



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
October 16, 2019  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
  
- II. Minutes to be Approved**  
October 2, 2019 LOC Meeting Minutes (pg. 2)
  
- III. Current Business**
  - 1. Citations Law (pg. 5)
  - 2. Oneida Environmental Resource Board Bylaws Amendments (pg. 33)
  - 3. Oneida Personnel Commission Bylaws Amendments (pg. 82)
  - 4. Oneida Land Claims Commission Bylaws Amendments (pg. 124)
  
- IV. New Submissions**
  
- V. Additions**
  
- VI. Administrative Updates**
  - 1. Children's Code Update (pg. 162)
  
- VII. Executive Session**
  
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
October 2, 2019  
9:00 a.m.

**Present:** David P. Jordan, Ernest Stevens III, Kirby Metoxen, Daniel Guzman King

**Excused:** Jennifer Webster

**Others Present:** Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Rae Skenandore, Rosa Laster, Bonnie Pigman, JoAnne House, Patricia Lassila, Lois Strong, Jameson Wilson, Ralinda Ninham-Lamberies, Brooke Doxtator

**I. Call to Order and Approval of the Agenda**

David P. Jordan called the October 02, 2019, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Kirby Metoxen to adopt the agenda; seconded by Ernest Stevens III. Motion carried unanimously.

**II. Minutes to be Approved**

Motion by Ernest Stevens III to approve the September 18, 2019, Legislative Operating Committee meeting minutes and forward to the Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

**III. Current Business**

**1. Citations Law (1:28-16:12)**

Motion by Daniel Guzman King to accept the draft Citations law and Legislative Analysis and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

**2. Curfew Law (16:15-32:50)**

Motion by Ernest Stevens III to approve adoption packet for the Curfew law and forward to the Oneida Business Committee for consideration with the inclusion of the memo to the adoption packet, and forward the memo to the Finance Department; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Kirby Metoxen to approve the resolution titled "Curfew Law Penalty and Fine Schedule" and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.

**3. Pardon and Forgiveness Screening Committee Bylaws Amendments (32:52-42:35)**

Motion by Kirby Metoxen to accept the Pardon and Forgiveness Screening Committee Bylaws Amendments and forward to the Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.



4. **Oneida Gaming Commission Bylaws Amendments** (42:36-44:56 )  
Motion by Ernest Stevens III to accept the Oneida Gaming Commission Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.
5. **Southeastern Oneida Tribal Services Advisory Board Bylaws Amendments** (45:00-47:04)  
Motion by Kirby Metoxen to accept the Southeastern Oneida Tribal Services Advisory Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.
6. **Oneida Nation Arts Board Bylaws Amendments** (47:06-49:24)  
Motion by Daniel Guzman King to accept the Oneida Nation Arts Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Ernest Stevens III. Motion carried unanimously.
7. **Oneida Nation School Board Bylaws Amendments** (49:27-51:44)  
Motion by Daniel Guzman King to accept the Oneida Nation School Board Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.
8. **Oneida Nation Commission on Aging Bylaws Amendments** (51:45-56:19)  
Motion by Kirby Metoxen to accept the Oneida Nation Commission on Aging Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.
9. **Oneida Land Commission Bylaws Amendment** (56:21-58:14)  
Motion by Daniel Guzman King to accept the Oneida Land Commission Bylaws Amendments and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

#### IV. New Submissions

1. **Oneida Nation Arts Program – Dollars for Arts Project Policies Amendments** (58:15-1:05:40)  
Motion by Kirby Metoxen to add to the active files list the Arts Program: Dollars for Arts. Motion fails due to no support.

Motion by Ernest Stevens III to deny the request; seconded by Daniel Guzman King. Motion carried.

Ayes: Ernest Stevens III, Daniel Guzman King

Opposed: Kirby Metoxen

#### V. Additions

#### VI. Administrative Items

#### VII. Executive Session

**VIII. Adjourn**

Motion by Kirby Metoxen to adjourn the October 02, 2019, Legislative Operating Committee meeting at 10:05 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee  
October 16, 2019

## Citations Law

<b>Submission Date:</b> 5/15/19	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> n/a

**Summary:** *This item came to the LOC as a result of the development of the amendments to the Domestic Animals law. The development of a Citations law will ensure that the Nation provides a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved.*

**5/15/19 LOC:** Motion by Jennifer Webster to add the Citations Law to the active files list with Jennifer Webster as the sponsor; seconded by Kirby Metoxen. Abstained by Ernest Stevens III and Daniel Guzman King. Motion carried.

**5/21/19:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Eric Boulanger, Chad Wilson, Kelly McAndrews, Wes Martin, Tsyoslake House. The purpose of this work meeting was to review and discuss the initial draft of the Citations law with the departments and entities that are currently involved in the handling of citations. The Oneida Law Office, Legal Resource Center, and Oneida Police Department provided suggestions and recommendations to the LRO staff. LRO will update the draft.

**5/23/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to discuss and plan for how the LOC will collaborate with the Judiciary on the development of this Law.

**6/13/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Laura Laitinen-Warren. The purpose of this work meeting was to review the draft of the Law, and for the LOC to provide input. The LOC provided the LRO with revisions to be made to the law, and areas that should be researched. LOC also determined that the law should not move forward until the Judiciary has been consulted.

**8/6/19:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Lisa Skenandore, Patricia Degrand, Kristina Denny, Kelly McAndrews. The purpose of this work meeting was to review the proposed draft of the Law to ensure that the processes and timelines included are realistic and can be implemented successfully.

**8/29/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the proposed revisions to the draft of the Citations law based on the comments collected from the Oneida Police Department, Oneida Law Office, and Judiciary.

**10/2/19 LOC:** Motion by Daniel Guzman King to accept the draft Citations law and Legislative Analysis and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

**10/2/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Jameson Wilson. The purpose of this work meeting was to review the legislative analysis and make decisions regarding the policy considerations contained in the law.

**Next Steps:**

- Approve the public meeting packet, with the updated draft and analysis, and forward the Citations law to a public meeting to be held on November 22, 2019.

**Title 8. Judiciary - Chapter 807**  
**Kayan<sup>^</sup>sla OI\$-wa>**  
*Laws of issues/matters*  
**CITATIONS**

~~807.1. Purpose and Policy~~  
~~807.2. Adoption, Amendment, Repeal~~  
~~807.3. Definitions~~  
~~807.4. Commencement of a Citation Action~~  
~~807.5. Stipulations~~  
~~807.6. Hearing Procedure~~  
807.1. Purpose and Policy

807.2. Adoption, Amendment, Repeal  
807.3. Definitions  
807.4. Commencement of a Citation Action  
807.5. Stipulations  
807.6. Hearing Procedure  
807.7. Exclusion

1  
2 **807.1. Purpose and Policy**  
3 807.1-1. *Purpose.* The purpose of this law is to provide a process that governs all citations that fall  
4 under the jurisdiction of the Oneida Nation.

5 807.1-2. *Policy.* It is the policy of the Nation to provide a consistent process for handling citations  
6 of the Nation in order to ensure equal and fair treatment to all persons who come before the  
7 Judiciary to have their citations resolved.  
8

9 **807.2. Adoption, Amendment, Repeal**

10 807.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_-\_\_.

11 807.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General  
12 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

13 807.2-3. Should a provision of this law or the application thereof to any person or circumstances  
14 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
15 to have legal force without the invalid portions.

16 807.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
17 the provisions of this law shall control.

18 807.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
19

20 **807.3. Definitions**

21 807.3-1. This section shall govern the definitions of words and phrases used within this law. All  
22 words not defined herein shall be used in their ordinary and everyday sense.

23 (a) “Authorized attorney” means an attorney of the Nation who represents the department  
24 or entity of the officer who issued the citation.

25 (b) “Citation” means a legal document that serves as a notice or summons to appear in a  
26 court of the Nation in response to a charge against an individual of a violation of law.

27 (c) “Court” means the Nation’s Trial Court, Family Court, or any other specific courts or  
28 divisions of the Nation’s Judiciary created by a law of the Nation which have been granted  
29 jurisdiction to hear matters of citations.

30 (d) “Court of Appeals” means the branch of the Nation’s Judiciary delegated the authority  
31 of final appeals within the Nation’s Judiciary, as authorized by Oneida General Tribal  
32 Council resolution GTC-03-19-17-A.

33 (e) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was  
34 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later

35 authorized to administer the judicial authorities and responsibilities of the Nation by  
36 Oneida General Tribal Council resolution GTC-03-19-17-A.

37 (f) “Nation” means the Oneida Nation.

38 ~~(g)~~ (g) “No contest” means a plea by which a defendant will accept the charged violation of  
39 law but does not plead or admit guilt.

40 (h) “Officer” means an individual authorized by a law of the Nation to issue a citation for  
41 a violation of said law.

#### 42 43 **807.4. Commencement of a Citation Action**

44 807.4-1. *Action.* The issuance of a citation shall commence a civil action in the Judiciary for a  
45 violation of a law of the Nation for the purpose of collecting a fine or penalty imposed by the law  
46 in the name of the Nation.

47 807.4-2. *Authority to Issue.* An officer may issue a citation to any person he or she has reasonable  
48 grounds to believe has committed a violation of a law of the Nation that expressly permits the  
49 issuance of a citation.

50 807.4-3. *Form of Citation.* A citation shall contain the following information:

51 (a) The name of the officer who issued the citation.

52 (b) The name, address, and date of birth of the defendant.

53 (c) The enrollment number and/or license number of the defendant, if applicable.

54 (d) Information about the alleged violation including:

55 (1) the violation alleged;

56 (2) the law violated;

57 (3) the time and place of the occurrence of the violation; and

58 (4) a description of the violation.

59 (e) A notice to appear at a date, time and place for the citation pre-hearing, and a statement  
60 as to whether the appearance at the pre-hearing is mandatory.

61 (f) Provisions for payment of citation and stipulation in lieu of an appearance in Court, if  
62 applicable.

63 (g) Notice that if the defendant does not pay the citation or stipulate to an agreement prior  
64 to the pre-hearing and fails to appear in Court at the time fixed in the citation or provide  
65 written notice to the Court that he or she is contesting the citation, the Court may issue a  
66 default judgment which may include any fine amount due, restitution and/or suspension of  
67 any rights, privileges, or licensures, or any other penalty authorized by law.

68 (h) Notice that failure to satisfy a fine, restitution, or any other part of the judgment, may  
69 result in per capita attachment, wage garnishment, revocation, suspension of any rights,  
70 privileges, licensures, and/or any other action authorized by law and/or other collection  
71 processes available to the Court.

72 (i) Any other relevant information.

73 807.4-4. *Service of a Citation.* The defendant is served with a citation when one of the following  
74 occurs:

75 (a) *Personal Service.* The citation is provided to the defendant directly by the officer, or  
76 a copy of the citation is left at the defendant’s home or usual place of abode by the officer:

77 (a1) in the presence of a competent family member at least fourteen (14) years of  
78 age who shall be informed of the contents of the citation; or

79 (b2) in the presence of a competent adult who resides in the home or usual place  
80 of abode of the defendant, who shall be informed of the contents of the citation.

81 (b) *Mail Service.* If personal service is not possible, and the defendant's address is known

82 or with reasonable diligence can be ascertained, then mail service may be used. For service  
83 by mail, a copy of the citation may be delivered to the defendant's last known address by  
84 certified mail with return receipt. The certified mail return receipt shall be signed by the  
85 defendant or a competent family member at least fourteen (14) years of age or an adult who  
86 resides in the home of the defendant.

87 (1) The certified mail return receipt shall be filed with the Court as proof of service.

88 (c) *Service by Publication.* If after a showing of due diligence personal service and mail  
89 service were not possible, then service may be completed by publication as a last resort.  
90 The publication shall be in the Nation's newspaper and shall be designated as "Legal  
91 Notice." The department of the officer and/or authorized attorney shall publish this notice  
92 at least two (2) times within a thirty (30) day period. The two (2) notices shall be published  
93 a minimum of ten (10) days before the citation pre-hearing.

94 (1) Copies of the two (2) published notices and written report stating the facts  
95 surrounding the failure of personal and mail service shall be filed with the Court as  
96 proof of service.

97 (2) If service by publication is required and there is insufficient time for proper  
98 service before the pre-hearing, the Court may, on its own, order different time limits  
99 for service by publication and/or re-schedule the pre-hearing appropriately in order  
100 to provide for fair notice and opportunity for the defendant to respond.

101 (3) The Court may order the defendant to reimburse the department of the officer  
102 and/or the authorized attorney for any costs incurred from service by publication.

103 807.4-5. *Filing of a Citation.* Absent exigent circumstances, the department of the officer who  
104 issued the citation shall file the citation with the Court along with any applicable proof of service  
105 at least thirty (30) days prior to the date of the pre-hearing.

106 (a) Citations may be filed in person or electronically transmitted to the Court. Citations  
107 that are electronically transmitted to the Court are deemed filed upon confirmation of  
108 receipt by the Clerk of Court assigned to the branch of the Judiciary that will hear the  
109 citation.

110 (b) After filing the citation with the Court, the department of the officer who issued the  
111 citation shall forward the citation and all relevant accompanying information to the  
112 authorized attorney. Relevant information to accompany the citation may include, but is  
113 not limited to, a narrative by the officer and/or history of violations by the defendant.

114 ~~304~~807.4-6. *Amendments to the Citation.* A citation may be amended by an officer or the  
115 authorized attorney prior to the citation pre-hearing. A copy of the amended citation shall be  
116 provided to the defendant in accordance with section 807.4-4, and filed with the Court, at least five  
117 (5) days before the citation pre-hearing. After the hearing, the citation may only be amended at  
118 the discretion of the Court, upon notice to the parties and an opportunity to be heard.

## 119 **807.5. Stipulations**

121 807.5-1. *Authority for Stipulations and Case Settlement.* An authorized attorney of the Nation is  
122 granted the discretion to seek the settlement of a citation.

123 (a) When seeking to enter into a stipulation the authorized attorney shall explain to the  
124 defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

125 807.5-2. *Form of Stipulation.* Any stipulation between an authorized attorney and the defendant  
126 shall be in writing and signed. The stipulation shall include the following:

127 (a) A summary of the citation violation information included on the citation;

128 (b) The details of the stipulation including any fine, penalty, condition, or payment plan

129 the defendant shall comply with;

130 (c) A statement that by entering into the stipulation the defendant is admitting that he or  
131 she committed the act for which the citation was issued or is entering a plea of no contest  
132 and thereby waives his or her right to contest the citation with the Court; and

133 (d) A statement that all parties signed the agreement free of duress and coercion.

134 807.5-3. *Submission of the Stipulation to the Court.* If the authorized attorney and defendant reach  
135 an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's  
136 approval.

137 (a) If the Court enters an order approving the stipulation as written, a copy of the order  
138 shall be provided to the authorized attorney and defendant.

139 (b) If the Court does not enter an order approving the stipulation as written or requests  
140 clarification, the Court shall schedule the matter for a hearing. The Court shall provide the  
141 authorized attorney and defendant notice of the hearing date and written explanation as to  
142 why the Court did not approve the stipulation of the parties.

143 807.5-4. If the authorized attorney and defendant do not reach an agreement as to a stipulation,  
144 then the parties shall proceed with the citation hearing process.

145 807.5-5. Compliance with a stipulation shall be monitored by the authorized attorney. The  
146 authorized attorney may file a motion with the Court to enforce the terms of a stipulation or file a  
147 motion for contempt if the defendant is non-compliant with the terms of the stipulation.

148

#### 149 **807.6. Hearing Procedure**

150 807.6-1. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Court which  
151 shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law  
152 of the Nation.

153 (a) Appearance at the pre-hearing shall be mandatory only when a law, policy, rule, or  
154 resolution of the Nation requires a mandatory appearance for that specific violation of law.

155 (b) If an appearance is not mandatory, and a person does not wish to contest the citation,  
156 a person may pay the fine and/or penalty as listed on the citation prior to the pre-hearing  
157 date.

158 (1) If the person pays the fine and/or penalty as listed on the citation prior to the  
159 pre-hearing date the citation shall be considered satisfied.

160 (c) If a person wishes to contest the citation, the person shall provide notice to the Court  
161 in one (1) of the following manners:

162 (1) appear at the pre-hearing to contest the citation; or

163 (2) if an appearance is not mandatory, send written notice to the Court, with a copy  
164 to the Oneida Law Office, prior to the pre-hearing notifying the Court that the  
165 defendant wishes to contest the citation.

166 (d) At the pre-hearing the Court shall accept pleas which either contest or admit committing  
167 the act for which the citation was issued, or a plea of no contest.

168 (1) If the defendant admits committing the act for which the citation was issued  
169 the Court shall provide a statement that by admitting that he or she committed the  
170 act for which the citation was issued the defendant thereby waives his or her right  
171 to contest the citation with the Court. The Court shall obtain an affirmative  
172 acknowledgment from the defendant of that waiver of rights.

173 (e) In addition to scheduling requested hearings, the Court may also make conditional  
174 orders at the pre-hearing which are effective until the matter is resolved.

175 (f) If a defendant does not appear at the pre-hearing or submit written notice that he or she

176 is contesting the citation when there is a non-mandatory appearance, and the defendant has  
177 not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the  
178 Court may proceed to enter a default judgment.

179 (1) A default judgment may include any fine amount due, restitution, suspension  
180 of any rights, privileges, or licensures, and/or any other penalty authorized by law.

181 (2) Unless otherwise noted by the Court, a defendant shall have ninety (90) days  
182 to satisfy a default judgment by paying any fine and/or complying with any  
183 condition or penalty ordered.

184 807.6-2. *Citation Hearing.* For all persons entering a plea contesting the fact that he or she  
185 committed the act for which a citation was issued, the Court shall schedule a hearing as  
186 expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of  
187 the pre-hearing when possible.

188 (a) The burden of proof at the citation hearing shall be by clear and convincing evidence.

189 (b) As a result of the citation hearing the Court may issue an order which includes a  
190 determination as to the underlying violation of law as well as any fine amount, restitution,  
191 suspension of any rights, privileges, or licensures, and/or any other penalty as authorized  
192 by law.

193 (c) A defendant who fails to satisfy a lawful order of the Court shall be subject to  
194 punishment for contempt of court which may include fines, revocation and/or suspension  
195 of any rights, privileges, licensures, or any other action authorized by law.

196 (d) The defendant's failure to satisfy a fine and/or restitution may result in per capita  
197 attachment, wage garnishment and/or other collection processes available to the Court.

198 807.6-3. *Appeals of the Court's Determinations.* Any person wishing to contest the determination  
199 of the Court may appeal to the Nation's Court of Appeals in accordance with the Rules of Appellate  
200 Procedure.

201  
202 **807.7. Exclusion**

203 807.7-1. This law shall not apply to any law of the Nation which delegates hearing authority to a  
204 hearing body other than the Oneida Judiciary.

205  
206 *End.*

207  
208 \_\_\_\_\_  
209 Adopted – BC-\_\_-\_\_-\_\_-\_\_

**ONEIDA NATION PUBLIC MEETING NOTICE**  
**Friday, November 22, 2019, 12:00 pm**  
 Norbert Hill Center-Business Committee Conference Room  
 N7210 Seminary Rd., Oneida, Wisconsin

**Find Public Meeting Materials at**  
 Oneida-nsn.gov/government/register/public meetings



**Send Public Comments to**  
 LOC@oneidanation.org  
**Ask Questions here**  
 LOC@oneidanation.org  
 920-869-4312

**CITATIONS LAW**

The purpose of this law is to provide a consistent process that governs all citations that fall under the jurisdiction of the Oneida Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved.

**The Citations law will:**

1. Provide what information must be included on a citation;
2. Describe how a citation shall be served on an individual;
3. Provide a process for an individual to enter into a stipulation agreement with an authorized attorney of the Nation to settle citations;
4. Provide a process for how an individual may contest his or her citation in court; and
5. Provide the various timelines and procedures for citation hearings.

**PUBLIC COMMENTS PERIOD CLOSSES TUESDAY, DECEMBER 3, 2019**

During the Public Comment Period, anyone 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.

**PROVIDING EFFECTIVE PUBLIC COMMENTS**

Providing public comment is an important way to make your voice heard in decision making. Public comments can strengthen a decision or provide different perspectives. The Legislative Operating Committee wants to hear from you!



**✓ READ THE PUBLIC MEETING MATERIALS:** Before you provide comments familiarize yourself with the legislation. A public meeting packet is made for every public meeting and it includes 1) a notice with the date, time, location, 2) a draft of the proposed legislation, and 3) a plain language review of the legislation and its impact on the Oneida Nation.

**✓ PREPARE YOUR COMMENTS:** When you are familiar with the legislation, start to prepare comments. The LOC is responsible for reviewing every comment received. To get your message across effectively, frame your comment clearly and concisely. Here is an example of how to create an effective comment:

Least Effective Comment	More Effective Comment	Most Effective Comment
We shouldn't use citations.	We need to make sure the citation process is fair to all individuals.	Section 807.4-4(c) which allows service by publication may not be fair to those individuals who do not receive the newspaper.



# Kayanl<sup>^</sup>sla Ol\$wa>

## CITATIONS LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

REQUESTER: LOC	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Proposed Law	To establish a consistent process for citations issued for violations of laws of the Nation, including: <ul style="list-style-type: none"> <li>- What must appear on a citation form;</li> <li>- How a citation must be served;</li> <li>- A process for entering into stipulation agreements to settle citations;</li> <li>- A process for how individuals can contest their citations in court; and</li> <li>- Timelines and procedures for citation hearings.</li> </ul>		
Purpose	To provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation [8 O.C. 807.1-1].		
Affected Entities	Any person issued a citation under the laws of the Nation; Agencies responsible for enforcement and issuing citations under the laws of the Nation (Oneida Police Department, Conservation Wardens, Oneida Environmental Health Safety and Land Division, Licensing Department), the Nation’s Judiciary, Oneida Law Office, GTC Legal Resource Center, Utilities Department, and Oneida Land Commission.		
Related Legislation	Domestic Animals law; Hunting, Fishing and Trapping law; All-Terrain Vehicle law; Public Use of Tribal Land law; Recycling and Solid Waste Disposal law; Tribal Environmental Response law; Well Abandonment law; Onsite Waste Disposal Ordinance; Water Resources law; Emergency Management and Homeland Security law; Tobacco law; Oneida Food Service Code; Tattoo and Body Piercing law; Notary Act; Non Metallic Mine Reclamation law; Zoning and Shoreland Protection law; Marriage law, Sanitation Ordinance, Rules of Civil Procedure; Rules of Appellate Procedure, Judiciary Law Rule No. 1 – Oneida Trial Court Rules.		
Public Meeting	A public meeting has not yet been held.		
Fiscal Impact	A fiscal impact statement has not yet been requested.		

### SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The Oneida Nation exercises its sovereignty through the enactment and enforcement of its own laws.
- 3 These laws cover a variety of topics, including health and public safety, environmental and natural
- 4 resources, property and land, and many others. When a person violates a law of the Nation, several laws
- 5 authorize the Nation to enforce that law through the issuance of citations, fines and penalties. However,
- 6 the Nation’s laws do not include a uniform process for what happens after a citation is issued. This has
- 7 led to implementation issues for agencies involved in the citation process.
- 8 **B.** During development of the Domestic Animals law amendments, the LOC worked collaboratively with
- 9 several of the Nation’s agencies. During this process, the need to develop a more detailed procedure
- 10 for the issuance and processing of citations was discussed. Rather than add a detailed process only to
- 11 the Domestic Animals law, the LOC decided to begin drafting a new Citations law that can apply to
- 12 violations of all laws of the Nation that allow for citations.

- 13 C. The LOC added the proposed Citations law to the Active Files List on May 15, 2019. Since that time,  
14 a work group of representatives from Oneida Police Department, Environmental Resource Board,  
15 Oneida Law Office and Oneida Legal Resource Center met to work on the proposed law.
- 16 D. This proposed law applies only to citations issued by the Nation for violations of the Nation’s laws.  
17 Officers of the Oneida Police Department are cross-deputized by the Brown County Sheriff’s  
18 Department and also have the authority to issue citations for violation of state laws that may be heard  
19 in Wisconsin Circuit Courts (for example, violations for operating while intoxicated).

20

### 21 **SECTION 3. CONSULTATION AND OUTREACH**

- 22 A. Representatives from the following departments or entities participated in the development of this law  
23 and legislative analysis: Oneida Police Department, Oneida Law Office, Oneida Judiciary, Oneida  
24 Legal Resource Center, and Oneida Environmental Resource Board.
- 25 B. The following laws were reviewed in the drafting of this analysis: Domestic Animals law; Hunting,  
26 Fishing and Trapping law; All-Terrain Vehicle law; Public Use of Tribal Land law; Recycling and  
27 Solid Waste Disposal law; Tribal Environmental Response law; Well Abandonment law; Onsite Waste  
28 Disposal Ordinance; Water Resources law; Emergency Management and Homeland Security law;  
29 Tobacco law; Oneida Food Service Code; Tattoo and Body Piercing law; Notary Act; Non Metallic  
30 Mine Reclamation law; Zoning and Shoreland Protection law; Motor Vehicle Registration law;  
31 Marriage law; Sanitation Ordinance; Clean Air Policy; Alcohol Beverage Licensing law; Oneida  
32 Woodcutting Ordinance; Building Code law; Rules of Civil Procedure; Rules of Appellate Procedure,  
33 and Judiciary Law Rule No 1 – Oneida Trial Court Rules.

34

### 35 **SECTION 4. PROCESS**

- 36 A. Thus far, amendments to this law have followed the process set forth in the Legislative Procedures Act  
37 (LPA).
- 38 B. The law was added to the Active Files List on May 15, 2019.
- 39 C. The following work meetings were held regarding the development of this law and legislative analysis:
- 40 ▪ May 21, 2019: Work meeting with Oneida Police Department, Oneida Law Office, Environmental  
41 Resource Board and Legal Resource Center.
  - 42 ▪ May 23, 2019: Work meeting with LOC.
  - 43 ▪ June 13, 2019: Work meeting with LOC.
  - 44 ▪ August 6, 2019: Work meeting with Oneida Police Department, Oneida Law Office and Oneida  
45 Judiciary clerks.
  - 46 ▪ August 29, 2019: Work meeting with LOC.
  - 47 ▪ October 2, 2019: Work meeting with LOC.

48

### 49 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 50 A. *Commencement of a Citation Action.*
- 51 ▪ *What is a Citation?* A citation is a “legal document that services as a notice or summons to appear  
52 in a court of the Nation in response to a charge against an individual of a violation of law” [8 O.C.  
53 807.3-1(b)]. The issuance of a citation begins a civil action in the Judiciary for violating a law of  
54 the Nation for the purpose of collecting a fine or penalty imposed by the law [8 O.C. 807.4-1].
  - 55 ▪ *Authority to Issue.* An officer may issue a citation to any person he or she has reasonable grounds  
56 to believe has committed a violation of a law of the Nation. For the purposes of this law, an “officer”  
57 is defined as “any individual authorized by a law of the Nation to issue a citation for a violation of  
58 said law” [8 O.C. 807.3-1(g)].
    - 59 ○ For most laws of the Nation, the individual authorized to issue a citation is an officer of the  
60 Oneida Police Department or a Conservation Warden.

61 **B. Form of Citation.** This law creates a standard list of information that must be included on a citation  
 62 form when it is issued. These requirements match the information included on the current citation form  
 63 used by the Nation [8 O.C. 807.4-3].

- 64 ■ **Identifying Information:**
  - 65 ○ Name of the officer who issued citation;
  - 66 ○ Name, address, and date of birth of the defendant. Enrollment number and/or license
  - 67 number of the defendant, if applicable.
- 68 ■ **Information About the Alleged Violation:**
  - 69 ○ The violation alleged, the law violated, the time and place of the violation, and a description
  - 70 of the violation.
- 71 ■ **Court Hearing & Fine Information:**
  - 72 ○ A notice of when and where to appear at a citation pre-hearing and whether the pre-hearing
  - 73 is mandatory;
  - 74 ○ Provisions for payment of citation and stipulation in lieu of an appearance in Court, if
  - 75 applicable. In other words, the option for individuals to pay their fine without having to
  - 76 make a court appearance;
  - 77 ○ Notice that if the defendant does not pay the citation or stipulate an agreement prior to the
  - 78 pre-hearing and fails to appear in Court at the time listed on the citation, the Court may
  - 79 issue a default judgment which may include any fine amount due, restitution and/or
  - 80 suspension of any rights, privileges, or licensures, or any other penalty authorized by law;
  - 81 ○ Notice that failure to satisfy a fine, restitution, or any other party of the judgment may
  - 82 result in per capita attachment, wage garnishment, revocation, suspension of any rights,
  - 83 privileges, licensures, and/or any other action authorized by law and/or other collection
  - 84 processes available to the court.

85  
 86 *Current Oneida Nation Citation Form – Front*

**ONEIDA NATION CITATION** #20 \_\_\_\_\_ – IR# \_\_\_\_\_

<b>Appearance Required</b> <input type="checkbox"/> No <input type="checkbox"/> Yes		Date: _____		See back for court/ payment information		Fine/Other Penalties \$ _____	
Oneida Judiciary 2630 West Mason Street, Green Bay, WI 54303		Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM				Court Costs \$ _____	
Day of Week	Date of Violation	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	COUNTY	TWP-Village-City			
NAME (Last, First, MI)				Area Code - Telephone No.			
Tribal ID		Driver's License/ID #		State		Exp Year	
Street Address				City		State Zip Code	
Date of Birth MM/DD/YYYY	Sex	Race	HT	WT	Hair	Eyes	Case Type <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile
Parent's Name (Juvenile Only)		Parent's Phone (Juvenile Only)		Parents Notified <input type="checkbox"/> No <input type="checkbox"/> Yes			
Violation Code		Violation Name					
Description of Violation							
Print Officer Name		Officer Signature		Title		Badge Number Department/Agency	
<b>YOU ARE HEREBY NOTIFIED TO APPEAR IN FRONT OF THE ONEIDA JUDICIARY</b> A failure to appear and defend may result in a default judgment against the Defendant							
Issuance Information		Method of Service		Personal		Mail Left with _____ at defendant's residence	

Distribution: White-Court Yellow-Defendant Pink-Law Office Goldenrod-Agency

87 *Current Oneida Nation Citation Form – Back*

**Mandatory Appearance** If your citation is marked “Yes” under the “Appearance Required,” you **MUST** appear in Court.

**Disputing a Citation** If you wish to dispute the citation, you must appear in court for a pre-hearing where a “contest” or “admit” plea will be entered verbally. A hearing date will then be scheduled.

**If you do not wish to dispute the Citation** You may mail in a money order or cashier’s check made payable to the Oneida Judiciary; include a copy of your citation and send to Oneida Judiciary at P.O. Box 19 Oneida, WI 54155 before the Court date stated on your citation. Or you may pay in person at the Oneida Judiciary located at 2630 West Mason Street, Green Bay, WI 54303.

**If you do nothing** The Court may enter a default judgement which may include, but is not limited to, any fine amount that is due, restitution and/or suspension of any rights, privileges or licensures with the Oneida Nation.

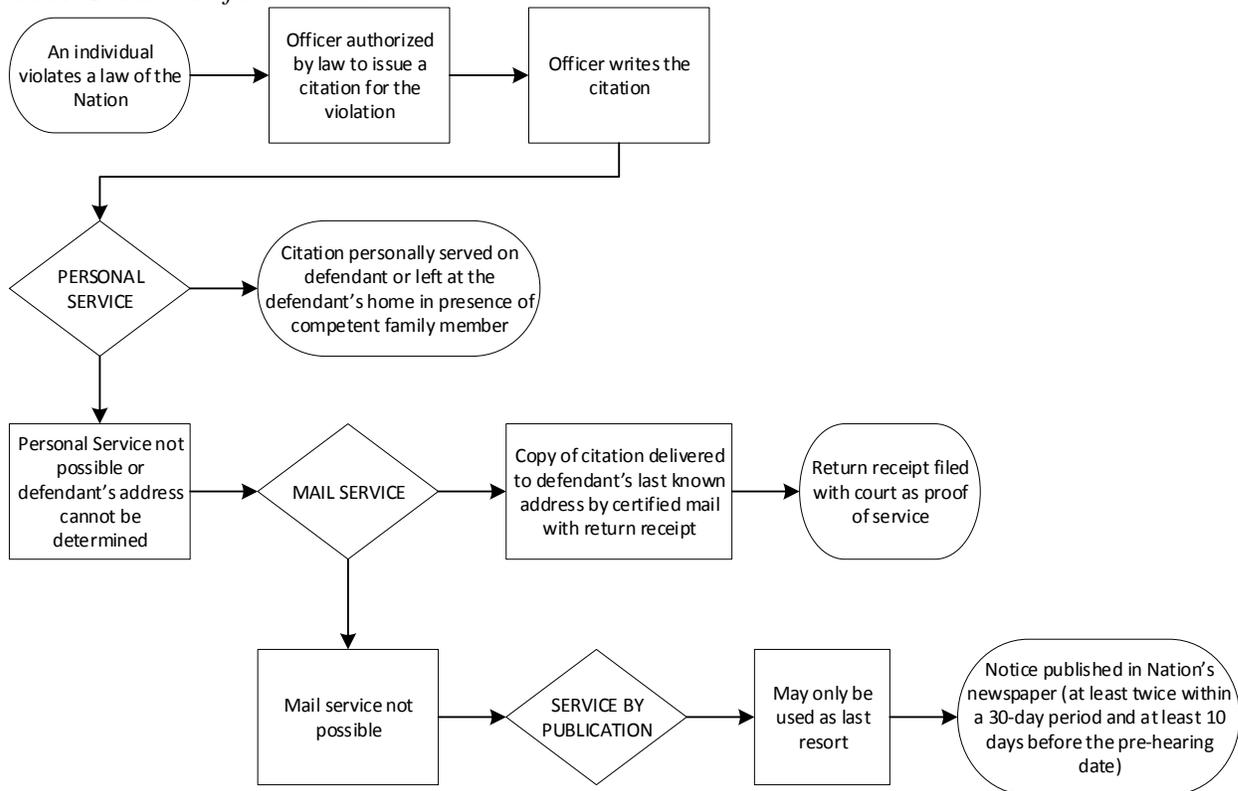
**Failure to satisfy Penalty/Restitution** A failure to satisfy and fine, restitution or any other part of the judgement, may result in the following, but is not limited to, intercept of Per Capita, wage garnishment, revocation and/or suspension of any rights, privileges, licensures, or any other action authorized by law with the Oneida Nation.

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- 88  
89 C. **Service of a Citation.** When an officer issues a citation, the citation must be “served” on the individual  
90 alleged to have violated the law [8 O.C. 807.4-4].
- 91     ▪ **Personal Service.** An officer must first attempt to personally serve the citation on the defendant  
92 (i.e. hand the citation to the defendant) or leave a copy of the citation at the defendant’s home in  
93 the presence of a competent family member at least fourteen (14) years of age or an adult who  
94 resides in the home of the defendant.
    - 95         ○ *Why age 14?* In the state of Wisconsin, a service of summons may be left in the presence  
96 of a competent family member at least fourteen (14) years of age if, with reasonable due  
97 diligence, the defendant cannot be personally served [Wis. Stats 801.11]. This provision is  
98 modeled after WI statutes.
  - 99     ▪ **Mail Service.** If personal service is not possible and the defendant’s address can be determined,  
100 then mail service may be used. For service by mail, a copy of the citation may be delivered to the  
101 defendant’s last known address by certified mail with return receipt. The certified mail return  
102 receipt will be signed by the defendant or competent family member at least fourteen (14) years of  
103 age or an adult who resides in the home of the defendant. The certified mail return receipt will be  
104 filed with the Court as proof of service.
  - 105     ▪ **Service by Publication.** As a last resort, after a showing of due diligence that personal and mail  
106 service are not possible, then service may be completed by publication in the Nation’s newspaper  
107 (the Kalihwisaks). The notice must be published at least two (2) times within a 30-day period. The  
108 notices must be published at least ten (10) days before the citation pre-hearing.
  - 109     ▪ **Filing a Citation.** The department of the officer who issued the citation must file the citation with  
110 the Court along with proof of service, if applicable, at least thirty (30) days prior to the date of the  
111 pre-hearing. Citations may be filed in person or electronically transmitted [8 O.C. 807.4-5].
    - 112         ○ *Amendments to Citations.* A citation may be amended by an officer or the authorized  
113 attorney prior to the citation pre-hearing. A copy of the amended citation must be provided  
114 to the defendant at least five (5) days prior to the citation pre-hearing.

115

Chart 1. Service of a Citation.



116 **D. Stipulations.** An authorized attorney of the Nation is granted the discretion to seek the settlement of  
 117 the citation. This means that the Nation and the defendant can agree to a lower fine amount or other  
 118 condition to settle the case [8 O.C. 807.5].

- 119 ■ *Who is an Authorized Attorney of the Nation?* An attorney of the Nation who represents the  
 120 department or entity of the officer who issued the citation, such as the attorney for the Oneida Police  
 121 Department [8 O.C. 807.3-1]. Attorneys of the Nation work in the Oneida Law Office.
- 122 ■ *Form of Stipulation.* The stipulation, or agreement, between the Nation’s attorney and defendant  
 123 must be in writing, signed by both parties, and include the following information:
  - 124 ○ A summary of the violation that resulted in the citation,
  - 125 ○ The details of the stipulation including any fine, penalty, condition or payment plan the  
 126 defendant must comply with,
  - 127 ○ A statement that the defendant admits that he or she committed the act or is entering a plea  
 128 of no contest and waives his or her right to contest the citation in Court; and
  - 129 ○ A statement that all parties signed the agreement free of duress and coercion.
- 130 ■ *Current Practice.* It is the Nation’s current practice to offer stipulations to defendants for violations  
 131 of the Nation’s Domestic Animals law. Stipulations typically involve the Nation lowering a fine  
 132 amount. Currently, this practice is not outlined in detail in any law of the Nation.
  - 133 ○ *Comparison to State of WI.* For cases in Wisconsin circuit court, stipulations are typically  
 134 handled by the prosecutor’s office. Oneida Nation does not have a prosecutor or exercise  
 135 criminal jurisdiction, so in this instance, the Nation is represented by an attorney of the  
 136 Law office who assumes these responsibilities for violations the Nation’s civil laws.
- 137 ■ *Effect.* Although offering stipulations is the current practice of the Nation, placing the process in  
 138 the law will formally establish this authority for the authorized attorneys of the Nation.

139 **E. Citation Pre-Hearing.** All citations will include a pre-hearing date with the Court which will be set at  
 140 least thirty (30) days after the citation was issued, unless stated otherwise by a law of the Nation [8

141 *O.C. 807.6-1*]. The Judiciary’s current practice is to hold citation pre-hearings on the third Thursday of  
142 each month.

- 143 ■ *Mandatory Appearance.* Appearance at a pre-hearing is only mandatory when a law, policy, rule  
144 or resolution of a Nation requires a mandatory appearance for that specific violation of the law.  
145 Most violations of the Nation’s laws do not require a mandatory appearance.
  - 146 ○ Example: The Domestic Animals law fine, penalty and licensing fee schedule requires a  
147 mandatory court appearance for mistreatment of animals [*BC Resolution 05-08-19-D*].
- 148 ■ *Paying Fine or Penalty.* If an appearance is not mandatory and the individual does not want to  
149 contest (or challenge) the citation, the individual may pay the fine or penalty listed on the citation  
150 before the pre-hearing date and the citation will be considered satisfied.
- 151 ■ *Contesting a Citation.* If an individual wants to contest their citation, that person can appear at the  
152 pre-hearing to contest the citation. If an appearance at the pre-hearing isn’t mandatory, that  
153 individual can also send a written notice to the Court with a copy to the Law Office notifying the  
154 court that they wish to contest the citation.
- 155 ■ *Default Judgment.* If the defendant does not pay their fine or enter into a stipulation before their  
156 pre-hearing date and fails to appear at their pre-hearing or provide notice to the court, then the court  
157 may enter a default judgment against the defendant. In other words, if a defendant “ignores” their  
158 citation, the court can automatically find them guilty of the violation.
  - 159 ○ *Consequences.* A default judgment can include the fine amount due, restitution, suspension  
160 of rights, privileges and licenses, or any other penalty authorized by laws of the Nation.

161 **F. Citation Hearing.** If a defendant contests that they committed the violation that resulted in the citation,  
162 then the Court will schedule a hearing within ninety (90) days of the pre-hearing date. In other words,  
163 if the defendant argues that they did not commit the violation or that the citation was issued  
164 inappropriately, the defendant has an opportunity to challenge their citation at a court hearing [*8 O.C.*  
165 *807.6-2*].

- 166 ■ *Burden of Proof.* The burden of proof at a citation hearing is “clear and convincing evidence.” This  
167 means that the Nation must provide evidence “indicating that the [allegation] to be proved is highly  
168 probably or reasonably certain” [*see Black’s Law Dictionary*].
  - 169 ○ *Current Standard of Proof.* The Nation’s Rules of Civil Procedure state that the standard  
170 of proof for all matters to be decided by the Court shall be proven by a “preponderance of  
171 the evidence” standard, unless specified otherwise [*8 O.C. 803.4-8*]. “Preponderance of  
172 the evidence” is the burden of proof in most civil trials and means that there is sufficient  
173 evidence that there is a greater than 50% chance that the claim is true.
  - 174 ○ *Effect.* This law sets a higher burden of proof than the Judiciary is currently using for  
175 citation hearings under the laws of the Nation. This means that the Nation and its agencies  
176 (represented by its authorized attorney) will have to meet this higher burden of proof when  
177 a citation is challenged by a defendant. This will only apply to citation hearings. All other  
178 hearings of the court will utilize the “clear and convincing evidence” standard unless  
179 otherwise noted in another law of the Nation.
- 180 ■ *Appeals.* Anyone who wishes to appeal a judgment of the court may appeal to the Nation’s Court  
181 of Appeals in accordance with the Rules of Appellate Procedure [*8 O.C. 807.6-3*].
  - 182 ○ The Rules of Appellate Procedure state that a notice of appeal must be filed within thirty  
183 (30) days after the Trial Court’s order is rendered [*8 O.C. 805.5*].

184 **G. Exclusion.** This law will not apply to any law of the Nation that delegates hearing authority to a hearing  
185 body other than the Judiciary [*8 O.C. 807.7*]. The Oneida Land Commission retains hearing authority  
186 for citations issued under two of the Nation’s laws. Therefore, the proposed Citations law will not apply  
187 to citations issued under the following two laws:

- 188 ■ Zoning and Shoreland Protection law [*6 O.C. 605*].
- 189 ■ Non-Metallic Mining Reclamation law [*4 O.C. 402*].

190

191 **SECTION 6. EXISTING LEGISLATION**

192 **A. Which Laws of the Nation will this New Citations Process Apply to?** Many laws of the Nation authorize  
 193 citations, fines or forfeitures for violations. The intent of the proposed Citations law is to establish a uniform  
 194 process that can apply to all of these laws without conflict. Some of these laws were updated after the  
 195 creation of the Nation’s Judiciary and conform cleanly with the process in this proposed Citations Law.  
 196 However, other laws are decades-old and conform less clearly due to changes in drafting style and the  
 197 Nation’s organizational structure over the years. The following charts provide a summary of the Nation’s  
 198 laws that authorize citations, fines, forfeitures or penalties and whether the proposed Citations law will  
 199 apply.

- 200  **Laws that Authorize Citations & Include Judiciary Appeals Process with Timelines.** The  
 201 following laws of the Nation specifically authorize the issuance of citations and included a process  
 202 for contesting citations in the Judiciary Trial Court with required timelines for citations hearings.  
 203 The proposed Citations law conforms with these timeframes and adds additional process and  
 204 requirements.  
 205
  - o *Conclusion:* The proposed Citations will apply to any citations issued under the following  
 206 laws of the Nation:

207 *Chart 2. Oneida Laws that Authorize Citations & Include Judiciary Appeals Process.*

Chapter	Law	Authority to Enforce	Example Violation
304	<i>Domestic Animals</i>	Oneida Police Department and Oneida Conservation	Dangerous animal; prohibited animal; animal running at large.
406	<i>Hunting, Fishing and Trapping</i>	Oneida Police Department and Oneida Conservation	Failure possess license; Failure to tag, Unlawfully hunting/shooting from a vehicle.
410	<i>All Terrain Vehicle</i>	Oneida Police Department and Oneida Conservation	Operating all-terrain vehicle in a careless manner, on private property without consent, on tribal lands without consent
609	<i>Public Use of Tribal Land</i>	Oneida Police Department and Oneida Conservation	Trespassing.

- 209  **Laws that Authorize Citations & Refer to Citations law for Judiciary Appeals Process.** The  
 210 following laws of the Nation specifically authorize the issuance of citations and state that citations  
 211 will be processed in accordance with the procedure contained “in the Nation’s laws and policies  
 212 governing citations.” This refers to the proposed Citations law and Judiciary Law Rule No. 1 –  
 213 Oneida Trial Court Rules.  
 214
  - o *Conclusion:* The proposed Citations will to apply to any citations issued under the  
 215 following law of the Nation:

216 *Chart 3. Oneida Laws that Authorize Citations & Reference Citations law.*

Chapter	Law	Authority to Enforce	Example Violation
308	<i>Curfew</i>	Oneida Police Department	Minor violating curfew.

219

- 220  **Laws that Authorize “Fines, Penalties and Forfeitures” and Include Judiciary Appeals Process**  
 221 **with Timelines.** The following laws of the Nation authorize “fines, penalties or forfeitures” and  
 222 include a process for contesting citations in the Judiciary Trial Court with required timelines for  
 223 citation hearings. The proposed Citations law conforms with these timeframes and adds additional  
 224 process and requirements.  
 225 ○ *Conclusion:* The proposed Citations law appears to apply to any citations issued under the  
 226 following laws of the Nation:  
 227

228 *Chart 4. Laws that Authorize Fines and Include Judiciary Appeals Process w/Timelines.*

Chapter	Law	Authority to Enforce	Example Violation
401	<i>Tribal Environmental Response Law</i>	Environmental Health, Safety and Land Division	Violating a compliance order issued by Division for discharging hazardous substance.
404	<i>Well Abandonment Law</i>	Environmental Health, Safety and Land Division	Failure to comply within ten (10) days of written notice of violation.
407	<i>Onsite Waste Disposal Ordinance</i>	Environmental Health, Safety and Land Division (“Environmental Specialist”)	Failure to correct on-site waste disposal system, constituting threat to public health.
409	<i>Water Resources</i>	Oneida Conservation	Failure to report discharging substance to waters of reservation.

- 229  
 230  **Laws that Authorize Citations and Do Not Include Judiciary Appeals Process.** The following  
 231 laws of the Nation specifically authorize citations but do not specify a process or timeframe for  
 232 how citations may be contested in the Judiciary. The process and timeframes included in the  
 233 Citations law will now apply to any citations issued under these laws.  
 234 ○ *Conclusion:* The proposed Citations law will apply to any citations issued under the  
 235 following law of the Nation:  
 236

237 *Chart 5. Oneida Laws that Authorize Citations and Do Not Include Judiciary Appeals Process.*

Chapter	Law	Authority to Enforce	Example Violation
405	<i>Recycling and Solid Waste Disposal*</i>	Oneida Police Department and Oneida Conservation	Improperly dumping solid waste within reservation boundaries

238 *\*The Recycling and Solid Waste Disposal Law is currently on the LOC’s Active Files List*  
 239 *for amendments.*  
 240

- 241  **Laws that Authorize “Fines, Penalties and Forfeitures” and Include Judiciary Appeals Process**  
 242 **without Timelines.** The following laws of the Nation authorize “fines, penalties or forfeitures” and  
 243 state that appeals may be filed with the Judiciary, but do not specify a process or timeframe for  
 244 how those appeals will be handled. It appears that the process and timeframes included in the  
 245 Citations law will likely apply to any citations issued under these laws.  
 246 ○ *Conclusion:* The proposed Citations appears to apply to any citations issued under the  
 247 following laws of the Nation:  
 248  
 249  
 250

251 **Chart 6. Oneida Laws that Authorize Fines and Include Judiciary Appeals Process w/o Timelines**

Chapter	Law	Authority to Enforce	Example Violation
115	Tobacco	Oneida Police Department	Selling tobacco products in violation of the law.
302	Emergency Management and Homeland Security	Oneida Police Department	Willfully obstruct, hinder or delay the implementation of emergency response.
305	Oneida Food Service Code*	Environmental Health, Safety and Land Division and Licensing.	Selling food or food products on tribal property without a license.
306	Tattoo and Body Piercing	Environmental Health, Safety and Land Division and Licensing.	Performing tattooing or body piercing without a license.
701	Marriage	Licensing Department	False statement to obtain a marriage license.

\*The Oneida Food Service Code is currently on the LOC's Active Files List for amendments.

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- 
 ■ **Laws that Authorize “Fines, Penalties and Forfeitures” and Do Not Include Judiciary Appeals Process.** The following laws of the Nation authorize “fines, penalties and forfeitures” but do not specify a process or timeframe for how citations may be contested in the Judiciary. It appears that the process and timeframes included in the Citations law will likely apply to any citations issued under these laws.
    - *Conclusion:* The proposed Citations law appears to apply to any citations issued under the following laws of the Nation:

263 **Chart 7. Oneida Laws that Authorize Fines and Do Not Include Judiciary Appeals Process.**

Chapter	Law	Authority to Enforce	Example Violation
114	Notary Act	“Official designated by Oneida Business Committee.”	Impersonating a notary public.
408	Sanitation Ordinance	Utilities Department.	Continuing Violations.

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- 
 ■ **Laws that Authorize Citations but include Land Commission Appeals Process.** The following laws of the Nation authorize citations, but direct that any appeals be filed with the Land Commission rather than the Nation’s Judiciary. Therefore, the following laws are excluded from the proposed Citations law [8 O.C. 807.7-1].
    - *Conclusion:* The proposed Citations law will not apply to citations issued under the following laws of the nation.

**Chart 8. Oneida Laws that Authorize Citations and Conflict with Proposed Citations Law**

Chapter	Law	Authority to Enforce	Example Violation
402	Non-Metallic Mine Reclamation	Environmental Health, Safety and Land Division or designee.	Violating an order requiring an operator to comply with the law.
605	Zoning and Shoreland Protection	Zoning Administrator.	Public Nuisance. Failure to obtain land use permit or conditional use permit.

272     ▪ **Laws that include Penalties but Do Not Fall Under Proposed Citations law.** The following laws  
 273 of the Nation authorize various alternative penalties for violations of the law, but do not include a  
 274 citation process or Judiciary appeals process. It can be reasonably concluded that the following  
 275 laws would not fall under the jurisdiction of the proposed Citations law as currently drafted.



- 276     ○ *Conclusion:* The proposed Citations law does not appear to apply to penalties issued under  
 277 the following laws.

278  
 279 *Chart 9. Oneida Nation Laws with Other Penalties Where Citations Law Does Not Apply.*

Chapter	Law
403	Oneida Woodcutting Ordinance
411	Clean Air Policy
505	Motor Vehicle Registration
507	Alcohol Beverage Licensing Law
602	Leasing Law
603	Building Code

280  
 281 **B. Laws of the Nation that Authorize Citations with Land Commission Appeals Process.** The following  
 282 laws of the Nation authorize citations but direct that appeals be heard by the Land Commission rather  
 283 than the Judiciary:

284     ▪ **Zoning and Shoreland Protection law [6 O.C. 605]**

- 285     ○ *Purpose.* The purpose of the Zoning and Shoreland Protection law includes establish a  
 286 zoning plan for tribal lands, regulate the use of lands and buildings and provide for the  
 287 administration and enforcement of this law, among other purposes [3 O.C. 304.1-1].
- 288     ○ *Enforcement.* Any person who violates any provision of this law, or who shall take any  
 289 action on or with respect to any land or structure which is not in compliance with this law,  
 290 shall be guilty of a civil infraction and shall be issued a fine in accordance with the schedule  
 291 adopted by the Oneida Business Committee upon recommendation of the Land  
 292 Commission.
- 293     ○ *Appeals.* Any person issued a fine under this law may contest the fine by attending a  
 294 hearing before the Land Commission. The fine shall specify the date, time and place of the  
 295 hearing. The hearing shall take place at least five (5) days after the fine is issued. After the  
 296 hearing, the Land Commission shall determine whether the person is responsible for the  
 297 fine, as was issued by the Zoning Administrator and may set a new date for when the fine  
 298 shall be paid.
- 299     ○ *Conclusion.* The proposed Citations law states that citation hearings shall be heard in the  
 300 Oneida Judiciary, while the Zoning and Shoreland Protection law states that fines issued  
 301 under that law must be contested at a hearing of the Oneida Land Commission. Therefore,  
 302 this law is excluded from the proposed Citations law [8 O.C. 807.7-1]. The proposed  
 303 Citations law will not apply to citations issued under the Zoning and Shoreland Protection  
 304 law.

305     ▪ **Non Metallic Mine Reclamation law [4 O.C. 406]**

- 306     ○ *Purpose.* The purpose of the Non-Metallic Mine Reclamation law is to ensure the effective  
 307 reclamation of nonmetallic mining sites on which nonmetallic mining takes place within  
 308 the boundaries o the reservation [4 O.C. 402.1-1].
- 309     ○ *Enforcement.* The Oneida Zoning Department or designee may issue a citation to collect  
 310 fines to enforce this law, a permit issued pursuant to this law or a reclamation plan approved  
 311 under this law.
- 312     ○ *Appeals.* A person who is subject to a citation issued pursuant to this section shall have  
 313 sixty (60) days to either appeal the citation to the Land Commission or review or pay the  
 314 fine.

315 ○ *Conclusion.* The proposed Citations law states that citations hearings shall be heard in the  
316 Oneida Judiciary, while the Non-Metallic Mine Reclamation Law states that appeals shall  
317 be heard by the Land Commission. Therefore, this law is excluded from the proposed  
318 Citations law [8 O.C. 807.7-1]. The proposed Citations law will not apply to citations  
319 issued under the Non-Metallic Mine Reclamation law.

320 **C. Laws of the Nation that Authorize Citations.** The following laws of the Nation authorize citations, fines  
321 or forfeitures and do not conflict with the proposed Citations law. The provisions of the proposed  
322 Citations law will likely apply to citations issued under any of the following laws:

323 ■ **Domestic Animals law [3 O.C. 304]**

324 ○ *Purpose.* The purpose of the Domestic Animals law is to protect the health, safety, and  
325 welfare of the community set minimum standards for treatment of animals; prohibit certain  
326 species of animals from being brought on the reservation; regulate the keeping of livestock  
327 on lots zoned residential, and establish consequences for damages caused by domestic  
328 animals [3 O.C. 304.1-1].

329 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens have the  
330 authority to issue citations according to the fine and penalty scheduled developed in  
331 accordance with the Domestic Animals law.

332 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
333 in the Domestic Animals law. The new requirements of the proposed Citations law will  
334 now apply to any citations issued under the Domestic Animals law.

335 ■ **Curfew law [3 O.C. 308]**

336 ○ *Purpose.* to protect the health, safety, and welfare of persons and property within the  
337 Reservation by regulating the activities of minors on the Reservation during certain  
338 hours, while imposing certain obligations and responsibilities upon the parents,  
339 guardians, and/or legal custodians of a minor for the control and supervision of that  
340 minor [3 O.C. 308.1-1].

341 ○ *Enforcement.* The Oneida Police Department has the authority to enforce this law and issue  
342 citations to the minor or minor's parent for curfew violations in accordance with the law  
343 [3 O.C. 308.6].

344 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
345 in the Curfew law. The new requirements of the proposed Citations law will now apply to  
346 any citations issued under the Curfew law.

347 ■ **Hunting, Fishing and Trapping law [4 O.C. 406]**

348 ○ *Purpose.* The purpose of the Hunting, Fishing and Trapping law is to protect and conserve  
349 wildlife on the reservation and to promote respect among sportsmen and the environment  
350 [4 O.C. 406.1-1].

351 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens may issue  
352 citations to any person found in violation of the law or corresponding rules. [4 O.C. 406.5-  
353 4 and 406.10].

354 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
355 in the Hunting, Fishing and Trapping law. The new requirements of the proposed Citations  
356 law will now apply to any citations issued under the Hunting, Fishing and Trapping law.

357 ■ **All-Terrain Vehicle law [4 O.C. 410]**

358 ○ *Purpose.* The purpose of the All-Terrain Vehicle law is to govern the safe use of all-terrain  
359 vehicles within the jurisdiction of the Oneida Reservation to allow enforcement for  
360 protection of the community members and environment [4 O.C. 410.1-1].

361 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens are  
362 authorized to enforce and take any appropriate action to prevent or remove a violation of  
363 this law. Citations for violations of this law and/or orders issued pursuant to this law

- 364 include sanctions, fines and penalties in accordance with the fine schedule developed in  
365 accordance with the law [4 O.C. 410.6 and 410.7].
- 366 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
367 in the All-Terrain Vehicle law. The new requirements of the proposed Citations law will  
368 now apply to any citations issued under the All-Terrain Vehicle law.
- 369 ■ ***Public Use of Tribal Land law [6 O.C. 609]***
    - 370 ○ *Purpose.* The purpose of the Public Use of Tribal Land law is to prevent improper access,  
371 use and trespass to tribal lands [6 O.C. 609.1-1].
    - 372 ○ *Enforcement.* The Oneida Police Department and Oneida Conservation Wardens are  
373 authorized to take any appropriate action to prevent or remove a violation of this law.  
374 Citations for violation of this law may include fines, penalties and other orders in  
375 accordance with the citation schedule applicable to this law [6 O.C. 609.7].
    - 376 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
377 in the Public Use of Tribal Land law. The new requirements of the proposed Citations law  
378 will now apply to any citations issued under the Public Use of Tribal Land law.
  - 379 ■ ***Recycling and Solid Waste Disposal law [4 O.C. 405]***
    - 380 ○ *Purpose.* The purpose of the Recycling and Solid Waste Disposal law is to promote the  
381 health, safety and welfare of residents and members of the Oneida Nation through the  
382 establishment of standards necessary to the sanitary and environmentally sound disposal  
383 of recyclable materials [4 O.C. 405.1-1].
    - 384 ○ *Enforcement.* All Oneida Reservation Conservation Enforcement Officers and Police  
385 Officers shall be empowered to enforce the provisions of this law. Any person who violates  
386 a provision of this “ordinance” may be issued a citation by the Oneida Conservation  
387 Warden(s) [4 O.C. 405.12].
    - 388 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
389 in the Recycling and Solid Waste Disposal law. The new requirements of the proposed  
390 Citations law will now apply to any citations issued under the Recycling and Solid Waste  
391 Disposal law.
  - 392 ■ ***Tribal Environmental Response law [4 O.C. 401]***
    - 393 ○ *Purpose.* The purpose of the Tribal Environmental Response law is to regulate the  
394 identification, investigation and remediation of discharges of hazardous substances to the  
395 environment, identify sites where discharge has occurred, and eliminate contamination  
396 from and control the threat of discharge of hazardous substances [4 O.C. 401.1-1].
    - 397 ○ *Enforcement.* Any person who does not comply with a compliance order issued by the  
398 Environmental Health, Safety and Land Division may receive a penalty in accordance with  
399 the fine schedule. Any order issued pursuant to this law that is not complied with may be  
400 physically enforced by the Division [4 O.C. 401.10].
    - 401 ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
402 in the Tribal Environmental Response law. The new requirements of the proposed Citations  
403 law will now apply to citations issued under the Tribal Environmental Response law.
  - 404 ■ ***Onsite Waste Disposal [4 O.C. 407]***
    - 405 ○ *Purpose.* The purpose of the Onsite Waste Disposal law is to establish regulations to ensure  
406 that private onsite sewage treatment systems will fulfill Oneida Tribal goals for improving  
407 environmental health and safety [4 O.C. 407.1-2].
    - 408 ○ *Enforcement.* The Environmental Specialist may issue an Administrative Enforcement  
409 Order when a violation of any provision of this law occurs... the Order shall be given to  
410 the party responsible for the violation and shall state the nature of the violation, possible  
411 penalties for failure to correct, and shall state the right to contested the matter with the  
412 Oneida Judiciary [4 O.C. 407.7-1].

- 413           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
414           in the Onsite Waste Disposal law. The new requirements of the proposed Citations law will  
415           now apply to any citations issued under the Onsite Waste Disposal law.
- 416       ■ ***Water Resources [4 O.C. 409]***
- 417           ○ *Purpose.* The purpose of the Water Resources law is to grant necessary powers and to  
418           organize a comprehensive program under a single tribal department for the enhancement  
419           of the quality management and protection of all waters of the Reservation, ground and  
420           surface, public and private [4 O.C. 409.1-2].
- 421           ○ *Enforcement.* The Oneida Conservation Department shall enforce this law, and all rules  
422           and orders issued by the Department [4 O.C. 409.6-3].
- 423           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
424           in the Water Resources law. The new requirements of the proposed Citations law will now  
425           apply to any citations issued under the Water Resources law.
- 426       ■ ***Emergency Management and Homeland Security law [3 O.C. 302]***
- 427           ○ *Purpose.* The purpose of the Emergency Management and Homeland Security law is to  
428           provide for the development and execution of plans for the protection of residents, property  
429           and the environment in an emergency or disaster [3 O.C. 302.1-1].
- 430           ○ *Enforcement.* Violators of this law may be subject to a fine of not more than two hundred  
431           dollars (\$200) per violation to be issued by the Oneida Police Department [3 O.C. 302.9].
- 432           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
433           in the Emergency Management and Homeland Security law. The new requirements of the  
434           proposed Citations law will now apply to any citations issued under the Emergency  
435           Management and Homeland Security law.
- 436       ■ ***Oneida Food Service Code [3 O.C. 305]***
- 437           ○ *Purpose.* The purpose of the Oneida Food Service Code is to protect and preserve the safety  
438           of Oneida Nation citizens and others within its jurisdiction in conjunction with the most  
439           current United States Public Health Service Food Code [3 O.C. 305.1-1].
- 440           ○ *Enforcement.* In addition to the suspension or closing down of a business that violates the  
441           law, a food service vendor who violates any provision of the code shall forfeit not less than  
442           five dollars (\$5) nor more than five hundred dollars (\$500) upon conviction. Environmental  
443           Health, Safety and Land Division, Licensing Department and Oneida Police Department  
444           have authority to enforce various provisions of this law.
- 445           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
446           in the current Oneida Food Service Code. The new requirements of the proposed Citations  
447           law will appear to apply to any citations issued under the Oneida Food Service Code.
- 448       ■ ***Tattoo and Body Piercing [3 O.C. 306]***
- 449           ○ *Purpose.* The purpose of the Tattoo and Body Piercing law is to regulate tattooists, tattoo  
450           establishments, body piercers and body piercing establishments under the jurisdiction of  
451           the Tribe in order to protect public health and safety [3 O.C. 306.1-1].
- 452           ○ *Enforcement.* Environmental Health and Safety Division and Licensing Department [3  
453           O.C. 306.13].
- 454           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
455           in the Tattoo and Body Piercing law. The new requirements of the proposed Citations law  
456           appear to apply to any citations issued under the Tattoo and Body Piercing law.
- 457       ■ ***Tobacco law [1 O.C. 115]***
- 458           ○ *Purpose.* The purpose of the Tobacco law is to regulate the sale, possession and distribution  
459           of cigarettes within the Reservation [1 O.C. 115].
- 460           ○ *Enforcement.* Violators subject to the jurisdiction of the Nation shall be subject to a fine of  
461           not more than ten dollars (\$10) per pack of un-stamped cigarettes to be issued by the Oneida  
462           Police Department and paid to the Nation [1 O.C. 115.8-1].

- 463           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
464           in the Tobacco law. The new requirements of the proposed Citations law will now apply  
465           to any citations issued under the Tobacco law.
- 466       ▪ **Marriage law [7 O.C. 701]**
- 467           ○ *Purpose.* The purpose of the Marriage law is to exercise the sovereign right of the Oneida  
468           Nation to regulate the rights and responsibilities relating to marriages [7 O.C. 701.1-1].
- 469           ○ *Enforcement.* The Department shall promulgate rules that establish a fine schedule for  
470           persons who violate this law [7 O.C. 701.7-1].
- 471           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
472           in the Marriage law. The new requirements of the proposed Citations law appear to apply  
473           to any citations issued under the Marriage law.
- 474       ▪ **Notary Act [1 O.C. 114]**
- 475           ○ *Purpose.* The purpose of the Notary Act is to promote, serve and protect the public interest  
476           and to simplify, clarify and modernize the law governing notaries [1 O.C. 114.1-2].
- 477           ○ *Enforcement.* A notary who knowingly and repeatedly performs or fails to perform  
478           any act prohibited or mandated, respectively, by this Act shall forfeit not less than \$50.00  
479           nor more than \$500.00... Any and all of the sections of this Act may be enforced by an  
480           official designated by the Oneida Business Committee for separate issues, or for all issues  
481           [1 O.C. 114.6-4 – 114.6-9].
- 482           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
483           in the Notary Act law. The new requirements of the proposed Citations law appear to apply  
484           to any citations issued under the Notary Act.
- 485       ▪ **Sanitation Ordinance [3 O.C. 306]**
- 486           ○ *Purpose.* The purpose of the Sanitation Ordinance is to assure that any water and sanitary  
487           utilities that are developed within the jurisdiction of the Oneida Tribe shall be operated and  
488           maintained in a manner that is fiscally responsible, responsive to customer needs,  
489           environmentally safe and governmentally functional [4 O.C. 408].
- 490           ○ *Enforcement.* Any person who shall continue any violation beyond the time limit provided  
491           for in sec. (b) may be assessed a fine of not more than \$250.00 [4 O.C. 408.11].
- 492           ○ *Conclusion.* The proposed Citations law does not conflict with the enforcement provisions  
493           in Sanitations Ordinance. The new requirements of the proposed Citations law appear to  
494           apply to any citations issued under the Sanitation Ordinance law.
- 495       **D. References to Other Laws.** The following laws of the Nation are referenced in the Citations law. The  
496       proposed Citations law does not conflict with any of the referenced laws.
- 497       ▪ *Garnishment law.* The defendant’s failure to satisfy a fine and/or restitution may result in per  
498       capita attachment, wage garnishment and/or other collection processes available to the Court [8  
499       O.C. 807.6-2(d)].
- 500       ▪ *Per Capita law.* The defendant’s failure to satisfy a fine and/or restitution may result in per capita  
501       attachment, wage garnishment and/or other collection processes available to the Court [8 O.C.  
502       807.6-2(d)].
- 503       ▪ *Rules of Appellate Procedure.* Any person wishing to contest the determination of the Court may  
504       appeal to the Nation’s Court of Appeals in accordance with the Rules of Appellate Procedure [8  
505       O.C. 807.6-3].
- 506       **E. Existing Judiciary Rules.** The Oneida Business Committee recently adopted Judiciary law Rule #1 –  
507       Oneida Trial Court Rules. This new rule, developed by the Judiciary and adopted by the Oneida  
508       Business Committee on September 25, 2019, includes procedures for how citation hearings are held at  
509       the Judiciary [8 O.C. 801 Judiciary law Rule #1 – 1.17 Citation Hearings].
- 510       ▪ *Conclusion.* The proposed Citations law does not conflict with the citation hearing procedures in  
511       Judiciary Law Rule No. 1 – Oneida Trial Court Rules.
- 512

513 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

- 514 A. **Effect on Existing Rights.** The proposed Citations law protects due process rights by:
- 515     ▪ Requiring that all citations be properly noticed, including a notice of the defendant’s rights and
  - 516     privileges, hearing dates and information;
  - 517     ▪ Ensuring that defendants have the right to contest their citations in the Nation’s Judiciary;
  - 518     ▪ Establish a formal process for stipulations that require defendants to acknowledge that they are
  - 519     waiving their rights to contest the citation in court and sign a statement that they enter into the
  - 520     agreement free of duress and coercion.
- 521

522 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

- 523 A. **Enforcement.** Each law of the Nation typically includes an “enforcement” section which gives
- 524 authority to a specific agency or department to enforce the law. Most laws of the Nation are enforced
- 525 by the Oneida Police Department or Conservation Wardens. For more information, see “Section 6:
- 526 Existing Legislation.”
- 527

528 **SECTION 9. OTHER CONSIDERATIONS**

- 529 A. **Current Citation Data.** The following data is provided for information:
- 530     ▪ *Oneida Police Department (September 2018 – August 2019)*
    - 531         ○ Nineteen (19) Domestic Animals citations issued in the past year. The most common
    - 532         citations were “mistreatment of animals” and “animal running at large.”
    - 533         ○ The department did not report issuing citations under any other laws of the Nation.
    - 534         ○ *Source: Email communication with OPD (9/9/19).*
  - 535     ▪ *Oneida Conservation Wardens*
    - 536         ○ Oneida Police Department reported that Conservation has no citations issued over the past
    - 537         year.
    - 538         ○ *Source: Email communication with OPD (9/11/19).*
- 539 B. **Laws in Progress that Include Citations.** At the time this analysis was drafted, the LOC is actively
- 540 working on drafting or amending the following laws which include citations:
- 541     ▪ The Oneida Food Service Code and Recycling and Solid Waste Disposal law are both on the LOC’s
  - 542     Active Files List for amendments.
- 543 C. **Fiscal Impact.** A fiscal impact statement has not yet been requested.
- 544     ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
  - 545     emergency legislation [1 O.C. 109.6-1].
  - 546     ▪ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
  - 547     Committee and may be prepared by any agency who may receive funding if the legislation is
  - 548     enacted; who may administer a program if the legislation is enacted; who may have financial
  - 549     information concerning the subject matter of the legislation; or by the Finance Office, upon request
  - 550     of the Legislative Operating Committee [1 O.C. 109.6-1(a) and (b)].

551  
552

**Title 8. Judiciary - Chapter 807**  
**Kayanl'ásla Olí-wa?**  
*Laws of issues/matters*  
**CITATIONS**

807.1. Purpose and Policy  
807.2. Adoption, Amendment, Repeal  
807.3. Definitions  
807.4. Commencement of a Citation Action

807.5. Stipulations  
807.6. Hearing Procedure  
807.7. Exclusion

- 
- 1  
2 **807.1. Purpose and Policy**  
3 807.1-1. *Purpose.* The purpose of this law is to provide a process that governs all citations that fall  
4 under the jurisdiction of the Oneida Nation.  
5 807.1-2. *Policy.* It is the policy of the Nation to provide a consistent process for handling citations  
6 of the Nation in order to ensure equal and fair treatment to all persons who come before the  
7 Judiciary to have their citations resolved.  
8  
9 **807.2. Adoption, Amendment, Repeal**  
10 807.2-1. This law was adopted by the Oneida Business Committee by resolution BC-\_\_-\_\_-\_\_-\_\_.  
11 807.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General  
12 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
13 807.2-3. Should a provision of this law or the application thereof to any person or circumstances  
14 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
15 to have legal force without the invalid portions.  
16 807.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
17 the provisions of this law shall control.  
18 807.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
19  
20 **807.3. Definitions**  
21 807.3-1. This section shall govern the definitions of words and phrases used within this law. All  
22 words not defined herein shall be used in their ordinary and everyday sense.  
23 (a) “Authorized attorney” means an attorney of the Nation who represents the department  
24 or entity of the officer who issued the citation.  
25 (b) “Citation” means a legal document that serves as a notice or summons to appear in a  
26 court of the Nation in response to a charge against an individual of a violation of law.  
27 (c) “Court” means the Nation’s Trial Court, Family Court, or any other specific courts or  
28 divisions of the Nation’s Judiciary created by a law of the Nation which have been granted  
29 jurisdiction to hear matters of citations.  
30 (d) “Court of Appeals” means the branch of the Nation’s Judiciary delegated the authority  
31 of final appeals within the Nation’s Judiciary, as authorized by Oneida General Tribal  
32 Council resolution GTC-03-19-17-A.  
33 (e) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was  
34 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later  
35 authorized to administer the judicial authorities and responsibilities of the Nation by  
36 Oneida General Tribal Council resolution GTC-03-19-17-A.  
37 (f) “Nation” means the Oneida Nation.

38 (g) “No contest” means a plea by which a defendant will accept the charged violation of  
39 law but does not plead or admit guilt.

40 (h) “Officer” means an individual authorized by a law of the Nation to issue a citation for  
41 a violation of said law.

42  
43 **807.4. Commencement of a Citation Action**

44 807.4-1. *Action*. The issuance of a citation shall commence a civil action in the Judiciary for a  
45 violation of a law of the Nation for the purpose of collecting a fine or penalty imposed by the law  
46 in the name of the Nation.

47 807.4-2. *Authority to Issue*. An officer may issue a citation to any person he or she has reasonable  
48 grounds to believe has committed a violation of a law of the Nation that expressly permits the  
49 issuance of a citation.

50 807.4-3. *Form of Citation*. A citation shall contain the following information:

51 (a) The name of the officer who issued the citation.

52 (b) The name, address, and date of birth of the defendant.

53 (c) The enrollment number and/or license number of the defendant, if applicable.

54 (d) Information about the alleged violation including:

55 (1) the violation alleged;

56 (2) the law violated;

57 (3) the time and place of the occurrence of the violation; and

58 (4) a description of the violation.

59 (e) A notice to appear at a date, time and place for the citation pre-hearing, and a statement  
60 as to whether the appearance at the pre-hearing is mandatory.

61 (f) Provisions for payment of citation and stipulation in lieu of an appearance in Court, if  
62 applicable.

63 (g) Notice that if the defendant does not pay the citation or stipulate to an agreement prior  
64 to the pre-hearing and fails to appear in Court at the time fixed in the citation or provide  
65 written notice to the Court that he or she is contesting the citation, the Court may issue a  
66 default judgment which may include any fine amount due, restitution and/or suspension of  
67 any rights, privileges, or licensures, or any other penalty authorized by law.

68 (h) Notice that failure to satisfy a fine, restitution, or any other part of the judgment, may  
69 result in per capita attachment, wage garnishment, revocation, suspension of any rights,  
70 privileges, licensures, and/or any other action authorized by law and/or other collection  
71 processes available to the Court.

72 (i) Any other relevant information.

73 807.4-4. *Service of a Citation*. The defendant is served with a citation when one of the following  
74 occurs:

75 (a) *Personal Service*. The citation is provided to the defendant directly by the officer, or  
76 a copy of the citation is left at the defendant’s home or usual place of abode by the officer:

77 (1) in the presence of a competent family member at least fourteen (14) years of  
78 age who shall be informed of the contents of the citation; or

79 (2) in the presence of a competent adult who resides in the home or usual place of  
80 abode of the defendant, who shall be informed of the contents of the citation.

81 (b) *Mail Service*. If personal service is not possible, and the defendant’s address is known  
82 or with reasonable diligence can be ascertained, then mail service may be used. For service  
83 by mail, a copy of the citation may be delivered to the defendant’s last known address by  
84 certified mail with return receipt. The certified mail return receipt shall be signed by the

85 defendant or a competent family member at least fourteen (14) years of age or an adult who  
86 resides in the home of the defendant.

87 (1) The certified mail return receipt shall be filed with the Court as proof of service.  
88 (c) *Service by Publication.* If after a showing of due diligence personal service and mail  
89 service were not possible, then service may be completed by publication as a last resort.  
90 The publication shall be in the Nation’s newspaper and shall be designated as “Legal  
91 Notice.” The department of the officer and/or authorized attorney shall publish this notice  
92 at least two (2) times within a thirty (30) day period. The two (2) notices shall be published  
93 a minimum of ten (10) days before the citation pre-hearing.

94 (1) Copies of the two (2) published notices and written report stating the facts  
95 surrounding the failure of personal and mail service shall be filed with the Court as  
96 proof of service.

97 (2) If service by publication is required and there is insufficient time for proper  
98 service before the pre-hearing, the Court may, on its own, order different time limits  
99 for service by publication and/or re-schedule the pre-hearing appropriately in order  
100 to provide for fair notice and opportunity for the defendant to respond.

101 (3) The Court may order the defendant to reimburse the department of the officer  
102 and/or the authorized attorney for any costs incurred from service by publication.

103 807.4-5. *Filing of a Citation.* Absent exigent circumstances, the department of the officer who  
104 issued the citation shall file the citation with the Court along with any applicable proof of service  
105 at least thirty (30) days prior to the date of the pre-hearing.

106 (a) Citations may be filed in person or electronically transmitted to the Court. Citations  
107 that are electronically transmitted to the Court are deemed filed upon confirmation of  
108 receipt by the Clerk of Court assigned to the branch of the Judiciary that will hear the  
109 citation.

110 (b) After filing the citation with the Court, the department of the officer who issued the  
111 citation shall forward the citation and all relevant accompanying information to the  
112 authorized attorney. Relevant information to accompany the citation may include, but is  
113 not limited to, a narrative by the officer and/or history of violations by the defendant.

114 807.4-6. *Amendments to the Citation.* A citation may be amended by an officer or the authorized  
115 attorney prior to the citation pre-hearing. A copy of the amended citation shall be provided to the  
116 defendant in accordance with section 807.4-4, and filed with the Court, at least five (5) days before  
117 the citation pre-hearing. After the hearing, the citation may only be amended at the discretion of  
118 the Court, upon notice to the parties and an opportunity to be heard.

## 119 **807.5. Stipulations**

121 807.5-1. *Authority for Stipulations and Case Settlement.* An authorized attorney of the Nation is  
122 granted the discretion to seek the settlement of a citation.

123 (a) When seeking to enter into a stipulation the authorized attorney shall explain to the  
124 defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

125 807.5-2. *Form of Stipulation.* Any stipulation between an authorized attorney and the defendant  
126 shall be in writing and signed. The stipulation shall include the following:

127 (a) A summary of the citation violation information included on the citation;

128 (b) The details of the stipulation including any fine, penalty, condition, or payment plan  
129 the defendant shall comply with;

130 (c) A statement that by entering into the stipulation the defendant is admitting that he or  
131 she committed the act for which the citation was issued or is entering a plea of no contest

132 and thereby waives his or her right to contest the citation with the Court; and

133 (d) A statement that all parties signed the agreement free of duress and coercion.

134 807.5-3. *Submission of the Stipulation to the Court.* If the authorized attorney and defendant reach  
135 an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court’s  
136 approval.

137 (a) If the Court enters an order approving the stipulation as written, a copy of the order  
138 shall be provided to the authorized attorney and defendant.

139 (b) If the Court does not enter an order approving the stipulation as written or requests  
140 clarification, the Court shall schedule the matter for a hearing. The Court shall provide the  
141 authorized attorney and defendant notice of the hearing date and written explanation as to  
142 why the Court did not approve the stipulation of the parties.

143 807.5-4. If the authorized attorney and defendant do not reach an agreement as to a stipulation,  
144 then the parties shall proceed with the citation hearing process.

145 807.5-5. Compliance with a stipulation shall be monitored by the authorized attorney. The  
146 authorized attorney may file a motion with the Court to enforce the terms of a stipulation or file a  
147 motion for contempt if the defendant is non-compliant with the terms of the stipulation.  
148

#### 149 **807.6. Hearing Procedure**

150 807.6-1. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Court which  
151 shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law  
152 of the Nation.

153 (a) Appearance at the pre-hearing shall be mandatory only when a law, policy, rule, or  
154 resolution of the Nation requires a mandatory appearance for that specific violation of law.

155 (b) If an appearance is not mandatory, and a person does not wish to contest the citation,  
156 a person may pay the fine and/or penalty as listed on the citation prior to the pre-hearing  
157 date.

158 (1) If the person pays the fine and/or penalty as listed on the citation prior to the  
159 pre-hearing date the citation shall be considered satisfied.

160 (c) If a person wishes to contest the citation, the person shall provide notice to the Court  
161 in one (1) of the following manners:

162 (1) appear at the pre-hearing to contest the citation; or

163 (2) if an appearance is not mandatory, send written notice to the Court, with a copy  
164 to the Oneida Law Office, prior to the pre-hearing notifying the Court that the  
165 defendant wishes to contest the citation.

166 (d) At the pre-hearing the Court shall accept pleas which either contest or admit committing  
167 the act for which the citation was issued, or a plea of no contest.

168 (1) If the defendant admits committing the act for which the citation was issued  
169 the Court shall provide a statement that by admitting that he or she committed the  
170 act for which the citation was issued the defendant thereby waives his or her right  
171 to contest the citation with the Court. The Court shall obtain an affirmative  
172 acknowledgment from the defendant of that waiver of rights.

173 (e) In addition to scheduling requested hearings, the Court may also make conditional  
174 orders at the pre-hearing which are effective until the matter is resolved.

175 (f) If a defendant does not appear at the pre-hearing or submit written notice that he or she  
176 is contesting the citation when there is a non-mandatory appearance, and the defendant has  
177 not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the  
178 Court may proceed to enter a default judgment.

179 (1) A default judgment may include any fine amount due, restitution, suspension  
180 of any rights, privileges, or licensures, and/or any other penalty authorized by law.

181 (2) Unless otherwise noted by the Court, a defendant shall have ninety (90) days  
182 to satisfy a default judgment by paying any fine and/or complying with any  
183 condition or penalty ordered.

184 807.6-2. *Citation Hearing.* For all persons entering a plea contesting the fact that he or she  
185 committed the act for which a citation was issued, the Court shall schedule a hearing as  
186 expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of  
187 the pre-hearing when possible.

188 (a) The burden of proof at the citation hearing shall be by clear and convincing evidence.

189 (b) As a result of the citation hearing the Court may issue an order which includes a  
190 determination as to the underlying violation of law as well as any fine amount, restitution,  
191 suspension of any rights, privileges, or licensures, and/or any other penalty as authorized  
192 by law.

193 (c) A defendant who fails to satisfy a lawful order of the Court shall be subject to  
194 punishment for contempt of court which may include fines, revocation and/or suspension  
195 of any rights, privileges, licensures, or any other action authorized by law.

196 (d) The defendant's failure to satisfy a fine and/or restitution may result in per capita  
197 attachment, wage garnishment and/or other collection processes available to the Court.

198 807.6-3. *Appeals of the Court's Determinations.* Any person wishing to contest the determination  
199 of the Court may appeal to the Nation's Court of Appeals in accordance with the Rules of Appellate  
200 Procedure.

201

202 **807.7. Exclusion**

203 807.7-1. This law shall not apply to any law of the Nation which delegates hearing authority to a  
204 hearing body other than the Oneida Judiciary.

205

206 *End.*

207

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208 Adopted – BC-\_\_-\_\_-\_\_-\_\_

209



Legislative Operating Committee  
October 16, 2019

# Oneida Environmental Resource Board Bylaws Amendments

<b>Submission Date:</b> 10/03/18	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> David P. Jordan	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *On September 26, 2018, the Oneida Business Committee (“OBC”) adopted the Boards, Committees and Commissions law (“Law”) through resolution BC-09-26-18-C titled, Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions. Per Section 105.10 of the Law, within a reasonable time after its adoption, all existing boards, committees and commissions of the Nation must present bylaws for adoption that comply with the format and contain the minimal amount of information prescribed in the Law. In resolution BC-09-26-18-C, the OBC gave the Nation’s boards, committees and commissions six (6) months from the date of the Law’s adoption to present their bylaws. The OBC further directed that, within thirty (30) days of the Law’s adoption, the Legislative Reference Office hold at least two (2) informational bylaws meetings with the boards, committees and commissions for purposes of: (1) providing them with an update on the revised bylaws requirements that resulted from the Law’s adoption; (2) providing them with a template for the development of their revised bylaws; and (3) offering them any assistance in the development and drafting of their revised bylaws.*

**10/3/18 LOC:** Motion by Ernest Stevens III to add Environmental Resource Board By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

**10/17/18:** *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Jennifer Webster, Dale Webster (ONCOA), Marlene Summers (ONCOA), Lois Strong (ONCOA), Sandra Reveles (OPC), Carol Silva (OPC), Brook Doxtator (OBCSO), Bonnie Pigman (OTEC), Chad Wilson (ERB), Dylan Benton (OTEC/Library), Chris Cornelius (OLC). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation’s boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws;

and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the first of the two informational meetings.

**10/24/18:** *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Clorissa Santiago, Donald McLester (OLC), Chris Cornelius (OLC), Ronald King, Jr. (PFSC), Jeanette Ninham (PFSC), Vicki Cornelius (OEB & Pow-wow), Bonnie Pigman (OTEC), Lisa Liggins (School Board & OTEC), Rochelle Powless (ONCOA), Terry Hetzel (HRD), Patty Hoeft (Oneida Law Office), Brooke Doxtator (OBCSO), Arthur Elm (SEOTS), Diane Hill (SEOTS). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation's boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the second of the two informational meetings.

**1/31/19:** *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

**2/6/19 LOC:** Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

**2/22/19:** *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work

session to provide a progress report on the boards, committees and commissions' bylaws amendments.

**3/14/19:** *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the BC's decision to defer the bylaws amendments that appeared on its March 13, 2019 meeting agenda, along with its directive to have all bylaws brought back to a BC work session for further consideration before being added to a BC agenda for possible adoption. The next step is for the LRO drafting attorney to attend the BC work session on March 19, 2019 to facilitate the review.

**3/19/19:** *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

*\*During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at the entity's meeting of an established quorum; (2) that, notice of meetings be provided to all members of an entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

**3/20/19 LOC:** Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

**3/27/19 OBC:** Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and

Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

**4/16/19:** *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board’s bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word “titled” next to the name of the purchasing manual they are required to reference in the “sign-off” section of their bylaws to provide clarification on why the term “Oneida Tribe of Indians” is being used instead of the “Nation”.

**4/17/19:** *LOC Work Meeting.* Present: Kristen M. Hooker, Kirby Metoxen, Maureen Perkins, Jennifer Falck, David P. Jordan, Ernie Stevens III, Daniel Guzman-King. The purpose of this meeting was for the LOC to go through the Environmental Resources Board’s proposed bylaws amendments, as reviewed and revised by the LRO Staff Attorney, to flag any policy issues that the LOC felt warranted further discussion/vetting at a future OBC work session. This was done in accordance with a directive from the OBC on February 27, 2019 that all bylaws be reviewed by the OBC during an OBC work session to consider the policy issues flagged by the LOC before being added to an OBC meeting agenda for formal presentation and possible adoption.

**5/1/19:** *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation’s boards, committees and commissions’ bylaws amendments before the Oneida Business Committee for adoption.

**7/29/19-**  
**7/30/19:** *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins (7/29 only), Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the boards, committees and commissions’ bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

**9/25/19 OBC:** Motion by David P. Jordan to approve an across-the-board change to the bylaws to include the Oneida Business Committee Support Office as the entity that signs off on stipends, business reimbursements, and per diem; Seconded by Jennifer Webster. Motion carried.

**Next Steps:**

- Accept the Oneida Environmental Resource Board’s Bylaws Amendments.
- Forward the Oneida Environmental Resource Board’s Bylaws Amendments to the Oneida Business Committee for consideration.

**ONEIDA ENVIRONMENTAL RESOURCE BOARD BYLAWS**

**Article I. Authority**

1-1. *Name.* The Oneida Environmental Resource Board is the official name of this entity. For the purpose of these bylaws, the Oneida Environmental Resource Board may hereinafter be referred to as the ERB.

1-2. *Establishment.* The Oneida Environmental Resource Board, formerly known as the Oneida Conservation Board, was established through resolution BC-02-22-85-B pursuant to the authority delegated to the Oneida Business Committee under Article IV, Section 1(g) of the Constitution of the Oneida Nation and the Oneida Nation’s inherent sovereign power to protect the political integrity, economic security, health and welfare of its members, and its territory. The purpose for the ERB’s establishment was later expanded upon by the Oneida Business Committee in resolution BC-09-16-86-A.

1-3. *Authority.* Through its establishment, the ERB was delegated authority to supervise and regulate the Nation’s conservation resources and the environment of the Oneida Reservation.

(a) The ERB shall be responsible for the oversight, compliance, and/or development of conservation and environmental laws, practices and/or policies for the Oneida Nation that relate to including, but not be limited to:

- (1) hunting and fishing;
- (2) conservation, reforestation, parks/wildlife, and recreation;
- (3) environmental protection and improvement;
- (5) community education; and
- (6) enforcement.

(b) The ERB shall monitor environmental problems on the Oneida Reservation.

(c) The ERB shall carry out all other powers and/or duties delegated through the laws, policies, rules and resolutions of the Nation, including, but not limited to, the Hunting, Fishing and Trapping law; the Water Resources law; the All-Terrain Vehicle law; the Well Abandonment law; the Public Use of Tribal Land law; and the Domestic Animals law.

1-4. *Office.* The official office of the ERB shall be located within the exterior boundaries of the Oneida Reservation, and its mailing address shall be:  
The Oneida Environmental Resource Board  
P.O. Box 365  
Oneida, Wisconsin 54155

1-5. *Membership.*

(a) *Number of Members.* The ERB shall consist of nine (9) members.

(b) *Appointment.* The ERB members shall be appointed by the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law, to three (3) year terms which shall be staggered.

- 46 (1) The ERB shall review application materials and, per a decision by  
47 majority vote of the members in attendance at an ERB meeting of  
48 an established quorum, the ERB Chairperson shall provide the  
49 Oneida Business Committee with recommendations for  
50 appointment from among the qualified applicants by the executive  
51 session in which appointments are intended to be made.
- 52 (c) *Vacancies.* The ERB shall fill vacancies through appointment by the Oneida  
53 Business Committee in accordance with the Boards, Committees and  
54 Commissions law.
- 55 (1) A position on the ERB shall be considered vacant in any of the  
56 following situations:
- 57 (A) *End of Term.* A vacancy is effective as of 4:30 p.m. on the  
58 last day of the month in which the term ends.
- 59 (i) Although a member's position is considered vacant  
60 once his or her term ends, that member may remain  
61 in office until a successor has been sworn in by the  
62 Oneida Business Committee in an effort to prevent a  
63 discontinuation of business or a loss of quorum for  
64 the ERB.
- 65 (B) *Termination of Appointment.* An ERB member may have his  
66 or her appointment terminated by the Oneida Business  
67 Committee in accordance with the Boards, Committees and  
68 Commissions law.
- 69 (i) The ERB may make recommendations to the Oneida  
70 Business Committee for termination of a member's  
71 appointment by a majority vote of the members  
72 present at an ERB meeting of an established quorum.
- 73 (C) *Resignation.* A member may resign at any time verbally at a  
74 meeting or by delivering written notice to the Oneida  
75 Business Committee Support Office and the ERB Chair-  
76 person or Chairperson's designee. The resignation is deemed  
77 effective upon:
- 78 (i) Deliverance of the written notices to the Oneida  
79 Business Committee Support Office and to the ERB  
80 Chairperson or Chairperson's designee; or
- 81 (ii) Acceptance by motion of the ERB of the member's  
82 verbal resignation.
- 83 (d) *Qualifications of Members.* Members of the ERB shall meet the following  
84 qualifications:
- 85 (1) Be an enrolled member of the Nation;  
86 (2) Be a resident of Brown or Outagamie County;  
87 (3) Be 18 years of age or older;  
88 (4) Unless pardoned under the Nation's Pardon and Forgiveness law,  
89 not have a felony on his or her record;

- 90 (5) Applicants that possess a degree in either environmental sciences or
- 91 environmental law/policy; have sportsmen’s experience and/or have
- 92 a back-ground in Oneida culture shall be given preference; and
- 93 (6) Not be employed by the Oneida Environmental, Health, Safety, and
- 94 Land Division.
- 95

96 1-6. *Termination.* Upon a majority vote of the members in attendance at an ERB meeting of  
97 an established quorum, the ERB may make a recommendation to the Oneida  
98 Business Committee that it terminate the appointment of an ERB member  
99 pursuant to the Boards, Committees and Commissions law for any of the  
100 following reasons:

- 101 (a) Unexcused absences from more than three (3) meetings or other mandatory
- 102 events of the ERB within one (1) year.
- 103 (1) An ERB member will be deemed unexcused if he or she fails to
- 104 provide written notification of the pending absence to an Officer at
- 105 least thirty (30) minutes before the missed meeting/mandatory
- 106 event.
- 107 (b) Violation of any laws of the Nation, these bylaws or any other policy
- 108 governing members of the ERB.
- 109 (c) Failure to maintain qualifications to be an ERB member.
- 110 (d) Failure to act within the scope of a member or Officer of the ERB.
- 111 (e) Failure to complete all training mandated by section 1-7 of these bylaws
- 112 within the time allowed for completion or within any extension of time
- 113 granted thereunder.
- 114

115 1-7. *Trainings and Conferences.*

- 116 (a) All ERB members, within one (1) year after being appointed to the ERB,
- 117 shall participate in mandatory training as follows:
- 118 (1) Environmental Law - Two (2) hours, which shall include the
- 119 Nation’s laws and procedures.
- 120 (2) Legal Writing – Two (2) hours, which shall include environmental
- 121 and conservation law drafting.
- 122 (3) Professional Ethics - Two (2) hours of training, including issues of
- 123 confidentiality.
- 124 (4) Robert’s Rules of Order.
- 125 (b) The ERB may, at its discretion, extend the time allowed for completion of
- 126 any and all required training of a member for good cause shown.
- 127 (c) Regardless of the number of trainings/conferences that he or she is required
- 128 to attend, no member of the ERB shall be eligible to receive stipends for
- 129 attending more than five (5) full days of mandatory trainings/conferences
- 130 per year.
- 131

## 132 **Article II. Officers**

133 2-1. *Officers.* The ERB shall have three (3) Officer positions consisting of a Chairperson,  
134 a Vice-Chairperson and a Secretary.

- 136 2-2. *Responsibilities of the Chairperson.* The responsibilities, duties and limitations of the  
137 Chairperson shall be as follows:
- 138 (a) To preside over all meetings of the ERB.
  - 139 (b) To, either personally or through a designee, meet with the ERB liaison from  
140 the Oneida Business Committee as the official spokesperson of the ERB.
  - 141 (c) To, with the help of the ERB Secretary, schedule or reschedule meetings of  
142 the ERB as deemed necessary.
  - 143 (d) To submit, or through a designee have submitted, annual and semi-annual  
144 reports to the Oneida General Tribal Council, as well as quarterly reports to  
145 the Oneida Business Committee, in accordance with the Boards,  
146 Committees and Commissions law.
  - 147 (e) To attend, or designate an ERB member to attend, the Oneida Business  
148 Committee meeting in which the ERB's quarterly report appears on the  
149 agenda.
- 150
- 151 2-3. *Responsibilities of the Vice-Chairperson.* The responsibilities, duties and limitations of the  
152 Vice-Chairperson shall be as follows:
- 153 (a) In the absence of the Chairperson, to preside over all meetings of the ERB  
154 and carry out all other functions of the Chairperson as specified in section  
155 2-2 of these bylaws.
- 156
- 157 2-4. *Responsibilities of the Secretary.* The responsibilities, duties and limitations of the  
158 Secretary shall be as follows:
- 159 (a) Subject to the limitations set forth herein, in the absence of the Chairperson  
160 and Vice-Chairperson, to carry out all functions of the Chairperson as  
161 specified in section 2-2 of these bylaws.
    - 162 (1) The Secretary's authority to call and/or preside over meetings of the  
163 ERB shall be limited as follows:
      - 164 (A) In the event that both the Chairperson and Vice-Chairperson  
165 positions become vacant before the end of their terms, the  
166 Secretary shall be allowed to call meetings of the ERB to fill  
167 the vacancies and preside over those meetings for the sole  
168 purpose of appointing new Officers, at which point the  
169 Chairperson, or Vice-Chairperson in the absence of the  
170 Chairperson, shall preside.
  - 171 (b) To inform ERB members of the time and place of each meeting and the  
172 trainings/conferences that they are required to attend in the manner required  
173 by these bylaws.
  - 174 (c) To schedule ERB member trainings/conferences as specified in section 1-7  
175 (a) of these bylaws.
  - 176 (d) To attend all meetings to record and create accurate minutes of the  
177 proceedings.
    - 178 (1) If the Secretary is unable to attend a meeting, it is his or her  
179 responsibility to find a replacement prior to the meeting and to notify  
180 the Chairperson or Chairperson's designee who the replacement is  
181 that will accurately record the proceedings in place of the Secretary.

- 182 (e) To provide notice on the Nation’s calendar of when and where each regular  
183 and emergency meeting will be held no less than two (2) business days prior  
184 to the meeting and further provide notice of the meeting agenda, documents  
185 and minutes in accordance with these bylaws and the Nation’s Open  
186 Records and Open Meetings law.
- 187 (f) To prepare, as well as make available in writing to all members, the agenda,  
188 minutes and any documents to be reviewed by the ERB at an upcoming  
189 meeting no less than two (2) business days prior to the meeting.
- 190 (g) To type the minutes from all regularly scheduled and emergency meetings  
191 and make them available to all ERB members.
- 192 (h) To forward the ERB meeting minutes to the Oneida Business Committee  
193 Support Office in accordance with these bylaws upon their approval by the  
194 ERB.
- 195 (i) Except for the limited ability to call and/or preside over meetings of the  
196 ERB under subsection (a)(1)(A) of this section, the Secretary may select a  
197 designee to complete his or her duties when necessary.
- 198

199 2-5. *Selection of Officers.* Officers of the ERB shall be elected for one (1) year terms by majority  
200 vote of the members present at the ERB meeting of an established quorum  
201 held on the first Thursday in the month of August.

- 202 (a) Any ERB member may nominate any other ERB member for an Officer  
203 position.
- 204 (1) A nominee shall be asked by the Chairperson whether he or she  
205 accepts or declines the nomination.
- 206 (2) The Chairperson shall close the nominations for each Officer  
207 position by a majority vote of the ERB members in attendance at the  
208 meeting of the established quorum.
- 209 (b) The Chairperson shall be elected first, the Vice-Chairperson second, and the  
210 Secretary shall be elected last.
- 211 (1) The newly elected Officers shall take office at the next meeting of  
212 the ERB.
- 213 (c) ERB members may be dismissed from their Officer positions by majority  
214 vote of the members in attendance at an ERB meeting of an established  
215 quorum.
- 216 (d) An ERB member may attempt to win election to any or all offices, but upon  
217 accepting one (1) Officer position, may not be nominated to another Officer  
218 position or serve in more than one (1) Officer position per Officer term.
- 219

220 2-6. *Budgetary Sign-Off Authority and Travel.* The ERB shall follow the Nation’s policies and  
221 procedures regarding purchasing and sign-off authority.

- 222 (a) Levels of budgetary sign-off authority for the ERB shall be as set forth in  
223 the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies  
224 and Procedures*, for Area Directors/Enterprise Directors.
- 225 (1) ERB Officers shall have and be of an equal sign-off authority level.
- 226 (2) Two (2) ERB Officers shall be required to sign-off on all budgetary  
227 requests, except as follows:

228 (A) The Oneida Business Committee Support Office shall have  
229 sign-off authority over requests for stipends, travel per diem  
230 and business expense reimbursement.

231 (b) The ERB shall approve a member's request to travel by majority vote of the  
232 members in attendance at a regular or emergency meeting of an established  
233 quorum.

234  
235 2-7. *Personnel.* Commencing the date these bylaws are adopted by the Oneida Business  
236 Committee and from that point forward, the ERB shall not have authority  
237 to hire staff for its benefit.

238

239 **Article III. Meetings**

240 3-1. *Regular Meetings.* The ERB shall hold regular meetings on the first and third Thursday of  
241 each month at the Ridgeview Plaza located in Oneida, WI, commencing at  
242 6:00 p.m.

243 (a) The first Thursday of each month may be for the conducting of regular ERB  
244 business, and the third Thursday of each month may include community  
245 meetings and outreach.

246 (b) The meeting date, time and/or location may change from time-to-time as  
247 determined by the ERB upon notice to all members in writing and, along  
248 with the public, in accordance with the Nation's Open Records and Open  
249 Meetings law prior to the implementation of a new date, time and/or  
250 location.

251 (1) The meeting location shall be within the Reservation boundaries  
252 unless the entire ERB membership is notified in writing and, along  
253 with the public, in accordance with the Nation's Open Records and  
254 Open Meetings law, of an off-Reservation meeting location prior to  
255 designating the meeting location.

256 (c) The Secretary and/or Secretary's designee shall provide notice of meeting  
257 agendas, documents and minutes to all ERB members in writing and, along  
258 with the public, in accordance with the Nation's Open Records and Open  
259 Meetings law, as well as these bylaws.

260 (d) Meetings shall follow Robert's Rules of Order.

261

262 3-2. *Emergency Meetings.* An emergency meeting may be called when there is an imminent  
263 need to address conditions that threaten the conservation, environmental,  
264 and/or public health or safety of the Oneida Nation which cannot wait until  
265 the next scheduled meeting.

266 (a) The Chairperson, or a majority of the ERB, may call an emergency meeting  
267 so long as the Secretary provides notice in writing and by telephone call to  
268 every ERB member of the emergency meeting no less than twenty-four (24)  
269 hours prior to such meeting.

270 (1) Notice of the emergency meeting shall further be provided to all  
271 members and the public in accordance with the Nation's Open  
272 Records and Open Meetings law.

- 273 (2) Email notification must be sent to the official Oneida Nation email  
274 address that was provided to each member to conduct business  
275 electronically on behalf of the ERB.
- 276 (b) The Secretary or Secretary's designee shall provide notice of the emergency  
277 meeting agendas, documents and minutes as specified in section 2-4 of these  
278 bylaws.
- 279 (c) Within seventy-two (72) hours after an emergency meeting, the ERB shall  
280 provide the Nation's Secretary with notice of the emergency meeting, the  
281 reason for the emergency meeting, and an explanation as to why the matter  
282 could not wait until the next regular meeting.
- 283
- 284 3-3. *Joint Meetings.* Joint meetings between the ERB and the Oneida Business Committee shall  
285 not be held.
- 286
- 287 3-4. *Quorum.* Five (5) members of the ERB must be present at any regular or emergency  
288 ERB meeting in order to constitute a quorum.
- 289 (a) The ERB shall take no official action without a quorum present.
- 290
- 291 3-5. *Order of Business.* The ERB meeting agenda shall be set up as follows:
- 292 (a) Call to Order
- 293 (b) Adopt the Agenda
- 294 (c) Approval of Minutes
- 295 (d) Old Business
- 296 (e) New Business
- 297 (f) Reports
- 298 (g) Other Business
- 299 (h) Executive Session
- 300 (i) Adjournment
- 301
- 302 3-6. *Voting.* Decisions of the ERB shall be by majority vote of the members present at a  
303 regular or emergency ERB meeting of an established quorum.
- 304 (a) The Chairperson, or Officer presiding over the meeting in lieu of the Chair-  
305 person, shall not vote on matters at the ERB meetings, except in the event  
306 of a tie vote, in which case he or she shall cast the tie-breaking vote.
- 307 (b) E-polls are permissible so long as completed in accordance with the Boards,  
308 Committees and Commissions law.
- 309 (1) The Secretary shall serve as the Chairperson's designee for the  
310 responsibility of conducting an e-poll when the Chairperson is  
311 absent or unavailable.
- 312

#### 313 **Article IV. Expectations**

##### 314 4-1. *Behavior of Members.*

- 315 (a) ERB members shall conduct themselves in accordance with the applicable  
316 behavioral expectations and requirements set forth in the Nation's Code of  
317 Ethics law and these bylaws.

- 318 (b) *Enforcement.* Violations of this or any section of these bylaws shall be  
319 enforced as follows:  
320 (1) Upon majority vote of the members in attendance at an ERB meeting  
321 of an established quorum, the ERB may make a recommendation to  
322 the Oneida Business Committee for the termination of a member's  
323 appointment in accordance with the Boards, Committees and  
324 Commissions law or any other law of the Nation governing the  
325 termination of appointed officials.  
326 (2) The ERB may take action to discipline a member in accordance with  
327 any law of the Nation governing sanctions and penalties for  
328 appointed officials.  
329
- 330 4-2. *Prohibition of Violence.* Members of the ERB are prohibited from committing any violent  
331 intentional act that inflicts, attempts to inflict, or threatens to inflict  
332 emotional or bodily harm on another person or damage to property.  
333
- 334 4-3. *Drug and Alcohol Use.* The use and/or consumption of any prohibited drugs or alcohol  
335 when acting in their official capacity as ERB members is strictly forbidden.  
336 (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines,  
337 phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics,  
338 any other substances included in Schedules I through V under Section 812  
339 of Title 21 of the United States Code, and prescription medication or over-  
340 the-counter medicine used in an unauthorized or unlawful manner.  
341
- 342 4-4. *Social Media.* Members of the ERB shall use social media in accordance with the Nation's  
343 Social Media Policy and their oath of office.  
344
- 345 4-5. *Conflict of Interest.* Members of the ERB shall follow all laws and policies of the Nation  
346 governing conflicts of interest, including, but not limited to, the Conflict of  
347 Interest law.  
348

#### 349 **Article V. Stipends and Compensation**

- 350 5-1. *Stipends.* Members of the ERB shall receive the following stipends so long as in  
351 accordance with these bylaws; the Boards, Committees and Commissions  
352 law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26  
353 -18-D titled, Boards, Committees and Commissions Law Stipends, as may  
354 be further amended from time-to-time hereafter:  
355 (a) One (1) meeting stipend per month, whether called as a regular or  
356 emergency meeting; provided:  
357 (1) A quorum was established;  
358 (2) The meeting of the established quorum lasted for at least one (1)  
359 hour; and  
360 (3) The ERB member requesting the stipend was physically present for  
361 the entire meeting.  
362 (b) A stipend for each day of attendance at a conference or training; provided:

- 363 (1) The ERB member attended a full day of training or was present at  
364 the conference for a full day; and  
365 (2) The ERB member's attendance at the training or conference was  
366 mandated by law, bylaws or resolution.  
367 (c) A stipend for attending a Judiciary hearing if the ERB member's attendance  
368 at the Judiciary hearing was required by official subpoena.  
369

370 5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement  
371 authorized by the Boards, Committees and Commission law, members of  
372 the ERB shall not be eligible for any other form of compensation for duties/  
373 activities they perform in relation to their membership on the ERB.  
374

## 375 **Article VI. Records and Reporting**

376 6-1. *Agenda Items.* Agenda items shall consistently follow the format as specified in section  
377 3-5 of these bylaws.  
378

379 6-2. *Minutes.*

- 380 (a) Minutes of the ERB shall be typed in the format set forth in section 3-5 of  
381 these bylaws and shall generate the most informative record of the ERB's  
382 meetings to include, but not be limited to:  
383 (1) A summary of the actions taken by the ERB during the meeting;  
384 (2) The ERB members who made motions and seconded motions; and  
385 (2) The ERB members who voted for, against or abstained from voting  
386 on motions.  
387 (b) Within ten (10) business days of being approved, minutes shall be submitted  
388 by the ERB to the Oneida Business Committee Support Office for filing.  
389

390 6-3. *Attachments.* All meeting handouts, reports, memorandum and the like shall be attached  
391 to their corresponding meeting agenda and minutes for filing on the network  
392 drive.  
393

394 6-4. *Oneida Business Committee Liaison.* The ERB, through its Chairperson or Chairperson's  
395 designee, shall regularly communicate with the member of the Oneida  
396 Business Committee who is its designated liaison.

- 397 (a) The frequency and method of communication shall be as agreed upon by  
398 the ERB and the liaison, but not less than that required in any law or policy  
399 on reporting developed by the Oneida Business Committee or the Oneida  
400 General Tribal Council.  
401 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
402 to act as support to the ERB.  
403

404 6-5. *Audio Recordings.* All meetings of the ERB shall be recorded with a standard portable  
405 audio recorder.

- 406 (a) Audio recordings shall be maintained on the network in accordance with the  
407 Boards, Committees and Commissions law and the Open Records and Open  
408 Meetings law.

409 (b) *Exception.* Audio recordings of executive session portions of an ERB  
410 meeting shall not be required.  
411

412 **Article VII. Amendments**

413 7-1. *Amendments.* Amendments to these bylaws shall be approved by a majority vote of the  
414 members in attendance at an ERB meeting of an established quorum.

415 (a) Amendments to these bylaws shall conform to the requirements of the  
416 Boards, Committees and Commissions law and any other policy of the  
417 Nation.

418 (b) Amendments to these bylaws shall be approved by the Oneida Business  
419 Committee before implementation.

420 (c) The ERB shall conduct a review of these bylaws no less than on an annual  
421 basis.  
422



# Oneida Environmental Resource Board Bylaws Amendments Legislative Analysis

## SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P. Jordan	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
Complies with Boards, Committees and Commissions Law	These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and Tribal corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the Oneida Environmental Resource Board (ERB) to govern the standard procedures regarding the way the ERB conducts its affairs, including: the appointment of persons to the ERB, the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, termination process, required training, and how the bylaws are amended.		
Purpose	The ERB was established and delegated the authority to supervise and regulate the Nation's conservation resources and environment of the Oneida Reservation. The ERB is responsible for the oversight, compliance, and/or development of conservation and environmental laws, practices and/or policies for the Nation. This shall include, but not be limited to: hunting and fishing, conservation, reforestation, parks and wildlife, recreation, environmental protection and improvement, community education, and enforcement. The ERB shall monitor environmental problems on the Oneida Reservation. The ERB shall carry out all other powers and/or duties delegated through the laws, policies, rules and resolutions of the Nation [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Administrative Rulemaking law, Hunting, Fishing and Trapping law, All-Terrain Vehicle law, Public Use of Tribal Land law, Domestic Animals law, Cemetery law, Tribal Environmental Response law, Onsite Waste Disposal law, Water Resources law, Well Abandonment law, Boards, Committees and Commissions law, Social Media Policy, Travel and Expense Policy, Code of Ethics, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Members of the ERB serve appointed positions at the discretion of the OBC. Upon the recommendation of a member of the OBC or by majority vote of the ERB [Proposed Bylaws 1-5(c)(1)(B)(i)], a member of the ERB may have his or her appointment terminated by the OBC. A two-thirds majority vote of the OBC shall be required to terminate the appointment of an individual. The OBC's decision to terminate an appointment is final and not subject to appeal [1 O.C. 105.7-4].		
Public Meeting	Public meetings are not required for bylaws.		
Fiscal Impact	A fiscal impact statement is not required for bylaws.		

1 **SECTION 2. BACKGROUND**

- 2 A. The ERB bylaws amendments were added to the Active Files List on October 3, 2018, with David P.  
3 Jordan as the sponsor.
- 4 B. The Oneida Conservation Board was established by the OBC through resolution BC-02-22-85-B. The  
5 ERB was established through passage of the Oneida Hunting and Fishing law by resolution BC-08-31-  
6 94-C which contains specific details related to the role and requirements of members of the ERB. The  
7 ERB bylaws were approved by OBC motion on 10-02-96. The current bylaws were approved by the  
8 OBC on 07-23-14.

9  
10 **SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

- 11 A. The proposed bylaws comply with the Boards, Committees and Commissions law.
- 12 B. The proposed bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-  
13 09-26-18-D Boards, Committees and Commissions Law Stipends” which details the types, specific  
14 dollar amounts and eligibility requirements of stipends.
- 15 C. The proposed bylaws comply with OBC Resolution BC-09-27-17-E titled “Extension of the Effective  
16 Date of Amendments to Various Laws – Environmental Resource Board Hearing Body Authority  
17 Transfer to Judiciary” which details that laws that previously delegated the ERB hearing body authority  
18 which have now effectively been transferred to the Trial Court of the Oneida Judiciary.

19  
20 **SECTION 4. AMENDMENTS**

21 This section details the changes to the bylaws from the previously adopted bylaws.

22 **A. ARTICLE I. AUTHORITY**

- 23 a. Hearing body authority was removed from the bylaws [*Current Bylaws 1-4(b) and Article*  
24 *VI*] in accordance with Resolution BC-09-27-17-E which contains a detailed list of laws  
25 that have been amended to transfer the ERB’s previous hearing body authority to the Trial  
26 Court of the Oneida Judiciary.
- 27 b. The ERB’s role in assisting with the budgeting process was removed [*Current ERB Bylaws*  
28 *1-4(d)*].
- 29 c. The vacancy section was changed allowing an ERB member whose term has ended the  
30 option to remain in their position until their replacement is sworn in by the OBC [*Proposed*  
31 *Bylaws 1-5(c)(1)(A)(i)*] which is optional under the Boards, Committees and Commissions  
32 law [*1 O.C. 105.6-2(a)(1)*].
- 33 d. The resignation process has changed in accordance with the Boards, Committees and  
34 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:
- 35 • Verbally and accepted by motion at a meeting; or
  - 36 • By delivering a written resignation to the Business Committee Support Office  
37 (BCSO) and the ERB’s Chairperson or Chairperson’s designee [*Proposed Bylaws*  
38 *1-5(c)(1)(C)*].
- 39 e. The following qualifications were added to the bylaws [*Proposed Bylaws 1-5(d)*]:
- 40 • Resident of Brown or Outagamie County;
  - 41 • No felonies unless pardoned by the Nation; and
  - 42 • A degree in environmental sciences, environmental law and policy, sportsmen’s  
43 experience and a background in Oneida culture will receive preference in the  
44 application process.
- 45 f. The list of reasons for the ERB to make a recommendation to the OBC that a member be  
46 terminated from the ERB was changed and requires a majority vote of the ERB in a meeting  
47 with an established quorum [*Proposed Bylaws 1-6*]:
- 48 • Failure to maintain membership qualifications was added [*Proposed Bylaws 1-  
49 6(a)(3)*];

- Failure to maintain confidentiality at any stage of the hearing process was removed [*Current Bylaws Article I. 1-5(f)(1)(C)*].
  - A provision was added defining an un-excused absence as failure to notify an ERB Officer, in writing, of his or her pending absence no less than thirty (30) minutes before the scheduled meeting [*Proposed Bylaws 1-6(a)(1)*].
- g. The number of hours of required training was reduced from eight (8) hours annually to six (6) hours and training in Robert's Rules of Order was added [*Proposed Bylaws 1-7*] and [*Current Bylaws 1-5(c)*]. A provision was added that regardless of required trainings or conferences, each member of the Board will only receive a training stipend for no more than five (5) full days of training per year [*Proposed Bylaws 1-7(c)*].

## B. ARTICLE II. OFFICERS

- a. The Chairperson's, and Vice-Chairperson in the absence of the Chairperson, duties have expanded:
- The Chairperson or designee shall submit all required reports to the OBC and the General Tribal Council [*Proposed Bylaws 2-2(b)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3 and 12-4*].
  - The Chairperson or member designee must attend the OBC meeting when the ERB quarterly report is on the agenda [*Proposed Bylaws 2-2(e)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*].
- b. The Secretary's duties were changed:
- A provision was added that if the Chairperson and the Vice-Chairperson positions both become vacant at the same time, the Board Secretary shall be allowed to call meetings of the Board to fill vacancies and to preside over meetings to conduct an election after which the newly elected Chairperson or Vice-Chairperson shall preside [*Proposed Bylaws 2-4(a)(1)(A)*].
  - The Secretary will provide notice of regular and emergency meetings to the Nation's calendar no less than two (2) days prior to the meeting and provide agenda, documents and minutes [*Proposed Bylaws 2-4(e)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*] and the Open Records and Open Meetings law [*1 O.C. 107.15*].
  - All duties related to hearings were removed [*Current Bylaws 2-4*].
- c. A provision was added that Board members may be dismissed from an Officer position by majority vote at a meeting with an established quorum and may not hold more than one Officer position per term [*Proposed Bylaws 2-5(c) and (d)*].
- d. The Budgetary and Sign-Off Authority and Travel section [*Proposed Bylaws 2-6*] is new to these bylaws based on requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
- The ERB will follow the Nation's policies and procedures and use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-6(a)(2)(A)*]. All ERB Officers shall have sign-off authority and two (2) of the Officers must sign-off on all other budgetary requests [*Proposed Bylaws 2-6(a)(2)*].
- i. Although not applicable to the ERB; the ERB will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors, page 217 which includes the following levels of sign-off authority:

- 101 1. Budgeted items with three bids for items between \$3,000 and  
102 \$10,000.  
103 2. Unbudgeted items between \$1,000 and \$5,000.  
104 3. Budgeted but sole source items between \$1,000 and \$5,000.
- 105 • Travel on behalf of the ERB will require approval by a majority vote of the  
106 members at a regular or emergency meeting with an established quorum [*Proposed*  
107 *Bylaws 2-6(b)*] in accordance with the Boards, Committees and Commissions law  
108 [*1 O.C. 105.10-3(b)(6)(B)*]. All travel must be authorized by two (2) Officers of  
109 the ERB in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. The  
110 ERB members may travel in the Nation’s vehicles when certified and must follow  
111 the Vehicle Driver Certification and Fleet Management law [*2 O.C. 210*]. This  
112 section fulfills requirements established by the Boards, Committees and  
113 Commissions law [*1 O.C. 105.10-3(b)(6)*].
  - 114 e. The ERB is not authorized to hire staff beginning the day the bylaws are approved by the  
115 OBC [*Proposed Bylaws 2-7*]. This provision will affect future hires and does not apply to  
116 current staff who will keep their positions.  
117

### 118 C. ARTICLE III. MEETINGS

- 119 a. A reference was added that notices of meetings will meet requirements in the Open Records  
120 and Open Meetings law [*Proposed Bylaws 3-1(b)*] and [*1 O.C. 107.15*] in accordance with  
121 the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*].
- 122 b. A provision was added per the Boards, Committees and Commissions law that the ERB  
123 will notify the Nation’s Secretary within seventy-two (72) hours of holding an emergency  
124 meeting with notice of the meeting, the reason for the emergency meeting, and an  
125 explanation of why the matter could not wait for a regular meeting [*Proposed Bylaws 3-*  
126 *2(c)*] and [*1 O.C. 105.10-3(c)(2)(A)*].
- 127 c. A provision was added requiring five (5) members of the ERB to be present at any regular  
128 or emergency meeting of the ERB to constitute a quorum. No official action will be taken  
129 without a quorum present [*Proposed Bylaws 3-4*]. Quorum detail is required to be  
130 contained in the bylaws by the Boards, Committees and Commissions law [*1 O.C. 105.10-*  
131 *3(c)(4)*].
- 132 d. The terminology for voting was changed to majority vote of members present at a meeting  
133 with an established quorum [*Proposed Bylaws 3-6*]. Detail related to voting is required by  
134 the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)*].
- 135 e. E-polls were added as an acceptable form of voting and will be conducted by the  
136 Chairperson or the Secretary if the Chairperson is absent or unavailable [*Proposed Bylaws*  
137 *3-6(b)*] in accordance with the Boards, Committees and Commissions law and [*1 O.C.*  
138 *105.10-3(c)(6)(C) and (D)*] and [*1 O.C. 105.11*].  
139

### 140 D. ARTICLE IV. EXPECTATIONS

- 141 This section is a new requirement added to these bylaws based on the requirements established in the  
142 Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)*].
- 143 a. The ERB is required to act in accordance with the Code of Ethics law [*Proposed Bylaws*  
144 *4-1(a)*]. The Code of Ethics law requires appointed government officials to demonstrate  
145 the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public  
146 activities to inspire public confidence and trust in governmental officials of the Nation [*1*  
147 *O.C. 103*].
    - 148 • Enforcement of behavioral expectations include recommendation by majority vote  
149 of the ERB for OBC to consider termination of a member’s appointment and  
150 sanctions or penalties in accordance with any laws of the Nation [*Proposed Bylaws*

- 151 4-1(b)]. This complies with the Boards, Committees and Commissions law [1  
152 O.C. 105.10-3(d)(1)].
- 153 b. Intentional acts of violence that inflicts, attempts to inflict or threatens to inflict emotional  
154 or bodily harm or damage to property are prohibited by the ERB [Proposed Bylaws 4-2]  
155 in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-  
156 3(d)(2)].
- 157 c. Drug and alcohol use by an ERB member when acting in an official capacity is prohibited  
158 [Proposed Bylaws 4-3] in compliance with the Boards, Committees and Commissions law  
159 [1 O.C. 105.10-3(d)(3)].
- 160 • The definition for prohibited drugs in the bylaws [Proposed Bylaws 4-3(a)] is  
161 identical to the definition that appears in the Boards, Committees and  
162 Commissions law [1 O.C. 105.3-1(n)].
- 163 d. The ERB members are required comply with the Nation’s Social Media Policy [2 O.C.  
164 218] [Proposed Bylaws 4-4] in compliance with the Boards, Committees and Commissions  
165 law [1 O.C. 105.10-3(d)(4)].
- 166 e. The bylaws require the ERB to abide by all laws of the Nation related to conflicts of interest  
167 including the Nation’s Conflict of Interest law [2 O.C. 217] and the Boards, Committees  
168 and Commissions law [1 O.C. 105.10-3(d)(5) and 105.15] which includes disclosure of  
169 conflicts of interest annually [Proposed Bylaws 4-5].

170  
171 E. ARTICLE V. STIPENDS AND COMPENSATION

172 A new section was added to the bylaws that details stipend, compensation and corresponding  
173 requirements in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(e)].

- 174 a. This section provides a list of eligible stipends and corresponding eligibility requirements  
175 that members of the ERB are eligible to receive [Proposed Bylaws 5-1]. This section  
176 complies with Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-D  
177 Boards, Committees and Commissions Law Stipends” and the Boards, Committees and  
178 Commissions law:
- 179 • A full day of training is required to be eligible for a stipend [1 O.C. 105.13-8(a)];  
180 and
  - 181 • Only trainings and conferences required by law, bylaws or resolution are eligible  
182 to receive a stipend [1 O.C. 105.13-8(b)].
- 183 b. Besides travel, per diem and business expense reimbursement authorized by the Boards,  
184 Committees law [1 O.C. 105.13-9]; no other compensation will be provided to ERB  
185 members [Proposed Bylaws 5-2].

186  
187 F. ARTICLE VI. RECORDS AND REPORTING

- 188 • The ERB will use the agenda format identified in the proposed bylaws section 3-5  
189 [Proposed Bylaws 6-1]. This complies with the Boards, Committees and  
190 Commissions law [1 O.C. 105.10-3(f)(1)].
- 191 • The ERB’s minutes will summarize actions taken, who motioned and seconded  
192 motions and who voted for, against or abstained from voting on the motion and  
193 will be submit minutes to the BCSO within ten (10) business days of the ERB  
194 approval [Proposed Bylaws 6-2(b)]. This meets the requirements established by  
195 the Boards, Committees and Commissions law [1 O.C. 105.10-(f)(2)].
- 196 • Although not mentioned; packets and meeting materials will be available to the  
197 public in accordance with the Open Records and Open Meetings law [1 O.C.  
198 107.7-2].
- 199 • All attachments will be attached to and maintained with the meeting minutes and  
200 agenda and filed on the network drive [Proposed Bylaws 6-3]. This meets

- 201 requirements established by the Boards, Committees and Commissions law [1  
202 *O.C. 105.10-3(f)(3)*].
- 203 • A requirement was added that the ERB will audio record all meetings and maintain  
204 all audio files on the Nation’s network in accordance with the Open Records and  
205 Open Meetings law [1 *O.C. 107.7-3*]. Executive session is not required to be  
206 recorded [*Proposed Bylaws 6-5*]. This complies with the Boards, Committees and  
207 Commissions law [1 *O.C. 105.10-3(f)(5)*].
  - 208 b. Article VI. Hearings was removed. The ERB no longer has hearing body authority  
209 [*Current Bylaws Article VI*] as that authority was transferred to the Trial Court of the  
210 Oneida Judiciary in accordance with Resolution BC-09-27-17-E titled “Extension of the  
211 Effective Date of Amendments to Various Laws – Environmental Resource Board Hearing  
212 Body Authority Transfer to Judiciary”.

213  
214 G. ARTICLE VII. AMENDMENTS

- 215 a. A provision was added requiring that amendments follow the Boards, Committees and  
216 Commissions law and any other policy of the Nation in accordance with the Boards,  
217 Committees and Commissions law [1 *O.C. 105.10-3(g)*] and that the bylaws be reviewed  
218 as needed and annually [*Proposed Bylaws 7-1*].

219  
220 **SECTION 5. RELATED LEGISLATION**

221 There are no conflicts between the proposed bylaws and the Oneida Code of Laws. Below is a detailed list  
222 of laws that establish duties and requirements of the ERB in addition to laws referenced in the bylaws.

- 223 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows  
224 for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation*  
225 *Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the Oneida  
226 Nation Constitution.
- 227  
228 B. Administrative Rulemaking [1 *O.C. 106*]. This law governs the administrative rulemaking process  
229 for the adoption and amendment of administrative rules by authorized agencies of the Nation.  
230 Administrative rules developed under this law have the same force and effect as the law that delegated  
231 the authority to the authorized agency.
  - 232 a. The ERB is considered an authorized agency and an entity under this law.
    - 233 • The ERB is required to follow the administrative rulemaking procedures contained  
234 in this law for the promulgation of all rules when delegated rulemaking authority  
235 to act as an authorized agency. Rulemaking authority must be delegated by a law  
236 of the Nation to implement, interpret and/ or enforce a law of the Nation.
    - 237 • When acting as an entity under this law, the ERB shall prepare all financial  
238 analyses upon request indicating financial effects of a proposed administrative rule  
239 promulgated by an authorized entity of the Nation in compliance with this law.
  - 240 b. The ERB has been delegated administrative rulemaking authority as an authorized agency  
241 under the following laws of the Nation:
    - 242 • Hunting, Fishing and Trapping [4 *O.C. 406*]
    - 243 • All-Terrain Vehicle [4 *O.C. 410*]
    - 244 • Public Use of Tribal Land [6 *O.C. 609*]
    - 245 • Cemetery Law [1 *O.C. 127*]
    - 246 • Tribal Environmental Response [4 *O.C. 401*]
    - 247 • Onsite Waste Disposal [4 *O.C. 407*]

248 The proposed bylaws comply and there are no conflicts with the Administrative Rulemaking law.  
249

250 C. Hunting, Fishing and Trapping [4 O.C. 406]. The ERB and the Oneida Conservation Department  
251 (Department) will protect, manage, supervise, conserve, and enhance all wildlife within the reservation.  
252 The ERB will schedule public hearings and has been delegated oversight to review orders made by the  
253 Department to affirm, repeal or change any order made under this law. The ERB and the Department  
254 will ensure all hunting and fishing rule books contain a warning that fish caught in Duck Creek, along  
255 with ducks, geese and other wildlife may contain PCB's [4 O.C. 406.7-5]. The ERB has been delegated  
256 joint administrative rulemaking authority with the Department to develop rules to implement this law.  
257 Administrative rules must be promulgated in accordance with the administrative rulemaking procedures  
258 delegated to the ERB under this law as an authorized agency under the Administrative Rulemaking law  
259 [1 O.C. 106]. Joint administrative rulemaking authority under this law includes [4 O.C. 406.5-2]:

- 260 • Develop citation fees and penalty schedules;
- 261 • Determine types and number of licenses and permits that may be issued by the  
262 Department, including how many licenses and permits that may be issued to non-  
263 Indian hunters;
- 264 • Establish fee schedule and application requirements and deadlines for obtaining  
265 licenses;
- 266 • Establish and amend daily bag limits and possession limits based on the supply  
267 of wildlife, the needs of conservation, and the objective of achieving a fair  
268 allocation of the harvest;
- 269 • Declare any species in need of protection or endangered or threatened;
- 270 • Regulate hunting seasons and hunting hours;
- 271 • Establish or modify areas' territorial limits including checking persons in and out  
272 of areas;
- 273 • Regulate the operation of boats upon reservation waters and the operation of  
274 vehicles or aircraft used while hunting, fishing or trapping;
- 275 • Regulate and prescribe the means and methods by which wildlife may be taken;
- 276 • Prescribe safety and fire control measures and other rules;
- 277 • Establish a process for retention, storage and disposal of confiscated items; and  
278 • Establish rules for carcass tags.

279 The proposed bylaws comply and there are no conflicts with the Hunting, Fishing and Trapping law.  
280

281 D. All-Terrain Vehicle [4 O.C. 410]. The ERB has been delegated administrative rulemaking authority  
282 under this law to promulgate rules to establish minimum standards related to instruction on how to  
283 operate an all-terrain vehicle [4 O.C. 410.5-2(c)]. Administrative rules must be promulgated in  
284 accordance with the administrative rulemaking procedures as an authorized agency [1 O.C. 106]. The  
285 ERB has also been delegated authority to collect citation fees [4 O.C. 410.7-2(b) and (d)]. The ERB  
286 has authority to attach non-paid fees to per capita payments for members of the Nation under the Per  
287 Capita law [1 O.C. 123] or garnish non-paid fees from employee wages under the Garnishment law  
288 [2 O.C. 204]. The proposed bylaws comply and there are no conflicts with the All-Terrain Vehicle  
289 law.  
290

291 E. Public Use of Tribal Land [6 O.C. 609]. The ERB, or designated staff, has been delegated  
292 administrative rulemaking authority under this law. Administrative rules must be promulgated in  
293 accordance with the rulemaking procedures as an authorized agency under the Administrative  
294 Rulemaking law [1 O.C. 106]. Administrative rulemaking authority under this law includes authority  
295 to collect citation fees and carry out the intent, purposes, implementation, interpretation and  
296 enforcement of the law including:

- 297 • Assign designation to Tribal lands [6 O.C. 609.5-1] and grant access to persons  
298 regardless of access designation [6 O.C. 609.5-2(d)].
- 299 • Develop, approve and maintain the Land Access Map; in coordination with the  
300 Oneida Environmental Health Safety and Land Division, the Oneida Division of

301 Land Management, Geographic Land Information Systems and other designated  
302 agencies of the Nation [6 O.C. 609.5-3]. Grant or deny any application to amend  
303 the Land Access Map [6 O.C. 609.5-5].  
304 • Hold public hearings on proposed amendments to the Land Access Map [6 O.C.  
305 609.5-5(b)].  
306 • Determine which Tribal land will be posted for notice of trespassing and ensure  
307 the appropriate signs are posted [6 O.C. 609.6-1].  
308 • As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal  
309 land that it designates as Oneida Community Access, Oneida Tribal Member  
310 Access or Open Access, provided that such permissible and/or prohibited uses  
311 may not contradict with the Zoning and Shoreland Protection Ordinance [6 O.C.  
312 609]. Upon establishment of permissible and/or prohibited uses, the ERB shall  
313 notify the OBC post notice of such uses on the affected Tribal Land [6 O.C. 609.4-  
314 1].

315 The ERB has authority to attach non-paid fees to per capita payments for members of the Nation  
316 according to the Per Capita law [1 O.C. 123] and/or garnish non-paid fees from employee wages  
317 according to the Garnishment law [2 O.C. 204] [6 O.C. 609.7-2(d)]. The proposed bylaws comply and  
318 there are no conflicts with the Public Use of Tribal Lands law.  
319

320 F. Domestic Animals [3 O.C. 304]. This law governs the basic measures to prevent the spread of disease  
321 carried by domestic animals and sets minimum standards of treatment of domestic animals, the types  
322 of animals allowed on the Reservation, the regulations of livestock zoned on residential lots within the  
323 Reservation and the consequences for damages caused by domestic animals [1 O.C. 304.1-1]. The  
324 ERB has been delegated joint authority with the Environmental, Health, Safety, and Land Division to  
325 establish and maintain a fine, penalty and licensing fee schedule [3 O.C. 304.5-3]. The proposed  
326 bylaws comply and there are no conflicts with the Domestic Animals law.  
327

328 G. Cemetery Law [1 O.C. 127]. This law governs the administrative authority over the Oneida Nation  
329 cemeteries on the Oneida Reservation. The ERB is responsible for promulgating rules concerning  
330 prohibited uses of Oneida Nation cemetery grounds. Rules must be promulgated in accordance with  
331 the rulemaking procedures delegated to the ERB as an authorized agency under the Administrative  
332 Rulemaking law [1 O.C. 106]. The ERB will receive a copy of an action taken or planned action to  
333 remedy any complaints filed with Land Management [1 O.C. 127.9-2]. The proposed bylaws comply  
334 and there are no conflicts with the Cemetery Law.  
335

336 H. Tribal Environmental Response [4 O.C. 401]. This law governs hazardous substances on the Oneida  
337 reservation. Boards, committees and commissions are considered Tribal entities under this law. The  
338 ERB is delegated administrative rulemaking authority to adopt a penalty schedule, upon  
339 recommendation of the Environmental, Health, Safety and Land Division, for violations under this law.  
340 All fines and penalties issued under this law are payable to the ERB or designee. The ERB may pursue  
341 unpaid fines and penalties according to the Garnishment law [2 O.C. 204] and/or Per Capita law [1  
342 O.C. 123]. The proposed bylaws comply and there are no conflicts with the Tribal Environmental  
343 Response law.  
344

345 I. Onsite Waste Disposal [4 O.C. 407]. The ERB has been delegated administrative rulemaking authority  
346 under this law to establish penalties for violations of this law. The ERB has been granted authority to  
347 issue written approval or denial of any variances requested under this law. Administrative rules must  
348 be promulgated in accordance with the rulemaking procedures as an authorized agency under the  
349 Administrative Rulemaking law [1 O.C. 106]. All fines and penalties issued under this law are payable  
350 to the ERB or designee. The ERB may pursue unpaid fines and penalties according to the Garnishment

- 351 law [2 O.C. 204] and/or Per Capita law [1 O.C. 123]. The proposed bylaws comply and there are no  
352 conflicts with the Onsite Waste Disposal law.  
353
- 354 J. Water Resources [4 O.C. 409]. The ERB is delegated advisory authority to serve the Conservation  
355 Department in the development and administration of the programs considered by this law. The ERB  
356 is responsible to approve any agreements the Conservation Department deems necessary to carry out  
357 this law. The ERB has been delegated authority to schedule and hold public hearings for a variety of  
358 oversight related to this law. The proposed bylaws comply with and there are no conflicts with the  
359 Water Resources law.  
360
- 361 K. Well Abandonment [4 O.C. 404]. The ERB has been granted authority under this law to receive fines  
362 and penalties issued by citations. The ERB may pursue payment of unpaid fines or penalties through  
363 the processes contained in the Garnishment law [2 O.C. 204] and/or the Per Capita law [1 O.C. 123].  
364 The proposed bylaws comply and there are no conflicts with the Well Abandonment law.  
365
- 366 L. Boards, Committees and Commissions [1 O.C. 105]. This law establishes all requirements related to  
367 elected and appointed boards, committees and commissions of the Nation. The law governs the  
368 procedures regarding the appointment and election of persons to boards, committees and commissions,  
369 creation of bylaws, maintenance of official records, compensation, and other items related to boards,  
370 committees and commissions. The ERB is appointed by the OBC [Proposed Bylaws 1-5(b)]. The  
371 requirements for entity bylaws are contained in this law as well as a requirement that all existing entities  
372 of the Nation comply with the format detailed in the law and present the bylaws for adoption by the  
373 OBC within a reasonable timeframe [1 O.C. 105.10-3]. The proposed bylaws comply and there are no  
374 conflicts with the Boards, Committees and Commissions law.  
375
- 376 M. Social Media Policy [2 O.C. 218]. The bylaws identify that the ERB must comply with the Social  
377 Media Policy [Proposed Bylaws 4-4] in accordance with the Boards, Committees and Commissions  
378 law [1 O.C. 105.10-3(d)(4)]. This law regulates social media accounts including how content is  
379 managed and who has authority to post on social media on behalf of the Nation. Boards, committees  
380 and commissions must register social media accounts with the Nation's Secretary's Office to include  
381 specific information related to access to the account, acknowledgment and compliance with the  
382 Computer Resource Ordinance [2 O.C. 215] and this policy, use a Nation issued email address, and  
383 ensure all content complies with all applicable laws of the Nation, state or federal laws. The proposed  
384 bylaws comply and there are no conflicts with the Social Media Policy.  
385
- 386 N. Travel and Expense Policy [2 O.C. 219]. Members of the ERB are eligible to be reimbursed for travel  
387 and per diem to attend a conference or training in accordance with this policy. The BCSO will have  
388 sign-off authority over requests for stipends, travel per diem and business expense reimbursement  
389 [Proposed Bylaws 2-6(a)(2)(A)]. All travel must be authorized by two (2) Officers [Proposed Bylaws  
390 2-6(a)(2)] in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. The ERB will approve  
391 all board travel by majority vote of the board [Proposed Bylaws 2-6(b)] in accordance with the Boards,  
392 Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. The proposed bylaws comply and there  
393 are no conflicts with the Travel and Expense Policy.  
394
- 395 O. Code of Ethics [1 O.C. 103]. The ERB members are required to abide by the Code of Ethics law and  
396 Article IV of the bylaws addresses the behavioral expectations of members [Proposed Bylaws 4-1]  
397 some of which are covered in the Code of Ethics law. This law promotes the highest ethical conduct  
398 from elected and appointed government officials and expects that officials will demonstrate the highest  
399 standards of personal integrity, truthfulness, honesty, and fortitude in all public activities to inspire  
400 public confidence and trust in the governmental officials of the Oneida Nation. Government officials

401 are also expected to adhere to the laws, customs, and traditions of the Nation. The proposed bylaws  
402 comply and there are no conflicts with the Code of Ethics.  
403

404 P. Conflict of Interest [2 O.C. 217]. This law applies to the ERB and establishes specific limitations to  
405 which information or materials that are confidential or may be used by a competitor of the Nation's  
406 enterprises or interests may be used to protect the interests of the Nation. The Conflict of Interest law  
407 of the Nation allows for entities to outline further prohibited activities resulting in conflicts of interest  
408 [2 O.C. 217.7-2]. The Boards, Committees and Commissions law establishes that amended bylaws  
409 require members to disclose potential or real conflicts [1 O.C. 105.10-3(d)(5) and 105.15]. The ERB  
410 has addressed this requirement in the proposed bylaws by requiring ERB members to follow this law  
411 [Proposed Bylaws 4-5]. Penalties for failure to disclose conflicts of interest include a removal petition  
412 in accordance with the Removal Law [1 O.C. 104] for elected members, termination of appointment in  
413 accordance with the Boards, Committees and Commissions law for appointed members [1 O.C. 105],  
414 and enforcement of any penalties in accordance with the laws of the Nation [2 O.C. 217.6-2 and 6-3].  
415 The proposed bylaws comply and there are no conflicts with the Conflict of Interest law.  
416

417 Q. Open Records and Open Meetings [1 O.C. 107]. This law details how records must be maintained and  
418 made available to the public and that meetings are open to the public unless specific criteria are met  
419 which allow the meetings to be closed [1 O.C. 107.15 and 107.17]. Public notice of meetings is also  
420 required by this law [1 O.C. 107.15-1]. The ERB meetings are open to the public except portions that  
421 meet the exceptions in this law related to personnel matters or contracts are being discussed and deemed  
422 confidential in accordance with this law [1 O.C. 107.12-2 and 107.17]. The ERB bylaws requires  
423 attachments to be attached to the agenda and filed on the Nation's network drive [Proposed Bylaws 6-  
424 3]. Meeting packets and backup materials will be made available to the public in accordance with this  
425 law which states that any requestor has the right make or receive a copy of a public record [1 O.C.  
426 107.7-2]. The proposed bylaws comply and there are no conflicts with the Open Records and Open  
427 Meetings law.  
428

429 R. Garnishment [2 O.C. 204]. The ERB is considered an Oneida Entity under this law and has the  
430 authority to initiate a garnishment of employee wages to pursue payment from parties who have failed  
431 to make the required payments for issued fines and citations in accordance with the Nation's laws using  
432 the process outlined in this law [2 O.C. 204.6]. The proposed bylaws comply and there are no conflicts  
433 with the Garnishment law.  
434

435 S. Per Capita [1 O.C. 123]. The ERB is considered an Oneida Entity under this law and has the authority  
436 to pursue attachments of any money owed and any nonpayment of any fines or citations issued under  
437 any applicable laws of the Nation. An attachment means the fine or citation is paid for from the debtors  
438 per capita payment using the process contained in this law [1 O.C. 123.4-9(a)(2)]. The proposed  
439 bylaws comply and there are no conflicts with the Per Capita law.  
440

441 T. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. ERB is considered an entity [2 O.C.  
442 210.3-1(g)] and individual members are considered officials [2 O.C. 210.3-1(j)] under this law and are  
443 authorized to travel in the Nation's vehicles. The law requires the Human Resources Department or  
444 designee to ensure drivers, including ERB members, are certified to drive a vehicle of the Nation or a  
445 personal vehicle on Tribal business. The law requires ERB members (officials) to have written consent  
446 from the ERB prior to being approved to use a Tribal vehicle [2 O.C. 210.6-1(b)(2)]. Certification  
447 includes providing the Human Resources Department with the appropriate license, training  
448 certifications, and insurance information [2 O.C. 210.8-1]. Additionally, ERB members must abide by  
449 all reporting requirements in this law [2 O.C. 210.9-2]. The proposed bylaws comply and there are no  
450 conflicts with the Vehicle Driver Certification and Fleet Management law.

451 a. ERB members who violate this law may be subject to:

- 452
- 453
- 454
- any laws regarding sanctions or penalties; and
  - termination of appointment following the Boards, Committees and Commissions law [1 O.C. 105].

## ONEIDA ENVIRONMENTAL RESOURCE BOARD BYLAWS

### Article I. Authority.

Sec. 1-1. **Name.** The Oneida Environmental Resource Board is the official name of this organization. For the purpose of this document, the Oneida Environmental Resource Board will be referred to as the ERB.

Sec. 1-2. **Authority.** The Oneida Business Committee established the Oneida Conservation Board, now known as the Environmental Resource Board, through Resolution BC-02-22-85-B, pursuant to Article IV, Section 1(g) of the Constitution of the Oneida Tribe of Indians of Wisconsin, and pursuant to the Oneida Tribe's inherent authority to protect the political integrity, economic security, and the health and welfare of its members and territory. The Oneida Business Committee also adopted Resolution BC-09-16-86-A to delegate the supervision and regulation of conservation resources to the Oneida Conservation Board. The ERB is further recognized by the Oneida Business Committee by the adoption of these bylaws and by the ERB's inclusion in the **HUNTING, FISHING AND TRAPPING LAW**, adopted by BC Resolution 07-22-98-A; the **WATER RESOURCES ORDINANCE** adopted by BC Resolution 05-08-96-B; the **ALL-TERRAIN VEHICLE LAW**, adopted by BC Resolution 06-16-04-B; the **WELL ABANDONMENT LAW** adopted by BC-08-31-94-A; the **PUBLIC USE OF TRIBAL LAND LAW** adopted by BC-05-15-14-C; and the **DOMESTIC ANIMALS ORDINANCE** adopted by BC Resolution 03-13-96-B.

Sec. 1-3. **Office.** The office of the ERB shall be located within the exterior boundaries of the Oneida Reservation, and its mailing address shall be Post Office Box 365, Oneida, Wisconsin 54155.

### Sec. 1-4. Duties.

- a. The ERB shall be responsible for the oversight, compliance, and development of conservation and environment law and policy for the Oneida Tribe. This shall include, but not be limited to:
  1. hunting and fishing, including hunting safety regulations,
  2. conservation, reforestation, parks and wildlife, and recreation,
  3. environmental protection and improvement,
  4. environmental, conservation codes and ordinances,
  5. community education,
  6. reviewing and recommending enforcement procedures for all environmental laws and policies, and
  7. review of Tribal activities for consistency with Tribal environmental law and policy.
- b. The ERB shall serve as the original hearing body in matters concerning environmental and conservation laws and ordinances promulgated by the Oneida Tribe.
- c. The ERB shall monitor environmental problems on the Oneida Reservation.
- d. The ERB shall assist in the budgeting process, which shall include, but not be limited to, ERB training and other normal operating expenses of the ERB.

### Sec. 1-5. Membership.

- a. *Qualifications of Members.* The ERB shall consist of nine (9) members. ERB members shall be enrolled members of the Oneida Tribe of Indians of Wisconsin. No ERB member may be employed by the Environmental, Health and Safety Division of the Oneida Tribe.

- b. *Appointment of Members.* ERB members shall be appointed by the Oneida Business Committee, upon the recommendation of the Tribal Chairperson, to three (3) year terms which shall be staggered. The ERB shall recommend an individual to the Tribal Chairperson from among the qualified applicants. Upon appointment, each new member shall be installed at a meeting of the Oneida Business Committee or at a place and time of convenience to both parties.
- c. *Training.*
1. All ERB members, within one (1) year after being appointed to the ERB, shall participate in training as follows:
    - A. Environmental Law - Eight (8) hours, two (2) hours of which shall be Oneida Tribal law and procedures.
    - B. Grievance, Hearing, and Appeals - Six (6) hours of training in formal opinion writing and the basics of evidence.
    - C. Professional Ethics - Two (2) hours of training, including issues of confidentiality.
  2. After serving on the ERB for one (1) year, all ERB members shall either accumulate a minimum of eight (8) hours of training annually in the above subjects or shall review annually the lessons and materials connected with the above subjects.
  3. Select ERB members, as determined by ERB, shall obtain a minimum of three (3) hours of training in a formalized process for conducting meetings.
  4. The ERB may, at its discretion, extend the time allowed for completion of any and all required training of a member for good cause shown.
- d. *Vacancies.*
1. A vacancy caused by the expiration of a term shall be effective as of 4:30 p.m. of the last day of the month in which the term ends, in accordance with Section 5-2(a) of the Comprehensive Policy Governing Boards, Committees and Commissions and shall be filled in the following manner:
    - A. The ERB should be notified sixty (60) days prior to the end of the term by the Tribal Secretary.
    - B. The Oneida Business Committee shall appoint an individual to fill the vacancy in accordance with 1-5(b).
  2. If a vacancy occurs before the completion of an ERB member's term, the vacancy shall be filled in accordance with 1-5(b) for the remainder of the term.
- e. *Resignations.* The resignation of an ERB member is effective upon:
1. Deliverance of a letter of resignation to the ERB Secretary, or designee, in accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing Boards, Committees and Commissions.
  2. In the event of a verbal resignation, the resignation is effective upon the ERB's passage of a motion to accept such resignation, in accordance with Section 5-2(c)(2) of the Comprehensive Policy Governing Boards, Committees and Commissions.
- f. *Termination of Appointment.*
1. The ERB may request the Tribal Chairperson recommend the Oneida Business Committee terminate the appointment of an ERB member for any of the following reasons:
    - A. Failure to attend three (3) meetings, hearings or other relevant duties

of the office within one (1) year, without prior notification to at least one (1) of the officers or staff members.

- B. Violation of Oneida Tribal law or laws governing the ERB.
- C. Violation of confidentiality at any stage in the hearing process.
- D. Failure to complete all training required under 1-5.c. within the time allowed for the completion of such training, or within any extension of time granted under 1-5.c.4.

- 2. An ERB member's appointment may be terminated in accordance with Section 6-5 of the Comprehensive Policy Governing Boards, Committees and Commissions.

## **Article II. Officers.**

Sec. 2-1. The Officer positions of the ERB are Chairperson, Vice-Chairperson, and Secretary. These positions, each with one (1) year terms, are to be filled annually by an internal election by the ERB as further set out under 2-5.

### **Sec. 2-2. Chairperson Duties.**

- a. The Chairperson shall preside over all meetings of the ERB. The Chairperson, or designee, shall meet with the liaison from the Oneida Business Committee as the official spokesperson of the ERB.
- b. The Chairperson, with the help of the ERB Secretary, shall schedule meetings of the ERB as deemed necessary, and schedule hearings and mediation sessions for those who request them.

Sec. 2-3. **Vice-Chairperson Duties.** In the absence of the Chairperson, the Vice-Chairperson shall preside over all meetings and carry out all functions of the Chairperson, under 2-2.

Sec. 2-4. **Secretary Duties.** The Secretary shall:

- a. Inform ERB members of the time and place of each meeting and hearing they are required to attend.
- b. Schedule ERB member training as specified in 1-5.c.
- c. Attend all meetings and hearings and take accurate notes of the proceedings. If the Secretary is unable to attend a meeting or hearing, it is the Secretary's responsibility prior to the meeting, to notify the Chairperson, who shall find a replacement who will take accurate notes of the proceedings.
- d. Prepare the written opinion of each dispute adjudicated by the ERB, submit each opinion to the Tribal Secretary and make the opinion available to all ERB members.
- e. Distribute copies of the ERB opinions to all parties to the dispute adjudicated.
- f. Post in public places when and where each regular meeting will be held no less than two (2) business days prior to the meeting.
- g. Prepare and make available the agenda and any documents to be reviewed by the ERB at an upcoming meeting no less than two (2) business days prior to the meeting.
- h. Type the minutes from all regularly scheduled meetings and make them available to all ERB members.
- i. Forward ERB minutes to the Tribal Secretary upon their approval by the ERB.
- j. Except for the duties listed under (c) above, select a designee to complete his or her duties, as necessary.

### **Sec. 2-5. Election of Officers.**

- a. An annual meeting of the ERB shall be held on the first Thursday in the month of August, at which there shall be an election for the officer positions. The Chairperson

shall be elected first, the Vice-Chairperson second, and the Secretary shall be elected last. The newly elected officers shall take office at the next meeting of the ERB.

- b. Any ERB member may nominate any other member for an officer position. A nominee shall be asked by the Chairperson whether he or she accepts or declines the nomination. The Chairperson shall close the nominations for each officer position by a majority vote.
- c. The Chairperson shall not vote in elections for officers except to break a tie.
- d. An ERB member may attempt to win election to any or all offices, but upon accepting one (1) officer position, may not be nominated to another.

**Sec. 2-6. Vacancy of an Officer Position.**

If for any reason an officer position becomes vacant prior to the end of the position's term, the position shall be filled at the next regularly scheduled ERB meeting in accordance with 2-5(b).

**Sec. 2-7. Personnel.**

- a. The hiring of all personnel shall be conducted in accordance with the Tribe's personnel policies and procedures and shall be dependent on available funding.

**Article III. Meetings.**

**Sec. 3-1. Regular Meetings.**

The ERB shall hold regular meetings on the first and third Thursday of each month. The first Thursday of each month may be for the conducting of regular ERB business, and the third Thursday of each month may include community meetings and outreach. The meeting location shall be within the Reservation boundaries unless the Board membership is notified of an off-Reservation meeting location prior to designating the meeting location

**Sec. 3-2. Emergency Meetings.**

The Chairperson, or a majority of the ERB, may call an emergency meeting and the Secretary shall attempt to inform every ERB member for the purpose for the emergency meeting no less than twenty-four (24) hours prior to such meeting. The Secretary shall keep a record of his or her attempts to reach each member of the ERB.

**Sec. 3-3. Regular or Emergency Meeting Quorum.**

Five (5) members of the ERB must be present at any regular or emergency ERB meeting in order to constitute a quorum. The Board shall take no official action without a quorum present.

**Sec. 3-4. Order of Business.**

- a. The agenda shall set forth in sufficient detail all business to be covered.
- b. Old business shall be undertaken first, including the ratification of the minutes of the previous meeting.
- c. New business, including any resolutions, amendments, and other official actions shall be covered after old business has been completed, unless the ERB determines otherwise by a majority vote.
- d. Additional agenda items may be accepted for consideration at the discretion of the ERB.

**Sec. 3-5. Voting.**

Each issue that comes to a floor vote shall require more "yes" than "no" votes in order to pass. The Chairperson shall not vote on matters at ERB meetings, except in the event of a tie vote, in which case the Chairperson shall cast the tie-breaking vote.

#### **Article IV. Reporting.**

##### **Sec. 4-1. Agenda.**

Agenda items shall be in an identifiable format.

##### **Sec. 4-2. Minutes.**

The Secretary or ERB staff shall type the minutes of each ERB meeting in chronological order, and shall clearly mark the separation of the Old Business and New Business. Included in the minutes shall be the time the meeting started and ended and also, the time any ERB member was excused early.

##### **Sec. 4-3. Other Materials.**

Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.

##### **Sec. 4-4. Hearings-Opinions of the ERB.**

The Secretary or ERB staff shall maintain and make available to the Oneida Appeals Commission, all written opinions that the ERB generates in resolving matters that come before it.

##### **Sec. 4-5. Report to Oneida Business Committee and Oneida General Tribal Council.**

- a. On behalf of the ERB, the ERB Chairperson shall report to the Oneida Business Committee liaison under Section 8-4(d)(4) of the Comprehensive Policy Governing Boards, Committees and Commissions. Such reporting may include statistical information concerning the numbers and types of cases the ERB heard (excluding case-specific information), the types of resolutions that were determined and financial information including the ERB's spending practices and monetary needs.
- b. The ERB shall provide a written annual report to the General Tribal Council.

#### **Article V. Amendments.**

##### **Sec. 5-1. Amendments to Bylaws.**

- a. Any proposed amendments to these bylaws shall be placed on the agenda of a regularly scheduled meeting or an emergency meeting of the ERB.
- b. Each proposed amendment to the bylaws that comes to the floor for a vote shall require a minimum of six (6) affirmative votes to be accepted by the ERB.
- c. Such proposed amendments, once accepted by the ERB, shall be approved by the Oneida Business Committee prior to implementation.

#### **Article VI. Hearings.**

##### **Sec. 6-1. Procedure.**

All hearings before the ERB shall be conducted in accordance with the Oneida Administrative Procedures Act.

##### **Sec. 6-2. Notice.**

The ERB Secretary shall, within no less than ten (10) business days in advance of the hearing date, notify all members of the ERB, the petitioner, and the respondent, of the time and place of the hearing scheduled to come before the ERB.

##### **Sec. 6-3. Documents.**

All documents filed in connection with any matter set for a hearing before the ERB shall be filed with the ERB Secretary at least five (5) business days in advance of the hearing date. The Secretary shall submit all documents relevant to a hearing to every ERB member who will be at the hearing, no less than two (2) business days in advance of the hearing.

**Sec. 6-4. Decisions.**

Each matter that receives a hearing before the ERB shall be adjudicated in favor of the side that receives a majority vote of the ERB members at the hearing. The Secretary shall maintain records of all decisions of the ERB. All written opinions shall be signed by each ERB member who participated in the hearing.

**Sec. 6-5. Hearing Quorum.**

For any hearing conducted by ERB, the ERB shall assign three (3) of its members to conduct the hearing, provided that the assigned members have fulfilled the training requirements under 1-5(c), and further that one of the three (3) shall be designated as Chief Hearing Officer. If at any time during the hearing less than three (3) members are present, any votes or action taken at that time shall be null and void. In addition to the three (3) members conducting the hearing, the Secretary shall also be present and/or designate ERB staff to be present.

**Article VII. Compensation.****Sec. 7-1. Reimbursement of Expenses.**

The ERB may be paid for expenses incurred during travel to and from ERB approved travel and for normal business expenses related to the intent of the travel, in accordance with the Tribe's Travel and Expense Policy and under Section 11-6 of the Comprehensive Policy Governing Boards, Committees and Commissions.

**Sec. 7-2. Stipends.**

- a. Members of the ERB shall be paid a meeting stipend in accordance with Section 11-3 of the Comprehensive Policy Governing Boards, Committees and Commissions, provided that the meeting has established a quorum for a minimum of one (1) hour and the Board member collecting the stipend was present for at least one (1) hour of the established quorum.
- b. Under Section 11-6. of the Comprehensive Policy Governing Boards, Committees and Commissions, ERB members are entitled to payment of stipends, in addition to any per diem, for travel required by the ERB. The stipend shall be at a rate of one hundred dollars (\$100.00) for each full day they are present at the conference. No payments shall be made for those days spent traveling to and from the conference.
- c. Members of the ERB shall be paid a stipend of \$50.00 for conducting a hearing under Article VI or for attending a hearing to fulfill the training requirements under 1-5(c).
- d. ERB members may waive the receipt of any stipend.

**CERTIFICATION**

These bylaws as amended and revised, are hereby attested to as adopted by the Oneida Environmental Resource Board at a duly called meeting held on the 6<sup>th</sup> day of June, 2014, with amendments approved by the Chairperson of the Oneida Environmental Resource Board at the July 2, 2014 Legislative Operating Committee meeting.

Richard Baird

Richard Baird, Oneida Environmental Resource Board Chairperson

And approved by the Oneida Business Committee at a duly called meeting held on the 23<sup>rd</sup> day of July, 2014 by the Secretary of the Oneida Business Committee's signature.

Patricia Hoeft

Patricia Hoeft, Tribal Secretary

## ONEIDA ENVIRONMENTAL RESOURCE BOARD BYLAWS

### Article I. ~~Authority.~~

~~Sec. 1-1-1.~~ *Name.*—\_\_\_\_\_ The Oneida Environmental Resource Board is the official name of this ~~organization.~~\_\_\_\_\_ *entity.* For the purpose of ~~this document~~these ~~bylaws,~~ the Oneida Environmental Resource \_\_\_\_\_ Board ~~will~~may hereinafter be referred to as the ERB.

~~Sec.~~

1-2.—\_\_\_\_\_ *Establishment.* ~~Authority.~~—The Oneida ~~Business Committee established the Oneida Conservation Board, now known as the~~ Environmental Resource Board, ~~through Resolution BC-02-22-85-B, pursuant to~~ formerly known as the Oneida Conservation Board, was established through resolution BC-02-22-85-B pursuant to the authority delegated to the Oneida Business Committee under \_\_\_\_\_ Article IV, Section 1(g) of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin, Nation~~ and ~~pursuant to the~~ \_\_\_\_\_ Oneida ~~Tribe's Nation's~~ inherent ~~authority~~ sovereign power to protect the political integrity, \_\_\_\_\_ economic security, ~~and the~~ health and welfare of its members, and its territory. ~~The purpose for the ERB's establishment was later expanded upon by the~~ \_\_\_\_\_ Oneida Business Committee ~~also adopted Resolution in resolution~~ BC-09-16-86-A.

1-3. *Authority.* Through its establishment, the ERB was delegated authority to ~~delegate the supervision and regulation of~~ supervise \_\_\_\_\_ and regulate the Nation's conservation resources ~~to the Oneida Conservation Board. The ERB is further recognized by the Oneida Business Committee by the adoption of these bylaws and by~~ and the ERB's inclusion in environment of the HUNTING, FISHING AND TRAPPING LAW, adopted by BC Resolution 07-22-98-A; the WATER RESOURCES ORDINANCE adopted by BC Resolution 05-08-96-B; the ALL TERRAIN VEHICLE LAW, adopted by BC Resolution 06-16-04-B; the WELL ABANDONMENT LAW adopted by BC 08-31-94-A; \_\_\_\_\_ Oneida Reservation.

(a) The ERB shall be responsible for the oversight, compliance, and/or development of conservation and environmental laws, practices and/or policies for the Oneida Nation that relate to including, but not be limited to:

(1) hunting and fishing;

(2) conservation, reforestation, parks/wildlife, and recreation;

(3) environmental protection and improvement;

(5) community education; and

(6) enforcement.

(b) The ERB shall monitor environmental problems on the Oneida Reservation.

(c) The ERB shall carry out all other powers and/or duties delegated through \_\_\_\_\_ the PUBLIC USE OF TRIBAL LAND LAW adopted by BC 05-15-14-C; and the DOMESTIC ANIMALS ORDINANCE adopted by BC Resolution 03-13-96-B. laws, policies, rules and resolutions of the Nation, including, but not

limited to, the Hunting, Fishing and Trapping law; the Water Resources

law; the All-Terrain Vehicle law; the Well Abandonment law; the Public Use of Tribal Land law; and the Domestic Animals law.

Sec.

1-4. ~~1-3.~~ *Office.*— The official office of the ERB shall be located within the exterior boundaries of the Oneida Reservation, and its mailing address shall be ~~Post:~~

The Oneida Environmental Resource Board

P.O. Box 365

Oneida, Wisconsin 54155

1-5. *Membership.*

(a) *Number of Members.* The ERB shall consist of nine (9) members.

(b) *Appointment.* The ERB members shall be appointed by the Oneida Business Committee, in accordance with the Boards, Committees and Commissions law, to three (3) year terms which shall be staggered.

(1) The ERB shall review application materials and, per a decision by majority vote of the members in attendance at an ERB meeting of an established quorum, the ERB Chairperson shall provide the Oneida Business Committee with recommendations for appointment from among the qualified applicants by the executive session in which appointments are intended to be made.

(c) *Vacancies.* The ERB shall fill vacancies through appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

(1) A position on the ERB shall be considered vacant in any of the following situations:

(A) *End of Term.* A vacancy is effective as of 4:30 p.m. on the last day of the month in which the term ends.

(i) Although a member's position is considered vacant once his or her term ends, that member may remain in office until a successor has been sworn in by the Oneida Business Committee in an effort to prevent a discontinuation of business or a loss of quorum for the ERB.

(B) *Termination of Appointment.* An ERB member may have his or her appointment terminated by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.

(i) The ERB may make recommendations to the Oneida Business Committee for termination of a member's appointment by a majority vote of the members present at an ERB meeting of an established quorum.

(C) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office ~~Box 365, Oneida,~~

~~Wisconsin 54155 and the ERB Chair-~~  
~~person or Chairperson's designee. The resignation is deemed~~  
~~effective upon:~~

~~Sec. (i) Deliverance of the written notices to the~~  
~~Oneida~~  
~~Business Committee Support Office and to the ERB~~  
~~Chairperson or Chairperson's designee; or~~  
 (ii) ~~Acceptance~~ ~~4. Duties.~~

~~a. The ERB shall be responsible for the oversight, compliance, and development of~~  
~~conservation and environment law and policy for the Oneida Tribe. This shall include,~~  
~~but not be limited to:~~

- ~~1. hunting and fishing, including hunting safety regulations,~~
- ~~2. conservation, reforestation, parks and wildlife, and recreation,~~
- ~~3. environmental protection and improvement,~~
- ~~4. environmental, conservation codes and ordinances,~~
- ~~5. community education,~~
- ~~6. reviewing and recommending enforcement procedures for all environmental laws~~  
~~and policies, and~~
- ~~7. review of Tribal activities for consistency with Tribal environmental law and policy.~~

~~b. The ERB shall serve as the original hearing body in matters concerning environmental and~~  
~~conservation laws and ordinances promulgated by the Oneida Tribe.~~

~~c. The ERB shall monitor environmental problems on the Oneida Reservation.~~

~~by motion of the ERB of the member's~~  
~~verbal resignation.~~

~~(d. The ERB shall assist in the budgeting process, which shall include, but not be limited to,~~  
~~ERB training and other normal operating expenses of the ERB.~~

#### ~~Sec. 1-5. Membership.~~

~~a.) Qualifications of Members. The ERB shall consist of nine (9) members. ERB members~~  
~~shall be enrolled members of the Oneida Tribe of Indians of Wisconsin. No ERB member may be~~  
~~employed by the Environmental, Health and Safety Division of the Oneida Tribe. Members of the~~  
~~ERB shall meet the following qualifications:~~

- ~~b. Appointment (1) Be an enrolled member of Members. ERB members the~~  
~~Nation;~~
- ~~(2) Be a resident of Brown or Outagamie County;~~

123 (3) Be 18 years of age or older;

124 (4) Unless pardoned under the Nation's Pardon and Forgiveness law,  
 125 not have a felony on his or her record;

126 (5) Applicants that possess a degree in either environmental sciences or  
 127 environmental law/policy; have sportsmen's experience and/or have  
 128 a back-ground in Oneida culture shall be appointed given preference;

129 and

130 (6) Not be employed by the Oneida Environmental, Health, Safety, and  
 131 Land Division.

132  
 133 1-6. Termination. Upon a majority vote of the members in attendance at an ERB meeting of  
 134 an established quorum, the ERB may make a recommendation to the Oneida  
 135 Business Committee, upon the recommendation of the Tribal Chairperson, to  
 136 three (3) year terms which shall be staggered. The ERB shall recommend an individual to the  
 137 Tribal Chairperson from among the qualified applicants. Upon that it terminate the  
 138 appointment, each new member shall of an ERB member  
 139 pursuant to the Boards, Committees and Commissions law for any of the  
 140 following reasons:

141 (a) Unexcused absences from more than three (3) meetings or other mandatory  
 142 events of the ERB within one (1) year.

143 (1) An ERB member will be installed at a meeting of the Oneida Business  
 144 Committee or deemed unexcused if he or she fails to  
 145 provide written notification of the pending absence to an Officer at a place  
 146 and least thirty (30) minutes before the missed meeting/mandatory  
 147 event.

148 (b) Violation of any laws of the Nation, these bylaws or any other policy  
 149 governing members of the ERB.

150 (c) Failure to maintain qualifications to be an ERB member.

151 (d) Failure to act within the scope of a member or Officer of the ERB.

152 (e) Failure to complete all training mandated by section 1-7 of these bylaws  
 153 within the time of convenience to both parties allowed for completion or  
 154 within any extension of time granted thereunder.

155 e. Training.

156 1.

157 1-7. Trainings and Conferences.

158 (a) All ERB members, within one (1) year after being appointed to the ERB,  
 159 shall participate in mandatory training as follows:

160 (1) A. Environmental Law - Eight (8) hours, two Two (2) hours, which shall  
 161 include the Nation's laws and procedures.

162 (2) Legal Writing – Two (2) hours of, which shall be Oneida Tribal law  
 163 and procedures include environmental and conservation law drafting.

164 B. Grievance, Hearing, and Appeals – Six (6) hours of training in formal opinion  
 165 writing and the basics of evidence.

166 ~~(3) c.~~ Professional Ethics - Two (2) hours of training, including issues of  
 167 ~~\_\_\_\_\_~~ confidentiality.

168 ~~2.—After serving on the ERB for one (1) year, all ERB members shall either accumulate a~~  
 169 ~~minimum of eight (8) hours of training annually in the above subjects or shall review~~  
 170 ~~annually the lessons and materials connected with the above subjects.~~

171 ~~3.—Select ERB members, as determined by ERB, shall obtain a minimum of three~~  
 172 ~~(3) hours of training in a formalized process for conducting meetings.~~

173 ~~(4) 4. Robert's Rules of Order.~~

174 ~~(b)~~ The ERB may, at its discretion, extend the time allowed for completion of  
 175 ~~\_\_\_\_\_~~ any and all required training of a member for good cause shown.

176 ~~(c) Regardless of the number of trainings/conferences that he or she is required~~  
 177 ~~\_\_\_\_\_~~ to attend, no member of the ERB shall be eligible to receive stipends for  
 178 ~~\_\_\_\_\_~~ attending more than five (5) full days of mandatory trainings/conferences  
 179 ~~\_\_\_\_\_~~ per year.

180  
 181 ~~d. Article II, Officers Vacancies.~~

182 ~~1.—A vacancy caused by the expiration of a term shall be effective as of 4:30 p.m. of the~~  
 183 ~~last day of the month in which the term ends, in accordance with Section 5-2(a) of the~~  
 184 ~~Comprehensive Policy Governing Boards, Committees and Commissions and shall be~~  
 185 ~~filled in the following manner:~~

186 ~~A.—The ERB should be notified sixty (60) days prior to the end of the term~~  
 187 ~~by the Tribal Secretary.~~

188 ~~B.—The Oneida Business Committee shall appoint an individual to fill the~~  
 189 ~~vacancy in accordance with 1-5(b).~~

190  
 191 ~~2.—If a vacancy occurs before the completion of an ERB member's term, the~~  
 192 ~~vacancy shall be filled in accordance with 1-5(b) for the remainder of the term.~~

193 ~~e.—Resignations. The resignation of an ERB member is effective upon:~~

194 ~~1.—Deliverance of a letter of resignation to the ERB Secretary, or designee, in~~  
 195 ~~accordance with Section 5-2(c)(1) of the Comprehensive Policy Governing~~  
 196 ~~Boards, Committees and Commissions.~~

197 ~~2.—In the event of a verbal resignation, the resignation is effective upon the ERB's~~  
 198 ~~passage of a motion to accept such resignation, in accordance with Section 5-~~  
 199 ~~2(c)(2) of the Comprehensive Policy Governing Boards, Committees and~~  
 200 ~~Commissions.~~

201 ~~f.—Termination of Appointment.~~

202 ~~1.1. Officers.~~ The ERB may request the Tribal Chairperson recommend  
 203 ~~the Oneida Business Committee terminate the appointment of an ERB member~~  
 204 ~~for any of the following reasons:~~

205 ~~A.—Failure to attend shall have~~ three (3) meetings, hearings or other relevant  
 206 ~~duties of the office within one (1) year, without prior notification to at least~~  
 207 ~~one (1) of the officers or staff members.~~

208 ~~B. Violation of Oneida Tribal law or laws governing the ERB.~~

209 ~~C. Violation of confidentiality at any stage in the hearing process.~~

210 ~~D. Failure to complete all training required under 1-5.c. within the time allowed~~  
 211 ~~for the completion of such training, or within any extension of time granted~~  
 212 ~~under 1-5.c.4.~~

213 ~~2. An ERB member's appointment may be terminated in accordance with Section 6-~~  
 214 ~~5 of the Comprehensive Policy Governing Boards, Committees and Commissions.~~

215 ~~Article II. Officers.~~

217 ~~Sec. 2-1. The Officer positions consisting of the ERB are~~ a Chairperson, \_\_\_\_\_  
 218 ~~a Vice-Chairperson, and a Secretary. These positions, each with one (1) year terms, are to be~~  
 219 ~~filled annually by an internal election by the ERB as further set out under 2-5.~~

220 ~~Sec.~~

221 ~~2-2. Responsibilities of the Chairperson-Duties.~~

222 ~~The responsibilities, duties and limitations of the~~  
 223 ~~Chairperson shall be as follows:~~

224 ~~(a) To preside over all meetings of the ERB. The Chairperson,~~

225 ~~a. (b) To, either personally or through a designee, shall meet with the ERB~~  
 226 ~~liaison from the Oneida Business Committee as the official spokesperson~~  
 227 ~~of the ERB.~~

228 ~~(c) The Chairperson To, with the help of the ERB Secretary, shall schedule or~~  
 229 ~~reschedule meetings of the ERB as deemed necessary.~~

230 ~~b. (d) To submit, or through a designee have submitted, annual and~~  
 231 ~~schedule hearings semi-annual reports to the Oneida General~~  
 232 ~~Tribal Council, as well as quarterly reports to the Oneida Business~~  
 233 ~~Committee, in accordance with the Boards, Committees and mediation~~  
 234 ~~sessions for those who request them Commissions law.~~

235 ~~(e) To attend, or designate an ERB member to attend, the Oneida Business~~  
 236 ~~Committee meeting in which the ERB's quarterly report appears on the~~  
 237 ~~agenda.~~

238  
 239 ~~2-3. Sec. 2-3. Responsibilities of the Vice-Chairperson-Duties. The responsibilities,~~  
 240 ~~duties and limitations of the Vice-Chairperson shall be as follows:~~

241 ~~(a) In the absence of the Chairperson, the Vice-Chairperson shall to preside over~~  
 242 ~~all meetings of the ERB and carry out all other functions of the Chairperson,~~  
 243 ~~under as specified in section 2-2 of these bylaws.~~

244 ~~Sec.~~

245 ~~2-4. Responsibilities of the Secretary-Duties. The responsibilities, duties and limitations of the~~  
 246 ~~Secretary shall be as follows:~~

247 ~~(a) a.—Inform~~ Subject to the limitations set forth herein, in the absence of the  
 248 Chairperson and Vice-Chairperson, to carry out all functions of the  
 249 Chairperson as specified in section 2-2 of these bylaws.

250 (1) The Secretary's authority to call and/or preside over meetings of the  
 251 ERB shall be limited as follows:

252 (A) In the event that both the Chairperson and Vice-Chairperson  
 253 positions become vacant before the end of their terms, the  
 254 Secretary shall be allowed to call meetings of the ERB to fill  
 255 the vacancies and preside over those meetings for the sole  
 256 purpose of appointing new Officers, at which point the  
 257 Chairperson, or Vice-Chairperson in the absence of the  
 258 Chairperson, shall preside.

259 ~~(b) To inform~~ ERB members of the time and place of each meeting and ~~hearing~~  
 260 the ~~trainings/conferences that~~ they are required to attend ~~in the manner required~~  
 261 ~~by these bylaws.~~

262 ~~b.—Schedule~~(c) To schedule ERB member ~~training~~trainings/conferences as  
 263 specified in ~~section 1-5-ε7~~ (a) of these bylaws.

264 ~~c.—Attend~~(d) To attend all meetings to record and ~~hearings and take~~create  
 265 accurate ~~notes~~minutes of the proceedings.

266 (1) If the Secretary is unable to attend a meeting ~~or hearing, it is the~~  
 267 ~~Secretary's, it is his or her~~ responsibility  
 268 to find a replacement prior to the meeting, and to notify the  
 269 Chairperson, or Chairperson's designee who shall find ~~at the~~ replacement ~~who is~~  
 270 that will ~~take accurate notes of~~accurately record the proceedings in  
 271 place of the Secretary.

272 ~~d. Prepare the written opinion of each dispute adjudicated by the ERB, submit each~~  
 273 ~~opinion to the Tribal Secretary and make the opinion available to all ERB members.~~

274 ~~(e. Distribute copies of the ERB opinions to all parties to the dispute adjudicated.~~

275 ~~f.—Post in public places)~~ To provide notice on the Nation's calendar of when  
 276 and where each regular and emergency meeting will be held no less than two  
 277 (2) business days prior ~~to the meeting to the meeting and further provide notice of~~  
 278 the meeting agenda, documents and minutes in accordance with these bylaws  
 279 and the Nation's Open Records and Open Meetings law.

280 ~~g.—Prepare and~~(f) To prepare, as well as make available in writing to all  
 281 members, the agenda, minutes and any documents to be reviewed by the ERB at an  
 282 upcoming meeting no less than two (2) business days prior to the meeting.

283 ~~h.—Type~~(g) To type the minutes from all regularly scheduled and emergency  
 284 meetings and make them available to all ERB members.

285 ~~i.—Forward~~(h) To forward the ERB meeting minutes to the ~~Tribal~~  
 286 ~~Secretary~~Oneida Business Committee Support Office in accordance with  
 287 these bylaws upon their approval by the ERB.

288 ~~j.(i)~~ Except for the ~~duties listed~~limited ability to call and/or preside over meetings  
 289 of the ERB under ~~(c) above,~~subsection (a)(1)(A) of this section, the Secretary may  
 290 select a designee to complete his or her duties, ~~as~~ when necessary.

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~~Sec.~~

2-5. ~~Election~~Selection of Officers.

~~An annual meeting~~ Officers of the ERB shall be elected for one (1) year terms by majority vote of the members present at the ERB meeting of an established quorum held on the first Thursday in the month of August, ~~at which there shall be an election for the officer positions.~~

(a) Any ERB member may nominate any other ERB member for an Officer position.

(1) A nominee shall be asked by the Chairperson whether he or she accepts or declines the nomination.

(2) The Chairperson shall close the nominations for each Officer position by a majority vote of the ERB members in attendance at the meeting of the established quorum.

(b) The Chairperson shall be elected first, the Vice-Chairperson second, and the Secretary shall be elected last.

~~a.~~ (1) The newly elected ~~officers~~Officers shall take office at the next meeting of \_\_\_\_\_ the ERB.

~~b. Any ERB member may nominate any other member for an officer position. A nominee shall be asked by the Chairperson whether he or she accepts or declines the nomination. The Chairperson shall close the nominations for each officer position by a majority vote.~~

~~c. The Chairperson shall not vote in elections for officers except to break a tie.~~

(c) ERB members may be dismissed from their Officer positions by majority vote of the members in attendance at an ERB meeting of an established quorum.

~~d.~~ (d) An ERB member may attempt to win election to any or all offices, but upon \_\_\_\_\_ accepting one (1) ~~officer~~Officer position, may not be nominated to another Officer position or serve in more than one (1) Officer position per Officer term.

~~Sec.~~

2-6. Budgetary Sign-Off Authority and Travel. The ERB shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.

(a) Levels of budgetary sign-off authority for the ERB shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) ERB Officers shall have and be of an equal sign-off authority level.

(2) Two (2) ERB Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

(b) The ERB shall approve a member's request to travel by majority vote of the members in attendance at a regular or emergency meeting of an established quorum.

335  
 336 2-7. Personnel. Commencing the date these bylaws are adopted by the Oneida Business  
 337 Committee and from that point forward, the ERB shall not have authority  
 338 to hire staff for its benefit.

339  
 340 ~~2-6. Vacancy of an Officer Position.~~

341 ~~If for any reason an officer position becomes vacant prior to the end of the position's term,~~  
 342 ~~the position shall be filled at the next regularly scheduled ERB meeting in accordance with 2-~~  
 343 ~~5(b).~~

344 ~~Sec. 2-7. Personnel.~~

345 ~~a. The hiring of all personnel shall be conducted in accordance with the Tribe's personnel~~  
 346 ~~policies and procedures and shall be dependent on available funding.~~

347  
 348 **Article III. Meetings.**

349 ~~Sec. 3-1. Regular Meetings.~~

350 ~~The ERB shall hold regular meetings on the first and third Thursday of \_\_\_\_\_ each~~  
 351 ~~month at the Ridgeview Plaza located in Oneida, WI, commencing at \_\_\_\_\_ 6:00~~  
 352 ~~p.m.~~

353 ~~(a) The first Thursday of each month may be for the conducting of regular ERB~~  
 354 ~~\_\_\_\_\_ business, and the third Thursday of each month may include community~~  
 355 ~~\_\_\_\_\_ meetings and outreach.~~

356 ~~(b) The meeting date, time and/or location may change from time-to-time as~~  
 357 ~~\_\_\_\_\_ determined by the ERB upon notice to all members in writing and, along~~  
 358 ~~\_\_\_\_\_ with the public, in accordance with the Nation's Open Records and Open~~  
 359 ~~\_\_\_\_\_ Meetings law prior to the implementation of a new date, time and/or~~  
 360 ~~\_\_\_\_\_ location.~~

361 ~~(1) The meeting location shall be within the Reservation boundaries~~  
 362 ~~\_\_\_\_\_ unless the ~~Board~~entire ERB membership is notified in writing and,~~  
 363 ~~along \_\_\_\_\_ with the public, in accordance with~~  
 364 ~~the Nation's Open Records and \_\_\_\_\_ Open Meetings law, of an off-~~  
 365 ~~Reservation meeting location prior to \_\_\_\_\_ designating the meeting~~  
 366 ~~location.~~

367 ~~(c) The Secretary and/or Secretary's designee shall provide notice of meeting~~  
 368 ~~\_\_\_\_\_ agendas, documents and minutes to all ERB members in writing and, along~~  
 369 ~~\_\_\_\_\_ with the public, in accordance with the Nation's Open Records and Open~~  
 370 ~~\_\_\_\_\_ Meetings law, as well as these bylaws.~~

371 ~~(d) Meetings shall follow Robert's Rules of Order.~~

372  
 373 ~~3-2. Emergency Meetings. Sec. 3-2. Emergency Meetings.~~

374 An emergency meeting may be called when there is an imminent  
 375 need to address conditions that threaten the conservation, environmental,  
 376 and/or public health or safety of the Oneida Nation which cannot wait until  
 377 the next scheduled meeting.

378 (a) The Chairperson, or a majority of the ERB, may call an emergency meeting  
 379 and so long as the Secretary shall attempt to inform provides notice in writing  
 380 and by telephone call to every ERB member for the  
 381 purpose for of the emergency meeting no less than twenty-four (24) hours  
 382 prior to such meeting. The Secretary shall keep a record of his or her attempts to  
 383 reach each member of the ERB.

384 (1) Notice of the emergency meeting shall further be provided to all  
 385 members and the public in accordance with the Nation's Open  
 386 Records and Open Meetings law.

387 (2) Email notification must be sent to the official Oneida Nation email  
 388 address that was provided to each member to conduct business  
 389 electronically on behalf of the ERB.

390 (b) The Secretary or Secretary's designee shall provide notice of the emergency  
 391 meeting agendas, documents and minutes as specified in section 2-4 of these  
 392 bylaws.

393 (c) Within seventy-two (72) hours after an emergency meeting, the ERB shall  
 394 provide the Nation's Secretary with notice of the emergency meeting, the  
 395 reason for the emergency meeting, and an explanation as to why the matter  
 396 could not wait until the next regular meeting.

398 3-3. Joint Meetings. Joint meetings between the ERB and the Oneida Business Committee shall  
 399 not be held.

401 3-4. Quorum. Sec. 3-3. Regular or Emergency Meeting Quorum.

402 Five (5) members of the ERB must be present at any regular or emergency \_\_\_\_\_  
 403 \_\_\_\_\_ ERB meeting in order to constitute a quorum.

404 (a) The Board ERB shall take no official action without a quorum present.

406 3-5. Sec. 3-4. Order of Business.

407 a. The ERB meeting agenda shall set forth in sufficient detail all business to be covered. be set  
 408 up as follows:

409 b. Old business shall be undertaken first, including the ratification of the minutes of the  
 410 previous meeting.

411 c. New business, including any resolutions, amendments, and other official actions shall  
 412 be covered after old business has been completed, unless the ERB determines otherwise  
 413 by a majority vote.

414 d. Additional agenda items may be accepted for consideration at the discretion of the  
 415 ERB.

416 Sec. 3-5. Voting.

Each issue that comes to a floor vote shall require more "yes" than "no" votes in order to pass. The Chairperson shall not vote on matters at ERB meetings, except in the event of a tie vote, in which case the Chairperson shall cast the tie-breaking vote.

#### ~~Article IV. Reporting.~~

##### ~~Sec. 4-1. \_\_\_\_\_ (a) Call to Order~~

##### ~~\_\_\_\_\_ (b) Adopt the Agenda.~~

~~Agenda items shall be in an identifiable format.~~

##### ~~Sec. 4-2. \_\_\_\_\_ (c) Approval of Minutes.~~

~~The Secretary or ERB staff shall type the minutes of each ERB meeting in chronological order, and shall clearly mark the separation of the Old Business and New Business. Included in the minutes shall be the time the meeting started and ended and also, the time any ERB member was excused early.~~

##### ~~Sec. 4-3. \_\_\_\_\_ (d) Old Business~~

##### ~~\_\_\_\_\_ (e) New Business~~

##### ~~\_\_\_\_\_ (f) Reports~~

##### ~~\_\_\_\_\_ (g) Other Materials.~~

~~Handouts, reports, memoranda and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.~~

##### ~~Sec. 4-4. Hearings-Opinions of the ERB.~~

~~The Secretary or ERB staff shall maintain and make available to the Oneida Appeals Commission, all written opinions that the ERB generates in resolving matters that come before it.~~

##### ~~Sec. 4-5. Report to Oneida Business Committee and Oneida General Tribal Council.~~

##### ~~\_\_\_\_\_ (h) Executive Session~~

##### ~~\_\_\_\_\_ (i) Adjournment~~

~~3-6. Voting. a. On behalf \_\_\_\_\_ Decisions of the ERB, the shall be by majority vote of the members present at a \_\_\_\_\_ regular or emergency ERB meeting of an established quorum.~~

~~(a) The Chairperson, or Officer presiding over the meeting in lieu of the Chairperson, shall not vote on matters at the ERB meetings, except in the event of a tie vote, in which case he or she shall cast the tie-breaking vote.~~

~~(b) E-polls are permissible so long as completed in accordance with the Boards, Committees and Commissions law.~~

- (1) The Secretary shall serve as the Chairperson's designee for the responsibility of conducting an e-poll when the Chairperson is absent or unavailable.

#### Article IV. ~~shall report~~ Expectations

##### 4-1. Behavior of Members.

(a) ERB members shall conduct themselves in accordance with the applicable behavioral expectations and requirements set forth in the Nation's Code of Ethics law and these bylaws.

(b) Enforcement. Violations of this or any section of these bylaws shall be enforced as follows:

(1) Upon majority vote of the members in attendance at an ERB meeting of an established quorum, the ERB may make a recommendation to the Oneida Business Committee ~~haison~~ for the termination of a member's appointment in accordance with the Boards, Committees and Commissions law or any other law of the Nation governing the termination of appointed officials.

(2) The ERB may take action to discipline a member in accordance with any law of the Nation governing sanctions and penalties for appointed officials.

4-2. Prohibition of Violence. Members of the ERB are prohibited from committing any violent intentional act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person or damage to property.

4-3. Drug and Alcohol Use. The use and/or consumption of any prohibited drugs or alcohol when acting in their official capacity as ERB members is strictly forbidden.

(a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, any other substances included in Schedules I through V under Section ~~8-4(d)(4) of the Comprehensive~~812 of Title 21 of the United States Code, and prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

4-4. Social Media. Members of the ERB shall use social media in accordance with the Nation's Social Media Policy and their oath of office.

4-5. Conflict of Interest. Members of the ERB shall follow all laws and policies of the Nation governing conflicts of interest, including, but not limited to, the Conflict of Interest law.

#### Article V. Stipends and Compensation

5-1. *Stipends.* Members of the ERB shall receive the following stipends so long as in accordance with these bylaws; the Boards, Committees and Commissions law; and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26 -18-D titled, Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:

(a) One (1) meeting stipend per month, whether called as a regular or emergency meeting; provided:

(1) A quorum was established;

(2) The meeting of the established quorum lasted for at least one (1) hour; and

(3) The ERB member requesting the stipend was physically present for the entire meeting.

(b) A stipend for each day of attendance at a conference or training; provided:

(1) The ERB member attended a full day of training or was present at the conference for a full day; and

(2) The ERB member's attendance at the training or conference was mandated by law, bylaws or resolution.

(c) A stipend for attending a Judiciary hearing if the ERB member's attendance at the Judiciary hearing was required by official subpoena.

5-2. *Compensation.* Besides the travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commission law, members of the ERB shall not be eligible for any other form of compensation for duties/ activities they perform in relation to their membership on the ERB.

## **Article VI. ~~Governing Boards, Committees and Commissions.~~ Such Records and Reporting**

6-1. *Agenda Items.* Agenda items shall consistently follow the format as specified in section 3-5 of these bylaws.

6-2. *Minutes.*

(a) Minutes of the ERB shall be typed in the format set forth in section 3-5 of these bylaws and shall generate the most informative record of the ERB's meetings to include, but not be limited to:

(1) A summary of the actions taken by the ERB during the meeting;

(2) The ERB members who made motions and seconded motions; and

(2) The ERB members who voted for, against or abstained from voting on motions.

(b) Within ten (10) business days of being approved, minutes shall be submitted by the ERB to the Oneida Business Committee Support Office for filing.

6-3. *Attachments.* All meeting handouts, reports, memorandum and the like shall be attached to their corresponding meeting agenda and minutes for filing on the network drive.

540 6-4. Oneida Business Committee Liaison. The ERB, through its Chairperson or Chairperson's  
 541 designee, shall regularly communicate with the member of the Oneida  
 542 Business Committee who is its designated liaison.

543 (a) The frequency and method of communication shall be as agreed upon by  
 544 the ERB and the liaison, but not less than that required in any law or policy  
 545 on reporting ~~may include statistical information concerning the numbers and~~  
 546 ~~types of cases the ERB heard (excluding case specific information), the types of resolutions that~~  
 547 ~~were determined and financial information including the ERB's spending practices and monetary~~  
 548 ~~needs developed by the Oneida Business Committee or the Oneida~~  
 549 ~~General Tribal Council.~~

550 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
 551 to act as support to the ERB.

552  
 553 6-5. Audio Recordings. All meetings of the ERB shall be recorded with a standard portable  
 554 audio recorder.

555 (a) Audio recordings shall be maintained on the network in accordance with the  
 556 Boards, Committees and Commissions law and the Open Records and Open  
 557 Meetings law.

558 (b) *Exception.* Audio recordings of executive session portions of an ERB  
 559 meeting shall not be required.

560  
 561 Article VII. ~~b.~~ The ERB shall provide a written annual report to the General Tribal Council.

562  
 563 ~~Article V. — Amendments.~~

564 ~~Sec. 5 1. — Amendments to Bylaws.~~

565 a. ~~Any proposed amendments to these bylaws shall be placed on the agenda of a regularly~~  
 566 ~~scheduled meeting or an emergency meeting of the ERB.~~

567 ~~b. — Each proposed amendment to the bylaws that comes~~ 7-1. Amendments. Amendments  
 568 to these bylaws shall be approved by a majority vote of the  
 569 members in attendance at an ERB meeting of an established quorum.

570 (a) Amendments to these bylaws shall conform to the requirements of the  
 571 Boards, Committees and Commissions law and any other policy of the  
 572 Nation.

573 (b) Amendments ~~to the floor for a vote shall require a minimum of six (6) affirmative~~  
 574 ~~votes to be accepted by the ERB.~~

575 ~~c. — Such proposed amendments, once accepted by the ERB, these bylaws shall be approved by the~~  
 576 ~~Oneida Business~~ Committee ~~prior to before~~  
 577 ~~implementation.~~

579 ~~Article VI.~~ **Hearings.**

580 ~~Sec. 6 1.~~ **Procedure.**

581 All hearings before the ERB shall be conducted in accordance with the Oneida Administrative  
582 Procedures Act.

583 ~~Sec. 6 2.~~ **Notice.**

584 (c) ~~The ERB Secretary shall, within no less than ten (10) business days in advance~~  
585 ~~of the hearing date, notify all members of the ERB, the petitioner, and the respondent, of the~~  
586 ~~time and place of the hearing scheduled to come before the ERB.~~

587 ~~Sec. 6 3.~~ **Documents.**

588 All documents filed in connection with any matter set for a hearing before the ERB shall be  
589 filed with the ERB Secretary at least five (5) business days in advance of the hearing date. The  
590 Secretary shall submit all documents relevant to a hearing to every ERB member who will be  
591 at the hearing, no less than two (2) business days in advance of the hearing.

592 ~~Sec. 6 4.~~ **Decisions.**

593 Each matter that receives a hearing before the ERB shall be adjudicated in favor of the side  
594 that receives a majority vote of the ERB members at the hearing. The Secretary shall maintain  
595 records of all decisions of the ERB. All written opinions shall be signed by each ERB member  
596 who participated in the hearing.

597 ~~Sec. 6 5.~~ **Hearing Quorum.**

598 For any hearing conducted by ERB, the ERB shall assign three (3) of its members to shall  
599 conduct the hearing, provided that the assigned members have fulfilled the training  
600 requirements under 1-5(c), and further that one of the three (3) shall be designated as Chief  
601 Hearing Officer. If at any time during the hearing less than three (3) members are present,  
602 any votes or action taken at that time shall be null and void. In addition to the three (3)  
603 members conducting the hearing, the Secretary shall also be present and/or designate ERB  
604 staff to be present.

605

606 ~~Article VII.~~ **Compensation.**

607 ~~Sec. 7 1.~~ **Reimbursement of Expenses.**

608 The ERB may be paid for expenses incurred during travel to and from ERB approved travel and  
609 for normal business expenses related to the intent of the travel, in accordance with the Tribe's

610 ~~Travel and Expense Policy and under Section 11-6 of the Comprehensive Policy Governing~~  
611 ~~Boards, Committees and Commissions.~~

612 ~~Sec. 7-2. —~~ **Stipends.**

613 ~~a. Members of the ERB shall be paid a meeting stipend in accordance with Section 11-3~~  
614 ~~of the Comprehensive Policy Governing Boards, Committees and Commissions,~~  
615 ~~provided that the meeting has established a quorum for a minimum of one (1) hour and~~  
616 ~~the Board member collecting the stipend was present for at least one (1) hour of the~~  
617 ~~established quorum.~~

618 ~~b. Under Section 11-6. of the Comprehensive Policy Governing Boards, Committees and~~  
619 ~~Commissions, ERB members are entitled to payment of stipends, in addition to any per~~  
620 ~~diem, for travel required by the ERB. The stipend shall be at a rate of one hundred~~  
621 ~~dollars (\$100.00) for each full day they are present at the conference. No payments~~  
622 ~~shall be made for those days spent traveling to and from the conference.~~

623 ~~c. Members of the ERB shall be paid a stipend of \$50.00 for conducting a hearing under~~  
624 ~~Article VI or for attending a hearing to fulfill the training requirements under 1-5(c).~~

625 ~~d. ERB members may waive the receipt of any stipend.~~

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**CERTIFICATION**

~~These~~ review of these bylaws ~~as amended and revised, are hereby attested to as adopted by the~~  
~~Oneida Environmental Resource Board at a duly called meeting held~~ no less than ~~on the 6<sup>th</sup> day of June,~~  
~~2014, with amendments approved by the Chairperson of the Oneida Environmental Resource Board at~~  
~~the July 2, 2014 Legislative Operating Committee meeting.~~ an annual ~~\_\_\_\_\_~~ basis.

\_\_\_\_\_  
Richard Baird, Oneida Environmental Resource Board Chairperson

~~And approved by the Oneida Business Committee at a duly called meeting held on the 23<sup>rd</sup> day of July,~~  
~~2014 by the Secretary of the Oneida Business Committee's signature.~~

\_\_\_\_\_  
Patricia Hoeft, Tribal Secretary



Legislative Operating Committee  
October 16, 2019

# Oneida Personnel Commission Bylaws Amendments

<b>Submission Date:</b> 3/4/19	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jennifer Webster	<b>Emergency Enacted:</b> N/A <b>Expires:</b> N/A

**Summary:** *During a Legislative Operating Committee work session held on March 1, 2019, the Nation’s Secretary, Lisa Summers, informed the Legislative Operating Committee that as she and the Business Committee Support Office have been preparing the training for incoming Oneida Personnel Commission members there were inconsistencies or gaps discovered between the adopted Oneida Personnel Commission bylaws and Oneida Business Committee resolution BC-09-26-18-F titled, “Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in Accordance with General Tribal Council’s August 27, 2018 Directive.” These inconsistencies were particularly related to the process of how the Oneida Personnel Commission handles grievance hearings. It was recommended that amendments be made to the Oneida Personnel Commission bylaws to address any inconsistencies so that accurate and effective training and information can be developed to assist newly appointed Oneida Personnel Commission members.*

**3/4/19 LOC:** Motion by Jennifer Webster to add the Oneida Personal Commission Bylaws Amendments to the active files list; seconded by Daniel Guzman King. Motion carried unanimously.

**3/5/19:** Work Meeting. Present: Jennifer Falck, Clorissa N. Santiago, Geraldine Danforth, Matthew Denny. The purpose of this work meeting was to discuss the potential of the Nation’s Human Resources Department assisting the Oneida Personnel Commission with administrative duties in regard to the grievance hearings.

**3/7/19:** E-Poll Conducted.

**3/11/19:** *Work Meeting.* Present. Clorissa Santiago, Brandon Wisneski, Lisa Summers, Brooke Doxtator, Cheryl Skolaski. The purpose of this work meeting was to inform the Nation’s Secretary and the Oneida Business Committee Support Office how the conflict between the bylaws and resolution BC-09-26-18-F will be addressed and to discuss any other concerns they may have regarding the bylaws.

**3/13/19 OBC:** Motion by Lisa Summers to defer the Oneida Personnel Commission bylaws amendments to the March 27, 2019 regular Oneida Business Committee meeting, noting the Legislative Reference Office will address the concerns in section 1-5 of the draft regarding the number and appointment of Pro Tem members; Seconded by Daniel Guzman King. Motion carried.

**3/14/19:** *LOC Work Meeting.* Present. Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the BC's decision to defer the bylaws amendments that appeared on its March 13, 2019 meeting agenda, along with its directive to have all bylaws brought back to a BC work session for further consideration before being added to a BC agenda for possible adoption. The next step is for the LRO drafting attorney to attend the BC work session on March 19, 2019 to facilitate the review.

**3/19/19:** *OBC Work Session.* Present. Lisa summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman King, Jo Anne House, Jennifer Falck, Clorissa N. Santiago, Kristen Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office drafting attorney to provide the BC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

*\*During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at the entity's meeting of an established quorum; (2) that, notice of meetings be provided to all members of an entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

**3/20/19 LOC:** Motion by Ernest Stevens III to enter the results of the March 7, 2019 e-poll titled, "E-poll Request: Oneida Personnel Commission Bylaws Amendments" into the record; Seconded by Daniel Guzman King. Motion carried.

**3/27/19 OBC:** Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and Commissions law an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the OBC for adoption; Seconded by David P. Jordan. Motion carried.

Motion by Lisa Summers to defer the Oneida Personnel Commission bylaws amendments to the Legislative Operating Committee; Seconded by David P. Jordan. Motion carried.

**4/16/19:** *OBC Work Session.* Present. Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman King, Ernest Stevens III, Jo Anne House, Clorissa N. Santiago, Kristen M. Hooker, Lisa Liggins. The purpose of this work session was to review the proposed amendments to the OPC bylaws. The OBC provided input on what changes they wanted made to the OBC bylaws. The next step is for the Legislative Reference Office drafting attorney to update the proposed amendments.

**9/25/19 OBC:** Motion by David P. Jordan to approve an across-the-board change to all bylaws to include the Oneida Business Committee Support Office as the entity that signs off on stipends, business reimbursements, and per diem; Seconded by Jennifer Webster. Motion carried.

**Next Steps:**

- Accept the Oneida Personnel Commission's Bylaws Amendments.
- Forward the Oneida Personnel Commission's Bylaws Amendments to the Oneida Business Committee for consideration.

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ONEIDA PERSONNEL COMMISSION BY-LAWS

**Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may be referred to as the OPC.

1-2. *Establishment.* The OPC was created by the Oneida General Tribal Council as the Personnel Selection Committee and renamed the Oneida Personnel Commission by the Oneida Business Committee through resolution BC-04-13-90-A. The Oneida Business Committee dissolved the Oneida Personnel Commission on April 11, 2018 through resolution BC-04-11-18-A. On August 27, 2018, the Oneida General Tribal Council rescinded the dissolution of the Oneida Personnel Commission and the OPC was recreated by the Oneida Business Committee through resolution BC-09-26-18-F.

1-3. *Authority.*

(a) The OPC was created by the Oneida General Tribal Council to represent the Oneida community-at-large in the selection of the Nation’s employees and to shield those employees from inconsistent and unfair treatment by:

- (1) Protecting against issues of nepotism;
- (2) Enforcing Oneida and Indian preference;
- (3) Hearing and deciding appeals of disciplinary action filed by employees of the Nation; and
- (4) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Oneida Personnel Policies and Procedures.

(b) The OPC does not have authority to:

- (1) Enter into contracts;
- (2) Create policy or legislative rules; or
- (3) Evaluate or rate a candidate on criteria qualifications unrelated to the following subject matter during candidate interviews:
  - (A) Oneida/Indian preference;
  - (B) Nepotism;
  - (C) Conflicts of interest;
  - (D) Veteran status; and
  - (E) Physical capacity requirements.

1-4. *Office.* The official mailing address of the OPC shall be:  
Oneida Personnel Commission  
P.O. Box 365  
Oneida, WI 54155

1-5. *Membership.*

(a) *Number of Members.* The OPC shall be made up of five (5) members.

- 46 (1) Each member shall hold office until his or her term expires, until his  
 47 or her resignation, or until his or her appointment is terminated in  
 48 accordance with the Boards, Committees and Commissions law.
- 49 (2) *Pro Tem Members.* The Oneida Business Committee may appoint  
 50 up to five (5) Pro Tem members in accordance with the appointment  
 51 process contained in the Boards, Committees and Commissions law.
- 52 (A) Pro Tem members shall serve the limited purpose of  
 53 assisting with the hiring selection process and grievance  
 54 hearing process in the event of an incumbent member's  
 55 recusal based on a conflict of interest.
- 56 (B) The Pro Tem members shall meet the same qualification and  
 57 training requirements as members of the Oneida Personnel  
 58 Commission.
- 59 (b) *Appointment.* Each member shall be appointed by the Oneida Business  
 60 Committee in accordance with the Boards, Committees and Commissions  
 61 law to serve a five (5) year term. The first term shall be staggered with one  
 62 (1) member receiving a one (1) year term; one (1) member receiving a two  
 63 (2) year term; one (1) member receiving a three (3) year term; one (1)  
 64 member receiving a four (4) year term and one (1) member receiving a five  
 65 (5) year term. Each appointment after the initial staggered terms shall  
 66 receive a five (5) year term.
- 67 (c) *Vacancies.*
- 68 (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with  
 69 the Boards, Committees and Commissions law.
- 70 (2) *Resignation.* A member may resign at any time verbally at a meeting  
 71 or by delivering written notice to the Oneida Business Committee  
 72 Support Office and the OPC Chairperson or Chairperson's designee.
- 73 (A) *Effective Date of Resignation.* A resignation is effective  
 74 upon acceptance by motion of a member's verbal resignation  
 75 or upon delivery of the written notices.
- 76 (3) *Terms of Replacement Member.* A replacement member shall hold  
 77 office through the unexpired portion of the term of the member  
 78 whom he or she has replaced.
- 79 (A) A replacement member is defined as a member who fills a  
 80 vacancy caused by resignation, removal or termination.
- 81 (d) *Qualifications.* OPC members shall meet the following qualifications:
- 82 (1) Be an enrolled member of the Oneida Nation;
- 83 (2) Be at least twenty-one (21) years of age;
- 84 (3) Shall not be an employee of the Nation;
- 85 (4) Be free of any and all direct conflicts of interest or appearances of  
 86 conflict as defined under various laws and policies of the Nation,  
 87 including, but not limited to, the oath of office, the Oneida Rules of  
 88 Civil Procedure, the Oneida Personnel Policies and Procedures and  
 89 other laws/policies regarding employment, the Code of Ethics, and  
 90 the Boards, Committees and Commissions law; and
- 91 (5) Have a minimum of two (2) years supervisory experience along with

- 92 hiring experience, an Associate Degree, or equivalent experience or  
93 education.
- 94 (e) *Duties and Responsibilities.* OPC members shall abide by the following:
- 95 (1) Both formal and informal communications to any entity on behalf  
96 of the OPC must come from a member of the OPC through OPC  
97 directive. Specific policy governing all communications of the OPC  
98 may be set forth in an OPC Communications SOP to provide  
99 procedural guidance, consistent herewith, on determining when,  
100 how, and by which OPC member(s) communications are made;
- 101 (2) Uphold all laws and policies of the Nation, including, but not limited  
102 to, the Boards, Committees and Commissions law;
- 103 (3) Participate in the hiring selection process, including job description  
104 pre-screens and interviews, in accordance with the Oneida  
105 Personnel Policies and Procedures;
- 106 (4) Conduct grievance hearings in accordance with the Oneida  
107 Personnel Policies and Procedures and Oneida Business Committee  
108 resolution BC-03-13-19-C;
- 109 (A) The Oneida Judiciary Rules of Civil Procedure apply to  
110 proceedings conducted by the OPC, except where the  
111 Oneida Personnel Policies and Procedures are more specific,  
112 then those shall supersede.
- 113 (B) Appeals from OPC decisions to the Judiciary as authorized  
114 by the Nation’s Judiciary law shall be governed by the Rules  
115 of Appellate Procedure.
- 116 (5) Be available for meetings, trainings, interviews, prescreening,  
117 reassignments, grievance hearings and other duties as needed;
- 118 (A) Three (3) unexcused absences to attend to such duties may  
119 be cause for the OPC to make a recommendation for  
120 termination to the Oneida Business Committee per section  
121 1-6 of these bylaws.
- 122 (i) A member who fails to notify an OPC Officer, in  
123 writing, of his or her pending absence at least thirty  
124 (30) minutes before the start of the missed meeting  
125 shall be deemed unexcused.
- 126 (6) Exclusively use the official Oneida email address provided by the  
127 Nation upon appointment to the OPC (“Official Email”) to conduct  
128 business electronically on behalf of the OPC; and
- 129 (7) *Dress Code.* Members are expected to be clean, well-groomed and  
130 dressed in business casual attire when conducting activities on  
131 behalf of the OPC, including, but not limited to, employee  
132 interviews and grievance hearings.
- 133 (A) By way of example, business casual attire does not include:
- 134 (i) Tattered jeans or shorts;
- 135 (ii) Shirts with language or graphics that are vulgar,  
136 sexually explicit, or otherwise offensive;
- 137 (iii) Attire that is revealing or provocative;

- 138 (iv) Flip-flops or any type of loose footwear;
- 139 (v) Sweat suits;
- 140 (vi) See-through blouses or shirts;
- 141 (vii) Sports bras, halter tops, or similar attire;
- 142 (viii) Tank tops;
- 143 (ix) Clothing that allows bare midriffs; and/or
- 144 (x) Clothing that is ripped or stained.
- 145

146 1-6. *Termination.* An OPC member who violates these bylaws, or any other governing laws  
147 of the Nation, may have his or her appointment terminated in accordance  
148 with the Boards, Committees and Commissions law.

- 149 (a) Any member whose appointment is terminated by the Oneida Business  
150 Committee after the adoption of these bylaws, as may be amended from  
151 time-to-time hereafter, shall not be eligible for re-appointment to the OPC  
152 for a minimum of five (5) years following his or her termination.
- 153 (b) Recommendations to the Oneida Business Committee for termination of a  
154 member's appointment shall be determined by a majority vote of the  
155 members in attendance at an OPC meeting of an established quorum.
- 156

157 1-7. *Trainings.*

- 158 (a) OPC members must complete the following training prior to participating  
159 in any screenings, interviews and/or grievance hearings on behalf of the  
160 OPC:
  - 161 (1) Four (4) hours of e-Learning on interview certification and four (4)  
162 hours of orientation through the Oneida Human Resources  
163 Department, which shall include:
    - 164 (A) EEO training;
    - 165 (B) Training on laws, rules and regulations of the Nation; and
    - 166 (C) Training on the Oneida Personnel Policies and Procedures.
  - 167 (2) Training on the grievance process, which shall include:
    - 168 (A) A presentation developed by the Oneida Judicial System on  
169 the Oneida Judiciary Rules of Civil Procedure, an estimated  
170 three (3) hours in length;
    - 171 (B) Up to three (3) hours of training in formal opinion writing  
172 and the basics of evidence; and
    - 173 (C) Two (2) hours of training in professional ethics, including  
174 issues of confidentiality.
  - 175 (3) Any other training deemed necessary by the Oneida Business  
176 Committee.
- 177 (b) After serving on the OPC for one (1) year, all OPC members shall either  
178 accumulate a minimum of eight (8) hours of training annually in the above  
179 subject matter or shall review annually the lessons and materials connected  
180 with the above subjects.
- 181 (c) Completion of all training, including training under section 1-7(b), shall be  
182 confirmed by receipt of a certificate or some other written documentation  
183 and kept on file with the OPC.

184 (d) Regardless of the number of trainings/conferences that he or she is required  
185 to attend, no member of the OPC shall be eligible to receive stipends for  
186 attending more than five (5) full days of mandatory trainings/conferences  
187 per year.  
188

189 **Article II. Officers**

190 2-1. *Officers.* The Officer positions for the OPC shall consist of a Chairperson, a Vice-  
191 Chairperson and a Secretary.  
192

193 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
194 Chairperson are as follows:

- 195 (a) Shall preside over all meetings of the OPC;
- 196 (b) Shall be a member of all subcommittees of the OPC, may call emergency  
197 meetings, and shall keep the OPC informed as to the business of the OPC;
- 198 (c) Shall, with the assistance of the Secretary, submit annual and semi-annual  
199 reports to the Oneida General Tribal Council as required by the Boards,  
200 Committees and Commissions law;
- 201 (d) Shall, with the assistance of the Secretary, submit quarterly reports to the  
202 Oneida Business Committee as required by the Boards, Committees and  
203 Commissions law;
- 204 (e) Shall attend or designate another OPC member to attend the Oneida  
205 Business Committee meeting where the OPC's quarterly report appears on  
206 the agenda; and
- 207 (f) Shall, with the assistance of the Secretary, forward notice of the meeting  
208 location, agenda and materials in the manner prescribed herein.  
209

210 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
211 Vice-Chairperson are as follows:

- 212 (a) In the absence of the Chairperson, shall conduct meetings of the OPC and  
213 appoint a temporary Vice-Chairperson for those meetings; and
- 214 (b) Shall work with the Chairperson in all matters that concern the OPC.  
215

216 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
217 Secretary are as follows:

- 218 (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of  
219 all OPC meetings as required by the Boards, Committees and Commissions  
220 law and as further prescribed herein;
- 221 (b) Along with the Chairperson, shall provide notice of regular, joint and  
222 emergency meetings, as well as agendas and materials, in the manner  
223 prescribed herein and as required under the Nation's Open Records and  
224 Open Meetings law;
- 225 (c) Shall act as custodian of the records;
- 226 (d) Shall attend to, or ensure proper attendance to, all correspondence and  
227 present to the OPC all official communications received by the OPC;
- 228 (e) Shall, along with the Chairperson, submit annual and semi-annual reports  
229 to the Oneida General Tribal Council, as well as quarterly reports to the

- 230 Oneida Business Committee, as required by the Boards, Committees and  
231 Commissions law;
- 232 (f) In the event that both the Chairperson and Vice-Chairperson positions  
233 become vacant before the end of their terms, shall call meetings of the OPC  
234 to fill the vacancies and preside over those meetings for the sole purpose of  
235 conducting an election of new Officers, at which point the Chairperson, or  
236 Vice-Chairperson in the absence of the Chairperson, shall preside; and
- 237 (g) Shall work with the Oneida Business Committee Support Office to  
238 administer the budget.  
239
- 240 2-5. *Subcommittees.* Subcommittees of the OPC may be created and dissolved by the OPC when  
241 deemed necessary so long as in accordance with the Boards, Committees  
242 and Commissions law.
- 243 (a) Members of a subcommittee created by the OPC shall not be eligible to  
244 receive stipends unless a specific exception is made by the Oneida Business  
245 Committee or the Oneida General Tribal Council.  
246
- 247 2-6. *Selection of Officers.*
- 248 (a) Officers of the OPC shall be elected to serve a one (1) year term by majority  
249 vote of the members in attendance at the next regular or emergency OPC  
250 meeting of an established quorum following a vacancy of an Officer  
251 position.
- 252 (b) A member may hold only one (1) Officer position per Officer term.
- 253 (c) Each Officer shall hold his or her office until:
- 254 (1) The member resigns;
- 255 (2) The member has his or her appointment terminated in the manner  
256 set forth in the Boards, Committees and Commissions law; or
- 257 (3) The member has been dismissed from his or her Officer position by  
258 a majority vote of the members in attendance at an OPC meeting of  
259 an established quorum.  
260
- 261 2-7. *Budgetary Sign-Off Authority and Travel.* The OPC shall follow the Nation's policies and  
262 procedures regarding purchasing, travel, and sign-off authority.
- 263 (a) Levels of budgetary sign-off authority shall be as set forth in the manual  
264 titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and*  
265 *Procedures*, for Area Directors/Enterprise Directors.
- 266 (1) All OPC Officers have sign-off authority and two (2) Officers shall  
267 be required to sign-off on all budgetary requests, except as follows:
- 268 (A) The Oneida Business Committee Support Office shall have  
269 sign-off authority over requests for stipends, travel per diem  
270 and business expense reimbursement.
- 271 (b) The OPC shall approve a member's request to travel on behalf of the OPC  
272 by a majority vote of the members in attendance at a regular or emergency  
273 OPC meeting of an established quorum.
- 274 (c) The OPC must review its budget on a monthly basis and have one or more  
275 members in attendance at all budget meetings.

276  
 277 2-8. *No Authorized Personnel.* The OPC shall not be authorized to hire personnel. The Oneida  
 278 Business Committee Support Office and the Oneida Human Resources  
 279 Department shall assist the OPC with administrative duties.

280 (a) The Oneida Human Resources Department shall provide administrative  
 281 assistance to the OPC in regard to the hiring and selection of employees,  
 282 which shall include, but shall not be limited to, scheduling pre-screens and  
 283 interviews, and coordinating OPC members to conduct hiring and selection  
 284 activities.

285 (b) The Oneida Human Resources Department shall provide administrative  
 286 support to the OPC in regard to employee grievance hearings, including, but  
 287 not limited to, accepting filings on behalf of the OPC, scheduling hearings,  
 288 coordinating OPC members to serve as the hearing body, and providing a  
 289 hearing room.

290  
 291 **Article III. Meetings**

292 3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting  
 293 time, place and agenda shall be determined by the OPC at a regular meeting.  
 294 If no alternative designation is made by the OPC, the regular meeting shall  
 295 be the last Tuesday of every month.

296 (a) Notice of meeting location, agenda and materials shall be provided by the  
 297 Chairperson, with the assistance of the Secretary, to all members of the  
 298 OPC in writing.

299 (1) Notice of meetings shall further be provided in accordance with the  
 300 Nation's Open Records and Open Meetings law.

301 (b) Meetings shall run in accordance with Robert's Rules of Order or another  
 302 method approved by the Oneida Business Committee.

303  
 304 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues  
 305 require immediate action. Emergency meetings of the OPC may be called  
 306 by the Chairperson or upon written request of any two (2) members. Notice  
 307 of the meeting location, agenda and materials shall be forwarded by the  
 308 Chairperson, with the assistance of the Secretary, to all members of the OPC  
 309 in writing and via telephone call at least twenty-four (24) hours in advance  
 310 of the emergency meeting.

311 (a) Notice of emergency meetings shall further be provided in accordance with  
 312 the Nation's Open Records and Open Meetings law.

313 (b) Within seventy-two (72) hours after an emergency meeting, the OPC shall  
 314 provide the Nation's Secretary with notice of the meeting, the reason for the  
 315 emergency meeting, and an explanation of why the matter could not wait  
 316 for a regular meeting.

317  
 318 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in March  
 319 and September of each year in the Oneida Business Committee Conference  
 320 Room of the Norbert Hill Center upon approval of the Oneida Business  
 321 Committee.

- 322 (a) Notice of the joint meeting agenda, documents, and minutes shall be  
 323 provided, and the joint meeting conducted, in accordance with resolution  
 324 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
 325 Boards, Committees and Commissions – Definitions and Impact, as may be  
 326 amended from time-to-time hereafter.  
 327
- 328 3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the  
 329 transaction of business, one of which shall include the Chairperson, Vice-  
 330 Chairperson or Secretary; provided, the Secretary is presiding over the  
 331 meeting in accordance with 2-4(f) of these bylaws.  
 332
- 333 3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as  
 334 set out herein:  
 335 (a) Call to Order  
 336 (b) Roll Call  
 337 (c) Approving of Previous Meeting Minutes  
 338 (d) Reports  
 339 (e) Old Business  
 340 (f) New Business  
 341 (g) Adjournment  
 342
- 343 3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the members  
 344 in attendance at an OPC meeting of an established quorum.  
 345 (a) The Chairperson or presiding Officer shall vote only in the case of a tie.  
 346 (b) The OPC is permitted to e-poll; provided, it does so in accordance with the  
 347 procedures set forth in the Boards, Committees and Commissions law.  
 348

#### 349 **Article IV. Expectations**

- 350 4-1. *Behavior of Members.* Members are expected to treat each other in accordance with the  
 351 Nation's core values of The Good Mind as expressed by Onʌyoteʔa'ka,  
 352 which includes:  
 353 (a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.  
 354 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.  
 355 (c) Kaʔnikuhli·yó. The openness of the good spirit and mind.  
 356 (d) Kaʔtshatstásla. The strength of belief and vision as a People.  
 357 (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our  
 358 future.  
 359 (f) Twahwahtsílawayʌ. All of us are family.  
 360 (g) Yukwatsístayʌ. Our fire, our spirit within each one of us.  
 361 (h) *Enforcement.* A member who fails to treat other members in accordance  
 362 with this section of the bylaws; fails to follow any other section of these  
 363 bylaws and/or fails to adhere to any other governing laws of the Nation,  
 364 may be subject to a recommendation for termination of his or her  
 365 appointment from the OPC.  
 366 (1) Appointed members of the OPC serve at the discretion of the Oneida  
 367 Business Committee.

368 (2) Upon the recommendation of a member of the Oneida Business  
 369 Committee or a recommendation from the OPC, by majority vote of  
 370 the members in attendance at an OPC meeting of an established  
 371 quorum, a member may have his or her appointment terminated by  
 372 the Oneida Business Committee in accordance with the Boards,  
 373 Committees and Commissions law.  
 374

375 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that  
 376 inflict, attempt to inflict, or threaten to inflict emotional or bodily harm on  
 377 another person, or damage to property during a meeting or when acting  
 378 in an official capacity are strictly prohibited and grounds for an immediate  
 379 recommendation for termination of appointment from the OPC and/or the  
 380 imposition of sanctions and/or penalties according to laws and policies of  
 381 the Nation.  
 382

383 4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when  
 384 acting in his or her official capacity is strictly prohibited. Prohibited drugs  
 385 are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine  
 386 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other  
 387 substance included in Schedules I through V, as defined by Section 812 of  
 388 Title 21 of the United States Code. This also includes prescription  
 389 medication or over-the-counter medicine used in an unauthorized or  
 390 unlawful manner.  
 391

392 4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy and their  
 393 oath of office when using social media while acting on behalf of or as a  
 394 representative of the OPC.

395 (a) OPC members shall further refrain from posting, attaching or writing  
 396 anything relating to OPC business or activities on any social media outlet  
 397 except for notices of meetings and notices of meeting cancellations.  
 398

399 4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts  
 400 of interest. Members must submit a Conflict of Interest Disclosure form  
 401 upon their oath of office and annually thereafter.  
 402

#### 403 **Article V. Stipends and Compensation**

404 5-1. *Stipends.* OPC members shall be eligible for the following stipends as set forth in and  
 405 subject to these bylaws; the Boards, Committees and Commissions law; and  
 406 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
 407 Boards, Committees and Commissions Law Stipends, as may be further  
 408 amended from time-to-time hereafter:

- 409 (a) One (1) monthly meeting stipend.  
 410 (b) One (1) stipend per day for participating in interviews and/or job description  
 411 pre-screens conducted by the Human Resources Department.  
 412 (c) Stipends for holding grievance hearings.  
 413 (d) Stipends for Judiciary hearings.

- 414 (1) A member of the OPC may receive a stipend for attending an Oneida  
415 Judiciary hearing if that member is required to attend by official  
416 subpoena.  
417 (e) Stipends for each full day of trainings/conferences that a member is required  
418 to attend by law, bylaws or resolution.  
419 (f) A member shall receive a stipend for his or her attendance at a duly called  
420 joint meeting as defined under the Boards, Committees and Commissions  
421 law.  
422

- 423 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized  
424 by the Boards, Committees and Commissions law, OPC members are not  
425 eligible for any other type of compensation for duties/activities they  
426 perform as members of the OPC.  
427 (a) OPC members shall not act in any other official or personal business  
428 capacity or on behalf of any other entity or individual while acting in the  
429 capacity of an OPC member or on behalf of the OPC.  
430

#### 431 **Article VI. Records and Reporting**

- 432 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article  
433 III, section 3-5 of these bylaws.  
434  
435 6-2. *Minutes.* All minutes shall be typed in a consistent format created by the Oneida  
436 Business Committee Support Office and shall be submitted to the Oneida  
437 Business Committee Support Office within thirty (30) days after approval  
438 by the OPC.  
439  
440 6-3. *Attachments.* Handouts, attachments, memoranda and the like shall be attached to the  
441 corresponding minutes and the agenda and maintained electronically by the  
442 Oneida Business Committee Support Office.  
443  
444 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the  
445 Oneida Business Committee member who is its designated liaison. The  
446 frequency and method of communication shall be as agreed upon by the  
447 OPC and the liaison, but not less than required in any law or policy on  
448 reporting developed by the Oneida Business Committee or the Oneida  
449 General Tribal Council.  
450  
451 6-5. *Audio Recordings.* The OPC shall audio record all meetings of the OPC on a device  
452 supplied or approved by the Oneida Business Committee Support Office  
453 and shall submit the recordings to the Oneida Business Committee Support  
454 Office within two (2) business days of recording for purposes of  
455 maintaining the audio records.  
456 (a) Audio recordings of executive session portions of an OPC meeting are not  
457 required.  
458  
459

460 **Article VII. Amendments**

461 7-1. *Amendments.* The OPC may amend these bylaws upon a majority vote of the members in  
462 attendance at an OPC meeting of an established quorum.

463 (a) Any amendments to these bylaws shall conform to the requirements of the  
464 Boards, Committees and Commissions law and any other policy of the  
465 Nation.

466 (b) Amendments to these bylaws must be approved by the Oneida Business  
467 Committee prior to implementation.

468 (c) The OPC shall review these bylaws no less than on an annual basis.  
469



# Oneida Personnel Commission Bylaws Amendments Legislative Analysis

## SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Operating Committee	DRAFTER: Kristen M. Hooker	ANALYST: Brandon Wisneski / Maureen Perkins
Intent of the Amendments	<ul style="list-style-type: none"> <li>▪ To clarify that the Human Resources Department (HRD) is responsible for providing administrative support to the Oneida Personnel Commission (OPC) and to outline the specific duties HRD will perform;</li> <li>▪ To add additional guidance regarding the duties and qualifications of Pro Tem members, who fill in for Personnel Commissioners when there is a conflict of interest;</li> <li>▪ To add a reference to Resolution BC-03-13-19-C, which provides a process for how employee grievance cases will be transferred to and accepted by the OPC once commissioners are appointed and trained;</li> <li>▪ To add updated references to the Nation’s Judiciary laws for clarity regarding appeals;</li> <li>▪ To comply with the Oneida Business Committee (OBC) directives for amendments included in all boards, committees and commissions bylaws.</li> </ul>	
Purpose	<p>The Oneida Personnel Commission (OPC) was created by the General Tribal Council (GTC) to represent the community-at-large in the selection of the Nation’s employees and to shield those employees from inconsistent and unfair treatment by:</p> <ul style="list-style-type: none"> <li>▪ Protecting against issues of nepotism;</li> <li>▪ Enforcing Oneida and Indian preference;</li> <li>▪ Hearing and deciding appeals of disciplinary action filed by employees of the Nation;</li> <li>▪ Carrying out all other powers and duties delegated by laws of the Nation <i>[Proposed Bylaws 1-3]</i>.</li> </ul>	
Related Legislation	<p>Personnel Policies and Procedures (Blue Book); Oneida Judiciary Rules of Civil Procedure; Rules of Appellate Procedure, Judiciary law, Oneida Nation Constitution, Boards, Committees and Commissions law, Travel and Expense Policy, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law</p>	
Enforcement/Due Process	<p>Members of the OPC are appointed by and serve at the discretion of the OBC. Upon the recommendation of a member of the Oneida Business Committee or the OPC, a member of the OPC may have their appointment terminated by the OBC by a two-thirds majority vote. The OBC’s decision to terminate an appointment is final and not subject to appeal <i>[1 O.C. 105-7-4]</i>.</p>	

## SECTION 2. BACKGROUND

- 1
- 2 A. Bylaws provide a framework for the operation and management of a board, committee or commission
- 3 of the Nation, the government of its members and the regulation of its affairs *[1 O.C. 105.3-1(d)]*.
- 4 B. The OPC’s bylaws were most recently amended by the OBC on January 9, 2019. Since that time, the
- 5 OBC determined that additional changes were needed to clarify who is responsible for providing
- 6 administrative support to the OPC, set duties and qualifications of Pro Tem commissioners, and add

7 updated references to various laws of the Nation and resolutions adopted by the OBC. Additional  
8 changes were directed by the OBC to apply to all the Nation’s boards, committees and commissions  
9 bylaws amendments.

10 C. The OPC bylaws were added to the Active Files List on March 4, 2019 for further amendments.  
11

### 12 **SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW**

13 A. The bylaws comply with the requirements of the Boards, Committees and Commissions Law [1 O.C.  
14 105.10].

15 B. The bylaws comply with OBC Resolution BC-03-13-19-C, “Amending Resolution BC-09-26-18-F  
16 Rescission of the Dissolution of the OPC.”

17 C. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-18-  
18 D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar  
19 amounts and eligibility requirements of stipends.

20 D. The proposed bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business  
21 Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

### 22 **SECTION 4. AMENDMENTS**

23 *The following provides a summary of the proposed changes to the bylaws:*

24 A. **Pro Tem Commissioners – Duties and Qualifications.** Additional information is added regarding the  
25 duties and qualifications of Pro Tem Commissioners [*Proposed Bylaws 1-5(a)(2)*].

26 

- 27 ■ Duties: Pro Tem members may participate in the hiring selection process and grievance hearing  
28 process when a member of the OPC recuses themselves due a conflict of interest.

29 

- 30 ■ Qualifications: Pro Tem members must meet the same qualifications as regular members of the  
31 Personnel Commission.

32 

- 33
  - 34 ○ These qualifications include: Be an enrolled member of the Nation, be at least 21  
35 years of age, be free of all conflicts of interest, cannot be an employee of the Nation,  
36 and have two (2) years supervisory and hiring experience or an associate’s degree or  
37 equivalent experience or education [*OPC Bylaws 1-5(d)*].

38 B. **Oneida Personnel Commission Duties – Hiring & Selection.** The Oneida Personnel Commission is  
39 responsible for participating in the Nation’s hiring and selection process, as required by the Personnel  
40 Policies and Procedures. A reference to these duties was added for clarity [*Proposed Bylaws 1-5(e)(3)*].

41 C. **Oneida Personnel Commission Duties – Grievance Hearings.** One of the Oneida Personnel  
42 Commission’s duties is to conduct employee grievance hearings in accordance with the Personnel  
43 Policies and Procedures and Oneida Judiciary Rules of Civil Procedure. This section has been amended  
44 to add a reference to Resolution BC-03-13-19-C titled, “Amending Resolution BC-09-26-18-F  
45 Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency  
46 Amendments in Accordance with General Tribal Council’s August 27, 2018 Directive” [*Proposed  
47 Bylaws 1-5(e)(4)*]. This resolution includes the following relevant information:

48 

- 49 ■ A process for how interviews and grievance hearings will be conducted until OPC members are  
50 appointed, trained and prepared to assume their duties;

51 

- 52 ■ A process for how any existing cases will be transferred to the OPC once the OPC is prepared to  
53 accept cases;

54 

- 55 ■ Directives to the Nation’s departments, including Oneida Human Resources Department (HRD)  
56 and the Business Committee Support Office (BCSO), to provide administrative support to the  
57 OPC.

58 D. **Termination of Appointment.** In accordance with the Boards, Committees and Commissions law,  
59 the OPC may recommend the OBC terminate the appointment of an OPC member by a majority vote  
60 of the OPC [*Proposed Bylaws 1-6(b) & 4-1(g)(2)*].

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- E. **Trainings and Conferences.** A section has been added to the bylaws related to trainings and conferences. Regardless of the number of trainings mandated by the bylaws; OPC members will be limited to five (5) training stipends for full days of mandatory training per year [*Proposed Bylaws 1-7(d)*].
- F. **Officers.** The Chairperson is responsible to present or designate an OPC member to present quarterly reports to the OBC [*Proposed Bylaws 2-2(e)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*]. The Secretary has been granted authority in the instance that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms; the Secretary will call and preside over a meeting until a new Chairperson and/or Vice-Chairperson is elected at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, will preside [*Proposed Bylaws 2-4(f)*]. In this instance the Secretary’s presence can be used to constitute quorum [*Proposed Bylaws 3-4*]. Additional language was added to the subcommittee section detailing that subcommittees are not eligible for a stipend unless a specific exception is made by the OBC or the General Tribal Council [*Proposed Bylaws 2-5(a)*]. This complies with requirements for subcommittees in the Boards, Committees and Commissions law [*1 O.C. 105.13-10*]. Language was clarified that Officers are elected by the OPC by majority vote to a one (1) year term [*Proposed Bylaws 2-6(a)*]. Language was added restricting OPC members from holding more than one Officer position at the same time [*Proposed Bylaws 2-6(b)*]. Language was added that a Commissioner may be dismissed from their Officer position by majority vote of the Commissioners in attendance at an OPC meeting with an established quorum [*Proposed Bylaws 2-6(c)*].
- G. **Budgetary Sign-Off Authority and Travel.** The section on budgetary sign-off authority has been updated to clarify the levels of budgetary sign-off authority.
- The OPC will use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off authority over requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-7(a)(1)(A)*]. All OPC Officers will have sign-off authority and two (2) Officers must sign-off on other budgetary requests [*Proposed Bylaws 2-7*].
    - i. Although not applicable to the OPC; the OPC will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors, page 217, which includes the following levels of sign-off authority:
      1. Budgeted items with three bids for items between \$3,000 and \$10,000;
      2. Unbudgeted items between \$1,000 and \$5,000; and
      3. Budgeted but sole source items between \$1,000 and \$5,000.
  - All travel must be authorized by two (2) Officer positions [*Proposed Bylaws 2-7(a)(1)*] in accordance with the Travel and Expense Policy [*2 O.C. 219.4-2*]. All travel must be approved through a majority vote of OPC members in attendance at a regular or emergency OPC meeting with a quorum [*Proposed Bylaws 2-7(b)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)(B)*]. OPC members may travel in a Tribal vehicle when certified and must follow the Vehicle Driver Certification and Fleet Management law [*2 O.C. 210*].
- H. **Administrative Support Provided by HRD.** The Oneida Personnel Commission is not authorized to hire personnel. Administrative duties are provided by the Oneida Human Resources Department (HRD) and the BCSO. These amendments provide additional clarification regarding the specific duties that HRD will provide to the Oneida Personnel Commission:

- 108     ▪ *Hiring and Selection of Employees.* HRD will provide administrative assistance including, but not  
109     limited to: scheduling of pre-screens and interviews and coordinating OPC members to conduct  
110     hiring and selection activities [*Proposed Bylaws 2-8(a)*].
- 111     ▪ *Grievance Hearings.* HRD will accept grievance filings on behalf of the Oneida Personnel  
112     Commission; schedule grievance hearings; coordinate Oneida Personnel Commission members to  
113     serve as a hearing body; and provide a hearing room for the Oneida Personnel Commission to  
114     conduct grievance hearings [*Proposed Bylaws 2-8(b)*].  
115

116 **I. Meetings.**

- 117     ▪ The OPC Chairperson, with the assistance of the Secretary, will ensure notices of meeting  
118     agendas, location, documents and minutes are provided to all Commissioners, the OBC liaison  
119     and the public [*Proposed Bylaws 3-1(a)*] in accordance with the Open Records and Open Meetings  
120     law [*1 O.C. 107.7-2*].
- 121     ▪ **Emergency Meetings.** A provision requiring the twenty-four (24) hour notice of emergency  
122     meetings by Official email and telephone call was added [*Proposed Bylaws 3-2*] in accordance  
123     with the Boards, Committees and Commissions law [*1 O.C. 105.14-3*].
- 124     ▪ **Joint Meetings.** The bylaws contain joint meetings with the OBC  
125     [*Proposed Bylaws 3-3*] on an as needed basis, with the approval of the OBC in  
126     compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(3)*]. Joint meetings  
127     will be held in the OBC conference room. The meeting notice, agenda  
128     documents and minutes for joint meetings will be provided and the joint  
129     meetings will be conducted in accordance with OBC Resolution BC-  
130     03-27-19-D titled “Oneida Business Committee and Joint Meetings with  
131     Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the OPC Chairperson upon OPC approval and the OBC liaison with OBC approval;

The BCSO will provide all parties the agenda, meeting packet and meeting notes;

No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the OPC, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the OPC;

The Chairperson of the OPC will facilitate the meeting;

Formal motions to call the meeting to order, take action or adjourn are unnecessary; and

Actions will be requested by consensus of both bodies.

- 131     K. **Compensation.** OPC members are only eligible for travel, per diem and business expense  
132     reimbursement [*Proposed Bylaws 5-2*] as authorized in the Boards, Committees and Commissions law  
133     [*1 O.C. 105.13-9*] in accordance with the Nation’s Travel and Expense Policy [*2 O.C. 219.4-2*].  
134
- 135     L. **Amendments.** A new provision has been added requiring members of the Oneida Personnel  
136     Commission to review their bylaws no less than annually [*Proposed Bylaws 7-1*].  
137
- 138     M. **Updated References to Judiciary Laws.** In the section regarding appeals of Oneida Personnel  
139     Commission decisions to the Judiciary, specific references to the Judiciary law and Rules of Appellate  
140     Procedure were added for clarity [*Proposed Bylaws 1-5(e)(4)*].

- 141       ▪ Although the Personnel Policies and Procedures state that the decision of the Oneida Personnel  
142 Commission will be final [*Personnel Policies and Procedures - Section V(D)(6)(b)(7)*], the  
143 Judiciary law provides that case law precedent set by the Oneida Appeals Commission/Oneida  
144 Tribal Judicial System, including the acceptance of appeals from Personnel Commission  
145 decisions, will remain precedent [*8 O.C. 801.2-6*].  
146

## 147 **SECTION 5. LEGISLATION RELATED TO BOARDS, COMMITTEES AND COMMISSIONS**

148 There are no conflicts between the proposed bylaws amendments and the Oneida Code of Laws. Below is  
149 a summary of laws referenced in and related to the bylaws amendments.

150 A. **Personnel Policies and Procedures.** The Personnel Policies and Procedures, also known as “the blue  
151 book,” describes the Oneida Personnel Commission’s responsibilities regarding the hiring and selection  
152 of employees and employee grievance hearings:

- 153       ▪ *Hiring and Selection of Employees.* The Personnel Policies and Procedures provides the following  
154 with regard to the hiring and selection of employees:
- 155       ○ *Hiring Procedures:* The Oneida Personnel Commission represents the Oneida  
156 Community-at large in the selection of employees. The OPC is directed to seek out the  
157 best-matched applicants for each available position and consider only job-related factors  
158 when selecting applicants [*Personnel Policies and Procedures - Section III(B)*].
  - 159       ○ *Screening of Applicants:* One (1) member of the Oneida Personnel Commission  
160 participates in the screening committee to conduct screening of applicants. [*Personnel*  
161 *Policies and Procedures - Section III(B)*].
  - 162       ○ *Candidate Interviews:* Two (2) members of the Oneida Personnel Commission  
163 participate in the interview committee to interview candidates. [*Personnel Policies and*  
164 *Procedures - Section III(B)*].
- 165       ▪ *Employee Grievance Process:* Decisions of the Area Manager regarding employee grievances  
166 may be appealed to the Oneida Personnel Commission. The Personnel Policies and Procedures  
167 outline the hearing process for conducting employee grievance hearings. [*Personnel Policies and*  
168 *Procedures - Section V(D)(6)*].
- 169       ○ The OPC bylaws require the Oneida Personnel Commission to conduct grievance  
170 hearings in accordance with the Oneida Personnel Policies and Procedures, in addition  
171 to the Oneida Judiciary Rules of Civil Procedures and resolution BC-09-26-18-F.
- 172       ▪ There are no conflicts with the Personnel Policies and Procedures.  
173

174 B. **Oneida Judiciary Rules of Civil Procedure [8 O.C. 803].** The Rules of Civil Procedure apply to  
175 proceedings conducted by the Oneida Personnel Commission, except where the Personnel Policies and  
176 Procedures are more specific [*8 O.C. 803.4-6*]. There are no conflicts with the Oneida Judiciary Rules  
177 of Civil Procedure.

- 178       ▪ This means that the OPC must first and foremost follow the process outlined in the Personnel  
179 Policies and Procedures. However, if the Personnel Policies and Procedures do not include details  
180 regarding a certain process, the OPC will next look to the Rules of Civil Procedure. For example,  
181 the Personnel Policies and Procedures do not describe the order of presentation during a hearing,  
182 so the Personnel Commission would utilize the order of presentation in the Rules of Civil  
183 Procedure.  
184

185 C. **Judiciary [8 O.C. 801].** The Judiciary law establishes the Oneida Judiciary. The Judiciary accepts  
186 appeals from the Oneida Personnel Commission [*8 O.C. 801.2-6*]. There are no conflicts with the  
187 Judiciary law.  
188

189 D. **Oneida Nation Constitution.** The Constitution of the Oneida Nation contains a provision that allows  
190 for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida Nation*

191 *Constitution, Article IV, Section 1(g)*. There are no conflicts between these bylaws and the Oneida  
192 Nation Constitution.  
193

194 E. **Boards, Committees and Commissions [1 O.C. Chapter 105]**. This law establishes all requirements  
195 related to elected and appointed Boards, Committees and Commissions of the Nation. The law  
196 governs the procedures regarding the appointment and election of persons to boards, committees and  
197 commissions, creation of bylaws, maintenance of official records, compensation, and other items  
198 related to boards, committees and commissions. The Committee is appointed by the OBC [*Proposed*  
199 *Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law as well as a requirement  
200 that all existing entities of the Nation comply with the format detailed in the law and present the bylaws  
201 for adoption by the OBC within a reasonable timeframe. The proposed bylaws comply and there are  
202 no conflicts with the Boards, Committees and Commissions law.  
203

204 F. **Travel and Expense Policy [1 O.C. Chapter 219]**. Members of the Committee are eligible to be  
205 reimbursed for travel and per diem to attend a conference or training in accordance with the Nation's  
206 travel policies. A list of eligible training and conference topics is included in Article I. 1-7 of the  
207 proposed bylaws. Two (2) of the Officers must sign off on travel requests in accordance with this  
208 policy. The proposed bylaws comply and there are no conflicts with the Travel and Expense Policy.  
209

210 G. **Open Records and Open Meetings [1 O.C. Chapter 107]**. This law details requirements for how  
211 meetings must be noticed and how meeting materials must be maintained. Board meetings will be  
212 noticed [*Proposed Bylaws 2-4(b)*] and [*Proposed Bylaws 3-1(a)(1)*] in compliance with this law [*1*  
213 *O.C. 107.15*]. The bylaws address the requirement that the records must be maintained according to  
214 this law which details that the Secretary is the legal custodian of the records [*Proposed Bylaws 2-5(c)*]  
215 and [*1 O.C. 107.6-3*]. Portions of the Committee meetings may be considered closed meeting sessions  
216 if exception in this law related to personnel matters or contracts are being discussed and deemed  
217 confidential [*1 O.C. 107.4-1*]. Public notice of meetings is also required by this law [*1 O.C. 107.15-*  
218 *1*]. Meeting packets and backup materials are available to all Board members at the meeting [*Proposed*  
219 *Bylaws 2-2(f) and 2-4(b)*] and in accordance with this law which states that any requestor has the right  
220 make or receive a copy of a public record [*1 O.C. 107.7-2*]. Audio recordings will be maintained by  
221 the BCSO in accordance with this law [*Proposed Bylaws 6-5*] [*1 O.C. 107.7-3*]. The proposed bylaws  
222 comply and there are no conflicts with the Open Records and Open Meetings law.  
223

224 H. **Vehicle Driver Certification and Fleet Management [2 O.C. 210]**. The OPC is considered an entity  
225 [*2 O.C. 210.3-1(g)*] and individual members are considered officials [*2 O.C. 210.3-1(j)*] under this  
226 law and are authorized to travel in the Nation's vehicles. The law requires the Human Resources  
227 Department or designee to ensure drivers, including OPC members, are certified to drive a vehicle of  
228 the Nation or a personal vehicle on Tribal business. The law requires OPC members (officials) to  
229 have written consent from the OPC they serve on prior to being approved to use a Tribal vehicle [*2*  
230 *O.C. 210.6-1(b)(2)*]. Certification includes providing the Human Resources Department with the  
231 appropriate license, training certifications, and insurance information [*2 O.C. 210.8-1*]. Additionally,  
232 OPC members must abide by all reporting requirements in this law [*2 O.C. 210.9-2*].

- 233 ■ OPC members who violate this law may be subject to:
    - 234 ○ any laws regarding sanctions or penalties; and
    - 235 ○ termination of appointment following the Boards, Committees and Commissions
    - 236 law [*1 O.C. 105*].
- 237

## 238 SECTION 6. OTHER CONSIDERATIONS.

239 A. **Status of Oneida Personnel Commission.** As of October 8, 2019, four commissioners have been  
240 appointed to the Oneida Personnel Commission with one additional vacancy yet to be filled. At the

241 time this analysis was drafted, the new Oneida Personnel Commissioners have received a copy of the  
242 proposed amendments to the OPC bylaws.  
243     ▪ **Recommendation.** The BCSO has discussed the bylaws amendments with the current OPC  
244 members and has suggested that the OPC work with the bylaws to figure out what is working or  
245 not working prior to requesting amendments.

## ONEIDA PERSONNEL COMMISSION BY-LAWS

### Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may be referred to as the OPC.
- 1-2. *Establishment.* The OPC was created by the General Tribal Council as the Personnel Selection Committee and renamed the Personnel Commission by the Oneida Business Committee through resolution BC-04-13-90-A. The Oneida Business Committee dissolved the Personnel Commission on April 11, 2018 through resolution BC-04-11-18-A. On August 27, 2018, the General Tribal Council rescinded the dissolution of the Personnel Commission and the OPC was recreated by the Oneida Business Committee through resolution BC-09-26-18-F.
- 1-3. *Authority.*
- (a) The OPC was created by the General Tribal Council to represent the Oneida community-at-large in the selection of the Nation's employees and to shield those employees from inconsistent and unfair treatment by:
    - (1) Protecting against issues of nepotism;
    - (2) Enforcing Oneida and Indian preference;
    - (3) Hearing and deciding appeals of disciplinary action filed by employees of the Nation; and
    - (4) Carrying out all other powers and duties delegated by the laws of the Nation, including but not limited to, the Oneida Personnel Policies and Procedures.
  - (b) The OPC does not have authority to:
    - (1) Enter into contracts;
    - (2) Create policy or legislative rules; or
    - (3) Evaluate or rate a candidate on criteria qualifications unrelated to the following subject matter during candidate interviews:
      - (A) Oneida/Indian preference;
      - (B) Nepotism;
      - (C) Conflicts of interest;
      - (D) Veteran status; and
      - (E) Physical capacity requirements.
- 1-4. *Office.* The official mailing address of the OPC shall be:  
 Oneida Personnel Commission  
 P.O. Box 365  
 Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The OPC shall be made up of five (5) members and Pro Tem members to be selected by the Oneida Business Committee

Support Office in the event of an incumbent member's recusal based on a conflict of interest.

- (1) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
- (b) *Appointment.* Each member shall be appointed in accordance with the Boards, Committees and Commissions law to serve a five (5) year term. The first term shall be staggered with one (1) member receiving a one (1) year term; one (1) member receiving a two (2) year term; one (1) member receiving a three (3) year term; one (1) member receiving a four (4) year term and one (1) member receiving a five (5) year term. Each appointment after the initial staggered terms shall receive a five (5) year term.
- (c) *Vacancies.*
  - (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
  - (2) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the OPC Chairperson or his/her designee.
    - (A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
  - (3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
    - (A) A replacement member is defined as a member who fills a vacancy caused by resignation, removal or termination.
- (d) *Qualifications.* OPC members shall meet the following qualifications:
  - (1) Be an enrolled member of the Oneida Nation;
  - (2) Be at least twenty-one (21) years of age;
  - (3) Shall not be an employee of the Nation;
  - (4) Be available for meetings, training, interviews, prescreening, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the Oneida Business Committee, if deemed appropriate by the OPC, for recommended termination;
  - (5) Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Nation, including but not limited to, the oath of office, the Oneida Rules of Civil Procedure, the Oneida Personnel Policies and Procedures and other laws/policies regarding employment, the Code of Ethics, and the Boards, Committees and Commissions law; and
  - (6) Have a minimum of two (2) years supervisory experience along with hiring experience, an Associate Degree, or equivalent experience or education.
- (e) *Duties and Responsibilities.* OPC members shall abide by the following:
  - (1) Both formal and informal communications to any entity on behalf

of the OPC must come from a member of the OPC through OPC directive. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP to provide procedural guidance, consistent herewith, on determining when, how, and by which OPC member(s) communications are made;

- (2) Uphold all laws and policies of the Nation, including but not limited to, the Boards, Committees and Commissions law;
- (3) Conduct grievance hearings in accordance with the Oneida Personnel Policies and Procedures and the Oneida Judiciary Rules of Civil Procedure;
  - (A) If a conflict exists between the Oneida Personnel Policies and Procedures and the Oneida Judiciary Rules of Civil Procedure, the Oneida Personnel Policies and Procedures shall govern.
  - (B) Appeals from OPC decisions to the Judiciary shall be governed by the Oneida Code of Laws, Title 8. Judicial System.
- (4) Exclusively use the official Oneida e-mail address provided by the Nation upon appointment to the OPC to electronically conduct business on behalf of the OPC; and
- (5) *Dress Code.* OPC members are expected to be clean, well-groomed and dressed in business casual attire when conducting activities on behalf of the OPC, including but not limited to, employee interviews and grievance hearings.
  - (A) By way of example, business casual attire does not include:
    - (i) Tattered jeans or shorts;
    - (ii) Shirts with language or graphics that are vulgar; sexually explicit, or may otherwise be offensive;
    - (iii) Attire that is revealing or provocative;
    - (iv) Flip-flops or any type of loose footwear;
    - (v) Sweat suits;
    - (vi) See-through blouses or shirts;
    - (vii) Sports bras, halter tops, or similar attire;
    - (viii) Tank tops;
    - (ix) Clothing that allows bare midriffs; or
    - (x) Clothing that is ripped or stained.

1-6. *Termination.* An OPC member's appointment may be terminated in accordance with the Boards, Committees and Commissions law.

- (a) Any member whose appointment is terminated by the Oneida Business Committee after the adoption of these bylaws, as may be amended from time to time, shall not be eligible for re-appointment to the OPC for a minimum of five (5) years following his or her termination.

1-7. *Trainings.*

- (a) OPC members must complete the following training prior to participating

in any screenings, interviews and/or grievance hearings on behalf of the OPC:

- (1) Four (4) hours of e-Learning on interview certification and four (4) hours of orientation through the Oneida Human Resources Department, which shall include:
    - (A) EEO training;
    - (B) Training on Tribal laws, rules and regulations; and
    - (C) Training on the Oneida Personnel Policies and Procedures.
  - (2) Training on the grievance process, which shall include:
    - (A) A presentation developed by the Oneida Judicial System on the Oneida Judiciary Rules of Civil Procedure, an estimated three (3) hours in length;
    - (B) Up to three (3) hours of training in formal opinion writing and the basics of evidence; and
    - (C) Two (2) hours of training in professional ethics, including issues of confidentiality.
  - (3) Any other training deemed necessary by the Oneida Business Committee.
- (b) After serving on the OPC for one (1) year, all OPC members shall either accumulate a minimum of eight (8) hours of training annually in the above subject matter or shall review annually the lessons and materials connected with the above subjects.
  - (c) Completion of all training, including training under Section 1-7(b), shall be confirmed by receipt of a certificate or some other written documentation and kept on file with the OPC.

## **Article II. Officers**

- 2-1. *Officers.* There shall be a Chairperson, a Vice-Chairperson and a Secretary.
- 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:
  - (a) Shall preside over all meetings of the OPC;
  - (b) Shall be a member of all subcommittees of the OPC, may call emergency meetings, and shall keep the OPC informed as to the business of the OPC;
  - (c) Shall, with the assistance of the Secretary, submit annual and semi-annual reports to the General Tribal Council as required by the Boards, Committees and Commissions law;
  - (d) Shall, with the assistance of the Secretary, submit quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law; and
  - (e) Shall, with the assistance of the Secretary, forward notice of meeting location, agenda and materials in the manner prescribed herein.
- 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:
  - (a) In the absence of the Chairperson, shall conduct meetings of the OPC and

- (b) appoint a temporary Vice-Chairperson for those meetings; and
- (b) Shall work with the Chairperson in all matters that concern the OPC.

2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:

- (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of all OPC meetings as required by the Boards, Committees and Commissions law and as further prescribed herein;
- (b) Along with the Chairperson, shall provide notice of regular, joint and emergency meetings, as well as agendas and materials, in the manner prescribed herein;
- (c) Shall act as custodian of the records;
- (d) Shall attend to, or ensure proper attendance to, all correspondence and present to the OPC all official communications received by the OPC;
- (e) Shall, along with the Chairperson, submit annual and semi-annual reports to the General Tribal Council, as well as quarterly reports to the Oneida Business Committee as required by the Boards, Committees and Commissions law; and
- (g) Shall work with the Business Committee Support Office to administer the budget.

2-5. *Standing and Special Committees.* Standing and special committees may be created when deemed necessary by the OPC. In accordance with the Boards, Committees and Commissions law, OPC members who attend any meetings of a standing or special committee shall not be eligible to receive a stipend for their attendance.

2-6. *Selection of Officers.* Officers of the OPC shall be appointed by the OPC for two (2) year terms. Officers may hold only one (1) officer position.

- (a) Each officer shall hold his or her office until:
  - (1) The member resigns; or
  - (2) The member has his or her appointment terminated in the manner set forth in the Boards, Committees and Commissions law.
- (b) A vacancy of any officer position shall be filled by the OPC for the unexpired term at the next regular or emergency meeting.

2-7. *Budgetary Sign-Off Authority and Travel.*

- (a) Two (2) of the three (3) OPC Officers must sign-off on budgetary requests.
- (b) The OPC shall follow the Nation's policies and procedures regarding purchasing, travel and sign-off authority.
- (c) The OPC shall approve a member's request to travel on behalf of the OPC by a majority vote at a regular or emergency OPC meeting.
- (d) The OPC must review its budget on a monthly basis and have one or more members in attendance at all budget meetings.

2-8. *No Authorized Personnel.* The Oneida Business Committee Support Office and the Oneida Human Resources Department shall assist the OPC with administrative

- duties relating to the employee selection and grievance process.
- (a) The Oneida Human Resources Department shall be responsible for the scheduling of employee interviews.

### **Article III. Meetings**

- 3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting time, place and agenda shall be determined by the OPC at a regular meeting. If no alternative designation is made by the OPC, the regular meeting shall be the last Tuesday of every month. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary. Meetings shall run in accordance with Robert's Rules of Order or another method approved by the Oneida Business Committee. Meetings shall comply with the Nation's Open Records and Open Meetings law.
- 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues require immediate action. Emergency meetings of the OPC may be called by the Chairperson or upon written request of any two (2) members. Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary.
- (a) Within seventy-two (72) hours after an emergency meeting, the OPC shall provide the Nation's Secretary with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.
- 3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in March and September of each year. Notice of the meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary.
- 3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the transaction of business, which shall include the Chairperson or Vice-Chairperson.
- 3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as set out herein:
- (a) Call to Order
- (b) Roll Call
- (c) Approving of Previous Meeting Minutes
- (d) Reports
- (e) Old Business
- (f) New Business
- (g) Adjournment
- 3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the OPC members present at a duly called meeting.
- (a) The Chairperson shall vote only in case of a tie.

- (b) The OPC is permitted to e-poll; provided, it does so in accordance with the procedures set forth in the Boards, Committees and Commissions law.

#### **Article IV. Expectations**

4-1. *Behavior of Members.* Members are expected to treat each other in accordance with the Nation's core values of The Good Mind as expressed by Onlayote'a'ka, which includes:

- (a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.
- (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstásla. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsílawayΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

Failure to treat each other with respect shall be cause for a recommendation for termination from the OPC. Appointed members of the OPC serve at the discretion of the Oneida Business Committee. Upon the recommendation of a member of the Oneida Business Committee or the OPC, a member of the OPC may have his or her appointment terminated by the Oneida Business Committee.

4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the OPC and/or the imposition of sanctions and/or penalties according to laws and policies of the Nation.

4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when acting in his or her official capacity is strictly prohibited. Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substance included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.

4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy. OPC members shall further refrain from posting, attaching or writing anything relating to OPC business or activities on any social media outlet except for notices of meetings and notices of meeting cancellations.

4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts

of interest. Members must submit a Conflict of Interest Disclosure form upon Oath of Office and annually.

#### **Article V. Stipends and Compensation**

- 5-1. *Stipends.* OPC members are eligible for the following stipends as set forth in the Boards, Committees and Commissions law and resolution BC-09-26-18-D, titled Boards, Committees and Commissions Law Stipends:
- (a) One (1) monthly meeting stipend.
  - (b) One (1) stipend per day for participating in interviews and/or job description pre-screens conducted by the Human Resources Department.
  - (c) Stipends for holding grievance hearings.
  - (d) Stipends for Judiciary hearings.
    - (1) A member of the OPC may receive a stipend for attending an Oneida Judiciary hearing if that member is specifically subpoenaed.
  - (e) Stipend for each full day of training that is required by law, bylaw or resolution.
  - (f) A member shall receive a stipend for his or her attendance at a duly called joint meeting as defined under the Boards, Committees and Commissions law.
- 5-2. *Compensation.* OPC members are not eligible for any other type of compensation for duties /activities they perform as members of the OPC.
- (a) OPC members shall not act in any other official or personal business capacity or on behalf of any other entity or individual while acting in the capacity of an OPC member or on behalf of the OPC.

#### **Article VI. Records and Reporting**

- 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article III, Section 3-5 of these bylaws.
- 6-2. *Minutes.* All minutes shall be typed in a consistent format and shall be submitted to the Oneida Business Committee Support Office within thirty (30) days after approval by the OPC.
- 6-3. *Attachments.* Handouts, attachments, memoranda, etc. shall be attached to the corresponding minutes and the agenda, minutes and attachments shall be kept electronically by the Oneida Business Committee Support Office.
- 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the Oneida Business Committee member who is their designated liaison. The frequency and method of communication shall be agreed upon by the OPC and the Liaison.
- 6-5. *Audio Recordings.* The OPC shall audio record meetings and submit the recordings to the Oneida Business Committee Support Office within two (2) business days for purposes of maintaining the audio records.

- (a) Audio recordings of executive session portions of a meeting are not required.

**Article VII. Amendments**

7-1. *Amendments to Bylaws.* Any amendments to these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation. Amendments to these bylaws shall be approved by the Oneida Business Committee prior to implementation.

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These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on January 9, 2019, signed by the Tribal Secretary of the Oneida Business Committee.

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Oneida Tribal Secretary  
Oneida Business Committee

ONEIDA PERSONNEL COMMISSION BY-LAWS

**Article I. Authority**

1-1. *Name.* The name of this entity shall be the Oneida Personnel Commission, and may be referred to as the OPC.

1-2. *Establishment.* The OPC was created by the Oneida General Tribal Council as the Personnel Selection Committee and renamed the Oneida Personnel Commission by the Oneida Business Committee through resolution BC-04-13-90-A. The Oneida Business Committee dissolved the Oneida Personnel Commission on April 11, 2018 through resolution BC-04-11-18-A. ~~On~~ On August 27, 2018, the Oneida General Tribal Council rescinded the dissolution of the Oneida Personnel Commission and the OPC was recreated by the Oneida Business Committee through resolution BC-09-26-18-F.

1-3. *Authority.*

- (a) The OPC was created by the Oneida General Tribal Council to represent the Oneida community-at-large in the selection of the Nation's employees and to shield those employees from inconsistent and unfair treatment by:
  - (1) Protecting against issues of nepotism;
  - (2) Enforcing Oneida and Indian preference;
  - (3) Hearing and deciding appeals of disciplinary action filed by employees of the Nation; and
  - (4) Carrying out all other powers and duties delegated by the laws of the Nation, including, but not limited to, the Oneida Personnel Policies and Procedures.
- (b) The OPC does not have authority to:
  - (1) Enter into contracts;
  - (2) Create policy or legislative rules; or
  - (3) Evaluate or rate a candidate on criteria qualifications unrelated to the following subject matter during candidate interviews:
    - (A) Oneida/Indian preference;
    - (B) Nepotism;
    - (C) Conflicts of interest;
    - (D) Veteran status; and
    - (E) Physical capacity requirements.

1-4. *Office.* The official mailing address of the OPC shall be:  
Oneida Personnel Commission  
P.O. Box 365  
Oneida, WI 54155

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1-5. *Membership.*

- (a) *Number of Members.* The OPC shall be made up of five (5) members ~~and Pro Tem members to be selected by the Oneida Business Committee Support Office in the event of an incumbent member's recusal based on a conflict of interest.~~
- (1) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Boards, Committees and Commissions law.
- (2) Pro Tem Members. The Oneida Business Committee may appoint up to five (5) Pro Tem members in accordance with the appointment process contained in the Boards, Committees and Commissions law.
- (A) Pro Tem members shall serve the limited purpose of assisting with the hiring selection process and grievance hearing process in the event of an incumbent member's recusal based on a conflict of interest.
- (B) The Pro Tem members shall meet the same qualification and training requirements as members of the Oneida Personnel Commission.
- (b) *Appointment.* Each member shall be appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law to serve a five (5) year term. The first term shall be staggered with one (1) member receiving a one (1) year term; one (1) member receiving a two (2) year term; one (1) member receiving a three (3) year term; one (1) member receiving a four (4) year term and one ~~(1)~~ member receiving a five (5) year term. Each appointment after the initial staggered terms shall receive a five (5) year term.
- (c) *Vacancies.*
- (1) *Filling of Vacancies.* Vacancies shall be filled in accordance with the Boards, Committees and Commissions law.
- (2) *Resignation.* A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the OPC Chairperson or ~~his/her~~ Chairperson's designee.
- (A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.
- (3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
- (A) A replacement member is defined as a member who fills a vacancy caused by resignation, removal or termination.
- (d) *Qualifications.* OPC members shall meet the following qualifications:
- (1) Be an enrolled member of the Oneida Nation;
- (2) Be at least twenty-one (21) years of age;
- (3) Shall not be an employee of the Nation;

~~(4) Be available for meetings, training, interviews, prescreening, reassignments, grievance hearings and other duties as needed. Three (3) unexcused absences to attend to such duties may be reported to the Oneida Business Committee, if deemed appropriate by the OPC, for recommended termination;~~

~~(5)(4)~~ Be free of any and all direct conflicts of interest or appearances of conflict as defined under various laws and policies of the Nation, including, but not limited to, the oath of office, the Oneida Rules of Civil Procedure, the Oneida Personnel Policies and Procedures and other laws/policies regarding employment, the Code of Ethics, and the Boards, Committees and Commissions law; and

~~(65)~~ Have a minimum of two (2) years supervisory experience along with hiring experience, an Associate Degree, or equivalent experience or education.

(e) *Duties and Responsibilities.* OPC members shall abide by the following:

(1) Both formal and informal communications to any entity on behalf of the OPC must come from a member of the OPC through OPC directive. Specific policy governing all communications of the OPC may be set forth in an OPC Communications SOP to provide procedural guidance, consistent herewith, on determining when, how, and by which OPC member(s) communications are made;

(2) Uphold all laws and policies of the Nation, including, but not limited to, the Boards, Committees and Commissions law;

(3) Participate in the hiring selection process, including job description pre-screens and interviews, in accordance with the Oneida Personnel Policies and Procedures;

(4) Conduct grievance hearings in accordance with the Oneida Personnel Policies and Procedures and the Oneida Business Committee resolution BC-03-13-19-C;

~~(3) The Oneida Judiciary Rules of Civil Procedure;~~

~~(A) If a conflict exists between the Oneida Personnel Policies and Procedures and the Oneida Judiciary Rules of Civil Procedure, apply to proceedings conducted by the OPC, except where the Oneida Personnel Policies and Procedures are more specific, then those shall govern supersede.~~

(B) Appeals from OPC decisions to the Judiciary as authorized by the Nation's Judiciary law shall be governed by the Rules of Appellate Procedure.

(5) Be available for meetings, trainings, interviews, prescreening, reassignments, grievance hearings and other duties as needed;

~~(B)(A)~~ Three (3) unexcused absences to attend to such duties may be cause for the OPC to make a recommendation for termination to the Oneida Business Committee per section 1-6 of Laws, Title 8, Judicial System. these bylaws.

(i) A member who fails to notify an OPC Officer, in writing, of his or her pending absence at least thirty

(30) minutes before the start of the missed meeting shall be deemed unexcused.

~~(4)~~(6) Exclusively use the official Oneida ~~e-mail~~email address provided by the Nation upon appointment to the OPC (“Official Email”) to ~~electronically~~conduct business electronically on behalf of the OPC; and

~~(5)~~(7) *Dress Code.* ~~OPC members~~Members are expected to be clean, well-groomed and dressed in business casual attire when conducting activities on behalf of the OPC, including, but not limited to, employee interviews and grievance hearings.

(A) By way of example, business casual attire does not include:

- (i) Tattered jeans or shorts;
- (ii) Shirts with language or graphics that are vulgar, sexually explicit, or ~~may~~otherwise be offensive;
- (iii) Attire that is revealing or provocative;
- (iv) Flip-flops or any type of loose footwear;
- (v) Sweat suits;
- (vi) See-through blouses or shirts;
- (vii) Sports bras, halter tops, or similar attire;
- (viii) Tank tops;
- (ix) Clothing that allows bare midriffs; and/or
- (x) Clothing that is ripped or stained.

1-6. *Termination.*— An OPC ~~member’s~~member who violates these bylaws, or any other governing laws of the Nation, may have his or her appointment ~~may be~~terminated in accordance \_\_\_\_\_ with the \_\_\_\_\_ Boards, Committees and Commissions law.

(a) Any member whose appointment is terminated by the Oneida Business Committee after the adoption of these bylaws, as may be amended from time ~~to~~time hereafter, shall not be eligible for re-appointment to the OPC \_\_\_\_\_ for a \_\_\_\_\_ minimum of five (5) years following his or her termination.

(b) Recommendations to the Oneida Business Committee for termination of a member’s appointment shall be determined by a majority vote of the members in attendance at an OPC meeting of an established quorum.

1-7. *Trainings.*

(a) OPC members must complete the following training prior to participating in any screenings, interviews and/or grievance hearings on behalf of the OPC:

- (1) Four (4) hours of e-Learning on interview certification and four (4) hours of orientation through the Oneida Human Resources Department, which shall include:
  - (A) EEO training;
  - (B) Training on ~~Tribal~~laws, rules and regulations of the Nation;

and

- 184 (C) Training on the Oneida Personnel Policies and Procedures.  
 185 (2) Training on the grievance process, which shall include:  
 186 (A) A presentation developed by the Oneida Judicial System on  
 187 the Oneida Judiciary Rules of Civil Procedure, an estimated  
 188 three (3) hours in length;  
 189 (B) Up to three (3) hours of training in formal opinion writing  
 190 and the basics of evidence; and  
 191 (C) Two (2) hours of training in professional ethics, including  
 192 issues of confidentiality.  
 193 (3) Any other training deemed necessary by the Oneida Business  
 194 Committee.  
 195 (b) After serving on the OPC for one (1) year, all OPC members shall either  
 196 accumulate a minimum of eight (8) hours of training annually in the above  
 197 subject matter or shall review annually the lessons and materials connected  
 198 with the above subjects.  
 199 (c) Completion of all training, including training under ~~Section~~section 1-7(b),  
 200 shall be confirmed by receipt of a certificate or some other written  
 201 documentation and kept on file with the OPC.  
 202 ~~(d) Regardless of the number of trainings/conferences that he or she is required~~  
 203 ~~to attend, no member of the OPC shall be eligible to receive stipends for~~  
 204 ~~attending more than five (5) full days of mandatory trainings/conferences~~  
 205 ~~per year.~~

## 206 Article II. -Officers

- 207 2-1. *Officers.* ~~There~~The Officer positions for the OPC shall ~~be~~consist of a Chairperson, a  
 208 Vice-\_\_\_\_\_Chairperson and a Secretary.  
 209  
 210 2-2. *Responsibilities of the Chairperson.*—The duties, responsibilities and limitations of the  
 211 Chairperson are as follows:  
 212 (a) Shall preside over all meetings of the OPC;  
 213 (b) Shall be a member of all subcommittees of the OPC, may call emergency  
 214 meetings, and shall keep the OPC informed as to the business of the OPC;  
 215 (c) Shall, with the assistance of the Secretary, submit annual and semi-annual  
 216 reports to the Oneida General Tribal Council as required by the Boards,  
 217 Committees and Commissions law;  
 218 (d) Shall, with the assistance of the Secretary, submit quarterly reports to the  
 219 Oneida Business Committee as required by the Boards, Committees and  
 220 Commissions law; ~~and~~  
 221 ~~(e)~~ Shall attend or designate another OPC member to attend the Oneida  
 222 Business Committee meeting where the OPC's quarterly report appears on  
 223 the agenda; and  
 224 ~~(e)(f)~~ Shall, with the assistance of the Secretary, forward notice of the meeting  
 225 location, agenda and materials in the manner prescribed herein.  
 226  
 227 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
 228 Vice-Chairperson are as follows:  
 229

- 230 (a) In the absence of the Chairperson, shall conduct meetings of the OPC and  
 231 appoint a temporary Vice-Chairperson for those meetings; and  
 232 (b) Shall work with the Chairperson in all matters that concern the OPC.  
 233

234 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
 235 Secretary are as follows:

- 236 (a) Shall keep accurate minutes and/or assure that accurate minutes are kept of  
 237 all OPC meetings as required by the Boards, Committees and Commissions  
 238 law and as further prescribed herein;  
 239 (b) Along with the Chairperson, shall provide notice of regular, joint and  
 240 emergency meetings, as well as agendas and materials, in the manner  
 241 prescribed herein and as required under the Nation's Open Records and  
 242 Open Meetings law;  
 243 (c) Shall act as custodian of the records;  
 244 (d) Shall attend to, or ensure proper attendance to, all correspondence and  
 245 present to the OPC all official communications received by the OPC;  
 246 (e) Shall, along with the Chairperson, submit annual and semi-annual reports  
 247 to the Oneida General Tribal Council, as well as quarterly reports to the  
 248 Oneida Business Committee, as required by the Boards, Committees and  
 249 Commissions law; ~~and~~  
 250 (f) In the event that both the Chairperson and Vice-Chairperson positions  
 251 become vacant before the end of their terms, shall call meetings of the OPC  
 252 to fill the vacancies and preside over those meetings for the sole purpose of  
 253 conducting an election of new Officers, at which point the Chairperson, or  
 254 Vice-Chairperson in the absence of the Chairperson, shall preside; and  
 255 (g) Shall work with the Oneida Business Committee Support Office to  
 256 administer the budget.

257 ~~2-5. *Standing and Special Committees.* Standing and special committees~~

258 2-5. *Subcommittees.* Subcommittees of the OPC may be created and dissolved by the OPC when  
 259 deemed necessary by the OPC. In so long as in accordance with the Boards,  
 260 Committees \_\_\_\_\_ and Commissions law, ~~OPC members who~~  
 261 attend any meetings of a \_\_\_\_\_ standing or special committee shall  
 262 not be eligible to receive a stipend for \_\_\_\_\_ their attendance.

- 263 (a) Members of a subcommittee created by the OPC shall not be eligible to  
 264 receive stipends unless a specific exception is made by the Oneida Business  
 265 Committee or the Oneida General Tribal Council.

266  
 267 2-6. \_\_\_\_\_ Selection of Officers.

- 268 (a) Officers of the OPC shall be appointed by the OPC for two (2) elected to  
 269 serve a one (1) year \_\_\_\_\_ terms. Officers term by majority vote  
 270 of the members in attendance at the next regular or emergency OPC meeting  
 271 of an established quorum following a vacancy of an Officer position.  
 272 (b) A member may hold only one (1) officer/Officer position per Officer term.  
 273 (ac) Each ~~officer~~ Officer shall hold his or her office until:  
 274 (1) The member resigns; ~~or~~  
 275 (2) The member has his or her appointment terminated in the manner

set forth in the Boards, Committees and Commissions law; or

~~(b)~~ (3) The member has been dismissed from his or her Officer position shall be filled by a majority vote of the members in attendance at an OPC for the unexpired term at the next regular or emergency meeting of an established quorum.

2-7. *Budgetary Sign-Off Authority and Travel.*

~~(a) Two (2) of the three (3) OPC Officers must sign-off on budgetary requests.~~

~~(b)~~ The OPC shall follow the Nation's policies and \_\_\_\_\_ procedures regarding purchasing, travel, and sign-off authority.

~~(a)~~ (e) Levels of budgetary sign-off authority shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.

(1) All OPC Officers have sign-off authority and two (2) Officers shall be required to sign-off on all budgetary requests, except as follows:

(A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.

~~(b)~~ The OPC shall approve a member's request to travel on behalf of the OPC by a majority vote of the members in attendance at a regular or emergency OPC meeting of an established quorum.

~~(d)~~ The OPC must review its budget on a monthly basis and have one or more members in attendance at all budget meetings.

2-8. ~~\_\_\_\_\_~~ No Authorized Personnel. The OPC shall not be authorized to hire personnel. The Oneida Business Committee Support Office and the Oneida \_\_\_\_\_ Human Resources Department shall assist the OPC with administrative \_\_\_\_\_ duties ~~relating to the employee selection and grievance process.~~

~~(a)~~ (a) The Oneida Human Resources Department shall be responsible for provide administrative assistance to the OPC in regard to the hiring and selection of employees, which shall include, but shall not be limited to, scheduling of employee pre-screens and interviews. \_\_\_\_\_, and coordinating OPC members to conduct hiring and selection activities.

~~(b)~~ The Oneida Human Resources Department shall provide administrative support to the OPC in regard to employee grievance hearings, including, but not limited to, accepting filings on behalf of the OPC, scheduling hearings, coordinating OPC members to serve as the hearing body, and providing a hearing room.

**Article III.- Meetings**

3-1. *Regular Meetings.* Regular meetings shall occur on a monthly-basis. The regular meeting time, place and agenda shall be determined by the OPC at a regular meeting. If no alternative designation is made by the OPC, the regular meeting shall

- 322 be the last Tuesday of every month.
- 323 ~~(a)~~ Notice of meeting location, agenda and ~~\_\_\_\_\_~~ materials shall be
- 324 ~~forwarded~~provided by the ~~\_\_\_\_\_~~ Chairperson, with the
- 325 assistance of the ~~\_\_\_\_\_~~ Secretary, ~~\_\_\_\_\_~~ to all members of the
- 326 ~~\_\_\_\_\_~~ OPC in writing.
- 327 ~~(1)~~ Notice of meetings shall further be provided in accordance with the
- 328 ~~\_\_\_\_\_~~ Nation's Open Records and Open Meetings law.
- 329 ~~(b)~~ Meetings shall run in accordance with Robert's Rules of Order ~~\_\_\_\_\_~~
- 330 ~~\_\_\_\_\_~~ or another ~~\_\_\_\_\_~~ method approved by the Oneida
- 331 Business Committee. ~~Meetings \_\_\_\_\_ shall comply with the Nation's Open Records~~
- 332 ~~and Open Meetings law.~~
- 333
- 334 3-2. *Emergency Meetings.* Emergency meetings shall only be called when time sensitive issues
- 335 require immediate action. Emergency meetings of the OPC may be called
- 336 by the Chairperson or upon written request of any two (2) members. Notice
- 337 of the meeting location, agenda and materials shall be forwarded by the
- 338 Chairperson, with the assistance of the Secretary, ~~\_\_\_\_\_~~ to all members of the
- 339 OPC ~~\_\_\_\_\_~~ in writing and via telephone call at least twenty-four (24) hours in advance
- 340 ~~\_\_\_\_\_~~ of the emergency meeting.
- 341 ~~(a)~~ Notice of emergency meetings shall further be provided in accordance with
- 342 ~~\_\_\_\_\_~~ the Nation's Open Records and Open Meetings law.
- 343 ~~(b)~~ Within seventy-two (72) hours after an emergency meeting, the OPC shall
- 344 provide the Nation's Secretary with notice of the meeting, the reason for the
- 345 emergency meeting, and an explanation of why the matter could not wait
- 346 for a regular meeting.
- 347
- 348 3-3. ~~\_\_\_\_\_~~ *Joint Meetings.* Joint meetings with the Oneida Business Committee shall be held in
- 349 March ~~\_\_\_\_\_~~ and September of each year. ~~\_\_\_\_\_~~ in the Oneida Business
- 350 Committee Conference Room of the Norbert Hill Center upon approval of
- 351 ~~\_\_\_\_\_~~ the Oneida Business Committee.
- 352 ~~(a)~~ Notice of the joint meeting ~~location, \_\_\_\_\_ agenda, \_\_\_\_\_ documents, and~~
- 353 ~~\_\_\_\_\_ materials~~ minutes shall be ~~forwarded \_\_\_\_\_ by \_\_\_\_\_ the~~
- 354 ~~Chairperson~~ provided, and the joint meeting conducted, in accordance with
- 355 ~~the assistance of the \_\_\_\_\_ Secretary.~~ resolution BC-03-27-19-D
- 356 titled, Oneida Business Committee and Joint Meetings with Boards,
- 357 Committees and Commissions – Definitions and Impact, as may be
- 358 ~~\_\_\_\_\_~~ amended from time-to-time hereafter.
- 359
- 360 3-4. *Quorum.* A majority of the OPC members shall constitute a quorum for the
- 361 transaction of business, ~~one of~~ which shall include the Chairperson ~~or,~~ Vice-
- 362 Chairperson ~~or Secretary;~~ provided, the Secretary is presiding over the
- 363 ~~\_\_\_\_\_~~ meeting in accordance with 2-4(f) of these bylaws.
- 364
- 365 3-5. *Order of Business.* The regular meetings of the OPC shall follow the order of business as
- 366 set out herein:
- 367 (a) Call to Order

- 368 (b) Roll Call  
 369 (c) Approving of Previous Meeting Minutes  
 370 (d) Reports  
 371 (e) Old Business  
 372 (f) New Business  
 373 (g) Adjournment  
 374

- 375 3-6. *Voting.*— \_\_\_\_\_ Voting shall be in accordance with the simple majority vote of the  
 376 OPC \_\_\_\_\_ members present \_\_\_\_\_ in attendance  
 377 at a duly called an OPC meeting of an established quorum.  
 378 (a) The Chairperson or presiding Officer shall vote only in the case of a tie.  
 379 (b) The OPC is permitted to e-poll; provided, it does so in accordance with the  
 380 procedures set forth in the Boards, Committees and Commissions law.  
 381

#### 382 Article IV. Expectations

- 383 4-1. *Behavior of Members.* Members are expected to treat each other in accordance with the  
 384 Nation's core values of The Good Mind as expressed by On̄oyote'a·ka,  
 385 which includes:  
 386 (a) Kahletsyalúsla. The heart felt encouragement of the best in each of us.  
 387 (b) Kanolukhwásla. Compassion, caring, identity, and joy of being.  
 388 (c) Ka'nikuhli·yó. The openness of the good spirit and mind.  
 389 (d) Ka'tshatstásla. The strength of belief and vision as a People.  
 390 (e) Kalihwi·yó. The use of the good words about ourselves, our Nation, and our  
 391 future.  
 392 (f) TwahwahtsílawayΛ. All of us are family.  
 393 (g) YukwatsístayΛ. Our fire, our spirit within each one of us.  
 394

395 \_\_\_\_\_ Failure(h) Enforcement. A member who fails to treat  
 396 each other members in accordance with respect shall this section of the  
 397 bylaws; fails to follow any other section of these bylaws and/or fails to  
 398 adhere to any other governing laws of the Nation, may be cause for subject  
 399 to a recommendation \_\_\_\_\_ for termination of his or her appointment  
 400 from the OPC.

- 401 (1) Appointed members of the OPC serve at the \_\_\_\_\_ discretion of  
 402 the Oneida Business Committee.  
 403 (2) Upon the recommendation of \_\_\_\_\_ a member of the Oneida  
 404 Business \_\_\_\_\_ Committee or a recommendation from the OPC, a member  
 405 of the \_\_\_\_\_ OPC by majority vote of \_\_\_\_\_ the members in attendance at  
 406 an OPC meeting of an established quorum, a member may have his or  
 407 her appointment terminated by \_\_\_\_\_ the Oneida Business \_\_\_\_\_  
 408 \_\_\_\_\_ Committee in accordance with the Boards, Committees and  
 409 Commissions law.  
 410

- 411 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the OPC that  
 412 inflicts, attempts inflict, attempt to inflict, or threatens threaten to inflict  
 413 emotional or bodily harm \_\_\_\_\_ on \_\_\_\_\_ another

414 person, or damage to property during a meeting or when acting in an  
 415 official capacity are strictly prohibited and grounds for an immediate  
 416 recommendation for termination of appointment from the OPC and/or the  
 417 imposition of sanctions and/or penalties according to laws and policies of  
 418 the Nation.  
 419

420 4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by a member of the OPC when  
 421 acting in his or her official capacity is strictly prohibited. Prohibited drugs  
 422 are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine  
 423 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other  
 424 substance included in Schedules I through V, as defined by Section 812 of  
 425 Title 21 of the United States Code. This also includes prescription  
 426 medication or over-the-counter medicine used in an unauthorized or  
 427 unlawful manner.  
 428

429 4-4. *Social Media.* OPC members shall abide by the Nation's Social Media Policy ~~and their~~  
 430 ~~oath of office when using social media while acting on behalf of or as a~~  
 431 ~~representative of the OPC~~.  
 432 (a) OPC members shall further refrain from posting, attaching or writing  
 433 anything relating to  
 434 OPC business or activities on any social media outlet except  
 435 for notices of meetings and notices of meeting cancellations.  
 436

437 4-5. *Conflict of Interest.* OPC members shall abide by all laws of the Nation governing conflicts  
 438 of interest. Members must submit a Conflict of Interest Disclosure form  
 439 upon ~~Oath~~ ~~their oath~~ of ~~Office~~ ~~office~~ and annually ~~thereafter~~.  
 440

#### 441 **Article V. Stipends and Compensation**

442 5-1. *Stipends.* OPC members ~~are~~ ~~shall be~~ eligible for the following stipends as set forth in  
 443 ~~the~~ ~~and~~ ~~subject to these bylaws; the~~ Boards,  
 444 Committees and Commissions law; and ~~resolution BC-05-08-19-B titled,~~  
 445 ~~Amending Resolution BC-09-26-18-D,~~  
 446 ~~titled~~ Boards, Committees and Commissions Law  
 447 Stipends, ~~as may be further~~ ~~amended from time-to-time hereafter:~~

- 448 (a) One (1) monthly meeting stipend.
- 449 (b) One (1) stipend per day for participating in interviews and/or job description  
 450 pre-screens conducted by the Human Resources Department.
- 451 (c) Stipends for holding grievance hearings.
- 452 (d) Stipends for Judiciary hearings.
  - 453 (1) A member of the OPC may receive a stipend for attending an Oneida  
 454 Judiciary hearing if that member is ~~specifically subpoenaed~~ ~~required~~  
 455 ~~to attend by official~~ ~~subpoena~~.
- 456 (e) ~~Stipend~~ ~~Stipends~~ for each full day of ~~training~~ ~~trainings/conferences~~ that a  
 457 ~~member~~ is required ~~to attend~~ by law, ~~bylaw~~ ~~bylaws~~ or resolution.
- 458 (f) A member shall receive a stipend for his or her attendance at a duly called  
 459 joint meeting as defined under the Boards, Committees and Commissions

460 law.

461  
462 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized  
463 by the Boards, Committees and Commissions law, OPC members are not  
464 eligible for any other type of compensation for duties  
465 /activities they perform as members of the  
466 OPC.

- 467 (a) OPC members shall not act in any other official or personal business  
468 capacity or on behalf of any other entity or individual while acting in the  
469 capacity of an OPC member or on behalf of the OPC.

## 470 Article VI. Records and Reporting

471  
472 6-1. *Agenda Items.* Agendas shall be maintained in a consistent format as identified in Article  
473 III, Section 3-5 of these bylaws.

474  
475 6-2. *Minutes.* All minutes shall be typed in a consistent format created by the Oneida  
476 Business Committee Support Office and shall be submitted to  
477 the Oneida Business Committee Support Office  
478 within thirty (30) days after approval  
479 by the OPC.

480  
481 6-3. *Attachments.* Handouts, attachments, memoranda, etc. and the like shall be attached to  
482 the corresponding minutes and the  
483 agenda, minutes and attachments shall be  
484 kept maintained electronically by the Oneida Business Committee Support  
485 Office.

486  
487 6-4. *Oneida Business Committee Liaison.* The OPC shall regularly communicate with the  
488 Oneida Business Committee member who is their designated liaison. The  
489 frequency and method of communication shall be as agreed upon by the  
490 OPC and the  
491 Liaison liaison, but not less than required in any law or policy on  
492 reporting developed by the Oneida Business Committee or the Oneida  
493 General Tribal Council.

494  
495 6-5. *Audio Recordings.* The OPC shall audio record all meetings of the OPC on a device  
496 supplied or approved by the Oneida Business Committee Support Office  
497 and shall submit the recordings to the Oneida Business  
498 Committee Support Office within two (2) business days  
499 of recording for purposes of maintaining  
500 the audio records.

- 501 (a) Audio recordings of executive session portions of an OPC meeting are not  
502 required.

## 503 Article VII. -Amendments

506 7-1. ~~Amendments to Bylaws.~~ The OPC may amend these bylaws upon a majority vote of  
507 the members in attendance at an OPC meeting of an established quorum.

508 (a) Any amendments to these bylaws shall conform to the \_\_\_\_\_  
509 \_\_\_\_\_ requirements of the \_\_\_\_\_ Boards, Committees and  
510 Commissions law and any \_\_\_\_\_ other policy of the  
511 \_\_\_\_\_ Nation.

512 (b) Amendments to these bylaws ~~shall~~must be approved \_\_\_\_\_ by the  
513 Oneida Business \_\_\_\_\_ Committee prior to implementation.

---

516  
517 ~~These By laws, as amended and revised, are hereby approved by the Oneida Business Committee~~  
518 ~~at a duly called meeting held on January 9, 2019, signed by the Tribal Secretary of the Oneida~~  
519 ~~Business Committee.~~

520  
521  
522 \_\_\_\_\_  
523 \_\_\_\_\_  
523 Oneida Tribal Secretary

524 ~~Oneida Business Committee~~ (c) The OPC shall review these bylaws no less  
525 than on an annual basis.

526



Legislative Operating Committee  
October 16, 2019

# Oneida Land Claims Commission Bylaws Amendments

<b>Submission Date:</b> 10/03/18	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> David P. Jordan	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *On September 26, 2018, the Oneida Business Committee (“OBC”) adopted the Boards, Committees and Commissions law (“Law”) through resolution BC-09-26-18-C titled, Amendments to the Comprehensive Policy Governing Boards, Committees and Commissions. Per Section 105.10 of the Law, within a reasonable time after its adoption, all existing boards, committees and commissions of the Nation must present bylaws for adoption that comply with the format and contain the minimal amount of information prescribed in the Law. In resolution BC-09-26-18-C, the OBC gave the Nation’s boards, committees and commissions six (6) months from the date of the Law’s adoption to present their bylaws. The OBC further directed that, within thirty (30) days of the Law’s adoption, the Legislative Reference Office hold at least two (2) informational bylaws meetings with the boards, committees and commissions for purposes of: (1) providing them with an update on the revised bylaws requirements that resulted from the Law’s adoption; (2) providing them with a template for the development of their revised bylaws; and (3) offering them any assistance in the development and drafting of their revised bylaws.*

**10/3/18 LOC:** Motion by Ernest Stevens III to add Oneida Land Claims Commission By-Laws Amendments to the active files list; Seconded by Kirby Metoxen. Motion carried.

**10/17/18:** *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Jennifer Webster, Dale Webster (ONCOA), Marlene Summers (ONCOA), Lois Strong (ONCOA), Sandra Reveles (OPC), Carol Silva (OPC), Brooke Doxtator (OBCSO), Bonnie Pigman (OTEC), Chad Wilson (ERB), Dylan Benton (OTEC/Library), Chris Cornelius (OLC). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation’s boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws;

and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the first of the two informational meetings.

**10/24/18:** *Informational Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, Clorissa Santiago, Donald McLester (OLC), Chris Cornelius (OLC), Ronald King, Jr. (PFSC), Jeanette Ninham (PFSC), Vicki Cornelius (OEB & Pow-wow), Bonnie Pigman (OTEC), Lisa Liggins (School Board & OTEC), Rochelle Powless (ONCOA), Terry Hetzel (HRD), Patty Hoeft (Oneida Law Office), Brooke Doxtator (OBCSO), Arthur Elm (SEOTS), Diane Hill (SEOTS). Per resolution BC-09-26-18-C, adopting the amendments to the Comprehensive Policy Governing Boards, Committees and Commissions (n/k/a Boards, Committees and Commissions law), the LRO was directed to hold two (2) informational meetings for the Nation's boards, committees and commissions to provide them with: (1) an update on the new bylaws requirements mandated by the Boards, Committees and Commissions law; (2) a template for the boards, committees and commissions to use when revising their respective bylaws; and (3) assistance to the boards, committees and commissions in the development and drafting of their bylaws. This was the second of the two informational meetings.

**1/31/19:** *LOC Work Meeting.* Present: Jennifer Falck, Kristen M. Hooker, Maureen Perkins, David P. Jordan, Daniel Guzman-King, Kirby Metoxen, Jennifer Webster. The purpose of this meeting was to discuss the progress, in general, of the Nation's boards, committees and commissions on getting their bylaws amended and their likelihood of meeting the March 26, 2019 deadline set forth in resolution BC-09-26-18-C to present their bylaws to the Oneida Business Committee for adoption. Based on the discussion, a decision was made to have the LOC draft a memorandum to the Oneida Business Committee seeking an extension of the March 26, 2019 deadline for all boards, committees and commissions to present their bylaws amendments to the Oneida Business Committee for adoption.

**2/6/19 LOC:** Motion by Jennifer Webster to approve the memorandum from Chairman David P. Jordan to the Oneida Business Committee seeking an extension of the March 26, 2019 bylaws amendments deadline and to forward the memorandum to the Oneida Business Committee to be placed on the February 13, 2019 Oneida Business Committee meeting agenda for consideration; Seconded by Kirby Metoxen. Motion carried.

**2/22/19:** *OBC Work Session.* Present: Jennifer Falck, Kristen M. Hooker, Lisa Summers, Daniel Guzman-King, Jennifer Webster, Tehassi Hill, Brandon Stevens, Trish King, David P. Jordan, Kirby Metoxen. The purpose of this meeting was to discuss the February 13, 2019 memo from the LOC Chairman to the OBC regarding Amendments to Boards, Committees and Commissions By-Laws Timeline in which it requested an extension of the deadline for submitting bylaws to the OBC for adoption. During the meeting, the LRO Staff Attorney assigned this item provided a status update on the progress of the boards, committees and commissions on the amending of their bylaws to comply with the Boards, Committees and Commissions law within the six (6) month deadline imposed by resolution BC-09-26-18-C. The OBC decided not to grant an extension of the six (6) month deadline. Instead, the OBC directed the LRO to continue pushing the bylaws forward and to return to the March 19, 2019 OBC work

session to provide a progress report on the boards, committees and commissions' bylaws amendments.

**3/14/19:** *LOC Work Meeting.* Present: Kirby Metoxen, David P. Jordan, Jennifer Webster, Ernest Stevens III, Lisa Summers, Kristen M. Hooker, Clorissa Santiago, Jennifer Falck, Maureen Perkins. The purpose of this work meeting was to discuss the BC's decision to defer the bylaws amendments that appeared on its March 13, 2019 meeting agenda, along with its directive to have all bylaws brought back to a BC work session for further consideration before being added to a BC agenda for possible adoption. The next step is for the LRO drafting attorney to attend the BC work session on March 19, 2019 to facilitate the review.

**3/19/19:** *OBC Work Session.* Present: Lisa Summers, Patricia King, Brandon Stevens, David P. Jordan, Daniel Guzman-King, Jo Anne House, Jennifer Falck, Clorissa Santiago, Kristen M. Hooker, Lisa Liggins, Cathy Bachhuber. The purpose of this OBC work session was for the Legislative Reference Office Staff Attorney to provide the OBC with a status update on the progress made by the boards, committees and commissions on the amending of their bylaws to conform to the Boards, Committees and Commissions law. Based on the update and the discussion that followed, the OBC: (1) decided to grant an exception to the March 26, 2019 deadline set forth in resolution BC-09-26-19-C for the Nation's boards, committees and commissions to present their bylaws to the OBC for adoption; and (2) directed the LRO to draft a memo for the next LOC meeting to be forwarded to the OBC indicating the same.

*\*During its subsequent review of the Oneida Gaming Commission's proposed bylaws amendments, the OBC decided to add the following requirements to all of the boards, committees and commissions' bylaws amendments: (1) that, the recommendations for termination be by a majority vote of the members in attendance at a meeting of the entity's established quorum; (2) that, notice of meetings be provided to all members of the entity without exception (per request of LOC that all meetings be duly called); (3) that, the sign-off level for all entities, not assigned a specific level therein, be the same as the Area Director/Enterprise Director level set forth in the Nation's purchasing manual, and that, two (2) of the entity's Officers be required to sign-off on all such purchases; (4) that, under the "Selection of Officers" section, a provision be added (as its own separate subsection) to allow members to be dismissed (not removed as initially proposed) from their Officer positions by a simple majority vote of the entity; (5) that, the entities review their bylaws each time a vacancy is filled by a new member; (6) that, stipend amounts not be listed in the entity's bylaws; and (7) that, assuming its adoption, the resolution governing joint meetings be referenced in the joint meeting section of the entity's bylaws.*

**3/20/19 LOC:** Motion by Ernest Stevens III to approve the Boards, Committees and Commissions Bylaws Update Memo and forward to the Oneida Business Committee; Seconded by Daniel Guzman-King. Motion carried.

**3/27/19 OBC:** Motion by Lisa Summers to grant the seventeen (17) entities that have begun the process of amending their bylaws to conform to the Boards, Committees and

Commissions law, an exception to the March 26, 2019, deadline set forth in resolution BC-09-26-18-C for presenting bylaws amendments to the Business Committee for adoption; Seconded by David P. Jordan. Motion carried.

**4/16/19:** *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jo Anne House, Lisa Liggins, Kristen M. Hooker, Clorissa Santiago. The purpose of this OBC work session was to review the Election Board's bylaws amendments. During this meeting, the OBC also decided that all boards, committees and commissions must add the word "titled" next to the name of the purchasing manual they are required to reference in the "sign-off" section of their bylaws to provide clarification on why the term "Oneida Tribe of Indians" is being used instead of the "Nation".

**5/1/19:** *LOC Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Kristen M. Hooker, Brandon Wisneski, Jennifer Falck, Clorissa Santiago, Maureen Perkins. The purpose of this meeting was to discuss some of the hurdles the LRO has encountered under the current bylaws amendments process and to consider whether a more efficient process should be implemented to get the Nation's boards, committees and commissions' bylaws amendments before the Oneida Business Committee for adoption.

**7/29/19-**  
**7/30/19:** *OBC Work Session.* Present: Daniel Guzman-King, David P. Jordan, Trish King, Brandon Stevens (7/29 only), Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Tehassi Hill (7/29 only), Kristen Hooker, Jennifer Falck, Maureen Perkins (7/29 only), Brooke Doxtator, Laura Laitinen-Warren. The purpose of this work session was to provide the OBC an opportunity to review and consider all drafts of the boards, committees and commissions' bylaws amendments in advance of being added to the OBC agenda for formal consideration and possible adoption.

**9/25/19 OBC:** Motion by David P. Jordan to approve an across-the-board change to the bylaws to include the Oneida Business Committee Support Office as the entity that signs off on stipends, business reimbursements, and per diem; Seconded by Jennifer Webster. Motion carried.

#### **Next Steps:**

- Approve the Oneida Land Claims Commission's Bylaws Amendments.
- Forward the Oneida Land Claims Commission's Bylaws Amendments to the Oneida Business Committee for consideration.

1 **ONEIDA LAND CLAIMS COMMISSION BYLAWS**

2 **Article I. Authority**

3 1-1. *Name.* The name of this entity shall be the Oneida Land Claims Commission and  
4 may hereinafter be referred to as the OLCC.  
5

6 1-2. *Establishment.* The Oneida Land Claims Commission, which evolved from the former  
7 Litigation Committee created by motion of the Oneida Business Committee  
8 on March 21, 1977, was originally established to supervise all activities  
9 involving the New York Land Claims, including post settlement. Re-  
10 established as the OLCC, its purpose was expanded to include developing  
11 strategy and providing direction, as well as recommendation, for litigation,  
12 negotiation and/or settlement to the Oneida Business Committee and  
13 Oneida General Tribal Council, with the New York Land Claims as the  
14 established priority, and Wisconsin land claims/other future land claims as  
15 the second priority.  
16

17 1-3. *Authority.* The OLCC shall inform and educate the membership on the issues  
18 pertaining to Oneida Nation land claims, seek participation of the  
19 membership, and be further responsible for carrying out the following  
20 duties:

- 21 (a) To bring forward concerns and suggestions of the membership regarding  
22 the Nation's land claims to the Oneida Business Committee.
- 23 (b) As part of its advisory procedures, to hold public meetings and undergo  
24 outreach to provide an opportunity for the membership to voice their  
25 concerns and suggestions regarding the Nation's land claims settlement  
26 efforts and to share those concerns/suggestions with the Oneida Business  
27 Committee.
- 28 (c) To study other Indian land claim settlements achieved between tribal, state,  
29 and federal governments and disseminate the information to the  
30 membership and the Oneida Business Committee.
- 31 (d) To manage the budget that the Oneida Business Committee provides to  
32 the OLCC in accordance with governing laws and policies of the Nation.
- 33 (e) To assist the Oneida Business Committee with any land claims arising out  
34 of natural resource issues/disputes as requested by the Oneida Business  
35 Committee.
- 36 (f) To carry out all other powers and/or duties delegated to the OLCC through  
37 any laws, policies, rules and/or resolutions of the Nation.  
38

39 1-4. *Office.* The official office mailing address of the OLCC shall be:  
40 Oneida Land Claims Commission  
41 P.O. Box 365  
42 Oneida, WI 54155  
43

44 1-5. *Membership.*  
45 (a) *Number of Members.* The Oneida Land Claims Commission shall be  
46 composed of five (5) members.

- 47 (b) *Elected.* Members of OLCC shall be elected by enrolled members of the  
48 Nation in accordance with the laws and/or policies of the Nation governing  
49 elections.  
50 (1) Members shall serve three (3) year staggered terms as currently  
51 established.  
52 (2) Members shall hold office until their term expires, they resign, or  
53 they are removed/terminated from office.  
54 (A) Although a member's term has expired, he or she shall  
55 remain in office and serve until a successor has been sworn  
56 in by the Oneida Business Committee.  
57 (B) A member may resign at any time verbally at a meeting or  
58 by delivering written notice to the Oneida Business  
59 Committee Support Office and the OLCC Chairperson or  
60 Chairperson's designee.  
61 (i) The resignation is deemed effective upon acceptance  
62 by OLCC motion of a member's verbal resignation  
63 or upon delivery of the written notices.  
64 (c) *Vacancies.* Vacancies on the OLCC shall be filled as follows:  
65 (1) *Expired Terms.* Vacancies caused by the expiration of a member's  
66 term shall be filled by election in accordance with the laws and/or  
67 policies of the Nation governing elections.  
68 (2) *Unexpired Terms.* Vacancies in unexpired terms shall be filled by  
69 appointment by the Oneida Business Committee, pursuant to the  
70 Boards, Committees and Commissions law, for the remainder of the  
71 unexpired term.  
72 (A) The Board's Chairperson shall provide the Oneida Business  
73 Committee with recommendations on all applications for  
74 appointment to fill a vacancy by the executive session in  
75 which the appointment is intended to be made.  
76 (d) *Qualifications of Members.* Members of the OLCC must meet the following  
77 qualifications:  
78 (1) Be an enrolled member of the Oneida Nation;  
79 (2) Be eighteen (18) years of age or older;  
80 (3) Be able to attend all regular, joint, and emergency meetings;  
81 (4) Shall not be serving in the capacity of consultant, contractor, or  
82 attorney for the OLCC; and  
83 (5) Shall not have been terminated or removed from office of the OLCC  
84 within six (6) years of his or her application for membership.  
85  
86 1-6. *Removal or Termination.* OLCC members may be terminated or removed from office as  
87 follows:  
88 (a) If the member was elected, the OLCC's filing of a petition for his or her  
89 removal pursuant to the Removal law and/or any other law of the Nation  
90 governing the removal of elected officials.  
91 (b) If the member was appointed, the OLCC's recommendation to the Oneida  
92 Business Committee for termination of his or her appointment in

93 accordance with the Boards, Committees and Commissions law and/or any  
94 other law of the Nation governing the termination of appointed officials.

95 (c) The following may be cause for the filing of a petition for removal or the  
96 submission of a recommendation for termination of member from the  
97 OLCC:

98 (1) Accruing three (3) or more consecutive unexcused absences from  
99 meetings of the OLCC within one (1) calendar year;

100 (A) An absence shall be considered unexcused if a member fails  
101 to provide an OLCC Officer with written notice of his or her  
102 intended absence at least thirty (30) minutes prior to a  
103 meeting.

104 (2) Accruing eight (8) or more absences from meetings of the OLCC  
105 within one (1) calendar year; and/or

106 (3) Violating one or more sections of these bylaws or any other  
107 governing laws of the Nation.

108 (d) The filing of a petition for removal or submission of a recommendation for  
109 termination shall be decided by a majority vote of the members in  
110 attendance at an OLCC meeting of an established quorum.

111  
112 1-7. *Trainings and Conferences.* Members of the OLCC shall attend mandatory trainings and/or  
113 conferences as deemed necessary by a majority vote of at least a quorum of  
114 the OLCC.

115 (a) Regardless of the number of trainings/conferences that he or she is required  
116 to attend, no member of the OLCC shall be eligible to receive stipends for  
117 attending more than five (5) full days of mandatory trainings/conferences  
118 per year.

119 (b) Members shall report back to the OLCC within thirty (30) days of  
120 completing a training or conference.

## 121 **Article II. Officers**

122 2-1. *Officers.* The Officer positions of the OLCC shall consist of a Chairperson, Vice-  
123 Chairperson and Secretary.

124  
125  
126 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
127 Chairperson shall be as follows:

128 (a) To call and preside over meetings of the OLCC;

129 (b) To monitor all Oneida Nation land claim activities and request travel,  
130 additional training, and/or other budgetary items requiring funding from the  
131 Nation;

132 (c) To create subcommittees of the OLCC and appoint its members in  
133 accordance with section 2-5 of these bylaws.

134 (d) To, personally or through a designee, submit annual/semi-annual reports to  
135 the Oneida General Tribal Council and quarterly reports to the Oneida  
136 Business Committee in accordance with the Boards, Committees and  
137 Commissions law; and

- 138 (e) To attend or designate a member of the OLCC to attend the Oneida Business  
139 Committee meeting in which the OLCC’s quarterly report appears on the  
140 agenda.  
141
- 142 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
143 Vice-Chairperson shall be as follows:  
144 (a) To act in the absence of the Chairperson.  
145
- 146 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the  
147 Secretary shall be as follows:  
148 (a) To monitor the land claims related expenditures from the OLCC budget;  
149 (b) To record, both in writing and audibly; compile; and submit meeting  
150 minutes in accordance with these bylaws and the Boards, Committees and  
151 Commissions law;  
152 (c) To maintain files of the OLCC in accordance with the Nation’s Open  
153 Records and Open Meetings law;  
154 (d) To provide notice of meetings, as well as notice of meeting location, agenda,  
155 documents and minutes, in accordance with these bylaws, the Boards,  
156 Committees and Commissions law, and the Nation’s Open Records and  
157 Open Meetings law; and  
158 (e) In the event that both the Chairperson and the Vice-Chairperson positions  
159 become vacant before the end of their terms, to call meetings of the OLCC  
160 to fill the vacancies and to preside over those meetings for the sole purpose  
161 of conducting an election of new Officers, at which point the Chairperson,  
162 or Vice-Chairperson in the absence of the Chairperson, shall preside.  
163
- 164 2-5. *Subcommittees.* Subcommittees of the OLCC may be created and dissolved in accordance  
165 with the Boards, Committees and Commissions law.  
166 (a) Subcommittees of the OLCC may be created and appointed by the Chair-  
167 person upon approval by majority vote of the members in attendance at an  
168 OLCC meeting of an established quorum.  
169 (1) The Chairperson shall be an ex-officio member of all subcommittees  
170 of the OLCC.  
171 (b) A subcommittee of the OLCC shall serve until the duties of the sub-  
172 committee are completed and a report is given to the OLCC.  
173 (c) Members of subcommittees of the OLCC shall not be eligible for stipends  
174 unless a specific exception is made by the Oneida Business Committee or  
175 the Oneida General Tribal Council.  
176
- 177 2-6. *Selection of Officers.* Officers of the OLCC shall be elected on an annual basis by majority  
178 vote of the members in attendance at an OLCC meeting of an established  
179 quorum.  
180 (a) Officers shall take office on the date of election and serve a one (1) year  
181 term.  
182 (b) Members may be dismissed from their Officer positions by majority vote of  
183 the members in attendance at an OLCC meeting of an established quorum.

- 184 (c) Officers shall hold no more than one (1) Officer position per Officer term.  
185
- 186 2-7. *Budgetary Sign-Off Authority and Travel.* The OLCC shall follow the Nation’s policies  
187 and procedures regarding purchasing and sign-off authority.  
188 (a) The levels of budgetary sign-off authority for the OLCC shall be as set forth  
189 in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*  
190 *Policies and Procedures*, for Area Directors/Enterprise Directors.  
191 (1) All OLCC Officers have sign-off authority and two (2) Officers  
192 shall be required to sign-off on all budgetary requests, except as  
193 follows:  
194 (A) The Oneida Business Committee Support Office shall have  
195 sign-off authority over requests for stipends, travel per diem  
196 and business expense reimbursement.  
197 (b) The OLCC shall approve a member’s request to travel on behalf of the  
198 OLCC by a majority vote of the members in attendance at a regular or  
199 emergency OLCC meeting of an established quorum.  
200
- 201 2-8. *Personnel.* The OLCC shall not have the authority to hire personnel for the benefit of  
202 the OLCC.  
203

### 204 **Article III. Meetings**

- 205 3-1. *Regular Meetings.* The OLCC shall meet the first and third Thursday of each month,  
206 commencing at 5:30 p.m., in Room 338 of the Norbert Hill Center located  
207 in Oneida, Wisconsin.  
208 (a) The date, time and/or place of the meeting may be reviewed by the OLCC  
209 from time-to-time and changed as deemed necessary by a majority vote of  
210 the members in attendance at an OLCC meeting of an established quorum  
211 so long as notice is provided to all members in writing and, along with the  
212 public, in accordance with the Nation’s Open Records and Open Meetings  
213 law, prior to the implementation of a new date, time and/or location.  
214 (b) All OLCC members shall be provided notice of meeting location, agendas,  
215 documents, materials and minutes via email communication sent to the  
216 official Oneida Nation email address provided each member to conduct  
217 business electronically on behalf of the Board and, along with the public,  
218 shall further be noticed in accordance with the Nation’s Open Records and  
219 Open Meetings law.  
220 (c) The OLCC shall conduct all meetings consistent with Robert’s Rules of  
221 Order.  
222
- 223 3-2. *Emergency Meetings.* An emergency meeting may be called when an issue arises requiring  
224 immediate action of the OLCC that cannot wait until its next regularly  
225 scheduled meeting.  
226 (a) Emergency meetings may be called by the Chairperson or Vice-  
227 Chairperson.  
228 (b) The OLCC Secretary shall provide notice of emergency meetings to all  
229 OLCC members via telephone call, as well as email or text messaging, at

230 least twenty-four (24) hours before the scheduled meeting and, along with  
231 the public, shall further provide notice in accordance with the Nation's  
232 Open Records and Open Meetings law.

233 (1) Notice via email communication shall be sent to the official Oneida  
234 Nation email address that was provided to all members to conduct  
235 business electronically on behalf of the OLCC.

236 (c) Within seventy-two (72) hours after an emergency meeting, the Board shall  
237 provide the Nation's Secretary with notice of the emergency meeting, the  
238 reason for the emergency meeting, and an explanation as to why the matter  
239 could not wait until the next regular meeting.

240  
241 3-3. *Joint Meetings.* Joint meetings between the OLCC and the Oneida Business Committee  
242 may be held at the Norbert Hill Center located in Oneida, Wisconsin as  
243 agreed upon between the parties.

244 (a) Notice of the joint meeting agendas, documents and minutes shall be  
245 provided, and the joint meetings conducted, in accordance with resolution  
246 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
247 the Boards, Committees and Commissions – Definitions and Impact, as may  
248 be amended from time-to-time hereafter.

249  
250 3-4. *Quorum.* A quorum shall consist of at least three (3) members of the OLCC, one (1)  
251 of whom shall include the Chairperson, Vice-Chairperson or Secretary;  
252 provided, the Secretary is the presiding Officer pursuant to section 2-4(e) of  
253 these bylaws.

254 (a) If a quorum has not been established within fifteen (15) minutes of the  
255 announced meeting start time, the meeting will be declared dismissed due  
256 to no quorum and documented in the next meeting minutes.

257 (b) Members may participate in OLCC meetings, with prior approval from the  
258 Chairperson or Vice-Chairperson, via skype, conference call or video  
259 conference.

260 (1) Members authorized to participate in a meeting per section 3-4(b) of  
261 these bylaws shall be deemed in attendance for purposes of  
262 establishing a meeting quorum but shall not be eligible to receive a  
263 stipend for meeting attendance under section 5-1 of these bylaws.

264  
265 3-5. *Order of Business.* The order of business, as applicable, shall be:

- 266 (a) Call to Order/Roll Call
- 267 (b) Opening Prayer
- 268 (c) Approval of Agenda
- 269 (d) Approval of Minutes
- 270 (e) Old Business/Standing Items
- 271 (f) New Business
- 272 (g) Reports
- 273 (h) Executive Session
- 274 (i) Open Discussion
- 275 (j) Adjournment/Closing Prayer

- 276  
277 3-6. *Voting.* Decisions of the OLCC shall be by majority vote of the members in  
278 attendance at an OLCC meeting of an established quorum.  
279 (a) The Chairperson, or Officer presiding in his or her absence pursuant to these  
280 bylaws, shall only be allowed to vote in cases of a tie.  
281 (b) E-polls are permissible so long as conducted in accordance with the Boards,  
282 Committees and Commission law.  
283 (1) The Vice-Chairperson shall serve as the Chairperson’s designee for  
284 the responsibility of conducting an e-poll in the Chairperson’s  
285 absence or discretion.  
286

287 **Article IV. Expectations**

- 288 4-1. *Behavior of Members.* Members of the OLCC are expected to treat each other in  
289 accordance with the Nation’s core values of The Good Mind as expressed  
290 by On^yote?a’ka. In addition, OLCC members are expected to:  
291 (a) Attend all OLCC meetings and actively participate.  
292 (1) A member who has three (3) unexcused meeting absences in one (1)  
293 calendar year shall be added to an OLCC meeting agenda for  
294 consideration of possible enforcement pursuant to subsection (c) of  
295 this section.  
296 (A) An absence shall be deemed unexcused if a member fails to  
297 provide an OLCC Officer with written notice of his or her  
298 pending absence at least thirty (30) minutes prior to the  
299 missed meeting.  
300 (2) A member who has accrued eight (8) meeting absences, whether  
301 excused or unexcused, in one (1) calendar year shall be added to an  
302 OLCC meeting agenda for consideration of possible enforcement  
303 pursuant to subsection (c) of this section.  
304 (b) Adhere to this section, as well as every other section, of these bylaws and  
305 to any governing laws and/or policies of the Nation.  
306 (c) *Enforcement.* Any member found to be in violation of this section of these  
307 bylaws may be subject to the following:  
308 (1) Sanctions and penalties in accordance with any laws or policies of  
309 the Nation governing sanctions and/or penalties of officials.  
310 (2) If the member was elected, the OLCC’s filing of a petition for his or  
311 her removal pursuant to the Removal law and/or any other laws or  
312 policies of the Nation governing the removal of elected officials.  
313 (3) If the member was appointed, the OLCC’s recommendation to the  
314 Oneida Business Committee for termination of his or her  
315 appointment pursuant to the Boards, Committees and Commissions  
316 law and/or any other laws or policies of the Nation governing the  
317 termination of appointed officials.  
318 (A) The filing of a petition for removal or recommendation for  
319 termination shall be decided by a majority vote of the  
320 members in attendance at an OLCC meeting of an  
321 established quorum.

- 322  
323 4-2. *Prohibition of Violence.* Members are prohibited from committing any intentionally violent  
324 act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily  
325 harm on another person, or damage to personal property.  
326 (a) Along with the possibility of enforcement under section 4-1 of these bylaws,  
327 members who violate this section shall be ejected from the meeting.  
328  
329 4-3. *Drug and Alcohol Use.* The use of alcohol and illegal drugs by members when acting in  
330 their official capacity is prohibited.  
331 (a) Along with the possibility of enforcement under section 4-1 of these bylaws,  
332 members who present at meetings or events of the OLCC in violation of this  
333 section shall be ejected from the meeting/event.  
334  
335 4-4. *Social Media.* OLCC members shall adhere to the Oneida Nation’s Social Media Policy  
336 and their oath of office when using social media while acting on behalf of  
337 or as a representative of the OLCC.  
338 (a) Any social media use on behalf of or as a representative of the OLCC must  
339 be approved in advance by a majority vote of the members in attendance at  
340 an OLCC meeting of an established quorum.  
341  
342 4-5. *Conflict of Interest.* OLCC members shall abide by all laws of the Nation governing  
343 conflicts of interest.  
344

#### 345 **Article V. Stipends and Compensation**

- 346 5-1. *Stipends.* Members shall be eligible for the following stipends as set forth in and  
347 subject to these bylaws; the Boards, Committees and Commissions law; and  
348 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
349 Boards, Committees and Commissions Law Stipends, as may be further  
350 amended from time-to-time hereafter:  
351 (a) Two (2) meeting stipends per month, provided that:  
352 (1) A quorum was established;  
353 (2) The meeting of the established quorum lasted for at least one (1)  
354 hour; and  
355 (3) The member collecting the stipend was physically present for the  
356 entire meeting.  
357 (b) A stipend for attending duly called joint meetings between the OLCC and  
358 the Oneida Business Committee, provided that:  
359 (1) A quorum was established by the OLCC;  
360 (2) The joint meeting lasted for at least one (1) hour; and  
361 (3) The member collecting the stipend was physically present for the  
362 entire joint meeting.  
363 (c) A stipend for attending a Judiciary hearing so long as the member’s  
364 attendance at the hearing was required by official subpoena.  
365 (d) A stipend for attending a conference or training, provided that:  
366 (1) The member attended a full day of training or was present at the  
367 conference for a full day; and

368 (2) The member's attendance at the conference or training was required  
369 by law, bylaws or resolution.  
370

371 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized  
372 by the Boards, Committees and Commissions law, members shall not be  
373 eligible for any other form of compensation for duties/activities they  
374 perform on behalf of the OLCC.

375 (a) Before submitting to the Oneida Business Committee Support Office for  
376 reimbursement sign-off, members shall submit written reports on accrued  
377 travel, per diem and/or business expenses, in a format approved by the  
378 Secretary, to the Secretary no later than ten (10) days from the date of the  
379 activity.  
380

### 381 **Article VI. Records and Reporting**

382 6-1. *Agenda Items.* Agenda items shall be maintained in a format developed by the Oneida  
383 Business Committee Support Office.  
384

385 6-2. *Minutes.* Meeting minutes shall be typed and in a consistent format created by the  
386 Oneida Business Committee Support Office to generate the most  
387 informative record of the meeting and shall include, but not be limited to, a  
388 summary of all action taken by the OLCC during the meeting.

389 (a) Copies of the OLCC's official meeting minutes shall be provided to the  
390 Oneida Business Committee Support Office within thirty (30) days of the  
391 meeting.  
392

393 6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the  
394 official meeting minutes and agenda in which they were presented for  
395 record keeping.

396 (a) The meeting minutes, agenda and attachments shall be maintained by the  
397 OLCC Secretary and/or Secretary's designee in accordance with governing  
398 law, including, but not limited to, the Nation's Open Records and Open  
399 Meetings law.  
400

401 6-4. *Oneida Business Committee Liaison.* The OLCC shall communicate regularly with the  
402 member of the Oneida Business Committee who is its designated liaison.

403 (a) The frequency and method of communication shall be as agreed upon by  
404 the OLCC and the liaison, but not less than that which is required in any  
405 law or policy on reporting developed by the Oneida Business Committee or  
406 the Oneida General Tribal Council.

407 (b) The purpose of the liaison relationship is to uphold the ability of the liaison  
408 to act as support to the OLCC.  
409

410 6-5. *Audio Recordings.* All meetings of the OLCC shall be audio recorded by the Secretary or  
411 Secretary's designee using a device provided or approved by the Oneida  
412 Business Committee Support Office.

- 413 (a) The Secretary shall maintain the audio recordings in accordance with the  
414 Nation's Open Records and Open Meetings law.  
415 (b) *Exception.* Audio recordings of executive session portions of meetings will  
416 not be recorded.  
417

418 **Article VII. Amendments**

- 419 7-1. *Amendments to Bylaws.* The OLCC may, upon written notice in accordance with these  
420 bylaws and any governing laws of the Nation, by majority vote of the  
421 members present at an OLCC meeting of an established quorum, adopt,  
422 amend, or repeal any or all of the bylaws; provided, the amendment or  
423 repeal had been submitted at the previous regular OLCC meeting for  
424 review.  
425 (a) Any amendments to or repeals of these bylaws shall conform to the  
426 requirements of the Boards, Committees and Commissions law and any  
427 other policy of the Nation.  
428 (b) All such amendments/repeals must be approved by the Oneida Business  
429 Committee, as well as the Oneida General Tribal Council if required, prior  
430 to implementation.  
431 (c) At the first regular meeting following an election of Officers, or no less  
432 than annually, a review of the bylaws shall be conducted to determine  
433 whether they are current and adequate.  
434  
435



# Oneida Land Claims Commission Bylaws Amendments Legislative Analysis

## SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Legislative Reference Office	SPONSOR: David P. Jordan	DRAFTER: Kristen M. Hooker	ANALYST: Maureen Perkins
Complies with Boards, Committees and Commissions Law	These amendments comply with the Oneida Business Committee (OBC) directive established by resolution BC-09-26-18-C that all boards, committees and commissions of the Nation; excluding the OBC or standing committees of the OBC and Tribal corporations, amend their bylaws to comply with the requirements established by the Boards, Committees and Commissions law. Additional information and requirements included in these bylaws beyond what is required in the Boards, Committees and Commissions law is not prohibited [1 O.C. 105.10].		
Intent of the Bylaws	The bylaws provide a framework for the operation and management of the commission to govern the standard procedures regarding the way the commission conducts its affairs, including: the election and appointment of persons to the Oneida Land Claims Commission (OLCC), the membership qualifications, duties and responsibilities of both members and officers, terms and filling vacancies of members, selection of officers, establishment of expectations of members, maintenance of official records, stipends, removal process, required training, and how the bylaws are amended.		
Purpose	The purpose of the OLCC is to inform and educate the membership on issues pertaining to Oneida Nation land claims, seek participation of the membership, bring forward concerns and suggestions of the membership regarding the Nation's land claims to the OBC, hold public meetings and conduct outreach regarding the Nation's land claims settlement, study other Indian land claim settlements and inform the membership and the OBC, assist the OBC with any land claims arising out of natural resources issues/ disputes as requested by OBC and carry out all other duties delegated through the laws and policies of the Nation [Proposed Bylaws 1-3].		
Related Legislation	Oneida Nation Constitution, Boards, Committees and Commissions law, Election law, Removal Law, Travel and Expense Policy, Conflict of Interest law, Open Records and Open Meetings law, Vehicle Driver Certification and Fleet Management law		
Enforcement/Due Process	Removal from an elected position on the OLCC follows the Removal Law [1 O.C. 104] and termination from an appointed position on the OLCC follows the Boards, Committees and Commissions law [1.O.C. 105.7-4]. The OLCC included behavioral expectations in the bylaws that if not followed may result in a petition for removal in accordance with the Removal Law [1 O.C. 104], recommendation to the OBC for termination of an appointment in accordance with the Boards, Committees and Commissions law [1 O.C. 105.7-4 and 105.10-3(d)(1)], or the OLCC may discipline Commissioners in accordance with any laws of the Nation regarding sanctions and penalties [Proposed Bylaws 4-1(c)].		
Public Meeting	Public meetings are not required for bylaws.		
Fiscal Impact	A fiscal impact statement is not required for bylaws.		

## 1 SECTION 2. BACKGROUND

- 2 A. The OLCC bylaw amendments were added to the Active Files List on October 3, 2018, with David P.  
3 Jordan as the sponsor.  
4 B. The OLCC evolved from the Litigation Committee established on March 21, 1977, by the OBC. The  
5 current bylaws were approved on July 26, 2000, by the OBC and August 1, 2000 by the OLCC.  
6

## 7 SECTION 3. COMPLIANCE WITH THE BOARDS, COMMITTEES AND COMMISSIONS LAW

- 8 A. The bylaws comply with changes to the requirements of all bylaws established by the amendments to  
9 the Boards, Committees and Commissions law.  
10 B. The bylaws comply with OBC Resolution BC-05-08-19-B titled “Amending Resolution BC-09-26-  
11 18-D Boards, Committees and Commissions Law Stipends” which details the types, specific dollar  
12 amounts and eligibility requirements of stipends.  
13 C. The bylaws comply with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and  
14 Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.  
15

## 16 SECTION 4. AMENDMENTS

17 This section details the changes to the bylaws from the previously adopted bylaws.

### 18 A. ARTICLE I. AUTHORITY

- 19 a. The number of members has been reduced from seven (7) to five (5) [*Current Bylaws 1-4(a)*]  
20 and [*Proposed Bylaws 1-5(a)*]. The term was reduced from a four (4) year term to a  
21 three (3) year term [*Current Bylaws 1-4(b)*] and [*Proposed Bylaws 1-5(b)*].  
22 b. A provision was added that when OLCC members term expires they will remain in office  
23 until a successor is sworn in by the OBC [*Proposed Bylaws 1-5(b)(2)(A)*] which is optional  
24 under the Boards, Committees and Commissions law [*1 O.C. 105.6-2(a)(1)*].  
25 c. The resignation process has changed in accordance with the Boards, Committees and  
26 Commissions law [*1 O.C. 105.6-2(d)*]. Resignations are now accepted:  
27
  - Verbally and accepted by motion at a meeting; or
  - By delivering a written resignation to the Business Committee Support Office  
28 (BCSO) and the OLCC’s Chairperson or Chairperson’s designee [*Proposed*  
29 *Bylaws 1-5(b)(2)(B)*].  
30 d. A provision was added detailing that expired terms will be filled by election in accordance  
31 with the Election law [*Proposed Bylaws 1-5(c)(1)*].  
32 e. A provision was added that the Chairperson will make a recommendation to fill vacancies  
33 on behalf of the OLCC [*Proposed Bylaws 1-5(c)(2)(A)* and *2-2(e)*] instead of the OLCC  
34 making the recommendation [*Current Bylaws 1-4(c)*]. This recommendation by the  
35 Chairperson is optional in the Boards, Committees and Commissions law [*1 O.C. 105.7-*  
36 *1(b)(1)*].  
37 f. The qualifications have changed: members must be eighteen (18) years old instead of  
38 twenty-one (21) in the current bylaws and members cannot have been terminated or  
39 removed from the OLCC within six (6) years of his or her application for membership  
40 [*Proposed Bylaws 1-5(d)*] and [*Current Bylaws 1-4(d)*].  
41 g. Removal or Termination. The removal of an elected member or recommendation of  
42 termination of an appointed member complies with the Boards, Committees and  
43 Commissions law [*Proposed Bylaws 1-6*] [*1 O.C. 105.10-3(a)(6)*].  
44
  - The Removal Law will be followed for removal of elected members [*1 O.C.*  
45 *104*] and termination of appointment will follow the Boards, Committees and  
46 Commissions law [*1 O.C. 105.6-2(c)*] both of which require a majority vote  
47 of the OLCC at an established meeting with a quorum [*Proposed Bylaws 1-*  
48 *6(a)* and *(b)*].  
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- A removal petition or a recommendation for termination of appointment must be by majority vote of the OLCC members in attendance at a regular or emergency meeting with an established quorum [*Proposed Bylaws 1-6(d)*].
  - A definition for unexcused absence was added [*Proposed Bylaws 1-6(c)(1)(A)*].
- h. A Trainings and Conferences section has been added to provide details with regard to the minimum trainings or conferences the OLCC will be required to attend in compliance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(7)*]. Regardless of the number of required trainings; the OLCC will only be eligible to receive a training stipend for up to five (5) full days of mandatory trainings/conferences per year [*Proposed Bylaws 1-7*]. The number of days to submit a travel report to the OLCC was increased from ten (10) in the current bylaws to thirty (30) in the proposed bylaws [*Current Bylaws 4-3*] and [*Proposed Bylaws 1-7(b)*].

64 B. ARTICLE II. OFFICERS

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- a. The Chairperson or designee shall submit all required reports to the OBC and the General Tribal Council (GTC) [*Proposed Bylaws 2-2(d)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3 and 12-4*].
  - b. The Chairperson or member designee must attend the OBC meeting when the OLCC quarterly report is on the agenda [*Proposed Bylaws 2-2(e)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.12-3*].
  - c. The Secretary will provide notice of regular and emergency meetings and agenda prior to the meeting [*Proposed Bylaws 2-4(d)*] in accordance with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(f)*] and the Open Records and Open Meetings law [*1 O.C. 107.15*].
  - d. A provision was added that if the Chairperson and the Vice-Chairperson positions both become vacant at the same time, the OLCC Secretary will be allowed to call meetings of the OLCC to fill vacancies and to preside over meetings to conduct an election after which the newly elected Chairperson or Vice-Chairperson shall preside [*Proposed Bylaws 2-4(e)*].
  - e. A Subcommittees section was added detailing the creation, membership, dissolution and members of subcommittees are not eligible for a stipend unless an exception is made by the OBC or the GTC [*Proposed Bylaws 2-5*].
  - f. A provision was added that a Commissioner may be dismissed from his or her Officer position by a majority vote of the Commissioners in attendance at an OLCC meeting of an established quorum [*Proposed Bylaws 2-6(b)*]. A provision was added that prevents a member from holding more than one officer position on the OLCC at the same time [*Proposed Bylaws 2-6(c)*].
  - g. The Budgetary and Sign-Off Authority and Travel section is new to these bylaws based on requirements in the Boards, Committees and Commissions law [*1 O.C. 105.10-3(b)(6)*].
    - OLCC will use levels for budgetary sign-off authority that are as set forth in the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures Manuel for Area Directors/Enterprise Directors. The BCSO will have sign-off authority for requests for stipends, travel per diem and business expense reimbursement [*Proposed Bylaws 2-7(a)(1)(A)*]. All OLCC Officers will have sign-off authority and two (2) Officers must sign-off on other budgetary requests [*Proposed Bylaws 2-7(a)(1)*].
    - i. Although not applicable to the OLCC; the OLCC will follow the budgetary sign-off levels dictated by the Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures

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Manuel for Area Directors/Enterprise Directors, page 217 which includes the following levels of sign-off authority:

1. Budgeted items with three bids for items between \$3,000 and \$10,000.
  2. Unbudgeted items between \$1,000 and \$5,000.
  3. Budgeted but sole source items between \$1,000 and \$5,000.
- All travel must be authorized by two (2) Officers in accordance with the Travel and Expense Policy [2 O.C. 219.4-2]. All travel must be approved through majority vote of a quorum of OLCC in attendance at a regular or emergency OLCC meeting [Proposed Bylaws 2-7(b)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(b)(6)(B)]. OLCC members may travel in the Nation’s vehicles when certified and must follow the Vehicle Driver Certification and Fleet Management law [2 O.C. 210].
- h. The OLCC does not have authority to hire personnel [Proposed Bylaws 2-8].

C. ARTICLE III. MEETINGS

- a. A provision was added that meeting materials be made available by the Secretary in accordance with the Open Records and Open Meetings law [Proposed Bylaws 3-1(b) and 2-4(d)] and [1 O.C. 107.7-2].
- b. Emergency meetings were added and may be called by the Chairperson or the Vice-Chairperson [Proposed Bylaws 3-2(a)].
- c. A provision was added requiring the Secretary to provide notice in writing and by telephone call to each member of the OLCC at least twenty-four (24) hours before an emergency meeting is called. Notice by email must use the official Oneida Nation email address provided to each member of the OLCC [Proposed Bylaws 3-2(b)].
- d. A provision was added per the Boards, Committees and Commissions law that the OLCC will notify the Nation’s Secretary within seventy-two (72) hours of holding an emergency meeting with notice of the meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting [Proposed Bylaws 3-2(c)] in accordance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(2)(A)].

e. Joint Meetings. The bylaws contain joint meetings with the OBC [Proposed Bylaws 3-3] on an as needed basis, with the approval of the OBC in compliance with the Boards, Committees and Commissions law [1 O.C. 105.10-3(c)(3)]. Joint meetings will be held in the OBC conference room. The meeting notice, agenda documents and minutes for joint meetings will be provided and the joint meetings will be conducted in accordance with OBC Resolution BC-03-27-19-D titled “Oneida Business Committee and Joint Meetings with Boards, Committees and Commissions – Definitions and Impact”.

The agenda will be agreed upon by the OLCC Chairperson upon OLCC approval and the OBC liaison with OBC approval;
The BCSO will provide all parties the agenda, meeting packet and meeting notes;
No action will take place at the joint meeting; and if it is agreed that further action is needed, either the OBC or the OLCC, or both, will take the issue back to their respective meetings for action through the OBC liaison to the OBC or the Chairperson of the OLCC;
The Chairperson of the OLCC will facilitate the meeting;
Formal motions to call the meeting to order, take action or adjourn are unnecessary; and
Actions will be requested by consensus of both bodies.

- 132 f. The quorum was changed from four (4) members including the Chairperson or the Vice-  
133 Chairperson to at least three (3) members including the Chairperson or the Vice-  
134 Chairperson or the Secretary in the case that a new Chairperson or Vice-Chairperson is  
135 being elected in accordance with section 2-4(e) of the proposed bylaws [*Proposed Bylaws*  
136 *3-4*] and [*Current Bylaws 3-3*]. A quorum must be established within fifteen (15) minutes  
137 [*Proposed Bylaws 3-4(a)*]. OLCC members are authorized to participate in the meeting  
138 via skype, conference call, or video conference with prior approval from the Chairperson  
139 or the Vice-Chairperson; however, will not be eligible for a stipend for such attendance  
140 [*Proposed bylaws 3-4(b)(1)*].
- 141 g. A voting section was added requiring decisions be made by majority vote, restricting the  
142 Chairperson or Officer presiding from voting except in the case of a tie, and allowing for  
143 e-polls. The Chairperson is responsible for e-polls with the Vice-Chairperson as designee  
144 at the Chairperson's absence or discretion [*Proposed Bylaws 3-6*]. This section complies  
145 with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(c)(6)(D)*].

146  
147 D. ARTICLE IV. EXPECTATIONS

148 This section is new to these bylaws based on the requirements established in the Boards, Committees  
149 and Commissions law [*1 O.C. 105.10-3(d)*].

- 150 a. Behavioral requirements were added to govern members during OLCC related activities  
151 [*Proposed Bylaws 4-1*]. This complies with the Boards, Committees and Commissions law  
152 [*1 O.C. 105.10-3(d)*]. A requirement to notify an OLCC Officer in writing thirty (30)  
153 minutes before a pending absence or the absence is deemed unexcused [*Proposed Bylaws*  
154 *4-1(a)(1)(A)*].
- 155 b. Enforcement of behavioral expectations are decided by a majority vote of the OLCC of  
156 members present in meeting and include [*Proposed Bylaws 4-1(c)*]:
- 157 • OLCC may commence an action governing sanctions or penalties according to the  
158 laws of the Nation;
  - 159 • If elected, OLCC may file a petition for removal in accordance with the Removal  
160 Law [*1 O.C. 104*]; and
  - 161 • If appointed, OLCC may recommend termination of appointment by the OBC [*1*  
162 *O.C. 105.6(c)*].
- 163 i. Removal petitions and recommendations to the OBC to terminate a  
164 member's appointment must be decided by a majority vote of the OLCC  
165 of members present in a meeting [*Proposed Bylaws 4-1(c)(3)(A)*].
- 166 c. The bylaws include a provision that prohibits intentional acts of violence that inflicts,  
167 attempts to inflict or threatens to inflict emotional or bodily harm or damage to property  
168 which will result in ejection from a meeting [*Proposed Bylaws 4-2*]. This complies with  
169 the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(2)*].
- 170 d. Drug and alcohol use by an OLCC member when acting in an official capacity is prohibited  
171 which will result in ejection from a meeting [*Proposed Bylaws 4-3*]. This complies with  
172 the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(3)*].
- 173 e. The bylaws require OLCC members to follow the Nation's Social Media Policy and their  
174 Oath of Office related to social media use on behalf of the OLCC. Any social media use  
175 on behalf of or as a representative of the OLCC must be approved in advance by a majority  
176 vote of the members in attendance at an OLCC meeting of an established quorum  
177 [*Proposed Bylaws 4-4*]. This complies with the Boards, Committees and Commissions law  
178 [*1 O.C. 105.10-3(d)(4)*].
- 179 f. The bylaws require OLCC to abide by the Nation's Conflict of Interest law and the Boards,  
180 Committees and Commissions law [*Proposed Bylaws 4-5*] which includes disclosure of  
181 conflicts of interest annually [*1 O.C. 105.10-3(d)(5) and 105.15*].

183 E. ARTICLE V. STIPENDS AND COMPENSATION

- 184 a. The list of eligible stipends appears in this section along with detail that only trainings and  
185 conference required by law, bylaws or resolution and a full day of training is required to  
186 receive a training stipend which complies with Resolution BC-09-26-18-D [*Proposed*  
187 *Bylaws 5-1*].
- 188 b. Detail was included that OLCC members are only eligible for travel, per diem and business  
189 expense reimbursement [*Proposed Bylaws 5-2*] as authorized in the Boards, Committees  
190 and Commissions law [1 O.C. 105.13-9] in accordance with the Nation's Travel and  
191 Expense Policy [2 O.C. 219.4-2]. Additionally; OLCC members must submit written  
192 reports to the OLCC Secretary no later than ten (10) days from the date of activity  
193 [*Proposed Bylaws 5-2(a)*].  
194

195 F. ARTICLE VI. RECORDS AND REPORTING

- 196 a. The OLCC will follow the agenda format set forth in Article III. 3-5 of the proposed bylaws  
197 using a template designed by the BCSO [*Proposed Bylaws 6-1*]. Minutes will utilize the  
198 BCSO format and will be submitted to the BCSO within thirty (30) days of the OLCC  
199 meeting [*Proposed Bylaws 6-2*]. This complies with the Boards, Committees and  
200 Commissions law [1 O.C. 105.10-3(f)].
- 201 b. All meeting materials; including all attachments, will be attached to the official meeting  
202 minutes and maintained by the OLCC Secretary and/or Secretary's designee and made  
203 available to the public in accordance with the Open Records and Open Meetings law  
204 [*Proposed Bylaws 6-3*] and [1 O.C. 107.7-2]. This complies with the Boards, Committees  
205 and Commissions law [1 O.C. 105.10-3(f)(3)].
- 206 c. OLCC will communicate and meet with the OBC liaison as needed and agreed upon  
207 between the OBC Liaison and the OLCC. The purpose of the liaison relationship is to  
208 uphold the Liaison's ability to support the OLCC [*Proposed Bylaws 6-4*] in accordance  
209 with the Boards, Committees and Commissions law [1 O.C. 105.10-3(f)(4)].
- 210 d. A requirement was added that the OLCC Secretary or Secretary's designee will audio  
211 record all meetings using the device provided by the BCSO. The Secretary will maintain  
212 all audio files. Executive session is not required to be recorded [*Proposed Bylaws 6-5*].  
213 This complies with the Boards, Committees and Commissions law and the Open Records  
214 and Open Meetings law [1 O.C. 105.10-3(f)(5)] and [1 O.C. 107.7-3].  
215

216 G. ARTICLE VII. AMENDMENTS

- 217 a. A provision was added requiring that amendments follow the Boards, Committees and  
218 Commissions law and any other policy of the Nation in accordance with the Boards,  
219 Committees and Commissions law [1 O.C. 105.10-3(g)] and that the bylaws be reviewed  
220 at least annually [*Proposed Bylaws 7-1*].  
221

222 **SECTION 5. RELATED LEGISLATION**

223 There are no conflicts between these bylaws and the Oneida Code of Laws. Below is a detailed list of laws  
224 that establish duties and requirements of the OLCC in addition to laws referenced in the bylaws.

- 225 A. Oneida Nation Constitution. The Constitution of the Oneida Nation contains a provision that allows  
226 for the creation of committees for the proper conduct of tribal business of the Nation [*Oneida*  
227 *Nation Constitution, Article IV, Section 1(g)*]. There are no conflicts between these bylaws and the  
228 Oneida Nation Constitution.  
229
- 230 B. Boards, Committees and Commissions law [1 O.C. 105]. This law establishes all requirements  
231 related to elected and appointed boards, committees and commissions of the Nation. The law  
232 governs the procedures regarding the appointment and election of persons to boards, committees

233 and commissions, creation of bylaws, maintenance of official records, compensation, and other  
234 items related to boards, committees and commissions. The OLCC is elected by the General Tribal  
235 Council [*Proposed Bylaws 1-5(b)*]. The requirements for entity bylaws are contained in this law  
236 as well as a requirement that all existing entities of the Nation comply with the format detailed in  
237 the law and present the bylaws for adoption by the OBC within a reasonable timeframe [*1 O.C.*  
238 *105.10-3*]. The proposed OLCC bylaws comply and there are no conflicts with the Boards,  
239 Committees and Commissions law.

240  
241 C. Election [*1 O.C. 102*]. The Election law governs the procedures for the conduct of orderly elections  
242 of the Nation, including pre-election activities such as caucuses and nominations [*1 O.C. 102.1-1*].  
243 The law governs all procedures used in the election process [*1 O.C. 102.1-2*]. The OLCC is elected  
244 by the General Tribal Council [*Proposed Bylaws 1-5(b)*]. The proposed bylaws comply with and  
245 there are no conflicts with the Election law.

246  
247 D. Removal [*1 O.C. 104*]. This law governs the removal process related to board, committee and  
248 commission members that are elected by the qualified voting membership of the Nation. This law  
249 contains due process measures related to specific causes for removal, petition requirements,  
250 preliminary review by the Judiciary, a hearing that includes potential witnesses and a burden of  
251 proof by a person seeking the removal by clear and convincing evidence that ground(s) for removal  
252 exist and a Special GTC Meeting that requires a 2/3 affirmative majority vote. The OLCC bylaws  
253 include additional behavioral expectations that if not followed may result in a petition for removal  
254 [*Proposed Bylaws 4-1(c)(2)*]. This aligns with the Boards, Committees and Commissions law [*1*  
255 *O.C. 105.10-3(d)*]. The proposed bylaws comply and there are no conflicts with the Removal Law.

256  
257 E. Social Media Policy [*2 O.C. 218*]. This law applies to the OLCC and regulates social media  
258 accounts including how content is managed and who has authority to post on social media on behalf  
259 of the Nation. Boards, committees and commissions must register social media accounts with the  
260 Nation's Secretary's Office to include specific information related to access to the account,  
261 acknowledgment and compliance with the Computer Resource Ordinance and this policy, use a  
262 Nation issued email address or ask for the Secretary to allow the entity to operate the account  
263 utilizing the current e-mail address, and ensure all content complies with all applicable laws of the  
264 Nation, state or federal laws. The OLCC must comply with the Social Media Policy in accordance  
265 with the Boards, Committees and Commissions law [*1 O.C. 105.10-3(d)(4)*]. The proposed bylaws  
266 include a provision that establishes that any social media use on behalf of or as a representative of  
267 the OLCC must be approved in advance by a majority vote of the members in attendance at an  
268 OLCC meeting of an established quorum [*Proposed Bylaws 4-4*]. The proposed bylaws comply  
269 and there are no conflicts with the Social Media Policy.

270  
271 F. Computer Resources Ordinance [*1 O.C. 215*]. OLCC members are considered users under this law  
272 and must comply with the established requirements to ensure appropriate use of the Nation's  
273 computer resources. The proposed bylaws comply and there are no conflicts with the Computer  
274 Resources Ordinance. Members of the OLCC must sign an acknowledgment form indicating notice  
275 of the Nation's applicable computer and media related laws according to the Boards, Committees  
276 and Commissions law [*1 O.C. 105.14-3(b)*].

277  
278 G. Travel and Expense Policy [*2 O.C. 219*]. Members of the OLCC are eligible to be reimbursed for  
279 travel and per diem to attend a conference or training with OLCC approval. This detail for sign-  
280 off authority related to travel is provided in the OLCC's bylaws [*Proposed Bylaws 2-7(b)*] in  
281 accordance with this law [*2 O.C. 219.4-2*] and the Boards, Committees and Commissions law [*1*

282 *O.C. 105.10-3(b)(6)(B)*]. The proposed bylaws comply and there are no conflicts with the Travel  
283 and Expense Policy.  
284

285 H. Conflict of Interest [2 O.C. 217]. This law applies to OLCC and establishes specific limitations to  
286 which information or materials that are confidential or may be used by a competitor of the Nation's  
287 enterprises or interests may be used to protect the interests of the Nation. The Boards, Committees  
288 and Commissions law establishes that amended bylaws require members to disclose potential or  
289 real conflicts annually [*1 O.C. 105.10-3(d)(5) and 105.15*]. The proposed bylaws require the  
290 OLCC to follow all Conflict of Interest laws of the Nation [*Proposed Bylaws 4-5*]. The Conflict  
291 of Interest law of the Nation allows entities to outline further conflicts and prohibited activities  
292 resulting from those conflicts of interest [*2 O.C. 217.7-2*]. Penalties for failure to disclose conflicts  
293 of interest include termination of appointment in accordance with the Boards, Committees and  
294 Commissions law and enforcement of any penalties in accordance with the laws of the Nation [*2*  
295 *O.C. 217.6-2 and 6-3*]. The proposed bylaws comply with and there are no conflicts with the  
296 Conflict of Interest law.  
297

298 I. Open Records and Open Meetings Law [1 O.C. 107]. OLCC must comply with the Open Records  
299 and Open Meetings law. This law details how records must be maintained and made available to  
300 the public and that meetings are open to the public unless specific criteria are met which allow the  
301 meetings to be closed [*1 O.C. 107.15 and 107.17*]. Public notice of meetings is also required by  
302 this law [*1 O.C. 107.15-1*]. The bylaws delegate the maintenance of the records to the Secretary  
303 [*Proposed Bylaws 2-4(c)*]. The proposed bylaws state that OLCC Secretary is responsible to  
304 ensure notice of meeting location, agenda, documents and minutes are prepared and packaged for  
305 the OLCC members as well as the public and that meetings shall be open to the public in accordance  
306 with this law [*Proposed Bylaws 2-4(d)*]. The proposed bylaws comply and there are no conflicts  
307 with the Open Records and Open Meetings law.  
308

309 J. Vehicle Driver Certification and Fleet Management [2 O.C. 210]. The OLCC is considered an  
310 entity [*2 O.C. 210.3-1(g)*] and individual members are considered officials [*2 O.C. 210.3-1(j)*]  
311 under this law and are authorized to travel in the Nation's vehicles. The law requires the Human  
312 Resources Department or designee to ensure drivers, including OLCC members, are certified to  
313 drive a vehicle of the Nation or a personal vehicle on Tribal business. The law requires OLCC  
314 members (officials) to have written consent from the OLCC prior to being approved to use a Tribal  
315 vehicle [*2 O.C. 210.6-1(b)(2)*]. Certification includes providing the Human Resources Department  
316 with the appropriate license, training certifications, and insurance information [*2 O.C. 210.8-1*].  
317 Additionally, OLCC members must abide by all reporting requirements in this law [*2 O.C. 210.9-*  
318 *2*]. The proposed bylaws comply and there are no conflicts with the Vehicle Driver Certification  
319 and Fleet Management law.

- 320 a. OLCC members who violate this law may be subject to:
- 321 i. any laws regarding sanctions or penalties; and
  - 322 ii. termination of appointment following the Boards, Committees and Commissions  
323 law [*1 O.C. 105*].
- 324  
325  
326  
327  
328

## Oneida Land Claims Commission By-Laws

### Article I. Authority

1-1. *Name.* The name of this body shall be the "Oneida Land Claims Commission" (*OLCC*). The creation document shall be cited as the by-laws of the Oneida Land Claims Commission of the Oneida Tribe of Indians of Wisconsin.

1-2. *Authority.*

a. The Oneida Land Claims Commission has evolved from the previous Litigation Committee which was established on March 21, 1977 by the Oneida Business Committee.

b. The purpose of the Oneida Land Claims Commission is to make recommendations to the Oneida Business Committee on ways to foster General Tribal Council participation in the decision making process regarding settlement of the Oneida land claim in New York State.

1-3. *Office.* The official mailing address of this entity shall be:

Oneida Land Claims Commission

P.O. Box 365

Oneida, Wisconsin 54155

1-4. *Membership.*

a. The Oneida Land Claims Commission shall be composed of seven members. The additional three members shall be filled by appointment by the Oneida Business Committee to two year terms, which shall then be elected to four year terms thereafter.

b. Members will be elected to four year staggered terms.

c. If a resignation, death or removal occurs on the four year elected term, the vacancy shall be filled as set forth on the Comprehensive Policy Governing Boards, Committees and Commissions. Provided that, the Oneida Land Claims Commission may make recommendations where the Oneida Business Committee appoints members to fill a vacancy.

d. A member of the Oneida Land Claims Commission shall be age 21 or over and a member of the Oneida Tribe. A member cannot serve in the capacity of consultant, contractor, staff person of the Oneida Land Claims Commission, or attorney assigned to the Oneida Land Claims Commission.

e. Any member desiring to resign from the Oneida Land Claims Commission shall submit their written resignation to the Oneida Land Claims Commission.

### Article II. Officers

2-1. Officers shall be Chair, Vice-Chair and Secretary/Treasurer.

2-2. *Chair.* The Chair shall preside at meetings, monitor all Oneida Land Claims activities, authorize travel, training and other requests requiring tribal funding.

a. Special sub-committees of the Oneida Land Claims Commission may be appointed by the Chair and approved by the Oneida Land Claims Commission. The sub-committee shall serve until the duties of the sub-committee are completed and a report is given to the Oneida Land Claims Commission.

b. The Chair shall be an ex-officio member of all sub-committees.

2-3. *Vice-Chair.* The Vice-Chair shall act in the absence of the Chair.

2-4. *Secretary/Treasurer.* The Secretary/Treasurer shall monitor land claim related expenditures from the Oneida Land Claims Commission budget, record and compile meeting minutes and submit

minutes to the Oneida Business Committee for final approval, maintain files of the Oneida Land Claims Commission and publicize meeting notices.

2-5. Officers shall be elected by the Oneida Land Claims Commission on an annual basis. Officers shall take office on the date of election and serve a one year term.

2-6. *Other Duties.* The Oneida Land Claims Commission shall serve as the public and formal discussion group that meets on a regularly scheduled basis to inform the General Tribal Council on issues pertaining to the settlement of the Oneida land claim and to seek participation of the membership.

a. As part of its advisory procedures, the Oneida Land Claims Commission will hold semi-annual public hearings at which the membership in favor of and opposed to settlement efforts may be heard.

b. The Oneida Land Claims Commission shall identify the needs and requirements of the membership regarding settlement terms and how those needs might be met by a settlement.

c. The Oneida Land Claims Commission shall review proposed settlement terms and advise the Oneida Business Committee regarding the best settlement terms that may be acceptable to the General Tribal Council.

d. At least one member of the Oneida Land Claims Commission will participate, in an advisory capacity, at all meetings and events regarding Oneida land claim issues.

e. The Oneida Land Claims Commission shall advise and assist the Oneida Business Committee in the development of communication and public relations services to the General Tribal Council to provide the membership with timely information about settlement efforts.

f. The Oneida Land Claims Commission will study other Indian land claim settlements achieved between tribal, state and federal governments and disseminate that information to the membership.

g. The Oneida Business Committee provides a budget for the Oneida Land Claims Commission and the Oneida land claim staff. The Oneida Land Claims Commission will be responsible for managing that budget.

### Article III. Meetings

3-1. The Oneida Land Claims Commission shall meet the first and third Thursday of each month. The time and place of the meeting shall be established by the Oneida Land Claims Commission.

3-2. The Chair may call a meeting at any time, provided a document three-day notice is given.

3-3. Four members of the Oneida Land Claims Commission shall constitute a quorum, one of the members shall be the Chair or Vice-Chair. If a quorum is not present within 20 minutes of the announced meeting, the meeting will be declared dismissed due to no quorum and documented in the minutes.

3-4. The order of business, so far as applicable, shall be:

- a. Call to order.
- b. Reading and action on the Minutes.
- c. Travel reports.
- d. Old Business.
- e. New Business.
- f. Adjournment.

3-5. Executive session shall be called as deemed necessary by the Oneida Land Claims Commission.

3-6. All interested parties shall be encouraged to attend meetings.

3-7. *Parliamentary Authority.* The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Oneida Land Claims Commission in all cases to which they are applicable and not inconsistent with the operating policy and procedures of the Oneida Land Claims Commission.

#### Article IV. Reporting

4-1. The Oneida Land Claims Commission shall report annually and semi-annually to the General Tribal Council.

4-2. The Oneida Land Claims Commission shall report to the Oneida Business Committee twice a month.

4-3. *Travel Reports.* Written reports shall be submitted by commission members to the Oneida Land Claims Commission no later than ten days from the date of activity.

#### Article V. Amendments

5-1. The Oneida Land Claims Commission, upon written notice, may by majority vote of the members present, adopt, amend, or repeal any or all of the By-Laws, provided that the amendment or repeal has been submitted at the previous regular Oneida Land Claims Commission meeting. All such amendments approved are subject to subsequent approval by the Oneida Business Committee.

5-2. At the first regular meeting following an election of officers, a review of these By-Laws shall be conducted to determine that they are current and adequate.

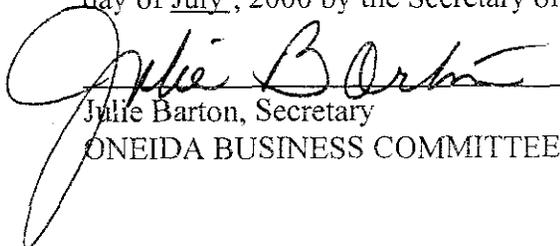
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These by-laws, as amended and revised, are hereby attested to as adopted by the Oneida Land Claims Commission at a duly called meeting by the Chairperson's signature on this 1st day of Aug, 2000.



Loretta V. Metoxen, Chair  
ONEIDA LAND CLAIMS COMMISSION

and by approved by the Oneida Business Committee at a duly called meeting held on this 26th day of July, 2000 by the Secretary of the Oneida Business Committee's signature.



Julie Barton, Secretary  
ONEIDA BUSINESS COMMITTEE

## ONEIDA LAND CLAIMS COMMISSION BYLAWS

### Article I. Authority

1-1. Name. The name of this entity shall be the Oneida Land Claims Commission ~~By~~ ~~Laws~~ ~~and~~ may hereinafter be referred to as the OLCC.

#### ~~Article 1. Authority~~

##### ~~1-1. Name~~

~~*Establishment.* The name of this body shall be the "Oneida Land Claims Commission" (OLCC). The creation document shall be cited as the by-laws of the Oneida Land Claims Commission of the Oneida Tribe of Indians of Wisconsin.~~

##### ~~1-2. , which Authority:~~

a. ~~The Oneida Land Claims Commission has evolved from the previous former~~ Litigation Committee ~~which was established on March 21, 1977~~ created by motion of the Oneida Business Committee.

b. ~~The purpose of the Oneida Land Claims Commission is~~ on March 21, 1977, ~~was originally established to make recommendations~~ supervise all activities ~~involving the New York Land Claims, including post settlement. Re-~~ established as the OLCC, its purpose was expanded to include developing ~~strategy and providing direction, as well as recommendation, for litigation,~~ negotiation and/or settlement to the Oneida Business Committee ~~on ways to~~ foster and Oneida General Tribal Council ~~participation in~~ the decision making process regarding settlement of the Oneida, with the New York Land Claims as the established priority, and Wisconsin land ~~claim~~ in New York State.

~~1-3. claims/ Office.~~ The official mailing address of this entity shall be:

~~Oneida Land Claims Commission~~  
~~P.O. Box 365~~  
~~Oneida, Wisconsin 54155~~

##### ~~1-4. Membership.~~

a. ~~The Oneida Land Claims Commission shall be composed of seven members. The additional three members shall be filled by appointment by the Oneida Business Committee to two year terms, which shall then be elected to four year terms thereafter.~~

b. ~~Members will be elected to four year staggered terms.~~

c. ~~If a resignation, death or removal occurs on the four year elected term, the vacancy shall be~~

35 filled as set forth on the Comprehensive Policy Governing Boards, Committees and Commissions.  
 36 Provided that, the Oneida Land Claims Commission may make recommendations where the  
 37 Oneida Business Committee appoints members to fill a vacancy. d. A member of the Oneida Land  
 38 Claims Commission shall be age 21 or over and a member of the Oneida Tribe. A member cannot  
 39 serve in the capacity of consultant, contractor, staff person of the Oneida Land Claims  
 40 Commission, or attorney assigned to the Oneida Land Claims Commission.

41 e. Any member desiring to resign from the Oneida Land Claims Commission shall submit their  
 42 written resignation to the Oneida Land Claims Commission.

## 43 ~~Article II. Officers~~

44 ~~2-1. Officers shall be Chair, Vice Chair and Secretary/Treasurer.~~

45  
 46 ~~2-2. Chair. The Chair shall preside at meetings, monitor all Oneida Land Claims activities, authorize travel,~~  
 47 ~~training and other requests requiring tribal funding.~~

48 a. ~~Special sub committees of the Oneida Land Claims Commission may be appointed by the Chair~~  
 49 ~~and approved by the Oneida Land Claims Commission. The sub committee shall serve until the~~  
 50 ~~duties of the sub committee are completed and a report is given to the Oneida Land Claims~~  
 51 ~~Commission.~~

52 ~~\_\_\_\_\_ b. The Chair shall be an ex-officio member of all sub-committees.~~

53 ~~2-3. Vice Chair. Vice Chair shall act in the absence of the Chair.~~ future

54 1-2. ~~2-4. Secretary/Treasurer. The Secretary/Treasurer shall monitor land claim related expenditures~~  
 55 ~~from the Oneida Land Claims Commission budget, record and compile meeting minutes and~~  
 56 ~~submit minutes to the Oneida Business Committee for final approval, maintain files of the Oneida~~  
 57 ~~Land Claims Commission and publicize meeting notices.~~ claims as the second  
 58 priority.

59  
 60 Authority. ~~2-5. Officers~~ The OLCC shall be elected by inform and educate ~~the Oneida Land Claims~~  
 61 ~~Commission on an annual basis. Officers shall take office~~ membership ~~on the date of election and serve~~  
 62 ~~a one-year term.~~

63 ~~2-6. Other Duties. The Oneida Land Claims Commission shall serve as the public and formal discussion~~  
 64 ~~group that meets on a regularly scheduled basis to inform the General Tribal Council on issues~~  
 65 ~~\_\_\_\_\_ pertaining to the settlement of the Oneida Nation land claim and to~~ claims, ~~seek~~  
 66 ~~participation of the membership.~~

67 1-3. a. ~~As part of its advisory procedures, the Oneida Land Claims Commission will hold semi-annual~~  
 68 ~~public hearings at which the \_\_\_\_\_ membership in favor of and~~  
 69 ~~opposed to settlement efforts may be heard.~~ and be further responsible for carrying out the  
 70 following \_\_\_\_\_ duties:

71 b. ~~The Oneida Land Claims Commission shall identify the needs \_\_\_\_\_~~ (a) To bring

72 ~~forward concerns~~ and ~~requirements~~suggestions of the membership regarding ~~settlement~~  
73 ~~terms and how those needs might be met by a settlement.~~

74 ~~e. The Oneida Land Claims Commission shall review proposed settlement terms and advise the~~  
75 ~~\_\_\_\_\_ the Nation's land claims to the~~ Oneida Business Committee  
76 ~~regarding the best settlement terms that may be acceptable to the General Tribal Council.~~

77 ~~d. At least one member, \_\_\_\_\_ (b) As part of the Oneida Land~~  
78 ~~Claims Commission will participate, in an its advisory capacity, at all procedures, to hold public~~  
79 ~~meetings and events regarding Oneida land claims issues.~~

80 ~~e. The Oneida Land Claims Commission shall advise and assist the Oneida Business Committee in the~~  
81 ~~development of communication and public relations services to the General Tribal Council~~undergo  
82 ~~\_\_\_\_\_ outreach~~ to provide an opportunity for the membership ~~with timely~~  
83 ~~information about settlement to voice their~~  
84 ~~\_\_\_\_\_ concerns and suggestions regarding the Nation's land claims settlement~~  
85 ~~\_\_\_\_\_ efforts, and to share those concerns/suggestions with the Oneida Business~~  
86 ~~\_\_\_\_\_ Committee.~~

87 ~~f. The Oneida Land Claims Commission will \_\_\_\_\_ (c) To~~ study other Indian land claim  
88 settlements achieved between tribal, state, \_\_\_\_\_ and federal governments and  
89 disseminate ~~that the~~ information to the \_\_\_\_\_  
90 \_\_\_\_\_ membership and the Oneida Business Committee.

91 ~~g. The \_\_\_\_\_ (d) To manage the budget that the~~ Oneida Business Committee provides a  
92 ~~budget for the Oneida Land Claims Commission to \_\_\_\_\_ the OLCC in~~  
93 ~~accordance with governing laws and policies of the Nation. \_\_\_\_\_ (e) To assist the~~  
94 ~~Oneida Business Committee with any land claims arising out~~

95 ~~\_\_\_\_\_ of natural resource issues/disputes as requested by the Oneida Business~~  
96 ~~\_\_\_\_\_ Committee.~~

97 ~~\_\_\_\_\_ (f) To carry out all other powers and/or duties delegated to the OLCC through~~  
98 ~~\_\_\_\_\_ any laws, policies, rules and/or resolutions of the Nation.~~

100 1-4. *Office.* The official office mailing address of the OLCC shall be:

101 *Oneida Land Claims Commission*

102 *P.O. Box 365*

103 *Oneida, WI 54155*

104  
105 1-5. *Membership.* ~~the Oneida land claim staff. \_\_\_\_\_~~

106 ~~\_\_\_\_\_ (a) *Number of Members.* The Oneida Land Claims Commission ~~will~~shall be~~  
107 ~~responsible \_\_\_\_\_ composed of five (5) members.~~

108 ~~\_\_\_\_\_ (b) *Elected.* Members of OLCC shall be elected by enrolled members of the~~  
109 ~~\_\_\_\_\_ Nation in accordance with the laws and/or policies of the Nation governing~~  
110 ~~\_\_\_\_\_ elections.~~

111 ~~\_\_\_\_\_ (1) Members shall serve three (3) year staggered terms as currently~~  
112 ~~\_\_\_\_\_ established.~~

113 ~~\_\_\_\_\_ (2) Members shall hold office until their term expires, they resign, or~~  
114 ~~\_\_\_\_\_ they are removed/terminated from office.~~



- 161 (A) An absence shall be considered unexcused if a member fails  
 162 to provide an OLCC Officer with written notice of his or her  
 163 intended absence at least thirty (30) minutes prior to a  
 164 meeting.
- 165 (2) Accruing eight (8) or more absences from meetings of the OLCC  
 166 within one (1) calendar year; and/or
- 167 (3) Violating one or more sections of these bylaws or any other  
 168 governing laws of the Nation.
- 169 (d) The filing of a petition for removal or submission of a recommendation for  
 170 termination shall be decided by a majority vote of the members in  
 171 attendance at an OLCC meeting of an established quorum.

173 1-7. *Trainings and Conferences.* Members of the OLCC shall attend mandatory trainings and/or  
 174 conferences as deemed necessary by a majority vote of at least a quorum of  
 175 the OLCC.

- 176 (a) Regardless of the number of trainings/conferences that he or she is required  
 177 to attend, no member of the OLCC shall be eligible to receive stipends for  
 178 attending more than five (5) full days of mandatory trainings/conferences  
 179 per year.
- 180 (b) Members shall report back to the OLCC within thirty (30) days of  
 181 completing a training or conference.

## 183 Article II. Officers

184 2-1. *Officers.* The Officer positions of the OLCC shall consist of a Chairperson, Vice-  
 185 Chairperson and Secretary.

187 2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the  
 188 Chairperson shall be as follows:

- 189 (a) To call and preside over meetings of the OLCC;
- 190 (b) To monitor all Oneida Nation land claim activities and request travel,  
 191 additional training, and/or other budgetary items requiring funding from the  
 192 Nation;
- 193 (c) To create subcommittees of the OLCC and appoint its members in  
 194 accordance with section 2-5 of these bylaws.
- 195 (d) To, personally or through a designee, submit annual/semi-annual reports to  
 196 the Oneida General Tribal Council and quarterly reports to the Oneida  
 197 Business Committee in accordance with the Boards, Committees and  
 198 Commissions law; and
- 199 (e) To attend or designate a member of the OLCC to attend the Oneida Business  
 200 Committee meeting in which the OLCC's quarterly report appears on the  
 201 agenda.

203 2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the  
 204 Vice-Chairperson shall be as follows:

- 205 (a) To act in the absence of the Chairperson.

207 2-4. Responsibilities of the Secretary. The duties, responsibilities and limitations of the  
 208 Secretary shall be as follows:

- 209 (a) To monitor the land claims related expenditures from the OLCC budget;
- 210
- 211 (b) To record, both in writing and audibly; compile; and submit meeting  
 212 minutes in accordance with these bylaws and the Boards, Committees and  
 213 Commissions law;
- 214 (c) To maintain files of the OLCC in accordance with the Nation's Open  
 215 Records and Open Meetings law;
- 216 (d) To provide notice of meetings, as well as notice of meeting location, agenda,  
 217 documents and minutes, in accordance with these bylaws, the Boards,  
 218 Committees and Commissions law, and the Nation's Open Records and  
 219 Open Meetings law; and
- 220 (e) In the event that both the Chairperson and the Vice-Chairperson positions  
 221 become vacant before the end of their terms, to call meetings of the OLCC  
 222 to fill the vacancies and to preside over those meetings for the sole purpose  
 223 of conducting an election of new Officers, at which point the Chairperson,  
 224 or Vice-Chairperson in the absence of the Chairperson, shall preside.

225

226 2-5. Subcommittees. Subcommittees of the OLCC may be created and dissolved in accordance  
 227 with the Boards, Committees and Commissions law.

- 228 (a) Subcommittees of the OLCC may be created and appointed by the Chair-  
 229 person upon approval by majority vote of the members in attendance at an  
 230 OLCC meeting of an established quorum.
- 231 (1) The Chairperson shall be an ex-officio member of all subcommittees  
 232 of the OLCC.
- 233 (b) A subcommittee of the OLCC shall serve until the duties of the sub-  
 234 committee are completed and a report is given to the OLCC.
- 235 (c) Members of subcommittees of the OLCC shall not be eligible for stipends  
 236 unless a specific exception is made by the Oneida Business Committee or  
 237 the Oneida General Tribal Council.

238

239 2-6. Selection of Officers. Officers of the OLCC shall be elected on an annual basis by majority  
 240 vote of the members in attendance at an OLCC meeting of an established  
 241 quorum.

- 242 (a) Officers shall take office on the date of election and serve a one (1) year  
 243 term.
- 244 (b) Members may be dismissed from their Officer positions by majority vote of  
 245 the members in attendance at an OLCC meeting of an established quorum.
- 246 (c) Officers shall hold no more than one (1) Officer position per Officer term.

247

248 2-7. Budgetary Sign-Off Authority and Travel. The OLCC shall follow the Nation's policies  
 249 and procedures regarding purchasing and sign-off authority.

- 250 (a) The levels of budgetary sign-off authority for the OLCC shall be as set forth  
 251 in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing*  
 252 *Policies and Procedures*, for Area Directors/Enterprise Directors.

253 (1) All OLCC Officers have sign-off authority and two (2) Officers  
 254 shall be required to sign-off on all budgetary requests, except as  
 255 follows:

256 (A) The Oneida Business Committee Support Office shall have  
 257 sign-off authority over requests for stipends, travel per diem  
 258 and business expense reimbursement.

259 (b) The OLCC shall approve a member's request to travel on behalf of the  
 260 OLCC by a majority vote of the members in attendance at a regular or  
 261 emergency OLCC meeting of an established quorum.

262  
 263 2-8. *Personnel.* The OLCC shall not have the authority to hire personnel for the benefit of  
 264 the OLCC.  
 265

### 266 **Article III. Meetings**

267 3-1. *Regular Meetings.* The ~~Oneida Land Claims Commission~~ OLCC shall meet the first and third  
 268 Thursday of each month. \_\_\_\_\_,  
 269 commencing at 5:30 p.m., in Room 338 of the Norbert Hill Center located  
 270 in Oneida, Wisconsin.

271 (a) The date, time and/or place of the meeting shall may be established reviewed  
 272 by the ~~Oneida Land Claims Commission~~ OLCC from time-to-  
 273 time and changed as deemed necessary by a majority vote of \_\_\_\_\_  
 274 the members in attendance at an OLCC meeting of an established quorum  
 275 so long as notice is provided to all members in writing and, along with the  
 276 public, in accordance with the Nation's Open Records and Open Meetings  
 277 law, prior to the implementation of a new date, time and/or location.

278 (b) All OLCC members shall be provided notice of meeting location, agendas,  
 279 documents, materials and minutes via email communication sent to the  
 280 official Oneida Nation email address provided each member to conduct  
 281 business electronically on behalf of the Board and, along with the public,  
 282 shall further be noticed in accordance with the Nation's Open Records and  
 283 Open Meetings law.

284 (c) The OLCC shall conduct all meetings consistent with Robert's Rules of  
 285 Order.  
 286

287 3-2. *Emergency Meetings.* An emergency meeting may be called when an issue arises requiring  
 288 immediate action of the OLCC that cannot wait until its next regularly  
 289 scheduled meeting.

290 (a) Emergency meetings may be called by the Chairperson or Vice-  
 291 Chairperson.

292 (b) The OLCC Secretary shall provide notice of emergency meetings to all  
 293 OLCC members via telephone call, as well as email or text messaging, at  
 294 least twenty-four (24) hours before the scheduled meeting and, along with  
 295 the public, shall further provide notice in accordance with the Nation's  
 296 Open Records and Open Meetings law.

297 (1) Notice via email communication shall be sent to the official Oneida  
 298 Nation email address that was provided to all members to conduct  
 299 business electronically on behalf of the OLCC.

300 (c) Within seventy-two (72) hours after an emergency meeting, the Board shall  
 301 provide the Nation's Secretary with notice of the emergency meeting, the  
 302 reason for the emergency meeting, and an explanation as to why the matter  
 303 could not wait until the next regular meeting.

304  
 305 3-3. Joint Meetings. Joint meetings between the OLCC and the Oneida Business Committee  
 306 may be held at the Norbert Hill Center located in Oneida, Wisconsin as  
 307 agreed upon between the parties.

308 (a) Notice of the joint meeting agendas, documents and minutes shall be  
 309 provided, and the joint meetings conducted, in accordance with resolution  
 310 BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with  
 311 the Boards, Committees and Commissions – Definitions and Impact, as may  
 312 be amended from time-to-time hereafter.

313  
 314 ~~3-4.3-2. The Chair may call a meeting at any time, provided a document three day notice is given.~~

315 ~~3-3. Four members of the Oneida Land Claims Commission shall constitute a quorum, one of the members~~  
 316 ~~shall be the Chair or Vice Chair. If a quorum is not present within 20 minutes of the Quorum.~~

317 A quorum shall consist of at least three (3) members of the OLCC, one (1)  
 318 of whom shall include the Chairperson, Vice-Chairperson or Secretary;  
 319 provided, the Secretary is the presiding Officer pursuant to section 2-4(e) of  
 320 these bylaws.

321 (a) If a quorum has not been established within fifteen (15) minutes of the  
 322 announced meeting start time, the meeting will be declared dismissed due  
 323 to no quorum and documented in the next meeting minutes.

324 ~~3-4.~~ (b) Members may participate in OLCC meetings, with prior approval from the  
 325 Chairperson or Vice-Chairperson, via skype, conference call or video  
 326 conference.

327 (1) Members authorized to participate in a meeting per section 3-4(b) of  
 328 these bylaws shall be deemed in attendance for purposes of  
 329 establishing a meeting quorum but shall not be eligible to receive a  
 330 stipend for meeting attendance under section 5-1 of these bylaws.

331  
 332 3-5. Order of Business. The order of business, ~~so far~~ as applicable, shall be:

333 (a) ~~a.~~ Call to ~~order.~~ Order/Roll Call

334 (b) ~~b.~~ Reading and action on the Opening Prayer

335 (c) Approval of Agenda

336 (d) Approval of Minutes.

337 ~~c. Travel reports.~~

338 (e) ~~d.~~ Old Business./Standing Items

339 (f) ~~e.~~ New Business.

340 (g) ~~f.~~ Reports

341 (h) Executive Session

342 (i) Open Discussion

343 (j) Adjournment-/Closing Prayer

344 ~~3-5. Executive session~~

345 ~~3-6. Voting. Decisions of the OLCC shall be by majority vote of the members in~~  
 346 ~~attendance at an OLCC meeting of an established quorum.~~

347 ~~(a) The Chairperson, or Officer presiding in his or her absence pursuant to these~~  
 348 ~~bylaws, shall only be allowed to vote in cases of a tie.~~

349 ~~(b) E-polls are permissible so long as conducted in accordance with the Boards,~~  
 350 ~~Committees and Commission law.~~

351 ~~(1) The Vice-Chairperson shall serve as the Chairperson's designee for~~  
 352 ~~the responsibility of conducting an e-poll in the Chairperson's~~  
 353 ~~absence or discretion.~~

#### 354 Article IV. Expectations

355 ~~4-1. shall be called as deemed necessary by the Oneida Land Claims Commission.~~

357 ~~3-6. All interested parties shall be encouraged to attend meetings.~~

358 ~~3-7. Parliamentary Authority. The rules contained in the current edition of Robert's Rules of Order, Newly~~  
 359 ~~Revised, shall govern the Oneida Land Claims Commission in all cases to which they are applicable and not~~  
 360 ~~inconsistent with the operating policy and procedures of the Oneida Land Claims Commission.~~

361

#### 362 Article IV. Reporting

363 ~~4-1. The Oneida Land Claims Commission shall report annually and semi-annually to the General Tribal~~  
 364 ~~Council.~~

365 ~~4-2. The Oneida Land Claims Commission shall report to the Oneida Business Committee twice a~~  
 366 ~~month.~~

367 ~~4-3. Travel Reports. Written reports shall be submitted by commission members to the Oneida Land~~  
 368 ~~Claims Commission no later than ten days from the date of activity.~~

369

#### 370 Article V. Amendments

371 ~~5-1. The Oneida Land Claims Commission, upon written notice, Behavior of Members. Members of~~  
 372 ~~the OLCC are expected to treat each other in \_\_\_\_\_ accordance~~  
 373 ~~with the Nation's core values of The Good Mind as expressed~~

374 ~~\_\_\_\_\_ by On^yote'a'ka. In addition, OLCC members are expected to:~~

375 ~~(a) Attend all OLCC meetings and actively participate.~~

376 ~~(1) A member who has three (3) unexcused meeting absences in one (1)~~  
 377 ~~calendar year shall be added to an OLCC meeting agenda for~~  
 378 ~~consideration of possible enforcement pursuant to subsection (c) of~~  
 379 ~~this section.~~

380 (A) An absence shall be deemed unexcused if a member fails to  
 381 provide an OLCC Officer with written notice of his or her  
 382 pending absence at least thirty (30) minutes prior to the  
 383 missed meeting.

384 (2) A member who has accrued eight (8) meeting absences, whether  
 385 excused or unexcused, in one (1) calendar year shall be added to an  
 386 OLCC meeting agenda for consideration of possible enforcement  
 387 pursuant to subsection (c) of this section.

388 (b) Adhere to this section, as well as every other section, of these bylaws and  
 389 to any governing laws and/or policies of the Nation.

390 (c) *Enforcement.* Any member found to be in violation of this section of these  
 391 bylaws may be subject to the following:

392 (1) Sanctions and penalties in accordance with any laws or policies of  
 393 the Nation governing sanctions and/or penalties of officials.

394 (2) If the member was elected, the OLCC's filing of a petition for his or  
 395 her removal pursuant to the Removal law and/or any other laws or  
 396 policies of the Nation governing the removal of elected officials.

397 (3) If the member was appointed, the OLCC's recommendation to the  
 398 Oneida Business Committee for termination of his or her  
 399 appointment pursuant to the Boards, Committees and Commissions  
 400 law and/or any other laws or policies of the Nation governing the  
 401 termination of appointed officials.

402 (A) The filing of a petition for removal or recommendation for  
 403 termination shall be decided by a majority vote of the  
 404 members in attendance at an OLCC meeting of an  
 405 established quorum.

407 4-2. Prohibition of Violence. Members are prohibited from committing any intentionally violent  
 408 act that inflicts, attempts to inflict, or threatens to inflict emotional or bodily  
 409 harm on another person, or damage to personal property.

410 (a) Along with the possibility of enforcement under section 4-1 of these bylaws,  
 411 members who violate this section shall be ejected from the meeting.

413 4-3. Drug and Alcohol Use. The use of alcohol and illegal drugs by members when acting in  
 414 their official capacity is prohibited.

415 (a) Along with the possibility of enforcement under section 4-1 of these bylaws,  
 416 members who present at meetings or events of the OLCC in violation of this  
 417 section shall be ejected from the meeting/event.

419 4-4. Social Media. OLCC members shall adhere to the Oneida Nation's Social Media Policy  
 420 and their oath of office when using social media while acting on behalf of  
 421 or as a representative of the OLCC.

422 (a) Any social media use on behalf of or as a representative of the OLCC must  
 423 be approved in advance by a majority vote of the members in attendance at  
 424 an OLCC meeting of an established quorum.

425

426 4-5. *Conflict of Interest.* OLCC members shall abide by all laws of the Nation governing  
 427 conflicts of interest.

428  
 429 **Article V. Stipends and Compensation**

430 5-1. *Stipends.* Members shall be eligible for the following stipends as set forth in and  
 431 subject to these bylaws; the Boards, Committees and Commissions law; and  
 432 resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D  
 433 Boards, Committees and Commissions Law Stipends, as may be further  
 434 amended from time-to-time hereafter:

435 (a) Two (2) meeting stipends per month, provided that:

436 (1) A quorum was established;

437 (2) The meeting of the established quorum lasted for at least one (1)  
 438 hour; and

439 (3) The member collecting the stipend was physically present for the  
 440 entire meeting.

441 (b) A stipend for attending duly called joint meetings between the OLCC and  
 442 the Oneida Business Committee, provided that:

443 (1) A quorum was established by the OLCC;

444 (2) The joint meeting lasted for at least one (1) hour; and

445 (3) The member collecting the stipend was physically present for the  
 446 entire joint meeting.

447 (c) A stipend for attending a Judiciary hearing so long as the member's  
 448 attendance at the hearing was required by official subpoena.

449 (d) A stipend for attending a conference or training, provided that:

450 (1) The member attended a full day of training or was present at the  
 451 conference for a full day; and

452 (2) The member's attendance at the conference or training was required  
 453 by law, bylaws or resolution.

454  
 455 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized  
 456 by the Boards, Committees and Commissions law, members shall not be  
 457 eligible for any other form of compensation for duties/activities they  
 458 perform on behalf of the OLCC.

459 (a) Before submitting to the Oneida Business Committee Support Office for  
 460 reimbursement sign-off, members shall submit written reports on accrued  
 461 travel, per diem and/or business expenses, in a format approved by the  
 462 Secretary, to the Secretary no later than ten (10) days from the date of the  
 463 activity.

464  
 465 **Article VI. Records and Reporting**

466 6-1. *Agenda Items.* Agenda items shall be maintained in a format developed by the Oneida  
 467 Business Committee Support Office.

468  
 469 6-2. *Minutes.* Meeting minutes shall be typed and in a consistent format created by the  
 470 Oneida Business Committee Support Office to generate the most

informative record of the meeting and shall include, but not be limited to, a summary of all action taken by the OLCC during the meeting.

- (a) Copies of the OLCC's official meeting minutes shall be provided to the Oneida Business Committee Support Office within thirty (30) days of the meeting.

6-3. *Attachments.* All handouts, reports, memorandum and the like shall be attached to the official meeting minutes and agenda in which they were presented for record keeping.

- (a) The meeting minutes, agenda and attachments shall be maintained by the OLCC Secretary and/or Secretary's designee in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.

6-4. *Oneida Business Committee Liaison.* The OLCC shall communicate regularly with the member of the Oneida Business Committee who is its designated liaison.

- (a) The frequency and method of communication shall be as agreed upon by the OLCC and the liaison, but not less than that which is required in any law or policy on reporting developed by the Oneida Business Committee or the Oneida General Tribal Council.
- (b) The purpose of the liaison relationship is to uphold the ability of the liaison to act as support to the OLCC.

6-5. *Audio Recordings.* All meetings of the OLCC shall be audio recorded by the Secretary or Secretary's designee using a device provided or approved by the Oneida Business Committee Support Office.

- (a) The Secretary shall maintain the audio recordings in accordance with the Nation's Open Records and Open Meetings law.
- (b) *Exception.* Audio recordings of executive session portions of meetings will not be recorded.

## **Article VII. Amendments**

7-1. *Amendments to Bylaws.* The OLCC may, upon written notice in accordance with these bylaws and any governing laws of the Nation, by majority vote of the members present at an OLCC meeting of an established quorum, adopt, amend, or repeal any or all of the ~~By-Laws,bylaws;~~ provided ~~that,~~ the amendment or ~~repeal~~ ~~has~~ ~~had~~ been submitted at the previous regular ~~Oneida Land Claims Commission meeting.~~ ~~OLCC meeting for~~ review.

- (a) Any amendments to or repeals of these bylaws shall conform to the requirements of the Boards, Committees and Commissions law and any other policy of the Nation.

(b) All such amendments/repeals must be approved ~~are subject to subsequent approval~~ by the Oneida Business ~~Committee.~~ ~~5-2.,~~ as well as the Oneida General Tribal Council if required, prior to implementation.





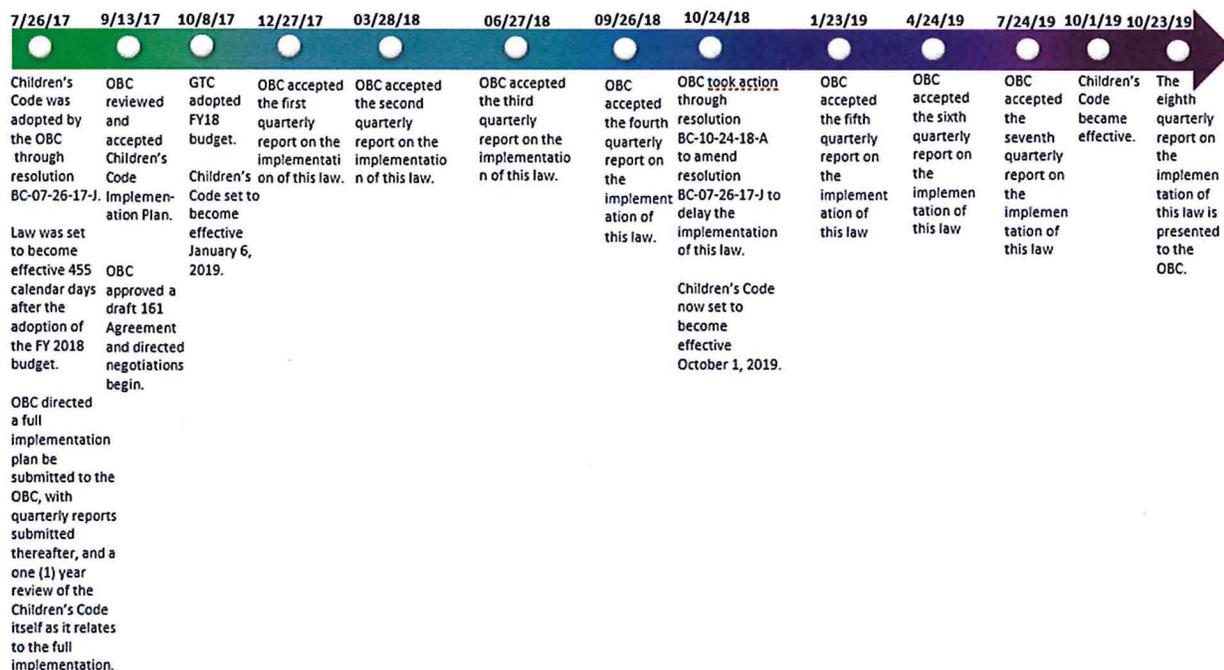
TO: Oneida Business Committee  
 FROM: David P. Jordan, LOC Chairperson  
 DATE: October 23, 2019  
 RE: Children's Code Implementation Quarterly Update

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation. On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan was to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. The OBC was granted the authority to modify the effective date of the Children's Code or implementation plan as it deems necessary to successfully implement the Children's Code.

The Oneida Business Committee then took action through resolution BC-10-24-18-A to amend resolution BC-07-26-17-J to delay the implementation of the Children's Code.

The Children's Code became effective on October 1, 2019. This memorandum serves as the eighth quarterly update to the OBC on the implementation of the Children's Code.



## ONEIDA FAMILY COURT

### *Accomplishments*

In accordance with the approved implementation plan, the Oneida Family Court (OFC) was able to complete the following by the time of this eighth quarterly report:

- *Training.*
  - On August 7-9, 2019, Judge Collins trained the OFC staff on the Children's Code and on "Threats, Vulnerability, and Protective Capacity" related to child safety decision-making.
  - On August 20-23, 2019, Judge Zelenski attended a judicial skills training on scholarship that addressed child safety planning, peacemaking and traditional dispute resolution, and brain science and trauma informed decision-making hosted by the National American Indian Court Judges Association (NAICJA) and Casey Family Programs.
  - On September 25-27, 2019, Judge Collins, along with representatives from the Indian Child Welfare Department and the Legal Resource Center, attended the 2019 Conference on Child Welfare and the Courts.
- *OFC Website.*
  - The Judiciary's website has been updated to include Children's Code forms along with summaries of what the forms may be used for.
- *Guardian Ad Litem Training.*
  - The OFC has developed an agenda and training materials for a guardian ad litem (GAL) training focused on the Children's Code.
  - GAL training sessions were held on July 17-19, 2019 and August 14-16, 2019.
  - There were 33 trainees that attended the sessions and 29 of the trainees applied to be a GAL.
  - After conducting background checks and interviews, the OFC has created a main list and reserve list of GALs certified to take Children's Code cases.
- *Development of Forms.*
  - The OFC developed a new court form - a Stepparent Adoption Packet.
- *Collaboration with ICW on Case Transfers.*
  - On October 1, 2019, the OFC met with ICW's attorney to discuss potential case transfers and the 161 Agreements. The OFC requested updates on the 161 Agreements and case transfers once they become available.
- *Children's Code Prayer.*
  - On October 1, 2019, representatives from the ICW Department, Cultural Heritage Department, and the Legal Resource Center came to the Judiciary to do a prayer to kick off the new journey with the Children's Code.

### *Goals*

In accordance with the approved implementation plan, the OFC has the following goals for the next quarter:

- *Guardian Ad Litem Training.*
  - This fall, individuals who are approved to take GAL appointments in the current caseload will be offered an opportunity to be certified to work on Children's Code cases. Those that have been approved to take GAL appointments for Children's

Code cases will also be offered an opportunity to be certified to take appointments related to the current caseload.

## ONEIDA INDIAN CHILD WELFARE DEPARTMENT

### *Accomplishments*

In accordance with the approved implementation plan, the Indian Child Welfare Department (ICW) was able to complete the following in time for the eighth quarterly report:

- *Hiring of Additional Staff.*
  - All vacant ICW positions have been filled.
- *Training.*
  - Training for staff continues, both internally through a newly developed orientation and through our partnership with Wisconsin Child Welfare Professional Development System (WCWPDS).
  - A manual on court processes was created to assist in training staff.
- *Development of Receiving Home Contract.*
  - A contract with our identified Receiving Home has been drafted and went for legal review in early October.
- *Enrollments Database.*
  - ICW met with MIS to learn how to access the Enrollments database.
- *Collaboration with the Counties.*
  - There have been ongoing meetings with Brown and Outagamie County leadership team to discuss collaboration and process for when the Children's Code is effective.
  - On September 5, 2019, ICW held a collaboration & team building day with Brown County Child Protective Services, which was facilitated by Oneida Adventures. This day included a meet and greet, as well as a question and answer opportunity on the upcoming process.
- *Collaboration with the Oneida Business Committee.*
  - ICW has met with Governmental Services Division leadership and the Oneida Business Committee during Oneida Business Committee executive session meetings on July 24, 2019, August 27, 2019, to discuss updates on implementation and staffing concerns.
- *Communication with the Department of Children and Families Tribal Liaison.*
  - ICW held a phone conference with the Department of Children and Families Tribal Liaison and Brown and Outagamie County leadership regarding access to eWISACWIS.
- *Approval for Reflective Practice.*
  - ICW gained final approval to begin Reflective Practice through Behavioral Health. Selfcare, as a personal/professional growth resource.
- *Mock Child Welfare Trial.*
  - On July 12, 2019, ICW and the Judiciary participated in a mock trial. This provided a training opportunity for ICW staff to complete court forms and run through the court process.
- *Development of Standard Operating Procedures.*
  - ICW completed standard operating procedures (SOPs) for how the department will handle being on-call. This created procedures and tools for scheduling and tracking on-call for staff.

## Goals

In accordance with the approved implementation plan, ICW has the following goals for the next quarter:

- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
  - ICW hopes to finalize a 161 Agreement and MOU with both Brown County and Outagamie County that will detail the relationship, roles, payment for placements, communication, and responsibilities.
- *Hiring of Additional Staff.*
  - ICW has a current staff member that will be resigning on November 1, 2019.
  - ICW has already requested that the Human Resources Department post for this position.
- *Training of Staff and Development of Standards.*
  - ICW would like to continue training all ICW staff.
  - Once all MOUs are finalized, all ICW staff will have to be trained on and familiar with the provisions of the MOUs.
- *Memorandums of Understanding.*
  - ICW hopes to receive an approved memorandum of understanding with the Oneida Police Department that will detail the relationship, roles, communication, and responsibilities of the two departments.
  - ICW would like to enter into a memorandum of understanding with the Oneida Behavioral Health for urinary analysis services.
- *Transfer of Cases.*
  - ICW hopes to soon begin transferring new incoming cases and begin utilizing the Children's Code.
- *Database Access.*
  - ICW hopes to determine the access to databases available to ICW and determine what ICW will need to case manage successfully.
- *Acquisition of Contracts.*
  - ICW would like to finalize a contract for the use a receiving home.
- *Determination of Payments.*
  - ICW needs to determine on-call payments as well as out of home payments.

## Challenges and Barriers to Implementation

The following matters have served as a challenge or barrier for ICW in their efforts to implement the Children's Code:

- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
  - The negotiations for the 161 Agreements and memorandums of understanding have progressed slowly.
- *Database Access.*
  - Access to eWISACWIS, or a lack of access more specifically, has been a challenge for ICW. Navigating how payments will work between the Nation and the Counties in according with our 161 agreements has also been a challenge.

## Concerns

ICW has the following concerns for the implementation of the Children's Code:

- *Legal Representation.*
  - ICW has concerns that the department will need more time and commitment from its legal representation in the future for the Children’s Code to be successful.
- *On-Call Scheduling.*
  - ICW has concerns that on-call scheduling will have a negative impact on staff. ICW is concerned for the burn out of the staff.
- *Effect of 161 Agreements of the Transfer of Cases.*
  - ICW has concerns on the lack of a signed 161 Agreement and how this may affect the transfer of cases before an agreement is signed.

## 161 AGREEMENT NEGOTIATION TEAM

The OBC reviewed the draft 161 Agreement and on September 13, 2017, the OBC made a motion to accept the update and changes to the draft 161 agreement as information, and directed the negotiating team composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County followed by Brown County.

### *Accomplishments*

The 161 Agreement Negotiation Team has completed the following in time for the eighth quarterly report:

- *Outagamie County Negotiations.*
  - The 161 Agreement and memorandum of understanding negotiations with Outagamie County are complete, and the 161 Negotiation team hopes these agreements can be approved in November 2019.
- *Brown County Negotiations.*
  - The 161 Agreement and memorandum of understanding negotiations with Brown County are ongoing.

### *Goals*

In accordance with the approved implementation plan, the 161 Agreement Negotiation Team has the following goals for the next quarter:

- *Outagamie County Negotiations.*
  - Successfully secure a 161 Agreement and memorandum of understanding with Outagamie County.
- *Brown County Negotiations.*
  - Successfully secure a 161 Agreement and memorandum of understanding with Brown County.

### *Challenges and Barriers to Implementation*

The following matters have served as a challenge or barrier for the 161 Negotiation Team in their efforts to implement the Children’s Code:

- *161 Agreement and Memorandums of Understanding.*
  - The process for securing 161 Agreements and memorandums of understanding with both Outagamie County and Brown County has moved forward much slower than anticipated.

**Requested Action**

Accept the eighth, and final, Children's Code Quarterly Update.



# October 2019

October 2019							November 2019						
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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 29	30	Oct 1	2 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting (BC_Conf_Room) 9:00am LOC Meeting	3	4	5
6	7 12:00pm Sanctions and Penalties Law Community Outreach: Elder Congregate Meal Site	8	9	10	11	12
13	14	15	16 9:00am LOC Meeting (BCCR) - LOC	17 12:00pm PUBLIC MEETING: Child Support Law Amendments (BC_Conf_Room) - Clorissa N. Santiago	18 11:00am Sanctions and Penalties Law Community Outreach: SEOTS (SEOTS) - Clorissa N. Santiago	19
20	21	22	23	24 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	25	26
27	28	29	30	31 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	Nov 1	2

# November 2019

November 2019

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

December 2019

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				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 27	28	29	30	31	Nov 1	2
3	4	5	6 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting (BC_Conf_Room) 9:00am LOC Meeting	7	8	9
10	11	12	13	14 1:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	15	16
17	18	19	20 9:00am LOC Meeting (BCCR) - LOC	21	22	23
24	25	26	27	28	29	30