

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

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Memorandum

TO: Legislative Operating Committee (LOC)
FROM: Krystal L. John, Staff Attorney
DATE: February 3, 2016
RE: Comprehensive Policy Governing Boards, Committees and Commissions: Public Meeting Comment Review

On January 7, 2016, a public meeting was held regarding amendments to the Comprehensive Policy Governing Boards, Committees and Commissions that:

- Addresses what happens when the OBC rejects a person selected by the Tribal Chair for appointment to a Tribal board, committee or commission (hereinafter: entity).
- Clarifies that a member's status as an elected or appointed official is based on the status of the entity, regardless of whether the member is appointed or elected.
- Adds new provisions that enable entities to make recommendations to the Chair regarding appointments to their entity, and that also enable appointed entities to seek termination of appointment for one its members for specific misconduct.
- Updates the requirements for what notice must be provided to applicants seeking appointment or election.
- Changes the requirements for how the Secretary must post notice of vacancies.
- Changes the requirements for what an entity's bylaws must contain, including the addition of detailed reporting requirements.

This memorandum is submitted as a review of the oral comments received during the public meeting process and the written comments received within the public comment period. The public meeting draft with oral and written comments is attached for your review.

Comment 1. Purpose and Policy

1-1. It is the purpose of this Policy to govern the standard procedures regarding the appointment and election of persons to boards, committees and commissions, creation of by-laws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

Lisa Summers: *written* - I agree with the clarification that this policy applies to both appointed and elected boards, committees, and commissions.

No Response

Comment 2. A Conflict Between this Policy and another Law or Policy

2-4. In the event of a conflict between a provision of this Policy and a provision of another law or policy, this Policy controls, provided that the requirements of the Oneida Nation Gaming Ordinance supersede the provisions of this Policy in regards to the Oneida Gaming Commission.

Lisa Summers: *written* - With the deletion of 2-4. of the current law, how will this policy address the stipend inconsistencies? 2-4.

Response

Based on the information submitted by Tribal Boards, Committees and Commissions for their annual reports, all stipends are currently compliant with the requirements of this Policy. No changes were made to the stipends requirements in these amendments. For that reason, the language that was previously included in article 2-4, “Provided that meeting stipends for elected members of a board, committee or commission that are in effect on [adoption date of the amendments] shall remain unaffected, but prior exceptions to this policy for appointed entities shall be repealed to extent that meeting stipends are inconsistent with this policy” is no longer necessary.

I do want to point out that the information provided by the Child Protective Board for the annual reports indicates a stipend of \$50.00, which complies with this Policy, but its bylaws provide a stipend of \$75.00, which does not comply. Even with the potential conflict with the Child Protective Board’s bylaws, such information would not be necessary. Rather the Child Protective Board’s bylaws should be updated to comply with this Policy, which will be required to implement the amendments regardless.

Comment 3. Add a Word to Definition of Application

a. “Application” means the form by which a person seeks to be appointed to a Vacancy or considered as a candidate for an election.

Lisa Summers: *written* - Insert “fill”

Response

The sentence is grammatically either way, but we could certainly add the word fill if it would please the Secretary and the LOC.

Comment 4. Training v. Conference

d. “Conference” means any training, seminar, meeting, or other assembly of persons which is not an assembly of the Entity.

Lisa Summers: *written* - I suggest adding the definition of “Training” instead of expanding the conference definition. Trainings may be mandatory and should be considered separately from seminars, meetings, etc.

Response

Trainings may also be mandatory for a board, committee or commission, but trainings are generally of a different nature than the standard definition of a conference. The word training may not need to be defined, but could be mentioned separately when conferences are mentioned because I doubt we would be deviating from the ordinary and everyday use of the word training.

Comment 5. Immediate Family Definition

f. “Immediate Family” means the husband, wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law.

Lisa Summers: *written* - I agree with deletion of “second cousin” that was included in previous draft. There should be a consistent definition of “Immediate Family” in all laws & policies.

Response

This is the definition of “immediate family” that we have been using in all laws other than those related to the Oneida Judiciary.

Comment 6. Including Date of Birth to the Application Form

- 4-2. Application forms must contain:
- a. questions designed to obtain the applicant’s

Lisa Summers: *written* - Date of Birth should also be added. Some boards, committees, and commissions, such as ONCOA, have an age requirement that needs to be verified. In addition, if an applicant provides the incorrect enrollment number, the date of birth may be utilized to verify enrollment with the Enrollment Department.

Response

There are no legal or legislative bars to including this recommendation and no reason it could not be included.

Comment 7. Application Form Address Requirements

- 4-2. Application forms must contain:
- b. questions designed to obtain the applicant’s
 - 2. address;

Lisa Summers: *written* - “mailing address” and “physical or street address” should also be included. Applicants may provide a physical or street address at which they do not receive mail. In addition, some boards, committees, and commissions, such as the Trust/Enrollment Committee, have a residency requirement that needs to be verified.

Response

There are no legal or legislative bars to including this recommendation and no reason it could not

be included.

Comment 8. Election Board Verification of Candidates

4-4. The Election Board shall verify all Applications for elected positions in accordance with the Oneida Election Law to ensure the eligibility and qualification requirements are met. The Secretary shall verify all Applications for appointed positions **as needed or as required by the Entity's by-laws** to ensure the eligibility and qualification requirements are met.

Lisa Summers: *written* - This same statement should be included for the Election Board as well, to ensure they are working from the by-laws and from no other source of information, such as the website, which may have errors.

Response

I agree that the same reference to “as needed or as required by the Entity’s by-laws” should be included in the first sentence regarding the Election Board’s verification of candidates. I recommend revising this Article to read:

4-4. The Election Board shall verify all Applications for elected positions in accordance with the Oneida Election Law to ensure the eligibility and qualification requirements are met **as identified in the Entity’s by-laws**. The Secretary shall verify all Applications for appointed positions ~~as needed or as required by the Entity’s by-laws~~ to ensure the eligibility and qualification requirements ~~are met~~ **as identified in the Entity’s by-laws** ~~are met~~.

Comment 9. Election Board’s Responsibility after Completion of the Application Deadline

4-5. **At the completion of the posted deadline for filing Applications**, the Election Board shall provide notice to all persons who have filed an Application for an elected position and the Secretary shall provide notice to all persons who have filed an Application for an appointed position.

Lisa Summers: *written* - Does this include the extra five (5) days for postmarked applications referenced in section 4-3.? I think this needs to be clear.

Response

Yes the intent is for this to include the extra five (5) days for postmarked applications reference in section 4-3, but I agree that it is not clear. I recommend revising the sentence as follows:

4-5. **After five (5) business days have passed since the posted deadline** ~~At the completion of the posted deadline~~ for filing Applications, the Election Board shall provide notice to all persons who have filed an Application for an elected position and the Secretary shall provide notice to all persons who have filed an Application for an appointed position.

Comment 10. Tax Form Notice for Applicants

4-5(a)(5) "... You will receive an IRS Form 1099 which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

Lisa Summers: *written* - The tax form is 1099-MISC. If this form changes, this law would need to be updated. Suggest the following change to this sentence "You will receive the applicable IRS tax form..."

Response

I agree; "an IRS Form 1099" should be replaced with "the applicable tax forms."

Comments 11 and 12. Insufficient Applicants for Appointed Positions

4-6. In the event that there are insufficient applicants after the deadline date has passed for appointed positions, the Chairperson shall elect to either:

- a. Allow late Applications to be included within the applicant pool, or
- b. Repost the Vacancy for an additional time period. In the event of reposting, prior applicants will be considered to have filed Applications within the deadline period.

Comment 11: Lisa Summers: *written* - Because this is discretionary, I believe it should be the entire Business Committee's responsibility to make the decision. There is no point in requiring the Secretary to enforce a deadline if that enforcement can be undone; this discretion could cause unnecessary conflict. The other option to address my concern would be to disallow late applications.

Lastly, at this point, how is the Chair in possession of the applications in order to make this determination? There is no indication the Chair's office is notified of insufficient applicants. Another option would be for the Secretary, who is in possession of the applications in the previous section to place this on the next Business Committee meeting for consideration to allow late applications or repost.

Comment 12: Lisa Summers: *written* - If the Chair elects to repost the vacancy, how will this reposting occur? Will the request go to the Business Committee for acceptance? How will the reposting happen? I don't believe it is clear.

Response

I would recommend revising this article to allow the Secretary to automatically repost in the event there are insufficient applicants with notice to the Oneida Business Committee. This way any late applicants could reapply in the second posting while maintaining the integrity of the application deadlines. I recommend it to read:

4-6. In the event that there are insufficient applicants after the deadline date has passed for appointed positions in accordance with Article 4-3, the Secretary shall repost the Vacancy for an additional timeframe equal to the initial posting and shall provide notice of the reposting to the

Oneida Business Committee at the first available Oneida Business Committee meeting following the initial deadline for accepting Applications., ~~the Chairperson shall elect to either:~~

~~a. Allow late Applications to be included within the applicant pool, or~~

~~b. Repost the Vacancy for an additional time period.~~ In the event of reposting, prior applicants will be considered to have filed Applications within the deadline period.

Comment 13. Automatic Reposting for a Clerical Error

5-6 In the event that there is an administrative/clerical error in the Secretary's posted notice of Vacancy, the Secretary may correct such error by reposting the notice of Vacancy as soon as practicable after noticing such error. Under these limited circumstances, the Secretary does not require permission from the Oneida Business Committee to repost notice of the Vacancy. In the event of reposting, prior applicants will be considered to have filed Applications within the deadline period.

Lisa Summers: *written* - A requirement that notice be provided to the Business Committee no later than the next meeting should be included.

Response

If the LOC agrees with this comment, I would recommend revising as follows:

...Under these limited circumstances, the Secretary does not require permission from the Oneida Business Committee to repost notice of the Vacancy, provided that the Secretary shall provide notice of the reposting to the Oneida Business Committee at the first available Oneida Business Committee meeting following notice of the error requiring the reposting. ...

Comment 14. Appointment in General

Lisa Summers: *written* - I believe appoints should be made at the by end of the first quarter of each BC term. All appointed terms would be every 3 years and truly serve at that BC's discretion. If this were approved, the other comments made may not apply. I can provide a transition plan for this to become effective with the next BC.

Response

This is a policy determination for the LOC. There are no legislative or legal bars to implementing the Secretary's recommendation.

Comment 15. Interim Appointments

6-1. All appointments must be made by the Oneida Business Committee at regular or special Oneida Business Committee meetings, provided that, no applicant may be appointed who fails to meet the requirements set out in the Entity's by-laws.

Lisa Summers: *written* - Do interim appointments need to meet all of the requirements as well? This question has come up in the past.

Response

Do interim appointments not apply? So long as interim appointments are applicants, interim appointments would be required to meet the requirements set out in the Entity's by-laws because it states, "no applicant may be appointed who fails to meet the requirements set out in the Entity's by-laws."

Comment 16. Membership Determined by Entity Identification as Appointed or Elected in By-Laws

6-1(a) Notwithstanding the initial determination of membership to an Entity, the Member's status as appointed or elected is based entirely on the Entity's classification as an appointed or elected Entity pursuant to the Entity's by-laws.

Lisa Summers: *written* - I understand the intent of this section, but it may need to be moved to a different section of Policy and not under "Appointed Entities".

Response

If the LOC agrees that this provision is awkwardly placed, I would recommend moving it to Article 5-1 and removing it from 6-1(a) and 7-1(a).

Comment 17. Providing Applicants for Appointment to the Chairperson

6-2(a) Within five (5) business days after the application deadline and notice has been provided pursuant to Article 4-5, the Secretary shall deliver to the Chairperson all eligible Applications, as verified by the Secretary, along with a summary of qualifications to hold office.

Lisa Summers: *written* - I don't think this timeline fits section 4-3. which allows applications that are postmarked by the deadline, and received within five (5) business days to be considered. Time is needed for the Secretary to verify eligibility in accordance with section 4.4.

Response

I believe my recommended revisions to Article 4-5 in comment 9 address the Secretary's concern, unless she does not believe five (5) business days after providing notice under Article 4-5 is adequate time. If that is the case, I would recommend seeking the Secretary's input as to what timeframe would be more appropriate.

Comment 18. Chairperson's Timeframe for Selecting an Appointee

6-2(b) When selecting an applicant(s) for appointment, the Chairperson may consider the Entity's recommendations, if such recommendations are provided. Within a reasonable time, the Chairperson shall either:

Lisa Summers: *written* - Due to the inclusion of a designee in the definition of Chairperson, I suggest adding a timeframe e.g. "within 30 days" or something to that effect.

Response

This is a policy consideration for the LOC. The Secretary's suggestion has no legislative or legal impact.

Comment 19. Ability of the Chairperson to Request Reposting of a Vacancy

6-2.b. When selecting an applicant(s) for appointment, the Chairperson may consider the Entity's recommendations, if such recommendations are provided. Within a reasonable time, the Chairperson shall either:

1. choose an applicant(s) for appointment, or
2. ask the Secretary to repost the notice of Vacancy because of an ineligible, unqualified, or under qualified applicant pool.

Lisa Summers: *written* - As with 4-6.b., if the Chair elects to repost the vacancy, how will this posting occur? Does the request go to the Business Committee for acceptance?

Response

If the LOC accepts my recommendation made in response to Comments 11 and 12, the reposting would be done automatically by the Secretary in the event that there were ineligible, unqualified or under qualified applicant pools. The Chairperson should not even receive applicants that applied and were either ineligible for unqualified. Accordingly, if that recommendation is accepted, I would recommend revising this Article to read:

6-2.b. When selecting an applicant(s) for appointment, the Chairperson may consider the Entity's recommendations, if such recommendations are provided. ~~Within a reasonable time,~~ The Chairperson shall either:

- ~~1. choose~~select an applicant(s) for appointment, ~~or~~
- ~~2. ask the Secretary to repost the notice of Vacancy because of an ineligible, unqualified, or under qualified applicant pool~~ within a reasonable time from receiving the eligible and qualified applicants from the Secretary.

Comments 20, 21 and 22. Article Ordering

6-3. All appointments are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the Entity vest upon taking the oath. The Secretary shall notify the chosen persons when they should appear for taking the oath.

- a. The Secretary shall maintain originals of the signed oath.
- b. The Secretary shall forward copies of the oath to the new Member and the Entity.
- c. Wording of oaths must be approved by the Oneida Business Committee and kept on file by the Secretary.

1. The following oath is the standard oath to be used unless a specific oath for the Entity is pre-approved by the Oneida Business Committee:

I, (name), do hereby promise to uphold the laws and regulations of the Oneida Tribe, the General Tribal Council, and the Tribe's Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people

with honor, respect, dignity, and sincerity and with the strictest confidentiality.

I will carry out the duties and responsibilities as a member of the (Entity name), and shall make all recommendations in the best interest of the Oneida Tribe as a whole.

- d. Revisions of oaths must be approved by the Oneida Business Committee prior to usage.
- e. All oaths must be sufficient to make the appointee aware of his or her duty to the Tribe as a Member of the Entity.

6-4. The Chairperson shall forward a list of all applicants to the Secretary and the final decision regarding the selection after the procedures in Article 6-2 are completed. The Secretary shall then notify all applicants of the final status of their Application. Notices to those selected for appointment must include the following:

“The Oneida Tribe reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive an IRS Form 1099 which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”

Comment 21: Lisa Summers: *written* - This section should be moved between 6-2. and 6-4. Include requirement to notify the chosen persons when they should appear for taking the oath.

Comment 20: Lisa Summers: *written* - Delete this line, if comment #21 regarding the reordering of sections 6-3. and 6-4. is accepted.

Comment 22: Lisa Summers: *written* - As with section 4-5.a.5., the tax form is 1099-MISC. If this form changes, this law would need to be updated. Suggest the following change to this sentence “You will receive the applicable IRS tax form...”

Response

I agree with the Secretary and recommend revising Articles 6-3 and 6-4 to read:

6-3. The Chairperson shall forward a list of all applicants to the Secretary and the final decision regarding the selection after the procedures in Article 6-2 are completed. The Secretary shall then notify all applicants of the final status of their Application. Notices to those selected for appointment must notify the appointee when they are required to appear for taking the oath and must include the following:

“The Oneida Tribe reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive ~~an IRS Form 1099~~the applicable tax form which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income.”

6-4. All appointments are official upon taking an oath at a regular or special Oneida Business Committee meeting and all rights and delegated authorities of membership in the Entity vest upon taking the oath. ...~~The Secretary shall notify the chosen persons when they should appear for taking the oath.~~

Comment 23. Termination of Appointed v. Removal of Elected

6-5.a. An Appointed Entity may bring a request for termination of a Member to the Oneida Business Committee by asserting that there is cause for termination based on one (1) or more of the following:

1. Failure to meet and maintain the requisite qualifications as identified in the Entity's bylaws.
2. Breach of confidentiality.
3. Accumulation of three (3) or more unexcused absences from required meetings or other Entity responsibilities in the Member's term, where an absence is unexcused if the appointed Member fails to provide twenty-four (24) hours of notice of an anticipated absence.
4. Accumulation of four (4) or more consecutive absences from required meetings or other Entity responsibilities in the Member's term, whether excused or unexcused.
5. Any other cause for termination established in the Entity's by-laws.
6. Violations of Tribal law.
7. Conducting him or herself in a manner that is detrimental to the Entity's reputation or that inhibits the Entity's ability to fulfill its responsibilities.

Matt Denny: For Boards, Committees and Commissions role in terminating appointed positions, my question would be, for the elected positions, specifically the Gaming Commission, we just had an incident that happened with an elected official, and here you allow something for the appointed position to be terminated, can the elected positions be terminated as well?

Brandon Stevens: I think so, yea, where we're going in the direction is having the misconduct kind of written out to say that these are some of the things that are not discretionary. So let's say you become ineligible based on the requirements of having the position, those are easier to say there is no discretion involved and that can follow a process. So, yea, that's the direction we are going in.

Matt Denny: I'm just saying this says just for appointed, does it also include the elected? I am looking at line 40 on page 2. Is this going to cover elected officials then?

Krystal John: Elected officials are subject to the Removal Law.

Matt Denny: So this doesn't cover elected officials then?

Krystal John: It covers elected officials.

Brandon Stevens: But the removal, you are talking more so the removal part of that. Let's say elected official...

Matt Denny: You're allowing an appointed person to be terminated from a Board, Committee or Commission...

Krystal John: I'm sorry, I am nervous I am not picking up his comments for transcription, if you want to sit here please.

Matt Denny: On page 2 there, of what I just read, on line number 40, it talks about an appointed entity seeking termination, but the Gaming Commission is not an appointed entity, it is an elected entity, does something in this document cover that elected official ... from not being eligible...

Krystal John: Being removed?

Matt Denny: No, not necessarily removed. Here you are talking about if you fail to meet and retain the requisite qualifications per the entity's bylaws, that has to deal with an appointed entity, but I am asking does this also cover, the appointed or the elected entities?

Brandon Stevens: So it would not, so you're asking, or your suggestion is that there should be a provision that that would allow the termination or removal of an elected official based on the requirements not being adhered to at any given time in their their or their election or...

Matt Denny: Yea I think it should be considered anyway, I don't know the elected law by heart or anything.

Brandon Stevens: Okay.

Matt Denny: When an elected official becomes ineligible, and the Gaming Commission has specific eligibility requirements, there is nothing, besides the Removal Law, that addressed what can happen.

Brandon Stevens: Yea.

Matt Denny: But in this document you have it for the appointed positions and I just want to know, can it be in there for an elected position, maybe make it specific to the Gaming Commission only, not to put the BC in the same position, because we are kind of similar. But, I would like to see something to cover the Gaming Commission I guess is what I'm saying.

Brandon Stevens: Okay, yes, we will take that as a comment and we will look to see how we can process that because I understand.

Matt Denny: Yea because it just says appointed here, and I don't want it to be just, because it doesn't fall underneath us, I want something for us.

Brandon Stevens: Yea, it's the same thing with the Business Committee, so if we have to be required to live within the boundaries or Outagamie or Brown County. So say if I move to Florida, what happens if I say, "No, I'm not going to resign"?

Matt Denny: And that's the only question I had was that.

Brandon Stevens: Okay.

Matt Denny: It's for appointment and nothing and for elected, I know there is a difference, but I just wanted to see if that could be covered.

Brandon Stevens: Okay, alright, thank you. So if there is no other comments on that, we will move to the Administrative Rulemaking.

Response

The Comprehensive Policy Governing Boards, Committees and Commissions defers to the Removal Law in regards to removing an elected member and does not contain a similar provision to that cited by the commenter which allows for termination of an appointment if a member no longer meets the requirements to serve the entity. However, the Comprehensive Policy does allow entities to include additional grounds for removal to those contained in the Removal Law within the entity's by-laws. Please see Article 8-4.a.4.E. While the concern is valid, it must be addressed in the Removal Law and/or the entity's SOPs, which could offer a member that has become ineligible to provide a resignation prior to the entity's initiation of the removal process. There are no recommended changes based on this comment.

Comment 24. Membership Determined by Entity Identification as Appointed or Elected in By-Laws

7-1(a) Notwithstanding the initial determination of membership to an Entity, the Member's status as appointed or elected is based entirely on the Entity's classification as an appointed or elected Entity pursuant to the Entity's by-laws.

Lisa Summers: *written* - I understand this is the same as section 6-1.a., but it doesn't seem to fit here either.

Response

If the LOC agrees that this provision is awkwardly placed, I would recommend moving it to Article 5-1 and removing it from 6-1(a) and 7-1(a).

Comments 25, 26 and 27. Notice to Elected Candidates

7-2. All other processes must be as directed in the Oneida Election Law. In addition to these processes, all applicants must be notified of the final results of the election. Notices to those elected must include the following: ...

Comment 25: Lisa Summers: *written* - This section appears to state the Secretary will notify all candidates of the official election results? If so, there needs to be consideration for the Secretary to maintain the applicant record or application for elected positions as currently in most situations this does not occur.

Comment 26: Lisa Summers: *written* - Include requirement to notify those elected when they should appear for taking the oath.

Comment 27: Lisa Summers: *written* - This section should match sections 4-5.a.5 and 6-4.

Response

In response to Comment 25, the responsible party for providing notice to elected candidate is the Election Board. I agree with the Secretary's recommendations provided in Comments 26 and 27. I recommend revising this Article to read:

7-2. All other processes must be as directed in the Oneida Election Law. In addition to these processes, the Oneida Election Board shall notify all applicants ~~must be notified~~ of the final results of the election. Notices to those elected must notify the elected person when they are required to appear for taking the oath and must include the following:

"The Oneida Tribe reports all income paid by the Oneida Tribe in whatever form. The Internal Revenue Service of the United States considers stipends paid to members of boards, committees, and commissions to be income which may be offset by expenses related to that income. You will receive ~~an income report~~ the applicable tax form which is also forwarded to the Internal Revenue Service, it is also your responsibility to keep documentation of expenses related to this income."

Comment 28. Typo in Article 7-3.e.

e. All oaths must be sufficient to make the **appointee** aware of his or her duty to the Tribe as a Member of the Entity.

Lisa Summers: *written* - They are not appointees, they are elected Members.

Response

Noted. "Appointed" should be replaced with "elected Member."

Comment 29. Timeframe for Revising By-laws to Comply with these Amendments

8-1. ... All existing Entities shall comply with this format and present by-laws for adoption within a reasonable time after creation of the Entity. ...

Lisa Summers: *written* - A six (6) month timeframe should be included in the adoption resolution as well.

Response

If the LOC would like, I could certainly place a requirement in the adopting resolution that all Entities must submit a draft of their by-laws to the LOC to be updated in order to comply with these amendments within six months of the effective date of the amendments.

Comment 30. Requiring a Compensation Section in Entities' By-Laws

8-3. All by-laws must contain the following Articles:

- a. Article I. Authority.
- b. Article II. Officers
- c. Article III. Meetings
- d. Article IV. Reporting
- e. Article V. Amendments

Lisa Summers: *written* - Insert "Article V. Compensation" to differentiate full-time/part-time salaried, elected v. stipended. Article V. Amendments becomes Article VI. Amendments.

Response

This is a policy consideration for the LOC. The Secretary's suggestion has no legislative or legal impact.

Comment 31. Official E-mail Address of Entity Members

8-4.a.4. Membership. Provide the following information:

- A. Number of Members;
- B. Whether the Entity is an elected or appointed body and how Members are elected or appointed;
- C. How Vacancies are filled
- D. The requisite qualifications for Membership.
- E. Causes for termination or removal, if any, in addition to those contained under Article 6-5.a. hereof and the Removal Law.

Lisa Summers: *written* - Insert sub-section for "E-mail address", noting it must be an authorized email and it is the official email of the Entity.

Response

I agree that it is important to incorporate the requirement for an official email address for Entity Members, but I don't think the by-laws is the appropriate place. I think it should be placed in a separate Article IX (inserted before the current Article IX. Minutes). I recommend it read as follows and including a statement in the adopting resolution requiring the Secretary to provide all

current Entity members with official Tribal e-mail addresses within 6 months of the effective date of the amendments with the same acknowledgment forms required in 9-1.:

Article IX. Official Tribal E-mail Address for all Entity Members

9-1. Upon election or appointment to an Entity, the Secretary shall work with the Management Information Systems to provide each Entity Member with an official Tribal e-mail address. Entity Members shall sign the acknowledgment form provided by the Secretary indicating notice of applicable computer and media related Tribal laws, policies and rules. The Secretary shall maintain a record of all such acknowledgment forms.

9-2. Entity Members shall use the official Tribal e-mail address for conducting all electronic business of the Entity. Entity Members may not use any personal e-mail address to conduct any business of the Entity.

9-3. Immediately upon receipt of notice of an Entity Vacancy, the Secretary shall instruct the Management Information Systems to disable the e-mail address for the said Member.

Comment 32. Limiting the Entity Membership to Five (5) Members per Board, Committee or Commission

8-4.a.4. Membership. Provide the following information:

A. Number of Members;

Lisa Summers: *written* - I believe we need to limit all membership, except where provided by law, to five (5) Members. I can provide a transition plan to achieve through attrition.

Response

This is a policy consideration for the LOC. The Secretary's suggestion has no legislative or legal impact aside from the Entity's by-laws which need to be updated to comply with these amendments regardless of whether this revision is included.

Comment 33. How Vacancies Are Filled

8-4.a.4. Membership. Provide the following information:

C. How Vacancies are filled

Lisa Summers: *written* - We currently have many different versions of this section. Some elected Entities make their own appointment to fill a vacancy and it is simply accepted by the Business Committee, some are required to provide a recommendation to the Chairperson. This Policy provides the uniform process for appointed Entities. This Policy and the Election Law provide the uniform process for elected Entities. The process should be the same for all Entities. I believe this line should be deleted.

Response

This Policy is a policy consideration for the LOC. The Secretary's recommendation does not conflict with any proposed legislation or effective laws or policies.

Comment 34. The Requisite Qualifications for Membership

8-4.a.4. Membership. Provide the following information:

D. The requisite qualifications for Membership.

Lisa Summers: *written* - There should be minimum qualifications included here. For any Entity, a Member must meet some standard set by this Policy. The By-laws may exceed these minimum qualifications, but not fall lower the minimum set by the Policy.

Response

The LOC certainly could include minimum qualifications as the Secretary suggests. The Secretary has not provided any minimum qualifications for the LOC to consider, so if it choses to institute minimum qualifications it must determine what those should be. There are no legislative or legal restrictions prohibiting including minimum qualifications for entity membership.

Comment 35. Entities' Trainings

8-4.a.6. Trainings. Provide a comprehensive list of all trainings that the Entity deems necessary for Members to responsibly serve the Entity.

Lisa Summers: *written* - Training plans should be approve by the GTC for elected Entities or the BC for appointed Entities.

Response

This Policy certainly could require the approvals that the Secretary suggests, but there is not current Tribal law or policy that requires the approvals suggested by the Secretary.

Comments 36 and 37. Word Choice – “Office” to “Officer”

8-4.b.4. Additional **Offices** and Duties. Include additional sub-articles to specifically list duties and limitations for every **office** created in sub-article 1 above and specifically identify which officers have the authority to sign off on travel on behalf of the Entity.

Comment 36: Lisa Summers: *written* - Change to “Officers”. “Offices” connotes a department or staff and is unclear.

Comment 37: Lisa Summers: *written* - Change to “officer”. Same as comment #36

Response

If the LOC agrees with the Secretary that this word choice is confusing, it could certainly be revised as she suggests without a legislative impact.

Comment 38. Requiring a Sub-Article for Sign Off Authority

8-4.b. "Article II. Officers" is to consist of the following information:

1. Chair and Vice-Chair. This section creates the positions of the Entity. Other positions may also be created here.

2. Chair duties. Because of the importance of this position, specifically list the chairperson's duties and limitations.
3. Vice-Chair duties. Because of the importance of this position, specifically list the vice-chairperson's duties and limitations.
4. Additional Offices and Duties. Include additional sub-articles to specifically list duties and limitations for every office created in sub-article 1 above and specifically identify which officers have the authority to sign off on travel on behalf of the Entity.
5. How chosen. Specifically state how a Member of the Entity will be chosen to occupy an officer's position.
6. Personnel. State the Entity's authority for hiring personnel, if any, and the duties of such personnel.

Lisa Summers: *written* - Add sub-section regarding "Sign Off Authority" and its limitation. Statement in sub-section 4. Relates to travel only, the Sign-Off needs to be designated and limited for other budget items as well, such as supplies, meeting materials, stipends, etc.

Response

This is a policy consideration for the LOC. The Secretary's suggestion has no legislative or legal impact.

Comment 39. Entity Personnel

8-4.b. "Article II. Officers" is to consist of the following information:

6. Personnel. State the Entity's authority for hiring personnel, if any, and the duties of such personnel

Lisa Summers: *written* - If an Entity has full Officers, e.g. the Entity has a Secretary, there is no need for personnel. There should be limitations and/or parameters for personnel included in the Policy.

Response

This is a policy consideration for the LOC. The Secretary's suggestion has no legislative or legal impact.

Comment 40. Regular Meeting Notice Requirements

8-4.c.1. Regular meetings. State when and where regular meetings are to be held, and, explain how notice of the meeting, agenda, documents, and minutes will be provided. ...

Lisa Summers: *written* - Notice of all meetings should be in compliance with the Open Records and Open Meetings Law. If this comment is not accepted, please consider comments #41 and #42.

Response

The requirements of this sub-article do satisfy the current requirements of the Open Records and Open Meetings Law. The Open Records and Open Meetings Law requires the following of Boards, Committees and Commissions:

7.15. Public Notice Other Governmental Bodies

7.15-1. All meetings of governmental bodies other than the Business Committee, shall be preceded by public notice and, except where otherwise provided by any other laws or bylaws, shall be held in open session.

7.15-2 Public notice of all meetings of a governmental body shall set forth the time, date and place of the meeting and shall be given in the following manner:

- (a) As required by any other laws or bylaws;
- (b) By communication from the presiding officer to the editor of the Kalihwisaks when the submission deadline precedes a meeting date; and
- (c) At least twenty-four (24) hours prior to the commencement of such a meeting unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given.

If the requirements of the Open Records and Open Meetings Law would change and this notice no longer satisfied that Law's requirements, this Policy would need to be updated, so I do recommend a reference to the Open Records and Open Meetings Law as follows:

8-4.c.1. Regular meetings. In accordance with the Open Records and Open Meetings Law, State state when and where regular meetings are to be held, and, explain how notice of the meeting, agenda, documents, and minutes will be provided. ...

Comments 41 & 42. Required Notice of Regular Meetings in the Tribal Newspaper and on the Tribe's Community Calendar

8-4.c.1. Regular meetings. ... At a minimum, the Entity 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.

Comment 41: Lisa Summers: *written* - "requesting the posting of" The Entity cannot "make" the Tribe's newspaper publish their information. Additionally, most Entities will not have access to the community calendar, there for they should "request the posting of" in this case as well.

Comment 42: Lisa Summers: *written* - "on"

Response

In regards to the comment regarding the community calendar and the word change from "in" to "on", the draft that the Secretary reviewed (draft 5) has since been updated to address the concern as represented in 8-4.c.1. provided above from the Public Meeting Draft, Draft 6. The Secretary's concern related to the posting in the newspaper has not been addressed. I recommend revising 8-4.c.1. to read:

Regular meetings. ... At a minimum, the Entity shall provide public notice of regular meetings by ~~submitting~~ ~~posting~~ the dates, time and location for all regular meetings to the Tribe's newspaper to be published 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.

Comment 43. Notice Required for Emergency Meetings

8-4.c.2. Emergency meetings. State how emergency meetings may be called and must be noticed, provided that, at a minimum, the Entity 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. ...

Lisa Summers: *written* - Again, notice should be in compliance with the Open Records and Open Meetings law.

Response

The requirements of this sub-article do satisfy the current requirements of the Open Records and Open Meetings Law, provided that the nature of an Emergency Meeting implies that satisfaction of 7.15-2(b) below would not be feasible. The Open Records and Open Meetings Law requires the following of Boards, Committees and Commissions:

7.15. Public Notice Other Governmental Bodies

7.15-1. All meetings of governmental bodies other than the Business Committee, shall be preceded by public notice and, except where otherwise provided by any other laws or bylaws, shall be held in open session.

7.15-2 Public notice of all meetings of a governmental body shall set forth the time, date and place of the meeting and shall be given in the following manner:

- (a) As required by any other laws or bylaws;
- (b) By communication from the presiding officer to the editor of the Kalihwisaks when the submission deadline precedes a meeting date; and
- (c) At least twenty-four (24) hours prior to the commencement of such a meeting unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given.

If the requirements of the Open Records and Open Meetings Law would change and this notice no longer satisfied that Law's requirements, this Policy would need to be updated, so I do recommend a reference to the Open Records and Open Meetings Law as follows:

8-4.c.2. Emergency meetings. In accordance with the Open Records and Open Meetings Law, ~~State-state~~ how emergency meetings may be called and must be noticed, provided that, at a minimum, the Entity 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. ...

Comment 44. Notice Required for Special Meetings

8-4.c.3. Special meetings. State how special meetings may be called and must be noticed, provided that, at a minimum, the Entity 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.

Lisa Summers: *written* - Again, notice should be in compliance with the Open Records and Open Meetings law.

Response

The requirements of this sub-article satisfy the current requirements of the Open Records and Open Meetings Law with the exception of 7.15-2(b) below. The Open Records and Open Meetings Law requires the following of Boards, Committees and Commissions:

7.15. Public Notice Other Governmental Bodies

7.15-1. All meetings of governmental bodies other than the Business Committee, shall be preceded by public notice and, except where otherwise provided by any other laws or bylaws, shall be held in open session.

7.15-2 Public notice of all meetings of a governmental body shall set forth the time, date and place of the meeting and shall be given in the following manner:

- (a) As required by any other laws or bylaws;
- (b) By communication from the presiding officer to the editor of the Kalihwisaks when the submission deadline precedes a meeting date; and
- (c) At least twenty-four (24) hours prior to the commencement of such a meeting unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given.

Minimally, this sub-Article needs to include a reference to the Open Records and Open Meetings Law and/or include the requirement contained in 7.15-2(b) of the Open Records and Open Meetings Law. I recommend including a reference to the Open Records and Open Meetings Law as was recommended for the provision regarding regular meetings and emergency meetings. In addition, I recommend including a definition of "special meeting." Based on these recommendations, I would revise this sub-article to read:

8-4.c.3. Special meetings. Special meetings are meetings that are not scheduled regular meetings but also do not rise to the level of emergency justification required in sub-Article 8-4.c.2. Entities shall ~~State~~ state how special meetings may be called and must be noticed in accordance with the Open Records and Open Meetings Law, provided that, at a minimum, the Entity 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.

Comment 45. How a Quorum is Determined

8-4.c.4. Quorum. State how many Members create a quorum.

Lisa Summers: *written* - “State how a quorum is determined.” Entities have had issues with getting a quorum when a specific number is identified in this section. Those Entities may want to consider another deamination of a quorum, such as “a majority of current Members”.

Response

In order to accommodate the Secretary’s recommendation, the LOC could include the recommendation as a minimum requirement of a quorum. If the LOC choses to do so, I would recommend revising this sub-article as follows:

8-4.c.4. Quorum. State how many Members create a quorum, provided that, at a minimum, Entities shall require a majority of the Entity’s current Members to create a quorum.

Comment 46. Entity Document Management

- 8-4.d. 1. Agenda items. Agenda items must be in an identified and consistent format.
2. Minutes. Minutes must be typed and in a consistent format designed to generate the most informative record of the meetings of the Entity.
3. Attachments. 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 based on the meeting in which they were presented.

Lisa Summers: *written* - Although Article IX. provides direction on what Entities do with their minutes, additional direction may needed for any other records, such as agendas and handouts. Another option is to include a reference to the Open Records and Open Meeting law.

Response

Based on the Secretary’s recommendation, I suggest combining and revising sub-article 2 and 3 as follows:

2. Minutes and Attachments. Minutes must be typed and in a consistent format designed to generate the most informative record of the meetings of the Entity.
~~3. Attachments.~~ 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 based on the meeting in which they were presented. The Entity shall maintain its meeting materials and records in accordance with the Open Records and Open Meetings Law.

Comment 47. Quarterly Reporting an Entity’s Minutes

8-4.d.4.A.ii. 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.

Lisa Summers: *written* - Section needs to be reworded as it appears to contradict section 9-3. Perhaps the same section needs to be included here as well.

Response

The Secretary's concern is valid. I suggest revising to read:

8-4.d.4.A.ii. 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; provided that, no action or approval of minutes is required by the Oneida Business Committee on minutes submitted by an Entity unless specifically required by the by-laws of that Entity.

Comment 48. Reporting Special Events and Travel During the Reporting Period

8-4.d.4.A.iv. Special Events and Travel During the Reporting Period: Report any special events held during the reporting period and any travel by the Members and/or staff. Travel reports must include the following:

- a. Which Member(s) and/or staff traveled;
- b. Where the Member(s) and/or staff traveled to and the travel dates;
- c. The purpose for the travel and a brief explanation of how the travel benefited the Tribe;
- d. The cost of the travel and how the cost of the travel was covered by the Entity; and
- e. Whether the cost of travel was within their budget and, if not, an explanation as to why travel costs were incurred that exceeded the Entity's budget.

Lisa Summers: *written* - Appointed Entities serve at the discretion of the Business Committee. Travel Reports and Anticipated Travel for appointed entities could be approved by the Business Committee. An alternate comment is that there be a provision which identifies travel must be link to the purpose of the entity. Also, if the travel is for required training, then a training plan needs to be on file for that entity.

Response

The LOC discussed the reporting of Entity's travel at length prior sending this draft to public meeting. The Secretary's suggestions represent a change from the LOC's previous policy decision regarding the required level of travel reporting/approval, provided that such a policy revision could be made without conflicting with other existing Tribal laws and/or policies.

Comment 49. Reporting Anticipated Travel for the Upcoming Reporting Period

8-4.d.4.A.v. Anticipated Travel for the Upcoming Reporting Period: Report any travel Members and/or staff are anticipating in the upcoming reporting period. Future travel reports must include the following:

- a. Which Member(s) and/or staff will to travel;
- b. Where the Member(s) and/or staff will to travel to and the anticipated travel dates;
- c. The purpose for the travel and a brief explanation of how the travel will benefit the Tribe;
- d. The cost of the travel and how the cost of the travel will be covered by the Entity; and
- e. Whether the cost of travel is within their budget and, if not, an explanation as to why the Entity anticipates incurring travel costs that exceeds its budget.

Lisa Summers: *written* - Appointed Entities serve at the discretion of the Business Committee. Travel Reports and Anticipated Travel should be approved by the Business Committee. Another suggestion is that there be a provision which identifies travel must be link to the purpose of the entity. Also, if the travel is for required training, then a training plan needs to be on file for that entity.

Response

The LOC discussed the reporting of Entity's travel at length prior sending this draft to public meeting. The Secretary's suggestions represent a change from the LOC's previous policy decision regarding the required level of travel reporting/approval, provided that such a policy revision could be made without conflicting with other existing Tribal laws and/or policies.

Comment 50. Section Reference Missing

8-4.d.A.vi. Goals and Accomplishments: Provide the Entity's annual goals established in its annual report pursuant to **section** and how the Entity has worked towards achieving such goals during the reporting period.

Lisa Summers: *written* - Section reference needs to be added.

Response

The Secretary is correct; it should reference Article 8-4.d.4.B.v.

Comment 51. Storage and Disposal of Entity Records upon Dissolution

9-4. In the event of dissolution of an Entity, all files and documents are required to be forwarded to the Secretary for proper storage and disposal.

Lisa Summers: *written* - This disposal should reference and be in accordance with the Open Records and Open Meetings law.

Response

The current wording of this sub-article does not conflict with the Open Records and Open Meetings Law or imply that the requirements of that law are not required, however, in order to be explicitly clear the LOC could revise as suggested by the Secretary to read as follows:

9-4. In the event of dissolution of an Entity, all files and documents are required to be forwarded to the Secretary for proper storage and disposal in accordance with the Open Records and Open Meetings Law.

Comment 52. Storage and Disposal of Task Force or Ad Hoc Committee Records upon Dissolution

10-2. A Task Force or Ad Hoc Committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a Task Force or Ad Hoc Committee must be forwarded to the Secretary for proper disposal within two (2) weeks of dissolution.

Lisa Summers: *written* - In accordance with the Open Records and Open Meetings law.

Response

The current wording of this sub-article does not conflict with the Open Records and Open Meetings Law or imply that the requirements of that law are not required, however, in order to be explicitly clear the LOC could revise as suggested by the Secretary to read as follows:

10-2. A Task Force or Ad Hoc Committee dissolves upon a set date or acceptance of a final report. Unless otherwise indicated, the materials generated by a Task Force or Ad Hoc Committee must be forwarded to the Secretary for proper disposal within two (2) weeks of dissolution in accordance with the Open Records and Open Meetings Law.

Comment 53. Storage and Disposal of other Entities' Records upon Dissolution

10-3. ... Unless otherwise indicated, the materials generated by these Entities must be forwarded to the Secretary for proper disposal within two (2) weeks of dissolution.

Lisa Summers: *written* - In accordance with the Open Records and Open Meetings law.

Response

The current wording of this sub-article does not conflict with the Open Records and Open Meetings Law or imply that the requirements of that law are not required, however, in order to be explicitly clear the LOC could revise as suggested by the Secretary to read as follows:

10-3. ... Unless otherwise indicated, the materials generated by these Entities must be forwarded to the Secretary for proper disposal within two (2) weeks of dissolution in accordance with the Open Records and Open Meetings Law.

Comment 54. Compensation Definition

11-1. Compensation and reimbursement for expenses must be as set out in this Article and according to procedures for payment as set out by the Tribe.

Lisa Summers: *written* - Add sub-section or define compensation so that compensation may be in the form of a cash equivalent.

Response

This is a policy consideration for the LOC. The Secretary's recommendation does not conflict with current proposed legislation or effective law or policy. If the LOC chooses to accept the Secretary's recommendation, I suggest revising as follows and would consider including the cash or cash equivalent reference in the definition of "Stipend" also:

11-1. Compensation and reimbursement for expenses must be as set out in this Article and according to procedures for payment as set out by the Tribe. For this purposes of this Article, compensation means payment to a Member in the form of cash or cash equivalent.

Comment 55. Declining a Stipend for an Appointed Board, Committee or Commission

11-3. *Meeting Stipends for Members of Appointed Entities.* Except as provided in sub-article (a) and unless otherwise declined by the Entity, or declined by a Member(s), appointed Members serving on appointed Entities are to be paid a Stipend of no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by-laws of that Entity. ...

Lisa Summers: *written* - This implies the Entity (a majority vote?) can decline the stipend, but what occurs to a Member who doesn't agree with the decision of the Entity?

Response

The Secretary is correct that this Article allows an Entity as a whole to decline stipends. Such a decision would have to be made according to the Entity's required process for formal action, likely an approved motion at a meeting having quorum in accordance with the Entity's bylaws. A member that did not support the Entity's action to decline the stipend would not be eligible to collect a stipend. If the LOC does not agree with this policy, it could revise this article so that only individual members may decline stipends. If such a revision was directed, I would recommend revising the article as follows:

11-3. *Meeting Stipends for Members of Appointed Entities.* Except as provided in sub-article (a) and unless otherwise declined ~~by the Entity, or declined~~ by a Member(s), appointed Members serving on appointed Entities are to be paid a Stipend of no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by-laws of that Entity. ...

Comment 56. Oneida Child Protective Board Stipends

11-3.a. Members serving on the Oneida Child Protective Board are exempt from the \$50 Stipend per month limitation and are to receive a \$50 Stipend for each meeting held in accordance with 11-3.

Lisa Summers: *written* - There should be consideration for limiting this exception to 3 or 4 meetings a month. This language looks open-ended. Another option for consideration is to delete this exception.

Response

This is a policy consideration for the LOC. The Secretary's recommendation would require the Oneida Child Protective Board's bylaws to be updated, although they will need to be updated to incorporate these amendments regardless. The Child Protective Board's bylaws currently conflict with this Policy (both as effective and as amended) in that they authorize a stipend of \$75.00 for each meeting. They base such authority on BC Resolution 12-20-03-A, however the last effective date of this Policy is 9-22-10, so the current Policy should govern.

Comment 57. Declining a Stipend for an Elected Board, Committee or Commission

11-4. *Meeting Stipends for Members of Elected Entities.* Unless otherwise declined by the Entity, or declined by a Member(s), Members serving on elected Entities are to be paid a minimum Stipend of \$50 for each meeting which has established a quorum in accordance with the duly adopted by-laws of that Entity for at least one (1) hour, regardless of the length of the meeting.

...

Lisa Summers: *written* - This implies the Entity (a majority vote?) can decline the stipend, but what occurs to a Member who doesn't agree with the decision of the Entity?

Response

The Secretary is correct that this Article allows an Entity as a whole to decline stipends. Such a decision would have to be made according to the Entity's required process for formal action, likely an approved motion at a meeting having quorum in accordance with the Entity's bylaws. A member that did not support the Entity's action to decline the stipend would not be eligible to collect a stipend. If the LOC does not agree with this policy, it could revise this article so that only individual members may decline stipends. If such a revision was directed, I would recommend revising the article as follows:

11-4. *Meeting Stipends for Members of Elected Entities.* Unless otherwise declined ~~by the Entity, or declined~~ by a Member(s), Members serving on elected Entities are to be paid a minimum Stipend of \$50 for each meeting which has established a quorum in accordance with the duly adopted by-laws of that Entity for at least one (1) hour, regardless of the length of the meeting.

...

Comment 58. Stipends for Attending Conferences

11-7.a. A Member is eligible for a \$100 Stipend for each full day the Member is present at the Conference, when attendance at the Conference is required by law, by-law or resolution.

Lisa Summers: *written* - If an Member received a \$50 stipend, regardless of the length of the meeting, then this be the same. Or, I would prefer we pay them travel expenses only and no stipend.

Response

This is a policy consideration for the LOC. The Secretary's recommendation would not conflict with any proposed legislation or currently effective laws or policies.

Comment 59. Compensation for Attending Required Meetings on Behalf of a Board, Committee or Commission

- 11-7. a. A Member is eligible for a \$100 Stipend for each full day the Member is present at the Conference, when attendance at the Conference is required by law, by-law or resolution.
b. A Member is not eligible for a Conference Stipend if that Conference is not required by law, by-law or resolution.

Election Board: *written* – As currently written, the Comprehensive Policy does not allow for compensation to Board, Committee, and Commission members attending meetings on behalf of the Board (i.e. OBC meetings, budget meetings, judiciary hearings). This is something that should be approved and addressed in the Comprehensive Policy Governing Boards, Committees and Commissions and should follow the same stipulations as meeting requirements, i.e., must be in attendance for at least one hour (11.3). It is suggested that the Board, Committee, or Commission member must have documentation/proof of attendance i.e., sign-in sheet, agenda, etc. to process stipend upon formal approval of payment from the Board, Committee and Commission.

Response

The meetings that the Election Board references which Members are required to attend as representatives of a Board, Committee or Commission would not likely be compensable as a "Conference" stipend because such attendance, although critical, is generally not required by law, by-law or resolution. Further, such meetings are often not full day meetings. This is a policy decision for the LOC. The Election Board's recommendation would not conflict with any proposed legislation or effective laws and policies.

If the LOC decides to accept the Election Board's recommendation, I would recommend revising this section as provided below (which includes the recommendations in Comment 5 regarding the definition of Conference). You will notice that I did not include the Election Board's requirement that the meeting last one (1) hour because most Oneida Business Committee meetings would not require such representation for an entire hour and the Judiciary does not record how long items are before them, so this would not be an unenforceable provision. I also did not include the recommendation to require proof of attendance by means of a sign in sheet because, again, the judiciary does not have sign-in sheets. Rather, I required formal action of the

Entity naming the representative. This of course, is subject to the LOC's discussion and approval.

11-7. *Conferences, Trainings and Non-Entity Meetings*. A Member of any Entity must be reimbursed in accordance with the Oneida Travel and Expense Policy for travel and per diem to offset the Member's costs for attending a Conference, training or non-Entity meeting, provided that:

a. A Member is eligible for a \$100 Stipend for each full day the Member is present at the Conference or training, when attendance at the Conference or training is required by law, by-law or resolution;

~~b.~~ ~~A~~a Member is not eligible for a Conference or training Stipend if ~~that~~ Conference attendance is not required by law, by-law or resolution.

c. No Stipend payments may be made for those days spent traveling to and from the Conference.

d. A Member is eligible for a \$XX Stipend for attendance at a non-Entity Tribal government meeting or Oneida Judiciary hearing where Entity representation is deemed critical by the Entity. Only one (1) Entity Member may receive a stipend per non-Entity Tribal government meeting or Oneida Judiciary hearing. In order to receive said Stipend, the Entity must take formal action at a meeting having quorum selecting the Member to represent the Entity at the non-Entity Tribal government meeting or Oneida Judiciary hearing where Entity representation is deemed critical by the Entity.

Comment 60. Questioned Reference

13-6. No Member may hold office in an Entity which has authority over the area in which the Member is employed by the Tribe or elsewhere.

Lisa Summers: *written* - What does "or elsewhere" mean, any department?

Response

I cannot think of any need to retain the "or elsewhere" reference; I recommend deleting it.

Conclusion

There are a number of revisions suggested to the draft amendments to the Comprehensive Policy Governing Board, Committees and Commission presented for public meeting. Based on the LOC decisions regarding the suggestions received through these comments, it must determine whether an additional public meeting is necessary or if the amendments may be incorporated and presented for adoption without an additional public comment period.