



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
October 4, 2017 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 1. September 20, 2017 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 1. Petition: Dallas – 2017 Tri-Annual General Election (pg. 5)
 2. Petition: Graham – 2017 General Election (pg. 9)
 3. Petition: Vandehei – Business Committee E-polls (pg. 13)
- IV. New Submissions**
 1. Petition: Dodge – Law Firm for GTC (pg. 17)
 2. Petition: G. Powless – Banishment Law Resolution (pg. 18)
- V. Additions**
- VI. Administrative Updates**
 1. Comprehensive Housing Division E-Poll (pg. 19)
- 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

September 20, 2017

9:00 a.m.

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

Excused: Kirby Metoxen

Others Present: Candice Skenandore, Tani Thurner, Clorissa Santiago, Maureen Perkins, Jen Falck, Lee Cornelius, Ed Delgado, Laura Manthe, Chad Wilson, Terry Cornelius, Bonnie Pigman, Robert J. Collins, Jo Anne House, Gina Buenrostro, Leyne Orosco, Rosa Laster, Krystal John

I. Call to Order and Approval of the Agenda

David P. Jordan called the September 20, 2017 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Ernie Stevens III to adopt the agenda with the following change:

- Delete the Comprehensive Housing Division Resolution and defer the item to a work meeting;

seconded by Daniel Guzman King. Motion carried unanimously.

II. Minutes to be approved

1. September 06, 2017 LOC Meeting Minute

Motion by Ernie Stevens III to approve the September 06, 2017 LOC meeting minutes; seconded by Daniel Guzman King. Motion carried unanimously.

III. Current Business

1. Professional Conduct for Attorneys and Advocates(1:16 – 4:03)

Motion by Jennifer Webster to approve the Professional Conduct for Attorneys and Advocates public meeting memo with the LOC response and approve the adoption packet and forward to the Professional Conduct for Attorneys and Advocates to the Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

2. Petition: Vandehei E-poll Process (4:05 – 4:36)

Motion by Daniel Guzman King to approve the Petition: Vandehei E-poll Process 45 day update and forward to the Business Committee for consideration; seconded by Ernie Stevens III. Motion carried unanimously.

3. Petition: Delgado Trust Land Distribution (4:37 – 5:06)

Motion by Ernie Stevens III to approve the Petition: Delgado Trust Land Distribution statement of effect and forward to the Business Committee for consideration; seconded by Jennifer Webster. Motioned carried unanimously.

4. **Petition: Dallas 2017 Tri-Annual General Election (5:07 – 5:55)**

Motion by Daniel Guzman King to approve the Petition: Dallas 2017 Tri Annual General Election 45 day update and forward to the Business Committee for consideration; seconded by Ernie Stevens III. Motioned carried unanimously.

5. **Landlord-Tenant Amendments (5:56 – 6:30)**

Motion by Jennifer Webster to approve the Landlord Tenant Amendments public meeting packet and direct the LRO to hold a public meeting on October 19, 2017 and request the Finance Department to submit a fiscal analysis to the LRO by October 18, 2017; seconded by Daniel Guzman King. Motioned carried unanimously.

IV. New Submissions

1. **Commerce Law (6:36 – 7:45)**

Motion by Daniel Guzman King to defer this item to a work meeting; seconded by Ernie Stevens III. Motioned carried unanimously.

V. Additions - None

VI. Administrative Updates

1. **Public Meetings SOP (7:50 – 8:15)**

Motion by Jennifer Webster to approve the LRO's public meeting SOP; seconded by Daniel Guzman King. Motioned carried unanimously.

2. **Comprehensive Housing Division Resolution – Deleted**

3. **ERB Hearing Authority Extension (8:25 - 10:20)- (12:15 -14:54)**

Motion by Jennifer Webster to approve Resolution: Extension of Effective Date of amendments to laws that transfers hearing body authority from ERB to Judiciary and forward to the Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Ernie Stevens III to approve Resolution: Reinstating the Oneida Tribal Regulation of Domestic Animals Ordinance on an emergency basis and delaying the effective date of the Domestic Animals law and forward to the Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

4. **2014-2017 Close Out Letters (14:55 – 16:23)**

Motion by Daniel Guzman King to accept the 2014-2017 close out letters and forward appropriately; seconded by Ernie Stevens III. Motioned carried unanimously.

5. **Legal Resource Center E-Poll (16:24 – 16:46)**

Motion by Jennifer Webster to approve the Legal Resource Center E-Poll held on September 7, 2017 and enter into the record; seconded by Ernie Stevens III. Motion carried unanimously.

6. 2014-2017 End of Term Final Report (16:50 -

Motion by Daniel Guzman King to approve the 2014-2017 LOC End of Term Report and forward to the Business Committee as information; seconded by Jennifer Webster. Motion carried unanimously.

7. E-Poll SOP

Motion by Jennifer Webster to approve the LRO's E-Poll SOP with the following change:

- Rename the SOP title to "LOC E-Poll SOP";
- seconded by Ernie Stevens III. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Ernie Stevens III to adjourn the September 20, 2017 Legislative Operating Committee meeting at 9:42 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee
October 4, 2017

Petition: Dallas – 2017 Tri-Annual General Election

Submission Date: 7/26/17	Public Meetings: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This petition seeks to call a GTC meeting to review, discuss, and nullify the entire 2017 Oneida Tri-annual General Election held on Saturday, July 8, 2017 and to have GTC set a date and time to conduct a new election.*

7/26/17 OBC: Motion by Brandon Stevens to acknowledge receipt of the petition submitted by Linda Dallas regarding the 2017 Tri-Annual Election, seconded by Trish King. Motion carried unanimously.

Motion by Trish King to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal financial, legislative, and administrative analyses, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by Brandon Stevens. Motion carried unanimously.

9/6/17 LOC: Motion by Jennifer Webster to add Petition: Dallas – 2017 Tri-Annual General Election to the active files list with David P. Jordan as the sponsor; seconded by Ernie Stevens III. Motion carried unanimously.

Motion by Daniel Guzman King to add the Petition: Dallas 2017 Tri-Annual General Election to the active files list as a high priority with David P. Jordan as the sponsor; seconded by Jennifer Webster. Motion withdrawn.

Motion by Jennifer Webster to delete from the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

Note: this was already added to the active files list

9/20/17 LOC: Motion by Daniel Guzman King to approve the Petition: Dallas 2017 Tri Annual General Election 45 day update and forward to the Business Committee for consideration; seconded by Ernie Stevens III. Motioned carried unanimously.

9/27/17 OBC: Motion by Lisa Summers to accept the legislative progress report, and financial analysis, seconded by David P. Jordan. Motion carried unanimously.

Next Steps:

- Approve the legislative analysis regarding the Petition: Dallas 2017 Tri Annual General Election and forward to the Oneida Business Committee for consideration.



Statement of Effect

Petition: Dallas – 2017 Tri-Annual General Election

Summary

The Petition seeks to call a GTC meeting to “review, discuss and nullify the 2017 General Election and have GTC set a date and time to hold a new election.”

*Submitted by: Tani Thurner, Staff Attorney, Legislative Reference Office
September 20, 2017*

Analysis by the Legislative Reference Office

On July 26, 2017, the Oneida Business Committee (OBC) accepted the Petition: Dallas regarding the 2017 Tri-Annual Election; and forwarded the petition to have the appropriate analyses prepared. This petition seeks to call a GTC meeting to “review, discuss and nullify the 2017 General Election and have GTC set a date and time to hold a new election.”

The petition does not identify the grounds for which the petitioner believes a new election is required – *i.e.* the petition does not allege any misconduct or procedural irregularities that occurred during the 2017 General Election.

Election Law

The Election Law, section 102.11-11, provides a process for challenging the results of an election. That section states:

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.

The Petitioner did file an action with the Trial Court of the Judiciary¹ related to the election. However:

¹ Linda Sue Dallas vs. Oneida Election Board, Oneida Business Committee, and Oneida Records Management Dept.; 17-TC-049 (Trial Court)

- The Petitioner did not file a complaint that met the requirements set out in the Election Law. The Election Law allows voters to bring an action to challenge the results of an election; and, if the voter is successful, then the Judiciary may invalidate the election results and order a special election be held. But in this situation, the Petitioner did not file a complaint seeking to have the Judiciary to invalidate the election results. Instead, she was requesting a temporary restraining order, and preliminary and permanent injunctions – cease and desist orders – to stop the newly-elected officials from being sworn in until GTC could “discuss and nullify” the entire 2017 Tri-annual election and set a date and time to conduct a new election.
- The Judiciary’s ruling also states that the Petitioner did not file the action within the ten-day timeline required by the Election Law².

The Election Law, as adopted by General Tribal Council, sets out the process by which election results can be overturned and a new election can be ordered. The petitioner did not follow that process.

The Tribal Constitution, Article III Section 5, states (in relevant part) that “The General Tribal Council shall enact necessary rules and regulations governing the elections of tribal officials.” The GTC has done so through adopting the Election Law. Neither the Election Law, nor any other Tribal law, authorizes any other process for invalidating election results or ordering that a new election be held. The Petitioner, through this resolution, is asking GTC to take action that conflicts with the process already established by law.

Conclusion

This petition is seeking action that conflicts with the process established by General Tribal Council through the Election Law, for invalidating the results of an election and calling a new election.

² Although the ruling does not identify when the Petitioner’s action was actually filed, the decision was dated August 4, 2017, and the decision states that since the election was held on Saturday, July 8, 2017; any appeals would have had to be filed by the end of July 18, 2017.



Legislative Operating Committee
October 4, 2017

Petition: Graham – 2017 General Election

Submission Date: 8/17/17	Public Meeting: n/a
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *This Petition requests that GTC hear, review and render a decision on whether or not grounds exist for GTC to take formal action to void/nullify the 2017 Tri-Annual Election held on Sat. July 8, 2017; to establish a date, time and locations to conduct a new election; and to review, inspect, discuss and take action regarding the 14 items listed in the Petition (please see Petition for more details).*

08/17/17 OBC: Motion by Kirby Metoxen to acknowledge receipt of the petition submitted by Brad Graham regarding the 2017 Tri-Annual General Election; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for legal, financial, legislative, and administrative analyses; to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days; and to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by Lisa Summers. Motion carried unanimously.

9/6/17 LOC: Motion by Ernie Stevens III to add Petition: Graham 2017 General Election to the active files list with David P. Jordan as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to delete from the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

Note: this was already added to the active files list

Next Steps:

- Approve the legislative analysis for Petition: Graham – 2017 General Election and forward to the Oneida Business Committee for consideration.



Statement of Effect

Petition: Graham – 2017 General Election

Summary

This petition requests the General Tribal Council (GTC) to hear, review, and render a decision on whether or not grounds exist for GTC to take formal action to void/nullify the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017; to establish a date, time and locations to conduct a new election; and to review, inspect, discuss and take action regarding a variety of issues related to the 2017 Tri-Annual Oneida General Election.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: October 4, 2017

Analysis by the Legislative Reference Office

On August 10, 2017, the Petition: Graham – 2017 General Election was submitted to the Business Committee Support Office by Bradley Graham and has since been verified by the Trust Enrollment Department. On August 17 2017, the Oneida Business Committee (OBC) accepted the verified petition submitted by Bradley Graham and requested that the Legislative Reference Office (LRO) complete a legislative analysis within sixty (60) days and that a progress report be submitted within forty-five (45) days.

The purpose of this petition is for the General Tribal Council (GTC) to “hear, review, and render a decision on whether or not grounds exist for GTC to take formal action to void/nullify the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017; to establish a date, time and locations to conduct a new election; and to review, inspect, discuss and take action regarding matter that include, but are not limited to, the following:

- 1) The 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017, in both Oneida, Wisconsin and Milwaukee, Wisconsin;
- 2) Election Law Violations, Election Law Flaws, Ballot Mis-Count, Documented Inconsistencies, Tabulation Errors by the Oneida Election Board, and Judicial Conflict of Interest Violations Hearing Process,
- 3) Verification of any and all ballots of the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017, to include but not limited to, total cast ballots, total spoiled, total rejected, total damaged, total torn, total altered, total unused, total challenged in any capacity.
- 4) Official verification from the Oneida Enrollments of all individuals who registered to vote in the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017 at both voting sites
- 5) The electronic ballot counting machine, the programmable chip, and marking devices used in the electronic ballot counting machine for the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017.

6) Verification by the owner and/or company representative of the electronic voting machine and the Oneida Election Board that the electronic voting machine(s) used for the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017, was properly serviced and calibrated, to include, when, where, how, by whom, etc. The physical presence of said owner and/or company representative is required at this GTC Meeting for questions and to provide answers.

7) Request the physical presence of those that participated in any official capacity with the elections and received any payment for services, of the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017, be present at this GTC Meeting to respond to questions and to provide answers and/or clarification.

8) Verification of the Chain of Custody of any and all election ballots, marking devices, electronic voting machine and chip to the electronic voting machine before, during and after the election.

9) The 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017 results, recounts, challenges;

10) The actions, inactions, and decisions of the Oneida Election Board, Business Committee and/or Enrollment Department.

11) The actions, inactions, and decisions of the Oneida Judiciary civil and appellate courts, the Oneida Judiciary Judges and Pro Tern Judges, regarding any and all matters concerning the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017, to include but not limited to, election challenges and their appeals; and

12) Nullification Actions (Matters that include, but are not limited to, the following):

- a. The 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017;
- b. The Oneida Election Board counts and recounts as specified;
- c. The Oneida Enrollment Department total count from July 8, 2017 election as specified;
- d. The Oneida Election Board Final Report to the Nation's Secretary and all applicable dates;
- e. The Oneida Business Committee declaration of any election results actual document(s) and date(s);
- f. The Oneida Business Committee sending out notices regarding the swearing in of any newly elected officials actual document(s) and date(s);
- g. Any action(s) taken by the Business Committee to swear in any newly elected officials;
- h. The Oneida Records Department destruction of the election ballots for the 2017 Tri-Annual Oneida General Election held on Saturday, July 8, 2017.

13) Setting a new date, time and locations to conduct a new fair, honest, independent, objective, and impartial 2017 Tri-Annual Oneida General Election within sixty (60) calendar days.

14) To suspend the Oneida Election Board & alternates without pay and prohibit any and all of them from conducting the new election.

Anything else deemed to be appropriate by the Oneida General Tribal Council.”

Article III Section 5 of the Oneida Nation Constitution states that the General Tribal Council shall enact necessary rules and regulations governing the election of Tribal officials.

The General Tribal Council adopted an Election law to govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. The General Tribal Council most recently made amendments to the Election law through resolution GTC-04-23-17-A. The Election law discusses the manner in which challenges to the election can be made in the following section:

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.

The Election law sets forth a process for an election to be invalidated. The Petitioner challenged the 2017 General Election in the Oneida Nation Judiciary's Trial Court through the process allowed by the Election law, but the Oneida Nation Judiciary denied the Petitioner's request for a new election.¹

Conclusion

Adoption of the Petition: Graham – 2017 General Election would result in a legislative impact. This petition is seeking action that would go outside the election challenge process established by General Tribal Council through the Election Law, for invalidating the results of an election and calling a new election.

Amendments to the Election law may be sought if the General Tribal Council determines the challenge process set forth in the Election law is inadequate.

Requested Action

Accept the legislative analysis of the Petition: Graham – 2017 General Election

¹ See Bradley W. Graham v. Oneida Election Board. Case #17-TC-045 and Bradley W. Graham v. Oneida Business Committee. Oneida Election Board, Oneida Records Management Dept. Case #17-TC-050.



Legislative Operating Committee
October 4, 2017

Petition: Vandehei – Business Committee E-Polls

Submission Date: 7/26/17	Public Meeting: n/a
LOC Sponsor: Daniel Guzman King	Emergency Enacted: n/a Expires: n/a

Summary: *This petition calls for a special GTC meeting to be held to consider eliminating or modifying e-polls conducted by the Business Committee to include the General Tribal Council.*

7/27/17 OBC: Motion by Tehassi Hill to acknowledge receipt of the petition submitted Frank Vandehei regarding the E-Poll process, seconded by David Jordan. Motion carried unanimously.

Motion by Tehassi Hill to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices' for legal financial, legislative, and administrative analyses, seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to direct the Law, Finance, and Legislative Reference Office to submit their analyses to the Tribal Secretary within sixty (60) days with a progress report to be submitted within forty-five (45) days, seconded by David Jordan. Motion carried unanimously.

Motion by Tehassi Hill to direct the Direct Report Offices to submit administrative analyses to Tribal Secretary within thirty (30) days, seconded by David Jordan. Motion carried unanimously.

9/6/17 LOC: Motion by Ernest Stevens III to add Petition: Vandehei – E-polls to the active files list with Daniel Guzman-King as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

9/20/17 LOC: Motion by Daniel Guzman King to approve the Petition: Vandehei E-poll Process 45 day update and forward to the Business Committee for consideration; seconded by Ernie Stevens III. Motion carried unanimously.

9/27/17 OBC: Motion by David P. Jordan to accept the legislative progress report, legal progress report, and financial progress report, seconded by Daniel Guzman King. Motion carried unanimously.

Next Steps:

- Approve the legislative analysis regarding the Petition: Vandehei – Business Committee E-Polls and forward to the Oneida Business Committee for consideration.



Statement of Effect

Petition: Vandehei – Business Committee E-Polls

Summary

This petition requests the General Tribal Council to eliminate or modify the e-poll conducted by the Oneida Business Committee to include the General Tribal Council.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: October 4, 2017*

Analysis by the Legislative Reference Office

On June 29, 2017, the Petition: Vandehei – Business Committee E-Polls was submitted to the Business Committee Support Office by Frank Vandehei and has since been verified by the Trust Enrollment Department. On August 9, 2017, the Oneida Business Committee (OBC) accepted the verified petition submitted by Frank Vandehei and requested that the Legislative Reference Office (LRO) complete a legislative analysis within sixty (60) days and that a progress report be submitted within forty-five (45) days.

The purpose of this petition is for the General Tribal Council to “eliminate or modify the e-poll conducted by the Business Committee to include the General Tribal Council.”

After reviewing the petition and applicable laws of the Nation it has been determined that this petition would have no legislative impact as there are no laws, rules, or resolutions of the Nation regarding the Oneida Business Committee E-poll process.

Information regarding Oneida Business Committee standard operating procedures (SOPs) for Oneida Business Committee E-polls was presented to the General Tribal Council on August 14, 2017, and the following motions were made:

Motion by Jennifer Webster to accept item 5.B. OBC SOP re: Conducting Electronic Voting (E-Polls) as FYI. Seconded by Jacob McLester. Motion carried by show of hands.

Amendment to the main motion by Tina Danforth that no E-Polls may be used for any GTC matters; and that somebody other than the Secretary be a designee in her absence. Seconded by David P. Jordan. Motion carried by show of hands.

Amendment to the main motion by Nancy Skenandore that those who attended the June 20th date be paid. Motion ruled out of order by Chairman Tehassi Hill

Based on the action taken by General Tribal Council on August 14, 2017, the Oneida Business Committee can conduct business using e-polls so long as that business does not pertain to General Tribal Council matters.

Conclusion

Adoption of the Petition: Vandehei – Business Committee E-Polls would result in no legislative impact.

Requested Action

Accept the legislative analysis of the Petition: Vandehei – Business Committee E-Polls



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



AGENDA REQUEST FORM

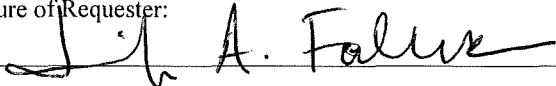
- 1) Request Date: 10/4/17
- 2) Contact Person(s): Jennifer Falck
Dept: LRO
Phone Number: 869-4312 Email: jfalck@oneidanation.org
- 3) Agenda Title: Petition: Dodge-Law Firm for GTC
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 9/27/17 the BC accepted this petition seeking a presentation from the Gross and Klein Law Firm.
The 45 day update will completed by 11/11/17 and the legislative analysis will be completed by 11/26/17.
For back up materials go to <https://oneida-nsn.gov/members-only/gtc-portal/petitions/>

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

- 1) None 3) _____
- 2) _____ 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
TBD
- 6) Please list all other departments or person(s) you have brought your concern to:
None
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:

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



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



AGENDA REQUEST FORM

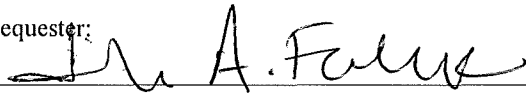
- 1) Request Date: 10/4/17
- 2) Contact Person(s): Jennifer Falck
Dept: LRO
Phone Number: 869-4312 Email: jfalck@oneidanation.org
- 3) Agenda Title: Petition: G. Powless regarding Banishment Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 9/27/17, the OBC accepted the Petition: G. Powless regarding Banishment for certain drug
related crimes. The 45 dayupdate will be completed on 11/11/17 and the legislative analysis will be completed
on 11/26/17. For back up materials go to the Tribal Members only web link at
<https://oneida-nsn.gov/members-only/gtc-portal/petitions/>

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

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

- 5) Please list any laws, policies or resolutions that might be affected:
TBD
- 6) Please list all other departments or person(s) you have brought your concern to:
None
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:

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

----- Original Message -----

Subject: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure law

From: LOC <LOC@oneidanation.org>

Date: Sep 20, 2017, 1:19 PM

To: "David P. Jordan" <djordan1@oneidanation.org>; "Leyne C. Orosco" <lorosco@oneidanation.org>; "Kirby W. Metoxen" <KMETOX@oneidanation.org>; "Rosa J. Laster" <rlaster@oneidanation.org>; "Jennifer A. Webster" <JWEBSTER1@oneidanation.org>; "Jessica L. Wallenfang" <JWALLENF@oneidanation.org>; "Ernest L. Stevens" <estevens4@oneidanation.org>; "Cathy L. Bachhuber" <CBACHHUB@oneidanation.org>; "Daniel P. Guzman" <dguzman@oneidanation.org>; "Melinda J. Danforth" <mdanforj@oneidanation.org>

Executive Summary

At this morning's LOC meeting, the LOC deferred this item to a work meeting to discuss. That discussion took place immediately following the LOC meeting. The item must be at the 9/27/17 BC meeting in order to meet a start date of October 1, 2017. To meet the deadlines, an e-poll is necessary.

Requested Action

Approve the Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure law and forward to the Business Committee for consideration.

Deadline for Response

Please respond to this e-poll by 9:00am on Thursday, September 21, 2017.

You will find the backup materials attached.

Thank You-

From: Jennifer A. Webster Sent: Wed 9/20/2017 1:21 PM
To: LOC; David P. Jordan; Leyne C. Orosco; Kirby W. Metoxen; Rosa J. Laster; Jessica L. Wallenfang; Ernest L. Stevens; Cathy L. Bachhuber; Daniel P. Guzman; Melinda J. Danforth
Cc: Clorissa N. Santiago
Subject: RE: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure

Approve,
Jenny

From: Kirby W. Metoxen Sent: Wed 9/20/2017 1:33 PM
To: LOC; David P. Jordan; Leyne C. Orosco; Rosa J. Laster; Jessica L. Wallenfang; Ernest L. Stevens; Cathy L. Bachhuber; Daniel P. Guzman; Melinda J. Danforth; Jennifer A. Webster
Cc: Clorissa N. Santiago
Subject: RE: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure

Approved Kirby

From: Ernest L. Stevens Sent: Wed 9/20/2017 1:36 PM
To: LOC; David P. Jordan; Leyne C. Orosco; Kirby W. Metoxen; Rosa J. Laster; Jennifer A. Webster; Jessica L. Wallenfang; Cathy L. Bachhuber; Daniel P. Guzman; Melinda J. Danforth
Cc: Clorissa N. Santiago
Subject: Re: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure

Approve

From: David P. Jordan Sent: Wed 9/20/2017 2:39 PM
To: LOC; Leyne C. Orosco; Kirby W. Metoxen; Rosa J. Laster; Jennifer A. Webster; Jessica L. Wallenfang; Ernest L. Stevens; Cathy L. Bachhuber; Daniel P. Guzman; Melinda J. Danforth
Cc: Clorissa N. Santiago; David P. Jordan
Subject: RE: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure

Support

From: Daniel P. Guzman Sent: Wed 9/20/2017 3:10 PM
To: LOC; David P. Jordan; Leyne C. Orosco; Kirby W. Metoxen; Rosa J. Laster; Jennifer A. Webster; Jessica L. Wallenfang; Ernest L. Stevens; Cathy L. Bachhuber; Melinda J. Danforth
Cc: Clorissa N. Santiago
Subject: Re: E-Poll Request: Resolution: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and Mortgage and Foreclosure

Approve



TO: Legislative Operating Committee
FROM: Clorissa N. Santiago, Legislative Staff Attorney
DATE: September 20, 2017
RE: Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and the Mortgage and Foreclosure law

The Landlord-Tenant law, the Eviction and Termination law, and the Mortgage and Foreclosure law allow the definition for Comprehensive Housing Division to be defined by Oneida Business Committee resolution.

This Resolution updates the definition for the Comprehensive Housing Division for the purposes of the Landlord-Tenant law, the Eviction and Termination law, and the Mortgage and Foreclosure law as the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and the Mortgage and Foreclosure law

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
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

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, the Oneida Business Committee adopted the Landlord-Tenant law with resolution BC-10-12-16-C (and emergency amendments to Landlord-Tenant law with resolutions BC-01-25-17-C and BC-07-26-17-I), adopted the Eviction and Termination law with resolution BC-10-12-16-A, and adopted the Mortgage and Foreclosure law with resolution BC-08-10-16-K; and

WHEREAS, the Landlord Tenant law, Eviction and Termination law, and Mortgage and Foreclosure law all assign responsibilities and authorities, including rulemaking authority, to the Comprehensive Housing Division; and

WHEREAS, the Landlord-Tenant law defines the Comprehensive Housing Division as the entity responsible for housing matters specifically related to rental agreements as defined by Oneida Business Committee Resolution; and

WHEREAS, Oneida Business Committee resolution BC-10-12-16-D defined the Comprehensive Housing Division for the purposes of the Landlord-Tenant law as 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; and

WHEREAS, the Eviction and Termination law defines the Comprehensive Housing Division as the entity responsible for housing matters specifically related to contracts governed by this law as defined by Oneida Business Committee Resolution; and

WHEREAS, Oneida Business Committee resolution BC-10-12-16-B defined the Comprehensive Housing Division for the purposes of the Eviction and Termination law as Division of Land Management for general residential contracts, the Oneida Housing Authority for income-based residential contracts and Elder Services for residential contracts through the Elder Services program; and

WHEREAS, the Mortgage and Foreclosure law defines the Comprehensive Housing Division as the entity responsible for housing matters specifically related to mortgages and foreclosures as defined by Oneida Business Committee Resolution; and

52 **WHEREAS,** Oneida Business Committee resolution BC-08-10-16-L defined the Comprehensive
53 Housing Division for the purposes of the Mortgage and Foreclosure law as the Division of
54 Land Management; and
55

56 **WHEREAS,** when the Oneida Business Committee adopted resolutions BC-10-12-16-D, BC-10-12-
57 16-B, and BC-08-10-16-L the reorganization and creation of the Comprehensive Housing
58 Division was still under development and not currently active; and
59

60 **WHEREAS,** as of October 1, 2017, the Comprehensive Housing Division reorganization will be active
61 and complete encompassing all housing and residential services matters into one central
62 division.
63

64 **NOW THEREFORE BE IT RESOLVED,** that for the purposes of the Landlord-Tenant law, the Eviction
65 and Termination law, and the Mortgage and Foreclosure law the Oneida Business Committee hereby
66 defines the Comprehensive Housing Division as the division within the Oneida Nation under the direction
67 of the Comprehensive Housing Division Director which consists of all residential services offered by the
68 Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales
69 and mortgages programs.
70

71 **NOW THEREFORE BE IT FURTHER RESOLVED,** that the footnote contained in the Landlord-Tenant
72 law adopted by resolution BC-10-12-16-C referencing the definition found in resolution BC-10-12-16-D,
73 the footnote contained in the Eviction and Termination law adopted by resolution BC-10-12-16-A
74 referencing the definition found in resolution BC-10-12-16-B, and the footnote contained in the Mortgage
75 and Foreclosure law adopted by resolution BC-08-10-16-K referencing the definition found in resolution
76 BC-08-10-16-L, will all be updated to reference this resolution.
77

78 **NOW THEREFORE BE IT FINALLY RESOLVED,** that the above definition of Comprehensive Housing
79 Division is effective for the purposes of the Landlord-Tenant law, the Eviction and Termination law, and
80 the Mortgage and Foreclosure law October 1, 2017.
81



Statement of Effect

Defining Comprehensive Housing Division: Landlord-Tenant law, Eviction and Termination law, and the Mortgage and Foreclosure law

Summary

This Resolution revises the definition of Comprehensive Housing Division in the Landlord-Tenant law, Eviction and Termination law, and the Mortgage and Foreclosure law.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
September 15, 2017*

Analysis by the Legislative Reference Office

This Resolution defines the Comprehensive Housing Division for the purposes of the Landlord-Tenant law, the Eviction and Termination law, and the Mortgage and Foreclosure law as the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

This Resolution also revises the footnote contained in the Landlord-Tenant law adopted by resolution BC-10-12-16-C referencing the definition found in resolution BC-10-12-16-D, the footnote contained in the Eviction and Termination law adopted by resolution BC-10-12-16-A referencing the definition found in resolution BC-10-12-16-B, and the footnote contained in the Mortgage and Foreclosure law adopted by resolution BC-08-10-16-K referencing the definition found in resolution BC-08-10-16-L, to reference the definition found in this resolution this resolution. Revisions to footnotes are not required to following the Legislative Procedures Act.

Conclusion

Adoption of this Resolution would not conflict with any of the Nation's laws.

October 2017

October 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				

November 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
Oct 1 - 7	Oct 1	2	3	4	5	6	7
			3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC_Conf_Ro 3:00pm 4:30pm LOC Prep (BC_Exec_Con	9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
Oct 8 - 14	8	9	10	11	12	13	14
				8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
Oct 15 - 21	15	16	17	18	19	20	21
			3:00pm 4:30pm LOC Prep (BC_Conf_Ro 3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC_Exec_Con	LOC CANCELLE	12:15pm 2:15p m Landlord-Ten ant Amendments Public Meeting (BC_Exec_Con f_Room) - Ma		
Oct 22 - 28	22	23	24	25	26	27	28
		1:30pm 3:30pm Discuss Commerce Law (BC_Exec_Con f_Room) - LOC		8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
Oct 29 - Nov 4	29	30	31	Nov 1	2	3	4
			3:00pm 4:30pm LOC Prep (BC_Conf_Ro om) - LOC				

November 2017

November 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		

December 2017

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

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	Oct 29	30	31	Nov 1	2	3	4
Oct 29 - Nov 4				9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
	5	6	7	8	9	10	11
Nov 5 - 11			3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC_Conf_Ro 3:00pm 4:30pm LOC Prep (BC_Exec_Con	8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
	12	13	14	15	16	17	18
Nov 12 - 18				9:00am 3:00pm LOC (BC_Conf_Ro om) - LOC			
	19	20	21	22	23	24	25
Nov 19 - 25			3:00pm 4:30pm LOC Prep (BC_Conf_Ro 3:00pm 4:30pm LOC Prep (BC_Exec_Con 3:00pm 4:30pm LOC Prep (BC_Exec_Con	8:30am 4:30pm BC Meeting (Business Committee Conference Room, 2nd Floor Norbert Hill Center)			
	26	27	28	29	30	Dec 1	2
Nov 26 - Dec 2							