

Sanctions and Penalties Law: GTC to Consider in February

Legislative Operating Committee



Legislative Operating Committee Meetings
Every first and third Wednesday
9:00am
Norbert Hill Center, BCCR
Open to the public
Email: LOC@oneidation.org
Web: oneida-nsn.gov/government/business-committee/standing-committees/legislative-operating-committee
Legislative Reference Office
Email: jfalck@oneidation.org

New Laws
Children's Code
Leasing Law
Legal Resource Center
Professional Conduct for Attorneys & Advocates
Amended Laws
Landlord Tenant
Community Support
Real Property
Boards, Committees, and Commissions

*Four laws were amended on an emergency basis in April. Those amendments were repealed in September.

L-R: Ernest Stevens III, Jennifer Webster, David Jordan- LOC Chair, Daniel Guzman-King, Kirby Metoxen- LOC Vice Chair.

By the Legislative Operating Committee

On February 24, 2019, the General Tribal Council (GTC) will be asked to consider the adoption of a Sanctions and Penalties law. For more than twenty years the Nation's membership and leadership have discussed the development of a law to address misconduct by elected and appointed officials. Currently, the only remedy available to hold an official who engages in misconduct accountable is to remove that official from his or her position. The removal of an elected official is required to follow the process contained in the Nation's Removal law, while an appointed official may have his or her appointment terminated by the Oneida Business Committee (OBC) in accordance with the Boards, Committees, and Commissions law.

Accountability is an important factor of good governance. The Nation's membership does not currently have a formal process to issue warnings or corrective actions against officials. Not all instances of misconduct by an official rise to the level of removal or termination, yet the membership should still have a way to address misconduct by an official. A more effective government can be obtained if officials are provided the opportunity to take accountability for their actions and correct the behavior that resulted in misconduct.

Providing an official the opportunity to correct misconduct and improve his or her behavior aligns with traditional Oneida ways. Traditionally, a chief would be provided multiple warnings

which allowed the chief an opportunity to improve his behavior before he was dehorned or removed from his position of prominence. The focus of the warnings before the removal was to provide an opportunity for corrective action to be taken that had the potential to result in a better official.

Additionally, during the special election held on July 9, 2016, the voting membership approved a referendum which asked, "Should the BC develop a law which provides for sanctions and due process for elected officials?" by a vote of 178 to 59. The positive referendum further demonstrates the Nation's desire to develop a process to address misconduct of officials prior to seeking removal or termination of appointment.

The proposed Sanctions and Penalties law will establish a set of sanctions and penalties that may be imposed upon all elected and appointed officials of the Nation, including the Oneida Business Committee, for misconduct in office. The purpose is to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

Complaints alleged against an elected official will be handled by the Trial Court, because the official was elected by the Nation's membership. Complaints alleged against an appointed official will be handled by the OBC, because the appointed official serves at the discretion of the OBC. The Sanctions and Penalties law will describe what behaviors are misconduct, provide

a process for making a complaint, the factors to be used when determining if an official should be sanctioned, and the various sanctions and penalties that may be imposed against an official.

The LOC developed the Sanctions and Penalties law in accordance with all requirements of the Legislative Procedures Act (LPA). The LPA was established by GTC and sets the process to be used when adopting laws of the Nation. As authorized by the LPA, the GTC will be asked to consider the adoption of this law. Consideration of the adoption of the Sanctions and Penalties law may include a vote to support or reject the adoption of this law, or a decision to defer the

item back to the LOC for more work or changes as recommended by the GTC. The LOC encourages everyone to read the materials in the February 24, 2019, GTC meeting packet and come prepared to consider the adoption of the Sanctions and Penalties law.

The LOC recommends the adoption of the Sanctions and Penalties law so that the Nation has a mechanism for using corrective actions to address the misconduct of officials and allow an opportunity for improvement before the removal of an official.

Please feel free to contact LOC@oneidation.org with any questions or concerns.

ONEIDA NATION PUBLIC MEETING NOTICE

LEGISLATIVE OPERATING COMMITTEE
WWW.ONEIDA-NSN.GOV/GOVERNMENT

Monday, March 11, 2019, 12:15pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

DOMESTIC ANIMALS LAW

AMENDMENTS

The purpose of this law is to protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals, set minimum standards for the treatment of animals, prohibit certain species of animals from being brought onto the Reservation, regulate the keeping of livestock on lots zoned residential, and establish consequences for damages caused by domestic animals.



This proposed amendments to the Domestic Animals law will:

1. Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board, and instead requires a jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution.
2. Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division, and instead require standard operating procedures to be created related to disease investigations and quarantines.
3. Reduce the space requirements for dog kennels.
4. Provide guidelines and requirements for tethering an animal.
5. Reduce the limit on the number of dogs and cats allowed in a residential household, but allow those who wish to seek an additional animal over the limit the ability to apply for a permit to do so.
6. Require a person to obtain a conditional use permit to keep hens, and limit the number of hens allowed on a residential lot.
7. Eliminate the vicious animal designation, and create a single dangerous animal designation, with a requirement that any animal declared dangerous be removed from the Reservation or destroyed, pending the opportunity to contest the dangerous declaration.

PUBLIC COMMENTS PERIOD CLOSSES MONDAY, MARCH 18, 2019

During the Public Comment Period, all interested persons may submit written comments. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



PUBLIC MEETING PACKETS ARE AVAILABLE AT:
www.oneida-nsn.gov/Registrar/PublicMeetings or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 365, Oneida, Wisconsin 54155
Email: LOC@oneidation.org Phone: 920-869-4376