

Oneida Land Commission Bylaws

Article I. Authority

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

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

(a) 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) Implement and interpret provisions of the Real Property Law.

(d) Supervise the actions of the Division of Land Management Director, consistently with the General Manager's supervisory authority.

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

(f) 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.

(g) Monitor and make decisions for the most efficient and beneficial use of the Land Acquisition Budget and implementation of the Land Acquisition Plan.

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

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

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

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 of seven (7) members, elected for three (3) year terms.

(1) Terms shall 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) be a member of the Oneida Tribe.
 - (2) be a resident of Brown or Outagamie County
 - (3) 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 be filled pursuant to the procedures found in these bylaws.
- (1) For a vacancy having a term of less than one (1) year remaining, the 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 a term greater than one (1) year remaining, the vacancy shall be filled in the next regular or special election held by the Tribe.
- (e) The Commission shall only accept a resignation in written form and shall promptly forward a copy to the Tribal Secretary. Unless otherwise specified in the written resignation, resignations shall be effective upon delivery to the Commission.

Article II. Officers

- 2-1. The Commission shall have 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 official minutes and meeting materials 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) *Vacancy.* If a vacancy occurs in an officer position, the Commission shall make a replacement appointment at the first regular meeting following the vacancy, to serve the remainder of the vacated officer's term.

2-6. *Personnel.* The Oneida Land Commission does not have authority to hire personnel for the benefit of the entity.

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.

(a) *Regular Meetings.* The Commission shall hold a regular meeting on the second Monday of each month, devoted to leasing, departmental issues and concerns, and other comments and concerns pertaining to land issues.

(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.

(c) *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.

(d) *Presence of Division Director.* The Director of the Division of Land Management, or a designated representative, is required to attend all regular scheduled and special meetings.

3-2. *Conduct of Business*

(a) *Quorum.* A quorum required for the conduct of business shall consist of four (4) members, including either the Chairperson or the Vice-Chairperson.

(b) *Order of Business.* The order of business, so far as applicable, shall be:

- (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 by majority vote, with each member having one vote except for the Chairperson or other presiding officer, who shall not vote except to resolve a tie.

(1) No phone poll of Commission members shall be accepted as a vote of the 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 be provided at least 24 hours before the meeting.

(b) Items with less than 24 hours notice shall not be accepted, unless approved by a majority vote of the Commission.

(c) Packages of the proposed agenda and back up documentation will be made available to the Commissioners as early as is practical. Executive items are to be in a separate sealed envelope stamped confidential.

4-2. *Minutes.* Minutes shall 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 be replaced with a loan number, case number or other non-personally identifiable number.

(c) All minutes shall be submitted to the 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 report to the Business Committee shall include all relevant names of Tribal members, even if those names had been replaced with non-personally identifiable numbers in 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 the Oneida Code of Ethics, adopted by Resolution 11-23-94-A, and any amendments thereto.

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 to the meeting.

5-5. *Removal.* Commission members may be removed pursuant 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.

(c) Intentional mis-use of Tribal funds,

(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

7-1. The Commission, upon written notice, at a regular meeting may adopt amendments revising, adding to or repealing any or all of the foregoing bylaws, 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.

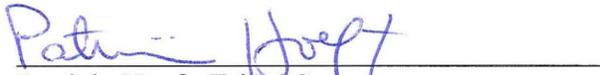
7-2. Updating and Review. At the first meeting following the election of officers, the Commission shall conduct a review of these bylaws to determine that they remain current.

These bylaws as amended and revised, were adopted by the Oneida Land Commission at a duly called meeting held on the 27th day of May, 2008.



Amelia Cornélius, Oneida Land Commission, Chairperson

And approved by the Oneida Business Committee at a duly called meeting held on the 10th day of December, 2008.



Patricia Hoefft, Tribal Secretary