



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA - REVISED

Business Committee Conference Room-2nd Floor Norbert Hill Center

April 19, 2017 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. April 5, 2017 LOC Meeting Minutes
- III. Current Business**
 - 1. Domestic Animals (Oneida Tribal Regulation of) Amendments
 - 2. Independent Contractor Policy Amendments
 - 3. Workplace Violence
 - 4. Landlord-Tenant Permanent Amendments
 - 5. Conflict of Interest Permanent Amendments
 - 6. Election Law Emergency Amendments
 - 7. Business Committee Meetings Law
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
 - 1. FY17 Second Quarter Report
- VII. Executive Session**
- VIII. Recess/Adjourn**



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



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

April 5, 2017 9:00 a.m.

Present: Brandon Stevens, David P. Jordan, Jennifer Webster

Excused: Fawn Billie, Tehassi Hill

Others Present: Tani Thurner, Jennifer Falck, Candice Skenandore, Clorissa Santiago, Maureen Perkins, Rae Skenandore, Krystal John, Robert Collins, Brad Graham, Norbert Hill Jr., Nancy Barton, Bonnie Pigman, Gina Buenrostro, Ed Delgado, Danelle Wilson, Jeanette Ninham, Dale Powless, Cathy Bachhuber, Jessica Wallenfang, Trish King

I. Call to Order and Approval of the Agenda

Brandon Stevens called the April 5, 2017 Legislative Operating Committee meeting to order at 9:02 a.m.

Motion by David P. Jordan to approve the agenda, removing the Business Committee Meetings law and forwarding it to a work meeting, and moving Children's Code to the end of the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be approved

1. March 15, 2017 LOC Meeting Minutes

Motion by David P. Jordan to approve the March 15, 2017 LOC meeting minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Endowment Fund Amendments (01:23-12:36)

Motion by Jennifer Webster to approve the adoption packet and forward the Endowment Fund Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

2. Children's Code (01:01:15-02:07:47)

Motion by David P. Jordan to approve the public meeting packet with the noted change and forward the Child Welfare law to a public meeting to be held on May 4, 2017; seconded by Jennifer Webster. Motion carried unanimously.

Noted Change:

708.5-3. *Jurisdiction over other Matters Relating to Children.* If ~~personal~~ jurisdiction ~~over the child~~ has been established under section 708.5-1 and section 708.5-2 the Court may:

- (a) terminate parental rights to a child;
- (b) appoint, revise, and/or remove a guardian; and
- (c) hold adoption proceedings.

3. **~~Business Committee Meetings Law~~**

Item deleted at adoption of the agenda and deferred to a work meeting.

4. **Drug and Alcohol Free Workplace Amendments (12:50-15:03)**

Motion by Jennifer Webster to accept the Drug and Alcohol Free Workplace Amendments public meeting comments; seconded by David P. Jordan. Motion carried unanimously.

Motion by David P. Jordan to approve the adoption packet and forward the Drug and Alcohol Free Workplace Amendments to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

5. **Employment Law (15:15-21:42)**

Motion by Jennifer Webster to approve the memorandum requesting the Oneida Business Committee to direct the Oneida Personnel Commission to submit input regarding the Employment Law by May 17, 2017 and forward this memorandum to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

6. **Higher Education Scholarship (21:43-22:29)**

Motion by Jennifer Webster to move the Higher Education Scholarship from high priority to medium priority; seconded by David P. Jordan. Motion carried unanimously.

7. **Community Support Fund Amendments (22:43-24:06)**

Motion by Jennifer Webster to approve the BC resolution extending the effective date of the Community Support Fund Amendments and forward to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

Please note the extension is for a 120 days or September 8, 2017

8. **Conflict of Interest Emergency Amendments (24:07-28:26)**

Motion by Jennifer Webster to accept the Conflict of Interest Emergency Amendments draft and analysis and direct the Legislative Reference Office to prepare an adoption packet for an e-poll if HUD responds approving the draft prior to the April 12, 2017 Oneida Business Committee meeting; seconded by David P. Jordan. Motion carried unanimously.

IV. New Submissions

1. **Landlord-Tenant Rule No. 2 Certification – Income Based Rental Program (28:33-42:12)**

Motion by Jennifer Webster to certify Landlord-Tenant Rule No. 2 Certification – Income Based Rental Program; seconded by David P. Jordan. Motion carried unanimously.

2. **Landlord-Tenant Rule No. 3 Certification – Elder Rental Program (42:13-42:49)**

Motion by Jennifer Webster to certify Landlord-Tenant Rule No. 3 Certification – Elder Rental Program; seconded by David P. Jordan. Motion carried unanimously.

3. **Eviction and Termination Rule No. 1 Certification – Disposal of Abandoned Personal Property** (42:51-48:15)

Motion by David P. Jordan to certify Eviction and Termination Rule No. 1 Certification – Disposal of Abandoned Personal Property; seconded by Jennifer Webster. Motion carried unanimously.

4. **Professional Conduct for Attorneys and Advocates** (48:18-53:32)

Motion by David P. Jordan to add the Professional Conduct for Attorneys and Advocates to the active files list as a high priority, with David P. Jordan as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

5. **Legal Resource Center (Emergency)** (53:34-57:56)

Motion by Jennifer Webster to add the Legal Resource Center Emergency law to the active files list as a high priority with Brandon Stevens as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

Motion by Jennifer Webster to remove the GTC Legal Resource Center Governing Documents item from the active files list; seconded by David P. Jordan. Motion carried unanimously.

V. Additions

VI. Administrative Updates

1. **LOC Meeting SOP** (58:04-59:38)

Motion by Jennifer Webster to accept the LOC Meetings SOP as information; seconded by David P. Jordan. Motion carried unanimously.

2. **FY17 Second Quarter Report** (59:43-01:01:10)

Motion by David P. Jordan to approve the FY17 Second Quarter report and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by David P. Jordan to adjourn the April 5, 2017 Legislative Operating Committee meeting at 11:18 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee
April 19, 2017

Domestic Animals (Tribal Regulation of) Amendments

Submission Date: 9/16/15	Public Meeting: n/a
LOC Sponsor: Tehassi Hill	Emergency Enacted: n/a Expires: n/a

Summary: *Amendments were requested to protect community members from disease, set minimum standards for treatment of animals, prohibit certain animals from being brought on the Reservation, regulate livestock, and establish consequences for damages caused by domestic animals.*

9/16/15 LOC: Motion by Tehassi Hill to add the Domestic Animals Law Amendments to the Active Files List with Tehassi Hill as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

10/21/15 LOC: Motion by David P. Jordan to defer the Domestic Animals Law Amendments for a legislative analysis and fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

2/15/17 LOC: Motion by Jennifer Webster to upgrade the Domestic Animals Ordinance Amendments, the Children's Code, Code of Ethics Amendments, and the Sanctions and Penalties Law from medium priority to high priority; seconded by Tehassi Hill. Motion carried unanimously.

Next Steps:

- Approve the Domestic Animals Amendments and send for legislative analysis to be completed for May 3, 2017.

Title 3. Health and Public Safety - Chapter 304
DOMESTIC ANIMALS
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matters concerning the pet animals

304.1. Purpose and Policy	304.6. Requirements for Dogs and Cats
304.2. Adoption, Amendment, Conflicts	304.7. Treatment of Animals
304.3. Definitions	304.8. Prohibited Animals
304.4. Jurisdiction	304.9. Regulation of Livestock
304.5. Licensing, Authority, Investigation, Responsibilities and Enforcement Powers	304.10. Dangerous Animals and Prohibited Dangerous Animals
	304.11. Violations, Enforcement and Appeals

304.1. Purpose and Policy

304.1-1. *Purpose.* The purpose of this law is to:

- (a) protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) set minimum standards for the treatment of animals;
- (c) prohibit certain species of animals from being brought onto the Reservation;
- (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
- (e) establish consequences for damages caused by domestic animals.

304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by:

- (a) requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) establishing requirements for licensing domestic animals, and
- (c) regulating the types of animals may be kept as domestic animals.

304.2. Adoption, Amendment, Repeal

304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and amended by resolutions BC-06-22-11-G and _____.

304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

304.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

304.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

304.3. Definitions

304.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "District Quarantine" means a rabid or otherwise diseased Domestic Animal is suspected or known to be within a discernible area and all such animals reasonably suspected of being infected are subject to enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animals are tested for diseases, including rabies.

(b) "Domestic animals" means dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids, and all other animals commonly owned as household pets, provided that domestic animals specifically excludes exotic animals as identified in section 304.8-2.

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(c) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.

(d) “Livestock” means any equine (i.e. horse, donkey, ect.), bovine (i.e. cow, steer, heifer, ect.), sheep, goat, pig, or domestic fowl, including game fowl raised in captivity.

(e) “Nation” means the Oneida Nation.

(f) “Owner” means any person who owns, harbors, keeps, controls or acts as a caretaker for an animal. Absent evidence of alternative adult ownership, this law presumes that domestic animals are owned by the adult homeowner or renter.

(g) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of wildlife with return of the same at the discretion of Environmental Resource Board and restitution.

(h) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) “Quarantine” means the act of keeping an animal in enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animal is tested for diseases, including rabies.

(j) “Tribal member” means an enrolled member of the Nation.

304.4. Jurisdiction

304.4-1. *Personal Jurisdiction.* This law applies to:

(a) All Tribal members; the Nation’s entities and corporations; and members of other federally-recognized tribes.

(b) Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual Tribal members; and/or lands held in trust on behalf of the Nation or individual Tribal members.

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. For the purposes of this subsection, an individual shall be considered to have consented to the jurisdiction of the Nation:

(1) By entering into a consensual relationship with the Nation, or with the Nation’s entities, corporations, or Tribal members, including but not limited to contracts or other agreements; or

(2) By other facts which manifest an intent to consent to the authority of the Nation, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner.

304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by the Nation and individual Tribal member trust and/or fee land.

304.5. Authority

304.5-1. *Oneida Police Department.* Oneida Police Officers and Conversation Wardens shall:

(a) investigate complaints involving domestic animals;

(b) enforce the provisions of this law through appropriate means, including but not

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limited to:

(1) seizing any animal:

(A) taken, employed, used, or possessed in violation of this law; and/or

(B) mistreated, rabid or otherwise in danger or dangerous.

(2) issuing citations consistent with the fine and penalty developed according to section 304.5-2.

(3) using force, up to and including lethal force, to stop an immediate threat to public safety caused by an animal. Where lethal force is used, such execution shall be conducted in as humane manner as possible and, to the extent feasible, avoids damage to the animal's head.

304.5-2. *General Rulemaking Authority.* The Environmental Health and Safety Division and the Environmental Resource Board are hereby delegated joint rulemaking authority to establish and maintain:

(a) A fine and penalty schedule;

(b) A licensing fee schedule; and

(c) Other rules as necessary to enforce and implement this law.

304.5-3. *Disease Investigation and Quarantine Rulemaking Authority.* The Environmental Health and Safety Division, the Emergency Management Coordinator and Comprehensive Health Division are hereby delegated joint rulemaking authority to establish rules related to disease investigations and quarantines.

304.5-4. *Issuance of Licenses.* The Environmental Health and Safety Division shall make all decisions related to the issuance of a license in accordance with this law.

304.6. Requirements for Dogs and Cats

304.6-1. *License Required.* An annual license is required to keep any dog or cat over five (5) months of age.

(a) The license year commences on January 1st and ends December 31st. To be eligible for a license, the owner shall provide the licensing fee and proof of current rabies vaccination.

(b) The owner shall securely attach the tag to the animal's collar and shall require the animal wear the collar at all times, provided that this requirement does not apply to dogs or cats:

(1) hunting or actively involved in herding or controlling livestock if the animal is under control of its owner;

(2) within the owner's residence and/or securely confined in a fenced area; and/or

(3) being shown during a competition.

304.6-2. *Rabies Vaccinations Required.* Rabies vaccination is required for any dog or cat five (5) months of age or older.

304.6-3. *District Quarantine.* A district quarantine may be initiated in accordance with the quarantine rules and may be initiated by staff designated by the Environmental Health and Safety Division, an Oneida Police Officer, an Oneida Conservation Warden and/or a Public Health Officer.

(a) If an area is subject to a District Quarantine for rabies, all dogs and cats within the

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district shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is a public nuisance and may be impounded. All Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the enforcement of the Quarantine.

(b) An animal that is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of this section.

304.6-4. *Dogs and Cats Running at Large.* It is unlawful for any dog or cat owner to permit the animal to be at any place except upon the premises of the owner, unless it is crated, penned, or on a leash under the control of a person physically able to control the animal. In addition, a nuisance dog or cat may be picked up by Oneida Police Officers or Oneida Conservation Wardens. For the purposes of this law, a nuisance dog or cat is one whose actions result in two (2) or more verified disturbances due to excessive barking and/or running loose or one (1) or more verified disturbance due to threatening behavior by a loose dog or cat.

(a) Stray dogs and cats shall be referred to the Oneida Police Department or Oneida Conservation Department.

(b) Whenever any Oneida Police Officer, Oneida Conservation Warden, or other person designated by the Chief of Police finds any dog or cat running at large, the officer/warden shall, if possible, pick up, and impound such animal.

(c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

304.6-5. *Limit on Number of Dogs and Cats.* Except as provided in (a), no more than three (3) dogs or three (3) cats; and a total of no more than five (5) dogs and cats combined; may be kept or possessed by a single residential household. For the purposes of this law, each residential lot, excluding residential lots designed as multi-family lots, constitutes a separate residential household. In cases of multi-family lots, each family unit within the lot constitutes a separate household.

(a) *Exception.* The limit on the number of dogs and cats a person may keep or possess does not apply to those persons who:

(1) keep or possess more than three (3) dogs and/or three (3) cats and/or any combination of more than five (5) dogs and cats on the date he or she became subject to this law or the date this limit goes into effect, whichever occurs sooner, provided that all of such animals are properly licensed within five (5) months after this limit goes into effect. This exclusion shall continue as long as the owner keeps or possesses such animals in accordance with this law, but does not permit the licensing of additional dogs or cats which exceed the limits identified herein;

(2) keep or possess a litter of pups or kittens or a portion of a litter for a period not exceeding five (5) months from birth; and/or

(3) reside on a farm.

304.7. Treatment of Animals

304.7-1. *Food and Water.* No owner may refuse or neglect to provide an animal with a daily supply of food and water sufficient to maintain the animal in good health.

304.7-2. *Shelter.*

(a) *Minimum indoor standards of shelter:*

(1) The ambient temperature shall be compatible with the health of the animal.

(2) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(b) *Minimum outdoor standards of shelter:*

(1) *Shelter from Sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. "Caged" does not include farm fencing used to confine farm animals.

(2) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

(3) If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a weather appropriate shelter of suitable size to accommodate the dog shall be provided.

(c) *Space Standards.* Minimum space requirements for both indoor and outdoor enclosures:

(1) The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(2) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns. Specifically, dog kennels shall meet the following space requirements where, if there are multiple dogs in the same kennel, the base kennel space requirement is based on the size of the largest dog and the additional kennel space requirements are based on the size of each additional dog kept in the kennel:

DOG SIZE (LBS)	REQUIRED BASE KENNEL SPACE	REQUIRED ADDITIONAL KENNEL SPACE PER ADDITIONAL DOG
1-35 lbs	80 Sq. Ft.	12 Sq. Ft.
36-75 lbs	100 Sq. Ft.	18 Sq. Ft.
76 lbs or more	120 Sq. Ft.	24 Sq. Ft.

(d) *Sanitation Standards.* Minimum standards of sanitation for both indoor and outdoor enclosures require excreta to be removed within twenty-four (24) hours of its deposit. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

304.7-3. *Mistreatment of Animals.* No person may treat any animal in a manner which causes harm, injury or death. This section does not apply to:

(a) normal and accepted veterinary and/or care practices; or

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(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.

304.7-5. *Criminal Reporting*. In addition to taking civil action under this law, any employee of the Nation shall report animal mistreatment to the Oneida Police Department.

304.8. Prohibited Animals

304.8-1. *Prohibited Animals*. Except as provided in 304.8-2, no person may bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation an exotic animal.

304.8-2. *Exotic Animals*. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids are defined as “Exotic Animals”. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) Class Mammalia.

(1) Order Chiroptera (Any bat species)

(2) Order Artiodactyla, (Hippopotamuses, giraffes, camels, deer) Excluding domestic cattle, swine, sheep, goats, alpaca, and llama.

(3) Order Carnivora.

(A) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.

(B) Family Canidae (Wolves, wolf hybrids, coyotes, coyote hybrids, foxes, jackals) Excluding domestic dogs.

(C) Family Ursidae. (All bears)

(D) Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.

(E) Family Procyonidae. (Raccoons, coatis)

(F) Family Hyaenidae. (Hyenas)

(G) Family Viverridae (Civets, genets, mongooses)

(4) Order Edentata. (Anteaters, armadillos, sloths)

(5) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)

(6) Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, goats, and mules.

(7) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)

(8) Order Proboscidae. (Elephants)

(9) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, rats, mice, gerbils, and hamsters.

(b) Class Reptilia.

(1) Order Squamata.

(A) Family Helodermatidae. (Gila Monsters and Mexican beaded lizards)

(B) Family Varanidae. (Any monitor which will normally grow over two feet in length)

(C) Family Iguanidae. (Only green iguanas and rock iguanas, all others allowed)

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- 248 (D) Family Boidae. (All species whose adult length may exceed eight (8)
249 feet)
- 250 (E) Family Colubridae. (Boomsnakes and African twig snakes)
- 251 (F) Family Elapidae. (Coral snakes, cobras, mambas)
- 252 (G) Family Natricidae. (Only keelback snakes, all others allowed)
- 253 (H) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)
- 254 (2) Order Crocodilia. (Crocodiles, alligators, caimans, gavials)
- 255 (c) Class Aves.
- 256 (1) Order Falconiformes. (Eagles, hawks, vultures)
- 257 (2) Order Rheiformes. (Rheas)
- 258 (3) Order Struthioniformes. (Ostriches)
- 259 (4) Order Casuariiformes. (Cassowaries and emus)
- 260 (5) Order Strigiformes. (Owls)
- 261 (d) Class Arachnida.
- 262 (1) Order Scorpiones, Family Buthidae.
- 263 (A) Arabian fat-tailed scorpion – *Androctonus crassicauda*
- 264 (B) Arizona centruroides scorpion – *Centruroides exilicauda*
- 265 (C) Death stalker – *Leiurus quinquestriatus*
- 266 (D) Egyptian yellow scorpion – *Androctonus Amoreuxi*
- 267 (E) Israeli black scorpion – *Hottentotta judaicus*
- 268 (F) S.A. giant fat-tailed scorpion – *Parabuthus transvaalicus*
- 269 (G) Sinai desert scorpion – *Androctonus bicolor*
- 270 (H) Yellow desert scorpion – *Androctonus Australia*
- 271 (2) Order Araneae, Family Therididae.
- 272 (A) Argentina red widow spider – *Latrodectus coralinus*
- 273 (B) Brown widow spider – *Latrodectus geometricus*
- 274 (C) Red-black widow – *Lactrodectus hasselti*
- 275 (D) Red widow spider – *Lactrodectus bishop*
- 276 (E) Southern black widow spider – *Lactrodectus mactans*
- 277 (F) Western widow – *Lactrodectus Hesperus*
- 278 (3) Order Araneae, Family Loxoscelidae, Brown recluse spider – *Loxosceles*
279 *reclusa*
- 280 (e) Class Chilopoda.
- 281 (1) Order Scolopendromorpha, Family Scolopendridae.
- 282 (A) Amazon giant banded centipede – *Scolopendra giganea*
- 283 (B) Arizona tiger centipede – *Scolopendra viridis*
- 284 (C) Florida keys centipede – *Scolopendra alternans*
- 285 (f) Any Federal or State endangered or threatened species.
- 286 304.8-3. This section does not apply to:
- 287 (a) Individuals who keep or possess any of these animals on the date this section goes
288 into effect that applied for and received permission to retain such animals from the
289 Environmental Health and Safety Department within thirty (30) days after this
290 prohibition goes into effect. Environmental Health and Safety Division has full

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discretion in granting any permission under this section and/or attaching terms and conditions to any grant of permission.

(b) Zoological parks and/or sanctuary, educational or medical institution, and specially trained entertainment organizations who receive a permit from the Oneida Conservation Department to own, harbor or possess the animals.

(1) The Environmental Health and Safety Division may issue a permit under this section if:

(A) the animals and animal quarters are kept in a clean and sanitary condition and maintained to eliminate objectionable odors; and

(B) the animals are maintained in quarters so constructed as to prevent their escape.

(2) If approved by the Oneida Conservation Department, wildlife refuges/sanctuaries may release animals within the Reservation without applying for and receiving a permit as otherwise required under this Section.

304.8-5. *Seized Animals.* Any animal seized as a prohibited animal shall be held by the Oneida Conservation Department or its designee until that animal is identified to ascertain whether the animal is an “endangered or threatened species” pursuant applicable laws. At any time after such identification, the Oneida Conservation Department may seek an order from a hearing body as to the care, custody and control of the animal. The Oneida Conservation Department may also request the defendant to post a bond in an amount sufficient to satisfy the costs of holding, housing and/or caring for the animal. If the hearing body finds the animal has been taken, employed, used or possessed in violation of this section, the cost of holding the animal and any costs incurred in identifying the animals shall be assessed against the defendant.

304.8-6. *Notice of Release or Escape.* If an animal identified as prohibited under this section is released or escapes, the owner of the animal shall immediately notify the Oneida Conservation Department and/or the Oneida Police Department and shall be liable for any cost of recapture.

304.8-7. *Forfeiture of the Prohibited Animal.* Anyone found in violation of this section shall forfeit or surrender the prohibited animal to the Oneida Conservation Department or designee. Upon such forfeiture or surrender, the Environmental Resource Board may direct destruction or transfer of the animal to a qualified zoological, educational or scientific institution or qualified private propagator for safekeeping, with costs assessed against the defendant.

304.9. Regulation of Livestock

304.9-1. Livestock may only be kept on land zoned residential if a conditional use permit is received from the Oneida Land Commission, however, not in excess of the following limitations:

(a) One (1) large animal per one (1) acre. Examples of large animals include, but are not limited to horses, cows and pigs.

(b) One (1) small animal per one-half (½) acre. Examples of small animals include, but are not limited to goats and sheep.

(c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback requirements can be met.

304.9-2. *Liability for Damage Caused by Livestock.* Any person whose livestock escapes from its normal confined area and becomes at large is responsible for any and all damage to persons

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and property caused by such livestock while it is away from its normal confined area.

304.9-3. *Hens*. A permit from the Oneida Conservation Department, based on the rules it shall develop, is required in order to keep an excess of four (4) hens. Roosters may not be kept.

(a) Persons keeping hens shall keep them in the following manner:

(1) No person may keep a hen over eight (8) weeks of age in a principal structure.

(2) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens and shall provide at least four (4) square feet per chicken.

(3) No accessory structure used to keep hens may be located within twenty-five feet (25') of any principal structure which is not owned by the person licensed to possess the hens.

(4) No accessory structure used to keep hens may be located in a front or side yard.

(b) In addition to compliance with the requirements of this section, no person may keep hens that cause any other nuisance associated with unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

304.10. Dangerous Animals

304.10-1. *Classifying Dangerous Animals*. Owners of animals meeting the definition of a dangerous animal shall comply with the requirements contained in section 304.10-2 for harboring dangerous animals.

(a) For the purposes of this law, an animal is presumed to be dangerous if it:

(1) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation; or

(2) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal without provocation.

(b) An animal may not be deemed a dangerous animal if it bites, attacked or menaces any person or animal to:

(1) defend its owner or another person from an attack by a person or animal;

(2) protect its young or another animal;

(3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or

(4) defend its owner's property against trespassers.

(c) An Oneida Police Officer or Oneida Conservation Warden may, in his or her discretion, declare an animal dangerous, provided that, a citation for a violation of this section may be issued without having previously received such a declaration.

(d) An owner of an animal declared to be dangerous may appeal such declaration in accordance with section 304.11-2. All requirements for harboring dangerous animals in section 304.10-2 except subsections (d)-(f) apply to the animal pending the outcome of the hearing unless specifically stayed by the Environmental Resource Board.

304.10-2. *Harboring Dangerous Animals*. No person may harbor or keep a dangerous animal within the Reservation unless all provisions of this section are complied with. Any animal that is

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determined to be a prohibited dangerous animal in accordance with section 304.10-3 may not, under any circumstances, be kept or harbored within the Reservation.

(a) *Leash and Muzzle.* No person keeping or possessing a dangerous animal may permit such animal to go outside its kennel or pen unless the animal is securely leashed with a leash no longer than four feet (4') in length.

(1) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person who is sixteen (16) years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal is in physical control of the leash.

(2) The animal may not be leashed to inanimate objects such as trees, posts and buildings.

(3) A dangerous animal on a leash outside the animal's kennel must be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. The Environmental Health and Safety Division, with approval of the Environmental Resource Board, may provide a written exception excusing an otherwise dangerous animal from being muzzled. If such a written exception is issued, it shall be carried by the animal's owner at all times.

(b) *Confinement.* Except when leashed and muzzled as provided in subsection (a) above, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.

(1) *Confinement Outdoors.* When constructed in an open yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this subsection.

(A) The pen or kennel shall be child-proof from the outside and animal-proof from the inside.

(B) A strong metal double fence with adequate space between fences (at least two feet (2')) shall be provided so that a child cannot reach into the animal enclosure.

(C) The pen, kennel or structure shall have secure sides and a secure top attached to all sides.

(D) A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure.

(E) The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two feet (2')

(F) All structures erected to house dangerous animals shall comply with the requirements of all applicable laws and rules of the Nation.

(G) All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(2) *Confinement Indoors.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner that would allow the animal to exit the building on its own volition. No dangerous animal may be

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420 kept in a house or structure when the windows are open or when screen windows
421 or screen doors are the only obstacle preventing the animal from exiting the
422 structure.

423 (c) *Signs*. The owner of a dangerous animal shall display, in prominent places on his or
424 her premises near all entrances to the premises, signs in letters of not less than two
425 inches (2") high warning that there is a dangerous animal on the property. A similar sign
426 is required to be posted on the kennel or pen of the animal. In addition, the owner shall
427 conspicuously display a sign with a symbol warning children of the presence of a
428 dangerous animal.

429 (d) *Spay and Neuter Requirement*. If declared dangerous by an Oneida Police Officer of
430 Oneida Conversation Officer, the Owner shall within thirty (30) days after the declaration
431 shall provide the Environmental Resource Board with written proof from a licensed
432 veterinarian that the animal has been spayed or neutered.

433 (e) *Liability Insurance*. If declared dangerous by an Oneida Police Officer or Oneida
434 Conversation Officer, the Owner of the dangerous animal shall present to the
435 Environmental Resource Board proof that the Owner has procured liability insurance in
436 an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous
437 animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify
438 the Environmental Resource Board.

439 (f) *Microchipping*. If declared dangerous by an Oneida Police Officer of Oneida
440 Conversation Officer, the Owner of the dangerous animal shall provide proof to the
441 Environmental Resource Board that the dangerous animal has had a microchip inserted
442 for identification purposes within ten (10) calendars from the date the animal is declared
443 dangerous.

444 (g) *Ongoing Notification Requirements*. After an animal has been declared dangerous, the
445 owner shall have an ongoing duty to notify the Oneida Police Department:

446 (1) immediately if the dangerous animal is at large, is unconfined, has
447 attacked another animal or has attacked a human being; and

448 (2) within twenty-four (24) hours if a dangerous animal has died, been sold or
449 been given away. If the dangerous animal has been sold or given away, the
450 owner shall also provide the name, address and telephone number of the new
451 owner of the dangerous animal. If the dangerous animal is sold or given away
452 to a person residing outside the Reservation or to a person or entity that falls
453 outside of the jurisdiction of this law, the owner shall present evidence to the
454 Oneida Police Department showing that he or she has notified the police
455 department or other law enforcement agency of the animal's new residence,
456 including the name, address and telephone number of the new owner. The
457 Oneida Police Department shall forward all such notifications to the
458 Environmental Resource Board within a reasonable amount of time.

459 (h) *Waiver by the Environmental Resource Board*. Upon request of an owner, the
460 Environmental Resource Board may waive any requirement specified in subsections (a)-
461 (f) that the Environmental Resource Board deems to be unnecessary for a particular
462 dangerous animal. The Environmental Resource Board may waive the provisions of

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subsections (a)-(f) for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

(i) *Euthanasia*. If the Owner of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this Section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.

304.10-3. *Prohibited Dangerous Animals*. No person may bring or keep within the Reservation any animal that is a prohibited dangerous animal under this section.

(a) *Declaration of Prohibited Dangerous Animal*. An Oneida Police Officer, Oneida Conservation Warden and/or the Environmental Resource Board may declare an animal to be a prohibited dangerous animal if the animal:

(1) Is a dangerous animal in noncompliance with the requirements under Section 304.10-2;

(2) Has killed a domestic animal or pet without provocation on public or private property;

(3) Without provocation, has inflicted substantial bodily harm on a person on public or private property where substantial bodily harm means bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing;

(4) Is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or

(5) Has been declared to be a prohibited dangerous animal and/or ordered to be destroyed in any other jurisdiction.

(b) *Mandatory Hearing*. The owner of an animal declared to be a prohibited dangerous animal shall attend a mandatory Environmental Resource Board pre-hearing, the date for which shall be included on the declaration of prohibited dangerous animal. At the pre-hearing it may be determined that mandatory attendance at an Environmental Resource Board is also required. The pre-hearing and any hearings are subject to the requirements contained in section 304.11-2.

(1) All requirements for harboring dangerous animals in section 304.10-2 except subsections (d)-(f) apply to the said animal pending the outcome of the Environmental Resource Board pre-hearing and/or hearing.

(2) At the pre-hearing, the Environmental Resource Board may require the animal to be impounded pending the result of the hearing.

(3) The Environmental Resource Board may order a prohibited dangerous animal to be destroyed if it finds it was so declared based on section 304.10-3(a)(3). If such an order is issued, the Environmental Resource Board shall require the owner submit proof of destruction within five (5) business days from a licensed veterinarian. If the owner does not satisfy these requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize the animal and enforce compliance at the cost of the owner.

(4) If the declaration of prohibited dangerous animal is upheld upon appeal, the

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Environmental Resource Board shall order the animal to be removed from the Reservation. Such order shall include the notification requirements contained in section 304.10-2(g) and provide the owner with a reasonable timeframe for removing the animal from the Reservation, provided that the timeframe may not exceed thirty (30) days after the date of the Environmental Resource Board's decision.

(5) If the owner further appeals the determination of the Environmental Resource Board to the Judiciary's Court of Appeals, he or she shall submit the appeal within five (5) business days from the date of the Environmental Resource Board's decisions, which is a shorter timeframe than required for all other appeals under this law. Upon an appeal to the Court of Appeals, the requirement to order to remove the animal from the Reservation or any order to destroy an animal is stayed pending the outcome of the appeal.

(c) *Enforcement.* An Oneida Police Officer or Oneida Conservation Warden may make any inquiries deemed necessary to ensure compliance with this section and may seize an animal based on the owner's failure to comply.

(d) *Waiver.* The Environmental Resource Board may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

304.10-4. *Investigations for Suspected Domestic Animal Bites.* The owner shall notify the Oneida Police Department of a domestic animal bite.

(a) The responding Oneida Police Officer or Oneida Conversation Warden shall:

(1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.

(2) Ensure all information provided is correct.

(3) Contact the Environmental, Health and Safety Division to notify them of the domestic animal bite.

(4) If the animal has current rabies vaccinations, order the owner to:

(A) Quarantine the animal for ten (10) days; and

(B) Present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day.

(5) If the animal does not have current rabies vaccination, order the owner to:

(A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day; or

(B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.

(b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the

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animal has not exhibited any signs of rabies, the animal may be released from quarantine.
(c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:

(1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.

(2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.

304.11. Owner Liability for Domestic Animals

304.11-1. Owners are liable for damages caused by their domestic animal(s).

(a) *First Offense*. The owner is liable for the full amount of damages caused by the domestic animal.

(b) *Subsequent Offenses*. The owner shall be liable for two (2) times the full amount of damages caused by the domestic animal if the owner knew or should have known that the domestic animal previously caused damages.

304.11. Violations, Enforcement and Appeals

304.11-1. *Citations*. Citations for the violation of this law and/or orders issued pursuant to this law may include fines, penalties and conditional and other orders in accordance with the schedule developed under section 304.5-2. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.

(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a violation of this Law.

304.11-2. *Hearing and Appeals of Contested Actions*. All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date which shall be set for the next scheduled monthly Prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Environmental Resource Board shall accept pleas which either contest or admit committing the act for which the citation was issued. The Environmental Resource Board shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Environmental Resource Board may also make conditional orders at the prehearing which are effective until the matter is resolved.

(a) *Process Requirements*. The Environmental Resource Board shall conduct prehearings and hearings in accordance with its bylaws and any other applicable standard operating procedures, rules, laws or policies governing administrative hearings.

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(b) *Community Service*. Community service may be substituted for monetary fines at the Environmental Resource Board's discretion, provided that, if so substituted, the Board shall use the rate of one (1) hour per ten dollars (\$10) of the fine.

(c) *Allocation of Citation Revenue*. All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.

(d) *Appealing the Environmental Resource Board's Determination*. Any person wishing to contest the Environmental Resource Board's determination may appeal to the Judiciary's Court of Appeals in accordance with the Rules of Appellate Procedure, provided that the appeal shall be filed within thirty (30) days of the date of the Environmental Resource Board's determination, unless stated otherwise in this law.

(e) *Pursuing Payment of a Citation*. The Environmental Resource Board may pursue payment from parties who have failed to make the required payments through the garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita payment pursuant to the Per Capita law.

End.

Adopted - BC-3-13-96-B

Amended – BC-06-22-11-G



Legislative Operating Committee
April 19, 2017

Independent Contractor Policy Amendments

Submission Date: 12/28/16	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This policy was added to the Active Files List to eliminate a potential conflict with the Indian Preference Law.*

10/12/16 OBC: Motion by David Jordan to defer this item to the Legislative Operating Committee, Law Office, and Purchasing Department to develop policies and solutions; and for an update to be brought back within sixty (60) days, seconded by Jennifer Webster. Motion carried with one abstention.

1/4/17 LOC: Motion by Tehassi Hill to add the Independent Contractor Policy to the active files list with David P. Jordan as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

1/11/17 OBC: Motion by David Jordan to accept the update regarding Departments of Public Works HVAC contracts; and to delete from the agenda, seconded by Trish King. Motion carried unanimously.

2/1/17 LOC: Motion by Fawn Billie to accept the draft Independent Contractor Policy amendments and forward for a legislative and fiscal analysis to be completed by February 23, 2017; seconded by Tehassi Hill. Motion carried unanimously.

2/15/17 LOC: Motion by Jennifer Webster to establish a high priority level for the Independent Contractor Policy Amendments; seconded by David P. Jordan. Motion carried unanimously.

3/1/17 LOC: Motion by Fawn Billie to approve the Public Meeting packet and forward the Independent Contractor Policy amendments to a Public Meeting on March 30, 2017, with a correction on the Public Meeting notice; seconded by Fawn Billie. Motion carried unanimously.

Note: The noted change is to change “Wednesday” to “Thursday” on the Public Meeting notice.

3/30/17: Public Meeting held.

Next Steps:

- Accept the Public Meeting comments.



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING**

Independent Contractor Amendments and Cemetery Law Amendments

Business Committee Conference Room-2nd Floor Norbert Hill Center

March 30, 2017 - 12:15 p.m.

Present: Tehassi Hill, David P. Jordan, Tani Thurner, Candice Skenandore, Rae Skenandore, Travis Wallenfang, Patrick Stensloff, Kermit Valentino, Mike Debraska, Cathy L Metoxen, Nancy Barton, Kathleen Kohler, Bradley Graham, Susan White, Bonnie Pigman, Cheryl Skolaski, Clorissa Santiago, Maureen Perkins, Robert Collins, Danelle Wilson

Name of LOC Member Chairing Meeting: Tehassi Hill

Tehassi Hill: Shekoli everybody. The time is 12:15 p.m. and today's date is Thursday March 30, 2017. Today we will be holding two public meetings – one for the proposed amendments to the Independent Contractor Policy and the other for proposed amendments to the Cemetery law.

The Legislative Operating Committee is hosting these public meetings to gather feedback from the community regarding these legislative proposals. All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Thursday _April 6, 2017.

In attendance today from the LOC is: Ronald (Tehassi) Hill, Vice-Chair, LOC and Councilman David Jordan.

I will now call the public meeting for the Independent Contractor Policy Amendments to order. This is a proposal for amendments that would:

- ☐ Clarify that an employee cannot provide services for the nation as an independent contractor, if those services are related to the services he or she performs as an employee, even if that employee is the only independent contractor that qualifies for Indian Preference.
- ☐ Clarify that employees and employee-owned businesses cannot provide services as an independent contractor to any division, department, program, area, business unit or other entity of the Nation, if the services are related to the services performed by the employee.
- ☐ Clarify that employee and employee-owned businesses are not prohibited from providing services as an independent contractor to a Tribally-chartered corporations, even if the services are related to the services performed by the employee.

The LOC may impose a time limit for all speakers pursuant to 16.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a five minute time limit. This time limit shall apply to all persons equally.

Is there anybody wishing to speak to the Independent Contractor Policy?

Nancy Barton: Before we do that I guess I would like to ask where the other members of the LOC are today?

Tehassi Hill: All three of them are on vacation.

Nancy Barton: So you can legally have this hearing without a sufficient amount of LOC members?

Tehassi Hill: A quorum is not required to hold a public meeting. This, we're here to gather the comments on the identified two policies. Mike.

Michael Debraska: Thank you. I've got some serious concerns on this particular piece of legislation. On the second page of this, Section 1. Background, Legal Analysis of this, in the blue section it is highlighted, it says "Enforcement/Due Process", there it says "The Law sets out specific requirements as to when a current Tribal employee (or an employee-owned business) can be used as an independent contractor... and the law sets out specific requirements governing the formats of contracts, and what the Law Office Review must cover, however the law does not identify what would happen if these requirements were not met." I think that opens the door to some serious issues and serious problems.

David P. Jordan: Excuse me Mike, just a second. I just want to make sure the recording is on. It is, okay, thank you, proceed.

Michael Debraska: Flipping over to page 2 of 4, in Section 7. Effect on Existing Legislation, the top sentence there, "This Law affects both the Indian Preference in Contracting law and the Conflict of Interest law." as well as I believe the Blue Book. And the reason why I say the Blue Book is because if you jump ahead to page, Title 5. Business on page 1, 50C, page 503 at the bottom, it states, "For the purposes of this law, individuals employed under an employment contract as a limited term employee are employees, not consultants." So if they are considered as LTEs as an employee and not consultants, what happens when they are on probation if they are at-will? So that starts raising some serious questions in my mind.

Additionally, going back to page 3 of 4, under Section 8. Effects on Existing Rights, Privileges or Obligations, under letter B., line 82, it says "Due process is not addressed in this Law;" Any time due process does not exist within the law, I think it is leaving the door open.

Additionally, under B., it says ". . . if he/she fails to disclose a conflict of interest, the contact may be terminated." It doesn't say it will be, it says it may be. It may be, it may not be. I think clearer language would be "will be", because then it has some enforcement mechanisms to it.

Under Section 10. Accountability, at line 106, it says, "There are not annual reports that are required in this Law. That again raises some serious red flags, because if there is no reports, what does GTC have to gauge anything by?

Again, it says and I see this very prevalent at line 27 on page 1, 50C 503 at the bottom and I see this in all of the laws now, it says "This Law is adopted under authority of the Constitution of the

Oneida Nation.” Why is that being put in there, every single law? I think that makes it far more difficult for GTC to address anything.

Additionally I noticed that in a lot of laws and legislation that is being brought forward, GTC is deliberately left out of it. It says the law may be modified by the Business Committee as set forth in the LPA, but GTC is conveniently or purposefully or willfully left out of it. So those are some serious concerns.

There are some bare minimums at line 63 under 503.4, Form of Contract, that the Oneida Law Office shall review and what that verification would consist of. I think it states a bare minimum, but it doesn’t state what the maximum would be. I understand that the Law Office is busy, but when they set a minimum requirement, I think we need to look at some additional requirements that need to be added to that.

Additionally lines 80 through 82, it says “. . . there is no relation between the wages paid to the individual as an employee and the compensation received by the individual for the services to be provided as an independent contractor;” I think that again raises some flags because I think GTC may take some issues with this,

Let me see, and then finally, on, at 503.5-2 at lines 89, it says right here, excuse me at line 94 it says “. . . the Nation has no right to direct or control the employees of the employee-owned business entity;” I think that’s very dangerous. Then that means we’re giving the corporations more rights and more obligations and responsibility than we as the Nation and yet they’re coming to us for those contracts or to act as the independent contractor.

Additionally all payments for independent contractor services are made directly to the employee-owned business entity; not to an individual.” Again, I look at this and state that if this is the course that we are going to go down, I think it is a slippery slope.

And then lastly, at lines 100 through 104, it states, “Neither an employee, nor an employee-owned business entity, is eligible to provide services as an independent contractor to any division, department, program, area, business unit or other entity of the Nation, when the services to be provided by the independent contractor relate to the services performed by the employee.” Who determines that?

Tehassi Hill: Okay Mike, your five minute time limit is up. Thank you for your comments and if you have additional comments you can submit them in writing as prescribed in the opening of the meeting. Is there anyone else that would like to speak on the Independent Contractor Policy? Cathy Metoxen.

Cathy Metoxen: Thank you. Cathy L. Metoxen. The reason I use my middle initial is because there is eight Cathy Metoxens. This is my first chance looking at this and just a couple of minutes I had I can see some things, there’s a lot of issues raised in this and I guess I will have to repeat myself again. The reason I come up here is because I disagree with the manner in which the people who are doing these changes choose to do their business, which to me is unethical and I would like to point out the same provisions just on the first page, no enforcement provisions. I mean we’ve had questions and issues with enforcement and when are you going to start doing enforcement, because you take care of your friends and your buddies and your family and all that. You know, who is to say who is going to be doing things the way they need to be done or should be done.

I found it interesting that Section 2. Legislative Development, line 2 and 3, at the end of contract, as an independent contractor that relate to his/her services performed as an employee. If this is

what's been going on, then what took you so long to even start looking at this, because here we are again putting the cart in front of the horse and this whole thing is shady at least, at the least. I'm sure I'll be submitting my written comments, but I also was trying to follow Mike and I agree with the due process that is not addressed in this law. That sounds very dictatorship. Again, in Section 9. Enforcement, the law does not include any enforcement provisions, then why do you have Section 9. Enforcement?

Accountability, another one. No annual reports and who decides who is on a need to know basis? Who makes that decision? I mean, you know your brother could be on a need to know basis and then nobody else is. So, who makes that decision on whose on a need to know basis with our contractors? You know there's been questionable activity over the years. As an advocate I have assisted people and here we are going to get an even more gray area and even get more questionable in my opinion. And once again I'll stand here and I'll say I'm going to oppose what comes out of here again, again.

Tehassi Hill: Thank you for your comments Cathy L. Metoxen. Is there any speakers that wish to make comments on the policy? All right, I guess seeing none we'll close this public meeting as no more speakers registered for the public meeting of Independent Contractor Public Policy. The time is now 11:28... 12:28. Written comments may be submitted until close of business on Thursday April 6, 2017.

-End of Meeting-

****Followed by Public Meeting for Cemetery Law Amendments****



Legislative Operating Committee April 19, 2017

Workplace Violence

Submission Date: 12/18/12	Public Meeting: n/a
LOC Sponsor: Tehassi Hill	Emergency Enacted: n/a Expires: n/a

Summary: *This item was originally submitted to the LOC on December 18, 2012 and carried over into the current term by the LOC. The proposed Policy provides guidance to Tribal employees to maintain an environment at and within the Tribe's property and events that is free of violence and the threat of violence.*

9/17/14 LOC: Motion by Fawn Billie to not add Workplace Violence Policy to the Active Files List, and to provide notice to the Oneida Business Committee. Motion withdrawn.

Motion by Tehassi Hill to add the Workplace Violence Policy to the Active Files List with Tehassi Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

11/23/15: *Work meeting held.* Attendees include: Geraldine Danforth, Matthew J. Denny, Bob Keck, James Bittorf, Kaylynn Gresham, Robert Fresen, Eric Boulanger, Douglass McIntyre.

1/22/16: *Work meeting held.* Attendees include: Matthew J. Denny, James Bittorf, Kaylynn Gresham, Robert Fresen, Richard VanBoxtel, Jennifer Webster, Douglass McIntyre.

3/2/16 LOC: Motion by Jennifer Webster to accept the draft of the Workplace Violence Policy and forward to the Legislative Reference Office for a legislative analysis; seconded by Tehassi Hill. Motion carried unanimously.

8/12/16: *Work meeting held.* Tehassi Hill, Geraldine Danforth, Matt Denny, Jim Bittorf, Jen Falck. Group decided to ask Terry Hetzel to run the current draft through a "table top" exercise with other HRD staff. After that happens, Matt will contact Jen Falck to schedule another work meeting. At that meeting- we will learn what happened at the table top and decide on how to move forward.

10/10/16: *Quarterly Sponsor Update Meeting held.* Present: Tehassi Hill, Maureen Perkins, Tani Thurner, Clorissa Santiago, Krystal John.

3/20/17: *Work meeting held.* Attendees include: Jennifer Webster, Jennifer Falck, Clorissa Santiago, Maureen Perkins, Geraldine Danforth, Matthey J. Denny, and Kaylynn Gresham. Drafter will update draft to reflect changes made during meeting, and schedule another work meeting.

4/10/17: *Work meeting held.* Attendees include: Tehassi Hill, Jennifer Webster, David P. Jordan, Jennifer Falck, Clorissa Santiago, Maureen Perkins, Danelle Wilson, Geraldine Danforth, Matthew J. Denny, Richard VanBoxtel, Kaylynn Gresham, and Jeffrey M. Mears. Drafter will update draft, send draft for review by email to meeting attendees, and begin preparing a public meeting packet.

Next Steps:

- Review updated draft and legislative analysis;
- Approve the public meeting packet and forward the Workplace Violence law to a public meeting to be held on May 18, 2017; and
- Forward to the Finance Office for a fiscal analysis due to the Legislative Reference Office May 17, 2017.

NOTICE OF
PUBLIC MEETING

TO BE HELD
Thursday, May 18th at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

TOPIC: WORKPLACE VIOLENCE LAW

This is a proposal to create a new Workplace Violence law which would:

- ◆ Apply to all employees of the Nation in any workplace of the Nation, whether or not the employee is operating within the course of his or her employment at the time the incident of workplace violence occurs;
- ◆ Describe prohibited behaviors that constitute workplace violence and exceptions to workplace violence;
- ◆ Provide a procedure for reporting workplace violence;
- ◆ Discuss how possible future incidents of workplace violence will be handled;
- ◆ Provide responsibilities for supervisors and the Equal Employment Opportunity Department in handling workplace violence incidents; and
- ◆ Describe enforcement mechanisms for a violation of this law.

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

PUBLIC COMMENT PERIOD
OPEN UNTIL MAY 25, 2017

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidanation.org
Phone: (920) 869-4376 or (800) 236-2214
Fax: (920) 869-4040



Workplace Violence Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: Matthew J. Denny, Sr.	SPONSOR: Tehassi Hill	DRAFTER: Clorissa N. Santiago	ANALYST: Maureen Perkins
Intent	Create penalties for incidents of violence in the workplace.		
Purpose	The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence <i>[see 223.1-2]</i> .		
Affected Entities	Oneida Nation employees and supervisors, Oneida Police Department (OPD), non-employees who visit the Nation's workplaces, Oneida security, Human Resources Department (HRD), Equal Employment Opportunity Department (EEO)		
Affected Legislation	Oneida Personal Policies and Procedures, Investigative Leave Policy, Anonymous Letters Policy		
Enforcement/Due Process	An employee or supervisor who violates this law may be subject to disciplinary action under the Nation's laws, policies and rules governing employment up to and including termination <i>[see 223.12-1]</i> . An individual who receives a criminal conviction resulting from an incident of workplace violence covered by this law, shall be ineligible for future employment until the individual is pardoned by the Nation <i>[see 223.12-2]</i> . An employee who violates this law may be subject to removal from a workplace of the Nation <i>[see 223.12-3]</i> . An employee must report workplace violence where the employee witnesses an act or threat of workplace violence towards anyone else <i>[see 223.6-3]</i> . The Nation shall not accept a resignation when there is an ongoing investigation or in lieu of a termination <i>[see 223.9-6]</i> .		
Public Meeting	A public meeting has not yet been held.		

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. This legislation provides the Nation with accountability measures regarding incidents of violence and threats of violence in the workplace.
- B. This legislation benefits the community by providing a means to discourage violence in the workplace by providing clear consequences to those that violate this law including but not limited to termination from employment with the Nation and removal from the Nation's workplaces.

SECTION 3. CONSULTATION

- A. The Human Resources Department, Equal Employment Opportunity Department, Oneida Police Department, Environmental Health and Safety Division and Emergency Management were consulted about the contents of the legislation.
- B. The Ho-Chunk Nation Workplace Violence Prevention law was reviewed in the development of this law.

SECTION 4. PROCESS

- A. The correct legislative process been followed.

B. This item was originally proposed on December 18, 2012 and carried over to the current Active Files List on September 17, 2014. A public meeting is proposed for May 18, 2017.

SECTION 5. CONTENTS OF THE LEGISLATION

A. This is a new law that defines a process for dealing with violence in the workplace. The law includes both threats of violence and acts of violence.

- Prohibited behaviors are outlined to include both physical threats and acts of violence, stalking, possession or use of weapons, physical restraint, loud disruptive or angry behavior, abusive language, threatening or harassing emails, phone calls, faxes, text messages or other forms of electronic media, violating protective orders, throwing objects and any threat or act of violence as a direct result of the victim's employment duties or responsibilities with the Nation [see 223.5-1(a) – (o)].
- Law enforcement officials and other employees of the Nation are exempt when acting in their official capacity [see 223.5-2].
- Non-employees are encouraged to report threats or observed workplace violence. Employees who experience workplace violence are also encouraged to report the incident and employees who witness an act of workplace violence are required to report the incident in writing to the appropriate supervisor [see 223.6].
- Anonymous threats or letters shall be reported to the employee's supervisor. The supervisor is responsible for informing the target of the threat, as well as OPD or local law enforcement and facility security if appropriate [see 223.7].
- Supervisors are responsible for immediately investigating all reports of workplace violence and if deemed a workplace violence episode, supervisor must send a written workplace violence incident report to the Human Resources Department (HRD) [see 223.8].
- The Equal Employment Opportunity Department is responsible for conducting an investigation for all allegations of workplace violence with all affected agencies and departments and following up with preventive factors if necessary, as well as contacting the Oneida Police Department if criminal acts have occurred. Additionally, EEO will recommend disciplinary action to the supervisor of the employee found to be in violation of this law [see 223.9].
- An employee will be placed on investigative leave if criminal charges are brought and HRD will suspend their investigation until the investigation into criminal charges is complete, except that the employee shall not be allowed to resign or retire during an investigation in lieu of termination [see 223.9-3].

B. The proposed legislation is clearly written so employees of the Nation and Oneida Members can understand the expectations established through this law.

SECTION 6. INTENT

A. The purpose of the law is to provide employees and visitors of the Nation an environment that is free from violence and the threat of violence. The law creates a means to discipline employees for their participation in incidents of workplace violence.

B. This legislation applies to employees of the Nation; both during regularly scheduled hours and when in any of the Nation's workplaces at any time [see 223.4-1].

SECTION 7. EFFECT ON EXISTING LEGISLATION

- A. This law works in conjunction with the existing Personnel Policies and Procedures and the Investigative Leave Policy.
- B. The law does conflict with the Investigative Leave Policy regarding the employee's ability to resign or retire during an investigation. The Investigative Leave Policy states that an employee can choose to resign or retire during an open investigation [see *Investigative Leave Policy, 208.8-1(e)*]. The proposed Workplace Violence law resolved this conflict and states that investigative leave may be an option for investigating incidence of workplace violence but also specifically states that employees will not be allowed to resign or retire during an open investigation of workplace violence [see *223.8-4 and 223.9-3*].
- C. The law conflicts with the Anonymous Letters Policy which requires employees that receive anonymous information to forward a summary of that information to the OPD Chief of Police [see *Anonymous Letters Policy, 307.4-1*] where this law requires employees to notify their supervisor and the supervisor notifies OPD or law enforcement [see *223.7-3*].

SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

- A. No existing rights will be infringed upon by this legislation.
- B. Due process is addressed in the law in that an investigation will be conducted to confirm that the incident reported was in fact an incident of workplace violence [see *223.9*]. Additionally, those who fraudulently report workplace violence may be disciplined according to the Nation's laws governing employment [see *223.10*].
- C. No terms of office are affected by this legislation.
- D. No agreements are affected by this legislation.
- E. It will not affect any processes in place now.

SECTION 9. ENFORCEMENT

- A. The following is a list of enforcement mechanisms within the law:
- An employee or supervisor who violates this law may be subject to disciplinary action under the Nation's laws, policies and rules governing employment up to and including termination [see *223.12-1*].
 - An individual who receives a criminal conviction resulting from an incident of workplace violence covered by this law, shall be ineligible for future employment until the individual is pardoned by the Nation [see *223.12-2*]. An employee who violates this law may be subject to removal from a workplace of the Nation [see *223.12-3*].
 - An employee must report workplace violence where the employee witnesses an act or threat of workplace violence towards anyone else [see *223.6-3*].
 - The Nation shall not accept a resignation when there is an ongoing investigation or in lieu of a termination [see *223.9-6*].
- B. Enforcement of this law is dependent upon supervisor discretion.

SECTION 10. ACCOUNTABILITY

A. The Equal Employment Opportunity Director or designee is responsible for investigations under this law [see 223.9]. The supervisor is responsible for following through with the disciplinary action recommended by the EEO Director or designee following the investigation or for justifying why the recommended disciplinary action was not carried out [see 223.8-5].

B. There are no reporting requirements in this law.

SECTION 11. OTHER CONSIDERATIONS

A. This law does not apply to political appointees unless they are hired through the regular hiring process because the Nation's employment policies do not cover political appointees; these individuals are hired at the full discretion of the OBC Member who hires them.

Title 2. Employment – Chapter 223

WORKPLACE VIOLENCE

223.1.	Purpose and Policy	223.8.	Supervisor Responsibilities
223.2.	Adoption, Amendment, Appeal	223.9.	Equal Employment Opportunity Department
223.3.	Definitions		Responsibilities
223.4.	Applicability	223.10.	Fraudulent Report
223.5.	Prohibited Behavior	223.11.	Confidentiality
223.6.	Reporting Workplace Violence	223.12.	Enforcement
223.7.	Future Workplace Violence		

223.1. Purpose and Policy

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and for conducting business.

223.2. Adoption, Amendment, Repeal

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-_____.

223.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

223.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

223.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

223.3. Definitions

223.3-1. This section shall govern the definitions of words and phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Area Manager” means the person two (2) levels of supervision in the chain of command above an employee, or an individual designated to be the Area Manager by the Division Director.

(b) “EEO Department” means the Equal Employment Opportunity Department within the Nation’s Human Resource Department.

(c) “Employee” means anyone employed by the Oneida Nation in one of the following employed capacities: full-time, part-time, emergency temporary, limited term or on a contractual basis.

(d) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(e) “Nation” means the Oneida Nation.

(f) “Stalking” means unwanted or obsessive attention by an individual or group toward another person. Stalking includes a course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal,

written, or implied threats, or a combination thereof, that would cause a reasonable person fear.

(g) “Supervisor” means the person or entity responsible for directly overseeing the employee.

(h) “Threat” means the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

(i) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended to cause harm to oneself or others.

(j) “Workplace” means all of the Nation’s facilities, job sites, and any location where an employee represents the Nation, including over-the-road travel in the Nation’s owned or rented vehicles and circumstances where the employee is being reimbursed for expenses.

(k) “Workplace Violence” means any intentional act committed by an employee in a workplace that:

(1) inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person; or

(2) inflicts, attempts to inflict, or threatens to inflict, damage to property.

223.4. Applicability

223.4-1. This law applies to all employees in any of the Nation’s workplaces, whether or not the employee is operating within the course of his or her employment at the time the incident of workplace violence occurs.

223.5. Prohibited Behavior

223.5-1. *Prohibited Behaviors.* Examples of workplace violence include, but are not limited to, the following prohibited behaviors:

(a) intentionally causing physical injury to another person;

(b) hitting or shoving;

(c) fighting or "horseplay" that may be dangerous to others;

(d) direct threats or physical intimidation;

(e) implications or suggestions of violence;

(f) stalking;

(g) possession or use of weapons of any kind on property of the Nation, including parking lots, other exterior premises or while engaged in activities for the Nation;

(h) physical restraint, confinement;

(i) loud, disruptive or angry behavior or abusive language;

(j) sending of threatening, harassing or abusive e-mails, faxes, phone calls, text messages or other form of electronic media;

(k) using the workplace to violate protective orders;

(l) intentionally damaging property of the Nation or property of another;

(m) any other act that a reasonable person would perceive as constituting a threat of violence;

(n) throwing an object at an individual; and

(o) any threat or act of violence that is a direct result of the victim’s employment duties or responsibilities with the Nation.

223.5-2. *Exceptions to Prohibited Behavior.* The following shall be exempt from this law:

(a) Law enforcement officials and security staff are not considered to be in violation of this law when acting in their official capacity;

- (b) Employees required to use knives or other tools owned by the Nation that could potentially be used as weapons are not considered to be in violation of this law as long as the tools are used within the normal scope of employment and not used in a way to intimidate, threaten or otherwise harm another person within the workplace; and
- (c) Any other action that is consistent with laws of the Nation.

223.6. Reporting Workplace Violence

223.6-1. *Reporting by a Non-Employee.* Any non-employee is encouraged to report threats of or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported in writing to the employee's supervisor. The supervisor shall perform the initial assessment of the information pursuant to section 223.8.

223.6-2. *Permissive Reporting by an Employee.* An employee may report workplace violence to his or her supervisor where the employee:

- (a) is the victim of workplace violence; or
- (b) believes he or she has been threatened with workplace violence.

223.6-3. *Mandatory Reporting by an Employee.* An employee shall report workplace violence where the employee witnesses an act or threat of workplace violence towards anyone else.

(a) *Emergency Situation.* If an emergency exists or the situation is one of immediate danger to the life and safety of a person, the employee shall, if possible without causing themselves to be in danger, contact the Oneida Police Department or local law enforcement, and facility security if determined appropriate, and take whatever emergency steps are available and appropriate to protect himself or herself from immediate harm.

(b) *Non-Emergency Situation.* If a non-emergency situation exists the employee shall report the incident in writing to the appropriate supervisor as soon as possible if the situation is not one of immediate danger to life and safety. If the incident involves the supervisor, the employee shall report the incident to the supervisor's supervisor, or if none exists to the area manager.

223.7. Future Workplace Violence

223.7-1. Where an employee has reason to believe that he, she or others, may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, he or she is encouraged to provide this information in writing to his or her supervisor or the EEO Department Director or designee for an initial assessment pursuant to section 223.8-1.

(a) If an employee reports a possibility of future workplace violence to his or her supervisor the supervisor shall inform the EEO Department Director or designee.

(b) The EEO Department Director or designee shall inform the Oneida Police Department or local law enforcement and/or facility security if determined appropriate.

223.7-2. *Restraining Order.* An employee who has or obtains a current restraining order against another employee, shall immediately supply a copy of the signed order to his or her supervisor or to the EEO Department Director or designee.

(a) The supervisor shall provide copies to the area manager and the EEO Department Director or designee.

223.7-3. *Anonymous threats or letter.* In the event that an employee receives anonymous threats or letters, the employee shall immediately notify his or her supervisor. The supervisor shall

131 notify the target of the threat, take measures to ensure safety and notify Oneida Police
132 Department or local law enforcement and facility security if determined appropriate.
133

134 **223.8. Supervisor Responsibilities**

135 223.8-1. Upon receiving a report of workplace violence or otherwise becoming aware of a threat
136 of workplace violence or a workplace violence episode, a supervisor shall immediately conduct
137 an assessment of the situation and determine if an emergency exists or if the situation is one of
138 immediate danger.

139 223.8-2. *Emergency Situation.* If an emergency situation exists and if possible without causing
140 themselves to be in danger, a supervisor shall immediately contact the Oneida Police Department
141 or local law enforcement, and facility security if appropriate, and take whatever emergency steps
142 are available and appropriate to protect himself or herself, employees and others from immediate
143 harm.

144 223.8-3. *Non-Emergency Situation.* If the situation is not creating immediate danger to life and
145 safety, the supervisor shall speak to the person reporting the incident and assess the situation.

146 (a) If the supervisor deems the episode is not a workplace violence problem then the
147 investigation as a workplace violence matter ends.

148 (b) Where the supervisor deems the episode as a workplace violence matter, he or she
149 shall prepare a written Workplace Violence Incident Report detailing the complaint. The
150 supervisor shall then forward this report to the EEO Department Director or designee.

151 223.8-4. A supervisor may place an employee alleged to be involved in a workplace violence
152 incident on investigative leave in accordance with the Nation's laws, policies and rules
153 governing investigative leave if the supervisor deems the investigative leave necessary and
154 appropriate, except that an employee involved in an alleged incident of workplace violence shall
155 not be allowed to resign or retire during an investigation or in lieu of a termination.

156 223.8-5. A supervisor shall consider the recommendation for disciplinary action provided by the
157 EEO Department Director or designee pursuant to section 223.9-4(b) when carrying out a
158 disciplinary action of an employee. The supervisor shall carry out any disciplinary action of an
159 employee within five (5) days of receiving the recommendation. If the supervisor does not
160 follow the disciplinary action recommendation provided by the EEO Department Director or
161 designee, the supervisor shall provide justification for the deviation from the recommendation to
162 the EEO Department Director and the supervisor's Area Manager.
163

164 **223.9. Equal Employment Opportunity Department Responsibilities**

165 223.9-1. The EEO Department Director, or an individual assigned as designee by the EEO
166 Department Director, shall be responsible for investigating alleged workplace violence.

167 223.9-2. Upon receipt of a completed Workplace Violence Incident Report, or other acceptable
168 written notice of an allegation of workplace violence, the EEO Department Director or designee
169 shall coordinate with all involved agencies or departments and immediately conduct an
170 investigation by performing the following duties:

171 (a) Personally visit the scene of an incident as soon as possible;

172 (b) Interview employees and other witnesses;

173 (c) Examine the workplace for security risk factors associated with the incident,
174 including examination of any reports of inappropriate behavior by the perpetrator;

175 (d) Determine the cause of the incident;

176 (e) Determine what mitigating action could prevent the incident from recurring;

177 (f) Record the findings and recommended mitigating actions; and

(g) Contact the Oneida Police Department and any other appropriate law enforcement agency.

223.9-3. In performing these investigative duties, the EEO Department Director or designee shall not interfere in the investigation of any law enforcement agencies. If at any time criminal charges are brought against an employee, then the employee shall be placed on investigative leave in accordance with the Nation's laws, policies and rules governing investigative leave, except that an employee involved in an alleged incident of workplace violence shall not be allowed to resign or retire during an investigation or in lieu of a termination.

223.9-4. Upon completion of the investigation, the EEO Department Director or designee shall:

(a) implement any preventive factors within the Nation's Human Resources Department's authority;

(b) provide a recommendation for disciplinary action, if any, to the supervisor of the employee;

(c) notify the Oneida Police Department or local law enforcement when a potential criminal act has occurred;

(d) refer employees to post-event trauma counseling for those employees desiring such assistance; and

(e) offer to provide information on filing a restraining order.

223.9-6. The Nation shall not accept a resignation from an employee when there is an ongoing investigation or in lieu of a termination.

223.9-7. In appropriate circumstances, the EEO Department Director or designee shall inform the reporting individual of the results of the investigation. To the extent possible, the Nation shall maintain the confidentiality of the reporting employee and the investigation, however the Nation may need to disclose results in appropriate circumstances; for example, in order to protect individual safety.

223.10. Fraudulent Report

223.10-1. If at any time the EEO Department Director or designee or supervisor is made aware that an employee or supervisor has made a report other than in good faith, the employee or supervisor may be disciplined according to the Nation's laws, policies and rules governing employment, up to and including termination.

223.11. Confidentiality

223.11-1. Information related to the application of this law is strictly confidential. Information shall not be disclosed to third parties unless:

(a) the prior written consent of the alleged victim is obtained;

(b) the release of information is in compliance with a court order; and/or

(c) the release of information is pursuant to applicable laws and/or policies.

223.12. Enforcement

223.12-1. An employee or supervisor who violates this law may be subject to disciplinary action under the Nation's laws, policies and rules governing employment up to and including termination.

223.12-2. An individual who receives a criminal conviction resulting from an incident of workplace violence covered by this law, shall be ineligible for future employment until the individual is pardoned by the Nation.

224 223.12-3. An employee who violates this law may be subject to removal from a workplace of
225 the Nation.

226
227 *End*

228
229

Adopted – BC-



Legislative Operating Committee
April 19, 2017

Landlord-Tenant Permanent Amendments

Submission Date: 12/21/16	Public Meeting:
LOC Sponsor: David P. Jordan	Emergency Enacted: 01/25/17 Expires: 08/09/17

Summary: *Emergency amendments are requested to allow Oneida Housing Authority's Rent-to-Own program to fit within the confines of the Law. Currently, the Law applies to rental agreements which are contracts where the tenant is granted the right to use or occupy the premises for a residential purpose for one year or less. Amendments will revise the definition of "rental agreement" to allow for longer than one year when the contract is on a rent-to-own basis.*

12/21/16 LOC: Motion by David P. Jordan to add the Landlord-Tenant Law Emergency Amendments to the Active Files list with David Jordan as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

1/18/17 LOC: Motion by Jennifer Webster to approve the emergency amendments adoption packet and forward the Landlord-Tenant Emergency Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

1/25/17 OBC: OBC adopts Landlord-Tenant Law Emergency Amendments through BC-01-25-17-C.

2/1/17 LOC: Motion by Jennifer Webster to direct the Finance Department to complete a fiscal impact statement by February 15, 2017 and to approve the public meeting packet, including the fiscal impact statement when completed, and forward the Landlord-Tenant law amendments to a public meeting to be held on March 2, 2017; seconded by Tehassi Hill. Motion carried unanimously.

3/1/17 LOC: Motion by Tehassi Hill to accept the February 22, 2017 e-poll which cancelled the March 2, 2017 Landlord-Tenant Public Meeting into the record; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Accept the Landlord-Tenant permanent amendments draft and request a legislative analysis from the LRO due back by May 3, 2017.

Title 7. Property - Chapter 611
LANDLORD-TENANT
Tsi' Yuhwatsyawá'ku Aolihwá'ke
where it bound to the earth - issues

611.1.	Purpose and Policy	611.6.	Rights and Duties of Landlords and Tenants
611.2.	Adoption, Amendment, Repeal	611.7.	Domestic Abuse Protections
611.3.	Definitions	611.8.	Sex Offender Registry
611.4.	Rental Programs	611.9.	Termination of Tenancy at Death of Tenant
611.5.	Rental Agreement Documents	611.10.	Landlord or Tenant Actions

611.1. Purpose and Policy

611.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants of the Nation's rental programs.

611.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants of the Nation's rental programs that preserves the peace, harmony, safety, health, general welfare and the Nation's resources.

611.2. Adoption, Amendment, Repeal

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Counsel pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

611.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

611.3. Definitions

611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Comprehensive Housing Division" means the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution.¹

(b) "Landlord" means the Nation in its capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

¹ See BC Resolution 10-12-16-D providing that for purposes of this law, the Comprehensive Housing Division means the Division of Land Management for general rental agreements, the Oneida Housing Authority for income-based rental agreements and Elder Services for rental agreements through the Elder Services program.

(d) “Premises” means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

(e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent-to-own basis.

(f) “Reservation” means all property within the exterior boundaries of the reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(g) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted jointly by the Land Commission and the Comprehensive Housing Division in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law, provided that where such requirements relate solely to premises administered pursuant to federal funding, the Comprehensive Housing Division has sole authority.

(h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a rental agreement.

(i) “Tribal member” means an individual who is an enrolled member of the Nation.

(i) “Security Deposit” means a payment made to the landlord by the tenant to ensure that rent will be paid and other responsibilities of the rental agreement performed.

611.4. Rental Programs

611.4-1. *Available Rental Programs.* Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants and the Oneida Land Commission and the Comprehensive Housing Division shall jointly establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

(a) Elder tribal members;

(b) Low-income Oneida tribal members and families; and

(c) Tribal members in general.

611.4-2. *Minimum Rental Eligibility Requirements.* In order to be eligible for a rental agreement, applicants shall meet the following conditions:

(a) Be eighteen (18) years of age at the time of the application;

(b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;

(c) Meet the local governments’ laws’ requirements regarding residency restrictions for convicted sex offenders;

(d) Meet the income requirements for entering the rental agreement as determined by the rental program’s governing rules;

(e) Not hold a residential lease with the Nation; and

(f) Meet any other eligibility requirements set by the rental program’s rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:

(1) May not contain eligibility requirements that consider debt owed or evictions

from entities other than the Comprehensive Housing Division; but-
(2) May contain eligibility requirements that consider debt owed to utility
providers, provided that eligibility may not be denied for any debt owed to a
utility provider with a past due balance of less than two hundred dollars (\$200).

611.4-3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing the selection of applicants for the issuance of rental agreements.

611.5. Rental Agreement Documents

611.5-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are severable. If any provision of a rental agreement is void or unenforceable by reason of any law, rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect other provisions of the rental agreement that can be given effect without the invalid or unenforceable provision.

611.5-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or termination of a rental agreement is not enforceable unless it meets the requirements of this law and is in writing.

(a) All rental agreements shall:

(1) Set forth the amount of rent or other consideration provided in exchange for the ability to use/occupy the premises;

(2) Set forth the required amount of security deposit and require payment of the security deposit prior to the tenant(s) taking use/occupancy of the premises;

(3) Set the time of commencement and expiration of the rental agreement;

(4) Provide a reasonably definite description of the premises;

(5) State that nothing in the agreement may be considered a waiver of the Nation's sovereign immunity, provided that tenants may seek enforcement of a rental agreement or dispute an action taken pursuant to a rental agreement with the Oneida Judiciary; and

(6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking use/occupancy of the premises;

(A) The rental agreement is not required to be signed by all adults using/occupying the premises, provided that the rights and responsibilities contained in the rental agreement do not extend to persons that are not named as tenants in the rental agreement.

(B) Unless legally separated, if a tenant(s) is married, the landlord shall require that each spouse sign the rental agreement.

(b) Any provision of a rental agreement that does any of the following is void and unenforceable.

(1) Allows a landlord to do or threaten to do any of the following because a tenant has contacted an entity for law enforcement services, health services or safety services:

(A) Increase rent;

(B) Decrease services;

(C) Bring an action for eviction pursuant to the Eviction and Termination law; and/or

(D) Refuse to renew a rental agreement.

(2) Except as otherwise provided in this law in regards to domestic abuse, authorizes the eviction or exclusion of a tenant from the premises other than through the process described in the Eviction and Termination law.

(3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in any legal action or dispute arising under the rental agreement except as supported by a court order.

(4) States that the landlord is not liable for property damage or personal injury caused by negligent acts or omissions of the landlord. This subsection does not affect ordinary maintenance obligations of a tenant under 611.6-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(5) Imposes liability on the tenant for any of the following:

(A) Personal injury arising from causes clearly beyond the tenant's control.

(B) Property damage caused by natural disasters or by persons other than the tenant or the tenant's guests or invitees. This subsection does not affect ordinary maintenance obligations of a tenant under 611.6-3(b) or assumed by a tenant under a rental agreement or other written agreement between the landlord and the tenant.

(6) Waives any obligation on the part of the landlord to deliver the premises in a fit and habitable condition or to maintain the premises during the tenant's tenancy.

(7) Allows for periodic tenancy, which for the purposes of this section means when a tenant uses/occupies a premises without an effective and valid rental agreement by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week and month-to-month.

611.5-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements are not permitted under any circumstances.

611.6. Rights and Duties of Landlords and Tenants

611.6-1. This section governs the rights and duties of the landlord and tenant in the absence of any inconsistent provision found in a valid rental agreement.

611.6-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is evicted from the premises and leaves personal property, the landlord may presume that the tenant has abandoned the personal property and may dispose of said property in any manner that the landlord, in his or her sole discretion, determines is appropriate, provided that:

(a) The landlord shall hold personal property for a minimum of five (5) business days and the tenant may retrieve said personal property by contacting the landlord.

(b) The landlord shall keep a written log of the date and the work time that the Nation's staff expends storing and/or removing personal property and/or removing/disposing of debris left at the property after the expiration of the timeframe provided in the order to vacate.

(c) The Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property.

611.6-3. *Repairs; Untenability.* This section applies to all leases if there is no contrary provision in writing signed by both parties.

(a) *Duties of the Landlord.*

(1) Except for repairs made necessary by the negligence of, or improper use of the premises by the tenant, the landlord has a duty to do all of the following:

(A) Keep in a reasonable state of repair portions of the premises over which the landlord maintains control.

(B) Keep in a reasonable state of repair all equipment under the landlord's control necessary to supply services that the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator, or air conditioning.

(C) Make all necessary structural repairs.

(D) Except as provided in section 611.6-3(b)(2), repair or replace any plumbing, electrical wiring, machinery, or equipment furnished with the premises and no longer in reasonable working condition.

(E) Comply with any laws or rules of the Nation that are applicable to the premises.

(2) If the premises are part of a building where other parts are occupied by one (1) or more other tenants, negligence or improper use by one (1) tenant does not relieve the landlord from the landlord's duty to make repairs as provided in 611.6-3(a)(1), provided that the landlord may require the responsible tenant to pay for such repairs.

(3) A landlord shall disclose to a prospective tenant, before entering into a rental agreement with or accepting any earnest money or security deposit from the prospective tenant, any violation of either the Building Code of the Oneida Nation or the Zoning and Shoreland Protection Ordinance if all of the following apply:

(A) The landlord has actual knowledge of the violation;

(B) The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises;

(C) The violation presents a significant threat to the prospective tenant's health or safety; and

(D) The violation has not yet been corrected but the landlord shall correct the violation prior to the tenant taking occupancy of the premises.

(4) If the premises are damaged by fire, water or other casualty, not the result of the negligence or intentional act of the landlord, this subsection is inapplicable and either section 611.6-3(b) or (c) governs.

(5) The landlord is responsible for all required pest control to keep the premises in a safe and healthy condition, provided that where an infestation has occurred due to the acts or inaction of the tenant the pest control costs may be assessed against the tenant.

(b) Duties of the Tenant.

(1) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant shall reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proven otherwise by the tenant.

(2) The tenant shall keep plumbing, electrical wiring, machinery and equipment furnished with the premises in reasonable working order.

(3) Tenants shall comply with all laws and rules of the Nation.

(c) *Untenability.* If the premises become untenable because of damage by fire, water or other casualty or because of any condition hazardous to health, or if there is a substantial violation of section 611.6-3(a) materially affecting the health or safety of the tenant, the tenant may move from the premises unless the landlord promptly repairs, rebuilds or eliminates the health hazard or the substantial violation of 611.6-3(a) materially affecting the health or safety of the tenant.

(1) The tenant may also move and terminate the rental agreement if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding or elimination would impose undue hardship on the tenant.

(2) If the tenant remains in possession, the landlord shall decrease rent for each month to the extent the tenant is deprived of the full normal use of the premises. The Land Commission and the Comprehensive Housing Division shall jointly develop rules governing how and when rent is decreased pursuant to this section. This subsection does not authorize rent to be withheld in full, if the tenant remains in possession.

(3) If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenable and the landlord shall repay any rent paid in advance apportioned to the period after the premises become untenable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

(d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when the tenant commences his or her occupancy of the premises that the tenant may use to make comments, if any, about the condition of the premises. The landlord shall provide the tenant with seven (7) days from the date the tenant commences his or her occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement.

(e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written notice prior to entering the tenant's premises where notice is required to either be personally served to the tenant or posted on the premises. A landlord is exempt from this notice requirement in the case of an emergency welfare check. The basis of a welfare check may include, but is not limited to the following:

(1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy based on reports of child abuse or neglect, medical concerns, suspicious activity or other reported information;

(2) The landlord suspects the tenant has abandoned the premises; and/or

(3) The landlord receives notice that the premise's utilities have been disconnected.

(f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as landlord a person other than the tenant's original landlord can prejudice the right of the original landlord to possession of the premises.

(g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for additional terms, the landlord shall, at a minimum, inspect the premises once annually.

611.7. Domestic Abuse Protections

611.7-1. If a tenant notices the landlord of domestic abuse with of any of the following documentation, regardless of marital status, the landlord shall change the locks to the premises and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the domestic abuser:

- (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;
- (b) An injunction order under Wis. Stat. 813.122 protecting a child of the tenant from a co-tenant;
- (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or child of the tenant from a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the tenant;
- (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child of the tenant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the tenant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant being arrested for committing a domestic abuse offense against the tenant under Wis. Stat. 968.075.

611.7-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain on the premises for the longer of either the duration of the rental agreement or ninety (90) days from the date the rental agreement is modified. If the latter applies, in addition to removing the co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend its duration.

611.7-3. The Eviction and Termination law provides tenants that are victims of domestic abuse with a defense to eviction should the abusers actions be the cause for eviction.

611.8. Sex Offender Registry

611.8-1. Should a tenant request information about whether any other tenants are required to register as a sex offender, the landlord shall provide the tenant with written notice that he or she may obtain information about the sex offender registry and persons registered within the registry by contacting the department of corrections. The landlord shall include in such notice the appropriate telephone number and internet site of the department of corrections.

611.9. Termination of Tenancy at Death of Tenant

611.9-1. If a tenant dies, his or her tenancy is terminated on the earlier of the following:

- (a) Sixty (60) days after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death;
- (b) The expiration of the term of the rental agreement.

611.9-2. The deceased tenant or his or her estate is not liable for any rent after the termination of his or her tenancy. A landlord may not contact or communicate with a member of the deceased tenant's family for the purpose of obtaining from the family member rent for which the family member has no liability.

611.9-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises from any obligation under a rental agreement or any other liability to the landlord.

611.9-4. If the deceased tenant is a Tribal member whose death renders a co-tenant no longer eligible for a rental agreement, the non-Tribal member tenant may remain in the premises for the longer of either the duration of the rental agreement or ninety (90) days from the date of the Tribal member tenant's death. If the latter applies, the landlord shall revise the rental agreement to extend its duration.

611.10. Landlord or Tenant Actions

611.10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement.

611.10-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

611.10-3. The landlord is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program.

End.

Adopted – BC-10-12-16-C
Emergency Amended – BC-01-25-16-C



Legislative Operating Committee
April 19, 2017

Conflict of Interest Permanent Amendments

Submission Date: 3/15/17	Public Meeting: None
LOC Sponsor: Brandon Stevens	Emergency Enacted: Expires:

Summary: An emergency amendment to the Conflict of Interest law in regards to the HUD Site Monitoring Review Finding #2.

3/15/17 LOC: Motion by Jennifer Webster to add the Conflict of Interest Emergency Amendments to the Active Files List as a high priority and assign Brandon Stevens as the sponsor seconded by Fawn Billie. Motion carried unanimously.

4/5/17 LOC: Motion by Jennifer Webster to accept the Conflict of Interest Emergency Amendments draft and analysis and direct the Legislative Reference Office to prepare an adoption packet for an e-poll if HUD responds approving the draft prior to the April 12, 2017 Oneida Business Committee meeting; seconded by David P. Jordan. Motion carried unanimously.

Next Steps:

- Accept the Conflict of Interest permanent amendments draft and request a legislative analysis from the LRO due back by May 3, 2017.

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Title 2. Employment – Chapter 217
CONFLICT OF INTEREST

217.1. Purpose and Policy	217.6. Penalties for Non-Disclosure of a Conflict of Interest
217.2. Adoption, Amendment, Repeal	217.7. Prohibited Activities Resulting from a Disclosed Conflict of Interest
217.3. Definitions	217.8. Exemptions
217.4. General	
217.5. Organizational Conflicts of Interest	

217.1. Purpose and Policy

217.1-1 *Purpose.* The purpose of this law is for the Nation to ensure that all employees, contractors, elected officials, officers, political appointees, appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Nation.

217.1-2. *Policy.* It is the policy of the Nation to assert its proprietary rights to client lists, trade secrets and any other confidential data generated, developed or commissioned for the Nation in the course of an employee's duties and responsibilities and that all employees, and prospective employees, be made aware of their obligation to uphold such rights. The Nation asserts that no persons who work for the Nation or are responsible for safeguarding its interests nor their relatives, associates, partners, or anyone connected with such persons should in any way benefit against or in competition with the Nation's interests without full and complete prior disclosure to the Nation.

217.2. Adoption, Amendment, Repeal

217.2-1. This law was adopted by the Oneida Business Committee by Resolution BC-06-10-98-C and amended by BC-02-08-17-B.

217.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

217.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

217.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provision of this law shall control.

217.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

217.3. Definitions

217.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Agent" means a person who is authorized to act for or in place of another, which may include an employee, contractor, elected official, officer, political appointee, and appointed or elected member of the Nation.

(b) "Conflict of interest" means any interest, real or apparent, whether it be personal, financial, political, or otherwise, in which an elected official, officer, political appointee,

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employee, contractor, or appointed or elected member, or their immediate family members, friends or associates, or any other person with whom they have contact, have that conflicts with any right of the Nation to property, information, or any other right to own and operate activities free from undisclosed competition or other violation of such rights of the Nation. In addition, conflict of interest also means any financial or familial interest an elected official, officer, political appointee, employee, contractor, or appointed or elected member or their immediate family members may have in any transaction between the Nation and an outside party.

(c) “Contractor” means a person or business providing expertise, services, goods or guidance to the Nation.

(d) “Elected official” means a person elected to the Oneida Business Committee who does not hold an officer position.

(e) “Employee” means anyone employed by the Oneida Nation in one of the following employed capacities: full-time, part-time, emergency temporary, limited term or on a contractual basis.

(f) “Entity” means a department, program or service of the Nation.

(g) “Immediate family member” means an individual’s husband, wife, mother, father, step mother, step father, son, daughter, step son, step daughter, brother, sister, step brother, step sister, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law and any of the these relations attained through legal adoption.

(h) “Member” means a person who serves on a board, committee, or commission of the Nation. It does not include the Oneida Business Committee or the governing body of a Tribally Chartered Corporation.

(i) “Nation” means the Oneida Nation.

(j) “Officer” means a person elected to the Oneida Business Committee holding the Chairperson, Vice Chairperson, Secretary, or Treasurer position.

(k) “Organizational conflict of interest” means that because of other activities or relationships with other parties, a potential contract or contractor is:

- (1) unable to render impartial assistance or advice to the Nation;
- (2) cannot perform a contract with the Nation in an objective way; or
- (3) has an unfair competitive advantage compared to others.

(l) “Political appointee” means a person who assists an elected member of the Oneida Business Committee in their daily activities and operations.

(m) “Third party agreement” means any agreement with the Pharmacy in which an insurance provider agrees to reimburse the Pharmacy for drugs and supplies sold to subscribers of a valid health plan of that insurance provider.

217.4. General

217.4-1. Scope.

(a) This law shall apply to agents, elected officials, officers, political appointees, employees, contractors, appointed or elected members or any other persons with whom they may be associated in personal, marital, familial, business, financial or other relationships.

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(b) Under the protection of this law are the resources of the Nation, its enterprises, programs, business interests, financial information, trade secrets and any other information that could be used against the Nation or those duly authorized to represent its interests.

217.4-2. *Amendment of Documents.* The following documents shall be amended as required in order to implement this law:

(a) The Nation's laws, rules and policies governing employment.

(1) Prospective employees shall disclose whether or not they have any conflicts of interest as defined in this law.

(2) Current employees shall disclose existing conflicts of interest, if any.

(b) Persons or organizations contracting with the Nation shall include a provision in their contract reciting the prohibition against undisclosed conflicts of interest.

(c) The Oneida Nation Secretary shall inform all elected officials, officers, political appointees, and elected or appointed members of the existence of this law in writing. All elected officials, officers, political appointees, and elected or appointed members shall disclose any conflicts of interest.

217.4-3. *Forms.* Forms shall be prepared upon which disclosures of conflicts which exist may be listed and returned to the Oneida Business Committee for action as indicated in this law. The Oneida Law Office shall be responsible for creating a standard form and any specialized forms required by this law. The Nation's Human Resource Department and the Office of the Oneida Nation Secretary shall be responsible for distributing and maintaining conflict of interest disclosure forms.

(a) The Nation's Human Resource Department shall collect conflict of interest disclosure forms from all employees on an annual basis. Additionally, an employee shall disclose a conflict of interest as soon as the conflict arises.

(b) The Office of the Nation's Secretary shall collect conflict of interest disclosure forms from all elected officials, officers, political appointees, and elected and appointed members on an annual basis. Additionally, an elected official, officer, political appointee, or elected or appointed member shall disclose a conflict of interest as soon as the conflict arises.

217.5. Organizational Conflicts of Interest

217.5-1. *Presumed Organizational Conflict of Interest.* It is presumed that there is an organizational conflict of interest any time that a business owned by the Nation or an employee of the Nation seeks to contract ~~directly~~ with the Nation.

217.5-2. *Maintaining Objectivity and Equal Access to Information.* The Nation shall maintain objectivity in contracting and shall provide all potential and actual contractors with equal access to information. Should an employee of the Nation also be an employee, officer, director, or agent of any business owned by the Nation, the said employee shall be restricted from participating in any part of the contract process, including but not limited to the bidding, selection, award and administration, for that business.

(a) In the event that an employee has knowledge and experience that is critical to a contract and is restricted from participation based on an organizational conflict of interest, the said employee may only participate if the Nation and the contractor execute a

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conflict of interest mitigation plan.

(b) An organizational conflict of interest mitigation plan shall require the conflicted employee's participation be limited to the specific components of the project/contract that require the employee's knowledge and/or experience.

217.5-3. *Biased Ground Rules.* Should the Nation contract with a business it owns to prepare ground rules for a subsequent project/contract, including but not limited to preparing/writing specifications or work statements, said business may not compete for the subsequent project/contract.

217.5-4. *Employees Contracting with the Nation as Independent Contractors.* In addition to meeting the requirements of the Nation's independent contractor laws, policies and/or rules, employees that seek to contract with the Nation as an independent contractor may not, in any circumstance, whether as a prime contractor or a subcontractor:

(a) Contract with the Nation within the same scope for which they are employed by the Nation.

(b) Contract with any entity within the Nation that is within the same divisional budget and/or chain of command for which the employee is employed by the Nation.

(c) Submit a bid to contract with Nation without receiving and submitting with the bid written notice from the employee's supervisor providing consent and approval to bid and that such bid and/or potential resultant contract will not interfere with the employees current responsibilities to the Nation.

(d) Contract with the Nation if the employee is employed by any of the following areas:

(1) The Oneida Law Office;

(2) The Internal Audit Department; and/or

(3) The Oneida Finance Department.

217.6. Penalties for Non-Disclosure of a Conflict of Interest

217.6-1. *Employees.* If a supervisor is provided credible evidence that an employee has failed to disclose a conflict of interest, the employee shall be placed on leave pursuant to the Nation's Investigative Leave Policy, except that the duration of the investigation for an alleged conflict of interest shall be concluded within seven (7) days of the employee being placed on leave. A supervisor shall terminate an employee from his or her employment with the Nation when an investigation substantiates that the employee failed to disclose a conflict of interest.

217.6-2. *Elected Officials and Officers.* An elected official or officer who fails to disclose a conflict of interest may be subject to removal pursuant to the Removal Law or penalties pursuant to laws of the Nation regarding penalties.

217.6-3. *Elected or Appointed Members.* A member who fails to disclose a conflict of interest may be subject to penalties pursuant to laws of the Nation regarding penalties, and subject to removal pursuant to the Removal Law for elected members, or have their appointment terminated by the Oneida Business Committee pursuant to the law governing board, committees and commissions for appointed members.

217.6-4. *Political Appointees.* A political appointee that fails to disclose a conflict of interest may be subject to discipline at the discretion of the elected official the political appointee serves.

217.6-5. *Contracts.* An organization or a person who does not disclose conflicts of interest may be subject to termination of their contracts.

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217.7. Prohibited Activities Resulting from a Disclosed Conflict of Interest

217.7-1. When an existing conflict of interest is disclosed, no employee, contractor, elected official, political appointee, officer, agent, or appointed or elected member may participate in:

(a) the selection, award, or administration of a contract, including contracts supported by a Federal award; and/or

(b) any other prohibited activities identified in any other law, policy or rule of the Nation.

217.7-2. Entities of the Nation shall develop standard operating procedures and/or work standards outlining further prohibited activities resulting from disclosed conflicts of interest and means by which a party can alleviate or mitigate the conflict of interest.

(a) In the event arrangements are made to alleviate or mitigate the conflict of interest, it may become permissible for a party to participate under section 217.7-1(b) at the discretion of the division director and to the extent permitted by any applicable law, policy or rule. However, in all circumstances, such parties shall remain prohibited from participating under section 217.7-1(a).

217.8. Exemptions

217.8-1. Exemptions to this law are for the purpose of excluding activities of the Nation for which no conflict of interest can exist. These activities generally occur when the Nation is acting as a provider of services for which another will be making payments or reimbursing costs of providing the services. Exemptions shall be specifically identified within this law.

217.8-2. *Pharmacy.* This exemption shall be designed to relieve the Pharmacy and insurance providers from the requirements of the Conflict of Interest law while recognizing the unique relationship between the Pharmacy and insurance providers in third party payment agreements where no proprietary information of the Nation is provided to the insurance providers, and there is little or no opportunity for a conflict of interest between the insurance providers and the Nation. This exemption shall be designed to increase the attractiveness of the Pharmacy to subscribers of multiple insurance providers. This exemption shall apply solely to insurance providers seeking to enter into third party payment agreements with the Pharmacy.

End.

Adopted - BC-06-10-98-C

Emergency Amended - BC-04-12-06-JJ

Emergency Amended - BC-09-27-06-E

Emergency Amended – BC-08-10-16-M

Amended - BC-02-08-17-B



HANDOUT

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



AGENDA REQUEST FORM

- 1) Request Date: April 19, 2017
- 2) Contact Person(s): Jennifer Falck, LRO Director
 Dept: LRO
 Phone Number: 869-4312 Email: jfalck@oneidanation.org
- 3) Agenda Title: Election Law Emergency Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
This emergency adoption packet is an effort to be prepared, should the GTC not
adopt the Election Law at the 4/23/27 GTC meeting. The current emergency
amendments- include three changes to the law, and will expire on 4/27/17.
This is a resolution only changes the voting age from 21 to 18.

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

- 1) Emergency Adoption Packet
- 2) _____
- 3) _____
- 4) _____
- 5) Please list any laws, policies or resolutions that might be affected:
None.
- 6) Please list all other departments or person(s) you have brought your concern to:
LOC, OLO
- 7) Do you consider this request urgent? ☒ Yes ☐ No
 If yes, please indicate why:
There is a primary election on May 6

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

Signature of Requester:

Please send this form and all supporting materials to:

LOC@oneidanation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376



HANDOUT

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



TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairman *BS*
RE: Election Law Emergency Amendments
DATE: April 19, 2017

Please find the following attached backup documentation for your consideration of the Resolution: Emergency Amendments Reflecting Voting Age Change in Election Law for 2017 General Election.

1. Resolution
2. Statement of Effect
3. Legislative Analysis
4. Redline Draft
5. Clean Draft

Overview

On April 27, 2016, the OBC adopted Election Law Emergency Amendments that changed the voting age from 21 to 18, in addition to adding language regarding how the Oneida Nation Constitution may be changed in the future. Those emergency amendments are due to expire on April 27, 2017.

The adoption of this law will require a vote by the General Tribal Council (GTC). However, due to unforeseen circumstances, the GTC has not had an opportunity to vote on the item;

January 16, 2017: GTC Meeting rescheduled due to inclement weather.
February 12, 2017: GTC Meeting was held, but this item was not discussed.
April 7, 2017: GTC Meeting was rescheduled for safety purposes.

Another resolution has been drafted that will only change the voting age from 21 to 18. The adoption of this resolution constitutes an emergency because of the upcoming general election. If amendments are not adopted prior to the upcoming election, there will be a conflict between the Oneida Nation Constitution and the Election Law, regarding the minimum voting age. The proposed emergency amendments would ensure there is no conflict.

Requested Action

Adopt the Resolution: Emergency Amendments Reflecting Voting Age Change in Election Law for 2017 General Election.

HANDOUT**Oneida Nation**

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____**Emergency Amendments Reflecting Voting Age Change in Election Law for 2017 General Election**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** on May 2, 2015, the Oneida membership voted at a Secretarial Election to amend the Oneida Nation Constitution; and
- WHEREAS,** after an appeal of the Secretarial Election results, the Interior Board of Indian Appeals denied the challenges to the Secretarial Election and upheld the election results; and
- WHEREAS,** the Oneida Nation Constitution was amended to change the voting age to age 18 from age 21; and
- WHEREAS,** the Election Law required amendments in order to come into compliance with the Oneida Nation Constitution regarding the new voting age and that amendment, along with other amendments addressing constitutional amendments, were presented at a Public Meeting in accordance with the Legislative Procedures Act; and
- WHEREAS,** the amendments to the Election law were adopted by the Oneida Business Committee on an emergency basis in order to allow the 2016 Special Election to be conducted in accordance with the new constitutional voting age of 18, and the emergency amendments are scheduled to expire on April 27, 2017;
- WHEREAS,** the Oneida Business Committee presented the amendments to the Election Law to the General Tribal Council for approval prior to the 2017 General Election on the January 16, 2017, Annual General Tribal Council agenda, at which the meeting was rescheduled to February 13, 2017 because of inclement weather, which was then recessed prior to acting on the amendments to the Election Law; and
- WHEREAS,** the Annual meeting was scheduled to reconvene on April 7, 2017, which was then rescheduled to April 23, 2017; and
- WHEREAS,** the General Tribal Council did not act on the amendments to the Election Law, **[insert reason]**, such that emergency action is required to address the issue to correct the voting age to 18 as set forth in the Constitution for the 2017 General Election; and

NOW THEREFORE BE IT RESOLVED, that sections 102.3-18 and 103.8-1 are amended under the emergency amendment authority delegated in the Legislative Procedures Act to delete "21" and insert "18" as presented in the attached Election Law.



HANDOUT

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



Statement of Effect

Emergency Amendments Reflecting Voting Age Change in Election Law for 2017 General Election

Summary

This resolution adopts emergency amendments to the Election Law to reflect the 2015 Constitutional amendment which lowered the voting age from 21 to 18 years old.

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

Analysis by the Legislative Reference Office

The following is a timeline of relevant actions:

- **May 12, 2015.** The Oneida membership voted in a Secretarial Election, approving five amendments to the Oneida Constitution. One of the approved amendments lowered the voting age for Tribal elections from 21 to 18 years old.
 - At that time, the Election Law still identified “qualified voters” as an enrolled Tribal member who was 21 years of age or older at the time of an election. [2.3-18 and 2.8-1]
- **June 28, 2015.** To ensure there was no conflict between the amended Constitution and the Election Law in regards to voting age, the Oneida Business Committee (OBC) adopted emergency amendments to the Election law that clarified that a qualified voter was an enrolled Tribal member age 18 or over, instead of age 21 or over. Additional amendments also:
 - Replaced the word “tribe” with “Nation” in some provisions, to reflect another Constitutional amendment that changed the official name of the Nation from “Oneida Tribe of Indians of Wisconsin” to “Oneida Nation.”
 - Revised section 2.2-1 to remove an obsolete effective date for the law.
- **December 28, 2015.** The emergency amendments adopted on June 28, 2015 expired. Because permanent amendments had not yet been adopted, the prior permanent version of the law went back into effect, identifying qualified voters as persons age 21 and over.
- **April 27, 2016.** The OBC adopted new emergency amendments to the Election law. These amendments included all of the emergency changes adopted on June 28, 2015; but also added a few new changes:
 - Section 2.2 was revised to include standard language required by the Legislative Procedures Act, and references to the “Oneida Enrollment Department” were changed to “Trust Enrollment Department.”
 - Additional changes were made to replace “Tribe” with “Nation”, and a definition for “Tribal member” was added.
- **December 12, 2016.** The OBC extended the emergency amendments so that they would remain in effect while permanent amendments were being processed for GTC to adopt.
- **April 27, 2017.** These existing emergency amendments expire and cannot be renewed.

If the current emergency amendments expire without any other action being taken, then the last permanently-adopted version of the law will resume effect when the emergency amendments expire. The last permanently-adopted version of the law sets the minimum voting age at 21 years

old – this would conflict with the Constitution; which sets the minimum voting age at 18 years old.

This resolution would adopt amendments to the Election law on an emergency basis, while permanent amendments are being processed for GTC to adopt. The proposed amendments only lower the minimum voting age for Tribal elections from 21 to 18, and re-number the law to reflect the recent Code of Laws reorganization; no other changes would be made.

By adopting these amendments on an emergency basis, the OBC would be finding that this “legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population and the enactment or amendment of legislation is required sooner than would be possible under this law.” [*Legislative Procedures Act, 109.9-5*]

Here, the emergency situation arises because of the upcoming Tribal elections – if amendments are not adopted prior to the upcoming Tribal elections, then there would be a conflict between the Constitution and the Election Law, regarding the minimum voting age. The proposed emergency amendments would ensure there is no conflict.

Conclusion

Adoption of this resolution does not conflict with the Nation’s laws.

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Oneida Election Law Emergency Amendments Legislative Analysis

SECTION 1. BACKGROUND

REQUESTER: LRO	SPONSOR:	DRAFTER: Jo Anne House	ANALYST: Candice E. Skenandore
Intent of the Amendments	To ensure the Oneida Election law (Law) complies with the Nation's Constitution		
Affected Legislation	Constitution, Election Law		
Public Meeting	A public meeting is not required for emergency amendments <i>[See Legislative Procedures Act, 1 O.C. 109.9-5]</i> .		

SECTION 2. LEGISLATIVE DEVELOPMENT

A. A Secretarial Election was held on May 2, 2015, which among other things, asked the Tribal membership to consider changing the qualified voting age from 21 to 18 *[See The Proposed Amendments to the Oneida Tribe of Indians of Wisconsin Constitution and Bylaws, Proposed Amendment A]*. The official results of proposed Amendment A included 506 for, 361 against and one cast ballot found spoiled or mutilated *[See Official Results of the Oneida Tribe of Indians of Wisconsin Secretarial Election]*. These results were officially certified by the Interior Secretary on June 16, 2015. On June 28, 2015 the Oneida Business Committee adopted BC Resolution 06-28-15- A *Emergency Amendments to the Election Law*. These amendments lowered the qualified voting age from 21 to 18. The Law was amended on an emergency basis to allow Tribal members that are at least 18 years of age to vote in the July 11, 2015 special election.

On May 5, 2105 a Tribal member contested the results of the May 2, 2015 Secretarial Election to the Chairman of the Secretarial Election Board and the Superintendent of the Great Lakes Agency pursuant to 25 C.F.R. § 81.22. The Midwest Regional Office notified the Tribal member on June 12, 2015, and the Nation on June 19, 2015, that the processes used by the Oneida Secretarial Election Board were not inconsistent with the regulations and the election challenge was denied. On June 24, 2015, the Nation was notified by the Interior Board of Indian Appeals (IBIA) that the Tribal member had halted certification and implementation of the amendments. Because of the Bureau of Indian Affairs' (BIA) decision to certify the Secretarial Election Results were appealed, the July 11, 2015 special election did not allow Tribal members age 18-20 to vote. The emergency amendments that were adopted on June 28, 2015 were allowed to expire on December 28, 2015.

On February 11, 2016, the IBIA rejected the appeal and upheld the decisions of the BIA to certify Oneida Secretarial Election. The Oneida Business Committee formally acknowledged the BIA's decision on February 24, 2016. Emergency amendments were made to the Law on April 27, 2016 which lowered the voting age to 18. The Oneida Business Committee also sent a letter to Tribal members that were 18-20 years old notifying them of their ability to participate in elections and General Tribal Council meetings. After the emergency amendments were approved by the Oneida Business Committee on April 27, 2016, the Legislative Operating Committee began working on permanent amendments to the Law. The emergency amendments were set to expire on October 27, 2016; therefore, the Oneida Business Committee adopted BC Resolution 10-12-16-F which extended

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the emergency amendments for an additional six month, effective October 27, 2016. On October 26, 2016, the Oneida Business Committee accepted the permanent amendments and forwarded the Election Law to the 2017 Annual General Tribal Council meeting. The Annual General Tribal Council meeting was scheduled for January 16, 2017; however, due to inclement weather, the meeting was canceled and rescheduled for February 13, 2017. The General Tribal Council failed to act on the Election Law amendments due to the time limit set forth at the adoption of the agenda expiring. The Election Law amendments were forwarded to a reconvened General Tribal Council meeting scheduled for April 7, 2017; however, the April 7th meeting was rescheduled to April 23, 2017 due to parking lot safety concerns. At the April 23, 2017 meeting, the General Tribal Council failed to take action on the Election Law amendments. The emergency amendments to the Law are set to expire on April 27, 2017 and no extensions are available pursuant to the Legislative Procedures Act. The proposed emergency amendments lower the qualified voting age from 21 to 18 in order to be consistent with the Constitution of the Oneida Nation [*See Constitution of the Oneida Nation, Article III, Section 2*].

SECTION 3. CONSULTATION

- A. The Oneida Law Office was consulted in developing this legislative analysis.
- B. The Constitution of the Oneida Nation, Legislative Procedures Act, and Election Law were reviewed when developing this analysis.

SECTION 4. PROCESS

- A. The Legislative Procedures Act does not address what happens when emergency legislation that has already been extended, requires another extension. The purpose for limiting the emergency extension for an additional six months is to allow for public input during the legislative process. A public meeting was held on the permanent amendments that are waiting for General Tribal Council action. Those permanent amendments include, among other things, lowering the qualified voting age to 18. This public meeting was held on September 15, 2016.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. Emergency amendments are being proposed to lower the qualified voting age from 21 to 18 [*See proposed Oneida Election law amendments 1 O.C. 102.3-18 and 102.8-1*].

SECTION 6. EFFECT ON EXISTING LEGISLATION

- A. The emergency amendments allow the Election Law to comply with Article III, Section 2 of the Constitution of the Oneida Nation, which states "All enrolled members of the Oneida Nation who are eighteen (18) years of age or over shall be qualified voters provided they present themselves in person at the polls on the day of election" [*See Constitution of the Oneida Nation, Article III, Section 2*].
- B. These emergency amendments ensure that the Election Law that was in operation during the March 25, 2017 caucus will be consistent with Nation's primary scheduled for May 6, 2017, General Election scheduled for July 8, 2017, and the Constitution of the Oneida Nation. It should be noted the Election Law identifies the General Tribal Council as the entity that has the authority to adopt, amend or repeal the Law; however the Legislative Procedures Act allows the Oneida Business Committee to temporarily enact an emergency law where legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population and the enactment or amendments of

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legislation is required sooner than would be possible under the [Legislative Procedures Act] [See *Oneida Election Law 1 O.C. 102.2-1 and Legislative Procedures Act 1 O.C. 109.9-5*].

SECTION 7. OTHER CONSIDERATIONS

A public meeting or a fiscal impact statement are not required for emergency amendments [See *Legislative Procedures Act 1 O.C. 109.9-5 (a)*].

HANDOUT

Title 1. Government and Finances - Chapter 102

ONEIDA ELECTION LAW

Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsila

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy
102.2. Adoption, Amendment, Repeal
102.3. Definitions
102.4. Election Board
102.5. Candidate Eligibility
102.6. Selection of Candidates

102.7. Notice of Polling Places
102.8. Registration of Voters
102.9. Election Process
102.10. Closing Polls and Securing Ballots
102.11. Election Outcome and Ties
102.12. Elections

102.1. Purpose and Policy

102.1-1. It is the policy of the Tribe that this law shall govern the procedures for the conduct of orderly Tribal elections, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Tribe in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution # GTC 7-06-98-A— and amended by resolutions #GTC-01-04-10- A—and BC-02-25-15-C and . The amendments adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.

102.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Business Committee or the Oneida General Tribal Council. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

102.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

102.3. Definitions

102.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m.— 4:30 p.m., excluding Tribal holidays.

102.3-5. "Campaigning" shall mean all efforts designed to influence Tribal members to support

or reject a particular Tribal candidate including, without limitation, advertising, rallying, public speaking, or other communications with Tribal members.

102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Tribal elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Tribe to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Tribe, or as defined in any law or policy of the Tribe.

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

102.3-15. "Oneida Police Officer" shall mean an enrolled member of the Oneida Tribe of Indians who is a police officer on any police force.

102.3-16. "Private property" shall mean any lot of land not owned by the Tribe, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-17. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-18. "Qualified voter" shall mean an enrolled Tribal member who is ~~eighteen (18)~~ 21-years of age or older.

102.3-19. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-20. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-21. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Tribe for the benefit of transmitting news to Tribal members which is designated by the Election Board as a source for election related news.

102.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.

102.4. Election Board

Section A. Establishment, Composition and Election

102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this law and Article III, Sections 2 and 3 of the Oneida Constitution.

102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years, not to exceed two (2) consecutive terms.

102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.

102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

102.4-7. The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

102.4-9. The Election Board shall have the following duties, along with other responsibilities listed throughout this law.

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

- (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Oneida Enrollment Department personnel when their election day duties are complete; and shall post and report election results.
- (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- (c) Secretary: Shall keep a record of the meetings and make them available to the Tribal Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.
- (d) Clerks: Shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Oneida Enrollment Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the

Oneida Enrollment Department.

(e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.

(f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between Tribal members and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the budgeting process of the Tribe.

102.4-12. The Oneida Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

- (a) be an enrolled Tribal member, as verified by membership rolls of the Tribe.
- (b) be a qualified voter on the day of the election.
- (c) provide proof of physical residency as required for the position for which they have been nominated or for which they have petitioned. Proof of residency may be through one (1) or more of the following:
 - (1) a valid Wisconsin driver's license;
 - (2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;
 - (3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be filed by presenting the information to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus. No mailed, internal Tribal mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.

At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Tribal mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Tribe or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any Tribal office or business/facility.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any Tribal property except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.
- (c) Employees of the Tribe shall not engage in campaigning for Tribal offices during work hours. Tribal employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.
- (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.
- (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by

the Election Board in an amount specified in a resolution adopted by the Business Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates:

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. *Candidate Withdrawal After Winning an Election.*

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.6. Selection of Candidates

Section A. Setting of Caucus

102.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.

102.6-2. The procedures for the caucus shall be as follows:

(a) Candidates shall be nominated from the floor.

(b) Candidates present at the caucus will accept/decline their nomination at the caucus. Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.

(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or creating documents of a board, committee, or commission.

Section B. Petition

102.6-3. Any eligible Tribal member may petition to be placed on a ballot according to the following procedures:

(a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.

(b) Petitioners shall use an official petition form as designated by this law which may be obtained in the Tribal Secretary's Office or from the mailing for that caucus.

(c) The petition form shall consist of each endorsee's:

- (1) printed name and address;
- (2) date of birth;
- (3) Oneida Tribal Enrollment Number; and
- (4) signature.

(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.

(e) Petitions shall be presented to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

(f) The Tribal Secretary shall forward all petitions to the Election Board Chairperson the next business day following the close of petition submissions.

(g) The Election Board shall have the Oneida Enrollment Department verify all signatures contained on the petition.

102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of Tribal businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Tribal members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Oneida Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Tribal newspaper.

102.8. Registration of Voters

Section A. Requirements

102.8-1. *Registration of Voters.* All enrolled members of the Tribe, who are ~~eighteen (18) twenty-one (21)~~ years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Tribal Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Tribal I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Tribal Constitution, Article III Section 2, to vote in tribal elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

102.9-2. Elections shall be held in an Oneida Tribal facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

- (a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four (4) Tribal members verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least six (6) Election Board members shall sign the election totals, which shall include the tape signed by the Tribal members before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

2.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties

Section A. Election Results Announcement

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.11-2. The Election Board shall post, in the prominent locations, and publish in the Tribal newspaper, the tentative results of an election.

Section B. Tie

102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

(a) The Election Board shall notify each of the tied candidates and the public of the date, time, and place of the drawing at least one (1) business day before the drawing. Notice to the tied candidates shall be in writing. Notice to the public shall be posted by the Election Board in the prominent locations.

(b) On the date and at the time and place the drawing was noticed, the Election Board Chairperson shall clearly write the name of each tied candidate on separate pieces of paper in front of any witnesses present. The pieces of paper shall be the same, or approximately the same, color, size, and type. The papers shall be folded in half and placed in a container selected by the Election Board Chairperson.

(c) The Election Board Chairperson shall designate an uninterested party to draw a name from the container. The candidate whose name is drawn from the container first shall be declared the winner. An Election Board member other than the Chairperson shall remove the remaining pieces of paper from the container and show them to the witnesses present.

Section C. Recount Procedures

102.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was

within two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is greater. A candidate requests a recount by hand delivering a written request to the Tribal Secretary's Office, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Tribal Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Tribal Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

- (c) List of any ties and final results of those ties, including the method of resolution.
 - (d) List of candidates elected and position elected to.
 - (e) Number of spoiled ballots.
 - (f) Cost of the election, including the compensation paid to each Election Board member.
- 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.
- 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office
- 102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.
- (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.
 - (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.
- 102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections

Section A. Primary Elections; Business Committee

102.12-1. When a primary is required under [102.12-2](#), it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

- (a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.
- (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.
- (c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary.

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section [102.5-11](#) and [102.5-12](#) shall be followed, including the requirement to print a notice in the Tribal newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Tribal newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Tribal Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Tribe or general membership.

Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a Tribal member to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended - BC-02-25-15-C

Emergency Amended-BC-06-28-15-A (expired)

Emergency Amended - BC-04-27-16-B (expired)

Emergency Extension - BC-12-12-16-F

Emergency Amended - BC-

HANDOUT

Title 1. Government and Finances - Chapter 102

ONEIDA ELECTION LAW

Onayote'a'ká Tho Ni Yót Tsi' Ayethiyataláko Tsi' Kayanl'hsia

People of the Standing Stone how it is we will appoint them the kind of laws we have

102.1. Purpose and Policy
102.2. Adoption, Amendment, Repeal
102.3. Definitions
102.4. Election Board
102.5. Candidate Eligibility
102.6. Selection of Candidates

102.7. Notice of Polling Places
102.8. Registration of Voters
102.9. Election Process
102.10. Closing Polls and Securing Ballots
102.11. Election Outcome and Ties
102.12. Elections

102.1. Purpose and Policy

102.1-1. It is the policy of the Tribe that this law shall govern the procedures for the conduct of orderly Tribal elections, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Tribe in the conduct of elections. It is intended to govern all procedures used in the election process.

102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution # GTC 7-06-98-A and amended by resolutions #GTC-01-04-10- A, BC-02-25-15-C and . The amendments adopted by resolution #GTC-01-04-10-A shall be effective January 4, 2010.

102.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Business Committee or the Oneida General Tribal Council. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

102.2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

102.3. Definitions

102.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m.– 4:30 p.m., excluding Tribal holidays.

102.3-5. "Campaigning" shall mean all efforts designed to influence Tribal members to support

or reject a particular Tribal candidate including, without limitation, advertising, rallying, public speaking, or other communications with Tribal members.

102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is placed on the ballot by the Election Board after successful application.

102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose of determining voter eligibility.

102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political or otherwise, in which a Tribal elected official, employee, consultant, appointed or elected, member of any board, committee or commission, or their immediate relatives, friends or associates, or any other person with whom they have contact, that conflicts with any right of the Tribe to property, information, or any other right to own and operate its enterprises, free from undisclosed competition or other violation of such rights of the Oneida Tribe, or as defined in any law or policy of the Tribe.

102.3-10. "Election" shall mean every primary and election.

102.3-11. "General election" shall mean the election held every three (3) years in July to elect the Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the Business Committee and may include contests for elected boards, committees and commissions positions.

102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of discrepancies, complaints and controversy regarding voter eligibility.

102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the winner of an elected position, in the case of a tie between two (2) or more candidates.

102.3-15. "Oneida Police Officer" shall mean an enrolled member of the Oneida Tribe of Indians who is a police officer on any police force.

102.3-16. "Private property" shall mean any lot of land not owned by the Tribe, a residential dwelling or a privately owned business within the boundaries of the Reservation.

102.3-17. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida Community Health Center, the SEOTS building and all One-Stop locations.

102.3-18. "Qualified voter" shall mean an enrolled Tribal member who is eighteen (18) years of age or older.

102.3-19. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating machine.

102.3-20. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred and is not tabulated.

102.3-21. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

102.3-22. "Tribal newspaper" shall mean the Kalihwisaks, or any other newspaper operated by the Tribe for the benefit of transmitting news to Tribal members which is designated by the Election Board as a source for election related news.

102.3-23. "Tribe" means the Oneida Tribe of Indians of Wisconsin.

102.4. Election Board

Section A. Establishment, Composition and Election

102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this law and Article III, Sections 2 and 3 of the Oneida Constitution.

102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be elected to terms of three (3) years, not to exceed two (2) consecutive terms.

102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an Election Board member in any pre-election, election day, or post-election activities while he or she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.

102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member who is removed from the Election Board shall be ineligible to serve on the Board for three (3) years from the time he or she is removed from the Election Board.

102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed to correspond with the pre-election activities and the needs of the Election Board.

102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to the Election Board, as recommended by the Election Board, to assist with election day and pre-election activities.

102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in the By-laws of the Election Board, to preside over the meetings. This selection shall be carried out at the first meeting of the Election Board following an election. The Chairperson shall then ask the Election Board to select a Vice-Chairperson and Secretary.

Section B. Duties of the Election Board

102.4-9. The Election Board shall have the following duties, along with other responsibilities listed throughout this law.

- (a) The Election Board shall be in charge of all registration and election procedures; and
- (b) Upon completion of an election, the Election Board shall make a final report on the election results as set out in this law.

Section C. Specific Duties of Officers and Election Board Members

102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to being present at all Election Board meetings and assisting the handicapped through the voting process, are as set out herein:

- (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing body for applicants found to be ineligible in accordance with 102.5-6 in the event of an appeal; shall oversee the conduct of the election; shall dismiss the alternates and Oneida Enrollment Department personnel when their election day duties are complete; and shall post and report election results.
- (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.
- (c) Secretary: Shall keep a record of the meetings and make them available to the Tribal Secretary, other Election Board members and the public as required in the Open Records and Open Meetings Law.
- (d) Clerks: Shall implement the requirements of identifying and registering all voters and determining voter eligibility. Clerks shall work in conjunction with the Oneida Enrollment Department personnel in the registration process, and assist the Chairperson as directed in conducting the election. Clerks cannot be currently employed by the Oneida Enrollment Department.

- (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as determined by this law. Shall assist the Chairperson in conducting the election.
- (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted under this law. In case of disputes among Election Board members, or between Tribal members and Election Board members, or any controversy regarding voter eligibility, the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall also ensure that all ballots of voters whose eligibility may be in question, remain confidential.

Section D. Compensation Rates

102.4-11. Election Board members are to be compensated at an hourly rate when conducting elections as provided for in the Election Board's bylaws as approved by the Business Committee. The Election Board shall have a budget, approved through the budgeting process of the Tribe.

102.4-12. The Oneida Enrollment Department personnel and Oneida Police Officer(s) shall be compensated at their regular rate of pay out of their respective budgets.

102.5. Candidate Eligibility

Section A. Requirements

102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-laws or other documents, all applicants shall meet the minimum requirements set out in this section in order to become a candidate.

102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

- (a) be an enrolled Tribal member, as verified by membership rolls of the Tribe.
- (b) be a qualified voter on the day of the election.
- (c) provide proof of physical residency as required for the position for which they have been nominated or for which they have petitioned. Proof of residency may be through one (1) or more of the following:
 - (1) a valid Wisconsin driver's license;
 - (2) a bill or pay check stub showing name and physical address of the candidate from the prior or current month;
 - (3) another form of proof that identifies the candidate and that the candidate has physically resided at the address and identifies that address as the primary residence.

102.5-3. No applicant may have a conflict of interest with the position for which they are being considered, provided that any conflict of interest which may be eliminated within thirty (30) calendar days of being elected shall not be considered as a bar to nomination or election.

102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be filed by presenting the information to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus. No mailed, internal Tribal mail delivery, faxed or other delivery method shall be accepted.

102.5-5. The names of the candidates and the positions sought shall be a public record and made available to the public upon the determination of eligibility by the Election Board or the Board's designated agent.

Section B. Eligibility Review

102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal. At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall

select the hearing body. The hearing shall be held within two (2) business days of receipt of the appeal. The applicant shall be notified by phone of time and place of the hearing. The decision of the hearing body shall be sent via certified mail or hand delivery within two (2) business days of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the Judiciary on an accelerated schedule.

102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position shall be notified by certified mail return receipt requested. The notice shall provide the following information:

- (a) Position for which they were considered
- (b) Qualification of the position and citation of the source. (Copies of source may be attached.)
- (c) A brief summary explaining why the applicant was found to be ineligible.
- (d) That the applicant has two (2) business days from notification to make an appeal. Appeals must be filed at the location designated on the notice by hand delivery. The location designated shall be on the Reservation. No mailed, internal Tribal mail, faxed or other delivery method will be accepted.

Section C. Campaign Financing

102.5-8. Contributions:

- (a) Solicitation of Contributions by Candidates.
 - (1) Candidates shall only accept contributions from individuals who are members of the Tribe or individuals related by blood or marriage to the candidate. Candidates may not accept contributions from any business, whether sole proprietorship, partnership, corporation, or other business entity.
 - (2) Candidates shall not solicit or accept contributions in any Tribal office or business/facility.
- (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business Committee.

102.5-9. Campaign Signs and Campaigning:

- (a) Placement of campaign signs:
 - (1) Campaign signs shall not be posted or erected on any Tribal property except for private property with the owner/tenant's permission.
 - (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum of seven (7) such signs may be placed on a building or on a lot.
 - (3) No campaign sign shall project beyond the property line into the public right of way.
- (b) Removal of campaign signs. All campaign signs shall be removed within five (5) business days after an election.
- (c) Employees of the Tribe shall not engage in campaigning for Tribal offices during work hours. Tribal employees shall be subject to disciplinary action under the personnel policies and procedures for political campaigning during work hours.
- (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign signs that are not in compliance with this law, in accordance with the Zoning and Shoreland Protection Law.
- (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the Election Board in an amount specified in a resolution adopted by the Business

Committee.

Section D. Candidate Withdrawal

102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by the candidate prior to submission of the ballot for printing to any Election Board member, excluding alternates.

102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the election by submitting in writing a statement indicating they are withdrawing from the election prior to the opening of the polls to any Election Board member, excluding alternates. This statement shall be posted alongside any sample ballot printed prior to the election in the newspaper or any posting at the polling places.

102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the Election Board members in charge of the polling place, to be removed from the ballot. The written statement shall be posted next to any posted sample ballot.

102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from which they have withdrawn regardless of the number of votes cast for that candidate. A written statement shall be considered the only necessary evidence of withdrawal and acceptance of denial of any position withdrawn from.

102.5-14. *Candidate Withdrawal After Winning an Election.*

(a) In the event a candidate declines an office after winning an election, the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.6. Selection of Candidates

Section A. Setting of Caucus

102.6-1. The Election Board shall be responsible for calling a caucus before any election is held. The caucus for the general election shall be held at least ninety (90) calendar days prior to the election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior to the election date. In a general election year, caucuses shall be combined so that candidates for the Business Committee and elected boards, committees and commissions are nominated at the same caucus.

102.6-2. The procedures for the caucus shall be as follows:

(a) Candidates shall be nominated from the floor.

(b) Candidates present at the caucus will accept/decline their nomination at the caucus. Candidates nominated at the caucus, but not present to accept the nomination, shall be required to follow the petition process.

(c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson, Treasurer, Secretary, Council Member and other elected positions as required by by-laws or creating documents of a board, committee, or commission.

Section B. Petition

102.6-3. Any eligible Tribal member may petition to be placed on a ballot according to the following procedures:

(a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's original signatures; photocopies shall not be accepted.

(b) Petitioners shall use an official petition form as designated by this law which may

be obtained in the Tribal Secretary's Office or from the mailing for that caucus.

(c) The petition form shall consist of each endorsee's:

- (1) printed name and address;
- (2) date of birth;
- (3) Oneida Tribal Enrollment Number; and
- (4) signature.

(d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as defined under this law.

(e) Petitions shall be presented to the Tribal Secretary, or designated agent, during normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to close of business five (5) business days after the caucus. The location to drop-off petitions shall be identified in the mailing identifying the caucus date.

(f) The Tribal Secretary shall forward all petitions to the Election Board Chairperson the next business day following the close of petition submissions.

(g) The Election Board shall have the Oneida Enrollment Department verify all signatures contained on the petition.

102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a judicial court or commission, shall not run for more than one (1) elective office or seat per election.

102.7. Notice of Polling Places

102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of the polling places and the time the polls will be open. This notice shall also be posted in an easily visible position, close to the entrance of Tribal businesses/facilities.

102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the election, and shall remain posted until the poll closes on the day of the election.

102.7-3. Except for a Special Election, notice for the election shall be mailed to all Tribal members, stating the time and place of the election and a sample of the ballot, no less than ten (10) calendar days prior to the election, through a mass mailing. The Oneida Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior to the requested mailing.

102.7-4. Notice of the election shall be placed in the Tribal newspaper.

102.8. Registration of Voters

Section A. Requirements

102.8-1. *Registration of Voters.* All enrolled members of the Tribe, who are eighteen (18) years of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the Oneida Tribal Constitution.

Section B. Identification of Voters

102.8-2. All voters must present one of the following picture identifications in order to be able to vote:

- (a) Tribal I.D.
- (b) Drivers License.
- (c) Other I.D. with name and photo.

Section C. Registration Procedures

102.8-3. Voters shall physically register, on the day of the election, at the polls.

102.8-4. Oneida Enrollment Department personnel shall be responsible for verifying Tribal enrollment. Conduct of Oneida Enrollment Department personnel is governed by the Election Officials during the voting period.

102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration Form containing the voter's following information:

- (a) name and maiden name (if any);
- (b) current address;
- (c) date of birth; and
- (d) enrollment number.

Section D. Qualification/Verification of Voter Eligibility

102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote, the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with the Enrollment Department personnel who are registering voters, to decide the voting member's eligibility currently being questioned and shall make such decisions from the facts available, whether the applicant is, in fact, qualified/verifiable under the Oneida Tribal Constitution, Article III Section 2, to vote in tribal elections.

102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of the voter shall be written next to a numbered list which corresponds to the numbered and sealed envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they desire to challenge the decision made by the Election Officials. The Election Board shall make a final decision, within five (5) business days of receiving the appeal and shall report this decision in the final report sent to the Oneida Business Committee.

102.9. Election Process

Section A. Polling Places and Times

102.9-1. In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year. Special Elections shall be set in accordance with 2.12-6.

102.9-2. Elections shall be held in an Oneida Tribal facility(s) as determined by the Election Board.

102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line to vote at 7:00 p.m. shall be allowed to vote.

- (a) If a ballot counting machine is used, the ballot counting machine shall be prepared prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four (4) Tribal members verify, through signature on the tape, the ballot box is empty and the ballot counting machine printer tape has a zero (0) total count.

102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open, and until the counting of ballots is completed, and tentative results posted.

102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such that there is an area with at least two sides and a back enclosure.

102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of the voting area, excluding private property.

102.9-7. No one causing a disturbance shall be allowed in the voting area.

102.9-8. Election Board members may restrict the voting area to qualified voters only. This

restriction is in the interest of maintaining security of the ballots and voting process.

Section B. Ballot Box

102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and shall be locked until counting at the close of polls. Provided that, with electronic ballot counting, the ballots may be placed within the ballot counting machine as they are received.

Section C. Spoiled Ballots

102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials and placed in an envelope marked as "Spoiled Ballots."

102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15) calendar days following finalization of any challenge of the election, at the Records Management Department.

Section D. Rejected Ballots

102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

(a) Computer rejected ballots shall be reviewed by the Election Officials to verify the authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final computer total, provided that, a new ballot was not received as set out in sections 102.9-10 through 102.9-12.

(b) Ballots rejected, either during the computer process or during a manual counting, shall be reviewed by the Election Officials to verify that they are authentic. If the Election Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

102.10. Tabulating and Securing Ballots

Section A. Machine Counted Ballots

102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate from the ballot counting machine copies of the election totals from the votes cast.

102.10-2. At least six (6) Election Board members shall sign the election totals, which shall include the tape signed by the Tribal members before the polls were opened per section 102.9-3(a).

Section B. Manually Counted Ballots

102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the ballot box and remove the ballots.

102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall be secured in a sealed container for transportation to the ballot counting location. The sealed ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election Officials for counting/tallying of ballots.

102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and witnessed/monitored by an Oneida Police Officer.

2.10-6. Ballots must be counted by two different Election Officials until two final tallies are equal in back to back counting. Final tallies shall be verified by the Election Judges.

Section C. Securing Ballots

102.10-7. The Judges shall place together all ballots counted and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, and the election totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The Oneida Police Officer shall then deliver, on the day of the election, the sealed container to the Records Management Department for retaining.

102.11. Election Outcome and Ties

Section A. Election Results Announcement

102.11-1. The tentative results of an election shall be announced and posted by the Election Board within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain the following statement:

"The election results posted here are tentative results. Final election results are forwarded by the Oneida Election Board to the Oneida Business Committee via a Final Report after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer"

102.11-2. The Election Board shall post, in the prominent locations, and publish in the Tribal newspaper, the tentative results of an election.

Section B. Tie

102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to determine the outcome of an election, the Election Board shall conduct an automatic recount of the votes for each candidate receiving the same number of votes. Any recount conducted shall be the only recount allowed for the tied candidates.

102.11-4. For Business Committee positions, a run-off election between the candidates with the same number of votes shall be held if there remains a tie after the recount. Said run-off election shall be held within twenty one (21) calendar days after the recount. For all other positions, if there remains a tie after the recount, the Election Board shall decide the winner of the tied positions at least two (2) business days after, but no more than five (5) business days after the recount through a lot drawing, which shall be open to the public.

(a) The Election Board shall notify each of the tied candidates and the public of the date, time, and place of the drawing at least one (1) business day before the drawing. Notice to the tied candidates shall be in writing. Notice to the public shall be posted by the Election Board in the prominent locations.

(b) On the date and at the time and place the drawing was noticed, the Election Board Chairperson shall clearly write the name of each tied candidate on separate pieces of paper in front of any witnesses present. The pieces of paper shall be the same, or approximately the same, color, size, and type. The papers shall be folded in half and placed in a container selected by the Election Board Chairperson.

(c) The Election Board Chairperson shall designate an uninterested party to draw a name from the container. The candidate whose name is drawn from the container first shall be declared the winner. An Election Board member other than the Chairperson shall remove the remaining pieces of paper from the container and show them to the witnesses present.

Section C. Recount Procedures

102.11-5. A candidate may request the Election Board to complete a recount, provided the margin between the requesting candidate's vote total and vote total for the unofficial winner was within two percent (2%) of the total votes for the office being sought or twenty (20) votes,

whichever is greater. A candidate requests a recount by hand delivering a written request to the Tribal Secretary's Office, or noticed designated agent, within five (5) business days after the election. Requests shall be limited to one (1) request per candidate. The Tribal Secretary shall contact the Election Board Chairperson by the next business day after the request for recounts.

102.11-6. The Election Board shall respond by the close of business on the fifth (5th) day after the request regarding the results of the recount. Provided that, no recount request need be honored where there have been two (2) recounts completed as a result of a request either as a recount of the whole election results, or of that sub-section.

102.11-7. All recounts shall be conducted manually with, if possible, the original Election Officials and Oneida Police Officer present, regardless of the original type of counting process. Manual recounts may, at the discretion of the Election Officials, be of the total election results, or of the challenged sub-section of the election results.

102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed container with the ballots from the Records Management Department and transporting it to the ballot recounting location.

102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election Board Chairperson and an Oneida Police Officer shall witness the recount.

102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be counted until two (2) final tallies are equal in back to back counting and the total count of ballots reconciles with the total count from the ballot counting machine. Sub-sections of candidates may be recounted in lieu of a full recount.

(a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be counted twice by different persons and certified by the Judges.

(b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior to using an electronic ballot counting device, it shall be certified as correct either by the maker, lessor of the machine, or Election Board.

Section D. Challenges and Declaration of Results

102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall hear and decide a challenge to any election within two (2) business days after the challenge is filed. Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after the issuance of the lower body's decision and decided within two (2) business days after the appeal is filed.

(a) The person challenging the election results shall prove by clear and convincing evidence that the Election Law was violated or an unfair election was conducted, and that the outcome of the election would have been different but for the violation.

(b) If the Judiciary invalidates the election results, a Special Election shall be ordered by the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon as the Election Law allows for a Special Election.

102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Tribal Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges have been completed, whichever is longer. The Final Report shall consist of the following information:

(a) Total number of persons voting.

(b) Total votes cast for each candidate by subsection of the ballot.

(c) List of any ties and final results of those ties, including the method of resolution.

(d) List of candidates elected and position elected to.

(e) Number of spoiled ballots.

(f) Cost of the election, including the compensation paid to each Election Board member.

102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of the election and send notices regarding when the swearing in of newly elected officials shall take place within ten (10) business days after receipt of the Final Report.

102.11-14. Candidates elected to the Business Committee shall resign from any salaried position effective prior to taking a Business Committee oath of office

102.11-15. Except in the event of an emergency, as determined by the Business Committee, newly elected officials shall be sworn into office no later than thirty (30) calendar days after the official results of an election are declared by the Business Committee.

(a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall be considered vacant and the Election Board shall declare the next highest vote recipient the winner. This procedure shall be repeated as necessary until a winner is declared.

(b) If all vote recipients decline or are otherwise unable to be declared the winner, then a Special Election shall be held.

102.11-16. The Election Board shall send notice to the Records Management Department to destroy the ballots thirty (30) calendar days after the election or after the final declaration of official election results occurs, whichever is longer.

102.12. Elections

Section A. Primary Elections; Business Committee

102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty (60) calendar days prior to the election.

102.12-2. There shall be a primary election for Business Committee positions whenever there are three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-large council member positions.

(a) The two (2) candidates receiving the highest number of votes cast for each officer position shall be placed on the ballot.

(b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large council member positions shall be placed on the ballot.

(c) Any position where a tie exists to determine the candidates to be placed on the ballot shall include all candidates where the tie exists.

102.12-3. The Election Board shall cancel the primary election if the Business Committee positions did not draw the requisite number of candidates for a primary by the petitioning deadline set for the primary.

102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a winner in the primary, the Election Board shall declare the next highest primary vote recipient the primary winner. This procedure shall be repeated as necessary until the ballot is full or until there are no available candidates. If the ballot has already been printed, the procedures for notifying the Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to print a notice in the Tribal newspaper if time lines allow.

Section B. Special Elections

102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as defined in this law, may be placed on the same ballot as the subject matter of an election.

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business

Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent locations, and placed in the Tribal newspaper not less than ten (10) calendar days prior to the Special Election.

102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided that no less than twenty-four (24) hours notice of the rescheduled election date is given to the voters, by posting notices in the prominent locations.

Section C. Referendums

102.12-9. Registered voters may indicate opinions on any development, law or resolution, proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special referendum election.

(a) Referendum elections in which a majority of the qualified voters who cast votes shall be binding on the Business Committee to present the issue for action/decision at General Tribal Council.

(b) Referendum requests may appear on the next called for election.

(c) Referendum questions are to be presented to the Tribal Secretary, in writing, at the caucus prior to election, regarding issues directly affecting the Tribe or general membership.

Section D. Initiation of Special Elections

102.12-10. Special Elections may be initiated by a request or directive of the General Tribal Council or the Oneida Business Committee.

102.12-11. Special Election may be requested by a Tribal member to the Business Committee or General Tribal Council.

102.12-12. All Special Elections shall follow rules established for all other elections. This includes positions for all Boards, Committees and Commissions.

End.

Adopted - June 19, 1993

Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

Amended- October 11, 2008 (General Tribal Council Meeting)

Amended-GTC-01-04-10-A

Amended - BC-02-25-15-C

Emergency Amended-BC-06-28-15-A (expired)

Emergency Amended - BC-04-27-16-B (expired)

Emergency Extension - BC-12-12-16-F

Emergency Amended - BC- _____



Legislative Operating Committee
April 19, 2017

Business Committee Meetings Law

Submission Date: 8/27/15	Public Meeting: 12/29/16
LOC Sponsor: Brandon Stevens	Emergency Enacted: n/a Expires: n/a

Summary: *This is a proposal for a new law to govern the structure of the Oneida Business Committee Meetings, creating a more efficient process for conducting Tribal business.*

9/2/15 LOC: Motion by Jennifer Webster to add the Business Committee Meetings Law to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously. *Note: Brandon Stevens will be the sponsor for this item.*

11/4/15 LOC: Motion by Fawn Billie to accept the memorandum for the Business Committee Meetings Law as FYI and defer to the sponsor to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.

5/4/16 LOC: Motion by Fawn Billie to make the Business Committee Meeting law a priority item on the Active Files List and to direct the sponsor to schedule a strategy meeting to discuss possible solutions to mitigate tension and improve the communication process at Business Committee meetings; seconded by Jennifer Webster. Motion carried unanimously.

9/21/16 LOC: Motion by Jennifer Webster to accept the Oneida Business Committee Meetings law and send to the Legislative Reference Office for legislative and fiscal analysis; seconded by Tehassi Hill, seconded by Fawn Billie. Motion carried unanimously.

10/19/16: *Quarterly Sponsor Update Meeting.* Present: Brandon Stevens, Jennifer Falck, Clorissa Santiago, Maureen Perkins, and Tani Thurner. LRO Director will schedule a work meeting to decide on some policy issues.

11/7/16: *Work meeting held.* Present: Clorissa Santiago, Maureen Perkins, Tehassi Hill, Cathy Bachhuber, Fawn Billie, Brandon Stevens, Jo Anne House. In addition to working out draft details, the group decided to request that the Secretary change the Regular BC Meeting agenda, to improve efficiency.

11/16/16 LOC: Motion by Fawn Billie to approve the Oneida Business Committee Meetings Law public meeting packet with the noted change and direct the LRO to hold a public meeting on December 29, 2016; seconded by Tehassi Hill. Motion carried unanimously.

12/29/16: Public meeting held.

3/1/17 LOC: Motion by Tehassi Hill to accept the public meeting comments and defer this item to a work

meeting; seconded by Fawn Billie. Motion carried unanimously.

3/15/17: *Work meeting held.* Present: Brandon Stevens, Tehassi Hill, Jenny Webster, David Jordan, Fawn Billie, Clorissa Santiago, Maureen Perkins, Jen Falck, Danelle Wilson, Mike Debraska. Public meeting comments were reviewed and considered. Drafter will update draft to reflect revisions discussed.

4/17/17: *Work meeting held.* Present: Brandon Stevens, Tehassi Hill, Jenny Webster, David P. Jordan, Fawn Billie, Clorissa Santiago, Maureen Perkins, Jen Falck. Updated revisions to draft were discussed. Drafter will update draft and prepare a public meeting packet.

Next Steps:

- Approve the public meeting packet and forward the Oneida Business Committee Meetings law to a second public meeting to be held on May 18, 2017;
- Forward to the Finance Office for a fiscal analysis due to the Legislative Reference Office May 17, 2017.

NOTICE OF
PUBLIC MEETING

TO BE HELD
Thursday, May 18th at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

TOPIC: ONEIDA BUSINESS COMMITTEE MEETINGS LAW

This is a proposal to create a new Business Committee Meetings Law which would set parameters for OBC meetings regarding:

- the discussion of individuals *[see 117.5-1]*.
- public comments *[see 117.5-2]*.
- annual OBC scheduling and reporting schedule *[see 117.6]*.
- the OBC agenda *[see 117.7-1]*.
- requests to present agenda items *[see 117.7-2]*.
- appointment of a sergeant-at-arms *[see 117.9-1]*.
- conduct of OBC meeting attendees and audio or video recording *[see 117.8]*.
- removal of disorderly or disruptive persons *[see 117.9]*.
- enforcement of this law *[see 117.10]*.

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

PUBLIC COMMENT PERIOD
OPEN UNTIL May 25, 2017

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidanation.org
Phone: (920) 869-4376 or (800) 236-2214
Fax: (920) 869-4040



Oneida Business Committee Meetings law

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<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Business Committee Meetings (law)				
Sponsor	Brandon Stevens	Drafter	Clorissa N. Santiago	Analyst	Maureen Perkins
Requester & Reason for Request	Brandon Stevens This is a proposal for a new law to govern the structure of the Oneida Business Committee Meetings, creating a more efficient process for conducting the Nation's business.				
Purpose	The purpose of this law is to identify how the Oneida Business Committee will carry out its responsibilities. Meetings of the Oneida Business Committee are for the purpose of conducting the business of the Oneida Nation as delegated to the Oneida Business Committee under the Constitution of the Nation.				
Authorized/ Affected Entities	Oneida Business Committee, entities, Oneida Nation membership, Oneida Nation employees				
Related Legislation	BC resolution # 08-14-91-A (BC Meeting – Executive Session for Employee Complaints), Open Records and Open Meetings law				
Enforcement & Due Process	This law is enforced by the OBC Chairperson, an OBC Officer or an OBC Member according to Robert's Rules of Order [see 117.10].				
Public Meeting Status	A public meeting was held December 29, 2016. A second public meeting is proposed for May 18, 2017.				

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Overview

This is a new law that will govern Oneida Business Committee (OBC) meetings and provides a new format to facilitate more effective meetings. The law sets parameters for OBC meetings regarding:

- the discussion of individuals,
- public comments,
- annual OBC scheduling and reporting schedule,
- the OBC agenda,
- requests to present agenda items,
- appointment of a seargeant-at-arms,
- conduct of OBC meeting attendees,
- removal of disorderly or disruptive persons, and
- enforcement of this law.

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Body of the Analysis

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Rules of Order

23

This section details the rules that govern OBC meetings. Major aspects include:

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- Roberts Rules of Order

- OBC meetings are guided by Robert’s Rules of Order; except as modified by the Oneida Constitution *[see 117.4-1]* or the OBC *[see 117.4-2]*.
- Discussion of Individuals
 - Negative or disrespectful discussion of individual members of the Nation or employees that implicates their integrity, honesty, or morality is prohibited during any OBC meeting and shall be immediately stopped. The presiding Chairperson shall regulate the discussion to ensure the integrity, honesty and morality of individuals is not implicated during any discussions *[see 117.5-1(c)]*. The OBC shall have the authority to redact any statements made during open session regarding improper discussion of an individual from all video and audio recordings of the OBC meetings *[see 117.5-1(d)]*.
- Public Comment
 - A public comment period has been included at the beginning of each agenda item of the OBC meeting in order to provide the public with an opportunity for meaningful community input. Each individual is limited to speak once per agenda item for a maximum of three minutes. This time limitation may be extended by the OBC *[see 117.5-2(b)]*. The public comment period provides an opportunity for the community to request OBC review of an issue or action, comment on an item on the agenda, provide praise, provide public notice about an activity or fundraising event, or other comments deemed pertinent by the presiding Chairperson *[see 117.5-2(e)]*. There are no requirements to accept or take action on public comments. OBC meeting attendees may ask questions while providing public comment and OBC meeting attendees may answer questions posed during this time *[see 117.5-2(d)]*. The OBC shall proceed with official business related to the agenda item once all public comments have been received *[see 117.5-2(f)]*.

OBC Meeting Schedule

Detail regarding a meeting schedule and a reporting schedule are included in this law.

- proposed yearly schedule of OBC meetings around October of each year adopted by OBC resolution *[see 117.6-1]*.
- proposed reporting schedule for Tribal entities around October of each year adopted by OBC resolution *[see 117.6-2]*.

Agenda

- The required sections of the OBC agenda and general characteristics of each section are detailed *[see 117.7-1]*.
- Detail regarding individuals and entities authorized to submit requests to present agenda items are detailed *[see 117.7-2]*.

Responsibilities of OBC meeting attendees

- OBC meeting attendees are expected to treat each other with respect and kindness. A list of prohibited behaviors is detailed *[see 117.8-1]*.
- This law compliments the Open Records and Open Meetings law with the provision regarding video and audio recording *[see 117.8-2]*.

- The law states that attendees who wish to video and audio record an OBC meeting are required to operate the recording device openly so that the recording obvious to those in attendance *[see 117.8-2(a)]*. Additionally, the recording device cannot create excessive noise or light that disturbs meeting attendees *[see 117.8-2(b)]*. And the recording does not interfere with an individual's observation or participation in the meeting *[see 117.8-2(c)]*.

Removal of a Disorderly or Disruptive Person

- The presiding Chairperson may designate a sergeant-at-arms to oversee the security of OBC meetings *[see 117.9-1]*.
- The OBC has the authority to direct the removal of OBC meeting attendees who violate this law and this decision is not appealable *[see 117.9-2]*.
- Meeting attendees that interrupt a meeting or violate section 117.5-1 by discussing individuals or commit a prohibited behavior *[see 117.7-1(a)]* may, at the decision of the OBC, be removed from the meeting. The presiding Chairperson shall order the sergeant-at-arms to remove the individual from the meeting. Removal is an option provided only in the case that a person causes a breach of peace committed at a meeting. An individual removed from a meeting shall not be allowed to return for the duration of the meeting *[see 117.9-2]*.
- The presiding OBC Chairperson may take immediate action to remove an OBC meeting attendee if their behavior results in an immediate danger to the health and safety of any OBC meeting attended *[see 117.9-3]*.
- The OBC may permanently ban a person from attending an OBC meeting for any of the following *[see 117.9-4]*:
 - A person is repeatedly removed from an OBC meeting for disorderly or disruptive behavior *[see 117.9-4(a)]*, or
 - The behavior of a person reaches such a severe level that an automatic ban is necessary to protect the health and safety of all OBC attendees *[see 117.9-4(b)]*.

Enforcement

- This law shall be enforced according to Robert's Rules of Order *[see 117.10-1]*.
- The OBC Chairperson, at the decision of the OBC, has the authority to remove members of the public who violate this law and this decision is not appealable *[see 117.10-2]*.
- An OBC Officer or OBC Member may request a point of order to direct compliance with requirements in this law, Robert's Rules of Order, or requirements established by resolutions or SOPs adopted by the OBC *[see 117.10-3]*.

Other

- Please refer to the fiscal impact statement for any financial impacts.

Title 1. Government and Finances – Chapter 117
ONEIDA BUSINESS COMMITTEE MEETINGS LAW

117.1. — Purpose and Policy	<u>117.6. Oneida Business Committee Meetings Schedule</u>
117.2. — Adoption, Amendment, Repeal	<u>117.7. 117.6 Agenda</u>
117.3. — Definitions	<u>117.8. 117.7 Additional Responsibilities of Oneida</u>
117.4. — Rules of Order	<u>Business Committee Meeting Attendees</u>
117.5. Schedule Public Comment and Discussion of Individuals	<u>117.9. Removal of a Disorderly or Disruptive Person</u>
	<u>117.10. 117.8 Enforcement</u>

117.1. Purpose and Policy

117.1-1. *Purpose.* The purpose of this law is to identify how the Oneida Business Committee will carry out its responsibilities. Meetings of the Oneida Business Committee are for the purpose of conducting the business of the Oneida Nation as delegated to the Oneida Business Committee under the Constitution of the Oneida Nation.

117.1-2. *Policy.* It is the policy of the Nation that the Oneida Business Committee ~~to~~ be clear and consistent in its actions and ~~to~~ be guided by the responsibilities grounded in the Oneida culture and the Oneida Nation Constitution. It is further the policy that Oneida Business Committee meetings to be open to the public and to have discussions related to the items on the agenda in order to have the widest possible viewpoint, to request and receive technical advice and respect conflicting views.

117.1-3. *Roles and Responsibilities.* The Oneida Business Committee ~~are~~is elected by the membership of the Nation and ~~are~~is delegated legislative responsibility under Article IV of the Constitution of the Oneida Nation, General Tribal Council resolution # GTC-2-15-82, adoption of job descriptions in July of 1990, and a motion at the October 1998 General Tribal Council meeting. The work associated with this legislative responsibility is carried out through various subcommittees such as ~~the LOC, CDPC, and QOL, but limited to, the Legislative Operating Committee, Community Development and Planning Committee, and Quality of Life Committee~~ in order to obtain the broadest and most informed discussion. The action regarding this legislative responsibility is taken at a Regular, Special ~~regular, special,~~ or Emergency ~~emergency~~ Oneida Business Committee meeting, or ~~where~~when necessary, by e-poll in accordance with approved processes. The goal of this law is to formalize the action of legislative responsibility taking place at Oneida Business Committee meetings and the work of legislative responsibility within subcommittees.

117.2. Adoption, Amendment, Repeal

117.2-1. This law was adopted by the Oneida Business Committee by resolution BC - _____.

117.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

117.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

117.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, this law repeals the following resolutions/actions are affected as follows:

(a) Resolution # BC-08-14-91-A ~~(Resolution regarding discussion of individuals is specifically superseded by this law)~~ BC Meeting – Executive Session for Employee Complaints.

117.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

117.3. Definitions

117.3-1. This section shall govern the definitions of words or phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Board, Committee or Commission” means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee with members appointed by the Oneida Business Committee or elected by the Nation’s membership.

(b) “Constitution” means the Constitution and By-laws of the Oneida Nation, as amended.

(c) ~~“Nation Corporation”~~ means a business that is chartered by the Nation.

(d) “Employee” means anyone employed by the Nation in one of the following employed capacities: full-time, part-time, emergency temporary, limited term or on a contractual basis. For purposes of this law the term employee also includes political appointees.

(e) “Entities” means all boards, committees, commissions, departments, and programs of the Nation.

(f) “Executive session” means a meeting which is held to discuss matters that require confidentiality and are not open to the public.

(g) “Kalihwi-y%” means the good mind principle which represents “the use of the good words about ourselves, our Nation, and our future.”

(h) “Member of the Nation” means an individual enrolled in the Oneida Nation.

~~(d)~~(i) “Nation” means the Oneida Nation.

(j) “Officer” means an individual holding the position of chairperson, vice-chairperson, secretary or treasurer on a board, committee or commission.

(k) “Open session” means a meeting which is held in a place reasonably accessible to the public at all times.

(l) “Roberts Rules of Order” means a handbook for running meetings effectively and efficiently that sets the guidelines for such issues as leading debates; recognizing speakers; defining the role of the chair and other officers; proposing, seconding, and voting on motions; and writing and amending constitutions and bylaws.

~~(e) “Tribal Entities” means boards, committees, commissions, corporations, and organizational units of the Nation.~~

117.4. Rules of Order

117.4-1. ~~General.~~ The Oneida Business Committee shall ~~utilize~~use Robert’s Rules of Order, current edition, for the procedural rules of its meetings except as specifically modified by the Constitution.

117.4-2. The Oneida Business Committee may, ~~by resolution:~~

(a) amend, modify, or direct that a rule shall not apply; and

(b) adopt Standard Operating Procedures that provide administrative guidance in the application of rules.

117.4-25. Public Comment and Discussion of Individuals

117.5-1. Discussion of Individuals. There is a need for frank and honest discussions in all meetings of the Oneida Business Committee ~~and other Tribal entities.~~ Such discussions often include personal observations, evaluations, and judgments of other ~~personnel and employees and members of the Nation.~~ The negative or disrespectful discussion of individuals and that discussions of this nature in open session undermines the morale and trust of employees and members. ~~Cf. Resolution #BC-08-14-91-A.~~ of the Nation.

(a) It is the policy of the ~~Oneida~~ Nation that discussion in open and public meetings of the Oneida Business Committee be strictly conducted in an orderly, civil manner avoiding acrimony and ad hoc remarks.

(b) All ~~Tribal members~~ discussion relevant to an agenda item regarding a member of the Nation or an employee and ~~employees whose the actions, activities, and/or~~ performance responsibilities ~~or activities will of that individual may~~ be respectfully discussed ~~at during the open meetings session~~ of the Oneida Business Committee ~~will be given adequate notice to appear at the meeting or that matter must be reserved for executive session.~~

(c) Should any information be received at any meeting of the Oneida Business Committee that implicates the integrity, honesty, or morality of a ~~Tribal member~~ of the Nation or an employee, such ~~information discussion~~ shall be immediately ~~referred~~ stopped. The presiding Chairperson shall regulate the discussion to executive session without action ensure the integrity, honesty or further discussion morality of an individual is not implicated during any discussions.

(d) The Oneida Business Committee shall have the authority to redact any statements made during open session regarding improper discussion of an individual from all video and audio recordings of the Oneida Business Committee meetings.

117.4-35-2. Public Comment.

(a) The Oneida Business Committee meetings are conducted to make decisions regarding the business of the Nation as delegated by the General Tribal Council and the Oneida Nation Constitution. However, public comment is a resource for ideas and concerns to be raised and addressed by the Oneida Business Committee.

(b) ~~A Public Comment period is set forth on the agenda which will allow individuals~~ Individuals shall be allowed to make public comments. at the beginning of each agenda item only. All public comments made shall be relevant to the current agenda item. Each individual shall be allowed to give public comment one time per agenda item. Each individual shall be limited to speaking for a maximum of three (3) minutes each per agenda item. The time limitation may be extended by request of the individual with approval of the Oneida Business Committee.

(c) All comments are subject to the limitations of section 117.4-25-1 when discussing individuals or groups. ~~The comment period is not a question and answer period, it may be extended upon request of any individual during the comment period and such request must be approved by the Oneida Business Committee by majority vote identifying the amount of time the comment period is extended.~~ of individuals.

(d) No action is required to accept or otherwise take action regarding a comment being made. ~~Comments~~ Oneida Business Committee meeting attendees may ask questions while providing public comment. If an Oneida Business Committee meeting attendee can provide a proper response to a posed question then that individual may answer the question.

(e) Public comments shall be relevant to the current agenda item and may be any of the following:

1. A request to have the Oneida Business Committee review an issue or action;
2. A comment on an item on the agenda;
3. Praise regarding ~~a Tribal~~an entity, an individual, or an employee, ~~a board, committee, commission, program or group~~;
4. A public notice about an activity or fundraising event; and/or
5. Other comments deemed pertinent by the presiding Chairperson.

~~(e) Public comments shall not be entertained on any other portion of the agenda. Upon conclusion of the public comment period, the~~ f) The Oneida Business Committee shall, ~~by motion, close the public comment period and open the regular~~ proceed with conducting official business ~~session of~~related to the agenda.

~~—— (d) Individuals speaking during the comment period~~ item once all public comments are ~~limited to 3 minutes each, which may be extended by request and approval of the Chairperson an additional 2 minutes~~received.

117.6.

~~117.5.~~ Oneida Business Committee Meetings ~~Schedule of Meetings~~

~~117.5~~6-1. *Annual Schedule.* The ~~Tribal~~Oneida Nation Secretary shall present, on or around ~~August~~October of each year, a proposed schedule for regular meetings of the Oneida Business Committee ~~in a resolution for action~~approval by the Oneida Business Committee. ~~The Oneida Business Committee shall adopt its annual meeting schedule by resolution.~~

~~117.5~~6-2. *Reporting Schedule.* The ~~Tribal~~Oneida Nation Secretary shall present, on or around ~~August~~October of each year, a proposed schedule for presentation of ~~quarterly~~ reports by ~~Tribal~~ entities at regular meetings of the Oneida Business Committee ~~in a resolution for action~~approval by the Oneida Business Committee.

117.7. Agenda

117.7-1. Agenda. The agenda for Oneida Business Committee ~~shall adopt the annual reporting schedule by resolution.~~

~~117.6.~~ Agenda

~~117.6~~ 1. *Agenda — Regular Meetings.* ~~The agenda of regular meetings of the Oneida Business Committee shall contain the following sections and the.~~ The general characteristics of each section ~~is~~are defined below. The Oneida Business Committee agenda shall only contain sections that contain business that must be addressed during that meeting. Not all sections of the agenda will be addressed at every meeting of the Oneida Business Committee.

(a) ~~I.~~ Call to Order. The presiding Chairperson shall call the meeting ~~shall be called~~ to order, shall establish the existence of a quorum, and identify reasons why members of the Oneida Business Committee are not present.

(b) ~~H.~~ Adopt the Agenda. The agenda for the meeting shall contain necessary subsections so as to identify each ~~item~~section of the agenda that will be used during that meeting. If there are amendments to the agenda, they should be made during this ~~item~~section, but are not required to be done under this ~~item~~section of the agenda.

(c) ~~III. Oath of Office.~~ Individuals who have been elected or appointed to an office on a board, committee, commission, as a police officer or other employee requiring an oath to be taken, ~~or an agent or member of a corporate board,~~ shall be given the oath of office,

~~(d) IV. Public Comment. This section of the agenda shall be one hour in length and open to any comment presented by an individual; after which time the meeting will be closed to public comment and the Business Committee shall begin the official business on the agenda.~~

~~(e) V. Minutes.~~ (d) Minutes. The minutes of each regular, special and emergency meeting of the Oneida Business Committee presented for approval shall be listed in this section of the agenda.

~~(f) VI.e. Resolutions. Any resolution approving or adopting an action, supporting or appointing a position or individual, and This section shall be used to present all other resolutions to be acted upon by the Oneida Business Committee shall be presented in this section for adoption.~~

~~(g) VII.f. Appointments. Actions regarding appointments to boards, committees, commissions, corporate entities corporations, and other membership on entities memberships of the Nation shall be taken in this section of the agenda in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions and other Nation's laws, policies and rules, specifically those governing boards, committees and commissions of the Nation.~~

~~(h) VIII.g. Standing Committees. Standing committees are entities of the Oneida Business Committee delegated certain responsibilities to act, and whose actions are reported to, the Oneida Business Committee. Such actions may require further approval by the Oneida Business Committee to carry out, such as the Finance Committee meeting minutes, or adoption of laws and rules presented by the Legislative Operating Committee. Items presented in this section of the agenda shall include minutes, quarterly reports, and other actions presented by the Standing Committee.~~

~~(i) IX.h. General Tribal Council. This section of the agenda shall only be utilized open to members of the Nation and shall address issues related to General Tribal Council meetings including, but not limited to, scheduling General Tribal Council meetings, accepting and directing action regarding petitions, and approving materials for presentation at General Tribal Council meetings. The Oneida Business Committee may allow individuals who are not members of the Nation to attend this section of the agenda if the attendance of the individual is required for official purposes.~~

~~(j) X.i. Standing Items. This section of the agenda shall be utilized used to present items which the Oneida Business Committee has determined require a constant, short term, presence on the agenda because repeat actions and/or follow-up actions may be necessary.~~

~~(k) XI.j. Unfinished Business. This section of the agenda shall be utilized used when agenda items from prior regular, special, or emergency meetings were unable to be completed.~~

~~(l) XII.k. Tabled Business. This section of the agenda shall be utilized used when an agenda item has been specifically tabled from a prior meeting. The item on the agenda shall be clearly labeled as a tabled action and the date of the meeting at which it was tabled shall be noted.~~

(~~m~~) ~~XIII.l~~ *New Business*. Any business brought before the Oneida Business Committee that does not otherwise fit in any of the other agenda categories ~~listed in this section~~ shall be placed in this section of the agenda.

(~~n~~) ~~XIV.m~~ *Travel Reports*. This section of the agenda shall be used to present reports regarding approved travel that is required to be presented to or approved by the Oneida Business Committee.

(~~o~~) ~~XV.n~~ *Travel Requests*. This section of the agenda shall be used to present requests for travel by an Oneida Business Committee member or where approval by the Oneida Business Committee is required.

(~~p~~) ~~XVI.o~~ *Reports*. This section of the agenda shall be used to present quarterly reports as directed by the Oneida Business Committee.

(~~q~~) ~~XVII.p~~ *Executive Session*. This section of the agenda shall be used to discuss matters that require confidentiality and meet the requirements set forth in the Open Records and Open Meetings Law for limitations upon access and exceptions. This section of the agenda may be organized to meet the needs of the Oneida Business Committee.

117.67-2. *Requests to Present Agenda Items*. In general, the following ~~officers and~~ individuals are authorized to present items on the agenda of the Oneida Business Committee.

(a) *Oneida Business Committee Members*. Each member of the Oneida Business Committee is authorized to present items to be placed on the agenda for discussion and/or action.

(b) *Chairpersons of Boards, Committees or Commissions*. Chairpersons, on behalf of boards, committees or commissions, shall be authorized to submit the following to be placed on the agenda:

(1) quarterly reports; ~~and~~

(2) contracts for the ~~entity itself~~ board, committee or commission requiring Oneida Business Committee approval. ~~All; and~~

(3) any other ~~items~~ item that must be placed on the ~~agenda by the~~ Oneida Business Committee ~~member assigned as a liaison~~ agenda.

(c) *Direct Reports*. Employees who are identified as direct reports to the Oneida Business Committee shall be authorized to submit the following to be placed on the agenda:

(1) quarterly reports;

(2) contracts of the entity requiring Oneida Business Committee approval; and

(3) requests for actions under the section ~~“XIII. New Business.”~~ of the agenda containing new business as described in section 117.7-1(l).

(d) *Corporations*. ~~Chairs~~ All chairpersons, presidents, agents or ~~Agents on behalf of corporate entities~~ other authorized representatives of a corporation shall be authorized to submit ~~the quarterly~~ reports of the corporation and other items on the agenda on behalf of the corporation, as directed by the corporate charter ~~to be placed on the agenda. All other items must be placed on the agenda by the Oneida Business Committee member assigned as a liaison, operating agreement or other governing document.~~

~~117.7. Additional~~ **8. Responsibilities**

~~117.7 1. Sergeant at Arms. The Oneida Business Committee shall designate an individual to serve as the sergeant at arms for Oneida Business Committee meetings. The sergeant at arms shall oversee the security of the meeting and ensure the safety of all present.~~

117.7-2. of Oneida Business Committee Meeting Attendees-

~~(a) 117.8-1. Behavior of Oneida Business Committee Meeting Attendees.~~ Keeping in line with the Oneida principle of Kalihwi-y%, all attendees including the Oneida Business Committee members are expected to treat each other with respect and kindness. ~~Attendees who wish to audio or video record an OBC meeting will be required to register on a sign-up sheet prior to recording in order to make the recording obvious to those in attendance and in order for the OBC to regulate the placement of recording devices. Such recordings are not considered part of the official record. Attendees shall not:~~

- Attendees shall not:
- ~~(1a)~~ Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees;
 - ~~(2b)~~ Be under the influence of alcohol or illegal drugs;
 - ~~(3c)~~ Have a weapon on their person ~~in violation of~~ while on any ~~applicable law.~~ public property of the Nation or at any event sponsored by the Nation; and
 - ~~(4d)~~ Take action that violates ~~the any~~ laws, rules or policies of the Nation.

117.8-2. Recording and Photographing. Any Oneida Business Committee meeting attendee may photograph, tape-record, or otherwise reproduce any part of a meeting required to be open as long as the device:

- (a) Is operated openly so that it is obvious to those in attendance that the meeting is being recorded;
- (b) Does not create an excessive noise or light that disturbs any individual attending the meeting; and
- (c) Does not otherwise interfere with an individual's observation or participation in the meeting.

117.9. Removal of a Disorderly or Disruptive Person

117.9-1. Sergeant-at-Arms. The presiding Chairperson may designate an individual to serve as the sergeant-at-arms for Oneida Business Committee meetings. The sergeant-at-arms shall oversee the security of the meeting and ensure the safety of all present. (b)

117.9-2. Removal of a Disorderly or Disruptive Person. If a meeting is willfully interrupted by a person and the meeting cannot proceed forward or the person violates section ~~17.7-2(a)~~ 117.8-1 regarding behavior of Oneida Business Committee attendees and/or ~~117.4-2(a)~~ section 117.5-1 regarding the discussion of individuals, the Oneida Business Committee shall ~~inform~~ decide if the person he or she will individual shall be removed from the meeting. ~~After a warning, the~~ The Oneida Business Committee's decision to remove a person shall be final and not appealable. At the decision of the Oneida Business Committee the presiding Chairperson ~~may~~ shall order the sergeant-at-arms to remove the person from the meeting. No person shall be removed from a ~~public~~ meeting except for an actual breach of the peace committed at the meeting. An individual removed from an Oneida Business Committee meeting shall not be allowed to return for the duration of the meeting.

117.8. Enforcement

~~117.8~~ 117.9-3. Emergency Removal of a Disorderly or Disruptive Person. If the disorderly or disruptive behavior of an individual results in an immediate danger to the health and safety of any Oneida Business Committee meeting attendee the presiding Chairperson may take immediate action to remove the disorderly or disruptive person.

117.9-4. *Banning a Disorderly or Disruptive Person.* The Oneida Business Committee may permanently ban a person from attending Oneida Business Committee meetings for any of the following:

(a) A person is repeatedly removed from Oneida Business Committee meetings for disorderly or disruptive behavior; or

(b) The behavior of a person reaches such a severe level that an automatic ban from attending Oneida Business Committee meetings is necessary for the protection of the health and safety of all other Oneida Business Committee meeting attendees.

117.10. Enforcement

117.10-1. This law shall be enforced according to Robert's Rules of Order.

117.10-2. *Enforcement by the ~~OBC~~ Oneida Business Committee Chairperson.* ~~The~~ At the decision of the Oneida Business Committee the presiding Chairperson may request members of the public who do not follow this law be removed from an Oneida Business Committee meeting by shall order the sergeant-at-arms. ~~The Chairperson's decision is final and is not appealable. to~~ remove any disorderly or disruptive person from the meeting.

117.10-3. *Enforcement by an ~~OBC~~ Oneida Business Committee Officer or Member.* Officers and ~~Members~~ members of the Oneida Business Committee are authorized, under Robert's Rules of Order, to request a point of order to direct compliance with Robert's Rules of Order, requirements set forth in this ~~law~~ or law or requirements set forth in resolutions or standard operating procedures adopted by the Oneida Business Committee.

End.

Adopted - BC-

Title 1. Government and Finances – Chapter 117
ONEIDA BUSINESS COMMITTEE MEETINGS

117.1.	Purpose and Policy	117.7.	Agenda
117.2.	Adoption, Amendment, Repeal	117.8.	Responsibilities of Oneida Business Committee
117.3.	Definitions		Meeting Attendees
117.4.	Rules of Order	117.9.	Removal of a Disorderly or Disruptive Person
117.5.	Public Comment and Discussion of Individuals	117.10.	Enforcement
117.6.	Oneida Business Committee Meetings Schedule		

117.1. Purpose and Policy

117.1-1. *Purpose.* The purpose of this law is to identify how the Oneida Business Committee will carry out its responsibilities. Meetings of the Oneida Business Committee are for the purpose of conducting the business of the Oneida Nation as delegated to the Oneida Business Committee under the Constitution of the Oneida Nation.

117.1-2. *Policy.* It is the policy of the Nation that the Oneida Business Committee be clear and consistent in its actions and be guided by the responsibilities grounded in the Oneida culture and the Oneida Nation Constitution. It is further the policy that Oneida Business Committee meetings to be open to the public and to have discussions related to the items on the agenda in order to have the widest possible viewpoint, to request and receive technical advice and respect conflicting views.

117.1-3. *Roles and Responsibilities.* The Oneida Business Committee is elected by the membership of the Nation and is delegated legislative responsibility under Article IV of the Constitution of the Oneida Nation, General Tribal Council resolution # GTC-2-15-82, adoption of job descriptions in July of 1990, and a motion at the October 1998 General Tribal Council meeting. The work associated with this legislative responsibility is carried out through various subcommittees such as, but limited to, the Legislative Operating Committee, Community Development and Planning Committee, and Quality of Life Committee in order to obtain the broadest and most informed discussion. The action regarding this legislative responsibility is taken at a regular, special, or emergency Oneida Business Committee meeting, or when necessary, by e-poll in accordance with approved processes. The goal of this law is to formalize the action of legislative responsibility taking place at Oneida Business Committee meetings and the work of legislative responsibility within subcommittees.

117.2. Adoption, Amendment, Repeal

117.2-1. This law was adopted by the Oneida Business Committee by resolution BC -_____.

117.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

117.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

117.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, this law repeals the following:

- (a) Resolution # BC-08-14-91-A *BC Meeting – Executive Session for Employee Complaints.*

117.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

117.3. Definitions

117.3-1. This section shall govern the definitions of words or phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Board, Committee or Commission” means a board, committee or commission created by the General Tribal Council or the Oneida Business Committee with members appointed by the Oneida Business Committee or elected by the Nation’s membership.

(b) “Constitution” means the Constitution and By-laws of the Oneida Nation, as amended.

(c) “Corporation” means a business that is chartered by the Nation.

(d) “Employee” means anyone employed by the Nation in one of the following employed capacities: full-time, part-time, emergency temporary, limited term or on a contractual basis. For purposes of this law the term employee also includes political appointees.

(e) “Entities” means all boards, committees, commissions, departments, and programs of the Nation.

(f) “Executive session” means a meeting which is held to discuss matters that require confidentiality and are not open to the public.

(g) “Kalihwi=y%” means the good mind principle which represents “the use of the good words about ourselves, our Nation, and our future.”

(h) “Member of the Nation” means an individual enrolled in the Oneida Nation.

(i) “Nation” means the Oneida Nation.

(j) “Officer” means an individual holding the position of chairperson, vice-chairperson, secretary or treasurer on a board, committee or commission.

(k) “Open session” means a meeting which is held in a place reasonably accessible to the public at all times.

(l) “Roberts Rules of Order” means a handbook for running meetings effectively and efficiently that sets the guidelines for such issues as leading debates; recognizing speakers; defining the role of the chair and other officers; proposing, seconding, and voting on motions; and writing and amending constitutions and bylaws.

117.4. Rules of Order

117.4-1. The Oneida Business Committee shall use Robert’s Rules of Order, current edition, for the procedural rules of its meetings except as specifically modified by the Constitution.

117.4-2. The Oneida Business Committee may:

(a) amend, modify, or direct that a rule shall not apply; and

(b) adopt Standard Operating Procedures that provide administrative guidance in the application of rules.

117.5. Public Comment and Discussion of Individuals

117.5-1. *Discussion of Individuals.* There is a need for frank and honest discussions in all meetings of the Oneida Business Committee. Such discussions often include personal observations, evaluations, and judgments of other employees and members of the Nation. The negative or disrespectful discussion of individuals in open session undermines the morale and trust of employees and members of the Nation.

(a) It is the policy of the Nation that discussion in open and public meetings of the Oneida Business Committee be strictly conducted in an orderly, civil manner avoiding acrimony and ad hoc remarks.

(b) All discussion relevant to an agenda item regarding a member of the Nation or an employee and the actions, activities, and/or performance responsibilities of that individual may be respectfully discussed during the open session of the Oneida Business Committee meeting.

(c) Should any information be received at any meeting of the Oneida Business Committee that implicates the integrity, honesty, or morality of a member of the Nation or an employee, such discussion shall be immediately stopped. The presiding Chairperson shall regulate the discussion to ensure the integrity, honesty or morality of an individual is not implicated during any discussions.

(d) The Oneida Business Committee shall have the authority to redact any statements made during open session regarding improper discussion of an individual from all video and audio recordings of the Oneida Business Committee meetings.

117.5-2. *Public Comment.*

(a) The Oneida Business Committee meetings are conducted to make decisions regarding the business of the Nation as delegated by the General Tribal Council and the Oneida Nation Constitution. However, public comment is a resource for ideas and concerns to be raised and addressed by the Oneida Business Committee.

(b) Individuals shall be allowed to make public comments at the beginning of each agenda item only. All public comments made shall be relevant to the current agenda item. Each individual shall be allowed to give public comment one time per agenda item. Each individual shall be limited to speaking for a maximum of three (3) minutes each per agenda item. The time limitation may be extended by request of the individual with approval of the Oneida Business Committee.

(c) All comments are subject to the limitations of section 117.5-1 when discussing individuals or groups of individuals.

(d) No action is required to accept or otherwise take action regarding a comment being made. Oneida Business Committee meeting attendees may ask questions while providing public comment. If an Oneida Business Committee meeting attendee can provide a proper response to a posed question then that individual may answer the question.

(e) Public comments shall be relevant to the current agenda item and may be any of the following:

1. A request to have the Oneida Business Committee review an issue or action;
2. A comment on an item on the agenda;
3. Praise regarding an entity, an individual or an employee;
4. A public notice about an activity or fundraising event; and/or
5. Other comments deemed pertinent by the presiding Chairperson.

(f) The Oneida Business Committee shall proceed with conducting official business related to the agenda item once all public comments are received.

117.6. Oneida Business Committee Meetings Schedule

117.6-1. *Annual Schedule.* The Oneida Nation Secretary shall present, on or around October of each year, a proposed schedule for regular meetings of the Oneida Business Committee for approval by the Oneida Business Committee.

117.6-2. *Reporting Schedule.* The Oneida Nation Secretary shall present, on or around October of each year, a proposed schedule for presentation of reports by entities at regular meetings of the Oneida Business Committee for approval by the Oneida Business Committee.

117.7. Agenda

117.7-1. *Agenda.* The agenda for Oneida Business Committee meetings shall contain the following sections. The general characteristics of each section are defined below. The Oneida Business Committee agenda shall only contain sections that contain business that must be addressed during that meeting. Not all sections of the agenda will be addressed at every meeting of the Oneida Business Committee.

(a) *Call to Order.* The presiding Chairperson shall call the meeting to order, shall establish the existence of a quorum, and identify reasons why members of the Oneida Business Committee are not present.

(b) *Adopt the Agenda.* The agenda for the meeting shall contain necessary subsections so as to identify each section of the agenda that will be used during that meeting. If there are amendments to the agenda, they should be made during this section, but are not required to be done under this section of the agenda.

(c) *Oath of Office.* Individuals who have been elected or appointed to an office on a board, committee, commission, as a police officer or other employee requiring an oath to be taken shall be given the oath of office,

(d) *Minutes.* The minutes of each regular, special and emergency meeting of the Oneida Business Committee presented for approval shall be listed in this section of the agenda.

(e) *Resolutions.* This section shall be used to present all resolutions to the Oneida Business Committee for adoption.

(f) *Appointments.* Actions regarding appointments to boards, committees, commissions, corporations, and other memberships of the Nation shall be taken in this section of the agenda in accordance with the Nation's laws, policies and rules, specifically those governing boards, committees and commissions of the Nation.

(g) *Standing Committees.* Standing committees are entities of the Oneida Business Committee delegated certain responsibilities to act, and whose actions are reported to, the Oneida Business Committee. Such actions may require further approval by the Oneida Business Committee to carry out, such as the Finance Committee meeting minutes, or adoption of laws and rules presented by the Legislative Operating Committee. Items presented in this section of the agenda shall include minutes, quarterly reports, and other actions presented by the Standing Committee.

(h) *General Tribal Council.* This section of the agenda shall only be open to members of the Nation and shall address issues related to General Tribal Council meetings including, but not limited to, scheduling General Tribal Council meetings, accepting and directing action regarding petitions, and approving materials for presentation at General Tribal Council meetings. The Oneida Business Committee may allow individuals who are not members of the Nation to attend this section of the agenda if the attendance of the individual is required for official purposes.

(i) *Standing Items.* This section of the agenda shall be used to present items which the Oneida Business Committee has determined require a constant, short term, presence on the agenda because repeat actions and/or follow-up actions may be necessary.

(j) *Unfinished Business*. This section of the agenda shall be used when agenda items from prior meetings were unable to be completed.

(k) *Tabled Business*. This section of the agenda shall be used when an agenda item has been specifically tabled from a prior meeting. The item on the agenda shall be clearly labeled as a tabled action and the date of the meeting at which it was tabled shall be noted.

(l) *New Business*. Any business brought before the Oneida Business Committee that does not otherwise fit in any of the other agenda categories shall be placed in this section of the agenda.

(m) *Travel Reports*. This section of the agenda shall be used to present reports regarding approved travel that is required to be presented to or approved by the Oneida Business Committee.

(n) *Travel Requests*. This section of the agenda shall be used to present requests for travel by an Oneida Business Committee member or where approval by the Oneida Business Committee is required.

(o) *Reports*. This section of the agenda shall be used to present quarterly reports as directed by the Oneida Business Committee.

(p) *Executive Session*. This section of the agenda shall be used to discuss matters that require confidentiality and meet the requirements set forth in the Open Records and Open Meetings Law for limitations upon access and exceptions. This section of the agenda may be organized to meet the needs of the Oneida Business Committee.

117.7-2. *Requests to Present Agenda Items*. In general, the following individuals are authorized to present items on the agenda of the Oneida Business Committee.

(a) *Oneida Business Committee Members*. Each member of the Oneida Business Committee is authorized to present items to be placed on the agenda for discussion and/or action.

(b) *Chairpersons of Boards, Committees or Commissions*. Chairpersons, on behalf of boards, committees or commissions, shall be authorized to submit the following to be placed on the agenda:

(1) quarterly reports;

(2) contracts for the board, committee or commission requiring Oneida Business Committee approval; and

(3) any other item that must be placed on the Oneida Business Committee agenda.

(c) *Direct Reports*. Employees who are identified as direct reports to the Oneida Business Committee shall be authorized to submit the following to be placed on the agenda:

(1) quarterly reports;

(2) contracts of the entity requiring Oneida Business Committee approval; and

(3) requests for actions under the section of the agenda containing new business as described in section 117.7-1(l).

(d) *Corporations*. All chairpersons, presidents, agents or other authorized representatives of a corporation shall be authorized to submit reports of the corporation and other items on the agenda on behalf of the corporation, as directed by the corporate charter, operating agreement or other governing document.

117.8. Responsibilities of Oneida Business Committee Meeting Attendees

117.8-1. *Behavior of Oneida Business Committee Meeting Attendees.* Keeping in line with the Oneida principle of Kalihwi=y%, all attendees including the Oneida Business Committee members are expected to treat each other with respect and kindness. Attendees shall not:

- (a) Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees;
- (b) Be under the influence of alcohol or illegal drugs;
- (c) Have a weapon on their person while on any public property of the Nation or at any event sponsored by the Nation; and
- (d) Take action that violates any laws, rules or policies of the Nation.

117.8-2. *Recording and Photographing.* Any Oneida Business Committee meeting attendee may photograph, tape-record, or otherwise reproduce any part of a meeting required to be open as long as the device:

- (a) Is operated openly so that it is obvious to those in attendance that the meeting is being recorded;
- (b) Does not create an excessive noise or light that disturbs any individual attending the meeting; and
- (c) Does not otherwise interfere with an individual's observation or participation in the meeting.

117.9. Removal of a Disorderly or Disruptive Person

117.9-1. *Sergeant-at-Arms.* The presiding Chairperson may designate an individual to serve as the sergeant-at-arms for Oneida Business Committee meetings. The sergeant-at-arms shall oversee the security of the meeting and ensure the safety of all present.

117.9-2. *Removal of a Disorderly or Disruptive Person.* If a meeting is willfully interrupted by a person and the meeting cannot proceed forward or the person violates section 117.8-1 regarding behavior of Oneida Business Committee attendees and/or section 117.5-1 regarding the discussion of individuals, the Oneida Business Committee shall decide if the individual shall be removed from the meeting. The Oneida Business Committee's decision to remove a person shall be final and not appealable. At the decision of the Oneida Business Committee the presiding Chairperson shall order the sergeant-at-arms to remove the person from the meeting. No person shall be removed from a meeting except for an actual breach of the peace committed at the meeting. An individual removed from an Oneida Business Committee meeting shall not be allowed to return for the duration of the meeting.

117.9-3. *Emergency Removal of a Disorderly or Disruptive Person.* If the disorderly or disruptive behavior of an individual results in an immediate danger to the health and safety of any Oneida Business Committee meeting attendee the presiding Chairperson may take immediate action to remove the disorderly or disruptive person.

117.9-4. *Banning a Disorderly or Disruptive Person.* The Oneida Business Committee may permanently ban a person from attending Oneida Business Committee meetings for any of the following:

- (a) A person is repeatedly removed from Oneida Business Committee meetings for disorderly or disruptive behavior; or
- (b) The behavior of a person reaches such a severe level that an automatic ban from attending Oneida Business Committee meetings is necessary for the protection of the health and safety of all other Oneida Business Committee meeting attendees.

117.10. Enforcement

117.10-1. This law shall be enforced according to Robert’s Rules of Order.

117.10-2. *Enforcement by the Oneida Business Committee Chairperson.* At the decision of the Oneida Business Committee the presiding Chairperson shall order the sergeant-at-arms to remove any disorderly or disruptive person from the meeting.

117.10-3. *Enforcement by an Oneida Business Committee Officer or Member.* Officers and members of the Oneida Business Committee are authorized, under Robert’s Rules of Order, to request a point of order to direct compliance with Robert’s Rules of Order, requirements set forth in this law or requirements set forth in resolutions or standard operating procedures adopted by the Oneida Business Committee.

End.

Adopted - BC-



FY17 2nd Quarter Report

January 1, 2017- March 31, 2017

Legislative Operating Committee (LOC)

Executive Summary

The second quarter was successful for the Legislative Operating Committee. The Oneida Business Committee was able to adopt two new laws, permanent amendments to six existing laws, and emergency amendments to one existing law. Legislation adopted includes; Oneida Nation Seal & Flag law, Community Support Fund amendments, Tobacco law amendments, Hunting, Fishing, Trapping law amendments, Per Capita law amendments, Budget Management & Control law, Real Property law amendments, Landlord-Tenant emergency amendments, and Conflict of Interest Policy amendments. The LOC also certified two sets of rules per the Administrative Rulemaking Law. Since the 2014-2017 term began, the LOC has completed forty-four (44) legislative items and prepared thirteen (13) Statements of Effect for GTC Petitions. See Table 1 for a summary of the FY17 second quarter agenda items.

The LOC's third quarter goals are to 1) forward ten (10) items to the Business Committee for consideration, 2) plan for the remainder of this term, and 3) begin to plan for the 2017-2020 administration.

For a complete list of each LOC Members legislative items see Table 3.

Table 1. SUMMARY OF SECOND QUARTER AGENDA ITEMS

1	Budget Management and Control Law	15	Landlord-Tenant Rule 2
2	Business Committee Meetings Law	16	Legal Resource Center Governing Documents
3	Cemetery Law amendments	17	Mortgage & Foreclosure Law Rule 1
4	Code of Laws Reorganization project	18	Oneida Nation Seal & Flag Law
5	Community Support Fund amendments	19	Per Capita Law amendments
6	Conflict of Interest amendments	20	Petition: Benton-Pre-Employment Drug Testing
7	Drug & Alcohol Free Workplace Policy amendments	21	Petition: Delgado-Panel of Educators & Retention of Kindergarten Students
8	Employment Law	22	Probate Law
9	Endowments Fund amendments	23	Real Property Law amendments
10	Eviction and Termination Rules Extension request	24	Rules of Administrative Procedure
11	Hunting Fishing Trapping Law amendments	25	Tobacco Law amendments
12	Independent Contractor Policy amendments	26	Tribal Criminal Code, Tribal Traffic Code, Tribal Public Peace laws
13	Landlord-Tenant emergency/permanent amendments	27	Tribal Environmental Response
14	Landlord-Tenant rules extension request		

Table 2. MEETINGS HELD IN SECOND QUARTER

LOC MEETINGS HELD	PUBLIC MEETINGS HELD
January 4, 2017 January 18, 2017 February 1, 2017 February 15, 2017 March 1, 2017 March 15, 2017	-Conflict of Interest amendments held on January 3, 2017 -Endowments amendments held on February 16, 2017 -Drug and Alcohol Free Workplace amendments held on March 2, 2017 -Independent Contractor Policy amendments held on March 30, 2017 -Cemetery Law Amendments held on March 30, 2017

Featured Legislation: Employment Law

At the request of the Business Committee, the LOC held a second round of Employment Law meetings. In the spring of 2016, 23 meetings were held and 424 employees attended. In January and February of this year, 8 more meetings were held, and 149 employees attended. The LOC has now held a total of 31 employee meetings, and 573 employees attended them.

- Social Services Building, January 30, 2017, 11 attended
- Division of Land Management, February 2, 2017, 19 attended
- Little Bear Development Center, February 6, 2017, 7 attended
- Oneida Health Center, February 6, 2017, 8 attended
- Skenandoah Building, February 9, 2017, 31 attended
- Gaming: Eagle Room, February 9, 2017, Exec. Conference Room (Main Casino), February 13, 2017, 55 attended
- Norbert Hill Center, February 16, 2017, 18 attended

Legislative Reference Office Activities

- Collaborated with Finance Department to develop new fiscal impact statement format and process
- Updated Public Meetings SOP
- Updated LOC Meetings SOP
- Completed Oneida Code of Laws Reorganization Project

Third Quarter Plans

- Complete the Standard Definitions Project
- Send the following items to the OBC for consideration;
 1. Audit Law amendments
 2. Business Committee Meetings Law
 3. Cemetery Law amendments
 4. Domestic Animal Ordinance amendments
 5. Drug & Alcohol Free Workplace Policy permanent amendments
 6. Endowments amendments
 7. Independent Contractor Policy amendments
 8. Landlord-Tenant permanent amendments
 9. Vehicle Driver Certification and Fleet Management Law
 10. GTC Meetings Law

Table 3.
LEGISLATIVE OPERATING COMMITTEE: ACTIVE AND COMPLETED ITEMS
Last Updated March 21, 2017

Types of Items: N= New Law, A=Amendments, B=Bylaws

Brandon Stevens, LOC Chair			
Item	Priority	Type	Active/Adoption Date
Administrative Rulemaking Amendments	High	A	Active
Legal Resource Center Law- <i>Emergency</i>	High	N	Active
Business Committee Meetings Law	High	N	Active
Employment Law	High	N	Active
Corporate Laws	High	N	Active
Sanctions & Penalties Law	High	N	Active
Election Board Bylaws Amendments	Low	A	Active
Tribal Criminal Code	Low	N	Active
Administrative Procedures Act Repeal	N/A	N	9/24/2014
Judiciary/Transition Plan Emergency Amendments	N/A	A	09-24-14-P
ONGO Amendments	N/A	A	09-09-15-A
APA Amendments	N/A	A	02-24-16-B
Eviction and Termination	High	N	10-12-16-A
Conflict of Interest	High	A	02-08-17-B
Budget Management & Control	High	N	02-08-17-C
Rules of Administrative Procedure	High	N	Removed 2/15/17

Tehassi Hill, LOC Vice Chair			
Item	Priority	Type	Active/Adoption Date
Workplace Violence Prevention	High	N	Active
Code of Ethics	High	A	Active
Domestic Animals Ordinance	High	A	Active
Law Enforcement Ordinance – Conservation Officers	Low	A	Active
Industrial Hemp Law	Low	N	Active
Tribal Traffic Code	Low	N	Active
Election Law Amendments (On 4/7/17 GTC Agenda)		A	Active
Tribal Environmental Response Program	Medium	A	Active
Leasing Law	High	A	10-26-16-C
Personnel Policies: Job Duties/Work Assignments (Emerg.)	N/A	A	09-24-14-Q
Public Use of Tribal Land (2014)	N/A	A	12-10-14-A
Motor Vehicle Registration	N/A	A	04-22-15-C
Real Property Law Amendments	N/A	A	05-13-15-B
Administrative Rulemaking	N/A	N	02-24-16-C
Election Law Emergency Amendments 2015	N/A	A	06-28-15-A
Tobacco Ordinance Amendments	Medium	A	01-25-17-B
Hunting, Fishing, Trapping Law	High	A	01-25-17-D

Jennifer Webster, LOC Member			
Item	Priority	Type	Active/Adoption Date
Drug & Alcohol Free Workplace for Elected & Appointed Officials (co-sponsor)	High	N	Active
Drug and Alcohol Free Workplace Emergency Amendments (co-sponsor)	High	A	Active
Comprehensive Policy Governing Boards, Committees, & Commissions	High	A	Active
Child Care Consumer Complaint Policy	High	N	Active
Vehicle Driver & Fleet Management	High	N	Active
Audit Law Amendments	High	A	Active
Whistleblower Law	Low	N	Active
Trust/Enrollment Committee Bylaws	Low	B	Active
Tribal Public Peace Law (co-sponsor)	Low	N	Active
Oneida Nation Seal and Flag	High	N	01-11-17-C
Rules of Appellate Procedure Amendments	NA	A	03-25-15-C
Investigative Leave Policy Amendments	NA	A	06-24-15-A
Vendor Licensing Amendments	High	A	10-12-16-E
Fitness for Duty	Medium	N	Removed 02/15/17

Fawn Billie, LOC Member			
Item	Priority	Type	Active/Adoption Date
Higher Education Scholarship	Medium	N	Active
Removal Law	High	A	Active
GTC Meetings Law	High	N	Active
Drug & Alcohol-Free Law for Elected and Appointed Officials (co-sponsor)	High	N	Active
Drug and Alcohol Free Workplace Emergency Amendments (co-sponsor)	High	A	Active
Children's Code	High	N	Active
Research Protection Act	Medium	N	Active
Guardianship Law	Low	N	Active
Personnel Commission Bylaws	Low	B	Active
Severance Law	Low	N	Active
Tribal Public Peace (co-sponsor)	Low	N	Active
Pow-wow Committee Bylaws	N/A	B	04/22/2015
Marriage Law Amendments (2015)	N/A	A	05-27-15-A
Marriage Law Amendments (2016)	N/A	A	05-25-16-A
Furlough Policy	N/A	N	11-10-15-B
Audit Committee Bylaws Amendments	N/A	B	01/20/2016

David Jordan, LOC Member			
Item	Priority	Type	Active/Adoption Date
Professional Conduct for Attorneys and Advocates Law	High	N	Active
Cemetery Law Amendments	High	A	Active
Endowment Fund Amendments	High	A	Active
Nonprofit Incorporation	Medium	N	Active
Rules of Civil Procedure	Medium	A	Active
Compliance and Enforcement Law	Low	N	Active
Secured Transactions	Low	N	Active
Land Commission Bylaws	Medium	B	Active
Landlord-Tenant Permanent Amendments	High	A	Active
Independent Contractor Policy	High	A	Active
Back Pay Amendments	High	A	10-26-16-A
Public Use of Tribal Land Amendments (2016)	N/A	A	01-13-16-C
Mortgage and Foreclosure	High	N	08-10-16-K
Garnishment Amendments	High	A	07-27-16-B
Landlord-Tenant	High	N	10-12-16-C
Community Support Fund Amendments	Medium	A	01-11-17-B
Landlord-Tenant Emergency Amendments	High	A	01-25-17-C
Real Property Amendments	High	A	02-08-17-A
Per Capita Amendments	High	A	02-22-17-D

April 2017

April 2017							May 2017						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Mar 26	27	28	29	30	31	Apr 1
Mar 26 - Apr 1							
	2	3	4	5	6	7	8
Apr 2 - 8		1:00pm 3:00pm GTC Meetings Law- Work Meeting REMINDER (B	10:00am 12:00p m Sanctions & Penalties- 3:00pm 4:00pm LOC Prep Meeting (BC_	9:00am 2:00pm LOC Meeting (BC_Conf_Ro om) - Taniquelle J. Thurner			
	9	10	11	12	13	14	15
Apr 9 - 15				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert	9:00am 10:00am FW: GTC Mtgs Work Mtg REMINDER & MTG. MATERIALS (
	16	17	18	19	20	21	22
Apr 16 - 22		8:15am 10:00am Vehicle Drive 1:00pm 2:15pm Oneida Busin 2:30pm 4:30pm Child Welfare	3:00pm 4:00pm LOC prep	9:00am 2:00pm LOC Meeting (BC_Conf_Ro 9:00am 2:00pm LOC Meeting (BC_Conf_Ro	8:30am 9:30am Audit Law Amendments (BC_Exec_Con f_Room) - Krystal John	2:00pm 4:00pm Child Welfare law Presentation (BC_Conf_Ro om) - Candic	
	23	24	25	26	27	28	29
Apr 23 - 29	1:00pm 5:00pm GTC (Radisson)	1:30pm 3:00pm Administrativ e Rulemaking Law Amendments (BC_Exec_Con		8:30am 12:00a m BC Meeting (Business Committee Conference			
	30	May 1	2	3	4	5	6
Apr 30 - May 6							

May 2017

May 2017

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			

June 2017

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	

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 30 - May 6	Apr 30	May 1	2	3	4	5	6
			3:00pm 4:00pm LOC Prep Meeting (BC_Conf_Room) - Jennifer A. Falck	9:00am 2:00pm LOC Meeting (BC_Conf_Room) - Taniquelle J. Thurner	12:00pm 3:00pm Child Welfare Law Public Meeting (BC_Conf_Room) - Clorissa N. Santiago		
May 7 - 13	7	8	9	10	11	12	13
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
May 14 - 20	14	15	16	17	18	19	20
			6:00pm 10:00pm GTC (Radisson)	9:00am 2:00pm LOC Meeting (BC_Conf_Room) - Taniqu 9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC			
May 21 - 27	21	22	23	24	25	26	27
				8:30am 12:00am BC Meeting (Business Committee Conference Room, 2nd Floor Norber			
May 28 - Jun 3	28	29	30	31	Jun 1	2	3