue notices of noncompliance to entity employees in accordance with the disciplinary provisions relating to work performance and personal actions, as provided for in the Tribe's Personnel Policies and Procedures.
 - e. Request the Business Committee to issue notices of violation of Oath of Office, as appropriate, to entity members.
 - f. Seek improvements to assure the Tribe's laws and policies establishing ethical standards and/or conflicts of interest, as well as any code of conduct implemented are current and adequate to ensure fairness for all and equity by protecting the resources.
- 6-3. *Financial Statements.* The Committee shall review and discuss annual and quarterly statements and Managements Discussion & Analysis (MD&A) with entity representatives and auditors.
- 6-4. *Internal Control.* The Committee shall ensure that entities have developed and follow an adequate system of internal control, including:
- a. Compliance with legal and regulatory requirements.
 - b. Risk assessment and risk management.
 - c. Adopt a code of ethics which includes monitoring and enforcement.
 - d. Establish procedures for the receipt, retention, and treatment of complaints; establish a confidential anonymous submission by individuals for concerns regarding questionable matters.
 - e. Ensure open communication and information flow with entities, internal auditors and external auditors.
- 6-5. *External Audit.* The Committee shall be responsible for evaluating and recommending to the Oneida Business Committee, an independent public accounting firm for the annual or any special audit, unless there is a prior alternative written agreement in place delegating the responsibility for a given special audit. When an external auditor is hired, the Committee shall:
- a. Verify the qualifications of the external auditor.
 - b. Oversee the performance of the external audit.
 - c. Assure all reports from the external auditor go directly to the Committee.
- 6-6. *Compliance.* The Committee shall review the effectiveness of the system for monitoring compliance with laws and regulations and the results of an entity's investigation and follow-up of any instances of non-compliance. Special audits and/or investigations may be recommended by the Audit Committee.
- 6-7. *Other Responsibilities.* The Committee shall complete a self-evaluation annually to identify improvement opportunities. This includes comparing the Committee's performance to its bylaws, any formal guidelines and rules, and against best practices. Such review is confidential and may or may not include evaluations of particular members.

These Bylaws are hereby attested to as adopted by the Audit Committee at a duly called meeting held on the _____ of _____, 2016 by the Audit Committee Chairperson's signature.

Tehassi Hill, Chairperson
Audit Committee

These By-Laws are also approved by the Oneida Business Committee at a duly called meeting held on the _____ of _____, 2016 by the Secretary of the Oneida Business Committee's signature.

Lisa Summers, Tribal Secretary
Oneida Business Committee



Legislative Operating Committee

January 6, 2016

Oneida Flag Policy

Submission Date: April 22, 2015

☒ Public Meeting: 10/01/2015

☐ 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.
- 8/5/15 LOC:** Motion by Tehassi Hill to defer the Oneida Flag Policy for a legislative analysis and a fiscal impact statement and bring back in two weeks; seconded by David P. Jordan. Motion carried unanimously.
- 8/19/15 LOC:** Motion by David P. Jordan to accept the legislative analysis, extend the financial impact statement, and direct the Legislative Reference Office to bring the Oneida Flag Code back to the next LOC meeting, to set a date for a Public Meeting, and to make the changes from "Oneida Nation" back to "Oneida Indian Tribe of Wisconsin"; seconded by Fawn Billie. Motion carried unanimously.
- 9/2/15 LOC:** Motion by Jennifer Webster to forward the current draft and analysis of the Oneida Flag Policy for a public meeting to be held on October 1, 2015; seconded by Fawn Billie. Motion carried unanimously.
- 10/1/15:** Public meeting held.
- 11/4/15 LOC:** Motion by Jennifer Webster to accept the public meeting comments and defer review to a work meeting on November 6; seconded by Tehassi Hill. Motion carried unanimously.
- 11/6/15:** Work meeting held. Attendees include: John Breuninger, Kerry Metoxen, Douglass McIntyre, Candice Skenandore, Jennifer Webster, David P. Jordan.

Next Steps:

- Review and accept the updated legislative analysis.

Oneida Flag Policy

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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

Analysis by the Legislative Reference Office					
Title	Oneida Flag Policy (Policy)				
Requester	OBC/ONVAC	Drafter	Douglass McIntyre	Analyst	Candice E. Skenandore / Maureen Perkins
Reason for Request	The OBC deferred the Policy to the LOC because ONVAC was receiving complaints from non-Tribal members on how the Tribal Flag is displayed. ONVAC has concerns that there is no protocol for those who oversee flag responsibilities.				
Purpose	This Policy recognizes the public demonstration of the sovereign authority and jurisdiction of the Oneida Tribe and governs the proper rules, display and customs of the Oneida Flag as well as flags of other Sovereigns including the U.S. Flag as well as localities and pennants of society [See 1-1].				
Authorized/ Affected Entities	All Oneida entities and Oneida-owned buildings within the Reservation that currently possess or will possess flag poles, stationary flagstaffs or other means to display a flag must adhere to this Policy [See 4-2].				
Due Process	An employee can grieve any disciplinary action pursuant to Oneida's personnel policies and procedures [See Personnel Policies and Procedures, Section V.D.3].				
Related Legislation	Where the Policy is ambiguous or does not address a situation, the Federal Flag Code can be used as a guide [See 4-1].				
Enforcement	Violating this Policy may result in discipline pursuant the Oneida Nation's personnel policies and procedures [See 5-2].				

Overview

After receiving a number of complaints on how the Oneida Flag (Flag) and US flag are flown, the Oneida Nation Veteran's Affairs Committee (ONVAC) requested that legislation be developed to provide for a consistent way in which the Oneida Tribe displays the Flag. On April 22, 2015, the Oneida Business Committee (OBC) made a motion to "request the Legislative Operating Committee to develop a flag code policy . . ." The Federal Flag Code was used as guide in developing this Policy. In addition, collaboration with ONVAC representatives also played a role in creating this Policy. This Policy:

- Recognizes the importance of publicly demonstrating the sovereign authority [and jurisdiction] of the Tribe through the proper flying of the Oneida Flag [See 1-1].
- Requires all current and future Oneida Nation entities and Oneida Nation-owned buildings on the Reservation that fly the Flag to do so pursuant to this Policy [See 4-2].
- Identifies who is responsible for Flag duties and if an employee violates this Policy, he/she can be disciplined [See 5-1 & 5-2].
- Lists the requirements for how the Flag is to be displayed [See Article VI].
- Explains how the Flag is to be respected [See Article VII].

- Identifies how the Flag is to be displayed outside of the Reservation [*See VIII*].

Considerations

- The Legislative Operating Committee may want to consider the following:
- Consider adding the terms inherent and jurisdiction into the purpose section of the Policy [*See 1-1*]. Flying the Oneida Flag is a public demonstration of both the inherent sovereignty and jurisdiction of the Oneida Tribe. “The purpose of this Policy is to publicly demonstrate the inherent sovereignty and jurisdiction of the Oneida Tribe and set forth the proper rules, display and customs of the flag of the Oneida Tribe, the flag of the United State of America and of other sovereigns displayed by the Tribe’s entities and employees.”
 - Consider whether to add the Eagle Staff to this Policy. The LOC may want to consider including the position of the Eagle Staff when it is used in a procession with the Oneida Flag.
 - The LOC may want to consider adding the Haudenosaunee flag to the Flag Policy. The Haudenosaunee flag demonstrates the culture of the Oneida Tribe and is flown at several locations throughout the reservation.
 - Consider a resolution for an official Oneida Flag. There are several versions of the Oneida Flag currently being flown. The LOC may want to consider a resolution recognizing an official Oneida Flag.
 - The Policy requires that every classroom display the Flag [*See 6-1 (d)*]. The Oneida Nation High School will need to approximately 20 flags in order to comply with this Policy. It is unknown how many, if any, Flags are needed for the Elementary School or Head Start.
 - If a Flag pin is worn, it must be worn on left lapel near the heart [*See 7-1 (k)*]. This requirement is also found within the Federal Flag Code; however, the US flag has a union which is to be placed over the heart. The Flag does not have a union; therefore, the LOC may want to decide if this provision is necessary.
 - Because the Oneida Nation has a number of buildings which have uneven flag poles, the LOC may want to consider adding language to the Policy that states that until it is financially feasible to change the existing flag poles to allow the Flag and US flag to fly at the same height, the US flag shall fly from the highest flag pole, when appropriate, and the Flag shall fly furthest right to show prominence. In addition, any future flag poles shall be constructed in such a way that complies with this Policy [*See 6-3 (a)*].
 - Defining the term “employee” [*See 5-2*].
 - Defining “Oneida-owned building” to either include or exclude buildings owned by Oneida Nation Corporations [*See 4-2, 5-1*].

Miscellaneous

A public meeting has not been held. Please refer to the fiscal impact statement for any financial impacts.

Article I. Purpose and Policy

1-1. The purpose of this Policy is for the Oneida ~~Nation~~Tribe to exercise ~~its~~the fundamental right ~~to exercise~~of self-determination and set forth the proper rules, display and customs of the flag of the Oneida ~~Nation~~Tribe, the flag of the United State of America and of other ~~S~~overeigns displayed by the ~~Nation's~~Tribe's entities and employees.

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

Article III. Definitions

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

(a) "Half-staff" means the position of the flag when it is one-half (1/2) the distance between the top and bottom of the staff.

(b) "Nation" means ~~the Oneida Nation~~a foreign country, including the United States or a separate Native American Tribe.

(c) "Oneida Flag" means the flag of the Oneida ~~Nation~~Tribe of Indians of Wisconsin.

(d) "Proper illumination" means a light specifically placed to illuminate the flag or having a light source sufficient to illuminate the flag so it is recognizable by the casual observer.

(e) "Oneida-owned building" means a building owned by the Tribe within the boundaries of the Reservation, but excludes Oneida enterprises.

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

(g) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

(e) "~~Sovereigns~~" means any other Indian Nation, State or localities

Article IV. General

4-1. Where the Policy is ambiguous or does not address a situation, the Federal Flag Code may be used as a guide.

4-2. All ~~Oneida Nation~~Tribal 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 Oneida-owned buildings that later establish the means to display a flag shall adhere to this Policy.

Article V. Procedures

5-1. The ~~building manager or their equivalent~~supervisor of each Oneida owned building described in section 4-~~2~~3 shall appoint a designee to perform the duties set within responsible for the duties under this Policy.

5-2. Employees found violating this Policy may be subject to discipline in accordance with the ~~Nation's~~Tribe's 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 according to the following requirements:

(a) The Oneida Flag must be displayed on all days.

(b) The Oneida Flag must only be displayed 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 (24) hours a day if the Oneida Flag is an all-weather flag and ~~the Oneida Flag~~ is properly illuminated during the hours of darkness.

(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 and near every polling place within the Reservation on election days.

(f) The Oneida Flag may be mandated to be displayed through resolution of the Oneida Business Committee.

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

6-3. *Position of the Flag.* The position of a flag ~~among others~~ is an important symbol of prominence and sovereignty, therefore the following requirements must be adhered to:

(a) ~~Only the flag of the United States may ever be displayed at the same height as the Oneida Flag.~~ When flags of two or more Nations are displayed, they are to be flown from separate flag staffs or flag poles that are displayed at the same height and shall be approximately of equal size.

(b) The Oneida Flag shall be displayed to the furthest right to show superior prominence.

~~(c) When the Oneida Flag and the United States flag are both displayed, they are to be flown from separate staffs of the same height and the flags shall be of approximately equal size.~~

~~(cd)~~ When other flags are flown from adjacent staffs, the Oneida Flag shall be hoisted first and lowered last.

(~~de~~) When flags of other states, localities ~~Sovereigns~~ or pennants of societies are flown on the same halyard with the Oneida Flag, the Oneida Flag shall always be at the top.

6-4. *Manner of Display.* The Oneida Flag must be displayed as follows:

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

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

(c) The Oneida Flag shall only be displayed horizontally against a wall, the Oneida 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 outside the building.

(d) When the Oneida Flag is displayed over the middle of the street, the Oneida Flag shall be suspended horizontally and must be placed in the upright position.

(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 Oneida Flag must hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergy's or speaker's right as he or she 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 Oneida Flag is suspended across a corridor or lobby, it shall be suspended in the upright position facing the main entrance.

(g) The Oneida 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 Flag shall be first hoisted to the peak for an instant and then lowered to the Half-staff position. The Oneida Flag shall be again raised to the peak before it is lowered for the day.

(a) On the following days, the Oneida Flag shall be lowered to Half-staff:

(i) Oneida Code Talker Day

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

(iii) Flag Day

(iv) Veteran's Day

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

(c) By a directive of the Chairperson, or his or her designee if the Chairperson is not available, the Oneida Flag shall be flown at Half-staff upon the death of a ~~t~~Tribal ~~m~~Member and remain at Half-staff until after the funeral.

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

Article VII. Respect for Flag

7-1. No disrespect shall be shown to the flag of the ~~Oneida Nation~~Tribe, the United States flag or ~~the~~ flags of any ~~other Nation, Indian Nation, state or locality~~ 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, ~~S~~state flags, and organization or institutional flags shall be dipped as a mark of honor.

(c) The Oneida Flag shall never be displayed upside down.

(d) The Oneida 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 draped, drawn back, tied up, folded, 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 besides the Oneida Flag's design.

(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, an Oneida Flag patch may be affixed to the uniform of military personnel, firefighter, police officer, and members of patriotic organizations. The lapel ~~F~~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 Reservation, the proper display protocol of the jurisdiction shall be followed.

End.



Legislative Operating Committee

January 6, 2016

Marriage Law Amendments

Submission Date: November 4, 2015

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *This item is a proposal to amend the Marriage Law to provide for a way to waive the standard waiting period between applying for a license and solemnizing the marriage, provide for an administrative fee for amendments to an application after it has been submitted and to provide for a process to adopt a fee schedule.*

11/04/15 LOC: Motion by Jennifer Webster to add the Marriage Law Amendments to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Next Steps:

- Accept the legislative analysis;
- Defer to the Finance Department for a fiscal impact statement; and
- Direct the LRO to prepare for a public meeting to be held on February 18, 2016.



Marriage Law Amendments

<i>Analysis by the Legislative Reference Office</i>				
Title	Marriage (Law)			
Requester	Tonya Webster	Drafter	Douglass McIntyre	Analyst Maureen Perkins
Reason for Request/ Purpose	The licensing department has had issues with implementation of the Law and has provided suggested amendments. Authorize a waiver process for the waiting period [71.5-4]. Provide an administrative fee for changes requested after an application is submitted. Adopt a fee schedule [71.5-1].			
Authorized/ Affected Entities	Family Court, licensing department, anyone that wishes to marry under this Law			
Related Legislation	Any person issued a fine under this law can appeal through the Judiciary [See 71.5-1 & 71.5-1(g)].			
Enforcement & Due Process	Any person who knowingly violates this law will be subject to a fine; the licensing department is responsible for enforcing fines issued [See 71.7-1 & 71.7-2].			

Overview

The Law regulates the rights and responsibilities with respect to marriage.

Proposed Amendments

The following are proposed amendments to the Law:

- Applicants will be required to pay all fees at the time the license is issued. The Law authorizes the OBC to set the fee schedule by resolution. The OBC shall seek the departments' recommendation when determining the appropriate fee schedule [71.5-1].
- Language has been added to clarify that a marriage ceremony must take place between the 6th and 30th day of receiving the marriage license [See 71.5-4].
- A waiver process has been created to allow for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee [See 71.5-4].

Considerations

- The request to provide an administrative fee for amendments to a submitted application has been addressed indirectly under the fee section of the law [See 71.5-1]. The fee section is broad and allows for the Business Committee to adopt a fee schedule upon recommendation of the department. This can include an administrative fee for amendments to submitted applications at the Business Committees' discretion.

Miscellaneous

A public meeting was not held. Revisions were made to this Law which complies with drafting styles. Revisions were also made to improve the flow and sequence of the Law without changing the intended content. Please refer to the fiscal impact statement for any financial impacts.

CHAPTER 71 MARRIAGE Yeny@kta>

71.1. Purpose and Policy
71.2. Adoption, Amendment, Conflicts
71.3. Definitions
71.4. Marriages, Generally

71.5. Marriage Document and Marriage Ceremony
71.6. Marriages Conducted to Avoid the Law and Immaterial
Irregularities
71.7. Penalties

71.1. Purpose and Policy

71.1-1. *Purpose.* It is the purpose of this Law to exercise the sovereign right of the Oneida Tribe to regulate the rights and responsibilities relating to marriage.

71.1-2. *Policy.* Marriage is a foundation of Tribal society that stabilizes families which the Tribe acknowledges by recognizing the legal relationship of a union between two adults.

71.2. Adoption, Amendment, Conflicts

71.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F and amended by resolutions BC-06-12-13-E, ~~and~~ BC-05-27-15-A ~~and~~ _____.

71.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

71.2-3. 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.

71.2-4. 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. Provided that, nothing in this Law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

71.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

71.2-6. *Rules.* If rules addressing a certain area of this Law have not been enacted in accordance with Tribal law and the Court is faced with a question, the Court may, in its discretion, refer to other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent with this or any other Tribal law.

71.3. Definitions

71.3-1. 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) "Court" means ~~Family Court, which is a branch of the judicial arm of the Tribe~~ ~~the judicial system of the Tribe which is assigned to handle all family law matters.~~

(b) "Court of competent jurisdiction" means a court that has the power and authority to dissolve a marriage.

(c) "Department" means the licensing department of the Tribe that is responsible for administering and issuing licenses in accordance with ~~Oneida Tribal~~ laws.

(d) "Marriage" means the civil contract to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of spouses.

(e) "Marriage document" means that document issued by the Department which includes the marriage license as well as information concerning the marriage ceremony, the signatures of the witnesses and officiating person(s), and proof of filing.

(f) "Marriage license" means that portion of the marriage document designated as such, which is the authorization for the marriage to take place.

(g) "Officiating person" means the person or persons who perform the marriage

ceremony.

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

(i) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

71.4. Marriages, Generally

71.4-1. *Who May Marry.* A marriage may be contracted under this Law between two (2) adults who:

- (a) have a marriage document issued by the Department;
- (b) have attained the age of eighteen (18), except as provided in 71.4-3; and
- (c) meet all other provisions under this Law.

71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

- (a) are currently legally married to another person; or,
- (b) have been legally divorced for less than six (6) months with a judgment of divorce from a court of competent jurisdiction; or,
- (c) are not legally competent; or,
- (d) are closer in relationship than second cousins, except first cousins may marry if both parties are fifty-five (55) years old or older.

71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet the above requirements, except for 71.4-1(b) and are over the age of sixteen (16) but under the age of eighteen (18) may marry if they present:

- (a) written consent by his or her parent or guardian, signed and notarized before the person issuing the marriage license; or
- (b) proof that they have been legally emancipated.

71.5. Marriage Document and Marriage Ceremony

71.5-1. *Fees.* An applicant is responsible for paying all fees at the time the application is filed. The Oneida Business Committee, upon recommendation of the Department, shall adopt a fee schedule through Resolution for all fees associated under this Law. The Oneida Business Committee may require any fees as long as those fees are consistent with this Law.

71.5-2. *Marriage Document.* The Department shall issue a marriage document to the applicants within five (5) business days after the application is filed if, in addition to the other requirements in this Law, the following conditions are met at the time a marriage license is applied for:

- (a) Either (1) or (2) applies to the applicants:
 - (1) each applicant:
 - (A) is a Tribal member; or
 - (B) resides on the Reservation and is a member of an Indian tribe, band or community which is recognized by a state or the federal government.
 - (2) one of the applicants meets the requirements of (1)(A) or (B) and the other applicant consents to the Tribe's jurisdiction to issue the license. The completion of an application for a marriage license represents a person's consent to the Tribe's jurisdiction to grant the license.
- (b) Both applicants appear in person at the Department to complete the marriage license application.
- (c) The applicants provide any information necessary to complete the application, which may include: social security numbers, birth certificates, proof of residence, proof of tribal membership, documentation of a judgment of divorce, annulment, or death certificates

from most recent marriages, parents' full names, mothers' maiden names, date and place of marriage ceremony, and the name, address, and phone number of the officiating person(s).

(d) The applicants swear under oath that the information provided is true and accurate and sign the application in the presence of a notary public.

(e) The applicants pay the required fees.

71.5-~~32~~. *Objections.* Any relative of the applicants, Department official, or applicant that objects to an upcoming marriage may file a petition and sworn affidavit with the Court objecting to the marriage.

(a) The petition shall state grounds for the belief that a marriage license should not be issued to the applicants or a marriage license that has already been issued should be revoked.

(b) The Court shall approve the petition only if the marriage, if conducted, would violate this Law.

(c) If the petition is approved by the Court, the applicants shall show cause why the license should be issued or why the license should not be revoked.

71.5-~~43~~. *Marriage Ceremony.*

(a) The ~~marriage applicants shall marry not less than~~ must occur between six (6) days after the license is issued and ~~not more than~~ thirty (30) days after the license is issued. The applicant may apply for a waiver of the initial 5 day waiting period for an additional fee. The marriage license shall contain notification of these time limits.

(b) If neither applicant resides on the Reservation, the marriage ceremony shall be held on the Reservation. If one (1) or both of the applicants reside on the Reservation, the marriage ceremony shall be held within the State of Wisconsin. The applicants shall be notified of this requirement when applying for a marriage license.

(c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent adult witnesses present.

(d) The parties shall vow by mutual declarations, before the officiating person(s) and witnesses, that they take each other in lawful matrimony.

(e) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the ceremony, sign and date the marriage document.

(f) The officiating person(s) shall deliver the original completed marriage document to the Department within three (3) business days after the ceremony. The Department shall deliver the original marriage document to the Wisconsin Vital Statistics Department within ten (10) business days after it is filed. The Department shall retain a file stamped copy and provide a file stamped copy to the married couple.

(g) The Department shall keep a marriage license docket and shall enter therein a complete record of the marriage applications and issuance of marriage licenses which shall be available for public inspection during regular business hours.

71.5-~~54~~. *Officiating Persons.* The following persons are authorized as officiating persons under this Law:

(a) a traditional tribal practitioner or spiritual or religious leader who is commonly recognized as such by the Oneida community or other Indian community and has registered with the Court; or

(b) a Judge from the Court or a tribal, federal, or state judge or commissioner authorized to solemnize marriages under tribal, federal or state law; or

(c) the Tribal Chairperson or a person designated by the Tribal Chairperson at the request of the persons being married; or

- (d) any ordained clergyperson of any religious denomination, society, or sect; or
(e) any person licensed by a religious body or appointed by a high-ranking clergy member, if the religious denomination, society, or sect allows the person to solemnize marriages; or
(f) the parties themselves, by mutual declarations that they take each other as spouses, in accordance with the customs, rules, and regulations of any religious denomination, society, or sect to which either of the parties belongs.

71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities

71.6-1. If a person is prohibited from marrying another under this Law and goes to another jurisdiction and there contracts a marriage that is prohibited under this Law, such marriage shall not be recognized by the Tribe.

71.6-2. No marriage shall be contracted under this Law by a party residing and intending to continue to reside in another jurisdiction, if such marriage would be void if contracted in such other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is consummated with the full belief on the part of the persons so married that they have been lawfully joined in marriage, and:

- (a) the officiating person(s) did not have the authority to solemnize the marriage; or
- (b) the marriage license was issued by a department or person who did not have jurisdiction to issue the license; or
- (c) the marriage license or application for the marriage license had an informality or irregularity; or
- (d) either or both of the witnesses to the marriage were incompetent; or
- (e) the marriage ceremony was solemnized outside of the Reservation boundaries, or Brown or Outagamie County, when applicable, or outside of the required time lines listed on the marriage license.

71.7. Penalties

71.7-1. A person who knowingly violates this Law may be penalized as follows:

- (a) Any person who swears to a false statement to obtain a marriage license or to help another obtain a marriage license shall be fined no less than five hundred dollars (\$500.00).
- (b) Any person who is not an officiating person who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100.00).
- (c) The parties to a marriage and/or the officiating person(s) of a marriage conducted without a valid marriage license or without the presence of two (2) competent adult witnesses shall be fined no less than one hundred dollars (\$100.00).
- (d) Any person who goes to another jurisdiction to avoid this Law and contracts a marriage prohibited under this Law shall be fined no less than five hundred dollars (\$500.00).
- (e) Any person who violates any other provision of this Law shall be fined no less than one hundred dollars (\$100.00).

71.7-2. The Department shall be the responsible entity for the enforcement of this section. All fines issued shall be paid within thirty (30) days of the issuance of the fine. Any person issued a fine under this Law may contest the fine by filing an appeal with the Court prior to the deadline to pay the fine. The filing of an appeal shall stay the requirement to pay the fine. The notice of penalty issued shall inform the person penalized of the process to file his or her appeal.

187
188 *End.*
189

Adopted-BC-04-28-10-F
Amended-BC-06-12-13-E
Amended-BC-05-27-15-A



Legislative Operating Committee

January 6, 2016

Cemetery Law Amendments

Submission Date: 8/5/15

☐ Public Meeting:
☐ Emergency Enacted:
 Expires:

LOC Sponsor: David P. Jordan

Summary: *This request for amendments was brought to the LOC by the Oneida Law Office. Amendments were requested to correct the name of the Cemetery, which was changed by resolution of the Oneida Land Commission on May 11, 2015. Additional revisions may also be necessary to change who is responsible for the cemetery's maintenance.*

8/5/15 LOC: Motion by David P. Jordan to add the Cemetery Law Amendments to the active files list with himself as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

8/12/15 OBC: Determine responsible area for cemetery maintenance. Item sent to a Business Committee special meeting agenda at the adjournment of the meeting.

8/17/15 OBC: Motion by David Jordan to defer this issue to the September 23, 2015, regular Business Committee meeting and direct the Tribal Secretary to schedule the special Business Committee work meeting and that an invitation be extended to all interested parties, including departments and families impacted, seconded by Jennifer Webster. Motion carried unanimously

9/2/15: OBC work meeting. Attendees include Brandon Stevens, Tehassi Hill, Fawn Billie, Jennifer Webster, Michelle Mays, Douglass McIntyre, various departments and family members of those buried in the cemetery.

9/23/15 OBC: Motion by Lisa Summers to place an indefinite land use moratorium on area designation # 18 'Where the Water Birds Nest', identified in the Public Use of Land Law, and to defer the cemetery issues identified today to the Business Committee Officers for follow-up with a final action plan to be brought by the November 11, 2015, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

Motion by Lisa Summers to direct the Chairwoman's Office to send out communications, regarding the indefinite land use moratorium directive, to the Business Committee's Direct Reports, appropriate Boards, Committees, and Commissions, and affected parties, including sweat lodge users and families impacted, seconded by David Jordan. Motion carried unanimously.

Amendment to the second motion by Melinda J. Danforth to inform users of the sweat lodge and families of the cemetery. Motion fails for lack of support.

10/7/15 LOC: Motion by Jennifer Webster to accept the memorandum update and defer the Cemetery Law Amendments back to the Legislative Operating Committee and bring back when ready. Noting that the Legislative Operating Committee is waiting on the four Oneida Business Committee Officers to make a decision regarding cemetery maintenance; seconded by David P. Jordan. Motion carried unanimously.

- 11/10/15 OBC:** Motion by Tehassi Hill to accept and approve the recommendations provided in the Business Committee Officers' memorandum dated November 5, 2015, seconded by Jennifer Webster. Motion carried unanimously.
- Motion by Jennifer Webster to request the Trust and Enrollment Committee to send out updated communications to the families of the cemetery, seconded by David Jordan. Motion carried unanimously.
- 12/16/15 LOC:** Motion by Jennifer Webster to accept the Cemetery Law Amendments memorandum B and to include language which requires communication pertaining to the history of the land and possible issues that may result if encasements are not used; seconded by David P. Jordan. Motion carried unanimously.
- 12/23/15 OBC:** Motion by Lisa Summers to accept the Cemetery Action Plan update dated December 3, 2015, and to request the Legislative Operating Committee revisit this item once the study is completed, seconded by Brandon Stevens. Motion carried unanimously

Next Steps:

- Defer the draft of the Cemetery Law Amendments to the Legislative Reference Office for a legislative analysis and to the Finance Department for a fiscal impact statement.

Chapter 75
CEMETERY LAW
Tsi> Lotiya>tata Olihw@ke
The matters concerning when they bury the body

75.1. Purpose and Policy

75.2. Adoption, Amendment, Repeal

75.3. Definitions

75.4. Administration and Authority

75.5. Eligibility and Ownership

75.6. Interment and Plots

75.7. Disinterment

75.8. Prohibited Items and Behavior on Cemetery Grounds

75.9.. Reporting.

75.1. Purpose and Policy

75.2. Adoption, Amendment, Repeal

75.3. Definitions

75.4. Administration and Authority

75.5. Tribal Cemeteries

75.6. Interment and Plots

75.7. Prohibited Items and Behavior on Cemetery Grounds

75.1. Purpose and Policy

75.1-1. *Purpose.* The purpose of this Law is to govern the sale of plots and establish who is eligible for interment in a Tribal cemetery on the Oneida Reservation.

75.1-2. *Policy.* It is the policy of the Tribe that all enrolled Tribal members, their families and descendants may be interred in a Tribal cemetery.

75.2. Adoption, Amendment, Repeal

75.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-5-19-89-E and amended by resolutions BC-6-29-05-A, BC-1-14-09-E, ~~and BC-07-23-14-B~~ and BC-.

75.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

75.2-3. 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.

75.2-4. 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. Provided that, this Law repeals the following:

~~(a) BC 03-11-98-N (Resolution regarding Opposition to Disturbance/Removal of Human Burials~~

~~(b) BC 2-18-98-A (Repatriated Human Remains)~~

75.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

75.3. Definitions

75.3-1. 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) "Days" ~~shall mean~~ means calendar days, unless otherwise specifically stated.

(b) "Descendant" ~~shall mean~~ means a person who is not enrolled in the Tribe, but is a blood relative in the direct line of descent of a Tribal member.

(c) "Disinterment" ~~shall mean~~ means to exhume buried human remains or cremated remains.

(d) "Family" ~~shall mean~~ means a Tribal member's parent, spouse and children.

(e) "Interment" ~~shall mean~~ means the act or ceremony of burying human remains or cremated remains.

(f) "Re-interment" ~~shall mean~~ means to rebury human remains or cremated remains.

(g) "Tribe" or "Tribal" ~~shall mean~~ means the Oneida Tribe of Indians of Wisconsin.

(h) "Reservation" means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) "Step-Children" means a person(s) whose parent is legally married to a Tribal member and the relationship can be demonstrated through an original state certified marriage license.

75.4. Administration and Authority

75.4-1. The land designation, administrative duties and maintenance responsibilities for the Oneida Sacred Burials Grounds, also known as Tsi> Tyeya>Tat'ali and any other cemetery falling within this law shall be as provided within this section.

75.4-2. Land Designation Responsibilities. The Oneida Land Commission shall designate parcel(s) of land to be used for one (1) or more Tribal cemeteries. Land designed to be used for a Tribal cemetery shall be surveyed and mapped into plots, drives and walks.

75.4-3. Administrative Responsibilities. The Enrollment Department shall be responsible for the Administrative duties of the Oneida Sacred Burials Grounds, also known as Tsi> Tyeya>Tat'ali and any other cemetery falling under this Law. These duties include:

(a) Maintaining vital statistics of those interred in a Tribal cemetery, creating long-term strategic plans for Tribal cemeteries and reporting such information as may be required by the Oneida Business Committee or General Tribal Council.

(b) ~~Causing portions of land designed to be used for a Tribal cemetery to be surveyed and mapped into plots, drives and walks.~~ Requesting additional portions of land to be designated for use as a tribal cemetery, if needed.

(c) Selling and transferring plots and restricting the use of plots.

(d) Administering all payment activities related to the sale of a plot.

(e) Determining how to utilize gifts to a Tribal cemetery.

~~(f) Maintaining Tribal cemeteries.~~

~~(f)~~ Establishing rules and regulations or entering into agreements with person(s) or entities, where needed, in order to carry out their responsibilities under this Law.

75.4-4. Maintenance Responsibilities. The Enrollment Department shall be responsible for the maintenance duties including:

(a) Maintaining Tribal cemeteries grounds.

(b) Ensuring the appearance of Tribal cemeteries is kept in accordance with any established rules or regulation.

(c) Entering into agreements with person(s) or entities, where needed, in order to meet the maintenance responsibilities.

(d) Oversight of any position created to care for the cemetery.

75.5. Tribal Cemeteries Eligibility and Ownership

~~75.5-1. The Oneida Land Commission shall designate parcel(s) of land to be used for one (1) or more Tribal cemeteries.~~

75.5-1. Eligibility. The following persons may be interred in a Tribal cemetery:

(a) A Tribal member, his or her family, ~~and~~ descendants ~~or step-children.~~

(b) Human remains that are:

(1) Returned to the Tribe; or

(2) Discovered on the Reservation ~~and if~~ the Enrollment Department, Cultural Heritage Department and any other interested parties have determined that the most suitable place for interment of the remains is a Tribal cemetery.

75.5-~~23~~. *Ownership of Plots.* Plots in a Tribal cemetery may be purchased by anyone for individuals eligible to be interred in a Tribal cemetery, as defined in 75.5-~~12~~, ~~but~~, ~~the~~ owner of the plot shall be the individual for whom the plot was purchased. Purchase of a plot does not result in any ownership rights in the plot itself, but grants an individual the right to be interred in the plot or determine who will be interred in the plot, subject to the eligibility requirements of this Law.

(a) In the event the owner of a plot becomes ineligible to be interred in a Tribal cemetery, he or she shall resell the plot to the Tribe in accordance with 75.5-3(c).

(b) A plot is not inheritable, and may only be transferred from one owner to an individual eligible to be interred in a Tribal cemetery, ~~as defined in 75.5-2~~. The transfer of a plot from one owner to another ~~shall~~ must be processed through the Enrollment Department.

(c) A plot may only be re-sold by the owner of the plot to the Tribe through the Enrollment Department. Plots re-sold to the Tribe shall be bought for the original purchase price. The following owners of plots may resell a plot to the Tribe:

(1) Competent individuals who are at least eighteen (18) years of age;

(2) Individuals who are less than eighteen (18) years of age, with the written permission of the original purchaser of the plot; and

(3) Incompetent individuals who are at least eighteen (18) years of age, with the permission of their guardian.

75.6. Interment and Plots

75.6-1. All interments ~~shall~~ must be approved by the Enrollment Department prior to interment to ensure the health and safety of the public will not be endangered, ~~that~~ the plot is properly marked and to provide information to any company or contractor providing services for the interment.

75.6-2. No interments will be scheduled on the observance of any Tribal Holiday or during the winter months from November 1 to May 1.

75.6-~~23~~. *Cost of Interment.* All fees for the cost of a plot and/or an interment are the responsibility of the deceased person's estate or family.

(a) Plot fees ~~shall~~ must be paid prior to interment. The Oneida Business Committee, upon recommendation of the Enrollment Department, ~~shall~~ must set plot fees through resolution.

(b) Marking fees ~~shall~~ must be assessed each time an interment occurs, whether the interment is of human remains, with or without a casket, or cremated remains.

(c) Opening and closing fees ~~shall~~ must be assessed by the vendor chosen by the deceased's ~~f~~Family or estate.

(d) There ~~shall~~ must be no plot fees or marking fees assessed for human remains re-buried in accordance with 75.5-2(b). If the Tribe opens or closes a plot for the re-burial of human remains in accordance with 75.5-2(b), no fees ~~shall~~ may be assessed for the opening or closing of the plot. Any fees for opening and closing a plot assessed by an outside vendor ~~shall~~ must be the responsibility of the Tribe.

75.6-~~43~~. *Outer Burial Containers.* Outer burial containers, such as liners and vaults, while recommended, are not required for interment, ~~however if an outer burial container is purchased, the company shall notify the Enrollment Department before delivering and installing it in the designated plot in order to ensure the plot is properly prepared. The Department responsible for administration duties shall provide information concerning the potential effects if a burial container is not used.~~

75.6-~~54~~. *Division of Plots.* Each plot may only be used, as determined by the individual purchasing the plot, for the interment of:

(a) one (1) individual;

(b) one (1) or more human remains, with or without a casket(s) and/or one (1) individual along with the cremated remains of one (1) an other individual(s); or

(c) the cremated remains of up to four (4) people as determined by the Trust/Enrollment Department.

75.6-~~65~~. *Monuments and Flush Markers.* No more than four (4) monuments or flush markers per plot ~~shall~~ may be allowed. If a purchased plot is designated for more than two (2) individuals only flush markers can be installed outside of the designated headstone area. The Enrollment Department shall establish maximum height, width and thickness requirements for monuments or flush markers placed at a plot. In addition, the Enrollment Department may establish the types of materials that may be used for monuments or flush markers.

(a) No monuments/markers can be installed from November 1st through May 1st

~~75.6-6. Decorations. The Enrollment Department shall remove all inappropriate and deteriorated items left at a plot.~~

75.7. Disinterment

~~75.7.16-7. Disinterment.~~ Disinterment from a Tribal cemetery ~~shall~~ may only occur upon order ~~of from~~ the Tribe's judicial system. Disinterment ~~is an extraordinary remedy that shall may~~ only be ordered when all other reasonable means for obtaining the requester's objective have been exhausted and when the Tribe's judicial system determines that substantial cause exists to order disinterment.

~~75.7-.2.~~ (a) A request to the Tribe's judicial system to issue an order for disinterment from a Tribal cemetery may be made by the following persons, in the following order of priority:

(~~a~~1) The surviving spouse of the deceased.

(~~b~~2) An adult child of the deceased.

(~~c~~3) A parent of the deceased.

(~~d~~4) An adult sibling of the deceased.

(~~e~~5) A guardian of the person of the deceased at the time of the deceased's death.

~~75.7-3.~~ (~~b~~) A requester ~~shall~~ must notify the Enrollment Department and all individuals of the same or a higher priority of his or her intent to request the Tribe's judicial system to issue an order of ~~d~~Disinterment. If any member of the same or a higher priority cannot be located, this, along with the efforts taken to locate the individual, shall be reported to the Tribe's judicial system. Notification shall specifically state:

(~~a~~1) the requester's intent to obtain an order of ~~d~~Disinterment;

(~~b~~2) the reason for the ~~d~~Disinterment;

(~~c~~3) the place of ~~r~~Re-interment or intent of the requestor to have human remains cremated; and

(~~d~~4) that any objections ~~shall~~ must be filed with the Tribe's judicial system within five (5) business days of the notification or may be presented at the hearing.

~~75.7-4.~~ (~~e~~) *Disinterment Process.* (~~1~~) The Tribe's judicial system shall set a hearing date on the disinterment request at the earliest possible time after the deadline for filing objections has passed and shall issue an order on the matter within ten (10) days after the hearing. The Tribe's judicial system may, for good cause, extend the time for an order to be issued for an additional ten (10) days., taking into consideration:

(~~a~~A) the manner in which the deceased died;

(~~b~~B) whether disinterment would create a public health risk;

- (c) the decedent's wishes, if known;
(d) any objections filed with the Tribe's judicial system or presented at the hearing;
(e) whether an order of disinterment from a court other than the Tribe's judicial system has been issued; and
(f) whether any required permits regarding re-interment have been obtained.

~~75.7-5. (2) All of the factors listed in 75.6 7(c) shall be considered when determining whether to allow disinterment, although t~~The Tribe's judicial system shall make a determination on the request and may deny the request for disinterment based solely on any objections to the disinterment filed or presented by an individual with the same or a higher priority than the requester.~~(3) The Tribe's judicial system may, for good cause, extend the time for an order to be issued for an additional ten (10) days. (4) The Tribe's judicial system may issue an additional order(s) to assist the requester in obtaining his or her objective for d~~Disinterment, including testing, inspection and/or transportation of the remains.

~~75.7-6. (d) Appeals.~~ An appeal of an order issued under this section ~~shall~~ must be filed with the Tribe's judicial system within five (5) business days after the order is issued. ~~All appeals shall be heard in accordance with the Tribe's Rules of Appellate Procedure.~~

~~(e) Time lines for Disinterment.~~

~~(1) If no appeal of an order issued under this section is filed, disinterment shall~~ must take place within sixty (60) days after the deadline for filing an appeal has passed. If an appeal is filed, a stay of the disinterment may be order.

~~(2) If an appeal is filed, disinterment shall take place within sixty (60) days after the final judgment has been issued.~~

~~75.7-7. (f)~~Following ~~d~~Disinterment, the remains of the deceased person ~~shall~~ must be reinterred or cremated as identified by the order of disinterment within forty-eight (48) hours of ~~d~~Disinterment.

~~75.7-8. (g)~~The Enrollment Department shall be present ~~at~~ for each disinterment and re-interment that occurs in the Tribal cemetery. The Oneida Police Department and shall have the authority to restrict who may be present during a disinterment or re-interment.

~~75.7-9. (h)~~The requester shall be responsible for making all arrangements and incurring all costs associated with disinterment and re-interment.

75.87. Prohibited Items and Behavior on Cemetery Grounds

~~75.87-1.~~ The Enrollment Department shall establish Tribal cemetery rules which ~~shall~~ must be posted on Tribal cemetery grounds. The Enrollment Department shall notify the Oneida Trust/Enrollment Committee of the current rules and changes to any rules.

~~75.87-2.~~ The Enrollment Department, or its designee, may remove any non-conforming objects from plots, prohibit individuals who violate this Law or the cemetery rules from accessing a Tribal cemetery and/or contact the Oneida Police Department for assistance with individuals who violate this Law or the cemetery rules.

(a) The Oneida Police Department may issue citations for violation of this Law or the cemetery rules in accordance with the Public Use of Tribal Lands Schedule of Citations adopted by the Oneida Business Committee.

(b) Criminal activity conducted at a Tribal cemetery shall be handled in accordance with applicable law.

75.97-3. Reporting Appeals.

75.9-1. Any individual may file a complaint regarding the implementation and enforcement of this Law. All complaints will be forwarded to the Enrollment Department.

75.9-2. Within five (5) business days of the receipt of a complaint, the Enrollment Department shall respond in writing indicating any action taken or planned action to remedy the complaint to the individual that filed the complaint, if the address is known, to the Trust/Enrollment Committee and to the Secretary's Office. ~~decisions regarding the implementation and enforcement of this Law and the creation and enforcement of any cemetery rules may be appealed to the Trust/Enrollment Committee.~~

End.

BC-09-02-88-A (Adoption of the Burial Ordinance)
BC-05-19-89-E (Adoption of Burial Ordinance)
BC-02-23-05-F (Emergency Adoption of Amendments)
BC-06-29-05-A (Permanent Adoption of Emergency Amendments)
BC-1-14-09-E (Adoption of Cemetery Law)
BC-10-09-13-B (Adoption of Emergency Amendments)
BC-03-26-14-C (Extension of Emergency Amendments)
BC-07-23-14-B (Adoption of Amendments)



Legislative Operating Committee

January 6, 2016

Oneida Higher Education Scholarship

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.
- 8/5/15 LOC:** Motion by David P. Jordan to direct the Legislative Reference office to makes the noted revisions and to defer the Oneida Higher Education Scholarship (Law), as revised, for a legislative analysis and a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 9/16/15 LOC:** Motion by David P. Jordan to defer Oneida Higher Education Scholarship to the Legislative Reference Office to make the discussed changes and bring it back to the next LOC meeting; with a Public Meeting packet prepared for the LOC to review; seconded by Tehassi Hill. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Oneida Higher Education Scholarship to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** Public Meeting held.
- 11/18/15 LOC:** Motion by David P. Jordan to accept the public meeting comments regarding the Oneida Higher Education Scholarship and defer to a LOC work meeting to be held on November 23, 2015; seconded by Tehassi Hill. Motion carried unanimously.
- Note: LOC work meeting will be held on November 23, 2015 at 10 a.m. in the B.C.C.R.*
- 11/23/15:** Work meeting held to consider public meeting comments. Attendees include: Fawn Billie, Brandon Stevens, David P. Jordan, Jennifer Webster, Rita Lara, Mitchell Metoxen, Jessica Last, Cheryl Vandenberg, Don White, Mike Debraska, Nancy Barton, Sherry King, Paula Ripple, Norbert Hill, Nicolas Reynolds, Kathy L. Metoxen and Krystal John.
- 12/1/15:** Work meeting held to finish considering public meeting comments. Attendees include: Fawn Billie, Brandon Stevens, Jennifer Webster, Mitchell Metoxen, Jessica Last, Cheryl Vandenberg, Don White, Nancy Barton, Paula Ripple, Norbert Hill, Kathy L. Metoxen, Anita Barber and Krystal John.

Next Steps:

- Approve the Oneida Higher Education Scholarship Law adoption packet to be forwarded for the Oneida Business Committee's consideration.

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 *BJS*
Date: January 13, 2016
Re: Oneida Higher Education Scholarship Law

Please find the following attached backup documentation for your consideration of the new Oneida Higher Education Scholarship Law:

1. Resolution: Oneida Higher Education Scholarship Law
2. Statement of Effect: Oneida Higher Education Scholarship Law
3. Oneida Higher Education Scholarship Law Legislative Analysis
4. Oneida Higher Education Scholarship Law (clean)
5. Oneida Higher Education Scholarship Law Fiscal Impact Statement

Overview

This Resolution adopts a new Oneida Higher Education Scholarship Law. This Law:

- Identifies the duties and responsibilities of the Oneida Higher Education Office (OHE);
- Lists the eligibility and requirement factors for being awarded a Scholarship;
- Sets the length of funding limits;
- Identifies the tiered funding systems with maximum funding caps;
- Provides a mechanism and terms under which OHE may provide an exception to the requirements contained in the Law and the student handbook;
- Outlines when appeals are available and provides a general appeal procedure;
- Delegates rulemaking authority to OHE to create a student handbook to implement the Law in greater detail, provided that the handbook must comply with the Law and the GTC resolutions.

In accordance with the Legislative Procedures Act, a public meeting was held regarding these amendments on October 29, 2015 and the comments received during that process were considered by the LOC at work meetings held on November 23, 2015 and December 1, 2015.

Requested Action

Approve the Resolution: Oneida Higher Education Scholarship Law

BC Resolution _____
Oneida Higher Education Scholarship

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

WHEREAS, the Oneida General Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution; and

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

WHEREAS, GTC gave the Oneida Business Committee the authority to adopt the Oneida Higher Education Scholarship pursuant to GTC Resolution 01-30-10-A , which recognized Special BC Resolution 07-24-02-A (an Amendment to GTC Resolution 08-12-96-A) by stating “that the requirements of GTC-08-12-96-A, and the subsequent amendments to that resolution shall remain in effect;” and

WHEREAS, Special BC Resolution 07-24-02-A provides “that the Business Committee is hereby responsible for enacting future amendments relating to scholarships, with notification provided to the General Tribal Council, at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner;” and

WHEREAS, the Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship Law that would formalize the General Tribal Council Resolutions into a Law and provide a consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide educational opportunities to Tribal Members and award Scholarships in a consistent and fiscally responsible manner; and

WHEREAS, the Oneida Higher Education Scholarship Law includes the requirements found in GTC Resolutions related to eligibility, student participation requirements and the tiered funding system, including maximum funding caps and length of eligibility; and

WHEREAS, the Law includes an exception provision which allows the Oneida Higher Education Office to waive select clearly identified requirements of the law under narrow grounds and on a case-by-case basis in accordance with a standard operating procedure that the Oneida Higher Education shall develop prior to issuing any exceptions; and

35 **WHEREAS,** the Law provides the grounds under which a student may appeal a decision made
36 by the Oneida Higher Education Office, which levels of appeal are available, and
37 which parties are responsible for considering each level of appeal; and

38 **WHEREAS,** the Law delegates the authority to the Oneida Higher Education Office to develop
39 a Higher Education Student Handbook that provides additional rules related to the
40 implementation of this Law; and

41 **WHEREAS,** the Law requires that the Oneida Business Committee approve and adopt the
42 Higher Education Student Handbook prior to it becoming effective, provided that,
43 pursuant to this Resolution, upon adoption of the Rulemaking Law the said
44 Handbook will become subject to the requirements of the Rulemaking Law for
45 any future amendments; and

46 **WHEREAS,** a public meeting on the proposed Law was held on October 29, 2015 in
47 accordance with the Legislative Procedures Act.

48 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Higher Education Scholarship is
49 hereby adopted.

50 **NOW BE IT FINALLY RESOLVED,** that the Oneida Business Committee shall present this
51 Law at the next semi-annual GTC meeting, in accordance with Special BC Resolution 07-24-
52 04-C.

53

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquele J. Thurner, Legislative Analyst
Maureen Perkins, LTE Legislative Analyst



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Statement of Effect

Resolution: Oneida Higher Education Scholarship

Summary

This Resolution adopts the Oneida Higher Education Scholarship (Law). This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which include awarding scholarships, developing and maintaining rules and regulations to carry out this Law and developing and maintaining a system of internal controls for the Higher Education Office [See 401.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship [See 401.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 401.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Higher Education Student Handbook sets out the exception process [See 401.7-2 & 401.7-3].
- Allows an applicant to appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 401.9-1].
- Provides the grounds under which an applicant may appeal a decision made by the Higher Education Office, the levels of appeal available, and identifies which parties are responsible for hearing each level of appeal [401.9-2].

Submitted by Krystal L. John, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

The Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship Law that would formalize the General Tribal Council (GTC) Resolutions and provide a consistent methodology for awarding Higher Education Scholarships in a consistent and fiscally responsible manner.

This Law incorporates the requirements found in GTC Resolutions that relate to eligibility, student participation requirements and the tiered funding system, including the maximum funding caps and length of eligibility.

Although not directed by GTC, this Law provides an exception procedure and formalizes an appeals process for applicants dissatisfied with decisions made by the Oneida Higher Education Office.

The Oneida Higher Education has been issuing exceptions to students under certain circumstances, however, because the GTC has not provided direction on how to offer exceptions, this Law identifies what exceptions are available and the general process by which the Higher Education Office may consider issuing an exception. Under the Law, an applicant may request an exception to the good standing requirement [see 401.5-1(b)], the requirement that the scholarship be for a degree in a higher funding tier than a previously earned degree [see 401.5-(e)], the requirement to complete a FAFSA form [see 401.5-2(a)], and/or the maximum lengths of funding [see 401.6-1]. In addition, this Law requires the Higher Education Office to develop a standard operation procedure prior to issuing any exceptions pursuant to the Law.

This Law formalizes an appeal process and requires the Higher Education Office to develop additional rules to govern the process.

The Oneida Business Committee is authorized to adopt this Law based Special BC Resolution 07-24-02-A which states, "that the Business Committee is hereby responsible for enacting future amendments relating to the scholarships..." Special BC Resolution 07-24-02-A was an amendment to the General Tribal Council Resolution 08-12-96-A and the Special BC Resolution was recognized by the General Tribal Council in Resolution 01-30-10-A, which states "that the requirements of GTC-08-12-19-A, and the subsequent amendments to that resolution shall remain in effect."

Pursuant to Special BC Resolution 07-24-02-A, the Oneida Business Committee is responsible for providing the General Tribal Council with notice of this Law "at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner."

Conclusion

Adoption of this Resolution would not conflict with Tribal law.



Analysis to Draft 12 for OBC Consideration

Oneida Higher Education Scholarship

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Higher Education Scholarship (Law)				
Requester	OBC Referral	Drafter	Krystal L. John	Analyst	Candice E. Skenandore
Reason for Request	The Higher Education Office proposed funding changes. The OBC requested a legislative analysis and directed that the LOC look at codifying the rules created by the Department, which currently governs how the Department disburses higher education funding in accordance with GTC directives.				
Purpose	The purpose of this Law is to implement a scholarship program that is compliant with GTC directives and to specify the funding requirements and procedural controls [See 401.1-1].				
Authorized/ Affected Entities	Higher Education Office, Area Manager of Education & Training or equivalent Governmental Services Division Director or equivalent, and any eligible Tribal member seeking a scholarship				
Due Process	A student can appeal a scholarship decision to the review panel, if dissatisfied with the review panel's decision; the student can appeal to the Division Director. The Division Director's decision is final [See 401.9].				
Related Legislation	Higher Education Student Handbook, Higher Education Office's system of internal controls				
Policy Mechanism	Higher Education Scholarships				
Enforcement	The Higher Education Office can place a student who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension [See 401.8-1].				

Overview

This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which includes awarding scholarships pursuant to this Law, developing and maintaining rules and regulations to carry out this Law and developing and maintaining a system of internal controls for the Higher Education Office [See 401.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship which includes being a Tribal member; be in good standing; be accepted to an accredited vocational program, college or university; seek a scholarship for semesters/terms which have not already ended or been completed and seek a scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree [See 401.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 401.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Higher Education Student Handbook sets out the exception process [See 401.7-2 & 401.7-3].
- Allows an applicant to appeal a scholarship decision only if he/she can show the Higher

Oneida Higher Education Scholarship

Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 401.9-1].

- If an applicant appeals a scholarship decision, the Higher Education Office Review Panel, made of two Higher Education advisors and either the Higher Education Office manager or the area manager, will review the appeal and make a decision. If the applicant is dissatisfied with the review panel's decision, he/she can appeal to the division director. The division director's decision is final [401.9-2].

Considerations

The LOC may want to consider the following:

- General Tribal Council (GTC) must be notified of any amendments related to scholarships either at the Annual or Semi-Annual meeting, whichever is sooner [See GTC Resolution 7-24-02-A].

Miscellaneous

A public meeting was held on October 29, 2015, in accordance with the Legislative Procedures Act. Please refer to the fiscal impact statement for any financial impact.

Chapter 401

Oneida Higher Education Scholarship

On<yote>a-k@= Thuwatilihuny<ni>tha>k%= Ohw\$sta>

people of the Standing Stone, the great place where they teach them the traditions, money

401.1. Purpose and Policy

401.2. Adoption, Amendment, Repeal

401.3. Definitions

401.4. Higher Education Office

401.5. Eligibility and Requirements

401.6. Higher Education Scholarship

401.7. Exceptions

401.8. Enforcement

401.9. Appeals

401.1. Purpose and Policy

401.1-1. *Purpose.* The purpose of this Law is:

(a) To implement a scholarship program that is compliant with the following resolutions GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

(b) To specify the funding requirements and procedural controls for awarding Scholarships.

401.1-2. *Policy.* It is the policy of this Law to have a consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide educational opportunities to Tribal Members and award Scholarships in a consistent and fiscally responsible manner.

401.2. Adoption, Amendment, Repeal

401.2-1. This Law was adopted by the Oneida Business Committee by resolution _____.

401.2-2. 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.

401.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

401.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law control.

401.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

401.3. Definitions

401.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Accredited vocational program, college or university" means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education 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) "Appeal" means a request for review of a Scholarship decision made by the Higher Education Office or Higher Education Office Review Panel for which the requestor must demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

(c) "Area Manager" means the supervisor of Education & Training or anyone with the responsibility of overseeing the Higher Education Office.

(d) "Division Director" means the Division Director of Governmental Services or anyone

with the responsibility of overseeing the Area Manager of the Higher Education Office.

(e) "Exception" means a request that the Higher Education Office make a discretionary decision to exempt an applicant from a requirement(s) for which there is an available exemption under Section 401.7-2.

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

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

(h) "GPA" means grade point average which is a measure of a student's academic achievement arrived at by dividing the total grade points received by the total grade points attempted.

(i) "Higher Education Office Review Panel" is a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager.

(j) "Higher Education Student Handbook" is the source of the rules and regulations for carrying out this Law as further described in Section 401.4-1(b).

(k) "Official Transcript" means an official report of a student's grades sent either directly from the educational institution and certified as official or from the National Student Clearinghouse.

(l) "Scholarship" means monetary funds awarded to an applicant through the Oneida Higher Education program.

(m) "Tribal Member" means an enrolled member of the Oneida Tribe of Indians of Wisconsin.

401.4. Higher Education Office

401.4-1. 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, enforcement and appeals must comply with this Law and the following Resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

(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.

401.5. Eligibility and Requirements

401.5-1. *Eligibility.* In order to be eligible for a Scholarship award, applicants must:

(a) Be a Tribal Member.

(b) Be in Good Standing where good standing means the applicant has:

(1) met the Oneida GPA requirements set forth in the Higher Education Student Handbook;

(2) completed the total number of credits within the semester/term for which the Scholarship was provided based on an Official Transcript; and

(3) met the standards of the Financial Aid Academic good standing.

(c) Be accepted to an Accredited vocational program, college or university.

(d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.

(e) Be seeking the Scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree, based on the funding tiers under Section 401.6-2.

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree simultaneously being pursued, within the funding period allowed for the degree at the higher funding tier, remains eligible and is not prohibited by this Section.

401.5-2. *Requirements.* In order for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) Applicants shall ensure that a complete student file is submitted to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

401.6. Higher Education Scholarship

401.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

(a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.

(b) Five (5) years for an Undergraduate Degree.

(c) Three (3) years for a Graduate Degree.

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

401.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

(a) Vocational Program, Associate Degree, Certificate Program or similar program.

(b) Undergraduate Degree.

(c) Graduate Degree.

(d) Doctoral Degree.

401.6-3. *Award.* The amount of the Scholarship award is based upon:

(a) The amount of funding caps for each tier under Section 401.6-2, which must be contained in the Higher Education Student Handbook.

(b) The Financial Needs Analysis.

401.7. Exceptions

401.7-1. *Exception Policy.* Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the Exception period and/or despite the extenuating circumstances that have made pursuing an Exception necessary.

(a) Within six (6) months of the adoption this Law, the Higher Education Office shall develop a standard operating procedure for evaluating requests for Exceptions; no Exceptions may be granted pursuant to this Law until the said standard operating procedure has been developed.

401.7-2. *Available Exceptions.* In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below:

(a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 401.5-1(b) and (e).

(b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 401.5-2(a).

(c) Exceptions may also be made relating to the length of funding periods contained in section 401.6-1.

(d) Exceptions may not be made for requirements contained in this Law that are not explicitly noted in this section.

401.7-3. *Exception Process.* Applicants requesting an Exception shall follow the process set forth in the Higher Education Student Handbook.

(a) *Granting an Exception.* The Higher Education Review Panel shall consider requests for available Exceptions under Section 401.7-2 based on the Exception Policy identified under Section 401.7-1. A decision by the Higher Education Office Review Panel regarding an Exception must be approved by a majority of the said Panel.

(b) *Requesting Reconsideration of an Exception Decision.* If an applicant disagrees with the Higher Education Office Review Panel's denial of an available Exception under Section 401.7-2, the applicant may file a request for reconsideration of the Exception with the Division Director; the decision of the Division Director regarding the Exception is final.

401.8. Enforcement

401.8-1. *Accountability.* The Higher Education Office may place any applicant who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension in accordance with the Higher Education Office's system of internal controls.

401.9. Appeals

401.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

401.9-2. *Levels of Review.* The following levels of review are available to an applicant seeking an Appeal of a Scholarship decision made by the Higher Education Office:

(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.

(b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.

End.

Pursuant to resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

ONEIDA TRIBE OF INDIANS OF WISCONSIN

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



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

ONEIDA FINANCE OFFICE

Office: (920) 869-4325 • Toll Free: 1-800-236-2214

FAX # (920) 869-4024

MEMORANDUM

DATE: December 28, 2015
FROM: Rae Skenandore, Project Manger
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Financial Impact of Higher Education Scholarship Law**

I. Background

The purpose of the law is to implement General Tribal Council (GTC) and Oneida Business Committee (OBC) resolutions regarding the higher education scholarship program and to specify the funding requirements and procedures for awarding scholarships. This is a new law meant to codify the rules of the Higher Education Department. A Public hearing was held on October 21, 2015.

II. Executive Summary of Findings

The law simply puts a formalized structure to the existing requirements from GTC resolutions. The handbook is being updated to comply with the law. No new personnel will be needed and there are no other startup costs.

III. Financial Impact

No fiscal impact.

III. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.



Higher Education Student Handbook



***Oneida Tribe
of Indians of Wisconsin***



Oneida Higher Education Scholarship

Office Hours

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Oneida WI 54155



The Oneida Higher Education Applications and forms can be found on our web page,
www.oneida-nsn.gov/highered

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Article 1: INTRODUCTION

The Oneida Higher Education Office acts as a financial aid office, processing the Oneida Higher Education Scholarship and assisting applicants in completing the Free Application for Federal Student Aid (FAFSA).

The Scholarship is determined by a combination of the applicant's FAFSA, the Financial Needs Analysis and the Oneida Higher Education Scholarship funding guidelines. The Scholarship is not intended to replace annual income or meet total personal or household expenses.

Applicants are advised not to start school/classes until they receive the Oneida Higher Education Scholarship Award Letter. Applicants who choose to start prior to the receipt of the Oneida award letter are responsible for any incurred costs.

Article 2: DEFINITIONS

2-1. This Article provides the definitions of words and phrases used within this Handbook. All words not defined in this Article must be used in their ordinary and everyday sense.

(a) "Accredited vocational program, college or university" means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education 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) "Financial Needs Analysis" is a form which reports a school's cost of attendance and eligible Financial Aid awards, which is sent by the Higher Education Office directly to the school's financial aid office for completion.

(c) "GPA" means grade point average which is a measure of a student's academic achievement arrived at by dividing the total grade points received by the total grade points attempted.

(d) "Higher Education Office Review Panel" is a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager.

(e) "Official Transcript" means an official report of a student's grades sent either directly from the educational institution and certified as official or from the National Student Clearinghouse.

Article 3: SCHOLARSHIP ELIGIBILITY

3-1. In order to be eligible for a Scholarship Award, applicants must:

- (a) Be an enrolled Oneida Tribal Member.
- (b) Be in good standing, where good standing means the applicant has:
 - (1) Met the following Oneida GPA requirements:

Degree	Academic Requirements*
Vocational/Associate/Certificate	2.0 GPA
Undergraduate	2.0 GPA
Graduate	3.0 GPA
Degree	Academic Requirements*
Doctorate	3.0 GPA
Cosmetology (Technical Diploma)	(Monthly requirement) Attendance = min. 90%

	Written = min. 80% Skills/Practical = min. 80%
--	---

* Academic Requirements based on a 4.0 grading scale.

(A) Courses that do not have associated grades or GPAs, for example when an applicant receives an incomplete, withdrawal or unsatisfactory for a course, the Higher Education Office will consider the course to have been failed.

(B) Term GPAs must always be calculated based on the actual number of credits funded.

(2) Completed the total number of credits within the semester/term for which the Scholarship was provided based on an Official Transcript; and

(3) Met the standards of the applicant's school's financial aid academic good standing (this applies only if the school's financial aid academic good standing requirements are less strict than the Tribe's).

(c) Be accepted into an Accredited vocational program, college or university.

(d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.

(e) Be seeking the Scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree based on the funding tiers under Section 401.6-2 of the Oneida Higher Education Scholarship (Law).

(1) Applicants seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier is eligible.

(2) The following scenarios explain funding of degrees in separate tiers based on the tiered funding system provided Article 4-1(a):

(A) A student may be enrolled in a doctorate program (4th tier) and a master's program (3rd tier) at the same time and would be subject to the 4th tier maximums for length of eligibility and funding because the degrees are being earned at the same time and the doctorate is in the higher tier.

(B) A student may complete a master's program based on the 3rd tier maximums for length of eligibility and funding and then, once complete, may complete a doctorate program based on the 4th tier maximums for length of eligibility and funding because the doctorate is in a higher funding tier than the previously earned master's degree.

(C) A student may not complete a doctorate program based on the 4th tier maximums for length of eligibility and funding and then pursue a master's degree based on the 3rd tier maximums for length of eligibility and funding because the master's degree is in a lower funding tier than the previously earned doctorate degree.

(3) The following scenario explains the 1st tier funding of Certificates, Vocational degrees and associate degrees based on the tiered funding system provided in Article 4-1(a):

(A) If an applicant previously received a Scholarship to attend a one (1) year dental assistant program and completed that program with a vocational degree, he or she may still be awarded a Scholarship to pursue an associate's degree because while it is technically in the same funding tier, it is a more advanced degree than the previously earned vocational degree. It is important to note that while the student may still pursue the associate's degree, the scholarship award remains subject to the 1st tier's maximum length of funding of 2.5 years. Based on this, the

applicant is eligible for the scholarship award and has 1.5 years remaining to complete the associate's degree.

(B) If the applicant previously received a scholarship to participate in an associate program and earned an associate's degree, he or she would not be eligible for a Scholarship award to pursue a certificate or a vocational degree at a later time, regardless of any remaining length of eligibility because the associate's degree is the most advanced degree in the 1st tier and applicants are not eligible for funding of a degree that is less advanced than a previously earned degree.

Article 4: LENGTH OF FUNDING ELIGIBILITY & TIERED FUNDING SYSTEM

4-1. Scholarship awards are subject to the following tiered system for length of funding and maximum funding caps:

(a)

Tier Level	Achievement Sought	Length of Eligibility*	Maximum Funding**
1 st	Vocational Degree/Associate Degree/Certificate	2.5 years	\$20,000
2 nd	Undergraduate Degree	5 years	\$20,000
3 rd	Graduate Degree	3 years	\$25,000
4 th	Doctoral Degree	5 years	\$30,000

*Terms for which applicants are funded for less than six (6) credits may not be counted against the length of funding requirements.

**Maximum funding caps are per academic school year.

Article 5: APPLICATION REQUIREMENTS

5-1. In order for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid (FAFSA), unless the applicant will be taking less than six (6) credits or will be attending a Canadian education institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language programs.

(1) The FAFSA must be completed annually and may be done at www.fafsa.gov.

(b) Applicants shall ensure that a complete student file is submitted to the Higher Education Office. A complete student file consists of the following:

(1) A copy of the college/university acceptance/admission letter for all applicants that are a new students, re-entering students (returning to school after taking one (1) or more semesters off) or transfer students;

(2) An [Oneida Higher Education Application](#), (which must be submitted each academic year);

(3) An [Oneida Higher Education Academic Plan](#), (which must be submitted for each term of funding);

(4) An Official Transcript, (which must be provided to the Higher Education Office at the close of each term of funding); and

(A) Applicants are responsible for any applicable Official Transcript fees.

(5) A Financial Need Analysis, (sent by the Higher Education Office to the applicant's school to be completed by the school's financial aid department).

5-2. To ensure fastest possible distribution of scholarship funds, applicants should submit their Oneida Higher Education Application by the following priority dates:

- (a) For the Fall Term – By April 15th
- (b) For the Spring Term – By October 1st
- (c) For the Summer Term – By May 1st

Article 6: APPLICANT RESPONSIBILITIES

6-1. Persons participating in the Oneida Higher Education Scholarship program are responsible for the following:

- (a) All costs incurred prior to attending school, which may include, but are not limited to: Admission fees, housing deposits, transportation to the school, and other related fees.
- (b) Abiding by and complying with the eligibility and requirement provisions contained in the Oneida Higher Education Scholarship (Law) and this Handbook.
- (c) Following up with the Higher Education Office and the school's financial aid office as necessary to ensure all required documents are completed and/or received.
- (d) If attending more than one institution during the same academic term, submitting a copy of an approved consortium agreement.
- (e) Upon graduation, submitting a copy of the diploma earned and requesting a final Official Transcript to be sent to the Higher Education Office.
- (f) Notifying the Higher Education Office of any applicable changes, including, but not limited to, a change of school, mailing address, phone number, email address, degree program, the number of college credits, or financial aid.

Article 7: FUNDING PROCESS

7-1. Funding is based on an August 1 - July 31 academic school year.

7-2. To be considered for the Oneida Higher Education Scholarship applicants **must have a complete student file prior to the end of the term for which funding is sought.**

- (a) The Higher Education Office shall review an applicant's files and begin the award process upon its receipt of a complete student file.

7-3. Upon award, the Higher Education Office shall send award letters listing the Scholarship amount(s) to the applicant and the applicant's school's financial aid office.

7-4. The Higher Education Office shall send Scholarship funds directly to the school for disbursement.

- (a) Applicant must abide by the school's policies regarding the release of financial aid funds to students.

Article 8: SCHOLARSHIP AWARD DETERMINATION

8-1. Scholarship award determinations are based on the following:

Student Status	Credits Per Term (Estimated)	Scholarship Funding
Full-Time: Vocational/Undergraduate Graduate/Post-graduate	12 credits 9 credits	Tuition/fees, required books and room/board.*
Part-Time: Vocational/Undergraduate	6-11 credits	Tuition/fees and required

(a)	Graduate/Post-graduate	6-8 credits	books.*
	Less than Part-time	1-5 credits	Tuition/fees and required books.
	Cosmetology	Required hours per student contract	Tuition/fees and required books/supplies.*

*The costs of attendance will be based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis.

(b) Funding for study abroad that is a requirement to graduate will be coordinated with the school's financial aid office to include the cost of tuition, room & board and transportation. Personal and miscellaneous expenses are the applicant's responsibility. Funding for non-required study abroad college credit(s) will consist of tuition/fees and required books.

(c) Applicants taking classes 100% on-line are eligible for tuition/fees and required books based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis. Other cost of attendance items will be based on the standard online budget developed by the Higher Education Office.

Article 9: FUNDING COLLEGE CREDIT FOR PRIOR LEARNING/EXPERIENCE

9-1. Applicants may have the opportunity to earn academic credit for college level knowledge and competency outside the classroom, for which credit has not already been earned. These types of credit opportunities are coordinated through the applicant's individual school.

9-2. Applicants may apply for tuition reimbursement; applicants must submit their original receipts and documentation of their successful credit approval.

Article 10: FERPA – CONSENT TO RELEASE STUDENT INFORMATION

10-1. College students are allowed to determine who will receive information about them. While parents (or spouses) understandably have an interest in a student's academic progress, they are not automatically granted access; students must complete the Family Educational Rights and Privacy Act "[FERPA](#)" form in order for another individual to access their Oneida Higher Education records.

(a) This requirement is in compliance with the Privacy Act of 1974 (Public Law 93-579), the FERPA, which protects the privacy of students' educational records. The Act requires students to provide consent before their records may be accessed by third parties.

Article 11: INELIGIBILITY FACTORS

11-1. The Scholarship is not available under the following circumstances:

- (a) For courses required to update/maintain a license;
- (b) For post-degree certificates, workshops, seminars, conferences, or continuing education credits/units.
- (c) If the applicant has a federal student loan in default.
- (d) For post-secondary required pre-requisite credited classes.
- (e) For post-graduate preparation and admission exams (e.g. GRE, LSAT, MCAT, GMAT).
- (f) For post-secondary preparatory programs/courses.

11-2. *Oneida Trust Scholarship*. The Oneida Trust Scholarship may be available to cover the costs

associated with the ineligible factors contained in Article 11-1(d)-(f) above. Applicants seeking funding through the Oneida Trust Scholarship must be in good standing with the Higher Education Scholarship program and shall submit the Trust Scholarship Application and any required documents to the Higher Education Office. For more details regarding the Oneida Trust Scholarship, please contact the Higher Education Office.

Article 12: PROBATION AND SUSPENSION GUIDELINES

12.1. *Probation Status.* Applicants on probation remain eligible to receive a Scholarship award for the following term.

(a) While on probation:

- (1) Applicants are strongly encouraged to meet with their school's advisors to develop a plan for academic success;
- (2) Applicants must complete all the credits for which they receive the Scholarship, and must meet the academic requirements for good standing provided in Article 3-1(b) above; and
- (3) At the close of the term for which an applicant is on probation, the applicant must request an Official Transcript be sent to the Higher Education Office to determine future funding status.

(b) The Higher Education Office shall place all applicants that fail to meet the probation requirements on suspension status.

12.2. *Suspension Status.* Applicants on suspension are not eligible to receive a Scholarship award.

(a) In order to have eligibility for the Higher Education Scholarship program reinstated, an applicant on suspension must:

- (1) Make-up the number of credits that was incomplete during the funded term of academic suspension at an accredited post-secondary Institution and must meet the academic requirements for good standing provided in Article 3-1(b) above; and

(A) Applicants must make-up the number of credits at the same academic level that were incomplete during the funded term of academic suspension.

- (2) Repay the amount of the Scholarship for those incomplete credits that were funded during the term for which they were placed on suspension. Applicants who withdraw from school or do not earn any credits must repay the entire amount of the Scholarship.

12-3. The Higher Education Office shall place applicants on probation/suspension in accordance with the following, provided an applicant may be placed on probation/suspension for any single reason or any combination of the reasons:

	PROBATION	SUSPENSION
Failure to Meet GPA Requirements	An undergraduate/technical applicant earning a GPA between 1.0 and 1.9.	An undergraduate/technical applicant earning a GPA below 1.0.
	A graduate applicant earning a GPA between 2.0 and 2.9.	A graduate applicant earning a GPA below 2.0.
	A cosmetology applicant with a monthly Official Transcript does not meet any one (1) of the academic requirements: (attendance 90%, written 80%, practical 80%).	A cosmetology applicant with a monthly Official Transcript does not meet any two (2) of the academic requirements: (attendance 90%, written 80%, practical 80%).

(a)	Failure to Complete All Funded Credits	An applicant who does not complete all of the credits for which he or she was funded.	An applicant who does not complete at least half of the credits for which they were funded.
	Other		Failure to meet the requirements of probation.

Article 13: STUDENT LOAN DEFAULT OPTIONS

13-1. Applicants who are in student loan default may have options available to be reconsidered for federal financial aid and should contact the loan lender to discuss the potential availability of such options.

- (a) For additional information regarding student loan issues, including, but not limited to loan repayment, consolidation, default and disputes, please go to www.ed.gov.

Article 14: APPEAL PROCESS

14-1. An applicant may appeal a Scholarship decision made by the Higher Education Office, but only to the extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provision of the Oneida Higher Education Scholarship (Law) and/or this Handbook.

- (a) An applicant may appeal a Scholarship decision made by the Higher Education Office by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office.

(1) In order for the appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office's Scholarship decision.

- (b) Upon receipt of an appeal the Higher Education Office Review Panel shall review the merits of the appeal and, within (10) business days from the date the appeal was received, shall issue the applicant a written determination.

14-2. The applicant may file an appeal of the determination made by the Higher Education Office Review Panel to the Division Director.

- (a) An applicant may appeal a determination made by the Higher Education Office Review Panel by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office. Upon receipt of a second-level appeal, the Higher Education Office shall forward the appeal to the Division Director.

(1) In order for the second-level appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

- (b) Upon receipt of an appeal, the Division Director shall ensure the proper appeal process was followed, review the merits of the appeal and, within (10) business days from the date the appeal was received, issue the applicant a written determination with a copy provided to the Higher Education Office.

(1) Should the Division Director receive an appeal that did not follow the appeal process; the Division Director shall advise the applicant to follow the appeal process as outlined.

Article 15: EXCEPTION PROCESS

15-1. Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant

will likely succeed in achieving the accomplishment sought either within the exception period and/or despite the extenuating circumstances that have made pursuing an exception necessary.

(a) The Higher Education Office may only grant the available exceptions provided in Section 401.7-2 of the Oneida Higher Education Scholarship (Law) and as further described in the Handbook. The available exceptions are:

(1) In regards to eligibility:

(A) The requirements to be good standing as provided in Section 401.5-1(b) of the Law and Article 3-1(b) of this Handbook; and

(B) The requirement that the Scholarship be for a degree that is categorized in a funding tier that is higher than the funding of a previously earned degree as provided in Section 401.5-1(e) of the Law and Article 3-1(e) of this Handbook.

(2) In regards to application requirements, the requirement that a FAFSA be filed as provided in Section 401.5-2(a) of the Law and Article 5-1(a) of this Handbook.

(3) Length of funding as provided in Section 401.6-1 of the Law and Article 4-1(a) of this Handbook.

15-2. To request an exception, an applicant must:

(a) Request the exception form from the Higher Education Office;

(b) Complete and submit the exception form along with any required supporting documentation to the Higher Education Office.

(c) Provide an explanation of the extenuating circumstances that serve as the basis for requesting the exception.

15-3. Upon receipt of an applicant's request for an exception, the Higher Education Office Review Panel shall consider the merits of the request and issue a written determination to the applicant within ten (10) business days of the date the request for exception was received.

15-4. If the applicant disagrees with the determination made by the Higher Education Office Review Panel, he or she may request reconsideration of the exception by following the exception process contained in Article 15-2 of this Handbook. Upon receipt of a request for reconsideration of an exception, the Higher Education Office shall forward the request to the Division Director.

(a) In order for the request for reconsideration of the exception to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

(b) Upon receipt of a request for reconsideration of an exception the Division Director shall ensure the proper exception process was followed, review the merits of the request and, within (10) business days from the date the request was received, issue the applicant a written determination with a copy provided to the Higher Education Office.

(1) Should the Division Director receive a request for reconsideration of an exception that did not follow exception process; the Division Director shall advise the applicant to follow the exception process as outlined.

Adopted:

BC- _____

References:

Oneida Higher Education Scholarship (Law)

Trust Scholarship Policy and Procedure (Amended-BC 12-11-13E)



Legislative Operating Committee

January 6, 2016

Public Use of Tribal Lands Amendments

Submission Date: 7/1/2015

☐ Public Meeting:
☐ Emergency Enacted: 7/8/15
 Expires: 1/5/15

LOC Sponsor: David P. Jordan

Summary: *In order to preserve the lands for the use and enjoyment of all authorized individuals, the Environmental Resource Board (ERB) has identified the need to revise the Public Use of Tribal Land Law (Law) to allow ERB to prescribe permissible and prohibited uses for tribal lands that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access to allow for the enforcement of prescriptions on such lands.*

7/01/15 LOC: Motion by David P. Jordan to add the Public Use of Tribal Land Amendments to the active files list; seconded by Tehassi Hill. Motion carried unanimously.

Note: David P. Jordan will be the sponsor.

Motion by Tehassi Hill to approve the resolution and forward the Public Use of Tribal Land Emergency Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

7/8/15 OBC: Motion by Brandon Stevens to adopt resolution 07-08-15-C Public Use of Tribal Land Law Emergency Amendments, seconded by Lisa Summers. Motion carried unanimously.

9/9/15 OBC: Motion by Tehassi Hill to defer this item [ERB's revisions/additions to Prohibitions under Public Use of Tribal Land Law] to the Legislative Reference office, seconded by Brandon Stevens. Motion carried unanimously.

9/16/15 LOC: Motion by David P. Jordan to accept the updated legislative analysis and defer the Public Use of Tribal Land Amendments for a fiscal analysis and to forward for an October 15, 2015 Public Meeting; seconded by Tehassi Hill. Motion carried unanimously.

9/23/15 OBC: Motion by Lisa Summers to accept the Environmental Resource Board's updated prohibitions regarding violations of the Public Use of Tribal Land Law, seconded by Brandon Stevens. Motion carried with one opposed.

For the record: Brandon Stevens stated I oppose the motion because there's no substantive complaint here. It's just "I don't like it". So, if there was more of something the Environmental Resource Board can really say that you don't like about it and is it too much, you know those types of things? I would just like more in a complaint so the Environmental Resource Board doesn't get...we (the Business

Committee) received the complaint. I would like a little more to the complaint and that is why I oppose.

Motion by Lisa Summers to request the Environmental Resource Board's Liaison to notify the Environmental Resource Board about the community concerns regarding the citation schedule, seconded by Fawn Billie. Motion carried unanimously.

10/7/15 LOC:

Motion by David P. Jordan to forward the Public Use of Tribal Land Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by Jennifer Webster. Motion carried unanimously. (Oct. 15, 2015 public meeting rescheduled due to insufficient notice to division directors & managers as required by the LPA)

10/29/15:

Public Meeting held.

11/18/15 LOC:

Motion by Tehassi Hill to accept the public meeting comments regarding the Public Use of Tribal Land Amendments and defer to a LOC work meeting to be held on November 23, 2015; seconded by Fawn Billie. Motion carried unanimously.

Note: LOC work meeting will be held on November 23, 2015 at 3:30 p.m. in the E.C.R.

11/23/15:

Work meeting held to consider public meeting comments. Attendees include: Jennifer Webster, Fawn Billie, Brandon Stevens, Leyne Orosco, Cathy L. Metoxen and Krystal John.

- **Next Steps:** Approve the Public Use of Tribal Lands Law Permanent Amendments adoption packet to be forwarded for the Oneida Business Committee's consideration.

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 *BS*
Date: January 13, 2016
Re: Public Use of Tribal Lands Law Permanent Amendments

Please find the following attached backup documentation for your consideration of the Public Use of Tribal Land Emergency Amendments:

1. Resolution: Public Use of Tribal Land Permanent Amendments
2. Statement of Effect: Public Use of Tribal Land Permanent Amendments
3. Public Use of Tribal Land Permanent Amendments (redline with analysis)
4. Public Use of Tribal Land Permanent Amendments (clean)
5. Public Use of Tribal Land Fiscal Impact Statement

Overview

This Resolution adopts permanent amendments to the Public Use Tribal Land Law (Law), which was adopted through resolution BC-05-15-14-D and thereafter amended through resolution BC-12-10-14-A. This Law enables the Tribe to fine individuals who improperly access, use and/or trespass on Tribal lands. ERB has created a Land Access Map which has designated Tribal lands as Limited Access, Oneida Community Access, Oneida Tribal Member Access and Open Access. While the Law currently gives ERB the authority to restrict access based on the land's designation, it does not grant ERB the authority to regulate the use of such land, regardless of designation, and thereby prevents enforcement of rules intended to regulate the use of public spaces, an example of which is Oneida Lake.

Emergency amendments to this Law were passed on July 8, 2015 which specifically allowed ERB to prescribe permissible and/or prohibited uses for tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such uses do not contradict the Zoning and Shoreland Protection Ordinance. The emergency amendments also required ERB to report the prescribed permissible and/or prohibited uses to the Oneida Business Committee and to post the uses on the affected tribal lands. These amendments expire January 8, 2015.

The permanent amendments include those amendments previously addressed in the emergency amendments. They also require ERB to accept written comments as part of its public meeting process and update the citation hearing process so that ERB uses the same process for all hearings it holds.

ERB's revised citation schedule which included citations based on Section 38.4-1(g) authorizing ERB to prescribe permissible or prohibited uses for tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access was adopted by BC Resolution 07-08-15-B.

In accordance with the Legislative Procedures Act, a public meeting was held regarding these amendments on October 29, 2015 and the comments received during that process were consider by the LOC at a work meeting held on November 23, 2015.

Upon adoption of these permanent amendments, ERB will retain the authority granted by the Emergency Amendments to prescribe permissible and prohibited uses. In addition, the revisions to the hearing process allow ERB to use a single process for all of its hearings and the revisions to the public meeting requirements align ERB's process with the Legislative Procedures Act by requiring ERB to accept written comments.

Requested Action

Approve the Resolution: Public Use of Tribal Land Law Permanent Amendments

BC Resolution _____*Public Use of Tribal Land Law Permanent Amendments*

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

WHEREAS, the Oneida General Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution; and

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

WHEREAS, the Oneida Business Committee adopted the Public Use of Tribal Land Law (Law) through resolution BC-05-15-14-D and amended it through resolution BC-12-10-14-A; and

WHEREAS, the Land Access Map, required under the Law, has been adopted by the Environmental Resource Board and designates the Tribe's land as Limited Access, Oneida Community Access, Oneida Tribal Member Access, and Open; and

WHEREAS, the land designations prohibit certain individuals from accessing Tribal land if the land is designated as Limited Access, Oneida Community Access, or Oneida Tribal Member Access; and

WHEREAS, the Law does not specify any permissible and/or prohibited uses for these lands and does not designate any entity the authority to implement permissible and/or prohibited uses on these lands; and

WHEREAS, in order to preserve the lands for the use and enjoyment of all authorized individuals, emergency amendments were passed by Resolution BC-07-08-15-C which enable the Environmental Resource Board to prescribe permissible and/or prohibited uses for these lands; and

WHEREAS, these emergency amendments expire January 8, 2016 pursuant to the Legislative Procedures Act which authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

WHEREAS, permanent amendments to the Public Use of Tribal Land Law are necessary in order to preserve the Environmental Resource Board's ability to prescribe permissible and/or prohibited uses for Tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access; provided

36 that such permissible and/or prohibited uses may not contradict with the Zoning
37 and Shoreland Protection Ordinance; and

38 **WHEREAS,** the permanent amendments also revise to the citation hearing procedure so that
39 the same hearing procedure is used for all prehearings and hearings conducted by
40 the Environmental Resource Board; and

41 **WHEREAS,** a public meeting on the proposed amendments was held on October 29, 2015 in
42 accordance with the Legislative Procedures Act.

43 **NOW THEREFORE BE IT RESOLVED,** that the permanent amendments to the Public Use
44 of Tribal Land Law are hereby adopted.

45

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
Maureen Perkins, LTE, Legislative Analyst



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Statement of Effect

Resolution: Public Use of Tribal Land Permanent Amendments

Summary

This Resolution adopts permanent amendments to the Public Use of Tribal Land Law to allow the Environmental Resource Board (ERB) to prescribe permissible and/or prohibited uses for tribal land that has been designated as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such uses do not contradict with the Zoning and Shoreland Protection Ordinance. The emergency amendments also require ERB to report the prescribed permissible and/or prohibited uses to the Oneida Business Committee and to post the uses on the affected tribal lands. Additionally, the permanent amendments require ERB to accept written comments as part of its public meeting process and update the citation hearing process so that ERB uses the same process for all hearings it holds.

Submitted by Krystal L. John, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

This Resolution adopts permanent amendments to the Public Use Tribal Land Law (Law), which was adopted through resolution BC-05-15-14-D and thereafter amended through resolution BC-12-10-14-A. This Law enables the Tribe to fine individuals who improperly access, use and/or trespass on Tribal lands. ERB has created a Land Access Map which has designated Tribal lands as Limited Access, Oneida Community Access, Oneida Tribal Member Access and Open Access. While the Law currently gives ERB the authority to restrict access based on the land's designation, it does not grant ERB the authority to regulate the use of such land, regardless of designation, and thereby prevents enforcement of rules intended to regulate the use of public spaces, an example of which is Oneida Lake.

Emergency amendments to this Law were passed on July 8, 2015 which specifically allowed ERB to prescribe permissible and/or prohibited uses for tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such uses do not contradict the Zoning and Shoreland Protection Ordinance. The emergency amendments also required ERB to report the prescribed permissible and/or prohibited uses to the Oneida Business Committee and to post the uses on the affected tribal lands. These amendments expire January 8, 2015.

The permanent amendments include those amendments previously addressed in the emergency

amendments. They also require ERB to accept written comments as part of its public meeting process and update the citation hearing process so that ERB uses the same process for all hearings it holds.

ERB's revised citation schedule which included citations based on Section 38.4-1(g) authorizing ERB to prescribe permissible or prohibited uses for tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access was adopted by BC Resolution 07-08-15-B.

Therefore, upon adoption of these permanent amendments, ERB will have both the authority to prescribe permissible and prohibited uses and the tools required to enforce such prescriptions, provided that notice has been provided to the public by posting such permissible and prohibited uses on the affected tribal lands.

Conclusion

Adoption of this Resolution would not conflict with Tribal law.

CHAPTER 38 PUBLIC USE OF TRIBAL LAND

38.1. Purpose and Policy
38.2. Adoption, Amendment, Repeal
38.3. Definitions
38.4. Environmental Resource Board

38.5. Land Access Map
38.6. Trespass
38.7. Violations and Appeals

<i>Analysis by the Legislative Reference Office</i>					
Title	Public Use of Tribal Land				
Requester	ERB	Drafter	Krystal John	Analyst	Candice E. Skenandore
Reason for Request	Give the Environmental Resource Board the authority to determine what actions are allowed or not allowed on designated Tribal properties.				
Purpose	The purpose of this Law is to prevent improper access, use and trespass to Tribal lands				
Authorized/ Affected Entities	Environmental Resource Board or its designated staff, Conservation Warden, Oneida Police Department, Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and anyone accessing Tribal land.				
Due Process	A person receiving a citation can appeal to ERB; if the person is dissatisfied with ERB's decision, he/she can appeal to the Tribe's judicial system <i>[See 38.7-2 & 38.7-3]</i> .				
Related Legislation	Zoning and Shoreland Protection Ordinance				
Policy Mechanism	A person that violates this Law may be issued a citation, as well as be responsible for hearing costs and penalties <i>[See 38.7-1]</i> .				
Enforcement	ERB has the duty and power to carry out this Law and enforce the provisions of this Law <i>[See 38.4-1]</i> .				

Overview

According to the Environmental Health and Safety Division and the Environmental Resource Board, people have been camping and/or consuming alcohol at the Oneida Lake. It is because of these actions that the Environmental Resource Board (ERB) requested emergency amendments to the Public Use of Tribal Land Law (Law). The Oneida Business Committee adopted the emergency amendments on July 8, 2015. These amendments are now being considered as permanent amendments. The amendments include the following:

- The definition section has been expanded to include “fine” and “penalty” *[See 38.3-1 (b) & (e)]*.
- ERB or its designated staff has the authority to prescribe permissible and/or prohibited uses, as deemed necessary, for property designated as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that the permissible and/or prohibited uses do not contradict with the Zoning and Shoreland Protection Ordinance *[See 38.4-1 (g)]*.
- ERB must also notify the Oneida Business Committee of the permissible and/or prohibited uses and must post notice of such uses on the affected Tribal land *[See 38.4-1 (g)]*.
- ERB must accept oral comments at the public hearing and accept written comments which can be submitted up to five business days from the date of the public hearing *[See 38.5-5 (b) (1) (C)]*.
- The citation hearing process within this Law has been amended to coincide with how ERB will hold hearings in other Tribal laws such as the proposed Hunting, Fishing and

Trapping Law and the proposed Domestic Animals Law [See 38.7-2]. Therefore, a hearing is no longer required to take place within five business days after the citation is issued; instead, a prehearing date must be set for the next scheduled monthly prehearing date, which is at least 30 days after the citation is issued [See 38.7-2].

Miscellaneous

A public meeting was held on October 29, 2015. Additional minor language changes have been made to the Law which do not affect the content. For any financial impacts, please refer to the fiscal impact statement.

38.1. Purpose and Policy

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and ~~trespass~~Trespass to Tribal ~~lands~~Lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to Tribal ~~land~~Lands to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

38.2. Adoption, Amendment, Repeal

38.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A.

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

38.2-3. Should a provision of this Law or the application thereof to any ~~person~~Person or circumstances be held as invalid, such invalidity ~~shall~~does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

38.2-4. 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~~controls.

38.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

38.2-6. This Law ~~shall may~~ not be construed to preclude the Tribe from pursuing relief for criminal ~~trespass~~Trespass under applicable law.

38.3. Definitions

38.3-1. This section ~~shall govern~~governs the definitions of words and phrases used within this Law. All words not defined herein ~~shall~~are to be used in their ordinary and everyday sense.

(a) ~~_____~~ “Designation” means the term used to describe the type of access granted to certain Tribal ~~lands~~Lands.

~~(b) _____~~ “Fine” means a monetary punishment issued to a person violating this Law and/or the Rules created pursuant to this Law, which is payable to ERB or the Department within the amount of time designated by the Rules.

~~(c) _____~~ “Lease” means any lease or agreement, including business site leases, entered into by the Tribe and any ~~person~~Person to allow the use of Tribal ~~lands~~Lands.

~~(e) ~~d~~ _____~~ “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

~~(d) ~~e~~ _____~~ “Penalty” means a punishment, other than a Fine, imposed on a person violating this Law and/or the Rules created pursuant to this Law and may include, but is

not limited to, the confiscation of equipment, the imposition of a Wildlife protection assessment (civil recovery value), and restitution.

(f) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(e)-g) “Trespass” means the unauthorized use or entry on Tribal ~~lands~~Lands, including unauthorized uses under a Tribal law, permit or ~~lease~~Lease.

(f)-h) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.

(g)-i) “Tribal ~~land~~Land” means all Tribal trust lands, and any land or interest in land held by the Oneida Tribe in fee or in any other form on the Reservation.

38.4. Environmental Resource Board

38.4-1. The Environmental Resource Board ~~shall have~~has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or ~~its~~-designated staff, shall:

(a) Develop, approve and maintain the Land Access Map.

(b) Hold public hearings on proposed amendments to the Land Access Map.

(c) Hear and decide, as the original hearing body, contested cases that may arise under this Law.

(d) Impose hearing costs and restitution against the ~~person~~Person for damages caused by a violation of this Law.

(e) Determine which Tribal ~~land~~Land will be posted and ensure the appropriate signs are posted.

(f) Implement and interpret the provisions of this Law.

(g) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal Land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.

38.5. Land Access Map

38.5-1. *Designation of Tribal Lands.* A Land Access Map ~~shall~~must be created which designates Tribal ~~land~~Land as one (1) of the following:

(a) Limited Access: Lands designated as “Limited Access” ~~shall be~~are open to all ~~persons~~Persons who are granted land access permission by the Tribe through a permit or ~~lease~~Lease for specified purposes. The Environmental Resource Board may choose to designate a portion of land as Limited Access in order to manage, preserve and protect that land for environmental, cultural or other significance.

(b) Oneida Community Access: Lands designated as “Oneida Community Access” ~~shall be~~are open to Tribal members, and their spouses and descendants; members of other federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and ~~persons~~Persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Tribe.

(1) A Conservation Warden or Oneida Police Officer may require a ~~person~~Person to ~~demonstrate~~provide proof of eligibility to use Oneida Community Access lands.

(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.

(c) Oneida Tribal Member Access: ~~Land~~Lands designated as “Oneida Tribal Member Access” ~~shall be~~are open to Tribal members only. The Environmental Resource Board may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural and/or environmental significance of the land.

(d) Open: Lands designated as “Open Access” ~~shall be~~are generally open to all ~~persons~~Persons for the land’s designated use and enjoyment. The Environmental Resource Board may designate land as Open Access where such ~~designation~~Designation is deemed beneficial to the Tribe and where such ~~designation~~Designation does not pose significant risk of damage to the policies of the Tribe and/or the land’s cultural or environmental preservation.

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law ~~shall~~may be construed as preventing the following ~~persons~~Persons from entering Tribal ~~land~~Land, regardless of the land ~~designation~~Designation:

(a) Employees of the Tribe who are performing their job duties;

(b) Those ~~persons~~Persons who are performing grant or contractual obligations related to the Tribal ~~land~~Land and on behalf of the Tribe;

(c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those ~~persons~~Persons who have been granted access to the land by the Environmental Resource Board.

38.5-3. *Development of the Land Access Map.* The Environmental Resource Board shall develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Tribe. The Environmental Resource Board shall adopt the initial Land Access Map.

38.5-4. *General Land Designation.* Unless otherwise designated, Tribal Land ~~shall be~~is designated as Limited Access.

38.5-5. *Amending the Land Access Map.* The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration ~~shall~~must be made for the intent and purposes of the ~~designation~~Designation.

(a) Amendments may be proposed by any ~~person~~Person by filing an application with the Environmental Resource Board in such format and accompanied by such information as required by the Board.

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A)–Notice. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, ~~shall~~must be:

- (i)–published in the Tribal newspaper; and
(ii)–mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B)–Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

~~(C)~~ (C) In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.

(D) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.

(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board ~~shall~~may not amend the Land Access Map unless it finds that adopting such amendment is in the Tribe's best interest and is not solely for the interest of the applicant.

(c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments ~~shall~~must require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

38.6. Trespass

38.6-1. A ~~person trespasses~~Person Trespasses if the ~~person~~Person enters or otherwise occupies Tribal ~~land~~Land and:

(a) Refuses to leave land to which the ~~person~~Person has no reasonable claim or right of possession when requested to do so.

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the ~~person~~Person to enter such land does not exist, or has been expressly denied or revoked. A ~~person~~Person has been noticed that permission by the landowner or occupant for such ~~person~~Person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Tribal website and/or in

the Tribal newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the ~~person~~Person giving the notice, followed by the word “owner” if the ~~person~~Person is the holder of legal title to the land or by the word “occupant” if the ~~person~~Person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one (1) foot long and, in a contrasting color, the phrase “private land” and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a ~~lease~~Lease, permit or as otherwise required under applicable law:¹

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

(2) Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.

(3) Engages in any act, or attempted act of hunting, trapping or fishing.

(4) Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.

(5) Erects, puts up, fastens, prints, or paints upon another’s property, notices, advertisements, signs or other writing designed to communicate to the general public.

(6) Parks or drives any vehicle on the land.

(7) Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.

(8) Uses or possesses ~~leased~~Leased or ~~subleased~~sub-Leased lands beyond the possessory rights granted by such ~~lease~~Lease or ~~sublease~~sub-Lease.

(9) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.

38.7. Violations and Appeals

38.7-1. *Issuance of a Citation.* Any ~~person~~Person who violates any provision of this Law ~~shall be~~is guilty of a civil infraction, and ~~shall~~may be issued a citation, in writing, by a Conservation Warden or Oneida Police Officer. The issuance of a citation or ~~fine~~Fine under any other law relating to the same or any other matter ~~shall~~does not preclude the issuance of a citation under this Law.

(a) The Oneida Business Committee, upon recommendation of the Environmental Resource Board, ~~shall~~may adopt a citation schedule.

¹ Current Tribal laws that authorize conduct described in 38.6-1(c): Chapter 12, Protection and Management of Archeological and Historical Resources; Chapter 34, Oneida Tribal Regulation of Domestic Animals Ordinance; Chapter 40, Tribal Environmental Response Law; Chapter 42, Wood Cutting Ordinance; Chapter 44, Recycling and Solid Waste Disposal; Chapter 45, Hunting, Fishing and Trapping Law; Chapter 49: All-Terrain Vehicle Law; Chapter 69, Zoning and Shoreland Protection Law.

(b) The citation ~~shall specify the date, time and place of the hearing to contest the citation. The hearing shall take place at least five (5) business days after the citation is issued.~~

~~(c) The citation shall~~ must ~~also~~ state that the Environmental Resource Board may, in addition to the citation and associated Fine, impose hearing costs and restitution ~~Penalties~~ against the ~~person~~ Person for ~~damages caused by~~ a violation of this Law.

38.7-2. *Citation Hearing.* ~~Any person~~ All citations issued ~~a citation under~~ pursuant to this Law ~~may contest the citation by attending a hearing before~~ must include a Prehearing date which must be set for the next scheduled monthly Prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation must appear at the Prehearing, at which time the Environmental Resource Board. ~~The person may appear in person, or be represented by an agent, advocate or attorney.~~

~~(a) If the person does not wish to~~ shall accept pleas which either contest or admit committing the act for which the citation, ~~he or she shall pay the citation by the hearing date specified on the citation.~~

~~(b) After the hearing, the~~ was issued. The Environmental Resource Board shall:

~~(1) determine whether the person is responsible for the citation,~~ schedule a Hearing as ~~was issued;~~

~~(2) determine whether to impose hearing costs and/or restitution against the person for the value~~ expeditiously as possible, provided that it must be scheduled within ninety (90) days of any damage caused by a violation the date of ~~this Law;~~ and

~~(3) set a new date the Prehearing, for when the citation, hearing costs and/or restitution shall be paid, if necessary~~ all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested Hearings, the Environmental Resource Board may also make conditional orders at the Prehearing which are effective until the matter is resolved.

~~(c) Any restitution funds received shall be used to repair the damages caused by a violation of this Law.~~ (a) The Environmental Resource Board shall conduct Prehearings and Hearings in accordance with its bylaws and any other applicable regulations, standard operating procedures, Rules, laws or policies governing Tribal administrative hearings.

(b) Community Service. Community service may be substituted for Fines at the Environmental Resource Board's discretion, provided that, if so substituted, the Board shall use the rate of one (1) hour per ten dollars (\$10) of the Fine.

(c) All Fines and Penalties issued by citations must be paid to the Environmental Resource Board or its designee, the proceeds of which must be contributed to General Fund.

(d) The Environmental Resource Board may pursue payment from parties who have failed to makes the required payments through the garnishment process contained in the Garnishment Law and/or by attaching the judgment to a Tribal Member's per capita payment pursuant to the Per Capita Law.

(d) Community Service. Community service may be substituted for monetary Fines and Penalty assessments at ERB's discretion, provided that if so substituted, ERB shall use the rate of one (1) hour per ten dollars (\$10) of the Fine or Penalty assessment.

(e) Any person wishing to contest ERB's determination related to a contested citation may appeal the applicable determination to the Judiciary's Court of Appeals in accordance with the Rules of Appellate Procedure, provided that the appeal must be filed within thirty (30) days of the date of the Environmental Resource Board's determination.

295 38.7-3. *Appeals from the Environmental Resource Board Decision.* Any party of interest may
296 appeal a decision of the Environmental Resource Board to the Tribe’s judicial system.

297
298 *End.*

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Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
Emergency Amended – BC 07-08-15-C

CHAPTER 38 PUBLIC USE OF TRIBAL LAND

38.1. Purpose and Policy
38.2. Adoption, Amendment, Repeal
38.3. Definitions
38.4. Environmental Resource Board

38.5. Land Access Map
38.6. Trespass
38.7. Violations and Appeals

38.1. Purpose and Policy

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and Trespass to Tribal Lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to Tribal Lands to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

38.2. Adoption, Amendment, Repeal

38.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A.

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

38.2-3. Should a provision of this Law or the application thereof to any Person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

38.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law controls.

38.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

38.2-6. This Law may not be construed to preclude the Tribe from pursuing relief for criminal Trespass under applicable law.

38.3. Definitions

38.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Designation" means the term used to describe the type of access granted to certain Tribal Lands.

(b) "Fine" means a monetary punishment issued to a person violating this Law and/or the Rules created pursuant to this Law, which is payable to ERB or the Department within the amount of time designated by the Rules.

(c) "Lease" means any lease or agreement, including business site leases, entered into by the Tribe and any Person to allow the use of Tribal Lands.

(d) "Person" means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

(e) "Penalty" means a punishment, other than a Fine, imposed on a person violating this Law and/or the Rules created pursuant to this Law and may include, but is not limited to, the confiscation of equipment, the imposition of a Wildlife protection assessment (civil recovery value), and restitution.

(f) "Reservation" means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(g) "Trespass" means the unauthorized use or entry on Tribal Lands, including unauthorized uses under a Tribal law, permit or Lease.

(h) "Tribal" or "Tribe" means the Oneida Tribe of Indians of Wisconsin.

(i) "Tribal Land" means all Tribal trust lands, and any land or interest in land held by the Oneida Tribe in fee or in any other form on the Reservation.

38.4. Environmental Resource Board

38.4-1. The Environmental Resource Board has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or designated staff, shall:

(a) Develop, approve and maintain the Land Access Map.

(b) Hold public hearings on proposed amendments to the Land Access Map.

(c) Hear and decide, as the original hearing body, contested cases that may arise under this Law.

(d) Impose hearing costs and restitution against the Person for damages caused by a violation of this Law.

(e) Determine which Tribal Land will be posted and ensure the appropriate signs are posted.

(f) Implement and interpret the provisions of this Law.

(g) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal Land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.

38.5. Land Access Map

38.5-1. *Designation of Tribal Lands.* A Land Access Map must be created which designates Tribal Land as one (1) of the following:

(a) Limited Access: Lands designated as "Limited Access" are open to all Persons who are granted land access permission by the Tribe through a permit or Lease for specified purposes. The Environmental Resource Board may choose to designate a portion of land as Limited Access in order to manage, preserve and protect that land for environmental, cultural or other significance.

(b) Oneida Community Access: Lands designated as "Oneida Community Access" are open to Tribal members, and their spouses and descendants; members of other federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and Persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Tribe.

(1) A Conservation Warden or Oneida Police Officer may require a Person to provide proof of eligibility to use Oneida Community Access lands.

(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.

(c) Oneida Tribal Member Access: Lands designated as "Oneida Tribal Member Access" are open to Tribal members only. The Environmental Resource Board may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural and/or environmental significance of the land.

(d) Open: Lands designated as "Open Access" are generally open to all Persons for the land's designated use and enjoyment. The Environmental Resource Board may designate land as Open Access where such Designation is deemed beneficial to the Tribe and where such Designation does not pose significant risk of damage to the policies of the Tribe and/or the land's cultural or environmental preservation.

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law may be construed as preventing the following Persons from entering Tribal Land, regardless of the land Designation:

- (a) Employees of the Tribe who are performing their job duties;
- (b) Those Persons who are performing grant or contractual obligations related to the Tribal Land and on behalf of the Tribe;
- (c) Emergency personnel who are providing, or attempting to provide, services; and
- (d) Those Persons who have been granted access to the land by the Environmental Resource Board.

38.5-3. *Development of the Land Access Map.* The Environmental Resource Board shall develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Tribe. The Environmental Resource Board shall adopt the initial Land Access Map.

38.5-4. *General Land Designation.* Unless otherwise designated, Tribal Land is designated as Limited Access.

38.5-5. *Amending the Land Access Map.* The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration must be made for the intent and purposes of the Designation.

(a) Amendments may be proposed by any Person by filing an application with the Environmental Resource Board in such format and accompanied by such information as required by the Board.

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) *Notice.* Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:

- (i) published in the Tribal newspaper; and
- (ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any Person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

- (C) In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.
- (D) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.
- (2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.
- (3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:
- (A) Existing uses of the land and buildings within the general area of the land in question.
- (B) Suitability of the land in question to the uses permitted under the existing Land Access Map.
- (4) The Environmental Resource Board may not amend the Land Access Map unless it finds that adopting such amendment is in the Tribe's best interest and is not solely for the interest of the applicant.
- (c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments must require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:
- (1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or
- (2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

38.6. Trespass

38.6-1. A Person Trespasses if the Person enters or otherwise occupies Tribal Land and:

- (a) Refuses to leave land to which the Person has no reasonable claim or right of possession when requested to do so.
- (b) Enters upon such land after being noticed by the landowner or occupant that permission for the Person to enter such land does not exist, or has been expressly denied or revoked. A Person has been noticed that permission by the landowner or occupant for such Person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Tribal website and/or in the Tribal newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:
- (1) A sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the Person giving the notice, followed by the word "owner" if the Person is the holder of legal title to the land or by the word "occupant" if the Person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one (1) foot long and, in a contrasting color, the phrase “private land” and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a Lease, permit or as otherwise required under applicable law:¹

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

(2) Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.

(3) Engages in any act, or attempted act of hunting, trapping or fishing.

(4) Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.

(5) Erects, puts up, fastens, prints, or paints upon another’s property, notices, advertisements, signs or other writing designed to communicate to the general public.

(6) Parks or drives any vehicle on the land.

(7) Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.

(8) Uses or possesses Leased or sub-Leased lands beyond the possessory rights granted by such Lease or sub-Lease.

(9) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.

38.7. Violations and Appeals

38.7-1. *Issuance of a Citation.* Any Person who violates any provision of this Law is guilty of a civil infraction, and may be issued a citation, in writing, by a Conservation Warden or Oneida Police Officer. The issuance of a citation or Fine under any other law relating to the same or any other matter does not preclude the issuance of a citation under this Law.

(a) The Oneida Business Committee, upon recommendation of the Environmental Resource Board, may adopt a citation schedule.

(b) The citation must state that the Environmental Resource Board may, in addition to the citation and associated Fine, impose hearing costs and Penalties against the Person for a violation of this Law.

38.7-2. *Citation Hearing.* All citations issued pursuant to this Law must include a Prehearing date which must be set for the next scheduled monthly Prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation must appear at the Prehearing, at which time the Environmental Resource Board shall accept pleas which either contest or admit committing the act for which the citation was issued. The Environmental Resource Board shall schedule a Hearing as expeditiously as possible, provided that it must be scheduled within ninety (90) days of the date of the Prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested Hearings, the Environmental

¹ Current Tribal laws that authorize conduct described in 38.6-1(c): Chapter 12, Protection and Management of Archeological and Historical Resources; Chapter 34, Oneida Tribal Regulation of Domestic Animals Ordinance; Chapter 40, Tribal Environmental Response Law; Chapter 42, Wood Cutting Ordinance; Chapter 44, Recycling and Solid Waste Disposal; Chapter 45, Hunting, Fishing and Trapping Law; Chapter 49: All-Terrain Vehicle Law; Chapter 69, Zoning and Shoreland Protection Law.

Resource Board may also make conditional orders at the Prehearing which are effective until the matter is resolved.

(a) The Environmental Resource Board shall conduct Prehearings and Hearings in accordance with its bylaws and any other applicable regulations, standard operating procedures, Rules, laws or policies governing Tribal administrative hearings.

(b) *Community Service*. Community service may be substituted for Fines at the Environmental Resource Board's discretion, provided that, if so substituted, the Board shall use the rate of one (1) hour per ten dollars (\$10) of the Fine.

(c) All Fines and Penalties issued by citations must be paid to the Environmental Resource Board or its designee, the proceeds of which must be contributed to General Fund.

(d) The Environmental Resource Board may pursue payment from parties who have failed to makes the required payments through the garnishment process contained in the Garnishment Law and/or by attaching the judgment to a Tribal Member's per capita payment pursuant to the Per Capita Law.

(d) *Community Service*. Community service may be substituted for monetary Fines and Penalty assessments at ERB's discretion, provided that if so substituted, ERB shall use the rate of one (1) hour per ten dollars (\$10) of the Fine or Penalty assessment.

(e) Any person wishing to contest ERB's determination related to a contested citation may appeal the applicable determination to the Judiciary's Court of Appeals in accordance with the Rules of Appellate Procedure, provided that the appeal must be filed within thirty (30) days of the date of the Environmental Resource Board's determination.

38.7-3. *Appeals from the Environmental Resource Board Decision*. Any party of interest may appeal a decision of the Environmental Resource Board to the Tribe's judicial system.

End.

Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
Emergency Amended – BC 07-08-15-C

ONEIDA TRIBE OF INDIANS OF WISCONSIN



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



Page 91 of 112

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made possible.

ONEIDA FINANCE OFFICE
Office: (920) 869-4325 • Toll Free: 1-800-236-2214
FAX # (920) 869-4024

MEMORANDUM

DATE: December 28, 2015
FROM: Rae Skenandore, Project Manger
TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Financial Impact of Public Use of Tribal Land Law - Amendments**

I. Background

The purpose of the law is to prevent improper access, use and trespass on Tribal lands. It is further intended that this law protect and preserve the environment and natural resources including land, forests, wildlife, air and waters, through appropriate uses of land. A public hearing was held on December 6th of 2012. The Environmental Resource Board (ERB) created and adopted the Land Access Maps identifying land use. The law was approved on May 15, 2014. OBC Resolution 5-15-14D sets out a schedule of fines for violations. On July 8, 2015 ERB requested emergency amendments to resolve the issue of individuals camping and/or consuming alcohol at the Oneida Lake. As part of the process for permanent adoption of the amendments, a public meeting was held on October 29, 2015.

II. Executive Summary of Findings

The amendments expand the definitions section, permissible and/or prohibited uses, posting and notification, and hearing procedures. No start-up costs are needed to implement the amendments. No additional personnel are needed. The amendments have been implemented on an emergency basis since July or 2015.

III. Financial Impact

No fiscal impact.

III. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.



Legislative Operating Committee

January 6, 2016

Land Commission Bylaw Amendments

Submission Date: 10/7/15

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: David P. Jordan

Summary: *These requested amendments will remove the hearing authority from the Land Commission and transfer it to the Judiciary.*

10/7/15 LOC: Motion by David P. Jordan to add the Real Property Law Amendments, Probate Law, Mortgage Law, Landlord-Tenant Law and Land Commission Bylaws Amendments to the Active Files List with himself as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

12/16/15 LOC: Motion by David P. Jordan to accept the Land Commission Bylaws Amendments memorandum update and to defer this item back to the sponsor and to bring back when ready; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Defer the draft of the Land Commission Bylaw Amendments to the LRO for a legislative analysis.

Oneida Land Commission Bylaws

Article I. Authority

1-1. Name. The name of this entity ~~shall be~~ is the Oneida Land Commission, hereinafter referred to as the "Commission."

1-2. Authority. By the authority ~~of the~~ of the General Tribal Council, the Commission was established February 28, 1941 in section 3 of Ordinance No. 1, Lands. The Commission is ~~re-~~ further recognized ~~and created under~~ throughout the ~~Real Property Law, Article XVI. The Commission shall have the following powers and duties:~~

~~(a)~~ (a) The Commission has the following powers and duties:

(1) Set standards of professional competence and conduct for professions detailed in the Real Property Law, review the examination grades of prospective new practitioners, grant licenses, investigate complaints of alleged unprofessional conduct, and perform other functions as designated by the Real Property Law.

~~(b) Hear and decide contested cases that may arise out of the Real~~

~~Property Law. (c) 2) Implement and interpret provisions of the Real Property Law.~~

~~(d) 3) Supervise the actions of the Division of Land Management Director, consistently with the General Manager's supervisory authority, when the Tribe has General Manager applicable supervisory authority.~~

~~(e) 4) Accept, investigate, and report all transfers of Oneida land to the Oneida Business Committee.~~

~~(f) 5) Review, investigate, and approve the Tribal purchase of land, in accord with the annual acquisition budget approved by the General Tribal Council and implemented by the Business Committee, provided that the Commission shall work with the Finance Department to ensure the availability of funds.~~

~~(g) 6) Monitor and make decisions for the most efficient and beneficial use of the Land~~

~~Acquisition Budget and implementation of to best suit the Land Acquisition Plan Tribe's needs.~~

~~(h) 7) Develop and implement policies and procedures for the Commission and the Division of Land Management.~~

~~(i) 8) Develop and participate in training sessions relating to real property.~~

(b) The Commission shall operate in accordance with the Memorandum of Agreement between the Oneida Business Committee and the Commission.

1-3. Office. The official mailing address of the Commission ~~shall be:~~ is:

Oneida Land Commission

P.O. Box 365

Oneida, Wisconsin 54155

 -or-

Oneida Land Commission

c/o Division of Land Management

470 Airport Road

Oneida, Wisconsin 54155

1-4. Membership.

(a) ~~Number of Members. The Commission shall be comprised~~ is an elected body and consists of seven (7) members; each elected for a three (3) year ~~terms~~.

~~(1) term. Terms shall must be staggered, with expiring positions elected every year. The first elected Commissioners shall serve according to the following formula, and staggering of terms shall begin thereafter:~~

~~(A) The three (3) candidates receiving the three (3) highest number of votes shall serve an initial term of three (3) years.~~

~~(B) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of two (2) years.~~

~~(C) The two (2) candidates receiving the next two (2) highest number of votes shall serve an initial term of one (1) year.~~

~~(D) Commissioners elected from that point forward shall serve three (3) year terms.~~

(b) ~~Qualifications. To qualify for membership a person shall:~~

~~(1) must be a~~ an enrolled member of the Oneida Tribe;

~~(2) must be a resident of Brown or Outagamie~~ County/Counties; and

~~(3) may not be employed by the Division of Land Management.~~

~~(c) Stipends. A Commission member shall receive a stipend, as funds permit, in an amount specified under the Comprehensive Policy Governing Boards, Committees and Commissions, unless otherwise specified by a Tribal Resolution approved by the Business Committee. Stipends shall not be allowed for canceled meetings, or for meetings that~~

~~(1) do not address agenda items;~~

~~or~~

~~(2) do not last at least one (1) hour;~~

~~or~~

~~(3) do not have a quorum present.~~

~~(d) Vacancies. Vacancies shall must be filled pursuant to the following procedures found in these bylaws:~~

~~(1) For a vacancy having that results in a remaining term of less than one (1) year remaining, the Oneida Business Committee may appoint a qualified applicant to fill the vacancy for the remainder of the vacated term. If a quorum of the Commission cannot be met until the vacancy is filled, the Business Committee shall appoint a qualified applicant to fill the vacancy for the remainder of the term as soon as possible. In an attempt to find a qualified applicant to fill the position, the Business Committee shall advertise the vacancy in the Kalihwisaks and the Tribal Secretary shall accept applications. The Commission may recommend a candidate from the applications received.~~

~~(2) For a vacancy having that results in a remaining term of greater than one (1) year remaining, the vacancy~~

shall must be filled in the next regular or special election held by the Tribe.

(e) ~~The~~ (3) Any member wishing to resign from the Commission shall ~~only~~ accept a resignation in written form ~~do so in writing~~ and ~~the Commission~~ shall promptly forward ~~a copy to~~ notice of the ~~resignation to the~~ Tribal Secretary. Unless ~~otherwise~~ ~~specified~~ ~~in the~~ written resignation, resignations shall ~~be~~ are effective upon delivery to the Commission.

1-5. Stipends. Unless declined by a member, Commission members must receive a seventy-five dollar (\$75.00) stipend for attending each meeting which has established a quorum in accordance with these by-laws and lasts a minimum of one (1) hour, provided that members collecting stipends must be present for at least one (1) hour of the meeting.

(a) Stipends may not be paid for canceled meetings or for meetings that:

(1) do not address agenda items;

(2) do not last at least one (1) hour; and/or

(3) do not have a quorum present.

1-6. Trainings. Members shall complete the following trainings and or education requirements within a reasonable time of being sworn into their positions:

(a) Real Property Law training (pursuant to the Commission's standard operating procedure setting forth the training requirements and procedures);

(b) Review of Roberts Rules of Order and Tribal laws specifically applicable to the Commission as determined by the Commission, including, but not limited to, the Comprehensive Policy Governing Boards, Committees and Commissions, the Code of Ethics and the Conflict of Interest Policy with signature of acknowledgement.

(c) Confidentiality protocol training with signature of the confidentiality statement upon completion.

Article II. Officers

2-1. Commission Officers. The Commission ~~shall have~~ has three (3) officers: Chairperson, Vice-chairperson ~~and~~ Secretary.

2-2. ~~Chairperson Duties.~~ ~~The Chairperson shall preside over all meetings and may not vote except in cases of a tie.~~

2-3. ~~Vice-Chairperson Duties.~~ ~~The Vice-chairperson shall preside over all meetings in the absence of the Chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Vice-chairperson may vote.~~

2-4. ~~Secretary Duties.~~ ~~The Secretary shall keep the Commission's official minutes and meeting materials and shall preside over meetings in the absence of the Chairperson and the Vice-chairperson and, when presiding, may not vote except in cases of a tie. In all other instances, when not chairing a meeting, the Secretary may vote.~~ of the Commission.

2-5. ~~How Chosen.~~ The Commission shall select its officers at its first regular meeting after newly elected members are sworn in.

(a) ~~(a) Vacancy.~~ If a vacancy occurs in an officer position, the Commission shall ~~make select~~ a replacement ~~appointment from the Commission's existing members~~ at the first regular meeting following the vacancy, to serve the remainder of the vacated officer's term. The remaining vacancy must be filled in accordance with Article 1-4(c).

2-6. ~~Personnel.~~ The Oneida Land Commission does not have authority to hire personnel for the benefit of the ~~entity~~ Commission.

Article III. Meetings

3-1. ~~Meetings.~~ The Commission shall meet the second and fourth Monday of every month. ~~The time and place for meetings shall be established by the Commission~~ at Division of Land Management beginning at 5:00 P.M.

~~(a) Regular Meetings.~~ ~~The Commission shall hold a regular meeting on the second~~

(a) Monday of each month, devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues. The Commission shall provide public notice of regular meetings by posting the dates, time and location for all regular meetings once annually in the Tribe's newspaper and by submitting the same to the Intergovernmental Affairs and Communications Department to be included on the community calendar on the Tribe's website. Meeting materials, including documents, agenda and minutes will be provided to Members electronically no later than by the close of business on the Thursday immediately preceding a regularly scheduled meeting.

~~(b) Land Acquisition Meetings.~~ ~~The Commission shall hold a land acquisition meeting~~

on the fourth Monday of each month, devoted to the acquisition of land and consideration of purchase proposals and other comments and concerns pertaining to land issues. The Commission shall provide public notice of land acquisition meetings by posting the dates, time and location for all land acquisition meetings once annually in the Tribe's newspaper and by submitting the same to the Intergovernmental Affairs and Communications Department to be included on the community calendar on the Tribe's website.

~~(c) Special Meetings.~~ (c) Emergency Meetings. Emergency Meetings may be called by the Chairperson or four (4) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings. The Chairperson shall give 24 hour notice to all members and state a specific purpose. The Commission shall provide public notice of emergency meetings by submitting the date, time and location of the emergency meeting to the Intergovernmental Affairs and Communications Department to be included on the community calendar on the Tribe's website no later than twenty-four (24) hours prior to the time of the emergency meeting. Further, the Commission shall provide the Secretary's office with notice of the meeting and basis of the emergency.

(1) In order to justify holding an emergency meeting, the Commission must provide the reason for the emergency meeting and why the matter cannot wait for a regularly scheduled meeting, The emergency must be necessary to maintain order and/or protect public health and safety.

(d) Special Meetings. Special Meetings may be called by the Chairperson or four (4) Commissioners at any time. Such meetings shall be conducted in the same manner as regular scheduled meetings. The Chairperson shall give 24 hour notice to all members and state a specific purpose. The Commission shall provide public notice of special meetings by submitting the date, time and location of the special meeting to the Intergovernmental Affairs and Communications Department to be included on the community calendar on the Tribe's website no later than twenty-four (24) hours prior to the time of the special meeting.

~~(d) e~~ Presence of Division Director. The Director of the Division of Land Management, or a designated representative, is required to attend all ~~regular~~ regularly scheduled (including both Regular and Land Acquisition Meetings) and special and emergency

meetings ~~as requested by the Commission.~~

3-2. Conduct of Business.

~~(a) Quorum.~~ A quorum required for the conduct of business ~~shall consist~~ consists of four (4)

~~(a) members, including either at least one (1) of the Chairperson or the Vice Chairperson~~ Commission's officers.

~~(b) Order of Business.~~ The order of business, so far as applicable, ~~shall be:~~ is:

- ~~(1) Call to order~~
- ~~(2) Adoption of Agenda~~
- ~~(3) Reading of Minutes~~
- ~~(4) Old Business~~
- ~~(5) New Business~~
- ~~(6) Reports~~
- ~~(7) Other Business~~
- ~~(8) Executive Session~~
- ~~(9) Adjournment~~

~~(c) Voting.~~ Decisions ~~shall be~~ are by majority vote, with each member having one (1) vote

, except for the Chairperson or other presiding officer, who ~~shall~~ may not vote except to resolve a tie.

~~(1) No phone poll of Commission members shall~~ may be accepted as a vote of the Commission.

~~Commission.~~

~~(2) No proxy votes are allowed.~~

3-3. Subcommittees. ~~The Commission may appoint such continuing or limited purpose subcommittees as it deems necessary, which shall serve at the pleasure of the Commission.~~

~~3-4. Hearing Bodies. The Commission may appoint a body for arranging or conducting public hearings and/or contested case hearings (e.g. evictions, foreclosures, licensing decisions, probate).~~

~~3.5 Stipends and Hearing Bodies. Hearing body members are eligible to receive a stipend regardless of the length of the hearing.~~

Article IV. Reporting

4-1. Agenda. Agenda items shall be in an identified format.

~~(a) Items to be on the agenda shall~~ must be provided at least twenty-four (24) hours before the meeting.

~~(b) Items with less than twenty-four (24) hours of notice shall~~ may not be accepted, unless approved by a majority vote of the Commission.

~~(c) Packages of the proposed agenda and back up documentation will~~ must be made available to the Commissioners as early as is practical. Executive items ~~are to~~ must be in a separate sealed envelope stamped confidential ~~or if sent electronically must be sent in a separate e-mail with the subject line reading "Executive Session Materials - Confidential Information."~~

4-2. Minutes. Minutes ~~shall~~ must be preserved in a consistent typed format designed to generate

the most informative record of the Commission's meetings.

(a) ~~Meeting Materials.~~ Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all such materials are identified as to the meeting in which they were presented.

(b) ~~Where the interests of confidentiality so require (i.e., loans), personal names shall~~ must be replaced with a loan number, case number or other non-personally identifiable number.

(c) ~~All minutes shall~~ must be submitted to the Tribal Secretary's office within thirty (30) days after approval by the Commission.

4-3. ~~Reports.~~ The Commission is responsible to the General Tribal Council and the Business Committee for the following reports and activities:

~~(a) Providing semi-annual reports, based upon activities completed.~~

~~(b) Providing an annual meeting, projecting future purchases, plans and activities.~~

~~4-4. The Commission's quarterly~~ Commission shall report the Oneida Business Committee ~~shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in~~ member who is their designated liaison intermittently as the minutes.

~~Article V. Obligations of Committee Members~~

~~5-1. Robert's Rules of Order.~~ Commission members shall be knowledgeable or become knowledgeable about Robert's Rules of Order.

~~5-2. Code of Ethics.~~ Commission members shall be knowledgeable about, and conform with and the

~~Oneida Code of Ethics, adopted by Resolution 11-23-94 A, and~~ liaison agree to, but not less than as required in any amendments thereto.

~~policy on reporting developed by the~~ 5-3. Conflict of Interest. Commission members shall be knowledgeable about, and conform with Oneida Conflict of Interest policies.

~~5-4. Meeting Attendance.~~ Commission members shall attend all regularly scheduled Commission meetings unless they have submitted an excuse to a Commission officer or the Division Director at least 24 hours prior Business Committee or Oneida General Tribal Council. The Commission shall also make quarterly reports to the meeting.

~~5-5. Removal.~~ Commission members may be removed pursuant Oneida Business Committee and annual and semi-annual reports to the Oneida ~~Removal Law:~~

~~(a) Failure to attend four (4) regularly scheduled meetings without notice may be~~

~~grounds for removal from the Commission.~~

~~(b) Failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason.~~

(a) ~~(c) Intentional mis-use of General Tribal funds.~~ Council as described below:

(1) Quarterly Reporting: The Commission shall make quarterly reports to the Oneida Business Committee based on the reporting schedule created by the Secretary, approved by the Oneida Business Committee and posted on the Tribe's website. At a minimum, the quarterly reports must contain the following information:

(A) Names: Provide the name of the Commission, the Member submitting the report, and the Oneida Business Committee liaison, and a list of the Members and their titles, their term expiration dates and contact information.

(B) Minutes: Any required updates to meeting minutes previously submitted and approved by the Oneida Business Committee including any actions that have been taken and were not included in the meeting minutes previously approved by the Oneida Business Committee.

(C) Financial Reports: Include if specifically requested by the Oneida Business Committee.

(D) Special Events and Travel During the Reporting Period: Report any special events held during the reporting period and any travel by the Members. Travel reports must include the following:

(i) Which Member(s) traveled;

(ii) Where the Member(s) traveled to and the travel dates;

(iii) The purpose for the travel and a brief explanation of how the travel benefited the Tribe;

(iv) The cost of the travel and how the cost of the travel was covered by the Commission; and

(v) Whether the cost of travel was within the Commission's budget and, if not, an explanation as to why travel costs were incurred that exceeded the Commission's budget.

(E) Anticipated Travel for the Upcoming Reporting Period: Report any travel Members are anticipating in the upcoming reporting period. Future travel reports must include the following:

(i) Which Member(s) will to travel;

(ii) Where the Member(s) will to travel to and the anticipated travel dates;

(iii) The purpose for the travel and a brief explanation of how the travel will benefit the Tribe;

(iv) The cost of the travel and how the cost of the travel will be covered by the Commission; and

(v) Whether the cost of travel is within the Commission's budget and, if not, an explanation as to why the Commission anticipates incurring travel costs that exceeds its budget.

(F) Goals and Accomplishments: Provide the Commission's annual goals established in its annual report and how the Commission has worked towards

achieving such goals during the reporting period.

(G) Meetings: Indicate when and how often the Commission is meeting and whether any emergency and/or special meetings have been held. If emergency and/or special meetings have been held, indicate the basis of the emergency or the reason for the special meeting and topic of the meeting.

(H) Follow-up: Report on any actions taken in response to Oneida Business Committee Oneida Business Committee and/or General Tribal Council directives, if any.

(2) Annual Reporting: The Commission shall make annual reports to the Oneida General Tribal Council based on their activities during the previous fiscal year using the format proscribed by the Secretary. At a minimum, the annual reports must contain the following information:

(A) Names: Provide the name and purpose of the Commission, a list of the Members and their titles and the contact person for the Commission and their contact information including phone number, mailing address, email address, and the Commission's website.

(B) Meetings: Provide when meetings held, where they are held, at what time they are held and whether they are open or closed.

(C) Stipends: Provide the amount of the stipend that is paid per meeting.

(D) Budget: Provide the Commission's original budget for the previous fiscal year, what the actual budget expensed was at the close of the fiscal year, and, if not within the Commission's original budget, an explanation for why the budget was exceeded.

(E) Goals and Accomplishments: Provide up to three (3) accomplishments the Commission achieved in the previous fiscal year and how each accomplishment impacted the Oneida community. Also, provide three (3) strategic goals the Commission will pursue in the new fiscal year.

(F) Logo and Images: Provide the Commission's logo that may be included in the report and any other pictures or images that the Commission would like to be considered by Secretary for inclusion in the report.

(3) Semi-Annual Reporting: The Commission shall make semi-annual reports to the Oneida General Tribal Council based on their activities during the current fiscal year using the format proscribed by the Secretary. At a minimum, the annual reports must contain the following information:

(A) Names: Provide the name of the Commission and, if there have been any changes since the annual report, provide an update of the following information:

(i) the purpose of the Commission;

(ii) a list of the Commission's Members and their titles;

(iii) the contact person for the Commission and their contact information including phone number, mailing address, email address, and the Commission's website.

(B) Meetings: If there have been any changes since the annual report, provide an update of when meetings held, where they are held, at what time they are

held and whether they are open or closed.

(C) Stipends: If there have been any changes since the annual report, provide an update of the amount of the stipend that is paid per meeting.

(D) Goals and Accomplishments: Provide an update on the three (3) strategic goals the Commission named in its annual report.

(E) Logo and Images: Provide any pictures or images that the Commission would like to be considered by Secretary for inclusion in the report and, if the Commission's logo has changed since the annual report, provide the new logo that may be included in the report.

Article V. Amendments

~~(d) Alcohol use while performing official responsibilities or use of illegal drugs at any time.~~

Article VI. Procedures on Contested Matters

~~6-1. Grievances regarding any land-related transaction shall be resolved in accordance with the Real Property Law and the Administrative Procedures Act.~~

~~(a) Wherever possible and allowed by law, the Director of the Division of Land Management shall first attempt to resolve the matter before submitting the issue to the Commission.~~

~~(b) Upon receipt of notice of a contested matter by the Director of the Division of Land Management, or a special committee thereof, the Commission shall hold or provide for the holding of a hearing in accordance with the Administrative Procedures Act for all cases within its jurisdiction.~~

Article VII. Amendments

~~75-1.~~ The Commission, upon written notice, at a regular meeting may adopt amendments revising, adding -to -or- repealing -any -or -all -of -the- foregoing ~~bylaws,~~ by-laws, provided ~~that the~~ proposed amendments have been submitted in writing at the previous regular meeting. Such amendments shall thereafter be submitted for review by the Legislative Operating Committee and final approval by the Business Committee.

~~75-2. -Updating -and -Review. —At -the -first -meeting -following -the -election -of -officers, -the~~ Commission shall conduct a review of these ~~bylaws~~ by-laws to determine whether any revisions are necessary.

Article VI. Obligations of Committee Members

5-1. Robert's Rules of Order. Commission members shall be or become knowledgeable about Roberts Rules of Order.

5-2. Code of Ethics. Commission members shall be knowledgeable as to, and conform with, the Oneida Code of Ethics, adopted by Resolution 11-23-94-A, and any amendments made thereto.

5-3. ~~that~~ Conflict of Interest. Commission members shall be knowledgeable as to, and conform with, the Oneida Conflict of Interest Policy and the Comprehensive Policy Governing Boards, Committees and Commissions.

5-4. Meeting Attendance. Commission members shall attend all regularly scheduled Commission

meetings unless they have submitted an excuse to a Commission officer or the Division Director prior to the meeting and are expected to remain ~~current~~ in attendance at the meeting until it is adjourned unless they have provided advance notice of a need to leave early to a Commission officer or the Division Director.

5-5. Removal. Commission members may be removed pursuant to the Removal Law.

Article VII. Procedures on Contested Matters

6-1.

Grievances regarding any land-related transaction shall be submitted to Judiciary to be resolved in accordance with the applicable governing law and any relevant governing documents.

These bylaws as amended and revised, were adopted by the Oneida Land Commission at a duly called meeting held on the ~~14th~~ day of ~~(AUG)~~, 2008, 2016.

2 ~~7~~

~~elia~~

Amelia Cornelius, Oneida Land Commission, Chairperson

And approved by the Oneida Business Committee at a duly called meeting held on the ~~10th~~ day of ~~Dec.e\~~, 1, 2008, 2016.

~~Patricia Hoeft, Tri a Se re ary~~ Lisa Summers, Tribal Secretary

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 12/15/15
- 2) Contact Person(s): Nancy Barton Dept: _____
Phone Number: 530-7371 Email: _____
- 3) Agenda Title: Oneida Trust/Enrollment Bylaws
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Article 1. Authority E.1 Subcommittees

"Upon dissolution the respective assistants are responsible for materials to be filed or destroyed. Amend make revisions."

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

- 1) Trust Enrollment bylaws
 - 2) _____
 - 3) _____
 - 4) _____
- 5) Please List any laws, ordinances or resolution that might be affected:

- 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: Nancy Barton

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

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 1/6/2015
- 2) Contact Person(s): Brandon Stevens Dept: LOC
Phone Number: 920-869-4378 Email: bstevens@oneidanation.org
- 3) Agenda Title: Eviction Law
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
We need to develop an Eviction Law separate from the Leasing Law, Landlord-Tenant
Law so that it can apply to all leases covered in both the Leasing Law and the Landlord-
Tenant Law.

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

- | | |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please List any laws, ordinances or resolution that might be affected:

- 6) Please List all other departments or person(s) you have brought your concern to:
Land Commission, Division of Land Management, and the Law Office

- 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 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 *BS*
Date: January 13, 2016
Re: Oneida Code of Laws Reorganization

As the Oneida Tribe continues to amend and develop new legislation through the Legislative Operating Committee it has become clear that the current organization of our code of laws is not sustainable moving forward. For example, under our current organization, we have the capacity to develop a maximum of 2 more environmental related laws, 3-4 more vehicle related laws, 0 additional property related laws, 3-4 more familial related laws, a maximum of 3 more business related laws.

Based on an LOC work meeting held on December 28, 2015, the LOC proposes a reorganization of the Tribe's legislative code. The reorganization will contain formatting revisions only and will not amend the content of any existing legislation and therefore is not subject to the requirements of the Legislative Procedures Act. However, because certain sections of the current code have been reserved by Oneida Business Committee resolution, for example Resolution BC-05-11-11-B which reserves the 400-499 for education related legislation, a Business Committee resolution is required to proceed with the reorganization.

Moving forward, we propose organizing our laws into general categories called Titles that group related laws. Each Title will contain individual laws related to similar subject matter; the individual laws will be called Chapters. Laws will continue to be organized in Sections accordance with Section 16.11-2 of the Legislative Procedures Act.

For example, under the new organizational system the Property section of our current code would be reorganized as follows:

Title X: Property

- Chapter 100: Real Property
- Chapter 101: Building Code of the Oneida Reservation
- Chapter 102: Condominium Ordinance
- Chapter 103: Zoning and Shoreland Protection Ordinance
- Chapter 104: Leasing

As an example, the first Section of the Real Property Law titled "Purpose and Policy" would be cited as X O.C. 100 §100-1. The "X" represents the Title number; "O.C." stands for Oneida Code; the "100" represents the Chapter number; and the "§100-1" represents the Section number.

This reorganization requires a review of all existing laws for the purpose of updating all references to current laws' sections, which will be renumbered based on the new organizational system. The attached

resolution directs the LOC to begin reorganizing the code of laws and to bring the Titles forward one at a time as they are ready to be adopted by the Oneida Business Committee. Because not all of the Titles will be ready at the same time, the resolution also requires each Title to be brought forward with a conversion table to be used as a tool when referencing laws that have not yet been reorganized. The conversion table will list all sections contained in the law as previously organized and the renumbering of each section as reorganized under this new system.

Again, this reorganization of the Oneida Code of Laws will contain formatting revisions only and will not amend the content of any existing legislation. In addition to allowing for the continued and organized development of new Tribal laws, the new system will also be more user friendly as our laws will now be grouped based on subject matter. The main page of the register will contain a table of contents that shows all Title and Chapters within the code so that direct links to each law remain on the main page of the register.

Request Action: Approve the attached BC Resolution which authorizes and directs the LOC to reorganized the Tribe's Code of Laws as described in this memo.

BC Resolution _____
Oneida Code of Laws Reorganization

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

WHEREAS, the Oneida General Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution; and

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

WHEREAS, the current organization of the Oneida Code of Laws is not sustainable moving forward because there are not adequate chapters reserved to continue developing laws in certain topic groups such as environmental related laws, familial related laws, property related laws and business related laws; and

WHEREAS, moving forward the Legislative Operating Committee (LOC) shall begin a reorganization of the Oneida Code of Laws; and

WHEREAS, under the new organization structure laws will be organized into general categories called Titles that group laws with similar subject matter, the individual laws will be called Chapters and individual laws will continue to be organized into Sections in accordance with Section 16.11-2 of the Legislative Procedures Act; and

WHEREAS, the LOC, via the Legislative Reference Office (LRO), shall conduct a review of all existing laws for the purpose of updating all references to current laws' sections, which will be renumbered based on the new organizational structure; and

WHEREAS, as each Title is prepared, the LOC shall bring them one-by-one to the Oneida Business Committee for approval and adoption; and

WHEREAS, because not all of the Titles will be adopted at the same time, each Title must be brought forward with a conversion table, which will list all sections contained in the law as it was previously organized and the renumbering of each section as reorganized under the new structure, to be used as a tool when referencing laws that have not yet been reorganized; and

WHEREAS, as the new Titles are adopted, the LOC, via the LRO, shall include them on the Oneida Register in the format of a table of contents that shows all Titles and Chapters within the code with links to each law remaining on the main page of the Oneida Register; and

37 **WHEREAS,** this reorganization will contain formatting revisions only and will not amend the
38 content of any existing legislation and accordingly is not subject to the
39 requirements of the Legislative Procedures Act; and

40 **WHEREAS,** this Resolution repeals any portions of prior resolutions that conflict with this
41 reorganizational structure; and

42 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby
43 directs the LOC to begin a reorganization of the Oneida Code of Laws in accordance with this
44 Resolution.

45

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

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Statement of Effect

Resolution: Oneida Code of Laws Reorganization

Summary

This Resolution directs the Legislative Operating Committee (LOC) to begin a reorganization of the Oneida Code of Laws because there are not adequate chapters reserved to continue developing laws in certain topic groups. The new reorganizational structure will organize the laws into general categories called Titles that group laws with similar subject matter, the individual laws will be called Chapters and individual laws will continue to be organized into Sections in accordance with Section 16.11-2 of the Legislative Procedures Act.

Submitted by Krystal L. John, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

This Resolution will require each of the Tribe's laws to be re-numbered according to the new organizational structure. Under the new organization structure, laws will be organized into general categories called Titles that group laws with similar subject matter, the individual laws will be called Chapters and individual laws will continue to be organized into Sections in accordance with Section 16.11-2 of the Legislative Procedures Act (LPA).

Because many laws reference specific sections of laws, the Resolution directs the LOC, via the Legislative Reference Office (LRO), to conduct a review of all existing laws for the purpose of updating all references to current laws' sections, which will be renumbered based on the new organizational structure.

Until all of the laws are reorganized, the references in laws to specific sections of the law may not be accurate, however the resolution requires that each Title must be brought forward with a conversion table, which will list all sections contained in the law as it was previously organized and the renumbering of each section as reorganized under the new structure, to be used as a tool when referencing laws that have not yet been reorganized.

As the new Titles are adopted, the LOC, via the LRO, shall include them on the Oneida Register in the format of a table of contents that shows all Titles and Chapters within the code with links to each law remaining on the main page of the Oneida Register. This aligns with the LOC responsibilities for maintaining the Oneida Register as required by the LPA.

This reorganization will contain formatting revisions only and will not amend the content of any existing legislation and accordingly the format changes to the laws are not subject to the requirements of the Legislative Procedures Act.

Finally, the Resolution repeals any portions of prior resolutions that conflict with this reorganizational structure, so previous Business Committee resolution that set aside certain chapter of the code to be reserved for the development of a grouping of law will no longer be in effect.

Conclusion

Adoption of this Resolution would not conflict with Tribal law.

January 2016

January 2016							February 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	1	2	7	1	2	3	4	5	6
10	11	12	13	14	8	9	14	8	9	10	11	12	13
17	18	19	20	21	15	16	21	15	16	17	18	19	20
24	25	26	27	28	22	23	28	22	23	24	25	26	27
31					29	30		29					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
12/27 - 1/1	Dec 27	28	29	30	31	Jan 1, 16	2
						New Years Holiday	
1/3 - 8	3	4	5	6	7	8	9
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
1/10 - 15	10	11	12	13	14	15	16
				BC Meeting (BCCR)			
1/17 - 22	17	18	19	20	21	22	23
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
1/24 - 29	24	25	26	27	28	29	30
				BC Meeting (BCCR)			
1/31 - 2/5	31	Feb 1	2	3	4	5	6

February 2016

February 2016							March 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	6	7	1	2	3	4	5
14	8	9	10	11	12	13	13	14	8	9	10	11	12
21	15	16	17	18	19	20	20	21	15	16	17	18	19
28	22	23	24	25	26	27	27	28	22	23	24	25	26
	29								29	30	31		

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jan 31 - Feb 6	Jan 31	Feb 1	2	3	4	5	6
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Feb 7 - 13	7	8	9	10	11	12	13
				BC Meeting (BCCR)			
Feb 14 - 20	14	15	16	17	18	19	20
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Feb 21 - 27	21	22	23	24	25	26	27
				BC Meeting (BCCR)			
Feb 28 - Mar 5	28	29	Mar 1	2	3	4	5