



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA - REVISED

Business Committee Conference Room-2nd Floor Norbert Hill Center

April 18, 2018 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 1. April 2, 2018 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 1. ~~Internal Audit Amendments~~
 2. ~~Employment Law~~
 3. Petition – Metivier: Treatment Clinic (pg. 4)
- IV. New Submissions**
 1. Oneida Personnel, Policies and Procedures (pg. 6)
 2. Military Service Employee Protection Act (pg. 7)
- V. Additions**
- VI. Administrative Updates**
 1. LOC FY 18 2nd Quarter Report (pg. 8)
 2. Rules of Civil Procedure
 3. Employee Protection Policy
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

April 02, 2018

9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Jennifer Webster

Excused: Kirby Metoxen, Ernest Stevens III

Others Present: Brandon Wisneski, Clorissa Santiago, Tani Thurner, Cathy Bachhuber, Bonnie Pigman, Jen Falck

I. Call to Order and Approval of the Agenda

David P. Jordan called the April 2, 2018 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Jennifer Webster to adopt the agenda with two additions:

- The Community Support Fund law amendments
- The Child Care Department Consumer Complaint law amendments

seconded by Daniel Guzman King. Motion carried unanimously.

II. Minutes to be Approved (3:07-3:30)

March 7, 2018 LOC minutes

Motion by Daniel Guzman King to approve the March 7, 2018 LOC meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Comprehensive Policy Governing Boards, Committees, and Commissions Amendments (3:31- 4:53)

Motion by Daniel Guzman King to accept the draft of the Comprehensive Policy Governing Boards, Committees, and Commissions amendments and direct that a legislative analysis be completed; seconded by Jennifer Webster Motion Carried unanimously.

Jennifer Webster noted that there were two work meetings with Boards, Committees, and Commissions.

2. Sanctions and Penalties law(4:54 – 5:49)

Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.

3. Petition: Metivier - Treatment Clinic (5:51 – 6:32)

Motion by Daniel Guzman King to approve the 45 day progress report for Petition: Metivier –Treatment Clinic and forward to the Oneida Business Committee for

consideration; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

1. Tribal Identification Law (6:33 - 8:48)

Motion by Jennifer Webster to add Tribal Identification Law to the active files list as medium Priority and Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

V. Additions

1. Community Support Fund Law Amendments (8:55 – 10:45)

Motion by Jennifer Webster to deny the request and to have a memo sent to officers and send the correspondence to the Judiciary regarding the cannons; seconded by Daniel Guzman King. Motion carried unanimously.

2. Child Care Department Consumer Complaint Law Amendments (10:47 – 11:32)

Motion by Jennifer Webster to deny the request and to have a memo sent to officers and send the correspondence to the Judiciary regarding the cannons; seconded by Daniel Guzman King. Motion carried unanimously.

VI. Administrative Updates

1. Domestic Animals Law Rule No. 1 - Licensing Fees, Fines and Penalties Certification (11:34 - 12:37)

Motion by Daniel Guzman King to certify the Domestic Animals Law Rule No. 1 and forward to the Business Committee for consideration; seconded by Jennifer Webster. motion carried.

2. Children's Code Implementation Quarterly Update E-Poll Results (12:40 – 13:58)

Motion by Daniel Guzman King to enter into the record; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn the April 2, 2018 Legislative Operating Committee meeting at 9:12 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee
April 18, 2018

Petition: Metivier – Treatment Clinic

Submission Date: 2/28/18	Public Meeting: n/a
LOC Sponsor: Daniel Guzman King	Emergency Enacted: n/a Expires: n/a

Summary: *This petition requests GTC direct OBC to provide a treatment clinic for opioid addiction, all drug addiction, and alcoholism. The petition states that the Tribe has “copious empty buildings and access to federal funds,” and adds that Per Capita is not to be used for this project.*

2/21/18LOC: Motion by Kirby Metoxen to add Petition Metivier-Treatment Clinic to the active files list as a high priority and assign Daniel Guzman King as the sponsor; seconded by Ernie Stevens III. Motion carried.

2/28/18 OBC: Motion by Jennifer Webster to acknowledge receipt of petition; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices’ for legal, financial, legislative, and administrative analyses; to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Secretary within 60 days with a progress report to be submitted within 45 days; to direct the Direct Report Offices to submit administrative analyses to Secretary within 30 days, seconded by Brandon Stevens. Motion carried unanimously

4/2/18 LOC: Motion by Daniel Guzman King to approve the 45 day progress report for Petition: Metivier –Treatment Clinic and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Approve the legislative analysis and forward to the Oneida Business Committee for consideration.



Legislative Analysis

Petition: Metivier – Treatment Clinic

Summary

This petition requests General Tribal Council (GTC) direct OBC to provide a treatment clinic for opioid addiction, all drug addiction, and alcoholism. The petition states that the Tribe has “copious empty buildings and access to federal funds”, and adds that Per Capita is not to be used for this project.

Submitted by: Tani Thurner, Staff Attorney, Legislative Reference Office

Date: April 25, 2018

Analysis by the Legislative Reference Office

On February 19, 2018, the Petition: Metivier – Treatment Clinic was submitted to the Business Committee Support Office by Yvonne Metivier, and the signatures have since been verified by the Oneida Trust Enrollment Department.

The petition seeks to have GTC direct the Oneida Business Committee to provide a treatment clinic for opioid addiction, all drug addiction, and alcoholism.

The petition states that the Tribe has “copious empty buildings and access to federal funds.” The Nation has a Distribution of Excess Tribal Property Policy, which governs how unused Tribal property will be disposed of. However, that Policy specifically exempts real estate and “buildings thereon”. There are no other laws governing the use of vacant land or buildings.

There are no Oneida laws governing the establishment of a treatment clinic or program; and no law is required in order to establish one; although various state and/or federal laws may apply to the clinic’s operations – for example HIPAA privacy laws, licensing requirements, etc.

The petition adds that Per Capita is not to be used for this project, but aside from the reference to federal funds, it does not identify where the funding for this project is to come from. Any funding provided by the Nation would need to be obtained in accordance with the Budget Management and Control law, which sets out the budgeting process for the Nation.

Conclusion

Adoption of the Petition: Metivier Treatment Clinic would not result in a legislative impact to any existing laws or policies of the Nation.

Requested Action

Accept the legislative analysis for the Petition: Metivier – Treatment Clinic.



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: 4/18/18
- 2) Contact Person(s): Jennifer Falck
Dept: LRO
Phone Number: 869-4312 Email: jfalck@oneidation.org
- 3) Agenda Title: Oneida Personnel, Policies and Procedures
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Add item to the Active Files List as a high priority with a sponsor due to OPC dissolving.

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

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions 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:
Oneida Personnel Commission has been dissolved and their role in the PPP needs to be updated ASAP.

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

Signature of Requester: *Jh A. Falck*

Please send this form and all supporting materials to:

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



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: 4/18/18
- 2) Contact Person(s): Jennifer Falck
Dept: LRO
Phone Number: 869-4312 Email: jfalck@oneidation.org
- 3) Agenda Title: Military Service Employee Protection Act
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Add item to the Active Files List as a high priority with a sponsor due to OPC dissolving.

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

- 1) _____ 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions 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:
Oneida Personnel Commission has been dissolved and their role in this law needs to be updated ASAP.

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



FY18 2nd Quarter Report January 1, 2018- March 31, 2018 Legislative Operating Committee (LOC)

Executive Summary

During the second quarter, the LOC focused on work meetings, policy decisions, and drafting law. The LOC focused on the GTC Meetings Law, Comprehensive Policy Governing Boards, Committees, and Commissions, the Election Law, and the Sanctions and Penalties Law. Current high priorities include (as of April 9, 2018).

- | | |
|---------------------------------------|--|
| -Election Law Amendments | -Child Support Amendments |
| -Real Property Amendments | -Wellness Court |
| -GTC Meetings law | -Sanctions & Penalties law |
| -Wellness Court | -Employment Law |
| -Industrial Hemp Law | -Uniform Commercial Code |
| -Petition: Metivier- Treatment Clinic | -Comprehensive Policy Governing Boards,
Committees, & Commissions |
| -Real Property Amendments | |

Table 1. Summary of Second Quarter LOC Meeting Agenda Items

Current Business
Real Property Amendments
GTC Meetings Law
New Submissions
Vehicle Driver and Fleet Management
Internal Audit Amendments
Child Support Amendments
Administrative Rulemaking
Membership Ordinance Rule #2 was certified and forwarded to the Business Committee for adoption. The Business Committee adopted the rule on February 14, 2018.
Criminal Code (removed from AFL because Wellness Court was added)
Community Support Fund Rule Handbook Statement of Effect E-poll- results were entered into the record
Business Committee Meetings Law Six Month Evaluation was approved and forwarded to the Business Committee for approval
Current General Tribal Council Items
Petition: Metivier-Treatment Clinic
Election Law Amendments- added to the Active Files List as a result of a November 12, 2017 General Tribal Council motion to direct the LOC to identify amendments to the Election Law and bring back to the GTC in calendar year 2018.

Table 2. LOC Meetings Held in Second Quarter

Legislative Operating Committee Meetings	
January 3, 2018	Cancelled- staff focused on drafting and analysis, no LOC actions needed
January 17, 2018	Cancelled-sStaff focused on drafting and analysis, no LOC actions needed
February 7, 2018	Regular LOC Meeting
February 21, 2018	Regular LOC Meeting
March 7, 2018	Regular LOC Meeting
March 21, 2018	Cancelled- staff focused on drafting and analysis, no LOC actions needed
Public Meetings	
No public meetings were held in the second quarter	

Featured Legislation: Comprehensive Policy Governing Boards, Committees, and Commissions

The Legislative Operating Committee is currently developing amendments to the Comprehensive Policy Governing Boards, Committees and Commissions. This legislation has been carried over from the last two LOC terms. The Comprehensive Policy Governing Boards, Committees and Commissions governs boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons, creation of bylaws, maintenance of official records, stipends, and other items related to the management of boards, committees, and commissions.

Collaboration

All boards, committees, and commissions were invited to participate in the development of the current proposed amendments, and representatives from twelve (12) boards, committees, and commissions of the Nation attended work meetings or provided comments for that purpose. The Legislative Operating Committee has held six (6) work meetings to review and consider comments and suggestions collected from members of boards, committees, and commissions, as well as the Business Committee Support Office and the Management Information Systems Department. The proposed amendments to the Comprehensive Policy Governing Boards, Committees and Commissions reflect issues that the LOC and entities those affected by the law feel are necessary.

A legislative analysis is currently being completed for the proposed amendments. The analysis will review the legislation's terms and substance, intent of the legislation, and a description of key issues, and potential impacts of the amendments and policy considerations. Once the legislative analysis is completed, a public meeting will be held for this item.

Featured Legislation: Sanctions & Penalties Law

The LOC is developing a Sanctions and Penalties law. This item was carried over from the previous LOC term. The purpose of the proposed Sanctions and Penalties law is to develop a consistent set of sanctions and penalties for misconduct by elected and appointed officials, including members of the Oneida Business Committee. Currently, the only penalty that elected or appointed officials may be subject to is removal from office or termination of appointment, meaning that less serious misconduct will either go unrecognized or result in a penalty that might be considered too extreme for a particular violation.

Collaboration

The proposed draft of the Sanctions and Penalties law has been developed cooperatively in work meetings with various members of boards, committees, and commissions, and research into other tribal laws regarding sanctions and penalties.

The LOC will be holding a community meeting and potluck for the purpose of collecting thoughts and discussing options for the proposed Sanctions and Penalties law on May 3, 2018, from 5:00 p.m. until 7:30 p.m. in the Norbert Hill Center Cafeteria. The LOC hopes that the community takes advantage of the opportunity to contribute ideas and comments regarding the Sanctions and Penalties law and participate in the legislative process.

Legislative Reference Office (LRO) Second Quarter Accomplishments

The LRO is the support office for the LOC. The LRO drafts law, analyzes law, holds public meetings, collects public comment, and involves various departments in work meetings where the LOC discusses policy and makes decisions. The LRO also maintains a legislative record of the LOC's work, including the Oneida Register. Other activities in the second quarter included;

- Completed drafts of the GTC Meetings Law, Comprehensive Policy Governing Boards, Committees, and Commissions amendments, and the Sanctions & Penalties Law
- Collaboration with the Election Board to discuss potential amendments to the Election Law, per GTC directive.
- Completed Oneida Business Committee Meetings Law Six Month Evaluation. This project will lead to other evaluations of Oneida laws and legislation.
- Collected comments regarding the draft Employment Law from the Oneida Personnel Commission, Human Resources Department, and Gaming.
- Collaboration with the Comprehensive Health Division with regard to their accreditation efforts.

Third Quarter Plans

The LOC will focus on a few specific items in the third quarter;

- **Sanctions & Penalties Law Community Meeting Pot Luck:** May 3, 2018 from 5:00pm-7:30pm p.m. in the Norbert Hill Center Cafeteria. See the Featured Legislation content above for more information.
- Complete legislative analyses and schedule public meetings for; GTC Meetings Law, Comprehensive Policy Governing Boards, Committees, and Commissions, and Sanction and Penalties Law.
- Attorney assigned to the Wellness Court legislation will travel to Houston, TX, May 30-June 2 to attend the National Association of Drug Court Professionals Annual Conference.
- Prepare for and present the proposed Employment Law at the June 18 Special GTC Meeting.

April 2018

April 2018

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

May 2018

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

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 1 - 7	Apr 1	2	3	4	5	6	7
		9:00am 3:00pm LOC (BC_Conf_Room) - LOC					
Apr 8 - 14	8	9	10	11	12	13	14
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
Apr 15 - 21	15	16	17	18	19	20	21
		1:30pm 4:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	3:00pm 4:30pm LOC Prep (BC_Conf_Room) - LOC 3:00pm 4:30pm LOC Prep (BC_Exec_Conf_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Room) - LOC			
Apr 22 - 28	22	23	24	25	26	27	28
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)		9:00am 12:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	
Apr 29 - May 5	29	30	May 1	2	3	4	5

May 2018

May 2018						June 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 29 - May 5	Apr 29	30	May 1	2	3	4	5
				9:00am 3:00pm LOC (BC_Conf_Room) - LOC	5:00pm 7:30pm Sanctions and Penalties Law Community Meeting - Potluck (Norbert Hill Center Cafete	8:30am 11:00a m LOC Work Meeting (BC_Exec_Co nf_Room) - Jennifer A. Falck	
May 6 - 12	6	7	8	9	10	11	12
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)		8:30am 11:00a m LOC Work Meeting (BC_Exec_Co nf_Room) - Jennifer A. Falck	10:00am 3:00p m GTC (Radisson)
May 13 - 19	13	14	15	16	17	18	19
			3:00pm 4:30pm LOC Prep (BC_Conf_Ro om) - LOC 3:00pm 4:30pm LOC Prep (BC_Exec_Con f_Room) - LOC	9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC		8:30am 11:00a m LOC Work Meeting (BC_Exec_Co nf_Room) - Jennifer A. Falck	
May 20 - 26	20	21	22	23	24	25	26
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
May 27 - Jun 2	27	28	29	30	31	Jun 1	2